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LEGISLATIVE ACTION

Senate

.

House

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04/29/2015 12:48 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, and present subsections (8) through (13) of that
1176 section are redesignated as subsections (9) through (14),
1177 respectively, and a new subsection (8) is added to that section,
1178 to read:

1179 373.4595 Northern Everglades and Estuaries Protection
1180 Program.—

1181 (1) FINDINGS AND INTENT.—

1182 (h) The Legislature finds that the expeditious
1183 implementation of the Lake Okeechobee Watershed Protection
1184 Program, the Caloosahatchee River Watershed Protection Program,
1185 Plan and the St. Lucie River Watershed Protection Program Plans
1186 is needed to improve the quality, quantity, timing, and
1187 distribution of water in the northern Everglades ecosystem and
1188 that this section, in conjunction with s. 403.067, including the
1189 implementation of the plans developed and approved pursuant to
1190 subsections (3) and (4), and any related basin management action
1191 plan developed and implemented pursuant to s. 403.067(7)(a),
1192 provide a reasonable means of achieving the total maximum daily
1193 load requirements and achieving and maintaining compliance with
1194 state water quality standards.

1195 (2) DEFINITIONS.—As used in this section, the term:

1196 (a) "Best management practice" means a practice or
1197 combination of practices determined by the coordinating
1198 agencies, based on research, field-testing, and expert review,
1199 to be the most effective and practicable on-location means,
1200 including economic and technological considerations, for



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1201 improving water quality in agricultural and urban discharges.
1202 Best management practices for agricultural discharges shall
1203 reflect a balance between water quality improvements and
1204 agricultural productivity.

1205 (b) "Biosolids" means the solid, semisolid, or liquid
1206 residue generated during the treatment of domestic wastewater in
1207 a domestic wastewater treatment facility, formerly known as
1208 "domestic wastewater residuals" or "residuals," and includes
1209 products and treated material from biosolids treatment
1210 facilities and septage management facilities regulated by the
1211 department. The term does not include the treated effluent or
1212 reclaimed water from a domestic wastewater treatment facility,
1213 solids removed from pump stations and lift stations, screenings
1214 and grit removed from the preliminary treatment components of
1215 domestic wastewater treatment facilities, or ash generated
1216 during the incineration of biosolids.

1217 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
1218 Caloosahatchee River, its tributaries, its estuary, and the area
1219 within Charlotte, Glades, Hendry, and Lee Counties from which
1220 surface water flow is directed or drains, naturally or by
1221 constructed works, to the river, its tributaries, or its
1222 estuary.

1223 (d) ~~(c)~~ "Coordinating agencies" means the Department of
1224 Agriculture and Consumer Services, the Department of
1225 Environmental Protection, and the South Florida Water Management
1226 District.

1227 (e) ~~(d)~~ "Corps of Engineers" means the United States Army
1228 Corps of Engineers.

1229 (f) ~~(e)~~ "Department" means the Department of Environmental



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1230 Protection.

1231 (g)~~(f)~~ "District" means the South Florida Water Management
1232 District.

1233 ~~(g) "District's WOD program" means the program implemented~~
1234 ~~pursuant to rules adopted as authorized by this section and ss.~~
1235 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1236 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1237 (h) "Lake Okeechobee Watershed Construction Project" means
1238 the construction project developed pursuant to this section
1239 ~~paragraph (3)(b).~~

1240 (i) "Lake Okeechobee Watershed Protection Plan" means the
1241 Lake Okeechobee Watershed Construction Project and the Lake
1242 Okeechobee Watershed Research and Water Quality Monitoring
1243 Program ~~plan developed pursuant to this section and ss. 373.451-~~
1244 ~~373.459.~~

1245 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1246 tributaries, and the area within which surface water flow is
1247 directed or drains, naturally or by constructed works, to the
1248 lake or its tributaries.

1249 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1250 ~~means the program developed pursuant to paragraph (3)(c).~~

1251 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
1252 watershed, the Caloosahatchee River watershed, and the St. Lucie
1253 River watershed.

1254 (l)~~(m)~~ "Project component" means any structural or
1255 operational change, resulting from the Restudy, to the Central
1256 and Southern Florida Project as it existed and was operated as
1257 of January 1, 1999.

1258 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of



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1259 the Central and Southern Florida Project, for which federal
1260 participation was authorized by the Federal Water Resources
1261 Development Acts of 1992 and 1996 together with related
1262 Congressional resolutions and for which participation by the
1263 South Florida Water Management District is authorized by s.
1264 373.1501. The term includes all actions undertaken pursuant to
1265 the aforementioned authorizations which will result in
1266 recommendations for modifications or additions to the Central
1267 and Southern Florida Project.

1268 (n) ~~(o)~~ "River Watershed Protection Plans" means the
1269 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1270 River Watershed Protection Plan developed pursuant to this
1271 section.

1272 (o) "Soil amendment" means any substance or mixture of
1273 substances sold or offered for sale for soil enriching or
1274 corrective purposes, intended or claimed to be effective in
1275 promoting or stimulating plant growth, increasing soil or plant
1276 productivity, improving the quality of crops, or producing any
1277 chemical or physical change in the soil, except amendments,
1278 conditioners, additives, and related products that are derived
1279 solely from inorganic sources and that contain no recognized
1280 plant nutrients.

1281 (p) "St. Lucie River watershed" means the St. Lucie River,
1282 its tributaries, its estuary, and the area within Martin,
1283 Okeechobee, and St. Lucie Counties from which surface water flow
1284 is directed or drains, naturally or by constructed works, to the
1285 river, its tributaries, or its estuary.

1286 (q) "Total maximum daily load" means the sum of the
1287 individual wasteload allocations for point sources and the load



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1288 allocations for nonpoint sources and natural background adopted
1289 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
1290 wasteload allocations and load allocations, the maximum amount
1291 of a pollutant that a water body or water segment can assimilate
1292 from all sources without exceeding water quality standards must
1293 first be calculated.

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



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1317 ~~established in accordance with s. 403.067.~~ In the development
1318 and administration of the Lake Okeechobee Watershed Protection
1319 Program, the coordinating agencies shall maximize opportunities
1320 provided by federal cost-sharing programs and opportunities for
1321 partnerships with the private sector.

1322 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to
1323 protect and restore surface water resources, the district, in
1324 cooperation with the other coordinating agencies, shall complete
1325 a Lake Okeechobee Watershed Protection Plan in accordance with
1326 this section and ss. 373.451–373.459. Beginning March 1, 2020,
1327 and every 5 years thereafter, the district shall update the Lake
1328 Okeechobee Watershed Protection Plan to ensure that it is
1329 consistent with the Lake Okeechobee Basin Management Action Plan
1330 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1331 Protection Plan shall identify the geographic extent of the
1332 watershed, be coordinated with the plans developed pursuant to
1333 paragraphs (4) (a) and (c) (b), and include the Lake Okeechobee
1334 Watershed Construction Project and the Lake Okeechobee Watershed
1335 Research and Water Quality Monitoring Program contain an
1336 implementation schedule for subsequent phases of phosphorus load
1337 reduction consistent with the total maximum daily loads
1338 established in accordance with s. 403.067. The plan shall
1339 consider and build upon a review and analysis of the following:

1340 1. the performance of projects constructed during Phase I
1341 and Phase II of the Lake Okeechobee Watershed Construction
1342 Project, pursuant to subparagraph 1.; paragraph (b).

1343 2. relevant information resulting from the Lake Okeechobee
1344 Basin Management Action Plan Watershed Phosphorus Control
1345 Program, pursuant to paragraph (b); (c).



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1346 ~~3.~~ relevant information resulting from the Lake Okeechobee
1347 Watershed Research and Water Quality Monitoring Program,
1348 pursuant to subparagraph 2.; ~~paragraph (d).~~

1349 ~~4.~~ relevant information resulting from the Lake Okeechobee
1350 Exotic Species Control Program, pursuant to paragraph (c); and
1351 ~~(e).~~

1352 ~~5.~~ relevant information resulting from the Lake Okeechobee
1353 Internal Phosphorus Management Program, pursuant to paragraph
1354 (d) ~~(f).~~

1355 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To
1356 improve the hydrology and water quality of Lake Okeechobee and
1357 downstream receiving waters, including the Caloosahatchee and
1358 St. Lucie Rivers and their estuaries, the district, in
1359 cooperation with the other coordinating agencies, shall design
1360 and construct the Lake Okeechobee Watershed Construction
1361 Project. The project shall include:

1362 a. ~~1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed
1363 Construction Project shall consist of a series of project
1364 features consistent with the recommendations of the South
1365 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1366 Action Plan. Priority basins for such projects include S-191, S-
1367 154, and Pools D and E in the Lower Kissimmee River. In order to
1368 obtain phosphorus load reductions to Lake Okeechobee as soon as
1369 possible, the following actions shall be implemented:

1370 (I) ~~a.~~ The district shall serve as a full partner with the
1371 Corps of Engineers in the design and construction of the Grassy
1372 Island Ranch and New Palm Dairy stormwater treatment facilities
1373 as components of the Lake Okeechobee Water Retention/Phosphorus
1374 Removal Critical Project. The Corps of Engineers shall have the



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1375 lead in design and construction of these facilities. Should
1376 delays be encountered in the implementation of either of these
1377 facilities, the district shall notify the department and
1378 recommend corrective actions.

1379 (II)~~b.~~ The district shall obtain permits and complete
1380 construction of two of the isolated wetland restoration projects
1381 that are part of the Lake Okeechobee Water Retention/Phosphorus
1382 Removal Critical Project. The additional isolated wetland
1383 projects included in this critical project shall further reduce
1384 phosphorus loading to Lake Okeechobee.

1385 (III)~~e.~~ The district shall work with the Corps of Engineers
1386 to expedite initiation of the design process for the Taylor
1387 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
1388 Area, a project component of the Comprehensive Everglades
1389 Restoration Plan. The district shall propose to the Corps of
1390 Engineers that the district take the lead in the design and
1391 construction of the Reservoir Assisted Stormwater Treatment Area
1392 and receive credit towards the local share of the total cost of
1393 the Comprehensive Everglades Restoration Plan.

1394 b.2. Phase II technical plan and construction. ~~By February~~
1395 ~~1, 2008,~~ The district, in cooperation with the other
1396 coordinating agencies, shall develop a detailed technical plan
1397 for Phase II of the Lake Okeechobee Watershed Construction
1398 Project which provides the basis for the Lake Okeechobee Basin
1399 Management Action Plan adopted by the department pursuant to s.
1400 403.067. The detailed technical plan shall include measures for
1401 the improvement of the quality, quantity, timing, and
1402 distribution of water in the northern Everglades ecosystem,
1403 including the Lake Okeechobee watershed and the estuaries, and



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1404 for facilitating the achievement of water quality standards. Use
1405 of cost-effective biologically based, hybrid wetland/chemical
1406 and other innovative nutrient control technologies shall be
1407 incorporated in the plan where appropriate. The detailed
1408 technical plan shall also include a Process Development and
1409 Engineering component to finalize the detail and design of Phase
1410 II projects and identify additional measures needed to increase
1411 the certainty that the overall objectives for improving water
1412 quality and quantity can be met. Based on information and
1413 recommendations from the Process Development and Engineering
1414 component, the Phase II detailed technical plan shall be
1415 periodically updated. Phase II shall include construction of
1416 additional facilities in the priority basins identified in sub-
1417 subparagraph a. subparagraph 1., as well as facilities for other
1418 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1419 ~~plan will require legislative ratification pursuant to paragraph~~
1420 ~~(i).~~ The technical plan shall:

1421 (I)a. Identify Lake Okeechobee Watershed Construction
1422 Project facilities designed to contribute to achieving all
1423 applicable total maximum daily loads established pursuant to s.
1424 403.067 within the Lake Okeechobee watershed.

1425 (II)b. Identify the size and location of all such Lake
1426 Okeechobee Watershed Construction Project facilities.

1427 (III)c. Provide a construction schedule for all such Lake
1428 Okeechobee Watershed Construction Project facilities, including
1429 the sequencing and specific timeframe for construction of each
1430 Lake Okeechobee Watershed Construction Project facility.

1431 (IV)d. Provide a schedule for the acquisition of lands or
1432 sufficient interests necessary to achieve the construction



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1433 schedule.

1434 ~~(V)e.~~ Provide a detailed schedule of costs associated with
1435 the construction schedule.

1436 ~~(VI)f.~~ Identify, to the maximum extent practicable, impacts
1437 on wetlands and state-listed species expected to be associated
1438 with construction of such facilities, including potential
1439 alternatives to minimize and mitigate such impacts, as
1440 appropriate.

1441 ~~(VII)g.~~ Provide for additional measures, including
1442 voluntary water storage and quality improvements on private
1443 land, to increase water storage and reduce excess water levels
1444 in Lake Okeechobee and to reduce excess discharges to the
1445 estuaries.

1446 ~~(VIII)h.~~ ~~The technical plan shall also~~ Develop the
1447 appropriate water quantity storage goal to achieve the desired
1448 Lake Okeechobee range of lake levels and inflow volumes to the
1449 Caloosahatchee and St. Lucie estuaries while meeting the other
1450 water-related needs of the region, including water supply and
1451 flood protection.

1452 ~~(IX)i.~~ Provide for additional source controls needed to
1453 enhance performance of the Lake Okeechobee Watershed
1454 Construction Project facilities. Such additional source controls
1455 shall be incorporated into the Lake Okeechobee Basin Management
1456 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1457 paragraph (b) ~~(e)~~.

1458 ~~c.3.~~ Evaluation. ~~Within 5 years after the adoption of the~~
1459 Lake Okeechobee Basin Management Action Plan pursuant to s.
1460 403.067 and every 5 ~~By January 1, 2004, and every 3 years~~
1461 thereafter, the ~~department~~ district, in cooperation with the



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1462 other coordinating agencies, shall conduct an evaluation of the
1463 Lake Okeechobee Watershed Construction Project and identify any
1464 further load reductions necessary to achieve compliance with the
1465 all Lake Okeechobee watershed total maximum daily loads
1466 established pursuant to s. 403.067. Additionally, The district
1467 shall identify modifications to facilities of the Lake
1468 Okeechobee Watershed Construction Project as appropriate to meet
1469 the total maximum daily loads. Modifications to the Lake
1470 Okeechobee Watershed Construction Project resulting from this
1471 evaluation shall be incorporated into the Lake Okeechobee Basin
1472 Management Action Plan and ~~The evaluation shall be included in~~
1473 the applicable annual progress report submitted pursuant to
1474 subsection (6).

1475 d.4. Coordination and review.—To ensure the timely
1476 implementation of the Lake Okeechobee Watershed Construction
1477 Project, the design of project facilities shall be coordinated
1478 with the department and other interested parties, including
1479 affected local governments, to the maximum extent practicable.
1480 Lake Okeechobee Watershed Construction Project facilities shall
1481 be reviewed and commented upon by the department before ~~prior to~~
1482 the execution of a construction contract by the district for
1483 that facility.

1484 2. Lake Okeechobee Watershed Research and Water Quality
1485 Monitoring Program.—The coordinating agencies shall implement a
1486 Lake Okeechobee Watershed Research and Water Quality Monitoring
1487 Program. Results from the program shall be used by the
1488 department, in cooperation with the other coordinating agencies,
1489 to make modifications to the Lake Okeechobee Basin Management
1490 Action Plan adopted pursuant to s. 403.067, as appropriate. The



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1491 program shall:
1492 a. Evaluate all available existing water quality data
1493 concerning total phosphorus in the Lake Okeechobee watershed,
1494 develop a water quality baseline to represent existing
1495 conditions for total phosphorus, monitor long-term ecological
1496 changes, including water quality for total phosphorus, and
1497 measure compliance with water quality standards for total
1498 phosphorus, including any applicable total maximum daily load
1499 for the Lake Okeechobee watershed as established pursuant to s.
1500 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1501 the department shall reevaluate water quality and quantity data
1502 to ensure that the appropriate projects are being designated and
1503 incorporated into the Lake Okeechobee Basin Management Action
1504 Plan adopted pursuant to s. 403.067. The district shall
1505 implement a total phosphorus monitoring program at appropriate
1506 structures owned or operated by the district and within the Lake
1507 Okeechobee watershed.
1508 b. Develop a Lake Okeechobee water quality model that
1509 reasonably represents the phosphorus dynamics of Lake Okeechobee
1510 and incorporates an uncertainty analysis associated with model
1511 predictions.
1512 c. Determine the relative contribution of phosphorus from
1513 all identifiable sources and all primary and secondary land
1514 uses.
1515 d. Conduct an assessment of the sources of phosphorus from
1516 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
1517 relative contribution to the water quality of Lake Okeechobee.
1518 The results of this assessment shall be used by the coordinating
1519 agencies as part of the Lake Okeechobee Basin Management Action



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1520 Plan adopted pursuant to s. 403.067 to develop interim measures,
1521 best management practices, or regulations, as applicable.

1522 e. Assess current water management practices within the
1523 Lake Okeechobee watershed and develop recommendations for
1524 structural and operational improvements. Such recommendations
1525 shall balance water supply, flood control, estuarine salinity,
1526 maintenance of a healthy lake littoral zone, and water quality
1527 considerations.

1528 f. Evaluate the feasibility of alternative nutrient
1529 reduction technologies, including sediment traps, canal and
1530 ditch maintenance, fish production or other aquaculture,
1531 bioenergy conversion processes, and algal or other biological
1532 treatment technologies and include any alternative nutrient
1533 reduction technologies determined to be feasible in the Lake
1534 Okeechobee Basin Management Action Plan adopted pursuant to s.
1535 403.067.

1536 g. Conduct an assessment of the water volumes and timing
1537 from the Lake Okeechobee watershed and their relative
1538 contribution to the water level changes in Lake Okeechobee and
1539 to the timing and volume of water delivered to the estuaries.

1540 (b)(e) Lake Okeechobee Basin Management Action Plan
1541 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
1542 Management Action Plan adopted pursuant to s. 403.067 shall be
1543 the watershed phosphorus control component for Lake Okeechobee.
1544 The Lake Okeechobee Basin Management Action Plan shall be
1545 Program is designed to be a multifaceted approach designed to
1546 achieve the total maximum daily load reducing phosphorus loads
1547 by improving the management of phosphorus sources within the
1548 Lake Okeechobee watershed through implementation of regulations



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1549 and best management practices, continued development and
1550 continued implementation of improved best management practices,
1551 improvement and restoration of the hydrologic function of
1552 natural and managed systems, and use ~~utilization~~ of alternative
1553 technologies for nutrient reduction. The plan must include an
1554 implementation schedule pursuant to this subsection for
1555 pollutant load reductions. As provided in s. 403.067(7)(a)6.,
1556 the Lake Okeechobee Basin Management Action Plan must include
1557 milestones for implementation and water quality improvement and
1558 an associated water quality monitoring component sufficient to
1559 evaluate whether reasonable progress in pollutant load
1560 reductions is being achieved over time. The department shall
1561 develop a schedule to establish 5-, 10-, and 15-year measurable
1562 milestones and a target to achieve the adopted total maximum
1563 daily load no more than 20 years after adoption of the plan. The
1564 schedule shall be used to provide guidance for planning and
1565 funding purposes and is exempt from s. 120.54(1)(a). An
1566 assessment of progress toward these milestones shall be
1567 conducted every 5 years and revisions to the plan shall be made,
1568 as appropriate, as a result of each 5-year review. The
1569 assessment shall be provided to the Governor, the President of
1570 the Senate, and the Speaker of the House of Representatives.
1571 Upon the first 5-year review, the schedule of measurable
1572 milestones and a target to achieve water quality improvement
1573 consistent with this section shall be adopted into the plan.
1574 Revisions to the basin management action plan shall be made by
1575 the department in cooperation with the basin stakeholders.
1576 Revisions to best management practices or other measures must
1577 follow the procedures set forth in s. 403.067(7)(c)4. Revised



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1578 basin management action plans must be adopted pursuant to s.
1579 403.067(7)(a)5. If achieving the adopted total maximum daily
1580 load within 20 years is not practicable, the schedule must
1581 contain an explanation of the constraints that prevent the
1582 achievement of the total maximum daily load within 20 years, an
1583 estimate of the time needed to achieve the total maximum daily
1584 load, and additional 5-year measurable milestones, as necessary.
1585 The coordinating agencies shall develop an interagency agreement
1586 pursuant to ss. 373.046 and 373.406 which is consistent with the
1587 department taking the lead on water quality protection measures
1588 through the Lake Okeechobee Basin Management Action Plan adopted
1589 pursuant to s. 403.067; the district taking the lead on
1590 hydrologic improvements pursuant to paragraph (a); and the
1591 Department of Agriculture and Consumer Services taking the lead
1592 on agricultural interim measures, best management practices, and
1593 other measures adopted pursuant to s. 403.067. The interagency
1594 agreement must specify how best management practices for
1595 nonagricultural nonpoint sources are developed and how all best
1596 management practices are implemented and verified consistent
1597 with s. 403.067 and this section. The interagency agreement must
1598 address measures to be taken by the coordinating agencies during
1599 any best management practice reevaluation performed pursuant to
1600 subparagraphs 5. and 10. The department shall use best
1601 professional judgment in making the initial determination of
1602 best management practice effectiveness. The coordinating
1603 agencies may develop an intergovernmental agreement with local
1604 governments to implement nonagricultural nonpoint source best
1605 management practices within their respective geographic
1606 boundaries. The coordinating agencies shall facilitate the



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1607 application of federal programs that offer opportunities for
1608 water quality treatment, including preservation, restoration, or
1609 creation of wetlands on agricultural lands.

1610 1. Agricultural nonpoint source best management practices,
1611 developed in accordance with s. 403.067 and designed to achieve
1612 the objectives of the Lake Okeechobee Watershed Protection
1613 Program as part of a phased approach of management strategies
1614 within the Lake Okeechobee Basin Management Action Plan, shall
1615 be implemented on an expedited basis. ~~The coordinating agencies~~
1616 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1617 ~~and 373.406(5) that assures the development of best management~~
1618 ~~practices that complement existing regulatory programs and~~
1619 ~~specifies how those best management practices are implemented~~
1620 ~~and verified. The interagency agreement shall address measures~~
1621 ~~to be taken by the coordinating agencies during any best~~
1622 ~~management practice reevaluation performed pursuant to sub-~~
1623 ~~subparagraph d. The department shall use best professional~~
1624 ~~judgment in making the initial determination of best management~~
1625 ~~practice effectiveness.~~

1626 2.a. As provided in s. 403.067(7)(e), the Department of
1627 Agriculture and Consumer Services, in consultation with the
1628 department, the district, and affected parties, shall initiate
1629 rule development for interim measures, best management
1630 practices, conservation plans, nutrient management plans, or
1631 other measures necessary for Lake Okeechobee watershed total
1632 maximum daily load reduction. The rule shall include thresholds
1633 for requiring conservation and nutrient management plans and
1634 criteria for the contents of such plans. Development of
1635 agricultural nonpoint source best management practices shall



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1636 initially focus on those priority basins listed in sub-
1637 subparagraph (a)1.a. subparagraph (b)1. The Department of
1638 Agriculture and Consumer Services, in consultation with the
1639 department, the district, and affected parties, shall conduct an
1640 ongoing program for improvement of existing and development of
1641 new agricultural nonpoint source interim measures and ~~or~~ best
1642 management practices. The Department of Agriculture and Consumer
1643 Services shall adopt ~~for the purpose of adoption of~~ such
1644 practices by rule. The Department of Agriculture and Consumer
1645 Services shall work with the University of Florida Florida's
1646 Institute of Food and Agriculture Sciences to review and, where
1647 appropriate, develop revised nutrient application rates for all
1648 agricultural soil amendments in the watershed.

1649 3.b. As provided in s. 403.067, where agricultural nonpoint
1650 source best management practices or interim measures have been
1651 adopted by rule of the Department of Agriculture and Consumer
1652 Services, the owner or operator of an agricultural nonpoint
1653 source addressed by such rule shall either implement interim
1654 measures or best management practices or demonstrate compliance
1655 with state water quality standards addressed by the Lake
1656 Okeechobee Basin Management Action Plan adopted pursuant to s.
1657 403.067 ~~the district's WOD program~~ by conducting monitoring
1658 prescribed by the department or the district. Owners or
1659 operators of agricultural nonpoint sources who implement interim
1660 measures or best management practices adopted by rule of the
1661 Department of Agriculture and Consumer Services shall be subject
1662 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~
1663 ~~Agriculture and Consumer Services, in cooperation with the~~
1664 ~~department and the district, shall provide technical and~~



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1665 ~~financial assistance for implementation of agricultural best~~
1666 ~~management practices, subject to the availability of funds.~~

1667 ~~4.e.~~ The district or department shall conduct monitoring at
1668 representative sites to verify the effectiveness of agricultural
1669 nonpoint source best management practices.

1670 ~~5.d.~~ Where water quality problems are detected for
1671 agricultural nonpoint sources despite the appropriate
1672 implementation of adopted best management practices, ~~the~~
1673 ~~Department of Agriculture and Consumer Services, in consultation~~
1674 ~~with the other coordinating agencies and affected parties, shall~~
1675 ~~institute~~ a reevaluation of the best management practices shall
1676 be conducted pursuant to s. 403.067(7)(c)4. Should the
1677 reevaluation determine that the best management practices or
1678 other measures require modification, the rule shall be revised
1679 to require implementation of the modified practice within a
1680 reasonable period as specified in the rule and make appropriate
1681 changes to the rule adopting best management practices.

1682 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
1683 source best management practices, developed in accordance with
1684 s. 403.067 and designed to achieve the objectives of the Lake
1685 Okeechobee Watershed Protection Program as part of a phased
1686 approach of management strategies within the Lake Okeechobee
1687 Basin Management Action Plan, shall be implemented on an
1688 expedited basis. ~~The department and the district shall develop~~
1689 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
1690 ~~that assures the development of best management practices that~~
1691 ~~complement existing regulatory programs and specifies how those~~
1692 ~~best management practices are implemented and verified. The~~
1693 ~~interagency agreement shall address measures to be taken by the~~



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1694 ~~department and the district during any best management practice~~
1695 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1696 ~~7.a.~~ The department and the district are directed to work
1697 with the University of Florida ~~Florida's~~ Institute of Food and
1698 Agricultural Sciences to develop appropriate nutrient
1699 application rates for all nonagricultural soil amendments in the
1700 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the
1701 department, in consultation with the district and affected
1702 parties, shall develop nonagricultural nonpoint source interim
1703 measures, best management practices, or other measures necessary
1704 for Lake Okeechobee watershed total maximum daily load
1705 reduction. Development of nonagricultural nonpoint source best
1706 management practices shall initially focus on those priority
1707 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
1708 department, the district, and affected parties shall conduct an
1709 ongoing program for improvement of existing and development of
1710 new interim measures and ~~or~~ best management practices. The
1711 department or the district shall adopt such practices by rule
1712 ~~The district shall adopt technology-based standards under the~~
1713 ~~district's WOD program for nonagricultural nonpoint sources of~~
1714 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
1715 ~~authority of the department or the district to adopt basin-~~
1716 ~~specific criteria under this part to prevent harm to the water~~
1717 ~~resources of the district.~~

1718 ~~8.b.~~ Where nonagricultural nonpoint source best management
1719 practices or interim measures have been developed by the
1720 department and adopted by the district, the owner or operator of
1721 a nonagricultural nonpoint source shall implement interim
1722 measures or best management practices and be subject to ~~the~~



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1723 ~~provisions of s. 403.067(7). The department and district shall~~
1724 ~~provide technical and financial assistance for implementation of~~
1725 ~~nonagricultural nonpoint source best management practices,~~
1726 ~~subject to the availability of funds.~~

1727 9.e. As provided in s. 403.067, the district or the
1728 department shall conduct monitoring at representative sites to
1729 verify the effectiveness of nonagricultural nonpoint source best
1730 management practices.

1731 10.d. Where water quality problems are detected for
1732 nonagricultural nonpoint sources despite the appropriate
1733 implementation of adopted best management practices, ~~the~~
1734 ~~department and the district shall institute a reevaluation of~~
1735 ~~the best management practices shall be conducted pursuant to s.~~
1736 403.067(7)(c)4. Should the reevaluation determine that the best
1737 management practices or other measures require modification, the
1738 rule shall be revised to require implementation of the modified
1739 practice within a reasonable time period as specified in the
1740 rule.

1741 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
1742 ~~may~~ not preclude the department or the district from requiring
1743 compliance with water quality standards or with current best
1744 management practices requirements set forth in any applicable
1745 regulatory program authorized by law for the purpose of
1746 protecting water quality. ~~Additionally,~~ Subparagraphs 1. and 2.
1747 and 7. are applicable only to the extent that they do not
1748 conflict with any rules adopted by the department that are
1749 necessary to maintain a federally delegated or approved program.

1750 12. The program of agricultural best management practices
1751 set forth in the Everglades Program of the district, meets the



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1752 requirements of this paragraph and s. 403.067(7) for the Lake
1753 Okeechobee watershed. An entity in compliance with best
1754 management practices set forth in the Everglades Program of the
1755 district, may elect to use that permit in lieu of the
1756 requirements of this paragraph. The provisions of s.
1757 373.4595(3)(b)5. apply to this subparagraph. This subparagraph
1758 does not alter any requirement under s. 373.4592.

1759 13. The Department of Agriculture and Consumer Services, in
1760 cooperation with the department and the district, shall provide
1761 technical and financial assistance for implementation of
1762 agricultural best management practices, subject to the
1763 availability of funds. The department and district shall provide
1764 technical and financial assistance for implementation of
1765 nonagricultural nonpoint source best management practices,
1766 subject to the availability of funds.

1767 14.4. Projects that reduce the phosphorus load originating
1768 from domestic wastewater systems within the Lake Okeechobee
1769 watershed shall be given funding priority in the department's
1770 revolving loan program under s. 403.1835. The department shall
1771 coordinate and provide assistance to those local governments
1772 seeking financial assistance for such priority projects.

1773 15.5. Projects that make use of private lands, or lands
1774 held in trust for Indian tribes, to reduce nutrient loadings or
1775 concentrations within a basin by one or more of the following
1776 methods: restoring the natural hydrology of the basin, restoring
1777 wildlife habitat or impacted wetlands, reducing peak flows after
1778 storm events, increasing aquifer recharge, or protecting range
1779 and timberland from conversion to development, are eligible for
1780 grants available under this section from the coordinating



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1781 agencies. For projects of otherwise equal priority, special
1782 funding priority will be given to those projects that make best
1783 use of the methods outlined above that involve public-private
1784 partnerships or that obtain federal match money. Preference
1785 ranking above the special funding priority will be given to
1786 projects located in a rural area of opportunity designated by
1787 the Governor. Grant applications may be submitted by any person
1788 or tribal entity, and eligible projects may include, but are not
1789 limited to, the purchase of conservation and flowage easements,
1790 hydrologic restoration of wetlands, creating treatment wetlands,
1791 development of a management plan for natural resources, and
1792 financial support to implement a management plan.

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



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1810 application site. Exports shall include only phosphorus removed
1811 from the Lake Okeechobee watershed through products generated on
1812 the permitted application site. This prohibition does not apply
1813 to Class AA biosolids ~~residuals~~ that are marketed and
1814 distributed as fertilizer products in accordance with department
1815 rule.

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



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1839 fee may not be considered a rate increase under the rules of the
1840 Public Service Commission and shall be exempt from such rules.
1841 Utilities using ~~the provisions of~~ this section may immediately
1842 include in their sewer invoicing the new environmental
1843 protection disposal fee. Proceeds from this environmental
1844 protection disposal fee shall be used for treatment and disposal
1845 of wastewater biosolids residuals, including any treatment
1846 technology that helps reduce the volume of biosolids residuals
1847 that require final disposal, but such proceeds may not be used
1848 for transportation or shipment costs for disposal or any costs
1849 relating to the land application of biosolids residuals in the
1850 Lake Okeechobee watershed.

1851 18.e. No less frequently than once every 3 years, the
1852 Florida Public Service Commission or the county commission
1853 through the services of an independent auditor shall perform a
1854 financial audit of all facilities receiving compensation from an
1855 environmental protection disposal fee. The Florida Public
1856 Service Commission or the county commission through the services
1857 of an independent auditor shall also perform an audit of the
1858 methodology used in establishing the environmental protection
1859 disposal fee. The Florida Public Service Commission or the
1860 county commission shall, within 120 days after completion of an
1861 audit, file the audit report with the President of the Senate
1862 and the Speaker of the House of Representatives and shall
1863 provide copies to the county commissions of the counties set
1864 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
1865 records of any facilities receiving compensation from an
1866 environmental protection disposal fee shall be open to the
1867 Florida Public Service Commission and the Auditor General for



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1868 review upon request.

1869 ~~19.7.~~ The Department of Health shall require all entities
1870 disposing of septage within the Lake Okeechobee watershed to
1871 develop and submit to that agency an agricultural use plan that
1872 limits applications based upon phosphorus loading consistent
1873 with the Lake Okeechobee Basin Management Action Plan adopted
1874 pursuant to s. 403.067. By July 1, 2005, phosphorus
1875 concentrations originating from these application sites may not
1876 exceed the limits established in the district's WOD program.

1877 ~~20.8.~~ The Department of Agriculture and Consumer Services
1878 shall initiate rulemaking requiring entities within the Lake
1879 Okeechobee watershed which land-apply animal manure to develop
1880 resource management system level conservation plans, according
1881 to United States Department of Agriculture criteria, which limit
1882 such application. Such rules shall ~~may~~ include criteria and
1883 thresholds for the requirement to develop a conservation or
1884 nutrient management plan, requirements for plan approval, site
1885 inspection requirements, and recordkeeping requirements.

1886 21. The district shall revise chapter 40E-61, Florida
1887 Administrative Code, to be consistent with this section and s.
1888 403.067; provide for a monitoring program for nonpoint source
1889 dischargers required to monitor water quality by s. 403.067; and
1890 provide for the results of such monitoring to be reported to the
1891 coordinating agencies.

1892 ~~9. The district, the department, or the Department of~~
1893 ~~Agriculture and Consumer Services, as appropriate, shall~~
1894 ~~implement those alternative nutrient reduction technologies~~
1895 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1896 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~



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1897 ~~Monitoring Program. The district, in cooperation with the other~~
1898 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1899 ~~Watershed Research and Water Quality Monitoring Program that~~
1900 ~~builds upon the district's existing Lake Okeechobee research~~
1901 ~~program. The program shall:~~

1902 ~~1. Evaluate all available existing water quality data~~
1903 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1904 ~~develop a water quality baseline to represent existing~~
1905 ~~conditions for total phosphorus, monitor long-term ecological~~
1906 ~~changes, including water quality for total phosphorus, and~~
1907 ~~measure compliance with water quality standards for total~~
1908 ~~phosphorus, including any applicable total maximum daily load~~
1909 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1910 ~~403.067. Every 3 years, the district shall reevaluate water~~
1911 ~~quality and quantity data to ensure that the appropriate~~
1912 ~~projects are being designated and implemented to meet the water~~
1913 ~~quality and storage goals of the plan. The district shall also~~
1914 ~~implement a total phosphorus monitoring program at appropriate~~
1915 ~~structures owned or operated by the South Florida Water~~
1916 ~~Management District and within the Lake Okeechobee watershed.~~

1917 ~~2. Develop a Lake Okeechobee water quality model that~~
1918 ~~reasonably represents phosphorus dynamics of the lake and~~
1919 ~~incorporates an uncertainty analysis associated with model~~
1920 ~~predictions.~~

1921 ~~3. Determine the relative contribution of phosphorus from~~
1922 ~~all identifiable sources and all primary and secondary land~~
1923 ~~uses.~~

1924 ~~4. Conduct an assessment of the sources of phosphorus from~~
1925 ~~the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their~~



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1926 ~~relative contribution to the water quality of Lake Okeechobee.~~
1927 ~~The results of this assessment shall be used by the coordinating~~
1928 ~~agencies to develop interim measures, best management practices,~~
1929 ~~or regulation, as applicable.~~

1930 ~~5. Assess current water management practices within the~~
1931 ~~Lake Okeechobee watershed and develop recommendations for~~
1932 ~~structural and operational improvements. Such recommendations~~
1933 ~~shall balance water supply, flood control, estuarine salinity,~~
1934 ~~maintenance of a healthy lake littoral zone, and water quality~~
1935 ~~considerations.~~

1936 ~~6. Evaluate the feasibility of alternative nutrient~~
1937 ~~reduction technologies, including sediment traps, canal and~~
1938 ~~ditch maintenance, fish production or other aquaculture,~~
1939 ~~bioenergy conversion processes, and algal or other biological~~
1940 ~~treatment technologies.~~

1941 ~~7. Conduct an assessment of the water volumes and timing~~
1942 ~~from the Lake Okeechobee watershed and their relative~~
1943 ~~contribution to the water level changes in Lake Okeechobee and~~
1944 ~~to the timing and volume of water delivered to the estuaries.~~

1945 ~~(c)-(e) Lake Okeechobee Exotic Species Control Program.~~—The
1946 coordinating agencies shall identify the exotic species that
1947 threaten the native flora and fauna within the Lake Okeechobee
1948 watershed and develop and implement measures to protect the
1949 native flora and fauna.

1950 ~~(d)-(f) Lake Okeechobee Internal Phosphorus Management~~
1951 ~~Program.~~—The district, in cooperation with the other
1952 coordinating agencies and interested parties, shall evaluate the
1953 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1954 load removal projects ~~feasibility study~~. The evaluation



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1955 ~~feasibility study~~ shall be based on technical feasibility, as
1956 well as economic considerations, and shall consider ~~address~~ all
1957 reasonable methods of phosphorus removal. If projects ~~methods~~
1958 are found to be feasible, the district shall immediately pursue
1959 the design, funding, and permitting for implementing such
1960 projects ~~methods~~.

1961 (e) ~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*
1962 *implementation.*—The coordinating agencies shall be jointly
1963 responsible for implementing the Lake Okeechobee Watershed
1964 Protection Program Plan, consistent with the statutory authority
1965 and responsibility of each agency. Annual funding priorities
1966 shall be jointly established, and the highest priority shall be
1967 assigned to programs and projects that address sources that have
1968 the highest relative contribution to loading and the greatest
1969 potential for reductions needed to meet the total maximum daily
1970 loads. In determining funding priorities, the coordinating
1971 agencies shall also consider the need for regulatory compliance,
1972 the extent to which the program or project is ready to proceed,
1973 and the availability of federal matching funds or other nonstate
1974 funding, including public-private partnerships. Federal and
1975 other nonstate funding shall be maximized to the greatest extent
1976 practicable.

1977 (f) ~~(h)~~ *Priorities and implementation schedules.*—The
1978 coordinating agencies are authorized and directed to establish
1979 priorities and implementation schedules for the achievement of
1980 total maximum daily loads, compliance with the requirements of
1981 s. 403.067, and compliance with applicable water quality
1982 standards within the waters and watersheds subject to this
1983 section.



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1984 ~~(i) Legislative ratification. The coordinating agencies~~
1985 ~~shall submit the Phase II technical plan developed pursuant to~~
1986 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1987 ~~the House of Representatives prior to the 2008 legislative~~
1988 ~~session for review. If the Legislature takes no action on the~~
1989 ~~plan during the 2008 legislative session, the plan is deemed~~
1990 ~~approved and may be implemented.~~

1991 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1992 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1993 program shall be developed and implemented as specified in this
1994 subsection. In order to protect and restore surface water
1995 resources, the program shall address the reduction of pollutant
1996 loadings, restoration of natural hydrology, and compliance with
1997 applicable state water quality standards. The program shall be
1998 achieved through a phased program of implementation. In
1999 addition, pollutant load reductions based upon adopted total
2000 maximum daily loads established in accordance with s. 403.067
2001 shall serve as a program objective. In the development and
2002 administration of the program, the coordinating agencies shall
2003 maximize opportunities provided by federal and local government
2004 cost-sharing programs and opportunities for partnerships with
2005 the private sector and local government. The program plan shall
2006 include a goal for salinity envelopes and freshwater inflow
2007 targets for the estuaries based upon existing research and
2008 documentation. The goal may be revised as new information is
2009 available. This goal shall seek to reduce the frequency and
2010 duration of undesirable salinity ranges while meeting the other
2011 water-related needs of the region, including water supply and
2012 flood protection, while recognizing the extent to which water



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2013 inflows are within the control and jurisdiction of the district.

2014 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~
2015 ~~later than January 1, 2009,~~ The district, in cooperation with
2016 the other coordinating agencies, Lee County, and affected
2017 counties and municipalities, shall complete a River Watershed
2018 Protection Plan in accordance with this subsection. The
2019 Caloosahatchee River Watershed Protection Plan shall identify
2020 the geographic extent of the watershed, be coordinated as needed
2021 with the plans developed pursuant to paragraph (3) (a) and
2022 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
2023 ~~implementation schedule for pollutant load reductions consistent~~
2024 ~~with any adopted total maximum daily loads and compliance with~~
2025 ~~applicable state water quality standards. The plan shall include~~
2026 the Caloosahatchee River Watershed Construction Project and the
2027 Caloosahatchee River Watershed Research and Water Quality
2028 Monitoring Program.†

2029 1. Caloosahatchee River Watershed Construction Project.—To
2030 improve the hydrology, water quality, and aquatic habitats
2031 within the watershed, the district shall, no later than January
2032 1, 2012, plan, design, and construct the initial phase of the
2033 Watershed Construction Project. In doing so, the district shall:

2034 a. Develop and designate the facilities to be constructed
2035 to achieve stated goals and objectives of the Caloosahatchee
2036 River Watershed Protection Plan.

2037 b. Conduct scientific studies that are necessary to support
2038 the design of the Caloosahatchee River Watershed Construction
2039 Project facilities.

2040 c. Identify the size and location of all such facilities.

2041 d. Provide a construction schedule for all such facilities,



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2042 including the sequencing and specific timeframe for construction
2043 of each facility.

2044 e. Provide a schedule for the acquisition of lands or
2045 sufficient interests necessary to achieve the construction
2046 schedule.

2047 f. Provide a schedule of costs and benefits associated with
2048 each construction project and identify funding sources.

2049 g. To ensure timely implementation, coordinate the design,
2050 scheduling, and sequencing of project facilities with the
2051 coordinating agencies, Lee County, other affected counties and
2052 municipalities, and other affected parties.

2053 2. Caloosahatchee River Watershed Research and Water
2054 Quality Monitoring Program.—The district, in cooperation with
2055 the other coordinating agencies and local governments, shall
2056 implement a Caloosahatchee River Watershed Research and Water
2057 Quality Monitoring Program that builds upon the district's
2058 existing research program and that is sufficient to carry out,
2059 comply with, or assess the plans, programs, and other
2060 responsibilities created by this subsection. The program shall
2061 also conduct an assessment of the water volumes and timing from
2062 Lake Okeechobee and the Caloosahatchee River watershed and their
2063 relative contributions to the timing and volume of water
2064 delivered to the estuary.

2065 (b)2. Caloosahatchee River Watershed Basin Management
2066 Action Plans Pollutant Control Program.—The basin management
2067 action plans adopted pursuant to s. 403.067 for the
2068 Caloosahatchee River watershed shall be the Caloosahatchee River
2069 Watershed Pollutant Control Program. The plans shall be ~~is~~
2070 designed to be a multifaceted approach to reducing pollutant



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



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2100 the plan. Revisions to the basin management action plan shall be
2101 made by the department in cooperation with the basin
2102 stakeholders. Revisions to best management practices or other
2103 measures must follow the procedures set forth in s.
2104 403.067(7)(c)4. Revised basin management action plans must be
2105 adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted
2106 total maximum daily load within 20 years is not practicable, the
2107 schedule must contain an explanation of the constraints that
2108 prevent achievement of the total maximum daily load within 20
2109 years, an estimate of the time needed to achieve the total
2110 maximum daily load, and additional 5-year measurable milestones,
2111 as necessary. The coordinating agencies shall facilitate the use
2112 utilization of federal programs that offer opportunities for
2113 water quality treatment, including preservation, restoration, or
2114 creation of wetlands on agricultural lands.

2115 1.a. Nonpoint source best management practices consistent
2116 with s. 403.067 paragraph (3)(c), designed to achieve the
2117 objectives of the Caloosahatchee River Watershed Protection
2118 Program, shall be implemented on an expedited basis. The
2119 coordinating agencies may develop an intergovernmental agreement
2120 with local governments to implement the nonagricultural,
2121 nonpoint-source best management practices within their
2122 respective geographic boundaries.

2123 2.b. This subsection does not preclude the department or
2124 the district from requiring compliance with water quality
2125 standards, adopted total maximum daily loads, or current best
2126 management practices requirements set forth in any applicable
2127 regulatory program authorized by law for the purpose of
2128 protecting water quality. This subsection applies only to the



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2129 extent that it does not conflict with any rules adopted by the
2130 department or district which are necessary to maintain a
2131 federally delegated or approved program.

2132 ~~3.e.~~ Projects that make use of private lands, or lands held
2133 in trust for Indian tribes, to reduce pollutant loadings or
2134 concentrations within a basin, or that reduce the volume of
2135 harmful discharges by one or more of the following methods:
2136 restoring the natural hydrology of the basin, restoring wildlife
2137 habitat or impacted wetlands, reducing peak flows after storm
2138 events, or increasing aquifer recharge, are eligible for grants
2139 available under this section from the coordinating agencies.

2140 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
2141 Action Plans ~~Pollutant Control Program~~ shall require assessment
2142 of current water management practices within the watershed and
2143 shall require development of recommendations for structural,
2144 nonstructural, and operational improvements. Such
2145 recommendations shall consider and balance water supply, flood
2146 control, estuarine salinity, aquatic habitat, and water quality
2147 considerations.

2148 ~~5.e. After December 31, 2007,~~ The department may not
2149 authorize the disposal of domestic wastewater biosolids
2150 ~~residuals~~ within the Caloosahatchee River watershed unless the
2151 applicant can affirmatively demonstrate that the nutrients in
2152 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2153 watershed. This demonstration shall be based on achieving a net
2154 balance between nutrient imports relative to exports on the
2155 permitted application site. Exports shall include only nutrients
2156 removed from the watershed through products generated on the
2157 permitted application site. This prohibition does not apply to



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2158 Class AA biosolids residuals that are marketed and distributed
2159 as fertilizer products in accordance with department rule.

2160 ~~6.f.~~ The Department of Health shall require all entities
2161 disposing of septage within the Caloosahatchee River watershed
2162 to develop and submit to that agency an agricultural use plan
2163 that limits applications based upon nutrient loading consistent
2164 with any basin management action plan adopted pursuant to s.
2165 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
2166 ~~from these application sites may not exceed the limits~~
2167 ~~established in the district's WOD program.~~

2168 ~~7.g.~~ The Department of Agriculture and Consumer Services
2169 shall require ~~initiate rulemaking requiring~~ entities within the
2170 Caloosahatchee River watershed which land-apply animal manure to
2171 develop a resource management system level conservation plan,
2172 according to United States Department of Agriculture criteria,
2173 which limit such application. Such rules shall ~~may~~ include
2174 criteria and thresholds for the requirement to develop a
2175 conservation or nutrient management plan, requirements for plan
2176 approval, site inspection requirements, and recordkeeping
2177 requirements.

2178 8. The district shall initiate rulemaking to provide for a
2179 monitoring program for nonpoint source dischargers required to
2180 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2181 403.067(7)(c)3. The results of such monitoring must be reported
2182 to the coordinating agencies.

2183 ~~3. Caloosahatchee River Watershed Research and Water~~
2184 ~~Quality Monitoring Program. The district, in cooperation with~~
2185 ~~the other coordinating agencies and local governments, shall~~
2186 ~~establish a Caloosahatchee River Watershed Research and Water~~



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2187 ~~Quality Monitoring Program that builds upon the district's~~
2188 ~~existing research program and that is sufficient to carry out,~~
2189 ~~comply with, or assess the plans, programs, and other~~
2190 ~~responsibilities created by this subsection. The program shall~~
2191 ~~also conduct an assessment of the water volumes and timing from~~
2192 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
2193 ~~their relative contributions to the timing and volume of water~~
2194 ~~delivered to the estuary.~~

2195 ~~(c) (b) St. Lucie River Watershed Protection Plan. No later~~
2196 ~~than January 1, 2009, The district, in cooperation with the~~
2197 ~~other coordinating agencies, Martin County, and affected~~
2198 ~~counties and municipalities shall complete a plan in accordance~~
2199 ~~with this subsection. The St. Lucie River Watershed Protection~~
2200 ~~Plan shall identify the geographic extent of the watershed, be~~
2201 ~~coordinated as needed with the plans developed pursuant to~~
2202 ~~paragraph (3) (a) and paragraph (a) of this subsection, and~~
2203 ~~contain an implementation schedule for pollutant load reductions~~
2204 ~~consistent with any adopted total maximum daily loads and~~
2205 ~~compliance with applicable state water quality standards. The~~
2206 ~~plan shall include the St. Lucie River Watershed Construction~~
2207 ~~Project and St. Lucie River Watershed Research and Water Quality~~
2208 ~~Monitoring Program.~~

2209 1. St. Lucie River Watershed Construction Project.—To
2210 improve the hydrology, water quality, and aquatic habitats
2211 within the watershed, the district shall, no later than January
2212 1, 2012, plan, design, and construct the initial phase of the
2213 Watershed Construction Project. In doing so, the district shall:

2214 a. Develop and designate the facilities to be constructed
2215 to achieve stated goals and objectives of the St. Lucie River



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2216 Watershed Protection Plan.

2217 b. Identify the size and location of all such facilities.

2218 c. Provide a construction schedule for all such facilities,
2219 including the sequencing and specific timeframe for construction
2220 of each facility.

2221 d. Provide a schedule for the acquisition of lands or
2222 sufficient interests necessary to achieve the construction
2223 schedule.

2224 e. Provide a schedule of costs and benefits associated with
2225 each construction project and identify funding sources.

2226 f. To ensure timely implementation, coordinate the design,
2227 scheduling, and sequencing of project facilities with the
2228 coordinating agencies, Martin County, St. Lucie County, other
2229 interested parties, and other affected local governments.

2230 2. St. Lucie River Watershed Research and Water Quality
2231 Monitoring Program.—The district, in cooperation with the other
2232 coordinating agencies and local governments, shall establish a
2233 St. Lucie River Watershed Research and Water Quality Monitoring
2234 Program that builds upon the district's existing research
2235 program and that is sufficient to carry out, comply with, or
2236 assess the plans, programs, and other responsibilities created
2237 by this subsection. The district shall also conduct an
2238 assessment of the water volumes and timing from Lake Okeechobee
2239 and the St. Lucie River watershed and their relative
2240 contributions to the timing and volume of water delivered to the
2241 estuary.

2242 (d)2- St. Lucie River Watershed Basin Management Action
2243 Plan Pollutant Control Program.—Basin management action plan for
2244 the St. Lucie River watershed adopted pursuant to s. 403.067



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



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2274 measurable milestones and a target to achieve water quality
2275 improvement consistent with this section shall be adopted into
2276 the plan. Revisions to the basin management action plan shall be
2277 made by the department in cooperation with the basin
2278 stakeholders. Revisions to best management practices or other
2279 measures must follow the procedures set forth in s.
2280 403.067(7)(c)4. Revised basin management action plans must be
2281 adopted pursuant to s. 403.067(7)(a)5. If achieving the adopted
2282 total maximum daily load within 20 years is not practicable, the
2283 schedule must contain an explanation of the constraints that
2284 prevent achievement of the total maximum daily load within 20
2285 years, an estimate of the time needed to achieve the total
2286 maximum daily load, and additional 5-year measurable milestones,
2287 as necessary. The coordinating agencies shall facilitate the use
2288 utilization of federal programs that offer opportunities for
2289 water quality treatment, including preservation, restoration, or
2290 creation of wetlands on agricultural lands.

2291 1.a. Nonpoint source best management practices consistent
2292 with s. 403.067 paragraph (3)(e), designed to achieve the
2293 objectives of the St. Lucie River Watershed Protection Program,
2294 shall be implemented on an expedited basis. The coordinating
2295 agencies may develop an intergovernmental agreement with local
2296 governments to implement the nonagricultural nonpoint source
2297 best management practices within their respective geographic
2298 boundaries.

2299 2.b. This subsection does not preclude the department or
2300 the district from requiring compliance with water quality
2301 standards, adopted total maximum daily loads, or current best
2302 management practices requirements set forth in any applicable



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2303 regulatory program authorized by law for the purpose of
2304 protecting water quality. This subsection applies only to the
2305 extent that it does not conflict with any rules adopted by the
2306 department or district which are necessary to maintain a
2307 federally delegated or approved program.

2308 ~~3.e.~~ Projects that make use of private lands, or lands held
2309 in trust for Indian tribes, to reduce pollutant loadings or
2310 concentrations within a basin, or that reduce the volume of
2311 harmful discharges by one or more of the following methods:
2312 restoring the natural hydrology of the basin, restoring wildlife
2313 habitat or impacted wetlands, reducing peak flows after storm
2314 events, or increasing aquifer recharge, are eligible for grants
2315 available under this section from the coordinating agencies.

2316 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
2317 Plans ~~Pollutant Control Program~~ shall require assessment of
2318 current water management practices within the watershed and
2319 shall require development of recommendations for structural,
2320 nonstructural, and operational improvements. Such
2321 recommendations shall consider and balance water supply, flood
2322 control, estuarine salinity, aquatic habitat, and water quality
2323 considerations.

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



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2332 removed from the St. Lucie River watershed through products
2333 generated on the permitted application site. This prohibition
2334 does not apply to Class AA biosolids ~~residuals~~ that are marketed
2335 and distributed as fertilizer products in accordance with
2336 department rule.

2337 ~~6.f.~~ The Department of Health shall require all entities
2338 disposing of septage within the St. Lucie River watershed to
2339 develop and submit to that agency an agricultural use plan that
2340 limits applications based upon nutrient loading consistent with
2341 any basin management action plan adopted pursuant to s. 403.067.
2342 ~~By July 1, 2008, nutrient concentrations originating from these~~
2343 ~~application sites may not exceed the limits established in the~~
2344 ~~district's WOD program.~~

2345 ~~7.g.~~ The Department of Agriculture and Consumer Services
2346 shall initiate rulemaking requiring entities within the St.
2347 Lucie River watershed which land-apply animal manure to develop
2348 a resource management system level conservation plan, according
2349 to United States Department of Agriculture criteria, which limit
2350 such application. Such rules shall ~~may~~ include criteria and
2351 thresholds for the requirement to develop a conservation or
2352 nutrient management plan, requirements for plan approval, site
2353 inspection requirements, and recordkeeping requirements.

2354 8. The district shall initiate rulemaking to provide for a
2355 monitoring program for nonpoint source dischargers required to
2356 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2357 403.067(7)(c)3. The results of such monitoring must be reported
2358 to the coordinating agencies.

2359 ~~3. St. Lucie River Watershed Research and Water Quality~~
2360 ~~Monitoring Program. The district, in cooperation with the other~~



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2361 ~~coordinating agencies and local governments, shall establish a~~
2362 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
2363 ~~Program that builds upon the district's existing research~~
2364 ~~program and that is sufficient to carry out, comply with, or~~
2365 ~~assess the plans, programs, and other responsibilities created~~
2366 ~~by this subsection. The program shall also conduct an assessment~~
2367 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2368 ~~Lucie River watersheds and their relative contributions to the~~
2369 ~~timing and volume of water delivered to the estuary.~~

2370 (e) ~~(e)~~ *River Watershed Protection Plan implementation.*—The
2371 coordinating agencies shall be jointly responsible for
2372 implementing the River Watershed Protection Plans, consistent
2373 with the statutory authority and responsibility of each agency.
2374 Annual funding priorities shall be jointly established, and the
2375 highest priority shall be assigned to programs and projects that
2376 have the greatest potential for achieving the goals and
2377 objectives of the plans. In determining funding priorities, the
2378 coordinating agencies shall also consider the need for
2379 regulatory compliance, the extent to which the program or
2380 project is ready to proceed, and the availability of federal or
2381 local government matching funds. Federal and other nonstate
2382 funding shall be maximized to the greatest extent practicable.

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



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2390 Protection Programs Plans. ~~Additionally,~~ The district shall
2391 identify modifications to facilities of the River Watershed
2392 Construction Projects, as appropriate, or any other elements of
2393 the River Watershed Protection Programs Plans. The evaluation
2394 shall be included in the annual progress report submitted
2395 pursuant to this section.

2396 ~~(g)(e)~~ *Priorities and implementation schedules.*—The
2397 coordinating agencies are authorized and directed to establish
2398 priorities and implementation schedules for the achievement of
2399 total maximum daily loads, the requirements of s. 403.067, and
2400 compliance with applicable water quality standards within the
2401 waters and watersheds subject to this section.

2402 ~~(f)~~ *Legislative ratification.* ~~The coordinating agencies~~
2403 ~~shall submit the River Watershed Protection Plans developed~~
2404 ~~pursuant to paragraphs (a) and (b) to the President of the~~
2405 ~~Senate and the Speaker of the House of Representatives prior to~~
2406 ~~the 2009 legislative session for review. If the Legislature~~
2407 ~~takes no action on the plan during the 2009 legislative session,~~
2408 ~~the plan is deemed approved and may be implemented.~~

2409 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
2410 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
2411 department is directed to expedite development and adoption of
2412 total maximum daily loads for the Caloosahatchee River and
2413 estuary. The department is further directed to, ~~no later than~~
2414 ~~December 31, 2008,~~ propose for final agency action total maximum
2415 daily loads for nutrients in the tidal portions of the
2416 Caloosahatchee River and estuary. The department shall initiate
2417 development of basin management action plans for Lake
2418 Okeechobee, the Caloosahatchee River watershed and estuary, and



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2419 the St. Lucie River watershed and estuary as provided in s.
2420 403.067 ~~s. 403.067(7)(a)~~ as follows:

2421 (a) Basin management action plans shall be developed as
2422 soon as practicable as determined necessary by the department to
2423 achieve the total maximum daily loads established for the Lake
2424 Okeechobee watershed and the estuaries.

2425 (b) The Phase II technical plan development pursuant to
2426 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
2427 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
2428 provide the basis for basin management action plans developed by
2429 the department.

2430 (c) As determined necessary by the department in order to
2431 achieve the total maximum daily loads, additional or modified
2432 projects or programs that complement those in the legislatively
2433 ratified plans may be included during the development of the
2434 basin management action plan.

2435 (d) As provided in s. 403.067, management strategies and
2436 pollution reduction requirements set forth in a basin management
2437 action plan subject to permitting by the department under
2438 subsection (7) must be completed pursuant to the schedule set
2439 forth in the basin management action plan, as amended. The
2440 implementation schedule may extend beyond the 5-year permit
2441 term.

2442 (e) As provided in s. 403.067, management strategies and
2443 pollution reduction requirements set forth in a basin management
2444 action plan for a specific pollutant of concern are not subject
2445 to challenge under chapter 120 at the time they are
2446 incorporated, in an identical form, into a department or
2447 district issued permit or a permit modification issued in



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2448 accordance with subsection (7).

2449 ~~(d) Development of basin management action plans that~~
2450 ~~implement the provisions of the legislatively ratified plans~~
2451 ~~shall be initiated by the department no later than September 30~~
2452 ~~of the year in which the applicable plan is ratified. Where a~~
2453 ~~total maximum daily load has not been established at the time of~~
2454 ~~plan ratification, development of basin management action plans~~
2455 ~~shall be initiated no later than 90 days following adoption of~~
2456 ~~the applicable total maximum daily load.~~

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



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2477 department shall report on the status of the Lake Okeechobee
2478 Basin Management Action Plan, the Caloosahatchee River Watershed
2479 Basin Management Action Plan, and the St. Lucie River Watershed
2480 Basin Management Action Plan. The Department of Agriculture and
2481 Consumer Services shall report on the status of the
2482 implementation of the agricultural nonpoint source best
2483 management practices, including an implementation assurance
2484 report summarizing survey responses and response rates, site
2485 inspections, and other methods used to verify implementation of
2486 and compliance with best management practices in the Lake
2487 Okeechobee, Caloosahatchee and St. Lucie watersheds.

2488 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2489 (a) The Legislature finds that the Lake Okeechobee
2490 Watershed Protection Program will benefit Lake Okeechobee and
2491 downstream receiving waters and is in ~~consistent with~~ the public
2492 interest. The Lake Okeechobee Watershed Construction Project and
2493 structures discharging into or from Lake Okeechobee shall be
2494 constructed, operated, and maintained in accordance with this
2495 section.

2496 (b) Permits obtained pursuant to this section are in lieu
2497 of all other permits under this chapter or chapter 403, except
2498 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2499 permits are not required for the Lake Okeechobee Watershed
2500 Construction Project, or structures discharging into or from
2501 Lake Okeechobee, if such project or structures are permitted
2502 under this section. Construction activities related to
2503 implementation of the Lake Okeechobee Watershed Construction
2504 Project may be initiated before ~~prior to~~ final agency action, or
2505 notice of intended agency action, on any permit from the



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2506 department under this section.

2507 ~~(c) 1. Within 90 days of completion of the diversion plans~~
2508 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
2509 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
2510 ~~structures which discharge into or from Lake Okeechobee that~~
2511 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
2512 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~
2513 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
2514 ~~this section and shall be governed by permits issued under apply~~
2515 ~~for a permit from the department to operate and maintain such~~
2516 ~~structures. By September 1, 2000, owners or operators of all~~
2517 ~~other existing structures which discharge into or from Lake~~
2518 ~~Okeechobee shall apply for a permit from the department to~~
2519 ~~operate and maintain such structures. The department shall issue~~
2520 ~~one or more such permits for a term of 5 years upon the~~
2521 ~~demonstration of reasonable assurance that schedules and~~
2522 ~~strategies to achieve and maintain compliance with water quality~~
2523 ~~standards have been provided for, to the maximum extent~~
2524 ~~practicable, and that operation of the structures otherwise~~
2525 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2526 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2527 ~~403.067.~~

2528 ~~1. Permits issued under this paragraph shall also contain~~
2529 ~~reasonable conditions to ensure that discharges of waters~~
2530 ~~through structures:~~

2531 ~~a. Are adequately and accurately monitored;~~

2532 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2533 ~~and will result in an overall reduction of phosphorus input into~~
2534 ~~Lake Okeechobee, as set forth in the district's Technical~~



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2535 ~~Publication 81-2 and the total maximum daily load established in~~
2536 ~~accordance with s. 403.067, to the maximum extent practicable;~~
2537 ~~and~~

2538 ~~e. Do not pose a serious danger to public health, safety,~~
2539 ~~or welfare.~~

2540 2. For the purposes of this paragraph, owners and operators
2541 of existing structures which are subject to ~~the provisions of s.~~
2542 ~~373.4592(4) (a) and which discharge into or from Lake Okeechobee~~
2543 ~~shall be deemed in compliance with this paragraph the term~~
2544 ~~"maximum extent practicable" if they are in full compliance with~~
2545 ~~the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~~~
2546 ~~63, Florida Administrative Code.~~

2547 3. By January 1, 2016 ~~2004~~, the district shall submit to
2548 the department a complete application for a permit modification
2549 to the Lake Okeechobee structure permits to incorporate proposed
2550 changes necessary to ensure that discharges through the
2551 structures covered by this permit are consistent with the basin
2552 management action plan adopted pursuant to ~~achieve state water~~
2553 ~~quality standards, including the total maximum daily load~~
2554 ~~established in accordance with s. 403.067. These changes shall~~
2555 ~~be designed to achieve such compliance with state water quality~~
2556 ~~standards no later than January 1, 2015.~~

2557 (d) The department shall require permits for district
2558 regional projects that are part of the Lake Okeechobee Watershed
2559 Construction Project facilities. However, projects ~~identified in~~
2560 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
2561 s. 373.406 do shall not require need permits under this section.
2562 Such permits shall be issued for a term of 5 years upon the
2563 demonstration of reasonable assurances that:



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2564 1. District regional projects that are part of the Lake
2565 Okeechobee Watershed Construction Project shall facility, based
2566 upon the conceptual design documents and any subsequent detailed
2567 design documents developed by the district, will achieve the
2568 design objectives for phosphorus required in subparagraph
2569 (3) (a) 1. paragraph (3) (b);

2570 2. For water quality standards other than phosphorus, the
2571 quality of water discharged from the facility is of equal or
2572 better quality than the inflows;

2573 3. Discharges from the facility do not pose a serious
2574 danger to public health, safety, or welfare; and

2575 4. Any impacts on wetlands or state-listed species
2576 resulting from implementation of that facility of the Lake
2577 Okeechobee Construction Project are minimized and mitigated, as
2578 appropriate.

2579 (e) At least 60 days before ~~prior to~~ the expiration of any
2580 permit issued under this section, the permittee may apply for a
2581 renewal thereof for a period of 5 years.

2582 (f) Permits issued under this section may include any
2583 standard conditions provided by department rule which are
2584 appropriate and consistent with this section.

2585 (g) Permits issued under ~~pursuant to~~ this section may be
2586 modified, as appropriate, upon review and approval by the
2587 department.

2588 Section 21. Paragraph (a) of subsection (1) and subsection
2589 (3) of section 373.467, Florida Statutes, are amended, to read:

2590 373.467 The Harris Chain of Lakes Restoration Council.—
2591 There is created within the St. Johns River Water Management
2592 District, with assistance from the Fish and Wildlife



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2593 Conservation Commission and the Lake County Water Authority, the
2594 Harris Chain of Lakes Restoration Council.

2595 (1) (a) The council shall consist of nine voting members,
2596 which shall include a representative of waterfront property
2597 owners, a representative of the sport fishing industry, a person
2598 with experience in an environmental science or regulation
2599 engineer, a person with training in biology or another
2600 scientific discipline, ~~a person with training as an attorney, a~~
2601 ~~physician, a person with training as an engineer,~~ and two
2602 residents of the county who are ~~de~~ not required to meet any
2603 additional of the other qualifications for membership ~~enumerated~~
2604 ~~in this paragraph~~, each to be appointed by the Lake County
2605 legislative delegation. The Lake County legislative delegation
2606 may waive the qualifications for membership on a case-by-case
2607 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council
2608 may not be appointed to a council, board, or commission of any
2609 council advisory group agency. The council members shall serve
2610 as advisors to the governing board of the St. Johns River Water
2611 Management District. The council is subject to ~~the provisions of~~
2612 chapters 119 and 120.

2613 (3) The council shall meet at the call of its chair, at the
2614 request of six of its members, or at the request of the chair of
2615 the governing board of the St. Johns River Water Management
2616 District. Resignation by a council member, or failure by a
2617 council member to attend three consecutive meetings without an
2618 excuse approved by the chair, results in a vacancy on the
2619 council.

2620 Section 22. Paragraphs (a) and (b) of subsection (6) of
2621 section 373.536, Florida Statutes, are amended to read:



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2622 373.536 District budget and hearing thereon.—

2623 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2624 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2625 (a) Each district must, by the date specified for each
2626 item, furnish copies of the following documents to the Governor,
2627 the President of the Senate, the Speaker of the House of
2628 Representatives, the chairs of all legislative committees and
2629 subcommittees having substantive or fiscal jurisdiction over the
2630 districts, as determined by the President of the Senate or the
2631 Speaker of the House of Representatives as applicable, the
2632 secretary of the department, and the governing board of each
2633 county in which the district has jurisdiction or derives any
2634 funds for the operations of the district:

2635 1. The adopted budget, to be furnished within 10 days after
2636 its adoption.

2637 2. A financial audit of its accounts and records, to be
2638 furnished within 10 days after its acceptance by the governing
2639 board. The audit must be conducted in accordance with s. 11.45
2640 and the rules adopted thereunder. In addition to the entities
2641 named above, the district must provide a copy of the audit to
2642 the Auditor General within 10 days after its acceptance by the
2643 governing board.

2644 3. A 5-year capital improvements plan, to be included in
2645 the consolidated annual report required by s. 373.036(7). The
2646 plan must include expected sources of revenue for planned
2647 improvements and must be prepared in a manner comparable to the
2648 fixed capital outlay format set forth in s. 216.043.

2649 4. A 5-year water resource development work program to be
2650 furnished within 30 days after the adoption of the final budget.



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2651 The program must describe the district's implementation strategy
2652 and include an annual funding plan for each of the 5 years
2653 included in the plan for the water resource and, water supply,
2654 development components, including and alternative water supply
2655 development, components of each approved regional water supply
2656 plan developed or revised under s. 373.709. The work program
2657 must address all the elements of the water resource development
2658 component in the district's approved regional water supply
2659 plans, as well as the water supply projects proposed for
2660 district funding and assistance. The annual funding plan shall
2661 identify both anticipated available district funding and
2662 additional funding needs for the second through fifth years of
2663 the funding plan. Funding requests for projects submitted for
2664 consideration for state funding pursuant to s. 403.0616 shall be
2665 identified separately. The work program and must identify
2666 projects in the work program which will provide water; explain
2667 how each water resource and, water supply, and alternative water
2668 supply development project will produce additional water
2669 available for consumptive uses; estimate the quantity of water
2670 to be produced by each project; and provide an assessment of the
2671 contribution of the district's regional water supply plans in
2672 supporting the implementation of minimum flows and minimum water
2673 levels and water reservations; and ensure providing sufficient
2674 water is available needed to timely meet the water supply needs
2675 of existing and future reasonable-beneficial uses for a 1-in-10-
2676 year drought event and to avoid the adverse effects of
2677 competition for water supplies.

2678 (b) Within 30 days after its submittal, the department
2679 shall review the proposed work program and submit its findings,



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2680 questions, and comments to the district. The review must include
2681 a written evaluation of the program's consistency with the
2682 furtherance of the district's approved regional water supply
2683 plans, and the adequacy of proposed expenditures. As part of the
2684 review, the department shall post the work program on its
2685 website and give interested parties the opportunity to provide
2686 written comments on each district's proposed work program.
2687 Within 45 days after receipt of the department's evaluation, the
2688 governing board shall state in writing to the department which
2689 of the changes recommended in the evaluation it will incorporate
2690 into its work program submitted as part of the March 1
2691 consolidated annual report required by s. 373.036(7) or specify
2692 the reasons for not incorporating the changes. The department
2693 shall include the district's responses in a final evaluation
2694 report and shall submit a copy of the report to the Governor,
2695 the President of the Senate, and the Speaker of the House of
2696 Representatives.

2697 Section 23. Subsection (9) of section 373.703, Florida
2698 Statutes, is amended to read:

2699 373.703 Water production; general powers and duties.—In the
2700 performance of, and in conjunction with, its other powers and
2701 duties, the governing board of a water management district
2702 existing pursuant to this chapter:

2703 (9) May join with one or more other water management
2704 districts, counties, municipalities, special districts, publicly
2705 owned or privately owned water utilities, multijurisdictional
2706 water supply entities, regional water supply authorities,
2707 private landowners, or self-suppliers for the purpose of
2708 carrying out its powers, and may contract with such other



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2709 entities to finance acquisitions, construction, operation, and
2710 maintenance, provided that such contracts are consistent with
2711 the public interest. The contract may provide for contributions
2712 to be made by each party to the contract for the division and
2713 apportionment of the expenses of acquisitions, construction,
2714 operation, and maintenance, and for the division and
2715 apportionment of resulting benefits, services, and products. The
2716 contracts may contain other covenants and agreements necessary
2717 and appropriate to accomplish their purposes.

2718 Section 24. Paragraph (b) of subsection (2), subsection
2719 (3), and paragraph (b) of subsection (4) of section 373.705,
2720 Florida Statutes, are amended, and subsection (5) is added to
2721 that section, to read:

2722 373.705 Water resource development; water supply
2723 development.—

2724 (2) It is the intent of the Legislature that:

2725 (b) Water management districts take the lead in identifying
2726 and implementing water resource development projects, and be
2727 responsible for securing necessary funding for regionally
2728 significant water resource development projects, including
2729 regionally significant projects that prevent or limit adverse
2730 water resource impacts, avoid competition among water users, or
2731 support the provision of new water supplies in order to meet a
2732 minimum flow or minimum water level or to implement a recovery
2733 or prevention strategy or water reservation.

2734 (3) (a) The water management districts shall fund and
2735 implement water resource development as defined in s. 373.019.
2736 The water management districts are encouraged to implement water
2737 resource development as expeditiously as possible in areas



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2738 subject to regional water supply plans.

2739 (b) Each governing board shall include in its annual budget
2740 submittals required under this chapter:

2741 1. The amount of funds for each project in the annual
2742 funding plan developed pursuant to s. 373.536(6) (a)4.;

2743 2. The total amount needed for the fiscal year to implement
2744 water resource development projects, as prioritized in its
2745 regional water supply plans; and

2746 3. The amount of funds requested for each project submitted
2747 for consideration for state funding pursuant to s. 403.0616.

2748 (4)

2749 (b) Water supply development projects that meet the
2750 criteria in paragraph (a) and that meet one or more of the
2751 following additional criteria shall be given first consideration
2752 for state or water management district funding assistance:

2753 1. The project brings about replacement of existing sources
2754 in order to help implement a minimum flow or minimum water
2755 level; ~~or~~

2756 2. The project implements reuse that assists in the
2757 elimination of domestic wastewater ocean outfalls as provided in
2758 s. 403.086(9); or

2759 3. The project reduces or eliminates the adverse effects of
2760 competition between legal users and the natural system.

2761 (5) The water management districts shall promote expanded
2762 cost-share criteria for additional conservation practices, such
2763 as soil and moisture sensors and other irrigation improvements,
2764 water-saving equipment and water-saving household fixtures, and
2765 software technologies that can achieve verifiable water
2766 conservation by providing water use information to utility



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2767 customers.

2768 Section 25. Paragraph (f) of subsection (3), paragraph (a)
2769 of subsection (6), and paragraph (e) of subsection (8) of
2770 section 373.707, Florida Statutes, are amended to read:

2771 373.707 Alternative water supply development.—

2772 (3) The primary roles of the water management districts in
2773 water resource development as it relates to supporting
2774 alternative water supply development are:

2775 (f) The provision of technical and financial assistance to
2776 local governments and publicly owned and privately owned water
2777 utilities for alternative water supply projects and for self-
2778 suppliers for alternative water supply projects to the extent
2779 assistance for self-suppliers promotes the policies in paragraph
2780 (1) (f).

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



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2796 goal of each water management district and basin boards that the
2797 combined funds allocated annually for these purposes be, at a
2798 minimum, the equivalent of 100 percent of the state funding
2799 provided to the water management district for alternative water
2800 supply development. If this goal is not achieved, the water
2801 management district shall provide in the budget submittal an
2802 explanation of the reasons or constraints that prevent this goal
2803 from being met, an explanation of how the goal will be met in
2804 future years, and affirmation of match is required during the
2805 budget review process as established under s. 373.536(5). The
2806 Suwannee River Water Management District and the Northwest
2807 Florida Water Management District shall not be required to meet
2808 the match requirements of this paragraph; however, they shall
2809 try to achieve the match requirement to the greatest extent
2810 practicable.

2811 (8)

2812 (e) Applicants for projects that may receive funding
2813 assistance pursuant to the Water Protection and Sustainability
2814 Program shall, at a minimum, be required to pay 60 percent of
2815 the project's construction costs. The water management districts
2816 may, at their discretion, totally or partially waive this
2817 requirement for projects sponsored by:

2818 1. Financially disadvantaged small local governments as
2819 defined in former s. 403.885(5); or

2820 2. Water users for projects determined by a water
2821 management district governing board to be in the public interest
2822 pursuant to paragraph (1)(f), if the projects are not otherwise
2823 financially feasible.

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2825 The water management districts or basin boards may, at their
2826 discretion, use ad valorem or federal revenues to assist a
2827 project applicant in meeting the requirements of this paragraph.

2828 Section 26. Paragraph (a) of subsection (2) and paragraphs
2829 (a) and (e) of subsection (6) of section 373.709, Florida
2830 Statutes, are amended to read:

2831 373.709 Regional water supply planning.—

2832 (2) Each regional water supply plan must be based on at
2833 least a 20-year planning period and must include, but need not
2834 be limited to:

2835 (a) A water supply development component for each water
2836 supply planning region identified by the district which
2837 includes:

2838 1. A quantification of the water supply needs for all
2839 existing and future reasonable-beneficial uses within the
2840 planning horizon. The level-of-certainty planning goal
2841 associated with identifying the water supply needs of existing
2842 and future reasonable-beneficial uses must be based upon meeting
2843 those needs for a 1-in-10-year drought event.

2844 a. Population projections used for determining public water
2845 supply needs must be based upon the best available data. In
2846 determining the best available data, the district shall consider
2847 the University of Florida ~~Florida's~~ Bureau of Economic and
2848 Business Research (BEBR) medium population projections and
2849 population projection data and analysis submitted by a local
2850 government pursuant to the public workshop described in
2851 subsection (1) if the data and analysis support the local
2852 government's comprehensive plan. Any adjustment of or deviation
2853 from the BEBR projections must be fully described, and the



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2854 original BEBR data must be presented along with the adjusted
2855 data.

2856 b. Agricultural demand projections used for determining the
2857 needs of agricultural self-suppliers must be based upon the best
2858 available data. In determining the best available data for
2859 agricultural self-supplied water needs, the district shall
2860 consider the data indicative of future water supply demands
2861 provided by the Department of Agriculture and Consumer Services
2862 pursuant to s. 570.93 and agricultural demand projection data
2863 and analysis submitted by a local government pursuant to the
2864 public workshop described in subsection (1), if the data and
2865 analysis support the local government's comprehensive plan. Any
2866 adjustment of or deviation from the data provided by the
2867 Department of Agriculture and Consumer Services must be fully
2868 described, and the original data must be presented along with
2869 the adjusted data.

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



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2883 included in the plan must exceed the needs identified in
2884 subparagraph 1. and take into account water conservation and
2885 other demand management measures, as well as water resources
2886 constraints, including adopted minimum flows and minimum water
2887 levels and water reservations. Where the district determines it
2888 is appropriate, the plan should specifically identify the need
2889 for multijurisdictional approaches to project options that,
2890 based on planning level analysis, are appropriate to supply the
2891 intended uses and that, based on such analysis, appear to be
2892 permittable and financially and technically feasible. The list
2893 of water supply development options must contain provisions that
2894 recognize that alternative water supply options for agricultural
2895 self-suppliers are limited.

2896 3. For each project option identified in subparagraph 2.,
2897 the following must be provided:

2898 a. An estimate of the amount of water to become available
2899 through the project.

2900 b. The timeframe in which the project option should be
2901 implemented and the estimated planning-level costs for capital
2902 investment and operating and maintaining the project.

2903 c. An analysis of funding needs and sources of possible
2904 funding options. For alternative water supply projects, the
2905 water management districts shall provide funding assistance
2906 pursuant to s. 373.707(8).

2907 d. Identification of the entity that should implement each
2908 project option and the current status of project implementation.

2909 (6) Annually and in conjunction with the reporting
2910 requirements of s. 373.536(6)(a)4., the department shall submit
2911 to the Governor and the Legislature a report on the status of



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2912 regional water supply planning in each district. The report
2913 shall include:

2914 (a) A compilation of the estimated costs ~~of~~ and an analysis
2915 of the sufficiency of potential sources of funding from all
2916 sources for water resource development and water supply
2917 development projects as identified in the water management
2918 district regional water supply plans.

2919 (e) An overall assessment of the progress being made to
2920 develop water supply in each district, including, but not
2921 limited to, an explanation of how each project in the 5-year
2922 water resource development work program developed pursuant to s.
2923 373.536(6)(a)4., either alternative or traditional, will
2924 produce, contribute to, or account for additional water being
2925 made available for consumptive uses, minimum flows and minimum
2926 water levels, or water reservations; an estimate of the quantity
2927 of water to be produced by each project;7 and an assessment of
2928 the contribution of the district's regional water supply plan in
2929 providing sufficient water to meet the needs of existing and
2930 future reasonable-beneficial uses for a 1-in-10-year drought
2931 event, as well as the needs of the natural systems.

2932 Section 27. Part VIII of chapter 373, Florida Statutes,
2933 consisting of sections 373.801, 373.802, 373.803, 373.805,
2934 373.807, 373.811, and 373.813, Florida Statutes, is created and
2935 entitled the "Florida Springs and Aquifer Protection Act."

2936 Section 28. Section 373.801, Florida Statutes, is created
2937 to read:

2938 373.801 Legislative findings and intent.—

2939 (1) The Legislature finds that springs are a unique part of
2940 this state's scenic beauty. Springs provide critical habitat for



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2941 plants and animals, including many endangered or threatened
2942 species. Springs also provide immeasurable natural,
2943 recreational, economic, and inherent value. Springs are of great
2944 scientific importance in understanding the diverse functions of
2945 aquatic ecosystems. Water quality of springs is an indicator of
2946 local conditions of the Floridan Aquifer, which is a source of
2947 drinking water for many residents of this state. Water flows in
2948 springs may reflect regional aquifer conditions. In addition,
2949 springs provide recreational opportunities for swimming,
2950 canoeing, wildlife watching, fishing, cave diving, and many
2951 other activities in this state. These recreational opportunities
2952 and the accompanying tourism they provide are a benefit to local
2953 economies and the economy of the state as a whole.

2954 (2) The Legislature finds that the water quantity and water
2955 quality in springs may be related. For regulatory purposes, the
2956 department has primary responsibility for water quality; the
2957 water management districts have primary responsibility for water
2958 quantity; and the Department of Agriculture and Consumer
2959 Services has primary responsibility for the development and
2960 implementation of agricultural best management practices. Local
2961 governments have primary responsibility for providing domestic
2962 wastewater collection and treatment services and stormwater
2963 management. The foregoing responsible entities must coordinate
2964 to restore and maintain the water quantity and water quality of
2965 the Outstanding Florida Springs.

2966 (3) The Legislature recognizes that:

2967 (a) A spring is only as healthy as its aquifer system. The
2968 groundwater that supplies springs is derived from water that
2969 recharges the aquifer system in the form of seepage from the



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2970 land surface and through direct conduits, such as sinkholes.
2971 Springs may be adversely affected by polluted runoff from urban
2972 and agricultural lands; discharges resulting from inadequate
2973 wastewater and stormwater management practices; stormwater
2974 runoff; and reduced water levels of the Floridan Aquifer. As a
2975 result, the hydrologic and environmental conditions of a spring
2976 or spring run are directly influenced by activities and land
2977 uses within a springshed and by water withdrawals from the
2978 Floridan Aquifer.

2979 (b) Springs, whether found in urban or rural settings, or
2980 on public or private lands, may be threatened by actual or
2981 potential flow reductions and declining water quality. Many of
2982 this state's springs are demonstrating signs of significant
2983 ecological imbalance, increased nutrient loading, and declining
2984 flow. Without effective remedial action, further declines in
2985 water quality and water quantity may occur.

2986 (c) Springshed boundaries and areas of high vulnerability
2987 within a springshed need to be identified and delineated using
2988 the best available data.

2989 (d) Springsheds typically cross water management district
2990 boundaries and local government jurisdictional boundaries, so a
2991 coordinated statewide springs protection plan is needed.

2992 (e) The aquifers and springs of this state are complex
2993 systems affected by many variables and influences.

2994 (4) The Legislature recognizes that action is urgently
2995 needed and, as additional data is acquired, action must be
2996 modified.

2997 Section 29. Section 373.802, Florida Statutes, is created
2998 to read:



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2999 373.802 Definitions.—As used in this part, the term:
3000 (1) "Department" means the Department of Environmental
3001 Protection, which includes the Florida Geological Survey or its
3002 successor agencies.
3003 (2) "Local government" means a county or municipal
3004 government the jurisdictional boundaries of which include an
3005 Outstanding Florida Spring or any part of a springshed or
3006 delineated priority focus area of an Outstanding Florida Spring.
3007 (3) "Onsite sewage treatment and disposal system" means a
3008 system that contains a standard subsurface, filled, or mound
3009 drainfield system; an aerobic treatment unit; a graywater system
3010 tank; a laundry wastewater system tank; a septic tank; a grease
3011 interceptor; a pump tank; a solids or effluent pump; a
3012 waterless, incinerating, or organic waste-composting toilet; or
3013 a sanitary pit privy that is installed or proposed to be
3014 installed beyond the building sewer on land of the owner or on
3015 other land on which the owner has the legal right to install
3016 such system. The term includes any item placed within, or
3017 intended to be used as a part of or in conjunction with, the
3018 system. The term does not include package sewage treatment
3019 facilities and other treatment works regulated under chapter
3020 403.
3021 (4) "Outstanding Florida Spring" includes all historic
3022 first magnitude springs, including their associated spring runs,
3023 as determined by the department using the most recent Florida
3024 Geological Survey springs bulletin, and the following additional
3025 springs, including their associated spring runs:
3026 (a) De Leon Springs;
3027 (b) Peacock Springs;



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- 3028 (c) Poe Springs;
- 3029 (d) Rock Springs;
- 3030 (e) Wekiwa Springs; and
- 3031 (f) Gemini Springs.

3032

3033 The term does not include submarine springs or river rises.

3034 (5) "Priority focus area" means the area or areas of a
3035 basin where the Floridan Aquifer is generally most vulnerable to
3036 pollutant inputs where there is a known connectivity between
3037 groundwater pathways and an Outstanding Florida Spring, as
3038 determined by the department in consultation with the
3039 appropriate water management districts, and delineated in a
3040 basin management action plan.

3041 (6) "Springshed" means the areas within the groundwater and
3042 surface water basins which contribute, based upon all relevant
3043 facts, circumstances, and data, to the discharge of a spring as
3044 defined by potentiometric surface maps and surface watershed
3045 boundaries.

3046 (7) "Spring run" means a body of flowing water that
3047 originates from a spring or whose primary source of water is a
3048 spring or springs under average rainfall conditions.

3049 (8) "Spring vent" means a location where groundwater flows
3050 out of a natural, discernible opening in the ground onto the
3051 land surface or into a predominantly fresh surface water body.

3052 Section 30. Section 373.803, Florida Statutes, is created
3053 to read:

3054 373.803 Delineation of priority focus areas for Outstanding
3055 Florida Springs.—Using the best data available from the water
3056 management districts and other credible sources, the department,



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3057 in coordination with the water management districts, shall
3058 delineate priority focus areas for each Outstanding Florida
3059 Spring or group of springs that contains one or more Outstanding
3060 Florida Springs and is identified as impaired in accordance with
3061 s. 373.807. In delineating priority focus areas, the department
3062 shall consider groundwater travel time to the spring,
3063 hydrogeology, nutrient load, and any other factors that may lead
3064 to degradation of an Outstanding Florida Spring. The delineation
3065 of priority focus areas must be completed by July 1, 2018, shall
3066 use understood and identifiable boundaries such as roads or
3067 political jurisdictions for ease of implementation, and is
3068 effective upon incorporation in a basin management action plan.

3069 Section 31. Section 373.805, Florida Statutes, is created
3070 to read:

3071 373.805 Minimum flows and minimum water levels for
3072 Outstanding Florida Springs.-

3073 (1) At the time a minimum flow or minimum water level is
3074 adopted pursuant to s. 373.042 for an Outstanding Florida
3075 Spring, if the spring is below or is projected within 20 years
3076 to fall below the minimum flow or minimum water level, a water
3077 management district or the department shall concurrently adopt a
3078 recovery or prevention strategy.

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



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3086 may adopt the revised minimum flow or minimum water level before
3087 the adoption of a recovery or prevention strategy if the revised
3088 minimum flow or minimum water level is less constraining on
3089 existing or projected future consumptive uses.

3090 (3) For an Outstanding Florida Spring without an adopted
3091 recovery or prevention strategy, if a district or the department
3092 determines the spring has fallen below, or is projected within
3093 20 years to fall below, the adopted minimum flow or minimum
3094 water level, a water management district or the department shall
3095 expeditiously adopt a recovery or prevention strategy.

3096 (4) The recovery or prevention strategy for each
3097 Outstanding Florida Spring must, at a minimum, include:

3098 (a) A listing of all specific projects identified for
3099 implementation of the plan;

3100 (b) A priority listing of each project;

3101 (c) For each listed project, the estimated cost of and the
3102 estimated date of completion;

3103 (d) The source and amount of financial assistance to be
3104 made available by the water management district for each listed
3105 project, which may not be less than 25 percent of the total
3106 project cost unless a specific funding source or sources are
3107 identified which will provide more than 75 percent of the total
3108 project cost. The Northwest Florida Water Management District
3109 and the Suwannee River Water Management District are not
3110 required to meet the minimum requirement to receive financial
3111 assistance pursuant to this paragraph;

3112 (e) An estimate of each listed project's benefit to an
3113 Outstanding Florida Spring; and

3114 (f) An implementation plan designed with a target to



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3115 achieve the adopted minimum flow or minimum water level no more
3116 than 20 years after the adoption of a recovery or prevention
3117 strategy. The implementation plan must include a schedule of 5-,
3118 10-, and 15-year measureable milestones intended to achieve the
3119 adopted minimum flow or minimum water level. The schedule is not
3120 a rule but is intended to provide guidance for planning and
3121 funding purposes and is exempt from s. 120.54(1) (a).

3122 (5) A local government may apply to the department for a
3123 single extension of up to 5 years for any project in an adopted
3124 recovery or prevention strategy. The department may grant the
3125 extension if the local government provides to the department
3126 sufficient evidence that an extension is in the best interest of
3127 the public. For a local government in a rural area of
3128 opportunity, as defined in s. 288.0656, the department may grant
3129 a single extension of up to 10 years.

3130 Section 32. Section 373.807, Florida Statutes, is created
3131 to read:

3132 373.807 Protection of water quality in Outstanding Florida
3133 Springs.—By July 1, 2015, the department shall initiate
3134 assessment, pursuant to s. 403.067(3), of each Outstanding
3135 Florida Spring for which an impairment determination has not
3136 been made under the numeric nutrient standards in effect for
3137 spring vents. Assessments must be completed by July 1, 2018.

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



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3144 load adopted before July 1, 2015, the department, or the
3145 department in conjunction with a water management district,
3146 shall initiate development of a basin management action plan by
3147 July 1, 2015. During the development of a basin management
3148 action plan, if the department identifies onsite sewage
3149 treatment and disposal systems as contributors of at least 20
3150 percent of nonpoint source nitrogen pollution or if the
3151 department determines remediation is necessary to achieve the
3152 total maximum daily load, the basin management action plan shall
3153 include an onsite sewage treatment and disposal system
3154 remediation plan pursuant to subsection (3) for those systems
3155 identified as requiring remediation.

3156 (b) A basin management action plan for an Outstanding
3157 Florida Spring shall be adopted within 2 years after its
3158 initiation and must include, at a minimum:

3159 1. A list of all specific projects and programs identified
3160 to implement a nutrient total maximum daily load;

3161 2. A list of all specific projects identified in any
3162 incorporated onsite sewage treatment and disposal system
3163 remediation plan, if applicable;

3164 3. A priority rank for each listed project;

3165 4. For each listed project, a planning level cost estimate
3166 and the estimated date of completion;

3167 5. The source and amount of financial assistance to be made
3168 available by the department, a water management district, or
3169 other entity for each listed project;

3170 6. An estimate of each listed project's nutrient load
3171 reduction;

3172 7. Identification of each point source or category of



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3173 nonpoint sources, including, but not limited to, urban turf
3174 fertilizer, sports turf fertilizer, agricultural fertilizer,
3175 onsite sewage treatment and disposal systems, wastewater
3176 treatment facilities, animal wastes, and stormwater facilities.

3177 An estimated allocation of the pollutant load must be provided
3178 for each point source or category of nonpoint sources; and

3179 8. An implementation plan designed with a target to achieve
3180 the adopted nutrient total maximum daily load no more than 20
3181 years after the adoption of a basin management action plan. The
3182 plan must include a schedule of 5-, 10-, and 15-year measureable
3183 milestones intended to achieve the adopted nutrient total
3184 maximum daily load. The schedule is not a rule but is intended
3185 to provide guidance for planning and funding purposes and is
3186 exempt from s. 120.54(1)(a).

3187 (c) For a basin management action plan adopted before July
3188 1, 2015, which addresses an Outstanding Florida Spring, the
3189 department or the department in conjunction with a water
3190 management district must revise the plan if necessary to comply
3191 with this section by July 1, 2018.

3192 (d) A local government may apply to the department for a
3193 single extension of up to 5 years for any project in an adopted
3194 basin management action plan. A local government in a rural area
3195 of opportunity, as defined in s. 288.0656, may apply for a
3196 single extension of up to 10 years for such a project. The
3197 department may grant the extension if the local government
3198 provides to the department sufficient evidence that an extension
3199 is in the best interest of the public.

3200 (2) By July 1, 2016, each local government, as defined in
3201 s. 373.802(2), that has not adopted an ordinance pursuant to s.



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3202 403.9337, shall develop, enact, and implement an ordinance
3203 pursuant to that section. It is the intent of the Legislature
3204 that ordinances required to be adopted under this subsection
3205 reflect the latest scientific information, advancements, and
3206 technological improvements in the industry.

3207 (3) As part of a basin management action plan that includes
3208 an Outstanding Florida Spring, the department, in consultation
3209 with the Department of Health, relevant local governments, and
3210 relevant local public and private wastewater utilities, shall
3211 develop an onsite sewage treatment and disposal system
3212 remediation plan for a spring if the department determines
3213 onsite sewage treatment and disposal systems within a priority
3214 focus area contribute at least 20 percent of nonpoint source
3215 nitrogen pollution or if the department determines remediation
3216 is necessary to achieve the total daily maximum load. This plan
3217 shall be completed and adopted as part of the basin management
3218 action plan no later than the first 5-year milestone required by
3219 subparagraph (1)(b)8. In preparing this plan, the department
3220 shall:

3221 (a) Collect and evaluate credible scientific information on
3222 the effect of nutrients, particularly forms of nitrogen, on
3223 springs and springs systems;

3224 (b) Develop a public education plan to provide area
3225 residents with reliable, understandable information about onsite
3226 sewage treatment and disposal systems and springs;
3227 and

3228 (c) Identify projects necessary to reduce the nutrient
3229 impacts from onsite sewage treatment and disposal systems.

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3231 In addition to the requirements in s. 403.067, the plan shall
3232 include options for repair, upgrade, replacement, drainfield
3233 modification, addition of effective nitrogen reducing features,
3234 connection to a central sewerage system, or other action for an
3235 onsite sewage treatment and disposal system or group of systems
3236 within a priority focus area that contribute at least 20 percent
3237 of nonpoint source nitrogen pollution or if the department
3238 determines remediation is necessary to achieve a total maximum
3239 daily load. For these systems, the department shall include in
3240 the plan a priority ranking for each system or group of systems
3241 that requires remediation and shall award funds to implement the
3242 remediation projects contingent on an appropriation in the
3243 General Appropriations Act, which may include all or part of the
3244 costs necessary for repair, upgrade, replacement, drainfield
3245 modification, addition of effective nitrogen reducing features,
3246 initial connection to a central sewerage system, or other
3247 action. In awarding funds, the department may consider expected
3248 nutrient reduction benefit per unit cost, size and scope of
3249 project, relative local financial contribution to the project,
3250 financial impact on property owners and the community. The
3251 department may waive matching funding requirements for proposed
3252 projects within an area designated as a rural area of
3253 opportunity under s. 288.0656.

3254 (4) The department shall provide notice to a local
3255 government of all permit applicants under s. 403.814(12) in a
3256 priority focus area of an Outstanding Florida Spring over which
3257 the local government has full or partial jurisdiction.

3258 Section 33. Section 373.811, Florida Statutes, is created
3259 to read:



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3260 373.811 Prohibited activities within a priority focus
3261 area.—The following activities are prohibited within a priority
3262 focus area in effect for an Outstanding Florida Spring:

3263 (1) New domestic wastewater disposal facilities, including
3264 rapid infiltration basins, with permitted capacities of 100,000
3265 gallons per day or more, except for those facilities that meet
3266 an advanced wastewater treatment standard of no more than 3 mg/l
3267 total nitrogen, expressed as N, on an annual permitted basis, or
3268 a more stringent treatment standard if the department determines
3269 the more stringent standard is necessary to attain a total
3270 maximum daily load for the Outstanding Florida Spring.

3271 (2) New onsite sewage treatment and disposal systems on
3272 lots of less than 1 acre, if the addition of the specific
3273 systems conflicts with an onsite treatment and disposal system
3274 remediation plan incorporated into a basin management action
3275 plan in accordance with s. 373.807(3).

3276 (3) New facilities for the disposal of hazardous waste.

3277 (4) The land application of Class A or Class B domestic
3278 wastewater biosolids not in accordance with a department
3279 approved nutrient management plan establishing the rate at which
3280 all biosolids, soil amendments, and sources of nutrients at the
3281 land application site can be applied to the land for crop
3282 production while minimizing the amount of pollutants and
3283 nutrients discharged to groundwater or waters of the state.

3284 (5) New agriculture operations that do not implement best
3285 management practices, measures necessary to achieve pollution
3286 reduction levels established by the department, or groundwater
3287 monitoring plans approved by a water management district or the
3288 department.



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3289 Section 34. Section 373.813, Florida Statutes, is created
3290 to read:

3291 373.813 Rules.—

3292 (1) The department shall adopt rules to improve water
3293 quantity and water quality to administer this part, as
3294 applicable.

3295 (2) (a) The Department of Agriculture and Consumer Services
3296 is the lead agency coordinating the reduction of agricultural
3297 nonpoint sources of pollution for the protection of Outstanding
3298 Florida Springs. The Department of Agriculture and Consumer
3299 Services and the department, pursuant to s. 403.067(7)(c)4.,
3300 shall study new or revised agricultural best management
3301 practices for improving and protecting Outstanding Florida
3302 Springs and, if necessary, in cooperation with applicable local
3303 governments and stakeholders, initiate rulemaking to require the
3304 implementation of such practices within a reasonable period.

3305 (b) The department, the Department of Agriculture and
3306 Consumer Services, and the University of Florida Institute of
3307 Food and Agricultural Sciences shall cooperate in conducting the
3308 necessary research and demonstration projects to develop
3309 improved or additional nutrient management tools, including the
3310 use of controlled release fertilizer that can be used by
3311 agricultural producers as part of an agricultural best
3312 management practices program. The development of such tools must
3313 reflect a balance between water quality improvement and
3314 agricultural productivity and, if applicable, must be
3315 incorporated into the revised agricultural best management
3316 practices adopted by rule by the Department of Agriculture and
3317 Consumer Services.



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3318 Section 35. Subsections (25) and (29) of section 403.061,
3319 Florida Statutes, are amended, and subsection (45) is added to
3320 that section, to read:

3321 403.061 Department; powers and duties.—The department shall
3322 have the power and the duty to control and prohibit pollution of
3323 air and water in accordance with the law and rules adopted and
3324 promulgated by it and, for this purpose, to:

3325 (25) (a) Establish and administer a program for the
3326 restoration and preservation of bodies of water within the
3327 state. The department shall have the power to acquire lands, to
3328 cooperate with other applicable state or local agencies to
3329 enhance existing public access to such bodies of water, and to
3330 adopt all rules necessary to accomplish this purpose.

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



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3347 period and the existing condition of water resources in the
3348 project area and in the state as a whole. The department may
3349 adopt rules to accomplish this purpose.

3350 (29) (a) Adopt by rule special criteria to protect Class II
3351 and Class III shellfish harvesting waters. Such rules may
3352 include special criteria for approving docking facilities that
3353 have 10 or fewer slips if the construction and operation of such
3354 facilities will not result in the closure of shellfish waters.

3355 (b) Adopt by rule a specific surface water classification
3356 to protect surface waters used for treated potable water supply.

3357 These designated surface waters shall have the same water
3358 quality criteria protections as waters designated for fish
3359 consumption, recreation, and the propagation and maintenance of
3360 a healthy, well-balanced population of fish and wildlife, and
3361 shall be free from discharged substances at a concentration
3362 that, alone or in combination with other discharged substances,
3363 would require significant alteration of permitted treatment
3364 processes at the permitted treatment facility or that would
3365 otherwise prevent compliance with applicable state drinking
3366 water standards in the treated water. Notwithstanding this
3367 classification or the inclusion of treated water supply as a
3368 designated use of a surface water, a surface water used for
3369 treated potable water supply may be reclassified to the potable
3370 water supply classification.

3371 (45) (a) Create and maintain a web-based, interactive map
3372 that includes, at a minimum:

3373 1. All watersheds and each water body within those
3374 watersheds;

3375 2. The county or counties in which the watershed or water



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- 3376 body is located;
- 3377 3. The water management district or districts in which the
- 3378 watershed or water body is located;
- 3379 4. Whether, if applicable, a minimum flow or minimum water
- 3380 level has been adopted for the water body and if such minimum
- 3381 flow or minimum water level has not been adopted, the
- 3382 anticipated adoption date;
- 3383 5. Whether, if applicable, a recovery or prevention
- 3384 strategy has been adopted for the watershed or water body and,
- 3385 if such a plan has not been adopted, the anticipated adoption
- 3386 date;
- 3387 6. The impairment status of each water body;
- 3388 7. Whether, if applicable, a total maximum daily load has
- 3389 been adopted if the water body is listed as impaired and, if
- 3390 such total maximum daily load has not been adopted, the
- 3391 anticipated adoption date;
- 3392 8. Whether, if applicable, a basin management action plan
- 3393 has been adopted for the watershed and, if such a plan has not
- 3394 been adopted, the anticipated adoption date;
- 3395 9. Each project listed on the 5-year water resources work
- 3396 program developed pursuant to s. 373.036(7);
- 3397 10. The agency or agencies and local sponsor, if any,
- 3398 responsible for overseeing the project;
- 3399 11. The total or estimated cost and completion date of each
- 3400 project and the financial contribution of each entity;
- 3401 12. The estimated quantitative benefit to the watershed or
- 3402 water body; and
- 3403 13. The water projects completed within the last 5 years
- 3404 within the watershed or water body.



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3405 (b) The department and each water management district shall
3406 prominently display on their respective websites a hyperlink to
3407 the interactive map required by this subsection.

3408
3409 The department shall implement such programs in conjunction with
3410 its other powers and duties and shall place special emphasis on
3411 reducing and eliminating contamination that presents a threat to
3412 humans, animals or plants, or to the environment.

3413 Section 36. Section 403.0616, Florida Statutes, is created
3414 to read:

3415 403.0616 Florida Water Resources Advisory Council.-

3416 (1) The Florida Water Resources Advisory Council is hereby
3417 created within the department for the purpose of reviewing,
3418 evaluating, and recommending water resource projects prioritized
3419 and submitted by state agencies, water management districts,
3420 regional water supply authorities, or local governments for
3421 funding from the Land Acquisition Trust Fund created within the
3422 department. Water resource projects recommended by the council
3423 must be eligible for state funding pursuant to s. 28, Article X
3424 of the State Constitution and be of statewide, regional, or
3425 critical importance under this chapter or chapter 373.

3426 (2) The council is also responsible for submitting a
3427 prioritization of pilot projects, eligible for funding from the
3428 Land Acquisition Trust Fund, which test the effectiveness of
3429 innovative or existing nutrient reduction or water conservation
3430 technologies or practices designed to minimize nutrient
3431 pollution or restore flows in the water bodies of the state as
3432 provided in s. 403.0617.

3433 (3) The Florida Water Resources Advisory Council consists



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3434 of five voting members, the Secretary of Environmental
3435 Protection, who shall serve as chair of the council; the
3436 Commissioner of Agriculture; the executive director of the Fish
3437 and Wildlife Conservation Commission; one member with expertise
3438 in a scientific discipline related to water resources, appointed
3439 by the President of the Senate; and one member with expertise in
3440 a scientific discipline related to water resources, appointed by
3441 the Speaker of the House of Representatives.

3442 (4) Members appointed by the President of the Senate and
3443 Speaker of the House of Representatives shall serve 2-year
3444 terms, but may not serve more than a total of 6 years. The
3445 President of the Senate and the Speaker of the House of
3446 Representatives may fill a vacancy at any time for an unexpired
3447 term of an appointed member.

3448 (5) If a member of the council is disqualified from serving
3449 because he or she no longer holds the position required to serve
3450 under this section, the interim head of the agency shall serve
3451 as the agency representative.

3452 (6) The two appointed council members shall receive
3453 reimbursement for expenses and per diem for travel to attend
3454 council meetings authorized pursuant to s. 112.061 while in the
3455 performance of their duties.

3456 (7) The executive directors of each of the five water
3457 management districts, or their respective designees, shall be
3458 represented at and must participate in meetings of the council,
3459 but are not members of the council.

3460 (8) The council shall hold periodic meetings at the request
3461 of the chair but must hold at least two public meetings,
3462 separately noticed, each year at which the public has the



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3463 opportunity to participate and comment. Unless otherwise
3464 provided by law, notice for each meeting must be published in a
3465 newspaper of general circulation in the area where the meeting
3466 is to be held at least 5 days but no more than 15 days before
3467 the meeting date. Notice of the meetings shall also be posted on
3468 the department's and each water management district's website
3469 for at least 30 days in advance of the meeting.

3470 (a) Beginning July 15, 2016, and on or before July 15 of
3471 each year thereafter, the council shall release tentative
3472 recommendations for water resource projects pursuant to this
3473 section. The public has 30 days to submit comments regarding the
3474 tentative recommendations.

3475 (b) The council shall, after receiving public comment,
3476 adopt final recommendations for submission to the Governor, the
3477 President of the Senate, and the Speaker of the House of
3478 Representatives by August 31, 2016, and on or before August 31
3479 of each year thereafter. An affirmative vote of three members of
3480 the council is required to adopt the final recommendations.

3481 (9) The department shall provide primary staff support to
3482 the council and shall ensure that council meetings are
3483 electronically recorded. Such recordings must be preserved
3484 pursuant to chapters 119 and 257.

3485 (10) The council shall recommend rules for adoption by the
3486 department to competitively evaluate, select, and prioritize
3487 projects. The council shall develop specific criteria for the
3488 evaluation, selection, and prioritization of projects, including
3489 a preference for projects that will have a significant,
3490 measurable impact on improving water quantity or water quality;
3491 projects in areas of greatest impairment; projects recommended



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3492 by multiple districts or multiple local governments
3493 cooperatively; projects that implement adopted basin management
3494 plans; projects that implement adopted recovery or prevention
3495 strategies; projects with a significant monetary commitment by
3496 the local project sponsor or sponsors; projects in rural areas
3497 of opportunity as defined in s. 288.0656; projects that may be
3498 funded through appropriate loan programs; and projects that have
3499 significant private contributions of time or money.

3500 (11) The council shall designate the projects as high,
3501 medium, or low priority within the following categories:

3502 (a) Projects that address water quality;

3503 (b) Projects that address water quantity;

3504 (c) Projects that address water resources in specific areas
3505 of concern as provided in chapter 373; and

3506 (d) Innovative Nutrient and Sediment Reduction and
3507 Conservation Pilot Projects.

3508 (12) The council may also separately recommend specific
3509 projects that, in its independent judgment, stand out as
3510 significant projects for consideration by the Legislature. The
3511 council shall provide an explanation of why such project or
3512 projects should be considered despite their overall relative
3513 prioritization.

3514 (13) The department, in consultation with the Department of
3515 Agriculture and Consumer Services, the Fish and Wildlife
3516 Conservation Commission, and the water management districts,
3517 shall adopt rules to implement this section.

3518 Section 37. Section 403.0617, Florida Statutes, is created
3519 to read:

3520 403.0617 Innovative nutrient and sediment reduction and



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3521 conservation pilot project program.-

3522 (1) By October 1, 2015, the department shall propose rules
3523 for adoption to competitively evaluate and rank projects for
3524 selection and prioritization by the Water Resources Advisory
3525 Council, pursuant to s. 403.0616, for submission to the
3526 Legislature for funding. These pilot projects are intended to
3527 test the effectiveness of innovative or existing nutrient
3528 reduction or water conservation technologies, programs or
3529 practices designed to minimize nutrient pollution or restore
3530 flows in the water bodies of the state. The department must
3531 include in the evaluation criteria a determination by the
3532 department that the pilot project will not be harmful to the
3533 ecological resources in the study area.

3534 (2) In developing these rules, the department shall give
3535 preference to the projects that will result in the greatest
3536 improvement to water quality and water quantity for the dollars
3537 to be expended for the project. At a minimum, the department
3538 shall consider all of the following:

3539 (a) The level of nutrient impairment of the waterbody,
3540 watershed, or water segment in which the project is located.

3541 (b) The quantity of nutrients the project is estimated to
3542 remove from a water body, watershed, or water segment with an
3543 adopted nutrient total maximum daily load.

3544 (c) The potential for the project to provide a cost-
3545 effective solution to pollution, including pollution caused by
3546 onsite sewage treatment and disposal systems.

3547 (d) The anticipated impact the project will have on
3548 restoring or increasing flow or water level.

3549 (e) The amount of matching funds for the project which will



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3550 be provided by the entities responsible for implementing the
3551 project.

3552 (f) Whether the project is located in a rural area of
3553 opportunity, as defined in s. 288.0656, with preference given to
3554 the local government responsible for implementing the project.

3555 (g) For multiple-year projects, whether the project has
3556 funding sources that are identified and assured through the
3557 expected completion date of the project.

3558 (h) The cost of the project and the length of time it will
3559 take to complete relative to its expected benefits.

3560 (i) Whether the entities responsible for implementing the
3561 project have used their own funds for projects to improve water
3562 quality or conserve water use with preference given to those
3563 entities that have expended such funds.

3564 Section 38. Section 403.0623, Florida Statutes, is amended
3565 to read:

3566 403.0623 Environmental data; quality assurance.—

3567 (1) The department must establish, by rule, appropriate
3568 quality assurance requirements for environmental data submitted
3569 to the department and the criteria by which environmental data
3570 may be rejected by the department. The department may adopt and
3571 enforce rules to establish data quality objectives and specify
3572 requirements for training of laboratory and field staff, sample
3573 collection methodology, proficiency testing, and audits of
3574 laboratory and field sampling activities. Such rules may be in
3575 addition to any laboratory certification provisions under ss.
3576 403.0625 and 403.863.

3577 (2) (a) The department, in coordination with the water
3578 management districts, regional water supply authorities, and the



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3579 Department of Agriculture and Consumer Services shall establish
3580 standards for the collection and analysis of water quantity,
3581 water quality, and related data to ensure quality, reliability,
3582 and validity of the data and testing results.

3583 (b) To the extent practicable, the department shall
3584 coordinate with federal agencies to ensure that its collection
3585 and analysis of water quality, water quantity, and related data,
3586 which may be used by any state agency, water management
3587 district, or local government, is consistent with this
3588 subsection.

3589 (c) In order to receive state funds for the acquisition of
3590 lands or the financing of a water resource project, state
3591 agencies and water management districts must show that they
3592 followed the department's collection and analysis standards, if
3593 available, as a prerequisite for any such request for funding.

3594 (d) The department and the water management districts may
3595 adopt rules to implement this subsection.

3596 Section 39. Subsection (7) of section 403.067, Florida
3597 Statutes, is amended to read:

3598 403.067 Establishment and implementation of total maximum
3599 daily loads.—

3600 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
3601 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3602 (a) *Basin management action plans.*—

3603 1. In developing and implementing the total maximum daily
3604 load for a water body, the department, or the department in
3605 conjunction with a water management district, may develop a
3606 basin management action plan that addresses some or all of the
3607 watersheds and basins tributary to the water body. Such plan



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3608 must integrate the appropriate management strategies available
3609 to the state through existing water quality protection programs
3610 to achieve the total maximum daily loads and may provide for
3611 phased implementation of these management strategies to promote
3612 timely, cost-effective actions as provided for in s. 403.151.

3613 The plan must establish a schedule implementing the management
3614 strategies, establish a basis for evaluating the plan's
3615 effectiveness, and identify feasible funding strategies for
3616 implementing the plan's management strategies. The management
3617 strategies may include regional treatment systems or other
3618 public works, where appropriate, and voluntary trading of water
3619 quality credits to achieve the needed pollutant load reductions.

3620 2. A basin management action plan must equitably allocate,
3621 pursuant to paragraph (6) (b), pollutant reductions to individual
3622 basins, as a whole to all basins, or to each identified point
3623 source or category of nonpoint sources, as appropriate. For
3624 nonpoint sources for which best management practices have been
3625 adopted, the initial requirement specified by the plan must be
3626 those practices developed pursuant to paragraph (c). Where
3627 appropriate, the plan may take into account the benefits of
3628 pollutant load reduction achieved by point or nonpoint sources
3629 that have implemented management strategies to reduce pollutant
3630 loads, including best management practices, before the
3631 development of the basin management action plan. The plan must
3632 also identify the mechanisms that will address potential future
3633 increases in pollutant loading.

3634 3. The basin management action planning process is intended
3635 to involve the broadest possible range of interested parties,
3636 with the objective of encouraging the greatest amount of



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3637 cooperation and consensus possible. In developing a basin
3638 management action plan, the department shall assure that key
3639 stakeholders, including, but not limited to, applicable local
3640 governments, water management districts, the Department of
3641 Agriculture and Consumer Services, other appropriate state
3642 agencies, local soil and water conservation districts,
3643 environmental groups, regulated interests, and affected
3644 pollution sources, are invited to participate in the process.
3645 The department shall hold at least one public meeting in the
3646 vicinity of the watershed or basin to discuss and receive
3647 comments during the planning process and shall otherwise
3648 encourage public participation to the greatest practicable
3649 extent. Notice of the public meeting must be published in a
3650 newspaper of general circulation in each county in which the
3651 watershed or basin lies not less than 5 days nor more than 15
3652 days before the public meeting. A basin management action plan
3653 does not supplant or otherwise alter any assessment made under
3654 subsection (3) or subsection (4) or any calculation or initial
3655 allocation.

3656 4. Each new or revised basin management action plan shall
3657 include:

3658 a. The appropriate management strategies available through
3659 existing water quality protection programs to achieve total
3660 maximum daily loads, which may provide for phased implementation
3661 to promote timely, cost-effective actions as provided for in s.
3662 403.151;

3663 b. A description of best management practices adopted by
3664 rule;

3665 c. A list of projects in priority ranking with a planning-



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3666 level cost estimate and estimated date of completion for each
3667 listed project;

3668 d. The source and amount of financial assistance to be made
3669 available by the department, a water management district, or
3670 other entity for each listed project, if applicable; and

3671 e. A planning-level estimate of each listed project's
3672 expected load reduction, if applicable.

3673 ~~5.4.~~ The department shall adopt all or any part of a basin
3674 management action plan and any amendment to such plan by
3675 secretarial order pursuant to chapter 120 to implement the
3676 provisions of this section.

3677 ~~6.5.~~ The basin management action plan must include
3678 milestones for implementation and water quality improvement, and
3679 an associated water quality monitoring component sufficient to
3680 evaluate whether reasonable progress in pollutant load
3681 reductions is being achieved over time. An assessment of
3682 progress toward these milestones shall be conducted every 5
3683 years, and revisions to the plan shall be made as appropriate.
3684 Revisions to the basin management action plan shall be made by
3685 the department in cooperation with basin stakeholders. Revisions
3686 to the management strategies required for nonpoint sources must
3687 follow the procedures set forth in subparagraph (c)4. Revised
3688 basin management action plans must be adopted pursuant to
3689 subparagraph 5. 4.

3690 ~~7.6.~~ In accordance with procedures adopted by rule under
3691 paragraph (9)(c), basin management action plans, and other
3692 pollution control programs under local, state, or federal
3693 authority as provided in subsection (4), may allow point or
3694 nonpoint sources that will achieve greater pollutant reductions



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3695 than required by an adopted total maximum load or wasteload
3696 allocation to generate, register, and trade water quality
3697 credits for the excess reductions to enable other sources to
3698 achieve their allocation; however, the generation of water
3699 quality credits does not remove the obligation of a source or
3700 activity to meet applicable technology requirements or adopted
3701 best management practices. Such plans must allow trading between
3702 NPDES permittees, and trading that may or may not involve NPDES
3703 permittees, where the generation or use of the credits involve
3704 an entity or activity not subject to department water discharge
3705 permits whose owner voluntarily elects to obtain department
3706 authorization for the generation and sale of credits.

3707 ~~8.7.~~ The provisions of the department's rule relating to
3708 the equitable abatement of pollutants into surface waters do not
3709 apply to water bodies or water body segments for which a basin
3710 management plan that takes into account future new or expanded
3711 activities or discharges has been adopted under this section.

3712 (b) *Total maximum daily load implementation.*—

3713 1. The department shall be the lead agency in coordinating
3714 the implementation of the total maximum daily loads through
3715 existing water quality protection programs. Application of a
3716 total maximum daily load by a water management district must be
3717 consistent with this section and does not require the issuance
3718 of an order or a separate action pursuant to s. 120.536(1) or s.
3719 120.54 for the adoption of the calculation and allocation
3720 previously established by the department. Such programs may
3721 include, but are not limited to:

3722 a. Permitting and other existing regulatory programs,
3723 including water-quality-based effluent limitations;



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3724 b. Nonregulatory and incentive-based programs, including
3725 best management practices, cost sharing, waste minimization,
3726 pollution prevention, agreements established pursuant to s.
3727 403.061(21), and public education;

3728 c. Other water quality management and restoration
3729 activities, for example surface water improvement and management
3730 plans approved by water management districts or basin management
3731 action plans developed pursuant to this subsection;

3732 d. Trading of water quality credits or other equitable
3733 economically based agreements;

3734 e. Public works including capital facilities; or

3735 f. Land acquisition.

3736 2. For a basin management action plan adopted pursuant to
3737 paragraph (a), any management strategies and pollutant reduction
3738 requirements associated with a pollutant of concern for which a
3739 total maximum daily load has been developed, including effluent
3740 limits set forth for a discharger subject to NPDES permitting,
3741 if any, must be included in a timely manner in subsequent NPDES
3742 permits or permit modifications for that discharger. The
3743 department may not impose limits or conditions implementing an
3744 adopted total maximum daily load in an NPDES permit until the
3745 permit expires, the discharge is modified, or the permit is
3746 reopened pursuant to an adopted basin management action plan.

3747 a. Absent a detailed allocation, total maximum daily loads
3748 must be implemented through NPDES permit conditions that provide
3749 for a compliance schedule. In such instances, a facility's NPDES
3750 permit must allow time for the issuance of an order adopting the
3751 basin management action plan. The time allowed for the issuance
3752 of an order adopting the plan may not exceed 5 years. Upon



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3753 issuance of an order adopting the plan, the permit must be
3754 reopened or renewed, as necessary, and permit conditions
3755 consistent with the plan must be established. Notwithstanding
3756 the other provisions of this subparagraph, upon request by an
3757 NPDES permittee, the department as part of a permit issuance,
3758 renewal, or modification may establish individual allocations
3759 before the adoption of a basin management action plan.

3760 b. For holders of NPDES municipal separate storm sewer
3761 system permits and other stormwater sources, implementation of a
3762 total maximum daily load or basin management action plan must be
3763 achieved, to the maximum extent practicable, through the use of
3764 best management practices or other management measures.

3765 c. The basin management action plan does not relieve the
3766 discharger from any requirement to obtain, renew, or modify an
3767 NPDES permit or to abide by other requirements of the permit.

3768 d. Management strategies set forth in a basin management
3769 action plan to be implemented by a discharger subject to
3770 permitting by the department must be completed pursuant to the
3771 schedule set forth in the basin management action plan. This
3772 implementation schedule may extend beyond the 5-year term of an
3773 NPDES permit.

3774 e. Management strategies and pollution reduction
3775 requirements set forth in a basin management action plan for a
3776 specific pollutant of concern are not subject to challenge under
3777 chapter 120 at the time they are incorporated, in an identical
3778 form, into a subsequent NPDES permit or permit modification.

3779 f. For nonagricultural pollutant sources not subject to
3780 NPDES permitting but permitted pursuant to other state,
3781 regional, or local water quality programs, the pollutant



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3782 reduction actions adopted in a basin management action plan must
3783 be implemented to the maximum extent practicable as part of
3784 those permitting programs.

3785 g. A nonpoint source discharger included in a basin
3786 management action plan must demonstrate compliance with the
3787 pollutant reductions established under subsection (6) by
3788 implementing the appropriate best management practices
3789 established pursuant to paragraph (c) or conducting water
3790 quality monitoring prescribed by the department or a water
3791 management district. A nonpoint source discharger may, in
3792 accordance with department rules, supplement the implementation
3793 of best management practices with water quality credit trades in
3794 order to demonstrate compliance with the pollutant reductions
3795 established under subsection (6).

3796 h. A nonpoint source discharger included in a basin
3797 management action plan may be subject to enforcement action by
3798 the department or a water management district based upon a
3799 failure to implement the responsibilities set forth in sub-
3800 subparagraph g.

3801 i. A landowner, discharger, or other responsible person who
3802 is implementing applicable management strategies specified in an
3803 adopted basin management action plan may not be required by
3804 permit, enforcement action, or otherwise to implement additional
3805 management strategies, including water quality credit trading,
3806 to reduce pollutant loads to attain the pollutant reductions
3807 established pursuant to subsection (6) and shall be deemed to be
3808 in compliance with this section. This subparagraph does not
3809 limit the authority of the department to amend a basin
3810 management action plan as specified in subparagraph (a)6. ~~(a)5.~~



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3811 (c) *Best management practices.*—

3812 1. The department, in cooperation with the water management
3813 districts and other interested parties, as appropriate, may
3814 develop suitable interim measures, best management practices, or
3815 other measures necessary to achieve the level of pollution
3816 reduction established by the department for nonagricultural
3817 nonpoint pollutant sources in allocations developed pursuant to
3818 subsection (6) and this subsection. These practices and measures
3819 may be adopted by rule by the department and the water
3820 management districts and, where adopted by rule, shall be
3821 implemented by those parties responsible for nonagricultural
3822 nonpoint source pollution.

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



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3840 rules must also incorporate provisions for a notice of intent to
3841 implement the practices and a system to assure the
3842 implementation of the practices, including site inspection and
3843 recordkeeping requirements.

3844 3. Where interim measures, best management practices, or
3845 other measures are adopted by rule, the effectiveness of such
3846 practices in achieving the levels of pollution reduction
3847 established in allocations developed by the department pursuant
3848 to subsection (6) and this subsection or in programs implemented
3849 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at
3850 representative sites by the department. The department shall use
3851 best professional judgment in making the initial verification
3852 that the best management practices are reasonably expected to be
3853 effective and, where applicable, must notify the appropriate
3854 water management district or the Department of Agriculture and
3855 Consumer Services of its initial verification before the
3856 adoption of a rule proposed pursuant to this paragraph.

3857 Implementation, in accordance with rules adopted under this
3858 paragraph, of practices that have been initially verified to be
3859 effective, or verified to be effective by monitoring at
3860 representative sites, by the department, shall provide a
3861 presumption of compliance with state water quality standards and
3862 release from the provisions of s. 376.307(5) for those
3863 pollutants addressed by the practices, and the department is not
3864 authorized to institute proceedings against the owner of the
3865 source of pollution to recover costs or damages associated with
3866 the contamination of surface water or groundwater caused by
3867 those pollutants. Research projects funded by the department, a
3868 water management district, or the Department of Agriculture and



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3869 Consumer Services to develop or demonstrate interim measures or
3870 best management practices shall be granted a presumption of
3871 compliance with state water quality standards and a release from
3872 the provisions of s. 376.307(5). The presumption of compliance
3873 and release is limited to the research site and only for those
3874 pollutants addressed by the interim measures or best management
3875 practices. Eligibility for the presumption of compliance and
3876 release is limited to research projects on sites where the owner
3877 or operator of the research site and the department, a water
3878 management district, or the Department of Agriculture and
3879 Consumer Services have entered into a contract or other
3880 agreement that, at a minimum, specifies the research objectives,
3881 the cost-share responsibilities of the parties, and a schedule
3882 that details the beginning and ending dates of the project.

3883 4. Where water quality problems are demonstrated, despite
3884 the appropriate implementation, operation, and maintenance of
3885 best management practices and other measures required by rules
3886 adopted under this paragraph, the department, a water management
3887 district, or the Department of Agriculture and Consumer
3888 Services, in consultation with the department, shall institute a
3889 reevaluation of the best management practice or other measure.
3890 Should the reevaluation determine that the best management
3891 practice or other measure requires modification, the department,
3892 a water management district, or the Department of Agriculture
3893 and Consumer Services, as appropriate, shall revise the rule to
3894 require implementation of the modified practice within a
3895 reasonable time period as specified in the rule.

3896 5. Agricultural records relating to processes or methods of
3897 production, costs of production, profits, or other financial



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3898 information held by the Department of Agriculture and Consumer
3899 Services pursuant to subparagraphs 3. and 4. or pursuant to any
3900 rule adopted pursuant to subparagraph 2. are confidential and
3901 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3902 Constitution. Upon request, records made confidential and exempt
3903 pursuant to this subparagraph shall be released to the
3904 department or any water management district provided that the
3905 confidentiality specified by this subparagraph for such records
3906 is maintained.

3907 6. The provisions of subparagraphs 1. and 2. do not
3908 preclude the department or water management district from
3909 requiring compliance with water quality standards or with
3910 current best management practice requirements set forth in any
3911 applicable regulatory program authorized by law for the purpose
3912 of protecting water quality. Additionally, subparagraphs 1. and
3913 2. are applicable only to the extent that they do not conflict
3914 with any rules adopted by the department that are necessary to
3915 maintain a federally delegated or approved program.

3916 (d) Enforcement and verification of basin management action
3917 plans and management strategies.-

3918 1. Basin management action plans are enforceable pursuant
3919 to this section and ss. 403.121, 403.141, and 403.161.

3920 Management strategies, including best management practices and
3921 water quality monitoring, are enforceable under this chapter.

3922 2. No later than January 1, 2016:

3923 a. The department, in consultation with the water
3924 management districts and the Department of Agriculture and
3925 Consumer Services, shall initiate rulemaking to adopt procedures
3926 to verify implementation of water quality monitoring required in



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3927 lieu of implementation of best management practices or other
3928 measures pursuant to s. 403.067(7)(b)2.g.;

3929 b. The department, in consultation with the water
3930 management districts and the Department of Agriculture and
3931 Consumer Services, shall initiate rulemaking to adopt procedures
3932 to verify implementation of nonagricultural interim measures,
3933 best management practices, or other measures adopted by rule
3934 pursuant to s. 403.067(7)(c)1.; and

3935 c. The Department of Agriculture and Consumer Services, in
3936 consultation with the water management districts and the
3937 department, shall initiate rulemaking to adopt procedures to
3938 verify implementation of agricultural interim measures, best
3939 management practices, or other measures adopted by rule pursuant
3940 to s. 403.067(7)(c)2.

3941
3942 The above rules shall include enforcement procedures applicable
3943 to the landowner, discharger, or other responsible person
3944 required to implement applicable management strategies,
3945 including best management practices, or water quality monitoring
3946 as a result of noncompliance.

3947 Section 40. Section 403.0675, Florida Statutes, is created
3948 to read:

3949 403.0675 Progress reports.—On or before July 1, beginning
3950 July 1, 2017:

3951 (1) The department, in conjunction with the water
3952 management districts, shall post on its website and submit
3953 electronically an annual progress report to the Governor, the
3954 President of the Senate, and the Speaker of the House of
3955 Representatives on the status of each total maximum daily load,



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3956 basin management action plan, minimum flow or minimum water
3957 level, and recovery or prevention strategy adopted pursuant to
3958 s. 403.067 or parts I and VIII of chapter 373. The report must
3959 include the status of each project identified to achieve an
3960 adopted total maximum daily load or an adopted minimum flow or
3961 minimum water level, as applicable. If a report indicates that
3962 any of the 5-, 10-, or 15-year milestones, or the 20-year target
3963 date, if applicable, for achieving a total maximum daily load or
3964 a minimum flow or minimum water level will not be met, the
3965 report must include an explanation of the possible causes and
3966 potential solutions. If applicable, the report must include
3967 project descriptions, estimated costs, proposed priority ranking
3968 for project implementation, and funding needed to achieve the
3969 total maximum daily load or the minimum flow or minimum water
3970 level by the target date. Each water management district shall
3971 post the department's report on its website.

3972 (2) The Department of Agriculture and Consumer Services
3973 shall post on its website and submit electronically an annual
3974 progress report to the Governor, the President of the Senate,
3975 and the Speaker of the House of Representatives on the status of
3976 the implementation of the agricultural nonpoint source best
3977 management practices including an implementation assurance
3978 report summarizing survey responses and response rates, site
3979 inspections and other methods used to verify implementation of
3980 and compliance with best management practices pursuant to basin
3981 management action plans.

3982 Section 41. Subsection (21) is added to section 403.861,
3983 Florida Statutes, to read:

3984 403.861 Department; powers and duties.—The department shall



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3985 have the power and the duty to carry out the provisions and
3986 purposes of this act and, for this purpose, to:

3987 (21) (a) Upon issuance of a construction permit to construct
3988 a new public water system drinking water treatment facility to
3989 provide potable water supply using a surface water of the state
3990 that, at the time of the permit application, is not being used
3991 as a potable water supply, and the classification of which does
3992 not include potable water supply as a designated use, the
3993 department shall add treated potable water supply as a
3994 designated use of the surface water segment in accordance with
3995 s. 403.061(29) (b) .

3996 (b) For existing public water system drinking water
3997 treatment facilities that use a surface water of the state as a
3998 treated potable water supply, which surface water classification
3999 does not include potable water as a designated use, the
4000 department shall add treated potable water supply as a
4001 designated use of the surface water segment in accordance with
4002 s. 403.061(29) (b) .

4003 Section 42. This act shall take effect July 1, 2015.

4004
4005 ===== T I T L E A M E N D M E N T =====

4006 And the title is amended as follows:

4007 Delete everything before the enacting clause
4008 and insert:

4009 A bill to be entitled
4010 An act relating to environmental resources; amending
4011 s. 259.032, F.S.; requiring the Department of
4012 Environmental Protection to publish, update, and
4013 maintain a database of conservation lands; requiring



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4014 the department to submit a report by a certain date
4015 each year to the Governor and the Legislature
4016 identifying the percentage of such lands which the
4017 public has access to and the efforts the department
4018 has undertaken to increase public access; amending ss.
4019 260.0144 and 335.065, F.S.; conforming provisions to
4020 changes made by the act; creating s. 339.81, F.S.;
4021 creating the Florida Shared-Use Nonmotorized Trail
4022 Network; specifying the composition of the network;
4023 requiring the network to be included in the Department
4024 of Transportation's work program; declaring the
4025 planning, development, operation, and maintenance of
4026 the network to be a public purpose; authorizing the
4027 department to transfer maintenance responsibilities to
4028 certain state agencies and contract with not-for-
4029 profit or private sector entities to provide
4030 maintenance services; authorizing the department to
4031 adopt rules; providing an appropriation; creating s.
4032 339.82, F.S.; requiring the department to develop a
4033 network plan for the Florida Shared-Use Nonmotorized
4034 Trail Network; creating s. 339.83, F.S.; authorizing
4035 the department to enter into concession agreements
4036 with not-for-profit or private sector entities for
4037 certain commercial sponsorship signs, markings, and
4038 exhibits; authorizing the department to contract for
4039 the provision of certain services related to the trail
4040 sponsorship program; authorizing the department to
4041 adopt rules; amending s. 373.019, F.S.; revising the
4042 definition of the term "water resource development" to



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4043 include technical assistance to self-suppliers under
4044 certain circumstances; amending s. 373.036, F.S.;
4045 requiring certain information to be included in the
4046 consolidated annual report for all projects related to
4047 water quality or water quantity; creating s. 373.037,
4048 F.S.; defining terms; providing legislative findings;
4049 authorizing certain water management districts to
4050 designate and implement pilot projects; providing
4051 powers and limitations for the governing boards of
4052 such water management districts; requiring a
4053 participating water management district to submit a
4054 report to the Governor and the Legislature on the
4055 effectiveness of its pilot project by a certain date;
4056 amending s. 373.042, F.S.; requiring the Department of
4057 Environmental Protection or the governing board of a
4058 water management district to adopt a minimum flow or
4059 minimum water level for an Outstanding Florida Spring
4060 using emergency rulemaking authority under certain
4061 circumstances; requiring collaboration in the
4062 development and implementation of recovery or
4063 prevention strategies under certain circumstances;
4064 authorizing the department to use emergency rulemaking
4065 procedures under certain circumstances; amending s.
4066 373.0421, F.S.; directing the department or the water
4067 management district governing boards to adopt and
4068 implement certain recovery or prevention strategies
4069 concurrent with the adoption of minimum flows and
4070 minimum water levels; providing criteria for such
4071 recovery or prevention strategies; requiring certain



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4072 amendments to regional water supply plans to be
4073 concurrent with relevant portions of the recovery or
4074 prevention strategy; directing water management
4075 districts to notify the department when water use
4076 permit applications are denied for a specified reason;
4077 providing for the review and update of regional water
4078 supply plans in such cases; creating s. 373.0465,
4079 F.S.; providing legislative intent; defining the term
4080 "Central Florida Water Initiative Area"; requiring the
4081 department, the St. Johns River Water Management
4082 District, the South Florida Water Management District,
4083 the Southwest Florida Water Management District, and
4084 the Department of Agriculture and Consumer Services to
4085 develop and implement a multidistrict regional water
4086 supply plan; providing plan criteria and requirements;
4087 providing applicability; requiring the department to
4088 adopt rules; amending s. 373.1501, F.S.; specifying
4089 authority of the South Florida Water Management
4090 District to allocate quantities of, and assign
4091 priorities for the use of, water within its
4092 jurisdiction; directing the district to provide
4093 recommendations to the United States Army Corps of
4094 Engineers when developing or implementing certain
4095 water control plans or regulation schedules; amending
4096 s. 373.219, F.S.; requiring the department to adopt
4097 certain uniform rules; amending s. 373.223, F.S.;
4098 requiring consumptive use permits authorizing over a
4099 certain amount to be monitored on a specified basis;
4100 amending s. 373.2234, F.S.; directing water management



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4101 district governing boards to consider the
4102 identification of preferred water supply sources for
4103 certain water users; amending s. 373.227, F.S.;
4104 prohibiting water management districts from modifying
4105 permitted allocation amounts under certain
4106 circumstances; requiring the water management
4107 districts to adopt rules to promote water conservation
4108 incentives; amending s. 373.233, F.S.; providing
4109 conditions under which the department and water
4110 management district governing boards are directed to
4111 give preference to certain applications; amending s.
4112 373.4591, F.S.; providing priority consideration to
4113 certain public-private partnerships for water storage,
4114 groundwater recharge, and water quality improvements
4115 on private agricultural lands; amending s. 373.4595,
4116 F.S.; revising and providing definitions relating to
4117 the Northern Everglades and Estuaries Protection
4118 Program; clarifying provisions of the Lake Okeechobee
4119 Watershed Protection Program; directing the South
4120 Florida Water Management District to revise certain
4121 rules and provide for a watershed research and water
4122 quality monitoring program; revising provisions for
4123 the Caloosahatchee River Watershed Protection Program
4124 and the St. Lucie River Watershed Protection Program;
4125 revising permitting and annual reporting requirements
4126 relating to the Northern Everglades and Estuaries
4127 Protection Program; revising requirements for certain
4128 basin management action plans; amending s.
4129 373.467, F.S.; revising the qualifications for



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4130 membership on the Harris Chain of Lakes Restoration
4131 Council; authorizing the Lake County legislative
4132 delegation to waive such membership qualifications for
4133 good cause; providing for council vacancies; amending
4134 s. 373.536, F.S.; requiring a water management
4135 district to include an annual funding plan in the
4136 water resource development work program; directing the
4137 department to post the work program on its website;
4138 amending s. 373.703, F.S.; authorizing water
4139 management districts to join with private landowners
4140 for the purpose of carrying out their powers; amending
4141 s. 373.705, F.S.; revising legislative intent;
4142 requiring water management district governing boards
4143 to include certain information in their annual budget
4144 submittals; requiring water management districts to
4145 promote expanded cost-share criteria for additional
4146 conservation practices; amending s. 373.707, F.S.;
4147 authorizing water management districts to provide
4148 technical and financial assistance to certain self-
4149 suppliers and to waive certain construction costs of
4150 alternative water supply development projects
4151 sponsored by certain water users; amending s. 373.709,
4152 F.S.; requiring regional water supply plans to include
4153 traditional and alternative water supply project
4154 options that are technically and financially feasible;
4155 directing the department to include certain funding
4156 analyses and project explanations in regional water
4157 supply planning reports; creating part VIII of ch.
4158 373, F.S., entitled the "Florida Springs and Aquifer



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4159 Protection Act"; creating s. 373.801, F.S.; providing
4160 legislative findings and intent; creating s. 373.802,
4161 F.S.; defining terms; creating s. 373.803, F.S.;

4162 requiring the department to delineate a priority focus
4163 area for each Outstanding Florida Spring by a certain
4164 date; creating s. 373.805, F.S.; requiring a water
4165 management district or the department to adopt or
4166 revise various recovery or prevention strategies under
4167 certain circumstances; providing minimum requirements
4168 for recovery or prevention strategies for Outstanding
4169 Florida Springs; authorizing local governments to
4170 apply for an extension for projects in an adopted
4171 recovery or prevention strategy; creating s. 373.807,
4172 F.S.; requiring the department to initiate assessments
4173 of Outstanding Florida Springs by a certain date;
4174 requiring the department to develop basin management
4175 action plans; authorizing local governments to apply
4176 for an extension for projects in an adopted basin
4177 management action plan; requiring certain local
4178 governments to develop, enact, and implement an urban
4179 fertilizer ordinance by a certain date; requiring the
4180 department in consultation with the Department of
4181 Health and relevant local governments and utilities,
4182 to develop onsite sewage treatment and disposal system
4183 remediation plans under certain circumstances;
4184 creating s. 373.811, F.S.; specifying prohibited
4185 activities within a priority focus area of an
4186 Outstanding Florida Spring; creating s. 373.813, F.S.;

4187 providing rulemaking authority; amending s. 403.061,



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4188 F.S.; requiring the department to create a
4189 consolidated water resources work plan; directing the
4190 department to adopt by rule a specific surface water
4191 classification to protect surface waters used for
4192 treated potable water supply; providing criteria for
4193 such rule; authorizing the reclassification of surface
4194 waters used for treated potable water supply
4195 notwithstanding such rule; requiring the department to
4196 create and maintain a web-based interactive map;
4197 creating s. 403.0616, F.S.; creating the Florida Water
4198 Resources Advisory Council to provide the Legislature
4199 with recommendations for projects submitted by
4200 governmental entities; requiring the department to
4201 adopt rules; creating s. 403.0617, F.S.; requiring the
4202 department to propose for adoption rules to
4203 competitively evaluate and rank projects for selection
4204 and prioritization by the Water Resources Advisory
4205 Council by a certain date; amending s. 403.0623, F.S.;
4206 requiring the department to establish certain
4207 standards; requiring state agencies and water
4208 management districts to show that they followed the
4209 department's standards in order to receive certain
4210 funding; amending s. 403.067, F.S.; providing
4211 requirements for new or revised best management action
4212 plans; requiring the department adopt rules relating
4213 to the enforcement and verification of best management
4214 action plans and management strategies; creating s.
4215 403.0675, F.S.; requiring the department and the
4216 Department of Agriculture and Consumer Services to



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4217 post annual progress reports on their websites and to
4218 submit such reports to the Governor and the
4219 Legislature; requiring each water management district
4220 to post the Department of Environmental Protection's
4221 report on its website; amending s. 403.861, F.S.;
4222 directing the department to add treated potable water
4223 supply as a designated use of a surface water segment
4224 under certain circumstances; providing an effective
4225 date.