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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report by a certain date each year to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending ss. 260.0144 and 335.065, F.S.; conforming provisions to changes made by the act; creating s. 339.81, F.S.; creating the Florida Shared-Use Nonmotorized Trail Network; specifying the composition of the network; requiring the network to be included in the Department of Transportation's work program; declaring the planning, development, operation, and maintenance of the network to be a public purpose; authorizing the department to transfer maintenance responsibilities to certain state agencies and contract with not-for-profit or private sector entities to provide maintenance services; authorizing the department to adopt rules; providing an appropriation; creating s. 339.82, F.S.; requiring the department to develop a network plan for the Florida Shared-Use Nonmotorized Trail Network; creating s. 339.83, F.S.; authorizing the department to enter into concession agreements



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28 with not-for-profit or private sector entities for
29 certain commercial sponsorship signs, markings, and
30 exhibits; authorizing the department to contract for
31 the provision of certain services related to the trail
32 sponsorship program; authorizing the department to
33 adopt rules; amending s. 373.019, F.S.; revising the
34 definition of the term "water resource development" to
35 include technical assistance to self-suppliers under
36 certain circumstances; amending s. 373.036, F.S.;
37 requiring certain information to be included in the
38 consolidated annual report for all projects related to
39 water quality or water quantity; creating s. 373.037,
40 F.S.; defining terms; providing legislative findings;
41 requiring certain water management districts to
42 designate and implement certain pilot projects;
43 providing powers and limitations for the governing
44 boards of such water management districts; providing
45 funding for certain pilot projects; requiring such
46 districts to submit a report to the Governor and the
47 Legislature on the effectiveness of its pilot project;
48 amending s. 373.042, F.S.; requiring the Department of
49 Environmental Protection or the governing board of a
50 water management district to adopt a minimum flow or
51 minimum water level for an Outstanding Florida Spring
52 using emergency rulemaking authority under certain
53 circumstances; requiring collaboration in the
54 development and implementation of recovery or
55 prevention strategies under certain circumstances;
56 authorizing the department to use emergency rulemaking



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57 procedures under certain circumstances; amending s.
58 373.0421, F.S.; directing the department or the water
59 management district governing boards to adopt and
60 implement certain recovery or prevention strategies
61 concurrent with the adoption of minimum flows and
62 minimum water levels; providing criteria for such
63 recovery or prevention strategies; requiring certain
64 amendments to regional water supply plans to be
65 concurrent with relevant portions of the recovery or
66 prevention strategy; directing water management
67 districts to notify the department when water use
68 permit applications are denied for a specified reason;
69 providing for the review and update of regional water
70 supply plans in such cases; creating s. 373.0465,
71 F.S.; providing legislative intent; defining the term
72 "Central Florida Water Initiative Area"; requiring the
73 department, the St. Johns River Water Management
74 District, the South Florida Water Management District,
75 the Southwest Florida Water Management District, and
76 the Department of Agriculture and Consumer Services to
77 develop and implement a multidistrict regional water
78 supply plan; providing plan criteria and requirements;
79 providing applicability; requiring the department to
80 adopt rules; amending s. 373.1501, F.S.; specifying
81 authority of the South Florida Water Management
82 District to allocate quantities of, and assign
83 priorities for the use of, water within its
84 jurisdiction; directing the district to provide
85 recommendations to the United States Army Corps of



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86 Engineers when developing or implementing certain
87 water control plans or regulation schedules; amending
88 s. 373.219, F.S.; requiring the department to adopt a
89 uniform definition of the term "harmful to the water
90 resources"; amending s. 373.223, F.S.; requiring
91 consumptive use permits authorizing over a certain
92 amount to be monitored on a specified basis; amending
93 s. 373.2234, F.S.; directing water management district
94 governing boards to consider the identification of
95 preferred water supply sources for certain water
96 users; amending s. 373.227, F.S.; prohibiting water
97 management districts from modifying permitted
98 allocation amounts under certain circumstances;
99 requiring the water management districts to adopt
100 rules to promote water conservation incentives;
101 amending s. 373.233, F.S.; providing conditions under
102 which the department and water management district
103 governing boards are directed to give preference to
104 certain applications; amending s. 373.4591, F.S.;
105 providing priority consideration to certain public-
106 private partnerships for water storage, groundwater
107 recharge, and water quality improvements on private
108 agricultural lands; amending s. 373.4595, F.S.;
109 revising and providing definitions relating to the
110 Northern Everglades and Estuaries Protection Program;
111 clarifying provisions of the Lake Okeechobee Watershed
112 Protection Program; directing the South Florida Water
113 Management District to revise certain rules and
114 provide for a watershed research and water quality



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115 monitoring program; revising provisions for the
116 Caloosahatchee River Watershed Protection Program and
117 the St. Lucie River Watershed Protection Program;
118 revising permitting and annual reporting requirements
119 relating to the Northern Everglades and Estuaries
120 Protection Program; providing enforcement provisions
121 for certain basin management action plans; amending s.
122 373.467, F.S.; revising the qualifications for
123 membership on the Harris Chain of Lakes Restoration
124 Council; authorizing the Lake County legislative
125 delegation to waive such membership qualifications for
126 good cause; providing for council vacancies; amending
127 s. 373.536, F.S.; requiring a water management
128 district to include an annual funding plan in the
129 water resource development work program; directing the
130 department to post the work program on its website;
131 amending s. 373.703, F.S.; authorizing water
132 management districts to join with private landowners
133 for the purpose of carrying out its powers; providing
134 an exception for certain pilot projects; amending s.
135 373.705, F.S.; revising legislative intent; requiring
136 water management district governing boards to include
137 certain information in their annual budget submittals;
138 providing first consideration for funding assistance
139 to certain water supply development projects;
140 requiring water management districts to promote
141 expanded cost-share criteria for additional
142 conservation practices; amending s. 373.707, F.S.;
143 authorizing water management districts to provide



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144 technical and financial assistance to certain self-
145 suppliers and to waive certain construction costs of
146 alternative water supply development projects
147 sponsored by certain water users; requiring governing
148 boards to give significant weight for project funding
149 to whether the project is a pilot project; amending s.
150 373.709, F.S.; requiring regional water supply plans
151 to include traditional and alternative water supply
152 project options that are technically and financially
153 feasible; directing the department to include certain
154 funding analyses and project explanations in regional
155 water supply planning reports; creating part VIII of
156 ch. 373, F.S., entitled the "Florida Springs and
157 Aquifer Protection Act"; creating s. 373.801, F.S.;
158 providing legislative findings and intent; creating s.
159 373.802, F.S.; defining terms; creating s. 373.803,
160 F.S.; requiring the department to delineate a priority
161 focus area for each Outstanding Florida Spring by a
162 certain date; creating s. 373.805, F.S.; requiring a
163 water management district or the department to adopt
164 or revise various recovery or prevention strategies
165 under certain circumstances by a certain date;
166 providing minimum requirements for recovery or
167 prevention strategies for Outstanding Florida Springs;
168 authorizing local governments to apply for an
169 extension for projects in an adopted recovery or
170 prevention strategy; creating s. 373.807, F.S.;
171 requiring the department to initiate assessments of
172 Outstanding Florida Springs by a certain date;



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173 requiring the department to develop basin management
174 action plans; authorizing local governments to apply
175 for an extension for projects in an adopted basin
176 management action plan; requiring certain local
177 governments to develop, enact, and implement an urban
178 fertilizer ordinance by a certain date; requiring the
179 department, the Department of Health, and local
180 governments to identify onsite sewage treatment and
181 disposal systems within each priority focus area;
182 requiring certain local governments to develop onsite
183 sewage treatment and disposal system remediation
184 plans; prohibiting property owners with identified
185 onsite sewage treatment and disposal systems from
186 being required to pay certain costs; creating s.
187 373.811, F.S.; specifying prohibited activities within
188 a priority focus area of an Outstanding Florida
189 Spring; creating s. 373.813, F.S.; providing
190 rulemaking authority; amending s. 403.061, F.S.;
191 requiring the department to create a consolidated
192 water resources work plan; directing the department to
193 adopt by rule a specific surface water classification
194 to protect surface waters used for treated potable
195 water supply; providing criteria for such rule;
196 authorizing the reclassification of surface waters
197 used for treated potable water supply notwithstanding
198 such rule; requiring the department to create and
199 maintain a web-based interactive map; creating s.
200 403.0616, F.S.; creating the Florida Water Resources
201 Advisory Council to provide the Legislature with



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202 recommendations for projects submitted by governmental
203 entities; requiring the council to consolidate various
204 reports to enhance the water resources of this state;
205 requiring the department to adopt rules; creating s.
206 403.0617, F.S.; requiring the department to adopt
207 rules to fund certain pilot projects; amending s.
208 403.0623, F.S.; requiring the department to establish
209 certain standards to ensure statewide consistency;
210 requiring the department to maintain a centralized
211 database for testing results and analysis of water
212 quantity and quality data; requiring state agencies
213 and water management districts to use the department's
214 testing results and analyses in order to receive
215 certain funding; amending s. 403.067, F.S.; providing
216 requirements for new or revised best management action
217 plans; requiring the department adopt rules relating
218 to the enforcement and verification of best management
219 action plans and management strategies; creating s.
220 403.0675, F.S.; requiring the department to submit
221 annual reports; amending s. 403.861, F.S.; directing
222 the department to add treated potable water supply as
223 a designated use of a surface water segment under
224 certain circumstances; providing an effective date.

225
226 Be It Enacted by the Legislature of the State of Florida:

227
228 Section 1. Paragraph (g) is added to subsection (11) of
229 section 259.032, Florida Statutes, to read:

230 259.032 Conservation and Recreation Lands Trust Fund;



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231 purpose.—

232 (11)

233 (g) In order to ensure that the public has knowledge of and
234 access to conservation lands, as defined in s. 253.034(2)(c),
235 the department shall publish, update, and maintain a database of
236 such lands where public access is compatible with conservation
237 and recreation purposes.

238 1. By July 1, 2016, the database must be available to the
239 public online and must include, at a minimum, the location,
240 types of allowable recreational opportunities, points of public
241 access, facilities or other amenities, restrictions, and any
242 other information the department deems appropriate to increase
243 public awareness of recreational opportunities on conservation
244 lands. Such data must be electronically accessible, searchable,
245 and downloadable in a generally acceptable format.

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

251 3. The database and application must include information
252 for all state conservation lands to which the public has a right
253 of access for recreational purposes. Beginning January 1, 2018,
254 to the greatest extent practicable, the database shall include
255 similar information for lands owned by federal and local
256 government entities that allow access for recreational purposes.

257 4. By January 1 of each year, the department shall provide
258 a report to the Governor, the President of the Senate, and the
259 Speaker of the House of Representatives describing the



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260 percentage of public lands acquired under this chapter to which
261 the public has access and efforts undertaken by the department
262 to increase public access to such lands.

263 Section 2. Section 260.0144, Florida Statutes, is amended
264 to read:

265 260.0144 Sponsorship of state greenways and trails.—The
266 department may enter into a concession agreement with a not-for-
267 profit entity or private sector business or entity for
268 commercial sponsorship to be displayed on state greenway and
269 trail facilities not included within the Shared-Use Nonmotorized
270 Trail Network established in chapter 339 ~~or property specified~~
271 ~~in this section~~. The department may establish the cost for
272 entering into a concession agreement.

273 (1) A concession agreement shall be administered by the
274 department and must include the requirements found in this
275 section.

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

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

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

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

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



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289 (d) The department shall ensure that the size, color,
290 materials, construction, and location of all signs are
291 consistent with the management plan for the property and the
292 standards of the department, do not intrude on natural and
293 historic settings, and contain only a logo selected by the
294 sponsor and the following sponsorship wording:

295
296 ... (Name of the sponsor) ... proudly sponsors the costs
297 of maintaining the ... (Name of the greenway or
298 trail)

299
300 ~~(e) Sponsored state greenways and trails are authorized at~~
301 ~~the following facilities or property:~~

- 302 1. ~~Florida Keys Overseas Heritage Trail.~~
303 2. ~~Blackwater Heritage Trail.~~
304 3. ~~Tallahassee St. Marks Historic Railroad State Trail.~~
305 4. ~~Nature Coast State Trail.~~
306 5. ~~Withlacoochee State Trail.~~
307 6. ~~General James A. Van Fleet State Trail.~~
308 7. ~~Palatka-Lake Butler State Trail.~~

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

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

317 (3) A concession agreement shall be for a minimum of 1



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318 year, but may be for a longer period under a multiyear
319 agreement, and may be terminated for just cause by the
320 department upon 60 days' advance notice. Just cause for
321 termination of a concession agreement includes, but is not
322 limited to, violation of the terms of the concession agreement
323 or any provision of this section.

324 (4) Commercial sponsorship pursuant to a concession
325 agreement is for public relations or advertising purposes of the
326 not-for-profit entity or private sector business or entity, and
327 may not be construed by that not-for-profit entity or private
328 sector business or entity as having a relationship to any other
329 actions of the department.

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

332 (6) Proceeds from concession agreements shall be
333 distributed as follows:

334 (a) Eighty-five percent shall be deposited into the
335 appropriate department trust fund that is the source of funding
336 for management and operation of state greenway and trail
337 facilities and properties.

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

342 (7) The department may adopt rules to administer this
343 section.

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

346 335.065 Bicycle and pedestrian ways along state roads and



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347 transportation facilities.-

348 (3) The department, in cooperation with the Department of
349 Environmental Protection, shall establish a statewide integrated
350 system of bicycle and pedestrian ways in such a manner as to
351 take full advantage of any such ways which are maintained by any
352 governmental entity. ~~The department may enter into a concession
353 agreement with a not for profit entity or private sector
354 business or entity for commercial sponsorship displays on
355 multiuse trails and related facilities and use any concession
356 agreement revenues for the maintenance of the multiuse trails
357 and related facilities. Commercial sponsorship displays are
358 subject to the requirements of the Highway Beautification Act of
359 1965 and all federal laws and agreements, when applicable. For
360 the purposes of this section, bicycle facilities may be
361 established as part of or separate from the actual roadway and
362 may utilize existing road rights of way or other rights of way
363 or easements acquired for public use.~~

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

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

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

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

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



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376 ~~3. The department shall ensure that the size, color,~~
377 ~~materials, construction, and location of all signs are~~
378 ~~consistent with the management plan for the property and the~~
379 ~~standards of the department, do not intrude on natural and~~
380 ~~historic settings, and contain only a logo selected by the~~
381 ~~sponsor and the following sponsorship wording:~~

382
383 ~~... (Name of the sponsor) ... proudly sponsors the costs~~
384 ~~of maintaining the ... (Name of the greenway or~~
385 ~~trail)....~~

386
387 ~~4. All costs of a display, including development,~~
388 ~~construction, installation, operation, maintenance, and removal~~
389 ~~costs, shall be paid by the concessionaire.~~

390 ~~(c) A concession agreement shall be for a minimum of 1~~
391 ~~year, but may be for a longer period under a multiyear~~
392 ~~agreement, and may be terminated for just cause by the~~
393 ~~department upon 60 days' advance notice. Just cause for~~
394 ~~termination of a concession agreement includes, but is not~~
395 ~~limited to, violation of the terms of the concession agreement~~
396 ~~or this section.~~

397 ~~(4) (a) The department may use appropriated funds to support~~
398 ~~the establishment of a statewide system of interconnected~~
399 ~~multiuse trails and to pay the costs of planning, land~~
400 ~~acquisition, design, and construction of such trails and related~~
401 ~~facilities. The department shall give funding priority to~~
402 ~~projects that:~~

403 ~~1. Are identified by the Florida Greenways and Trails~~
404 ~~Council as a priority within the Florida Greenways and Trails~~



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405 ~~System under chapter 260.~~

406 ~~2. Support the transportation needs of bicyclists and~~
407 ~~pedestrians.~~

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

409 ~~4. Facilitate an interconnected system of trails by~~
410 ~~completing gaps between existing trails.~~

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

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

414 ~~2. Be operated and maintained by an entity other than the~~
415 ~~department upon completion of construction. The department is~~
416 ~~not obligated to provide funds for the operation and maintenance~~
417 ~~of the project.~~

418 Section 4. Section 339.81, Florida Statutes, is created to
419 read:

420 339.81 Florida Shared-Use Nonmotorized Trail Network.-

421 (1) The Legislature finds that increasing demands continue
422 to be placed on the state's transportation system by a growing
423 economy, continued population growth, and increasing tourism.
424 The Legislature also finds that significant challenges exist in
425 providing additional capacity to the conventional transportation
426 system and enhanced accommodation of alternative travel modes to
427 meet the needs of residents and visitors are required. The
428 Legislature further finds that improving bicyclist and
429 pedestrian safety for both residents and visitors remains a high
430 priority. Therefore, the Legislature declares that the
431 development of a nonmotorized trail network will increase
432 mobility and recreational alternatives for residents and
433 visitors of this state, enhance economic prosperity, enrich



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434 quality of life, enhance safety, and reflect responsible
435 environmental stewardship. To that end, it is the intent of the
436 Legislature that the department make use of its expertise in
437 efficiently providing transportation projects and develop the
438 Florida Shared-Use Nonmotorized Trail Network, consisting of a
439 statewide network of nonmotorized trails, which allows
440 nonmotorized vehicles and pedestrians to access a variety of
441 origins and destinations with limited exposure to motorized
442 vehicles.

443 (2) The Florida Shared-Use Nonmotorized Trail Network is
444 created as a component of the Florida Greenways and Trails
445 System established in chapter 260. The statewide network
446 consists of multiuse trails or shared-use paths physically
447 separated from motor vehicle traffic and constructed with
448 asphalt, concrete, or another hard surface which, by virtue of
449 design, location, extent of connectivity or potential
450 connectivity, and allowable uses, provides nonmotorized
451 transportation opportunities for bicyclists and pedestrians
452 statewide between and within a wide range of points of origin
453 and destinations, including, but not limited to, communities,
454 conservation areas, state parks, beaches, and other natural or
455 cultural attractions for a variety of trip purposes, including
456 work, school, shopping, and other personal business, as well as
457 social, recreational, and personal fitness purposes.

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

462 (a) On-road facilities that are no longer than one-half



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463 mile connecting two or more nonmotorized trails, if the
464 provision of a non-motorized trail without the use of the on-
465 road facility is not feasible, and if such on-road facilities
466 are signed and marked for nonmotorized use; or

467 (b) On-road components of the Florida Keys Overseas
468 Heritage Trail.

469 (4) The planning, development, operation, and maintenance
470 of the Florida Shared-Use Nonmotorized Trail Network is declared
471 to be a public purpose, and the department, together with other
472 agencies of this state and all counties, municipalities, and
473 special districts of this state, may spend public funds for such
474 purposes and accept gifts and grants of funds, property, or
475 property rights from public or private sources to be used for
476 such purposes.

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

483 (6) The department may enter into a memorandum of agreement
484 with a local government or other agency of the state to transfer
485 maintenance responsibilities of an individual network component.
486 The department may contract with a not-for-profit entity or
487 private sector business or entity to provide maintenance
488 services on an individual network component.

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

491 Section 5. Section 339.82, Florida Statutes, is created to



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492 read:

493 339.82 Shared-Use Nonmotorized Trail Network Plan.—

494 (1) The department shall develop a network plan for the
495 Florida Shared-Use Nonmotorized Trail Network in coordination
496 with the Department of Environmental Protection, metropolitan
497 planning organizations, affected local governments and public
498 agencies, and the Florida Greenways and Trails Council. The plan
499 must be consistent with the Florida Greenways and Trails Plan
500 developed under s. 260.014 and must be updated at least once
501 every 5 years.

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

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

507 (b) A project prioritization process that includes
508 assigning funding priority to projects that:

509 1. Are identified by the Florida Greenways and Trails
510 Council as a priority within the Florida Greenways and Trails
511 System under chapter 260;

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

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

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

519 (d) A finance plan based on reasonable projections of
520 anticipated revenues, including both 5-year and 10-year cost-



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521 feasible components.

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

524 (f) A timeline for the completion of the base network using
525 new and existing data from the department, the Department of
526 Environmental Protection, and other sources.

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

529 Section 6. Section 339.83, Florida Statutes, is created to
530 read:

531 339.83 Sponsorship of Shared-Use Nonmotorized Trails.-

532 (1) The department may enter into a concession agreement
533 with a not-for-profit entity or private sector business or
534 entity for commercial sponsorship signs, pavement markings, and
535 exhibits on nonmotorized trails and related facilities
536 constructed as part of the Shared-Use Nonmotorized Trail
537 Network. The concession agreement may also provide for
538 recognition of trail sponsors in any brochure, map, or website
539 providing trail information. Trail websites may provide links to
540 sponsors. Revenue from such agreements may be used for the
541 maintenance of the nonmotorized trails and related facilities.

542 (a) A concession agreement shall be administered by the
543 department.

544 (b)1. Signage, pavement markings, or exhibits erected
545 pursuant to this section must comply with s. 337.407 and chapter
546 479 and are limited as follows:

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



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

553 c. Pavement markings denoting specified distances must be
554 located at least 1 mile apart.

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

557 3. The department shall ensure that the size, color,
558 materials, construction, and location of all signs, pavement
559 markings, and exhibits are consistent with the management plan
560 for the property and the standards of the department, do not
561 intrude on natural and historic settings, and contain a logo
562 selected by the sponsor and the following sponsorship wording:

563
564 ...(Name of the sponsor)... proudly sponsors the costs
565 of maintaining the ...(Name of the greenway or
566 trail)....

567
568 4. Exhibits may provide additional information and
569 materials, including, but not limited to, maps and brochures for
570 trail user services related or proximate to the trail. Pavement
571 markings may display mile marker information.

572 5. The costs of a sign, pavement marking, or exhibit,
573 including development, construction, installation, operation,
574 maintenance, and removal costs, shall be paid by the
575 concessionaire.

576 (c) A concession agreement shall be for a minimum of 1
577 year, but may be for a longer period under a multiyear
578 agreement, and may be terminated for just cause by the



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579 department upon 60 days' advance notice. Just cause for
580 termination of a concession agreement includes, but is not
581 limited to, violation of the terms of the concession agreement
582 or this section.

583 (2) Pursuant to s. 287.057, the department may contract for
584 the provision of services related to the trail sponsorship
585 program, including recruitment and qualification of businesses,
586 review of applications, permit issuance, and fabrication,
587 installation, and maintenance of signs, pavement markings, and
588 exhibits. The department may reject all proposals and seek
589 another request for proposals or otherwise perform the work. The
590 contract may allow the contractor to retain a portion of the
591 annual fees as compensation for its services.

592 (3) This section does not create a proprietary or
593 compensable interest in any sponsorship site or location for any
594 permittee, and the department may terminate permits or change
595 locations of sponsorship sites as it determines necessary for
596 construction or improvement of facilities.

597 (4) The department may adopt rules to establish
598 requirements for qualification of businesses, qualification and
599 location of sponsorship sites, and permit applications and
600 processing. The department may adopt rules to establish other
601 criteria necessary to implement this section and to provide for
602 variances when necessary to serve the interest of the public or
603 when required to ensure equitable treatment of program
604 participants.

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

607 373.019 Definitions.—When appearing in this chapter or in



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608 any rule, regulation, or order adopted pursuant thereto, the
609 term:

610 (24) "Water resource development" means the formulation and
611 implementation of regional water resource management strategies,
612 including the collection and evaluation of surface water and
613 groundwater data; structural and nonstructural programs to
614 protect and manage water resources; the development of regional
615 water resource implementation programs; the construction,
616 operation, and maintenance of major public works facilities to
617 provide for flood control, surface and underground water
618 storage, and groundwater recharge augmentation; and related
619 technical assistance to local governments, ~~and to~~ government-
620 owned and privately owned water utilities, and self-suppliers to
621 the extent assistance to self-suppliers promotes the policies as
622 set forth in s. 373.016.

623 Section 8. Paragraph (b) of subsection (7) of section
624 373.036, Florida Statutes, is amended to read:

625 373.036 Florida water plan; district water management
626 plans.-

627 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.-

628 (b) The consolidated annual report shall contain the
629 following elements, as appropriate to that water management
630 district:

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

633 2. The department-approved minimum flows and minimum water
634 levels annual priority list and schedule required by s.
635 373.042(3) s. 373.042(2).

636 3. The annual 5-year capital improvements plan required by



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- 637 s. 373.536(6) (a)3.
- 638 4. The alternative water supplies annual report required by
- 639 s. 373.707(8) (n).
- 640 5. The final annual 5-year water resource development work
- 641 program required by s. 373.536(6) (a)4.
- 642 6. The Florida Forever Water Management District Work Plan
- 643 annual report required by s. 373.199(7).
- 644 7. The mitigation donation annual report required by s.
- 645 373.414(1) (b)2.
- 646 8. Information on all projects related to water quality or
- 647 water quantity as part of a 5-year work program, including:
- 648 a. A list of all specific projects identified to implement
- 649 a basin management action plan or a recovery or prevention
- 650 strategy;
- 651 b. A priority ranking for each listed project for which
- 652 state funding through the water resources work program is
- 653 requested, which must be made available to the public for
- 654 comment at least 30 days before submission of the consolidated
- 655 annual report;
- 656 c. The estimated cost for each listed project;
- 657 d. The estimated completion date for each listed project;
- 658 e. The source and amount of financial assistance to be made
- 659 available by the department, a water management district, or
- 660 other entity for each listed project; and
- 661 f. A quantitative estimate of each listed project's benefit
- 662 to the watershed, water body, or water segment in which it is
- 663 located.
- 664 9. A grade for each watershed, water body, or water segment
- 665 in which a project listed under subparagraph 8. is located



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666 representing the level of impairment and violations of adopted
667 minimum flow or minimum water level. The grading system must
668 reflect the severity of the impairment of the watershed,
669 waterbody, or water segment.

670 Section 9. Section 373.037, Florida Statutes, is created to
671 read:

672 373.037 Pilot program for alternative water supply
673 development in restricted allocation areas.—

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

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

679 (b) "Lower East Coast Regional Water Supply Planning Area"
680 means the areas withdrawing surface and groundwater from Water
681 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters
682 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife
683 Management Area, Loxahatchee Slough, Loxahatchee River,
684 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,
685 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove
686 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,
687 and the freshwater portions of the Everglades National Park, as
688 designated by the South Florida Water Management District.

689 (c) "Restricted allocation area" means an area within a
690 water supply planning region of the Southwest Florida Water
691 Management District, the South Florida Water Management
692 District, or the St. Johns River Water Management District where
693 the governing board of the water management district has
694 determined that existing sources of water are not adequate to



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695 supply water for all existing and future reasonable-beneficial
696 uses and to sustain the water resources and related natural
697 systems for the planning period pursuant to ss. 373.036 and
698 373.709 and where the governing board of the water management
699 district has applied allocation restrictions with regard to the
700 use of specific sources of water. For the purposes of this
701 section, the term includes the Central Florida Water Initiative
702 Area, the Lower East Coast Regional Water Supply Planning Area,
703 the Southern Water Use Caution Area, and the Upper East Coast
704 Regional Water Supply Planning Area.

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

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

713 (2) The Legislature finds that:

714 (a) Local governments, regional water supply authorities,
715 and government-owned and privately owned water utilities face
716 significant challenges in securing funds for implementing large-
717 scale alternative water supply projects in certain restricted
718 allocation areas due to a variety of factors, such as the
719 magnitude of the water resource challenges, the large number of
720 water users, the difficulty of developing multijurisdictional
721 solutions across district, county, or municipal boundaries, and
722 the expense of developing large-scale alternative water supply
723 projects identified in the regional water supply plans pursuant



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724 to s. 373.709.

725 (b) These challenges have resulted in some cases in failure
726 to achieve minimum flows and minimum water levels, to mitigate
727 and avoid harm to the water resource and related natural
728 systems, to provide adequate water supply for all existing and
729 projected reasonable-beneficial uses, and to sustain the water
730 resources and related natural systems within certain restricted
731 allocation areas.

732 (c) These factors make it necessary for the Southwest
733 Florida Water Management District, the South Florida Water
734 Management District, and the St. Johns River Water Management
735 District to each take the lead in developing and implementing
736 one alternative water supply project within a restricted
737 allocation area as a pilot alternative water supply development
738 project.

739 (d) The traditional role of local governments, regional
740 water supply authorities, and government-owned and privately
741 owned water utilities will be maintained by requiring the water
742 management districts to turn over ownership and control of a
743 pilot project to the project participants if they can secure the
744 funds to implement the pilot project and resolve any governance
745 issues over the development, implementation, and operation of
746 the pilot project.

747 (e) The development and implementation of one alternative
748 water supply project each by the Southwest Florida Water
749 Management District, the South Florida Water Management
750 District, and the St. Johns River Water Management District
751 within a restricted allocation area as a pilot project is for
752 the benefit of the public health, safety, and welfare and is in



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753 the public interest. The pilot projects must provide water
754 supply and environmental benefits. Consideration shall be given
755 to projects that provide reductions in damaging discharges to
756 tide or are part of a recovery or prevention strategy for
757 minimum flows and minimum water levels.

758 (3) The Southwest Florida Water Management District, the
759 South Florida Water Management District, and the St. Johns River
760 Water Management District shall each designate and implement an
761 existing alternative water supply project, identified in its
762 regional water supply plan, as its one pilot project or amend
763 its regional water supply plan to add a new alternative water
764 supply project as its one pilot project. The pilot project
765 designation shall be made no later than July 1, 2016, and is not
766 subject to the rulemaking requirements of chapter 120 or subject
767 to legal challenge pursuant to ss. 120.569 and 120.57. Once
768 designated, the pilot project shall be considered a use
769 resulting in an enhancement of the water resources of the area
770 and entitled to a preference over other uses in the event of
771 competing applications pursuant to s. 373.036(5). A water
772 management district may designate an alternative water supply
773 project located within another water management district if the
774 project is located in a restricted allocation area designated by
775 the other water management district and a substantial quantity
776 of water provided by the alternative water supply project will
777 be used within the designating water management district's
778 boundaries.

779 (4) In addition to their other powers and duties under this
780 chapter, the governing boards of the Southwest Florida Water
781 Management District, the South Florida Water Management



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782 District, and the St. Johns River Water Management District have
783 the following powers and are subject to the following
784 restrictions in implementing their respective pilot projects
785 pursuant to this section:

786 (a) May establish, design, construct, operate, and maintain
787 water production, treatment and transmission, or other related
788 facilities for the purpose of supplying water to counties,
789 municipalities, special districts, publicly owned and privately
790 owned water utilities, multijurisdictional water supply
791 entities, other large water users, or regional water supply
792 authorities.

793 (b) May not engage in local water supply distribution.

794 (c) May supply water at a cost not to exceed expenses
795 directly related to the planning, design, development,
796 implementation, operation, and maintenance of the pilot project.
797 The cost of such water shall be established by the governing
798 board only after a public hearing at which pilot project
799 customers have an opportunity to be heard concerning the
800 proposed cost.

801 (d) Must provide credit toward the pro rata cost of the
802 water to be supplied from the pilot project to a customer equal
803 to any expenses incurred by the customer toward the
804 implementation of the pilot project before the water management
805 district's designation and implementation of the pilot project.

806 (e) In addition to the power to issue revenue bonds
807 pursuant to s. 373.584, may issue revenue bonds for the purpose
808 of paying the costs and expenses incurred in carrying out the
809 purposes of this section or refunding obligations of the water
810 management district issued pursuant to this section. All



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811 provisions of s. 373.584 relating to the issuance of revenue
812 bonds which are not inconsistent with this section apply to the
813 issuance of revenue bonds pursuant to this section. The water
814 management districts may also issue bond anticipation notes in
815 accordance with s. 373.584.

816 (f) May join with one or more other water management
817 districts, counties, municipalities, special districts, publicly
818 owned or privately owned water utilities, multijurisdictional
819 water supply entities, regional water supply authorities, self-
820 suppliers, or other entities for the purpose of carrying out
821 their powers, and may contract with any such other entities to
822 finance or otherwise implement acquisitions, construction, and
823 operation and maintenance, if such contracts are consistent with
824 the public interest and based upon independent cost estimates,
825 including comparisons with other alternative water supply
826 projects. The contracts may provide for contributions to be made
827 by each party to the contract for the division and apportionment
828 of resulting costs, including capital, operations and
829 maintenance, benefits, services, and products. The contracts may
830 contain other covenants and agreements necessary and appropriate
831 to accomplish their purposes.

832 (5) The water management districts may provide up to 50
833 percent of funding assistance for the pilot project. If the
834 pilot project selected by a water management district is the
835 subject of a cooperative funding agreement, the water management
836 district may not reduce the level of funding assistance
837 previously committed.

838 (6) If the pilot project customers form a
839 multijurisdictional water supply entity to implement and develop



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840 the pilot project selected by a water management district on or
841 before July 1, 2017, and take substantive steps to develop and
842 implement the project, such as entering into water supply
843 contracts, issuing revenue bonds or bond anticipation notes to
844 finance the project, or awarding construction contracts to
845 construct the project in whole or in part, the water management
846 district is prohibited from proceeding with implementation and
847 development of the selected pilot project. The water management
848 district may designate a new pilot project within 1 year after
849 the creation of the multijurisdictional entity and the
850 completion of at least one substantive step by the
851 multijurisdictional entity to implement the project.

852 (7) If the pilot project customers form a
853 multijurisdictional water supply entity to take over
854 construction, operation, maintenance, and control of the pilot
855 project at any time during the life of the pilot project, the
856 water management district must transfer ownership and control of
857 the pilot project to the pilot project customers upon repayment
858 of any revenue bonds or other obligations issued by the water
859 management district to develop and implement the pilot project
860 and any outstanding expenses incurred by the water management
861 district in constructing, operating, and maintaining the pilot
862 project. Pilot project customers are not responsible for
863 repayment of any cooperative funding provided by a water
864 management district for the pilot project. In such an event, the
865 water management district may develop and implement another
866 pilot project within a restricted allocation area.

867 (8) No later than 3 years following designation of the
868 pilot project pursuant to subsection (3), the Southwest Florida



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869 Water Management District, the South Florida Water Management
870 District, and the St. Johns River Water Management District
871 shall each submit a report to the Governor, the President of the
872 Senate, and the Speaker of the House of Representatives on the
873 effectiveness of its pilot project, including the following
874 information:

875 (a) A description of the alternative water supply project
876 selected as a pilot project by the respective water management
877 districts, including the quantity of water the project has
878 produced or is expected to produce and the consumptive users who
879 are expected to use the water produced by the pilot project to
880 meet their existing and projected reasonable-beneficial need.

881 (b) Progress made in developing and implementing the pilot
882 project in comparison to development and implementation of other
883 alternative water supply projects in the restricted allocation
884 area.

885 (c) The capital and operation costs to be expended by the
886 water management district in implementing the pilot project in
887 comparison to other alternative water supply projects being
888 developed and implemented in the restricted allocation area.

889 (d) The source of funds used or to be used by the water
890 management district in developing and implementing the pilot
891 project.

892 (e) The unit cost of water produced from the pilot project
893 in comparison to the unit cost of water from other alternative
894 water supply projects being developed in the restricted
895 allocation area.

896 (f) The benefits to the water resources and natural systems
897 from implementation of the pilot project.



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898 (g) A recommendation as to whether the traditional role of
899 water management districts regarding the development and
900 implementation of alternative water supply projects, as
901 specified in ss. 373.705 and 373.707, should be revised and, if
902 so, identification of the statutory changes necessary to expand
903 the scope of the pilot program.

904 Section 10. Section 373.042, Florida Statutes, is amended
905 to read:

906 373.042 Minimum flows and minimum water levels.—

907 (1) Within each section, or within the water management
908 district as a whole, the department or the governing board shall
909 establish the following:

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

914 (b) Minimum water level. The minimum water level is ~~shall~~
915 ~~be~~ the level of groundwater in an aquifer and the level of
916 surface water at which further withdrawals would be
917 significantly harmful to the water resources or ecology of the
918 area.

919
920 The minimum flow and minimum water level shall be calculated by
921 the department and the governing board using the best
922 information available. When appropriate, minimum flows and
923 minimum water levels may be calculated to reflect seasonal
924 variations. The department and the governing board shall ~~also~~
925 consider, and at their discretion may provide for, the
926 protection of nonconsumptive uses in the establishment of



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927 minimum flows and minimum water levels.

928 (2) (a) If a minimum flow or minimum water level has been
929 established for an Outstanding Florida Spring, a water
930 management district or the department shall use the emergency
931 rulemaking authority provided in paragraph (c) to adopt a
932 minimum flow or minimum water level no later than July 1, 2016,
933 except for the Northwest Florida Water Management District,
934 which shall expeditiously adopt minimum flows and minimum water
935 levels for Outstanding Florida Springs no later than July 1,
936 2026.

937 (b) For Outstanding Florida Springs identified on a water
938 management district's priority list developed pursuant to
939 subsection (3) which have the potential to be affected by
940 withdrawals in an adjacent district, the adjacent district or
941 districts and the department shall collaboratively develop and
942 implement a recovery or prevention strategy for an Outstanding
943 Florida Spring not meeting an adopted minimum flow or minimum
944 water level.

945 (c) The Legislature finds that the failure to adopt minimum
946 flows and minimum water levels or recovery or prevention
947 strategies for Outstanding Florida Springs has resulted in an
948 immediate danger to the public health, safety, and welfare and
949 that immediate action must be taken to address the condition of
950 Outstanding Florida Springs. The district or the department
951 shall use emergency rulemaking provisions pursuant to s.
952 120.54(4) to adopt minimum flows and minimum water levels under
953 this subsection and recovery or prevention strategies adopted
954 concurrently with a minimum flow or minimum water level pursuant
955 to s. 373.805(2).



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956 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each
957 water management district shall submit to the department for
958 review and approval a priority list and schedule for the
959 establishment of minimum flows and minimum water levels for
960 surface watercourses, aquifers, and surface waters within the
961 district. The priority list and schedule shall identify those
962 listed water bodies for which the district will voluntarily
963 undertake independent scientific peer review; any reservations
964 proposed by the district to be established pursuant to s.
965 373.223(4); and those listed water bodies that have the
966 potential to be affected by withdrawals in an adjacent district
967 for which the department's adoption of a reservation pursuant to
968 s. 373.223(4) or a minimum flow or minimum water level pursuant
969 to subsection (1) may be appropriate. By March 1, 2006, and
970 annually thereafter, each water management district shall
971 include its approved priority list and schedule in the
972 consolidated annual report required by s. 373.036(7). The
973 priority list shall be based upon the importance of the waters
974 to the state or region and the existence of or potential for
975 significant harm to the water resources or ecology of the state
976 or region, and shall include those waters which are experiencing
977 or may reasonably be expected to experience adverse impacts.
978 Each water management district's priority list and schedule
979 shall include all first magnitude springs, and all second
980 magnitude springs within state or federally owned lands
981 purchased for conservation purposes. The specific schedule for
982 establishment of spring minimum flows and minimum water levels
983 shall be commensurate with the existing or potential threat to
984 spring flow from consumptive uses. Springs within the Suwannee



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985 River Water Management District, or second magnitude springs in
986 other areas of the state, need not be included on the priority
987 list if the water management district submits a report to the
988 Department of Environmental Protection demonstrating that
989 adverse impacts are not now occurring nor are reasonably
990 expected to occur from consumptive uses during the next 20
991 years. The priority list and schedule is not subject to any
992 proceeding pursuant to chapter 120. Except as provided in
993 subsection (4) ~~(3)~~, the development of a priority list and
994 compliance with the schedule for the establishment of minimum
995 flows and minimum water levels pursuant to this subsection
996 satisfies the requirements of subsection (1).

997 ~~(4)~~ ~~(3)~~ Minimum flows or minimum water levels for priority
998 waters in the counties of Hillsborough, Pasco, and Pinellas
999 shall be established by October 1, 1997. Where a minimum flow or
1000 minimum water level for the priority waters within those
1001 counties has not been established by the applicable deadline,
1002 the secretary of the department shall, if requested by the
1003 governing body of any local government within whose jurisdiction
1004 the affected waters are located, establish the minimum flow or
1005 minimum water level in accordance with the procedures
1006 established by this section. The department's reasonable costs
1007 in establishing a minimum flow or minimum water level shall,
1008 upon request of the secretary, be reimbursed by the district.

1009 ~~(5)~~ ~~(4)~~ A water management district shall provide the
1010 department with technical information and staff support for the
1011 development of a reservation, minimum flow or minimum water
1012 level, or recovery or prevention strategy to be adopted by the
1013 department by rule. A water management district shall apply any



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1014 reservation, minimum flow or minimum water level, or recovery or
1015 prevention strategy adopted by the department by rule without
1016 the district's adoption by rule of such reservation, minimum
1017 flow or minimum water level, or recovery or prevention strategy.

1018 ~~(6)~~(5)(a) Upon written request to the department or
1019 governing board by a substantially affected person, or by
1020 decision of the department or governing board, prior to the
1021 establishment of a minimum flow or minimum water level and prior
1022 to the filing of any petition for administrative hearing related
1023 to the minimum flow or minimum water level, all scientific or
1024 technical data, methodologies, and models, including all
1025 scientific and technical assumptions employed in each model,
1026 used to establish a minimum flow or minimum water level shall be
1027 subject to independent scientific peer review. Independent
1028 scientific peer review means review by a panel of independent,
1029 recognized experts in the fields of hydrology, hydrogeology,
1030 limnology, biology, and other scientific disciplines, to the
1031 extent relevant to the establishment of the minimum flow or
1032 minimum water level.

1033 (b) If independent scientific peer review is requested, it
1034 shall be initiated at an appropriate point agreed upon by the
1035 department or governing board and the person or persons
1036 requesting the peer review. If no agreement is reached, the
1037 department or governing board shall determine the appropriate
1038 point at which to initiate peer review. The members of the peer
1039 review panel shall be selected within 60 days of the point of
1040 initiation by agreement of the department or governing board and
1041 the person or persons requesting the peer review. If the panel
1042 is not selected within the 60-day period, the time limitation



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1043 may be waived upon the agreement of all parties. If no waiver
1044 occurs, the department or governing board may proceed to select
1045 the peer review panel. The cost of the peer review shall be
1046 borne equally by the district and each party requesting the peer
1047 review, to the extent economically feasible. The panel shall
1048 submit a final report to the governing board within 120 days
1049 after its selection unless the deadline is waived by agreement
1050 of all parties. Initiation of peer review pursuant to this
1051 paragraph shall toll any applicable deadline under chapter 120
1052 or other law or district rule regarding permitting, rulemaking,
1053 or administrative hearings, until 60 days following submittal of
1054 the final report. Any such deadlines shall also be tolled for 60
1055 days following withdrawal of the request or following agreement
1056 of the parties that peer review will no longer be pursued. The
1057 department or the governing board shall give significant weight
1058 to the final report of the peer review panel when establishing
1059 the minimum flow or minimum water level.

1060 (c) If the final data, methodologies, and models, including
1061 all scientific and technical assumptions employed in each model
1062 upon which a minimum flow or level is based, have undergone peer
1063 review pursuant to this subsection, by request or by decision of
1064 the department or governing board, no further peer review shall
1065 be required with respect to that minimum flow or minimum water
1066 level.

1067 (d) No minimum flow or minimum water level adopted by rule
1068 or formally noticed for adoption on or before May 2, 1997, shall
1069 be subject to the peer review provided for in this subsection.

1070 ~~(7)~~ (6) If a petition for administrative hearing is filed
1071 under chapter 120 challenging the establishment of a minimum



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1072 flow or minimum water level, the report of an independent
1073 scientific peer review conducted under subsection (5) ~~(4)~~ is
1074 admissible as evidence in the final hearing, and the
1075 administrative law judge must render the order within 120 days
1076 after the filing of the petition. The time limit for rendering
1077 the order shall not be extended except by agreement of all the
1078 parties. To the extent that the parties agree to the findings of
1079 the peer review, they may stipulate that those findings be
1080 incorporated as findings of fact in the final order.

1081 (8) The rules adopted pursuant to this section are not
1082 subject to s. 120.541(3).

1083 Section 11. Section 373.0421, Florida Statutes, is amended
1084 to read:

1085 373.0421 Establishment and implementation of minimum flows
1086 and minimum levels.—

1087 (1) ESTABLISHMENT.—

1088 (a) *Considerations.*—When establishing minimum flows and
1089 minimum water levels pursuant to s. 373.042, the department or
1090 governing board shall consider changes and structural
1091 alterations to watersheds, surface waters, and aquifers and the
1092 effects such changes or alterations have had, and the
1093 constraints such changes or alterations have placed, on the
1094 hydrology of an affected watershed, surface water, or aquifer,
1095 provided that nothing in this paragraph shall allow significant
1096 harm as provided by s. 373.042(1) caused by withdrawals.

1097 (b) *Exclusions.*—

1098 1. The Legislature recognizes that certain water bodies no
1099 longer serve their historical hydrologic functions. The
1100 Legislature also recognizes that recovery of these water bodies



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1101 to historical hydrologic conditions may not be economically or
1102 technically feasible, and that such recovery effort could cause
1103 adverse environmental or hydrologic impacts. Accordingly, the
1104 department or governing board may determine that setting a
1105 minimum flow or minimum water level for such a water body based
1106 on its historical condition is not appropriate.

1107 2. The department or the governing board is not required to
1108 establish minimum flows or minimum water levels pursuant to s.
1109 373.042 for surface water bodies less than 25 acres in area,
1110 unless the water body or bodies, individually or cumulatively,
1111 have significant economic, environmental, or hydrologic value.

1112 3. The department or the governing board shall not set
1113 minimum flows or minimum water levels pursuant to s. 373.042 for
1114 surface water bodies constructed prior to the requirement for a
1115 permit, or pursuant to an exemption, a permit, or a reclamation
1116 plan which regulates the size, depth, or function of the surface
1117 water body under the provisions of this chapter, chapter 378, or
1118 chapter 403, unless the constructed surface water body is of
1119 significant hydrologic value or is an essential element of the
1120 water resources of the area.

1121
1122 The exclusions of this paragraph shall not apply to the
1123 Everglades Protection Area, as defined in s. 373.4592(2)(i).

1124 (2) If the existing flow or water level in a water body is
1125 below, or is projected to fall within 20 years below, the
1126 applicable minimum flow or minimum water level established
1127 pursuant to s. 373.042, the department or governing board,
1128 concurrent with the adoption of the minimum flow or minimum
1129 water level and as part of the regional water supply plan



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1130 described in s. 373.709, shall adopt and ~~expeditiously~~ implement
1131 a recovery or prevention strategy, which includes the
1132 development of additional water supplies and other actions,
1133 consistent with the authority granted by this chapter, to:

1134 (a) Achieve recovery to the established minimum flow or
1135 minimum water level as soon as practicable; or

1136 (b) Prevent the existing flow or water level from falling
1137 below the established minimum flow or minimum water level.
1138

1139 The recovery or prevention strategy must ~~shall~~ include a phased
1140 in approach ~~phasing~~ or a timetable which will allow for the
1141 provision of sufficient water supplies for all existing and
1142 projected reasonable-beneficial uses, including development of
1143 additional water supplies and implementation of conservation and
1144 other efficiency measures concurrent with and, to the maximum
1145 extent practical, ~~and~~ to offset, reductions in permitted
1146 withdrawals, consistent with ~~the provisions of~~ this chapter. The
1147 recovery or prevention strategy may not depend solely on water
1148 shortage restrictions declared pursuant to s. 373.175 or s.
1149 373.246.

1150 (3) In order to ensure that sufficient water is available
1151 for all existing and future reasonable-beneficial uses and the
1152 natural systems, the applicable regional water supply plan
1153 prepared pursuant to s. 373.709 shall be amended to include any
1154 water supply development project or water resource development
1155 project identified in a recovery or prevention strategy. Such
1156 amendment shall be approved concurrently with relevant portions
1157 of the recovery or prevention strategy.

1158 (4) The water management district shall notify the



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1159 department if an application for a water use permit is denied
1160 based upon the impact that the use will have on an adopted
1161 minimum flow or minimum water level. Upon receipt of such
1162 notice, the department shall, as soon as practicable and in
1163 cooperation with the water management district, conduct a review
1164 of the applicable regional water supply plan prepared pursuant
1165 to s. 373.709. Such review shall include an assessment by the
1166 department of the adequacy of the plan in addressing the
1167 legislative intent of s. 373.705(2)(b) which provides that
1168 sufficient water be available for all existing and future
1169 reasonable-beneficial uses and natural systems and that the
1170 adverse effects of competition for water supplies be avoided. If
1171 the department determines, based upon this review, that the
1172 regional water supply plan does not adequately address the
1173 legislative intent of s. 373.705(2)(b), the water management
1174 district shall immediately initiate an update of the plan
1175 consistent with s. 373.709.

1176 (5)~~(3)~~ The provisions of this section are supplemental to
1177 any other specific requirements or authority provided by law.
1178 Minimum flows and minimum water levels shall be reevaluated
1179 periodically and revised as needed.

1180 Section 12. Section 373.0465, Florida Statutes, is created
1181 to read:

1182 373.0465 Central Florida Water Initiative.-

1183 (1) The Legislature finds that:

1184 (a) Historically, the Floridan Aquifer system has supplied
1185 the vast majority of the water used in the Central Florida
1186 Coordination Area.

1187 (b) Because the boundaries of the St. Johns River Water



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1188 Management District, the South Florida Water Management
1189 District, and the Southwest Florida Water Management District
1190 meet within the Central Florida Coordination Area, the three
1191 districts and the Department of Environmental Protection have
1192 worked cooperatively to determine that the Floridan Aquifer
1193 system is locally approaching the sustainable limits of use and
1194 are exploring the need to develop sources of water to meet the
1195 long-term water needs of the area.

1196 (c) The Central Florida Water Initiative is a collaborative
1197 process involving the Department of Environmental Protection,
1198 the St. Johns River Water Management District, the South Florida
1199 Water Management District, the Southwest Florida Water
1200 Management District, the Department of Agriculture and Consumer
1201 Services, regional public water supply utilities, and other
1202 stakeholders. As set forth in the Central Florida Water
1203 Initiative Guiding Document of January 30, 2015, the initiative
1204 has developed an initial framework, for a unified process to
1205 address the current and long-term water supply needs of Central
1206 Florida without causing harm to the water resources and
1207 associated natural systems.

1208 (d) Developing water sources as an alternative to continued
1209 reliance on the Floridan Aquifer will benefit existing and
1210 future water users and natural systems within and beyond the
1211 boundaries of the Central Florida Water Initiative.

1212 (2) (a) As used in this section, the term "Central Florida
1213 Water Initiative Area" means all of Orange, Osceola, Polk, and
1214 Seminole Counties, and southern Lake County, as designated by
1215 the Central Florida Water Initiative Guiding Document of January
1216 30, 2015.



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1217 (b) The department, the St. Johns River Water Management
1218 District, the South Florida Water Management District, the
1219 Southwest Florida Water Management District, and the Department
1220 of Agriculture and Consumer Services shall:

1221 1. Provide for a continuation of the collaborative process
1222 in the Central Florida Water Initiative Area among the state
1223 agencies, affected water management districts, regional public
1224 water supply utilities, and other stakeholders;

1225 2. Build upon the guiding principles and goals set forth in
1226 the Central Florida Water Initiative Guiding Document of January
1227 30, 2015, and the work that has already been accomplished by the
1228 Central Florida Water Initiative participants;

1229 3. Develop and implement, as set forth in the Central
1230 Florida Water Initiative Guiding Document of January 30, 2015, a
1231 single multidistrict regional water supply plan, including any
1232 needed recovery or prevention strategies and a list of water
1233 supply development projects or water resource projects; and

1234 4. Provide for a single hydrologic planning model to assess
1235 the availability of groundwater in the Central Florida Water
1236 Initiative Area.

1237 (c) In developing the water supply planning program
1238 consistent with the goals set forth in this subsection, the
1239 department, the St. Johns River Water Management District, the
1240 South Florida Water Management District, the Southwest Florida
1241 Water Management District, and the Department of Agriculture and
1242 Consumer Services shall:

1243 1. Consider limitations on groundwater use together with
1244 opportunities for new, increased, or redistributed groundwater
1245 uses that are consistent with the conditions established under



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- 1246 s. 373.223;
1247 2. Establish a coordinated process for the identification
1248 of water resources requiring new or revised conditions
1249 consistent with the conditions established under s. 373.223;
1250 3. Consider existing recovery or prevention strategies;
1251 4. Include a list of water supply options sufficient to
1252 meet the water needs of all existing and future reasonable-
1253 beneficial uses consistent with the conditions established under
1254 s. 373.223; and
1255 5. Identify, as necessary, which of the water supply
1256 sources are preferred water supply sources pursuant to s.
1257 373.2234.
1258 (d) The department, in consultation with the St. Johns
1259 River Water Management District, the South Florida Water
1260 Management District, the Southwest Florida Water Management
1261 District, and the Department of Agriculture and Consumer
1262 Services, shall adopt uniform rules for application within the
1263 Central Florida Water Initiative Area that include:
1264 1. A single, uniform definition of "harmful to the water
1265 resources" consistent with the term's usage in s. 373.219;
1266 2. A single method for calculating residential per capita
1267 water use;
1268 3. A single process for permit reviews;
1269 4. A single, consistent process, as appropriate, to set
1270 minimum flows and minimum water levels and water reservations;
1271 5. A goal for residential per capita water use for each
1272 consumptive use permit; and
1273 6. An annual conservation goal for each consumptive use
1274 permit consistent with the regional water supply plan.



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

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

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

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

373.1501 South Florida Water Management District as local



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1304 sponsor.—

1305 (4) The district is authorized to act as local sponsor of
1306 the project for those project features within the district as
1307 provided in this subsection and subject to the oversight of the
1308 department as further provided in s. 373.026. The district shall
1309 exercise the authority of the state to allocate quantities of
1310 water within its jurisdiction, including the water supply in
1311 relation to the project, and be responsible for allocating water
1312 and assigning priorities among the other water uses served by
1313 the project pursuant to state law. The district may:

1314 (a) Act as local sponsor for all project features
1315 previously authorized by Congress.†

1316 (b) Continue data gathering, analysis, research, and design
1317 of project components, participate in preconstruction
1318 engineering and design documents for project components, and
1319 further refine the Comprehensive Plan of the restudy as a guide
1320 and framework for identifying other project components.†

1321 (c) Construct pilot projects that will assist in
1322 determining the feasibility of technology included in the
1323 Comprehensive Plan of the restudy.† ~~and~~

1324 (d) Act as local sponsor for project components.

1325 (7) When developing or implementing water control plans or
1326 regulation schedules required for the operation of the project,
1327 the district shall provide recommendations to the United States
1328 Army Corps of Engineers which are consistent with all district
1329 programs and plans.

1330 Section 14. Subsection (3) is added to section 373.219,
1331 Florida Statutes, to read:

1332 373.219 Permits required.—



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1333 (3) The department shall adopt by rule a uniform definition
1334 of the term "harmful to the water resources" for Outstanding
1335 Florida Springs to provide water management districts with
1336 minimum standards necessary to be consistent with the overall
1337 water policy of the state. This subsection does not prohibit a
1338 water management district from adopting a definition that is
1339 more protective of the water resources consistent with local or
1340 regional conditions and objectives.

1341 Section 15. Subsection (6) is added to section 373.223,
1342 Florida Statutes, to read:

1343 373.223 Conditions for a permit.—

1344 (6) A new, renewal of, or modification to a consumptive use
1345 permit authorizing groundwater withdrawals of 100,000 gallons or
1346 more per day and authorizing the use of a well or wells with an
1347 inside diameter of 8 inches or greater shall be monitored, the
1348 results of which shall be reported to the applicable water
1349 management district at least annually.

1350 Section 16. Section 373.2234, Florida Statutes, is amended
1351 to read:

1352 373.2234 Preferred water supply sources.—

1353 (1) The governing board of a water management district is
1354 authorized to adopt rules that identify preferred water supply
1355 sources for consumptive uses for which there is sufficient data
1356 to establish that a preferred source will provide a substantial
1357 new water supply to meet the existing and projected reasonable-
1358 beneficial uses of a water supply planning region identified
1359 pursuant to s. 373.709(1), while sustaining existing water
1360 resources and natural systems. At a minimum, such rules must
1361 contain a description of the preferred water supply source and



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1362 an assessment of the water the preferred source is projected to
1363 produce.

1364 (2) (a) If an applicant proposes to use a preferred water
1365 supply source, that applicant's proposed water use is subject to
1366 s. 373.223(1), except that the proposed use of a preferred water
1367 supply source must be considered by a water management district
1368 when determining whether a permit applicant's proposed use of
1369 water is consistent with the public interest pursuant to s.
1370 373.223(1) (c).

1371 (b) The governing board of a water management district
1372 shall consider the identification of preferred water supply
1373 sources for water users for whom access to or development of new
1374 water supplies is not technically or financially feasible.
1375 Identification of preferred water supply sources for such water
1376 users must be consistent with s. 373.016.

1377 (c) A consumptive use permit issued for the use of a
1378 preferred water supply source must be granted, when requested by
1379 the applicant, for at least a 20-year period and may be subject
1380 to the compliance reporting provisions of s. 373.236(4).

1381 (3) (a) ~~Nothing in This section does not: shall be construed~~
1382 ~~to~~

1383 1. Exempt the use of preferred water supply sources from
1384 ~~the provisions of ss. 373.016(4) and 373.223(2) and (3); or be~~
1385 ~~construed to~~

1386 2. Provide that permits issued for the use of a
1387 nonpreferred water supply source must be issued for a duration
1388 of less than 20 years or that the use of a nonpreferred water
1389 supply source is not consistent with the public interest; or-

1390 3. ~~Additionally, nothing in this section shall be~~



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1391 ~~interpreted to~~ Require the use of a preferred water supply
1392 source or to restrict or prohibit the use of a nonpreferred
1393 water supply source.

1394 (b) Rules adopted by the governing board of a water
1395 management district to implement this section shall specify that
1396 the use of a preferred water supply source is not required and
1397 that the use of a nonpreferred water supply source is not
1398 restricted or prohibited.

1399 Section 17. Present subsection (5) of section 373.227,
1400 Florida Statutes, is redesignated as subsection (7), and a new
1401 subsection (5) and a subsection (6) are added to that section,
1402 to read:

1403 373.227 Water conservation; legislative findings and
1404 intent; objectives; comprehensive statewide water conservation
1405 program requirements.—

1406 (5) In order to incentivize water conservation, in areas
1407 not included in a regional water supply plan pursuant to s.
1408 373.709 and in areas not included in a declaration of water
1409 shortage or emergency pursuant to s. 373.246, if actual water
1410 use is less than permitted water use due to documented
1411 implementation of water conservation measures, including, but
1412 not limited to, those measures identified in best management
1413 practices pursuant to s. 570.93, the permitted allocation may
1414 not be modified due to such water conservation during the term
1415 of the permit. In order to promote water conservation and the
1416 implementation of measures that produce significant water
1417 savings beyond those required in a consumptive use permit, each
1418 water management district shall adopt rules providing water
1419 conservation incentives, which may include limited permit



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1420 extensions.

1421 (6) For consumptive use permits for agricultural
1422 irrigation, if actual water use is less than permitted water use
1423 due to weather events, crop diseases, nursery stock
1424 availability, market conditions, or changes in crop type, a
1425 district may not, as a result, reduce permitted allocation
1426 amounts during the term of the permit.

1427 Section 18. Subsection (2) of section 373.233, Florida
1428 Statutes, is amended to read:

1429 373.233 Competing applications.—

1430 (2) (a) If ~~In the event that~~ two or more competing
1431 applications qualify equally under ~~the provisions of~~ subsection
1432 (1), the governing board or the department shall give preference
1433 to a renewal application over an initial application.

1434 (b) If two or more competing applications qualify equally
1435 under subsection (1) and none of the competing applications is a
1436 renewal application, the governing board or the department shall
1437 give preference to the application for the use where the source
1438 is nearest to the area of use or application consistent with s.
1439 373.016(4) (a).

1440 Section 19. Section 373.4591, Florida Statutes, is amended
1441 to read:

1442 373.4591 Improvements on private agricultural lands.—

1443 (1) The Legislature encourages public-private partnerships
1444 to accomplish water storage, groundwater recharge, and water
1445 quality improvements on private agricultural lands. Priority
1446 consideration shall be given to public-private partnerships
1447 that:

1448 (a) Store or treat water on private lands for purposes of



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1449 enhancing hydrologic improvement, improving water quality, or
1450 assisting in water supply;

1451 (b) Provide critical ground water recharge; or

1452 (c) Provide for changes in land use to activities that
1453 minimize nutrient loads and maximize water conservation.

1454 (2) (a) When an agreement is entered into between the
1455 department, a water management district, or the Department of
1456 Agriculture and Consumer Services and a private landowner to
1457 establish such a public-private partnership that may create or
1458 impact wetlands or other surface waters, a baseline condition
1459 determining the extent of wetlands and other surface waters on
1460 the property shall be established and documented in the
1461 agreement before improvements are constructed.

1462 (b) When an agreement is entered into between the
1463 Department of Agriculture and Consumer Services and a private
1464 landowner to implement best management practices pursuant to s.
1465 403.067(7)(c), a baseline condition determining the extent of
1466 wetlands and other surface water on the property may be
1467 established at the option and expense of the private landowner
1468 and documented in the agreement before improvements are
1469 constructed. The Department of Agriculture and Consumer Services
1470 shall submit the landowner's proposed baseline condition
1471 documentation to the lead agency for review and approval, and
1472 the agency shall use its best efforts to complete the review
1473 within 45 days.

1474 (3) The Department of Agriculture and Consumer Services,
1475 the department, and the water management districts shall provide
1476 a process for reviewing these requests in the timeframe
1477 specified. The determination of a baseline condition shall be



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1478 conducted using the methods set forth in the rules adopted
1479 pursuant to s. 373.421. The baseline condition documented in an
1480 agreement shall be considered the extent of wetlands and other
1481 surface waters on the property for the purpose of regulation
1482 under this chapter for the duration of the agreement and after
1483 its expiration.

1484 Section 20. Paragraph (h) of subsection (1) and subsections
1485 (2) through (7) of section 373.4595, Florida Statutes, are
1486 amended, and present subsections (8) through (13) of that
1487 section are redesignated as subsections (9) through (14),
1488 respectively, and a new subsection (8) is added to that section,
1489 to read:

1490 373.4595 Northern Everglades and Estuaries Protection
1491 Program.—

1492 (1) FINDINGS AND INTENT.—

1493 (h) The Legislature finds that the expeditious
1494 implementation of the Lake Okeechobee Watershed Protection
1495 Program, the Caloosahatchee River Watershed Protection Program,
1496 Plan and the St. Lucie River Watershed Protection Program Plans
1497 is needed to improve the quality, quantity, timing, and
1498 distribution of water in the northern Everglades ecosystem and
1499 that this section, in conjunction with s. 403.067, including the
1500 implementation of the plans developed and approved pursuant to
1501 subsections (3) and (4), and any related basin management action
1502 plan developed and implemented pursuant to s. 403.067(7)(a),
1503 provide a reasonable means of achieving the total maximum daily
1504 load requirements and achieving and maintaining compliance with
1505 state water quality standards.

1506 (2) DEFINITIONS.—As used in this section, the term:



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1507 (a) "Best management practice" means a practice or
1508 combination of practices determined by the coordinating
1509 agencies, based on research, field-testing, and expert review,
1510 to be the most effective and practicable on-location means,
1511 including economic and technological considerations, for
1512 improving water quality in agricultural and urban discharges.
1513 Best management practices for agricultural discharges shall
1514 reflect a balance between water quality improvements and
1515 agricultural productivity.

1516 (b) "Biosolids" means the solid, semisolid, or liquid
1517 residue generated during the treatment of domestic wastewater in
1518 a domestic wastewater treatment facility, formerly known as
1519 "domestic wastewater residuals" or "residuals," and includes
1520 products and treated material from biosolids treatment
1521 facilities and septage management facilities regulated by the
1522 department. The term does not include the treated effluent or
1523 reclaimed water from a domestic wastewater treatment facility,
1524 solids removed from pump stations and lift stations, screenings
1525 and grit removed from the preliminary treatment components of
1526 domestic wastewater treatment facilities, or ash generated
1527 during the incineration of biosolids.

1528 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
1529 Caloosahatchee River, its tributaries, its estuary, and the area
1530 within Charlotte, Glades, Hendry, and Lee Counties from which
1531 surface water flow is directed or drains, naturally or by
1532 constructed works, to the river, its tributaries, or its
1533 estuary.

1534 (d) ~~(e)~~ "Coordinating agencies" means the Department of
1535 Agriculture and Consumer Services, the Department of



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1536 Environmental Protection, and the South Florida Water Management
1537 District.

1538 ~~(e)~~(d) "Corps of Engineers" means the United States Army
1539 Corps of Engineers.

1540 ~~(f)~~(e) "Department" means the Department of Environmental
1541 Protection.

1542 ~~(g)~~(f) "District" means the South Florida Water Management
1543 District.

1544 ~~(g) "District's WOD program" means the program implemented~~
1545 ~~pursuant to rules adopted as authorized by this section and ss.~~
1546 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
1547 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1548 (h) "Lake Okeechobee Watershed Construction Project" means
1549 the construction project developed pursuant to this section
1550 ~~paragraph (3)(b).~~

1551 (i) "Lake Okeechobee Watershed Protection Plan" means the
1552 Lake Okeechobee Watershed Construction Project and the Lake
1553 Okeechobee Watershed Research and Water Quality Monitoring
1554 Program ~~plan developed pursuant to this section and ss. 373.451-~~
1555 ~~373.459.~~

1556 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
1557 tributaries, and the area within which surface water flow is
1558 directed or drains, naturally or by constructed works, to the
1559 lake or its tributaries.

1560 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
1561 ~~means the program developed pursuant to paragraph (3)(c).~~

1562 ~~(k)~~(l) "Northern Everglades" means the Lake Okeechobee
1563 watershed, the Caloosahatchee River watershed, and the St. Lucie
1564 River watershed.



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1565 (l)~~(m)~~ "Project component" means any structural or
1566 operational change, resulting from the Restudy, to the Central
1567 and Southern Florida Project as it existed and was operated as
1568 of January 1, 1999.

1569 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
1570 the Central and Southern Florida Project, for which federal
1571 participation was authorized by the Federal Water Resources
1572 Development Acts of 1992 and 1996 together with related
1573 Congressional resolutions and for which participation by the
1574 South Florida Water Management District is authorized by s.
1575 373.1501. The term includes all actions undertaken pursuant to
1576 the aforementioned authorizations which will result in
1577 recommendations for modifications or additions to the Central
1578 and Southern Florida Project.

1579 (n)~~(o)~~ "River Watershed Protection Plans" means the
1580 Caloosahatchee River Watershed Protection Plan and the St. Lucie
1581 River Watershed Protection Plan developed pursuant to this
1582 section.

1583 (o) "Soil amendment" means any substance or mixture of
1584 substances sold or offered for sale for soil enriching or
1585 corrective purposes, intended or claimed to be effective in
1586 promoting or stimulating plant growth, increasing soil or plant
1587 productivity, improving the quality of crops, or producing any
1588 chemical or physical change in the soil, except amendments,
1589 conditioners, additives, and related products that are derived
1590 solely from inorganic sources and that contain no recognized
1591 plant nutrients.

1592 (p) "St. Lucie River watershed" means the St. Lucie River,
1593 its tributaries, its estuary, and the area within Martin,



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1594 Okeechobee, and St. Lucie Counties from which surface water flow
1595 is directed or drains, naturally or by constructed works, to the
1596 river, its tributaries, or its estuary.

1597 (q) "Total maximum daily load" means the sum of the
1598 individual wasteload allocations for point sources and the load
1599 allocations for nonpoint sources and natural background adopted
1600 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
1601 wasteload allocations and load allocations, the maximum amount
1602 of a pollutant that a water body or water segment can assimilate
1603 from all sources without exceeding water quality standards must
1604 first be calculated.

1605 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1606 Okeechobee Watershed Protection Program shall consist of the
1607 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1608 Basin Management Action Plan adopted pursuant to s. 403.067, the
1609 Lake Okeechobee Exotic Species Control Program, and the Lake
1610 Okeechobee Internal Phosphorus Management Program. The Lake
1611 Okeechobee Basin Management Action Plan adopted pursuant to s.
1612 403.067 shall be the component of the Lake Okeechobee Watershed
1613 Protection ~~A protection Program for Lake Okeechobee that~~
1614 ~~achieves phosphorus load reductions for Lake Okeechobee shall be~~
1615 ~~immediately implemented as specified in this subsection. As~~
1616 provided in s. 403.067(7)(a)5., the Lake Okeechobee Basin
1617 Management Action Plan must include milestones for
1618 implementation and water quality improvement and an associated
1619 water quality monitoring component sufficient to evaluate
1620 whether reasonable progress in pollutant load reductions is
1621 being achieved over time. The department shall develop a
1622 schedule to establish 5-, 10-, and 15-year measurable milestones



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1623 and a target for achieving water quality improvement consistent
1624 with this section. The schedule shall be used to provide
1625 guidance for planning and funding purposes and is exempt from s.
1626 120.54(1) (a). An assessment of progress toward these milestones
1627 shall be conducted every 5 years and revisions to the plan shall
1628 be made, as appropriate, as a result of each 5-year review. The
1629 assessment shall be provided to the Governor, the President of
1630 the Senate, and the Speaker of the House of Representatives.
1631 Upon the first 5-year review, a schedule, measureable
1632 milestones, and a target for achieving water quality improvement
1633 consistent with this section shall be adopted into the plan.
1634 Revisions to the basin management action plan shall be made by
1635 the department in cooperation with basin stakeholders. Revisions
1636 to the management strategies must follow the procedures set
1637 forth in s. 403.067(7) (c)4. Revised basin management action
1638 plans must be adopted pursuant to s. 403.067(7) (a)4. The Lake
1639 Okeechobee Watershed Protection Program shall address the
1640 reduction of phosphorus loading to the lake from both internal
1641 and external sources. Phosphorus load reductions shall be
1642 achieved through a phased program of implementation. ~~Initial~~
1643 ~~implementation actions shall be technology-based, based upon a~~
1644 ~~consideration of both the availability of appropriate technology~~
1645 ~~and the cost of such technology, and shall include phosphorus~~
1646 ~~reduction measures at both the source and the regional level.~~
1647 ~~The initial phase of phosphorus load reductions shall be based~~
1648 ~~upon the district's Technical Publication 81-2 and the~~
1649 ~~district's WOD program, with subsequent phases of phosphorus~~
1650 ~~load reductions based upon the total maximum daily loads~~
1651 ~~established in accordance with s. 403.067. In the development~~



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1652 and administration of the Lake Okeechobee Watershed Protection
1653 Program, the coordinating agencies shall maximize opportunities
1654 provided by federal cost-sharing programs and opportunities for
1655 partnerships with the private sector.

1656 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to
1657 protect and restore surface water resources, the district, in
1658 cooperation with the other coordinating agencies, shall complete
1659 a Lake Okeechobee Watershed Protection Plan in accordance with
1660 this section and ss. 373.451–373.459. Beginning March 1, 2020,
1661 and every 5 years thereafter, the district shall update the Lake
1662 Okeechobee Watershed Protection Plan to ensure that it is
1663 consistent with the Lake Okeechobee Basin Management Action Plan
1664 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1665 Protection Plan shall identify the geographic extent of the
1666 watershed, be coordinated with the plans developed pursuant to
1667 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1668 Watershed Construction Project and the Lake Okeechobee Watershed
1669 Research and Water Quality Monitoring Program ~~contain an~~
1670 ~~implementation schedule for subsequent phases of phosphorus load~~
1671 ~~reduction consistent with the total maximum daily loads~~
1672 ~~established in accordance with s. 403.067.~~ The plan shall
1673 consider and build upon a review and analysis of ~~the following:~~

1674 ~~1.~~ the performance of projects constructed during Phase I
1675 and Phase II of the Lake Okeechobee Watershed Construction
1676 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

1677 ~~2.~~ relevant information resulting from the Lake Okeechobee
1678 Basin Management Action Plan Watershed Phosphorus Control
1679 Program, pursuant to paragraph (b); ~~(e).~~

1680 ~~3.~~ relevant information resulting from the Lake Okeechobee



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1681 Watershed Research and Water Quality Monitoring Program,
1682 pursuant to subparagraph 2.; ~~paragraph (d).~~

1683 ~~4.~~ relevant information resulting from the Lake Okeechobee
1684 Exotic Species Control Program, pursuant to paragraph (c); and
1685 ~~(e).~~

1686 ~~5.~~ relevant information resulting from the Lake Okeechobee
1687 Internal Phosphorus Management Program, pursuant to paragraph
1688 (d) ~~(f).~~

1689 1. ~~(b)~~ *Lake Okeechobee Watershed Construction Project.*—To
1690 improve the hydrology and water quality of Lake Okeechobee and
1691 downstream receiving waters, including the Caloosahatchee and
1692 St. Lucie Rivers and their estuaries, the district, in
1693 cooperation with the other coordinating agencies, shall design
1694 and construct the Lake Okeechobee Watershed Construction
1695 Project. The project shall include:

1696 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
1697 Construction Project shall consist of a series of project
1698 features consistent with the recommendations of the South
1699 Florida Ecosystem Restoration Working Group's Lake Okeechobee
1700 Action Plan. Priority basins for such projects include S-191, S-
1701 154, and Pools D and E in the Lower Kissimmee River. In order to
1702 obtain phosphorus load reductions to Lake Okeechobee as soon as
1703 possible, the following actions shall be implemented:

1704 (I)a. The district shall serve as a full partner with the
1705 Corps of Engineers in the design and construction of the Grassy
1706 Island Ranch and New Palm Dairy stormwater treatment facilities
1707 as components of the Lake Okeechobee Water Retention/Phosphorus
1708 Removal Critical Project. The Corps of Engineers shall have the
1709 lead in design and construction of these facilities. Should



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1710 delays be encountered in the implementation of either of these
1711 facilities, the district shall notify the department and
1712 recommend corrective actions.

1713 ~~(II)~~^b. The district shall obtain permits and complete
1714 construction of two of the isolated wetland restoration projects
1715 that are part of the Lake Okeechobee Water Retention/Phosphorus
1716 Removal Critical Project. The additional isolated wetland
1717 projects included in this critical project shall further reduce
1718 phosphorus loading to Lake Okeechobee.

1719 ~~(III)~~^e. The district shall work with the Corps of Engineers
1720 to expedite initiation of the design process for the Taylor
1721 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
1722 Area, a project component of the Comprehensive Everglades
1723 Restoration Plan. The district shall propose to the Corps of
1724 Engineers that the district take the lead in the design and
1725 construction of the Reservoir Assisted Stormwater Treatment Area
1726 and receive credit towards the local share of the total cost of
1727 the Comprehensive Everglades Restoration Plan.

1728 ~~b.2.~~ Phase II technical plan and construction. ~~By February~~
1729 ~~1, 2008,~~ The district, in cooperation with the other
1730 coordinating agencies, shall develop a detailed technical plan
1731 for Phase II of the Lake Okeechobee Watershed Construction
1732 Project which provides the basis for the Lake Okeechobee Basin
1733 Management Action Plan adopted by the department pursuant to s.
1734 403.067. The detailed technical plan shall include measures for
1735 the improvement of the quality, quantity, timing, and
1736 distribution of water in the northern Everglades ecosystem,
1737 including the Lake Okeechobee watershed and the estuaries, and
1738 for facilitating the achievement of water quality standards. Use



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1739 of cost-effective biologically based, hybrid wetland/chemical
1740 and other innovative nutrient control technologies shall be
1741 incorporated in the plan where appropriate. The detailed
1742 technical plan shall also include a Process Development and
1743 Engineering component to finalize the detail and design of Phase
1744 II projects and identify additional measures needed to increase
1745 the certainty that the overall objectives for improving water
1746 quality and quantity can be met. Based on information and
1747 recommendations from the Process Development and Engineering
1748 component, the Phase II detailed technical plan shall be
1749 periodically updated. Phase II shall include construction of
1750 additional facilities in the priority basins identified in sub-
1751 subparagraph a. subparagraph 1., as well as facilities for other
1752 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
1753 ~~plan will require legislative ratification pursuant to paragraph~~
1754 ~~(i).~~ The technical plan shall:

1755 (I)a. Identify Lake Okeechobee Watershed Construction
1756 Project facilities designed to contribute to achieving all
1757 applicable total maximum daily loads established pursuant to s.
1758 403.067 within the Lake Okeechobee watershed.

1759 (II)b. Identify the size and location of all such Lake
1760 Okeechobee Watershed Construction Project facilities.

1761 (III)c. Provide a construction schedule for all such Lake
1762 Okeechobee Watershed Construction Project facilities, including
1763 the sequencing and specific timeframe for construction of each
1764 Lake Okeechobee Watershed Construction Project facility.

1765 (IV)d. Provide a schedule for the acquisition of lands or
1766 sufficient interests necessary to achieve the construction
1767 schedule.



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1768 (V)~~e.~~ Provide a detailed schedule of costs associated with
1769 the construction schedule.

1770 (VI)~~f.~~ Identify, to the maximum extent practicable, impacts
1771 on wetlands and state-listed species expected to be associated
1772 with construction of such facilities, including potential
1773 alternatives to minimize and mitigate such impacts, as
1774 appropriate.

1775 (VII)~~g.~~ Provide for additional measures, including
1776 voluntary water storage and quality improvements on private
1777 land, to increase water storage and reduce excess water levels
1778 in Lake Okeechobee and to reduce excess discharges to the
1779 estuaries.

1780 (VIII) ~~The technical plan shall also~~ Develop the
1781 appropriate water quantity storage goal to achieve the desired
1782 Lake Okeechobee range of lake levels and inflow volumes to the
1783 Caloosahatchee and St. Lucie estuaries while meeting the other
1784 water-related needs of the region, including water supply and
1785 flood protection.

1786 (IX)~~h.~~ Provide for additional source controls needed to
1787 enhance performance of the Lake Okeechobee Watershed
1788 Construction Project facilities. Such additional source controls
1789 shall be incorporated into the Lake Okeechobee Basin Management
1790 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
1791 paragraph (b) ~~(e)~~.

1792 c.3. ~~Evaluation.~~ Within 5 years after the adoption of the
1793 Lake Okeechobee Basin Management Action Plan pursuant to s.
1794 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
1795 thereafter, the department ~~district~~, in cooperation with the
1796 other coordinating agencies, shall conduct an evaluation of the



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1797 Lake Okeechobee Watershed Construction Project and identify any
1798 further load reductions necessary to achieve compliance with the
1799 all Lake Okeechobee watershed total maximum daily loads
1800 established pursuant to s. 403.067. Additionally, The district
1801 shall identify modifications to facilities of the Lake
1802 Okeechobee Watershed Construction Project as appropriate to meet
1803 the total maximum daily loads. Modifications to the Lake
1804 Okeechobee Watershed Construction Project resulting from this
1805 evaluation shall be incorporated into the Lake Okeechobee Basin
1806 Management Action Plan and ~~The evaluation shall be included in~~
1807 the applicable annual progress report submitted pursuant to
1808 subsection (6).

1809 d.4. Coordination and review.—To ensure the timely
1810 implementation of the Lake Okeechobee Watershed Construction
1811 Project, the design of project facilities shall be coordinated
1812 with the department and other interested parties, including
1813 affected local governments, to the maximum extent practicable.
1814 Lake Okeechobee Watershed Construction Project facilities shall
1815 be reviewed and commented upon by the department before ~~prior to~~
1816 the execution of a construction contract by the district for
1817 that facility.

1818 2. Lake Okeechobee Watershed Research and Water Quality
1819 Monitoring Program.—The coordinating agencies shall implement a
1820 Lake Okeechobee Watershed Research and Water Quality Monitoring
1821 Program. Results from the program shall be used by the
1822 department, in cooperation with the other coordinating agencies,
1823 to make modifications to the Lake Okeechobee Basin Management
1824 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1825 program shall:



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1826 a. Evaluate all available existing water quality data
1827 concerning total phosphorus in the Lake Okeechobee watershed,
1828 develop a water quality baseline to represent existing
1829 conditions for total phosphorus, monitor long-term ecological
1830 changes, including water quality for total phosphorus, and
1831 measure compliance with water quality standards for total
1832 phosphorus, including any applicable total maximum daily load
1833 for the Lake Okeechobee watershed as established pursuant to s.
1834 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1835 the department shall reevaluate water quality and quantity data
1836 to ensure that the appropriate projects are being designated and
1837 incorporated into the Lake Okeechobee Basin Management Action
1838 Plan adopted pursuant to s. 403.067. The district shall
1839 implement a total phosphorus monitoring program at appropriate
1840 structures owned or operated by the district and within the Lake
1841 Okeechobee watershed.

1842 b. Develop a Lake Okeechobee water quality model that
1843 reasonably represents the phosphorus dynamics of Lake Okeechobee
1844 and incorporates an uncertainty analysis associated with model
1845 predictions.

1846 c. Determine the relative contribution of phosphorus from
1847 all identifiable sources and all primary and secondary land
1848 uses.

1849 d. Conduct an assessment of the sources of phosphorus from
1850 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
1851 relative contribution to the water quality of Lake Okeechobee.
1852 The results of this assessment shall be used by the coordinating
1853 agencies as part of the Lake Okeechobee Basin Management Action
1854 Plan adopted pursuant to s. 403.067 to develop interim measures,



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1855 best management practices, or regulations, as applicable.

1856 e. Assess current water management practices within the
1857 Lake Okeechobee watershed and develop recommendations for
1858 structural and operational improvements. Such recommendations
1859 shall balance water supply, flood control, estuarine salinity,
1860 maintenance of a healthy lake littoral zone, and water quality
1861 considerations.

1862 f. Evaluate the feasibility of alternative nutrient
1863 reduction technologies, including sediment traps, canal and
1864 ditch maintenance, fish production or other aquaculture,
1865 bioenergy conversion processes, and algal or other biological
1866 treatment technologies and include any alternative nutrient
1867 reduction technologies determined to be feasible in the Lake
1868 Okeechobee Basin Management Action Plan adopted pursuant to s.
1869 403.067.

1870 g. Conduct an assessment of the water volumes and timing
1871 from the Lake Okeechobee watershed and their relative
1872 contribution to the water level changes in Lake Okeechobee and
1873 to the timing and volume of water delivered to the estuaries.

1874 (b) ~~(e)~~ Lake Okeechobee Basin Management Action Plan
1875 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
1876 Management Action Plan adopted pursuant to s. 403.067 shall be
1877 the watershed phosphorus control component for Lake Okeechobee.
1878 The Lake Okeechobee Basin Management Action Plan shall be
1879 Program is designed to be a multifaceted approach designed to
1880 achieve the total maximum daily load ~~reducing phosphorus loads~~
1881 by improving the management of phosphorus sources within the
1882 Lake Okeechobee watershed through implementation of regulations
1883 and best management practices, continued development and



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1884 continued implementation of improved best management practices,
1885 improvement and restoration of the hydrologic function of
1886 natural and managed systems, and use ~~utilization~~ of alternative
1887 technologies for nutrient reduction. The plan must include an
1888 implementation schedule pursuant to this subsection for
1889 pollutant load reductions consistent with the adopted total
1890 maximum daily load. The department shall develop a schedule to
1891 establish 5-, 10-, and 15-year milestones and a target to
1892 achieve the adopted total maximum daily load no more than 20
1893 years after adoption of the plan. The schedule shall be used to
1894 provide guidance for planning and funding purposes and is exempt
1895 from s. 120.54(1) (a). If achieving the adopted total maximum
1896 daily load within 20 years is not practicable, the schedule
1897 shall contain an explanation of the constraints that prevent
1898 achieving the total maximum daily load within 20 years and an
1899 estimate of the time needed to achieve the total maximum daily
1900 load and additional 5-year measurable milestones, as necessary.
1901 The coordinating agencies shall develop an interagency agreement
1902 pursuant to ss. 373.046 and 373.406 which is consistent with the
1903 department taking the lead on water quality protection measures
1904 through the Lake Okeechobee Basin Management Action Plan adopted
1905 pursuant to s. 403.067; the district taking the lead on
1906 hydrologic improvements pursuant to paragraph (a); and the
1907 Department of Agriculture and Consumer Services taking the lead
1908 on agricultural interim measures, best management practices, and
1909 other measures adopted pursuant to s. 403.067. The interagency
1910 agreement shall specify how best management practices for
1911 nonagricultural nonpoint sources are developed and how all best
1912 management practices are implemented and verified consistent



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1913 with s. 403.067 and this section. The interagency agreement
1914 shall address measures to be taken by the coordinating agencies
1915 during any best management practice reevaluation performed
1916 pursuant to subparagraphs 5. and 10. The department shall use
1917 best professional judgment in making the initial determination
1918 of best management practice effectiveness. The coordinating
1919 agencies may develop an intergovernmental agreement with local
1920 governments to implement nonagricultural nonpoint source best
1921 management practices within their respective geographic
1922 boundaries. The coordinating agencies shall facilitate the
1923 application of federal programs that offer opportunities for
1924 water quality treatment, including preservation, restoration, or
1925 creation of wetlands on agricultural lands.

1926 1. Agricultural nonpoint source best management practices,
1927 developed in accordance with s. 403.067 and designed to achieve
1928 the objectives of the Lake Okeechobee Watershed Protection
1929 Program as part of a phased approach of management strategies
1930 within the Lake Okeechobee Basin Management Action Plan, shall
1931 be implemented on an expedited basis. ~~The coordinating agencies~~
1932 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1933 ~~and 373.406(5) that assures the development of best management~~
1934 ~~practices that complement existing regulatory programs and~~
1935 ~~specifies how those best management practices are implemented~~
1936 ~~and verified. The interagency agreement shall address measures~~
1937 ~~to be taken by the coordinating agencies during any best~~
1938 ~~management practice reevaluation performed pursuant to sub-~~
1939 ~~subparagraph d. The department shall use best professional~~
1940 ~~judgment in making the initial determination of best management~~
1941 ~~practice effectiveness.~~



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1942 ~~2.a.~~ As provided in s. 403.067~~(7)(e)~~, the Department of
1943 Agriculture and Consumer Services, in consultation with the
1944 department, the district, and affected parties, shall initiate
1945 rule development for interim measures, best management
1946 practices, conservation plans, nutrient management plans, or
1947 other measures necessary for Lake Okeechobee watershed total
1948 maximum daily load reduction. The rule shall include thresholds
1949 for requiring conservation and nutrient management plans and
1950 criteria for the contents of such plans. Development of
1951 agricultural nonpoint source best management practices shall
1952 initially focus on those priority basins listed in sub-
1953 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
1954 Agriculture and Consumer Services, in consultation with the
1955 department, the district, and affected parties, shall conduct an
1956 ongoing program for improvement of existing and development of
1957 new agricultural nonpoint source interim measures and ~~or~~ best
1958 management practices. The Department of Agriculture and Consumer
1959 Services shall adopt ~~for the purpose of adoption of~~ such
1960 practices by rule. The Department of Agriculture and Consumer
1961 Services shall work with the University of Florida ~~Florida's~~
1962 Institute of Food and Agriculture Sciences to review and, where
1963 appropriate, develop revised nutrient application rates for all
1964 agricultural soil amendments in the watershed.

1965 ~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint
1966 source best management practices or interim measures have been
1967 adopted by rule of the Department of Agriculture and Consumer
1968 Services, the owner or operator of an agricultural nonpoint
1969 source addressed by such rule shall either implement interim
1970 measures or best management practices or demonstrate compliance



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1971 with state water quality standards addressed by the Lake
1972 Okeechobee Basin Management Action Plan adopted pursuant to s.
1973 403.067 ~~the district's WOD program~~ by conducting monitoring
1974 prescribed by the department or the district. Owners or
1975 operators of agricultural nonpoint sources who implement interim
1976 measures or best management practices adopted by rule of the
1977 Department of Agriculture and Consumer Services shall be subject
1978 to ~~the provisions of s. 403.067(7). The Department of~~
1979 ~~Agriculture and Consumer Services, in cooperation with the~~
1980 ~~department and the district, shall provide technical and~~
1981 ~~financial assistance for implementation of agricultural best~~
1982 ~~management practices, subject to the availability of funds.~~

1983 4.e. The district or department shall conduct monitoring at
1984 representative sites to verify the effectiveness of agricultural
1985 nonpoint source best management practices.

1986 5.d. Where water quality problems are detected for
1987 agricultural nonpoint sources despite the appropriate
1988 implementation of adopted best management practices, ~~the~~
1989 ~~Department of Agriculture and Consumer Services, in consultation~~
1990 ~~with the other coordinating agencies and affected parties, shall~~
1991 ~~institute~~ a reevaluation of the best management practices shall
1992 be conducted pursuant to s. 403.067(7)(c)4. Should the
1993 reevaluation determine that the best management practices or
1994 other measures require modification, the rule shall be revised
1995 to require implementation of the modified practice within a
1996 reasonable time period as specified in the rule and make
1997 ~~appropriate changes to the rule adopting best management~~
1998 ~~practices.~~

1999 6.2. As provided in s. 403.067, nonagricultural nonpoint



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2000 source best management practices, developed in accordance with
2001 s. 403.067 and designed to achieve the objectives of the Lake
2002 Okeechobee Watershed Protection Program as part of a phased
2003 approach of management strategies within the Lake Okeechobee
2004 Basin Management Action Plan, shall be implemented on an
2005 expedited basis. ~~The department and the district shall develop~~
2006 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
2007 ~~that assures the development of best management practices that~~
2008 ~~complement existing regulatory programs and specifies how those~~
2009 ~~best management practices are implemented and verified. The~~
2010 ~~interagency agreement shall address measures to be taken by the~~
2011 ~~department and the district during any best management practice~~
2012 ~~reevaluation performed pursuant to sub-subparagraph d.~~

2013 7.a. The department and the district are directed to work
2014 with the University of Florida ~~Florida's~~ Institute of Food and
2015 Agricultural Sciences to develop appropriate nutrient
2016 application rates for all nonagricultural soil amendments in the
2017 watershed. As provided in s. 403.067 ~~s. 403.067(7)(c)~~, the
2018 department, in consultation with the district and affected
2019 parties, shall develop nonagricultural nonpoint source interim
2020 measures, best management practices, or other measures necessary
2021 for Lake Okeechobee watershed total maximum daily load
2022 reduction. Development of nonagricultural nonpoint source best
2023 management practices shall initially focus on those priority
2024 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
2025 department, the district, and affected parties shall conduct an
2026 ongoing program for improvement of existing and development of
2027 new interim measures and ~~or~~ best management practices. The
2028 department or the district shall adopt such practices by rule



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2029 ~~The district shall adopt technology-based standards under the~~
2030 ~~district's WOD program for nonagricultural nonpoint sources of~~
2031 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
2032 ~~authority of the department or the district to adopt basin-~~
2033 ~~specific criteria under this part to prevent harm to the water~~
2034 ~~resources of the district.~~

2035 8.b. Where nonagricultural nonpoint source best management
2036 practices or interim measures have been developed by the
2037 department and adopted by the district, the owner or operator of
2038 a nonagricultural nonpoint source shall implement interim
2039 measures or best management practices and be subject to ~~the~~
2040 ~~provisions of s. 403.067(7). The department and district shall~~
2041 ~~provide technical and financial assistance for implementation of~~
2042 ~~nonagricultural nonpoint source best management practices,~~
2043 ~~subject to the availability of funds.~~

2044 9.e. As provided in s. 403.067, the district or the
2045 department shall conduct monitoring at representative sites to
2046 verify the effectiveness of nonagricultural nonpoint source best
2047 management practices.

2048 10.d. Where water quality problems are detected for
2049 nonagricultural nonpoint sources despite the appropriate
2050 implementation of adopted best management practices, ~~the~~
2051 ~~department and the district shall institute a reevaluation of~~
2052 ~~the best management practices shall be conducted pursuant to s.~~
2053 ~~403.067(7)(c)4. Should the reevaluation determine that the best~~
2054 ~~management practices or other measures require modification, the~~
2055 ~~rule shall be revised to require implementation of the modified~~
2056 ~~practice within a reasonable time period as specified in the~~
2057 ~~rule.~~



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2058 11.3. The provisions of Subparagraphs 1. and 2. and 7. do
2059 ~~may~~ not preclude the department or the district from requiring
2060 compliance with water quality standards or with current best
2061 management practices requirements set forth in any applicable
2062 regulatory program authorized by law for the purpose of
2063 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~
2064 and 7. are applicable only to the extent that they do not
2065 conflict with any rules adopted by the department that are
2066 necessary to maintain a federally delegated or approved program.

2067 12. The program of agricultural best management practices
2068 set forth in the Everglades Program of the district, meets the
2069 requirements of this paragraph and s. 403.067(7) for the Lake
2070 Okeechobee watershed. An entity in compliance with best
2071 management practices set forth in the Everglades Program of the
2072 district, may elect to use that permit in lieu of the
2073 requirements of this paragraph. The provisions of s.
2074 373.4595(3)(b)5. apply to this subparagraph. This subparagraph
2075 does not alter any requirement under s. 373.4592.

2076 13. The Department of Agriculture and Consumer Services, in
2077 cooperation with the department and the district, shall provide
2078 technical and financial assistance for implementation of
2079 agricultural best management practices, subject to the
2080 availability of funds. The department and district shall provide
2081 technical and financial assistance for implementation of
2082 nonagricultural nonpoint source best management practices,
2083 subject to the availability of funds.

2084 14.4. Projects that reduce the phosphorus load originating
2085 from domestic wastewater systems within the Lake Okeechobee
2086 watershed shall be given funding priority in the department's



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2087 revolving loan program under s. 403.1835. The department shall
2088 coordinate and provide assistance to those local governments
2089 seeking financial assistance for such priority projects.

2090 ~~15.5.~~ Projects that make use of private lands, or lands
2091 held in trust for Indian tribes, to reduce nutrient loadings or
2092 concentrations within a basin by one or more of the following
2093 methods: restoring the natural hydrology of the basin, restoring
2094 wildlife habitat or impacted wetlands, reducing peak flows after
2095 storm events, increasing aquifer recharge, or protecting range
2096 and timberland from conversion to development, are eligible for
2097 grants available under this section from the coordinating
2098 agencies. For projects of otherwise equal priority, special
2099 funding priority will be given to those projects that make best
2100 use of the methods outlined above that involve public-private
2101 partnerships or that obtain federal match money. Preference
2102 ranking above the special funding priority will be given to
2103 projects located in a rural area of opportunity designated by
2104 the Governor. Grant applications may be submitted by any person
2105 or tribal entity, and eligible projects may include, but are not
2106 limited to, the purchase of conservation and flowage easements,
2107 hydrologic restoration of wetlands, creating treatment wetlands,
2108 development of a management plan for natural resources, and
2109 financial support to implement a management plan.

2110 ~~16.6.a.~~ The department shall require all entities disposing
2111 of domestic wastewater biosolids ~~residuals~~ within the Lake
2112 Okeechobee watershed and the remaining areas of Okeechobee,
2113 Glades, and Hendry Counties to develop and submit to the
2114 department an agricultural use plan that limits applications
2115 based upon phosphorus loading consistent with the Lake



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2116 Okeechobee Basin Management Action Plan adopted pursuant to s.
2117 403.067. By July 1, 2005, phosphorus concentrations originating
2118 from these application sites may not exceed the limits
2119 established in the district's WOD program. After December 31,
2120 2007, The department may not authorize the disposal of domestic
2121 wastewater biosolids residuals within the Lake Okeechobee
2122 watershed unless the applicant can affirmatively demonstrate
2123 that the phosphorus in the biosolids residuals will not add to
2124 phosphorus loadings in Lake Okeechobee or its tributaries. This
2125 demonstration shall be based on achieving a net balance between
2126 phosphorus imports relative to exports on the permitted
2127 application site. Exports shall include only phosphorus removed
2128 from the Lake Okeechobee watershed through products generated on
2129 the permitted application site. This prohibition does not apply
2130 to Class AA biosolids residuals that are marketed and
2131 distributed as fertilizer products in accordance with department
2132 rule.

2133 17.b. Private and government-owned utilities within Monroe,
2134 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
2135 River, Okeechobee, Highlands, Hendry, and Glades Counties that
2136 dispose of wastewater biosolids residual sludge from utility
2137 operations and septic removal by land spreading in the Lake
2138 Okeechobee watershed may use a line item on local sewer rates to
2139 cover wastewater biosolids residual treatment and disposal if
2140 such disposal and treatment is done by approved alternative
2141 treatment methodology at a facility located within the areas
2142 designated by the Governor as rural areas of opportunity
2143 pursuant to s. 288.0656. This additional line item is an
2144 environmental protection disposal fee above the present sewer



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2145 rate and may not be considered a part of the present sewer rate
2146 to customers, notwithstanding provisions to the contrary in
2147 chapter 367. The fee shall be established by the county
2148 commission or its designated assignee in the county in which the
2149 alternative method treatment facility is located. The fee shall
2150 be calculated to be no higher than that necessary to recover the
2151 facility's prudent cost of providing the service. Upon request
2152 by an affected county commission, the Florida Public Service
2153 Commission will provide assistance in establishing the fee.
2154 Further, for utilities and utility authorities that use the
2155 additional line item environmental protection disposal fee, such
2156 fee may not be considered a rate increase under the rules of the
2157 Public Service Commission and shall be exempt from such rules.
2158 Utilities using ~~the provisions of~~ this section may immediately
2159 include in their sewer invoicing the new environmental
2160 protection disposal fee. Proceeds from this environmental
2161 protection disposal fee shall be used for treatment and disposal
2162 of wastewater biosolids residuals, including any treatment
2163 technology that helps reduce the volume of biosolids residuals
2164 that require final disposal, but such proceeds may not be used
2165 for transportation or shipment costs for disposal or any costs
2166 relating to the land application of biosolids residuals in the
2167 Lake Okeechobee watershed.

2168 18.e. No less frequently than once every 3 years, the
2169 Florida Public Service Commission or the county commission
2170 through the services of an independent auditor shall perform a
2171 financial audit of all facilities receiving compensation from an
2172 environmental protection disposal fee. The Florida Public
2173 Service Commission or the county commission through the services



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2174 of an independent auditor shall also perform an audit of the
2175 methodology used in establishing the environmental protection
2176 disposal fee. The Florida Public Service Commission or the
2177 county commission shall, within 120 days after completion of an
2178 audit, file the audit report with the President of the Senate
2179 and the Speaker of the House of Representatives and shall
2180 provide copies to the county commissions of the counties set
2181 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
2182 records of any facilities receiving compensation from an
2183 environmental protection disposal fee shall be open to the
2184 Florida Public Service Commission and the Auditor General for
2185 review upon request.

2186 19.7. The Department of Health shall require all entities
2187 disposing of septage within the Lake Okeechobee watershed to
2188 develop and submit to that agency an agricultural use plan that
2189 limits applications based upon phosphorus loading consistent
2190 with the Lake Okeechobee Basin Management Action Plan adopted
2191 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
2192 ~~concentrations originating from these application sites may not~~
2193 ~~exceed the limits established in the district's WOD program.~~

2194 20.8. The Department of Agriculture and Consumer Services
2195 shall initiate rulemaking requiring entities within the Lake
2196 Okeechobee watershed which land-apply animal manure to develop
2197 resource management system level conservation plans, according
2198 to United States Department of Agriculture criteria, which limit
2199 such application. Such rules shall ~~may~~ include criteria and
2200 thresholds for the requirement to develop a conservation or
2201 nutrient management plan, requirements for plan approval, site
2202 inspection requirements, and recordkeeping requirements.



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2203 21. The district shall revise chapter 40E-61, Florida
2204 Administrative Code, to be consistent with this section and s.
2205 403.067; provide for a monitoring program for nonpoint source
2206 dischargers required to monitor water quality by s. 403.067; and
2207 provide for the results of such monitoring to be reported to the
2208 coordinating agencies.

2209 ~~9. The district, the department, or the Department of~~
2210 ~~Agriculture and Consumer Services, as appropriate, shall~~
2211 ~~implement those alternative nutrient reduction technologies~~
2212 ~~determined to be feasible pursuant to subparagraph (d)6.~~

2213 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
2214 ~~Monitoring Program. The district, in cooperation with the other~~
2215 ~~coordinating agencies, shall establish a Lake Okeechobee~~
2216 ~~Watershed Research and Water Quality Monitoring Program that~~
2217 ~~builds upon the district's existing Lake Okeechobee research~~
2218 ~~program. The program shall:~~

2219 ~~1. Evaluate all available existing water quality data~~
2220 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
2221 ~~develop a water quality baseline to represent existing~~
2222 ~~conditions for total phosphorus, monitor long-term ecological~~
2223 ~~changes, including water quality for total phosphorus, and~~
2224 ~~measure compliance with water quality standards for total~~
2225 ~~phosphorus, including any applicable total maximum daily load~~
2226 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
2227 ~~403.067. Every 3 years, the district shall reevaluate water~~
2228 ~~quality and quantity data to ensure that the appropriate~~
2229 ~~projects are being designated and implemented to meet the water~~
2230 ~~quality and storage goals of the plan. The district shall also~~
2231 ~~implement a total phosphorus monitoring program at appropriate~~



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2232 ~~structures owned or operated by the South Florida Water~~
2233 ~~Management District and within the Lake Okeechobee watershed.~~

2234 ~~2. Develop a Lake Okeechobee water quality model that~~
2235 ~~reasonably represents phosphorus dynamics of the lake and~~
2236 ~~incorporates an uncertainty analysis associated with model~~
2237 ~~predictions.~~

2238 ~~3. Determine the relative contribution of phosphorus from~~
2239 ~~all identifiable sources and all primary and secondary land~~
2240 ~~uses.~~

2241 ~~4. Conduct an assessment of the sources of phosphorus from~~
2242 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
2243 ~~relative contribution to the water quality of Lake Okeechobee.~~
2244 ~~The results of this assessment shall be used by the coordinating~~
2245 ~~agencies to develop interim measures, best management practices,~~
2246 ~~or regulation, as applicable.~~

2247 ~~5. Assess current water management practices within the~~
2248 ~~Lake Okeechobee watershed and develop recommendations for~~
2249 ~~structural and operational improvements. Such recommendations~~
2250 ~~shall balance water supply, flood control, estuarine salinity,~~
2251 ~~maintenance of a healthy lake littoral zone, and water quality~~
2252 ~~considerations.~~

2253 ~~6. Evaluate the feasibility of alternative nutrient~~
2254 ~~reduction technologies, including sediment traps, canal and~~
2255 ~~ditch maintenance, fish production or other aquaculture,~~
2256 ~~bioenergy conversion processes, and algal or other biological~~
2257 ~~treatment technologies.~~

2258 ~~7. Conduct an assessment of the water volumes and timing~~
2259 ~~from the Lake Okeechobee watershed and their relative~~
2260 ~~contribution to the water level changes in Lake Okeechobee and~~



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2261 ~~to the timing and volume of water delivered to the estuaries.~~

2262 (c) ~~(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The
2263 coordinating agencies shall identify the exotic species that
2264 threaten the native flora and fauna within the Lake Okeechobee
2265 watershed and develop and implement measures to protect the
2266 native flora and fauna.

2267 (d) ~~(f)~~ *Lake Okeechobee Internal Phosphorus Management*
2268 *Program.*—The district, in cooperation with the other
2269 coordinating agencies and interested parties, shall evaluate the
2270 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
2271 load removal projects ~~feasibility study~~. The evaluation
2272 ~~feasibility study~~ shall be based on technical feasibility, as
2273 well as economic considerations, and shall consider ~~address~~ all
2274 reasonable methods of phosphorus removal. If projects ~~methods~~
2275 are found to be feasible, the district shall immediately pursue
2276 the design, funding, and permitting for implementing such
2277 projects ~~methods~~.

2278 (e) ~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*
2279 *implementation.*—The coordinating agencies shall be jointly
2280 responsible for implementing the Lake Okeechobee Watershed
2281 Protection Program Plan, consistent with the statutory authority
2282 and responsibility of each agency. Annual funding priorities
2283 shall be jointly established, and the highest priority shall be
2284 assigned to programs and projects that address sources that have
2285 the highest relative contribution to loading and the greatest
2286 potential for reductions needed to meet the total maximum daily
2287 loads. In determining funding priorities, the coordinating
2288 agencies shall also consider the need for regulatory compliance,
2289 the extent to which the program or project is ready to proceed,



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2290 and the availability of federal matching funds or other nonstate
2291 funding, including public-private partnerships. Federal and
2292 other nonstate funding shall be maximized to the greatest extent
2293 practicable.

2294 ~~(f)(h)~~ *Priorities and implementation schedules.*—The
2295 coordinating agencies are authorized and directed to establish
2296 priorities and implementation schedules for the achievement of
2297 total maximum daily loads, compliance with the requirements of
2298 s. 403.067, and compliance with applicable water quality
2299 standards within the waters and watersheds subject to this
2300 section.

2301 ~~(i) Legislative ratification.~~ ~~The coordinating agencies~~
2302 ~~shall submit the Phase II technical plan developed pursuant to~~
2303 ~~paragraph (b) to the President of the Senate and the Speaker of~~
2304 ~~the House of Representatives prior to the 2008 legislative~~
2305 ~~session for review. If the Legislature takes no action on the~~
2306 ~~plan during the 2008 legislative session, the plan is deemed~~
2307 ~~approved and may be implemented.~~

2308 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
2309 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
2310 program shall be developed and implemented as specified in this
2311 subsection. In order to protect and restore surface water
2312 resources, the program shall address the reduction of pollutant
2313 loadings, restoration of natural hydrology, and compliance with
2314 applicable state water quality standards. The program shall be
2315 achieved through a phased program of implementation. In
2316 addition, pollutant load reductions based upon adopted total
2317 maximum daily loads established in accordance with s. 403.067
2318 shall serve as a program objective. In the development and



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2319 administration of the program, the coordinating agencies shall
2320 maximize opportunities provided by federal and local government
2321 cost-sharing programs and opportunities for partnerships with
2322 the private sector and local government. The program plan shall
2323 include a goal for salinity envelopes and freshwater inflow
2324 targets for the estuaries based upon existing research and
2325 documentation. The goal may be revised as new information is
2326 available. This goal shall seek to reduce the frequency and
2327 duration of undesirable salinity ranges while meeting the other
2328 water-related needs of the region, including water supply and
2329 flood protection, while recognizing the extent to which water
2330 inflows are within the control and jurisdiction of the district.

2331 (a) *Caloosahatchee River Watershed Protection Plan.* ~~No~~
2332 ~~later than January 1, 2009,~~ The district, in cooperation with
2333 the other coordinating agencies, Lee County, and affected
2334 counties and municipalities, shall complete a River Watershed
2335 Protection Plan in accordance with this subsection. The
2336 Caloosahatchee River Watershed Protection Plan shall identify
2337 the geographic extent of the watershed, be coordinated as needed
2338 with the plans developed pursuant to paragraph (3) (a) and
2339 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
2340 ~~implementation schedule for pollutant load reductions consistent~~
2341 ~~with any adopted total maximum daily loads and compliance with~~
2342 ~~applicable state water quality standards.~~ The plan shall include
2343 the Caloosahatchee River Watershed Construction Project and the
2344 Caloosahatchee River Watershed Research and Water Quality
2345 Monitoring Program.÷

2346 1. Caloosahatchee River Watershed Construction Project.—To
2347 improve the hydrology, water quality, and aquatic habitats



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2348 within the watershed, the district shall, no later than January
2349 1, 2012, plan, design, and construct the initial phase of the
2350 Watershed Construction Project. In doing so, the district shall:

2351 a. Develop and designate the facilities to be constructed
2352 to achieve stated goals and objectives of the Caloosahatchee
2353 River Watershed Protection Plan.

2354 b. Conduct scientific studies that are necessary to support
2355 the design of the Caloosahatchee River Watershed Construction
2356 Project facilities.

2357 c. Identify the size and location of all such facilities.

2358 d. Provide a construction schedule for all such facilities,
2359 including the sequencing and specific timeframe for construction
2360 of each facility.

2361 e. Provide a schedule for the acquisition of lands or
2362 sufficient interests necessary to achieve the construction
2363 schedule.

2364 f. Provide a schedule of costs and benefits associated with
2365 each construction project and identify funding sources.

2366 g. To ensure timely implementation, coordinate the design,
2367 scheduling, and sequencing of project facilities with the
2368 coordinating agencies, Lee County, other affected counties and
2369 municipalities, and other affected parties.

2370 2. Caloosahatchee River Watershed Research and Water
2371 Quality Monitoring Program.—The district, in cooperation with
2372 the other coordinating agencies and local governments, shall
2373 implement a Caloosahatchee River Watershed Research and Water
2374 Quality Monitoring Program that builds upon the district's
2375 existing research program and that is sufficient to carry out,
2376 comply with, or assess the plans, programs, and other



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2377 responsibilities created by this subsection. The program shall
2378 also conduct an assessment of the water volumes and timing from
2379 Lake Okeechobee and the Caloosahatchee River watershed and their
2380 relative contributions to the timing and volume of water
2381 delivered to the estuary.

2382 (b)2. Caloosahatchee River Watershed Basin Management
2383 Action Plans Pollutant Control Program.—The basin management
2384 action plans adopted pursuant to s. 403.067 for the
2385 Caloosahatchee River watershed shall be the Caloosahatchee River
2386 Watershed Pollutant Control Program. The plans shall be ~~is~~
2387 designed to be a multifaceted approach to reducing pollutant
2388 loads by improving the management of pollutant sources within
2389 the Caloosahatchee River watershed through implementation of
2390 regulations and best management practices, development and
2391 implementation of improved best management practices,
2392 improvement and restoration of the hydrologic function of
2393 natural and managed systems, and utilization of alternative
2394 technologies for pollutant reduction, such as cost-effective
2395 biologically based, hybrid wetland/chemical and other innovative
2396 nutrient control technologies. The plans shall contain an
2397 implementation schedule for pollutant load reductions consistent
2398 with the adopted total maximum daily load. As provided in s.
2399 403.067(7)(a)5., the Caloosahatchee River Watershed Basin
2400 Management Action Plan must include milestones for
2401 implementation and water quality improvement and an associated
2402 water quality monitoring component sufficient to evaluate
2403 whether reasonable progress in pollutant load reductions is
2404 being achieved over time. The department shall develop a
2405 schedule to establish 5-, 10-, and 15-year measurable milestones



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2406 and a target for achieving water quality improvement consistent
2407 with this section. The schedule shall be used to provide
2408 guidance for planning and funding purposes and is exempt from s.
2409 120.54(1)(a). An assessment of progress toward these milestones
2410 shall be conducted every 5 years, and revisions to the plan
2411 shall be made, as appropriate, as a result of each 5-year
2412 review. The assessment shall be provided to the Governor, the
2413 President of the Senate, and the Speaker of the House of
2414 Representatives. Upon the first 5-year review, a schedule,
2415 measureable milestones, and a target for achieving water quality
2416 improvement consistent with this section shall be adopted into
2417 the plan. Revisions to the basin management action plan shall be
2418 made by the department in cooperation with basin stakeholders.
2419 Revisions to the management strategies must follow the
2420 procedures set forth in s. 403.067(7)(c)4. Revised basin
2421 management action plans must be adopted pursuant to s.
2422 403.067(7)(a)4. The coordinating agencies shall facilitate the
2423 use ~~utilization~~ of federal programs that offer opportunities for
2424 water quality treatment, including preservation, restoration, or
2425 creation of wetlands on agricultural lands.

2426 1.a. Nonpoint source best management practices consistent
2427 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
2428 objectives of the Caloosahatchee River Watershed Protection
2429 Program, shall be implemented on an expedited basis. The
2430 coordinating agencies may develop an intergovernmental agreement
2431 with local governments to implement the nonagricultural,
2432 nonpoint-source best management practices within their
2433 respective geographic boundaries.

2434 2.b. This subsection does not preclude the department or



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2435 the district from requiring compliance with water quality
2436 standards, adopted total maximum daily loads, or current best
2437 management practices requirements set forth in any applicable
2438 regulatory program authorized by law for the purpose of
2439 protecting water quality. This subsection applies only to the
2440 extent that it does not conflict with any rules adopted by the
2441 department or district which are necessary to maintain a
2442 federally delegated or approved program.

2443 ~~3.e.~~ Projects that make use of private lands, or lands held
2444 in trust for Indian tribes, to reduce pollutant loadings or
2445 concentrations within a basin, or that reduce the volume of
2446 harmful discharges by one or more of the following methods:
2447 restoring the natural hydrology of the basin, restoring wildlife
2448 habitat or impacted wetlands, reducing peak flows after storm
2449 events, or increasing aquifer recharge, are eligible for grants
2450 available under this section from the coordinating agencies.

2451 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management
2452 Action Plans ~~Pollutant Control Program~~ shall require assessment
2453 of current water management practices within the watershed and
2454 shall require development of recommendations for structural,
2455 nonstructural, and operational improvements. Such
2456 recommendations shall consider and balance water supply, flood
2457 control, estuarine salinity, aquatic habitat, and water quality
2458 considerations.

2459 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
2460 authorize the disposal of domestic wastewater biosolids
2461 ~~residuals~~ within the Caloosahatchee River watershed unless the
2462 applicant can affirmatively demonstrate that the nutrients in
2463 the biosolids ~~residuals~~ will not add to nutrient loadings in the



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2464 watershed. This demonstration shall be based on achieving a net
2465 balance between nutrient imports relative to exports on the
2466 permitted application site. Exports shall include only nutrients
2467 removed from the watershed through products generated on the
2468 permitted application site. This prohibition does not apply to
2469 Class AA biosolids residuals that are marketed and distributed
2470 as fertilizer products in accordance with department rule.

2471 ~~6.f.~~ The Department of Health shall require all entities
2472 disposing of septage within the Caloosahatchee River watershed
2473 to develop and submit to that agency an agricultural use plan
2474 that limits applications based upon nutrient loading consistent
2475 with any basin management action plan adopted pursuant to s.
2476 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
2477 ~~from these application sites may not exceed the limits~~
2478 ~~established in the district's WOD program.~~

2479 ~~7.g.~~ The Department of Agriculture and Consumer Services
2480 shall require ~~initiate rulemaking requiring~~ entities within the
2481 Caloosahatchee River watershed which land-apply animal manure to
2482 develop a resource management system level conservation plan,
2483 according to United States Department of Agriculture criteria,
2484 which limit such application. Such rules shall ~~may~~ include
2485 criteria and thresholds for the requirement to develop a
2486 conservation or nutrient management plan, requirements for plan
2487 approval, site inspection requirements, and recordkeeping
2488 requirements.

2489 8. The district shall initiate rulemaking to provide for a
2490 monitoring program for nonpoint source dischargers required to
2491 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2492 403.067(7)(c)3. The results of such monitoring must be reported



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2493 to the coordinating agencies.

2494 ~~3. Caloosahatchee River Watershed Research and Water~~
2495 ~~Quality Monitoring Program. The district, in cooperation with~~
2496 ~~the other coordinating agencies and local governments, shall~~
2497 ~~establish a Caloosahatchee River Watershed Research and Water~~
2498 ~~Quality Monitoring Program that builds upon the district's~~
2499 ~~existing research program and that is sufficient to carry out,~~
2500 ~~comply with, or assess the plans, programs, and other~~
2501 ~~responsibilities created by this subsection. The program shall~~
2502 ~~also conduct an assessment of the water volumes and timing from~~
2503 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
2504 ~~their relative contributions to the timing and volume of water~~
2505 ~~delivered to the estuary.~~

2506 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~
2507 ~~than January 1, 2009, The district, in cooperation with the~~
2508 ~~other coordinating agencies, Martin County, and affected~~
2509 ~~counties and municipalities shall complete a plan in accordance~~
2510 ~~with this subsection. The St. Lucie River Watershed Protection~~
2511 ~~Plan shall identify the geographic extent of the watershed, be~~
2512 ~~coordinated as needed with the plans developed pursuant to~~
2513 ~~paragraph (3)(a) and paragraph (a) of this subsection, and~~
2514 ~~contain an implementation schedule for pollutant load reductions~~
2515 ~~consistent with any adopted total maximum daily loads and~~
2516 ~~compliance with applicable state water quality standards. The~~
2517 ~~plan shall include the St. Lucie River Watershed Construction~~
2518 ~~Project and St. Lucie River Watershed Research and Water Quality~~
2519 ~~Monitoring Program.~~

2520 1. St. Lucie River Watershed Construction Project.—To
2521 improve the hydrology, water quality, and aquatic habitats



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2522 within the watershed, the district shall, no later than January
2523 1, 2012, plan, design, and construct the initial phase of the
2524 Watershed Construction Project. In doing so, the district shall:

2525 a. Develop and designate the facilities to be constructed
2526 to achieve stated goals and objectives of the St. Lucie River
2527 Watershed Protection Plan.

2528 b. Identify the size and location of all such facilities.

2529 c. Provide a construction schedule for all such facilities,
2530 including the sequencing and specific timeframe for construction
2531 of each facility.

2532 d. Provide a schedule for the acquisition of lands or
2533 sufficient interests necessary to achieve the construction
2534 schedule.

2535 e. Provide a schedule of costs and benefits associated with
2536 each construction project and identify funding sources.

2537 f. To ensure timely implementation, coordinate the design,
2538 scheduling, and sequencing of project facilities with the
2539 coordinating agencies, Martin County, St. Lucie County, other
2540 interested parties, and other affected local governments.

2541 2. St. Lucie River Watershed Research and Water Quality
2542 Monitoring Program.—The district, in cooperation with the other
2543 coordinating agencies and local governments, shall establish a
2544 St. Lucie River Watershed Research and Water Quality Monitoring
2545 Program that builds upon the district's existing research
2546 program and that is sufficient to carry out, comply with, or
2547 assess the plans, programs, and other responsibilities created
2548 by this subsection. The program shall also conduct an assessment
2549 of the water volumes and timing from Lake Okeechobee and the St.
2550 Lucie River watershed and their relative contributions to the



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2551 timing and volume of water delivered to the estuary.
2552 (d)2. St. Lucie River Watershed Basin Management Action
2553 Plans Pollutant Control Program.—Basin management action plans
2554 for the St. Lucie River watershed adopted pursuant to s. 403.067
2555 shall be the St. Lucie River Watershed Pollutant Control Program
2556 and shall be is designed to be a multifaceted approach to
2557 reducing pollutant loads by improving the management of
2558 pollutant sources within the St. Lucie River watershed through
2559 implementation of regulations and best management practices,
2560 development and implementation of improved best management
2561 practices, improvement and restoration of the hydrologic
2562 function of natural and managed systems, and use utilization of
2563 alternative technologies for pollutant reduction, such as cost-
2564 effective biologically based, hybrid wetland/chemical and other
2565 innovative nutrient control technologies. The plan shall contain
2566 an implementation schedule for pollutant load reductions
2567 consistent with the adopted total maximum daily load. As
2568 provided in s. 403.067(7)(a)5., the St. Lucie Watershed Basin
2569 Management Action Plan must include milestones for
2570 implementation and water quality improvement, and an associated
2571 water quality monitoring component sufficient to evaluate
2572 whether reasonable progress in pollutant load reductions is
2573 being achieved over time. The department shall develop a
2574 schedule to establish 5-, 10-, and 15-year measurable milestones
2575 and a target for achieving water quality improvement consistent
2576 with this section. The schedule shall be used to provide
2577 guidance for planning and funding purposes and is exempt from s.
2578 120.54(1)(a). An assessment of progress toward these milestones
2579 shall be conducted every 5 years, and revisions to the plan



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2580 shall be made, as appropriate, as a result of each 5-year
2581 review. The assessment shall be provided to the Governor, the
2582 President of the Senate, and the Speaker of the House of
2583 Representatives. Upon the first 5-year review, a schedule,
2584 measureable milestones, and a target for achieving water quality
2585 improvement consistent with this section shall be adopted into
2586 the plan. Revisions to the basin management action plan shall be
2587 made by the department in cooperation with basin stakeholders.
2588 Revisions to the management strategies must follow the
2589 procedures set forth in s. 403.067(7)(c)4. Revised basin
2590 management action plans must be adopted pursuant to s.
2591 403.067(7)(a)4. The coordinating agencies shall facilitate the
2592 use ~~utilization~~ of federal programs that offer opportunities for
2593 water quality treatment, including preservation, restoration, or
2594 creation of wetlands on agricultural lands.

2595 1.a. Nonpoint source best management practices consistent
2596 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
2597 objectives of the St. Lucie River Watershed Protection Program,
2598 shall be implemented on an expedited basis. The coordinating
2599 agencies may develop an intergovernmental agreement with local
2600 governments to implement the nonagricultural nonpoint source
2601 best management practices within their respective geographic
2602 boundaries.

2603 2.b. This subsection does not preclude the department or
2604 the district from requiring compliance with water quality
2605 standards, adopted total maximum daily loads, or current best
2606 management practices requirements set forth in any applicable
2607 regulatory program authorized by law for the purpose of
2608 protecting water quality. This subsection applies only to the



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2609 extent that it does not conflict with any rules adopted by the
2610 department or district which are necessary to maintain a
2611 federally delegated or approved program.

2612 ~~3.e.~~ Projects that make use of private lands, or lands held
2613 in trust for Indian tribes, to reduce pollutant loadings or
2614 concentrations within a basin, or that reduce the volume of
2615 harmful discharges by one or more of the following methods:
2616 restoring the natural hydrology of the basin, restoring wildlife
2617 habitat or impacted wetlands, reducing peak flows after storm
2618 events, or increasing aquifer recharge, are eligible for grants
2619 available under this section from the coordinating agencies.

2620 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
2621 Plans ~~Pollutant Control Program~~ shall require assessment of
2622 current water management practices within the watershed and
2623 shall require development of recommendations for structural,
2624 nonstructural, and operational improvements. Such
2625 recommendations shall consider and balance water supply, flood
2626 control, estuarine salinity, aquatic habitat, and water quality
2627 considerations.

2628 ~~5.e. After December 31, 2007,~~ The department may not
2629 authorize the disposal of domestic wastewater biosolids
2630 ~~residuals~~ within the St. Lucie River watershed unless the
2631 applicant can affirmatively demonstrate that the nutrients in
2632 the biosolids ~~residuals~~ will not add to nutrient loadings in the
2633 watershed. This demonstration shall be based on achieving a net
2634 balance between nutrient imports relative to exports on the
2635 permitted application site. Exports shall include only nutrients
2636 removed from the St. Lucie River watershed through products
2637 generated on the permitted application site. This prohibition



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2638 does not apply to Class AA biosolids ~~residuals~~ that are marketed
2639 and distributed as fertilizer products in accordance with
2640 department rule.

2641 ~~6.f.~~ The Department of Health shall require all entities
2642 disposing of septage within the St. Lucie River watershed to
2643 develop and submit to that agency an agricultural use plan that
2644 limits applications based upon nutrient loading consistent with
2645 any basin management action plan adopted pursuant to s. 403.067.
2646 ~~By July 1, 2008, nutrient concentrations originating from these~~
2647 ~~application sites may not exceed the limits established in the~~
2648 ~~district's WOD program.~~

2649 ~~7.g.~~ The Department of Agriculture and Consumer Services
2650 shall initiate rulemaking requiring entities within the St.
2651 Lucie River watershed which land-apply animal manure to develop
2652 a resource management system level conservation plan, according
2653 to United States Department of Agriculture criteria, which limit
2654 such application. Such rules shall ~~may~~ include criteria and
2655 thresholds for the requirement to develop a conservation or
2656 nutrient management plan, requirements for plan approval, site
2657 inspection requirements, and recordkeeping requirements.

2658 8. The district shall initiate rulemaking to provide for a
2659 monitoring program for nonpoint source dischargers required to
2660 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
2661 403.067(7)(c)3. The results of such monitoring must be reported
2662 to the coordinating agencies.

2663 ~~3. St. Lucie River Watershed Research and Water Quality~~
2664 ~~Monitoring Program. The district, in cooperation with the other~~
2665 ~~coordinating agencies and local governments, shall establish a~~
2666 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~



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2667 ~~Program that builds upon the district's existing research~~
2668 ~~program and that is sufficient to carry out, comply with, or~~
2669 ~~assess the plans, programs, and other responsibilities created~~
2670 ~~by this subsection. The program shall also conduct an assessment~~
2671 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
2672 ~~Lucie River watersheds and their relative contributions to the~~
2673 ~~timing and volume of water delivered to the estuary.~~

2674 (e) ~~(e)~~ *River Watershed Protection Plan implementation.*—The
2675 coordinating agencies shall be jointly responsible for
2676 implementing the River Watershed Protection Plans, consistent
2677 with the statutory authority and responsibility of each agency.
2678 Annual funding priorities shall be jointly established, and the
2679 highest priority shall be assigned to programs and projects that
2680 have the greatest potential for achieving the goals and
2681 objectives of the plans. In determining funding priorities, the
2682 coordinating agencies shall also consider the need for
2683 regulatory compliance, the extent to which the program or
2684 project is ready to proceed, and the availability of federal or
2685 local government matching funds. Federal and other nonstate
2686 funding shall be maximized to the greatest extent practicable.

2687 (f) ~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 2012, and
2688 every 5 3 years thereafter, concurrent with the updates of the
2689 basin management action plans adopted pursuant to s. 403.067,
2690 the department, district in cooperation with the other
2691 coordinating agencies, shall conduct an evaluation of any
2692 pollutant load reduction goals, as well as any other specific
2693 objectives and goals, as stated in the River Watershed
2694 Protection Programs Plans. Additionally, The district shall
2695 identify modifications to facilities of the River Watershed



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2696 Construction Projects, as appropriate, or any other elements of
2697 the River Watershed Protection Programs Plans. The evaluation
2698 shall be included in the annual progress report submitted
2699 pursuant to this section.

2700 ~~(g)(e) Priorities and implementation schedules.~~—The
2701 coordinating agencies are authorized and directed to establish
2702 priorities and implementation schedules for the achievement of
2703 total maximum daily loads, the requirements of s. 403.067, and
2704 compliance with applicable water quality standards within the
2705 waters and watersheds subject to this section.

2706 ~~(f) Legislative ratification.~~—~~The coordinating agencies~~
2707 ~~shall submit the River Watershed Protection Plans developed~~
2708 ~~pursuant to paragraphs (a) and (b) to the President of the~~
2709 ~~Senate and the Speaker of the House of Representatives prior to~~
2710 ~~the 2009 legislative session for review. If the Legislature~~
2711 ~~takes no action on the plan during the 2009 legislative session,~~
2712 ~~the plan is deemed approved and may be implemented.~~

2713 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
2714 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
2715 department is directed to expedite development and adoption of
2716 total maximum daily loads for the Caloosahatchee River and
2717 estuary. The department is further directed to, ~~no later than~~
2718 ~~December 31, 2008,~~ propose for final agency action total maximum
2719 daily loads for nutrients in the tidal portions of the
2720 Caloosahatchee River and estuary. The department shall initiate
2721 development of basin management action plans for Lake
2722 Okeechobee, the Caloosahatchee River watershed and estuary, and
2723 the St. Lucie River watershed and estuary as provided in s.
2724 403.067 ~~s. 403.067(7)(a)~~ as follows:



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2725 (a) Basin management action plans shall be developed as
2726 soon as practicable as determined necessary by the department to
2727 achieve the total maximum daily loads established for the Lake
2728 Okeechobee watershed and the estuaries.

2729 (b) The Phase II technical plan development pursuant to
2730 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection
2731 Plans developed pursuant to paragraphs (4) (a) and (c) (b), shall
2732 provide the basis for basin management action plans developed by
2733 the department.

2734 (c) As determined necessary by the department in order to
2735 achieve the total maximum daily loads, additional or modified
2736 projects or programs that complement those in the legislatively
2737 ratified plans may be included during the development of the
2738 basin management action plan.

2739 (d) As provided in s. 403.067, management strategies and
2740 pollution reduction requirements set forth in a basin management
2741 action plan subject to permitting by the department under
2742 subsection (7) must be completed pursuant to the schedule set
2743 forth in the basin management action plan, as amended. The
2744 implementation schedule may extend beyond the 5-year permit
2745 term.

2746 (e) As provided in s. 403.067, management strategies and
2747 pollution reduction requirements set forth in a basin management
2748 action plan for a specific pollutant of concern are not subject
2749 to challenge under chapter 120 at the time they are
2750 incorporated, in an identical form, into a department or
2751 district issued permit or a permit modification issued in
2752 accordance with subsection (7).

2753 ~~(d) Development of basin management action plans that~~



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2754 ~~implement the provisions of the legislatively ratified plans~~
2755 ~~shall be initiated by the department no later than September 30~~
2756 ~~of the year in which the applicable plan is ratified. Where a~~
2757 ~~total maximum daily load has not been established at the time of~~
2758 ~~plan ratification, development of basin management action plans~~
2759 ~~shall be initiated no later than 90 days following adoption of~~
2760 ~~the applicable total maximum daily load.~~

2761 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2762 cooperation with the other coordinating agencies, shall report
2763 on implementation of this section as part of the consolidated
2764 annual report required in s. 373.036(7). The annual report shall
2765 include a summary of the conditions of the hydrology, water
2766 quality, and aquatic habitat in the northern Everglades based on
2767 the results of the Research and Water Quality Monitoring
2768 Programs, the status of the Lake Okeechobee Watershed
2769 Construction Project, the status of the Caloosahatchee River
2770 Watershed Construction Project, and the status of the St. Lucie
2771 River Watershed Construction Project. In addition, the report
2772 shall contain an annual accounting of the expenditure of funds
2773 from the Save Our Everglades Trust Fund. At a minimum, the
2774 annual report shall provide detail by program and plan,
2775 including specific information concerning the amount and use of
2776 funds from federal, state, or local government sources. In
2777 detailing the use of these funds, the district shall indicate
2778 those designated to meet requirements for matching funds. The
2779 district shall prepare the report in cooperation with the other
2780 coordinating agencies and affected local governments. The
2781 department shall report on the status of the Lake Okeechobee
2782 Basin Management Action Plan, the Caloosahatchee River Watershed



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2783 Basin Management Action Plan, and the St. Lucie River Watershed
2784 Basin Management Action Plan. The Department of Agriculture and
2785 Consumer Services shall report on the status of the
2786 implementation of the agricultural nonpoint source best
2787 management practices, including an implementation assurance
2788 report summarizing survey responses and response rates, site
2789 inspections, and other methods used to verify implementation of
2790 and compliance with best management practices in the Lake
2791 Okeechobee, Caloosahatchee and St. Lucie watersheds.

2792 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2793 (a) The Legislature finds that the Lake Okeechobee
2794 Watershed Protection Program will benefit Lake Okeechobee and
2795 downstream receiving waters and is in ~~consistent with~~ the public
2796 interest. The Lake Okeechobee Watershed Construction Project and
2797 structures discharging into or from Lake Okeechobee shall be
2798 constructed, operated, and maintained in accordance with this
2799 section.

2800 (b) Permits obtained pursuant to this section are in lieu
2801 of all other permits under this chapter or chapter 403, except
2802 those issued under s. 403.0885, if applicable. ~~No~~ Additional
2803 permits are not required for the Lake Okeechobee Watershed
2804 Construction Project, or structures discharging into or from
2805 Lake Okeechobee, if such project or structures are permitted
2806 under this section. Construction activities related to
2807 implementation of the Lake Okeechobee Watershed Construction
2808 Project may be initiated before ~~prior to~~ final agency action, or
2809 notice of intended agency action, on any permit from the
2810 department under this section.

2811 (c) 1. ~~Within 90 days of completion of the diversion plans~~



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2812 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
2813 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~
2814 ~~structures which discharge into or from Lake Okeechobee that~~
2815 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~
2816 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~
2817 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~
2818 ~~this section and shall be governed by permits issued under apply~~
2819 ~~for a permit from the department to operate and maintain such~~
2820 ~~structures. By September 1, 2000, owners or operators of all~~
2821 ~~other existing structures which discharge into or from Lake~~
2822 ~~Okeechobee shall apply for a permit from the department to~~
2823 ~~operate and maintain such structures. The department shall issue~~
2824 ~~one or more such permits for a term of 5 years upon the~~
2825 ~~demonstration of reasonable assurance that schedules and~~
2826 ~~strategies to achieve and maintain compliance with water quality~~
2827 ~~standards have been provided for, to the maximum extent~~
2828 ~~practicable, and that operation of the structures otherwise~~
2829 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
2830 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
2831 ~~403.067.~~

2832 ~~1. Permits issued under this paragraph shall also contain~~
2833 ~~reasonable conditions to ensure that discharges of waters~~
2834 ~~through structures:~~

2835 ~~a. Are adequately and accurately monitored;~~

2836 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2837 ~~and will result in an overall reduction of phosphorus input into~~
2838 ~~Lake Okeechobee, as set forth in the district's Technical~~
2839 ~~Publication 81-2 and the total maximum daily load established in~~
2840 ~~accordance with s. 403.067, to the maximum extent practicable;~~



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and
~~e. Do not pose a serious danger to public health, safety, or welfare.~~
2. For the purposes of this paragraph, owners and operators of existing structures which are subject to ~~the provisions of s. 373.4592(4) (a) and which discharge into or from Lake Okeechobee~~ shall be deemed in compliance with this paragraph ~~the term "maximum extent practicable"~~ if they are in full compliance with the conditions of permits under chapter ~~chapters 40E-61 and 40E-63,~~ Florida Administrative Code.
3. By January 1, 2016 ~~2004,~~ the district shall submit to the department a complete application for a permit modification to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures covered by this permit are consistent with the basin management action plan adopted pursuant to ~~achieve state water quality standards, including the total maximum daily load established in accordance with s. 403.067. These changes shall be designed to achieve such compliance with state water quality standards no later than January 1, 2015.~~
(d) The department shall require permits for district regional projects that are part of the Lake Okeechobee Watershed Construction Project ~~facilities.~~ However, projects ~~identified in sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to s. 373.406 do ~~shall~~ not require ~~need~~ permits under this section. Such permits shall be issued for a term of 5 years upon the demonstration of reasonable assurances that:
1. District regional projects that are part of the Lake Okeechobee Watershed Construction Project ~~shall~~ facility, based



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2870 ~~upon the conceptual design documents and any subsequent detailed~~
2871 ~~design documents developed by the district, will~~ achieve the
2872 design objectives for phosphorus required in subparagraph
2873 (3) (a) 1. ~~paragraph (3) (b);~~

2874 2. For water quality standards other than phosphorus, the
2875 quality of water discharged from the facility is of equal or
2876 better quality than the inflows;

2877 3. Discharges from the facility do not pose a serious
2878 danger to public health, safety, or welfare; and

2879 4. Any impacts on wetlands or state-listed species
2880 resulting from implementation of that facility of the Lake
2881 Okeechobee Construction Project are minimized and mitigated, as
2882 appropriate.

2883 (e) At least 60 days before ~~prior to~~ the expiration of any
2884 permit issued under this section, the permittee may apply for a
2885 renewal thereof for a period of 5 years.

2886 (f) Permits issued under this section may include any
2887 standard conditions provided by department rule which are
2888 appropriate and consistent with this section.

2889 (g) Permits issued under ~~pursuant to~~ this section may be
2890 modified, as appropriate, upon review and approval by the
2891 department.

2892 Section 21. Paragraph (a) of subsection (1) and subsection
2893 (3) of section 373.467, Florida Statutes, are amended, to read:

2894 373.467 The Harris Chain of Lakes Restoration Council.—
2895 There is created within the St. Johns River Water Management
2896 District, with assistance from the Fish and Wildlife
2897 Conservation Commission and the Lake County Water Authority, the
2898 Harris Chain of Lakes Restoration Council.



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2899 (1) (a) The council shall consist of nine voting members,
2900 which shall include: a representative of waterfront property
2901 owners, a representative of the sport fishing industry, a person
2902 with experience in an environmental science or regulation
2903 engineer, a person with training in biology or another
2904 scientific discipline, ~~a person with training as an attorney, a~~
2905 ~~physician, a person with training as an engineer,~~ and two
2906 residents of the county who are ~~de~~ not required to meet any
2907 additional ~~of the other~~ qualifications for membership ~~enumerated~~
2908 ~~in this paragraph~~, each to be appointed by the Lake County
2909 legislative delegation. The Lake County legislative delegation
2910 may waive the qualifications for membership on a case-by-case
2911 basis if good cause is shown. A ~~No~~ person serving on the council
2912 may not be appointed to a council, board, or commission of any
2913 council advisory group agency. The council members shall serve
2914 as advisors to the governing board of the St. Johns River Water
2915 Management District. The council is subject to ~~the provisions of~~
2916 chapters 119 and 120.

2917 (3) The council shall meet at the call of its chair, at the
2918 request of six of its members, or at the request of the chair of
2919 the governing board of the St. Johns River Water Management
2920 District. Resignation by a council member, or failure by a
2921 council member to attend three consecutive meetings without an
2922 excuse approved by the chair, results in a vacancy on the
2923 council.

2924 Section 22. Paragraphs (a) and (b) of subsection (6) of
2925 section 373.536, Florida Statutes, are amended to read:

2926 373.536 District budget and hearing thereon.—

2927 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;



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2928 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2929 (a) Each district must, by the date specified for each
2930 item, furnish copies of the following documents to the Governor,
2931 the President of the Senate, the Speaker of the House of
2932 Representatives, the chairs of all legislative committees and
2933 subcommittees having substantive or fiscal jurisdiction over the
2934 districts, as determined by the President of the Senate or the
2935 Speaker of the House of Representatives as applicable, the
2936 secretary of the department, and the governing board of each
2937 county in which the district has jurisdiction or derives any
2938 funds for the operations of the district:

2939 1. The adopted budget, to be furnished within 10 days after
2940 its adoption.

2941 2. A financial audit of its accounts and records, to be
2942 furnished within 10 days after its acceptance by the governing
2943 board. The audit must be conducted in accordance with s. 11.45
2944 and the rules adopted thereunder. In addition to the entities
2945 named above, the district must provide a copy of the audit to
2946 the Auditor General within 10 days after its acceptance by the
2947 governing board.

2948 3. A 5-year capital improvements plan, to be included in
2949 the consolidated annual report required by s. 373.036(7). The
2950 plan must include expected sources of revenue for planned
2951 improvements and must be prepared in a manner comparable to the
2952 fixed capital outlay format set forth in s. 216.043.

2953 4. A 5-year water resource development work program to be
2954 furnished within 30 days after the adoption of the final budget.
2955 The program must describe the district's implementation strategy
2956 and include an annual funding plan for each of the 5 years



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2957 included in the plan for the water resource and water supply
2958 development components, including and alternative water supply
2959 development, components of each approved regional water supply
2960 plan developed or revised under s. 373.709. The work program
2961 must address all the elements of the water resource development
2962 component in the district's approved regional water supply
2963 plans, as well as the water supply projects proposed for
2964 district funding and assistance. The annual funding plan shall
2965 identify both anticipated available district funding and
2966 additional funding needs for the second through fifth years of
2967 the funding plan. Funding requests for projects submitted for
2968 consideration for state funding pursuant to s. 403.0616 shall be
2969 identified separately. The work program and must identify
2970 projects in the work program which will provide water; explain
2971 how each water resource and water supply, ~~and alternative water~~
2972 ~~supply development~~ project will produce additional water
2973 available for consumptive uses; estimate the quantity of water
2974 to be produced by each project; ~~and~~ provide an assessment of the
2975 contribution of the district's regional water supply plans in
2976 supporting the implementation of minimum flows and minimum water
2977 levels and water reservations; and ensure ~~providing~~ sufficient
2978 water is available ~~needed~~ to timely meet the water supply needs
2979 of existing and future reasonable-beneficial uses for a 1-in-10-
2980 year drought event and to avoid the adverse effects of
2981 competition for water supplies.

2982 (b) Within 30 days after its submittal, the department
2983 shall review the proposed work program and submit its findings,
2984 questions, and comments to the district. The review must include
2985 a written evaluation of the program's consistency with the



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2986 furtherance of the district's approved regional water supply
2987 plans, and the adequacy of proposed expenditures. As part of the
2988 review, the department shall post the work program on its
2989 website and give interested parties the opportunity to provide
2990 written comments on each district's proposed work program.
2991 Within 45 days after receipt of the department's evaluation, the
2992 governing board shall state in writing to the department which
2993 of the changes recommended in the evaluation it will incorporate
2994 into its work program submitted as part of the March 1
2995 consolidated annual report required by s. 373.036(7) or specify
2996 the reasons for not incorporating the changes. The department
2997 shall include the district's responses in a final evaluation
2998 report and shall submit a copy of the report to the Governor,
2999 the President of the Senate, and the Speaker of the House of
3000 Representatives.

3001 Section 23. Subsection (9) of section 373.703, Florida
3002 Statutes, is amended, and subsection (10) is added to that
3003 section, to read:

3004 373.703 Water production; general powers and duties.—In the
3005 performance of, and in conjunction with, its other powers and
3006 duties, the governing board of a water management district
3007 existing pursuant to this chapter:

3008 (9) May join with one or more other water management
3009 districts, counties, municipalities, special districts, publicly
3010 owned or privately owned water utilities, multijurisdictional
3011 water supply entities, regional water supply authorities,
3012 private landowners, or self-suppliers for the purpose of
3013 carrying out its powers, and may contract with such other
3014 entities to finance acquisitions, construction, operation, and



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3015 maintenance, provided that such contracts are consistent with
3016 the public interest. The contract may provide for contributions
3017 to be made by each party to the contract for the division and
3018 apportionment of the expenses of acquisitions, construction,
3019 operation, and maintenance, and for the division and
3020 apportionment of resulting benefits, services, and products. The
3021 contracts may contain other covenants and agreements necessary
3022 and appropriate to accomplish their purposes.

3023 (10) This section does not apply to the development and
3024 implementation of pilot projects pursuant to s. 373.037.

3025 Section 24. Paragraph (b) of subsection (2) and subsections
3026 (3) and (4) of section 373.705, Florida Statutes, are amended,
3027 and subsection (5) is added to that section, to read:

3028 373.705 Water resource development; water supply
3029 development.—

3030 (2) It is the intent of the Legislature that:

3031 (b) Water management districts take the lead in identifying
3032 and implementing water resource development projects, and be
3033 responsible for securing necessary funding for regionally
3034 significant water resource development projects, including
3035 regionally significant projects that prevent or limit adverse
3036 water resource impacts, avoid competition among water users, or
3037 support the provision of new water supplies in order to meet a
3038 minimum flow or minimum water level or to implement a recovery
3039 or prevention strategy or water reservation.

3040 (3) (a) The water management districts shall fund and
3041 implement water resource development as defined in s. 373.019.
3042 The water management districts are encouraged to implement water
3043 resource development as expeditiously as possible in areas



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3044 subject to regional water supply plans.

3045 (b) Each governing board shall include in its annual budget
3046 submittals required under this chapter:

3047 1. The amount of funds for each project in the annual
3048 funding plan developed pursuant to s. 373.536(6)(a)4.;

3049 2. The total amount needed for the fiscal year to implement
3050 water resource development projects, as prioritized in its
3051 regional water supply plans; and

3052 3. The amount of funds requested for each project submitted
3053 for consideration for state funding pursuant to s. 403.0616.

3054 (4) (a) Water supply development projects that are
3055 consistent with the relevant regional water supply plans and
3056 that meet one or more of the following criteria shall receive
3057 priority consideration for state or water management district
3058 funding assistance:

3059 1. The project supports establishment of a dependable,
3060 sustainable supply of water which is not otherwise financially
3061 feasible;

3062 2. The project provides substantial environmental benefits
3063 by preventing or limiting adverse water resource impacts, but
3064 requires funding assistance to be economically competitive with
3065 other options; or

3066 3. The project significantly implements reuse, storage,
3067 recharge, or conservation of water in a manner that contributes
3068 to the sustainability of regional water sources.

3069 (b) Except for pilot projects identified in paragraph (c),
3070 water supply development projects that meet the criteria in
3071 paragraph (a) and that meet one or more of the following
3072 additional criteria shall be given first consideration for state



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3073 or water management district funding assistance:

3074 1. The project brings about replacement of existing sources
3075 in order to help implement a minimum flow or minimum water
3076 level; ~~or~~

3077 2. The project implements reuse that assists in the
3078 elimination of domestic wastewater ocean outfalls as provided in
3079 s. 403.086(9); or

3080 3. The project reduces or eliminates the adverse effects of
3081 competition between legal users and the natural system.

3082 (c) First consideration for state or water management
3083 district funding for water supply development projects shall be
3084 given to pilot projects pursuant to s. 373.037 before
3085 consideration of water supply development projects identified in
3086 paragraphs (a) and (b) within the restricted allocation area
3087 where the pilot project is located.

3088 (5) The water management districts shall promote expanded
3089 cost-share criteria for additional conservation practices, such
3090 as soil and moisture sensors and other irrigation improvements,
3091 water-saving equipment and water-saving household fixtures, and
3092 software technologies that can achieve verifiable water
3093 conservation by providing water use information to utility
3094 customers.

3095 Section 25. Paragraph (f) of subsection (3), paragraph (a)
3096 of subsection (6), and paragraphs (e) and (f) of subsection (8)
3097 of section 373.707, Florida Statutes, are amended to read:

3098 373.707 Alternative water supply development.—

3099 (3) The primary roles of the water management districts in
3100 water resource development as it relates to supporting
3101 alternative water supply development are:



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3102 (f) The provision of technical and financial assistance to
3103 local governments and publicly owned and privately owned water
3104 utilities for alternative water supply projects and for self-
3105 suppliers for alternative water supply projects to the extent
3106 assistance for self-suppliers promotes the policies in paragraph
3107 (1) (f).

3108 (6) (a) If state ~~The statewide~~ funds are provided through
3109 specific appropriation for a priority project of the water
3110 resources work program pursuant to s. 403.0616, or pursuant to
3111 the Water Protection and Sustainability Program, such funds
3112 serve to supplement existing water management district or basin
3113 board funding for alternative water supply development
3114 assistance and should not result in a reduction of such funding.
3115 For each project identified in the annual funding plans prepared
3116 pursuant to s. 373.536(6) (a)4. Therefore, the water management
3117 districts shall include in the annual tentative and adopted
3118 budget submittals required under this chapter the amount of
3119 funds allocated for water resource development that supports
3120 alternative water supply development and the funds allocated for
3121 alternative water supply projects ~~selected for inclusion in the~~
3122 ~~Water Protection and Sustainability Program.~~ It shall be the
3123 goal of each water management district and basin boards that the
3124 combined funds allocated annually for these purposes be, at a
3125 minimum, the equivalent of 100 percent of the state funding
3126 provided to the water management district for alternative water
3127 supply development. If this goal is not achieved, the water
3128 management district shall provide in the budget submittal an
3129 explanation of the reasons or constraints that prevent this goal
3130 from being met, an explanation of how the goal will be met in



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3131 future years, and affirmation of match is required during the
3132 budget review process as established under s. 373.536(5). The
3133 Suwannee River Water Management District and the Northwest
3134 Florida Water Management District shall not be required to meet
3135 the match requirements of this paragraph; however, they shall
3136 try to achieve the match requirement to the greatest extent
3137 practicable.

3138 (8)

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

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

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

3151
3152 The water management districts or basin boards may, at their
3153 discretion, use ad valorem or federal revenues to assist a
3154 project applicant in meeting the requirements of this paragraph.

3155 (f) The governing boards shall determine those projects
3156 that will be selected for financial assistance. The governing
3157 boards may establish factors to determine project funding;
3158 however, significant weight shall be given to the following
3159 factors:



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3160 1. Whether the project provides substantial environmental
3161 benefits by preventing or limiting adverse water resource
3162 impacts.

3163 2. Whether the project reduces competition for water
3164 supplies.

3165 3. Whether the project brings about replacement of
3166 traditional sources in order to help implement a minimum flow or
3167 level or a reservation.

3168 4. Whether the project will be implemented by a consumptive
3169 use permittee that has achieved the targets contained in a goal-
3170 based water conservation program approved pursuant to s.
3171 373.227.

3172 5. The quantity of water supplied by the project as
3173 compared to its cost.

3174 6. Projects in which the construction and delivery to end
3175 users of reuse water is a major component.

3176 7. Whether the project will be implemented by a
3177 multijurisdictional water supply entity or regional water supply
3178 authority.

3179 8. Whether the project implements reuse that assists in the
3180 elimination of domestic wastewater ocean outfalls as provided in
3181 s. 403.086(9).

3182 9. Whether the county or municipality, or the multiple
3183 counties or municipalities, in which the project is located has
3184 implemented a high-water recharge protection tax assessment
3185 program as provided in s. 193.625.

3186 10. Whether the project is a pilot project under s.
3187 373.037.

3188 Section 26. Paragraph (a) of subsection (2) and paragraphs



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3189 (a) and (e) of subsection (6) of section 373.709, Florida
3190 Statutes, are amended to read:

3191 373.709 Regional water supply planning.—

3192 (2) Each regional water supply plan must be based on at
3193 least a 20-year planning period and must include, but need not
3194 be limited to:

3195 (a) A water supply development component for each water
3196 supply planning region identified by the district which
3197 includes:

3198 1. A quantification of the water supply needs for all
3199 existing and future reasonable-beneficial uses within the
3200 planning horizon. The level-of-certainty planning goal
3201 associated with identifying the water supply needs of existing
3202 and future reasonable-beneficial uses must be based upon meeting
3203 those needs for a 1-in-10-year drought event.

3204 a. Population projections used for determining public water
3205 supply needs must be based upon the best available data. In
3206 determining the best available data, the district shall consider
3207 the University of Florida ~~Florida's~~ Bureau of Economic and
3208 Business Research (BEBR) medium population projections and
3209 population projection data and analysis submitted by a local
3210 government pursuant to the public workshop described in
3211 subsection (1) if the data and analysis support the local
3212 government's comprehensive plan. Any adjustment of or deviation
3213 from the BEBR projections must be fully described, and the
3214 original BEBR data must be presented along with the adjusted
3215 data.

3216 b. Agricultural demand projections used for determining the
3217 needs of agricultural self-suppliers must be based upon the best



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3218 available data. In determining the best available data for
3219 agricultural self-supplied water needs, the district shall
3220 consider the data indicative of future water supply demands
3221 provided by the Department of Agriculture and Consumer Services
3222 pursuant to s. 570.93 and agricultural demand projection data
3223 and analysis submitted by a local government pursuant to the
3224 public workshop described in subsection (1), if the data and
3225 analysis support the local government's comprehensive plan. Any
3226 adjustment of or deviation from the data provided by the
3227 Department of Agriculture and Consumer Services must be fully
3228 described, and the original data must be presented along with
3229 the adjusted data.

3230 2. A list of water supply development project options,
3231 including traditional and alternative water supply project
3232 options that are technically and financially feasible, from
3233 which local government, government-owned and privately owned
3234 utilities, regional water supply authorities,
3235 multijurisdictional water supply entities, self-suppliers, and
3236 others may choose for water supply development. In addition to
3237 projects listed by the district, such users may propose specific
3238 projects for inclusion in the list of alternative water supply
3239 projects. If such users propose a project to be listed as an
3240 alternative water supply project, the district shall determine
3241 whether it meets the goals of the plan, and, if so, it shall be
3242 included in the list. The total capacity of the projects
3243 included in the plan must exceed the needs identified in
3244 subparagraph 1. and take into account water conservation and
3245 other demand management measures, as well as water resources
3246 constraints, including adopted minimum flows and minimum water



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3247 levels and water reservations. Where the district determines it
3248 is appropriate, the plan should specifically identify the need
3249 for multijurisdictional approaches to project options that,
3250 based on planning level analysis, are appropriate to supply the
3251 intended uses and that, based on such analysis, appear to be
3252 permittable and financially and technically feasible. The list
3253 of water supply development options must contain provisions that
3254 recognize that alternative water supply options for agricultural
3255 self-suppliers are limited.

3256 3. For each project option identified in subparagraph 2.,
3257 the following must be provided:

3258 a. An estimate of the amount of water to become available
3259 through the project.

3260 b. The timeframe in which the project option should be
3261 implemented and the estimated planning-level costs for capital
3262 investment and operating and maintaining the project.

3263 c. An analysis of funding needs and sources of possible
3264 funding options. For alternative water supply projects, the
3265 water management districts shall provide funding assistance
3266 pursuant to s. 373.707(8).

3267 d. Identification of the entity that should implement each
3268 project option and the current status of project implementation.

3269 (6) Annually and in conjunction with the reporting
3270 requirements of s. 373.536(6)(a)4., the department shall submit
3271 to the Governor and the Legislature a report on the status of
3272 regional water supply planning in each district. The report
3273 shall include:

3274 (a) A compilation of the estimated costs ~~of~~ and an analysis
3275 of the sufficiency of potential sources of funding from all



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3276 sources for water resource development and water supply
3277 development projects as identified in the water management
3278 district regional water supply plans.

3279 (e) An overall assessment of the progress being made to
3280 develop water supply in each district, including, but not
3281 limited to, an explanation of how each project in the 5-year
3282 water resource development work program developed pursuant to s.
3283 373.536(6)(a)4., either alternative or traditional, will
3284 produce, contribute to, or account for additional water being
3285 made available for consumptive uses, minimum flows and minimum
3286 water levels, or water reservations; an estimate of the quantity
3287 of water to be produced by each project; and an assessment of
3288 the contribution of the district's regional water supply plan in
3289 providing sufficient water to meet the needs of existing and
3290 future reasonable-beneficial uses for a 1-in-10-year drought
3291 event, as well as the needs of the natural systems.

3292 Section 27. Part VIII of chapter 373, Florida Statutes,
3293 consisting of sections 373.801, 373.802, 373.803, 373.805,
3294 373.807, 373.811, and 373.813, Florida Statutes, is created and
3295 entitled the "Florida Springs and Aquifer Protection Act."

3296 Section 28. Section 373.801, Florida Statutes, is created
3297 to read:

3298 373.801 Legislative findings and intent.-

3299 (1) The Legislature finds that springs are a unique part of
3300 this state's scenic beauty. Springs provide critical habitat for
3301 plants and animals, including many endangered or threatened
3302 species. Springs also provide immeasurable natural,
3303 recreational, economic, and inherent value. Springs are of great
3304 scientific importance in understanding the diverse functions of



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3305 aquatic ecosystems. Water quality of springs is an indicator of
3306 local conditions of the Floridan Aquifer, which is a source of
3307 drinking water for many residents of this state. Water flows in
3308 springs may reflect regional aquifer conditions. In addition,
3309 springs provide recreational opportunities for swimming,
3310 canoeing, wildlife watching, fishing, cave diving, and many
3311 other activities in this state. These recreational opportunities
3312 and the accompanying tourism they provide are a benefit to local
3313 economies and the economy of the state as a whole.

3314 (2) The Legislature finds that the water quantity and water
3315 quality in springs may be related. For regulatory purposes, the
3316 department has primary responsibility for water quality; the
3317 water management districts have primary responsibility for water
3318 quantity; and the Department of Agriculture and Consumer
3319 Services has primary responsibility for the development and
3320 implementation of agricultural best management practices. Local
3321 governments have primary responsibility for providing wastewater
3322 services and stormwater management. The foregoing responsible
3323 entities must coordinate to restore and maintain the water
3324 quantity and water quality of the Outstanding Florida Springs.

3325 (3) The Legislature recognizes that:

3326 (a) Springs are only as healthy as their springsheds. The
3327 groundwater that supplies springs is derived from water that
3328 recharges the aquifer system in the form of seepage from the
3329 land surface and through direct conduits, such as sinkholes.
3330 Springs may be adversely affected by polluted runoff from urban
3331 and agricultural lands; discharges resulting from inadequate
3332 wastewater and stormwater management practices; stormwater
3333 runoff; and reduced water levels of the Floridan Aquifer. As a



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3334 result, the hydrologic and environmental conditions of a spring
3335 or spring run are directly influenced by activities and land
3336 uses within a springshed and by water withdrawals from the
3337 Floridan Aquifer.

3338 (b) Springs, whether found in urban or rural settings, or
3339 on public or private lands, may be threatened by actual or
3340 potential flow reductions and declining water quality. Many of
3341 this state's springs are demonstrating signs of significant
3342 ecological imbalance, increased nutrient loading, and declining
3343 flow. Without effective remedial action, further declines in
3344 water quality and water quantity may occur.

3345 (c) Springshed boundaries and areas of high vulnerability
3346 within a springshed need to be identified and delineated using
3347 the best available data.

3348 (d) Springsheds typically cross water management district
3349 boundaries and local government jurisdictional boundaries, so a
3350 coordinated statewide springs protection plan is needed.

3351 (e) The aquifers and springs of this state are complex
3352 systems affected by many variables and influences.

3353 (4) The Legislature recognizes that action is urgently
3354 needed and, as additional data is acquired, action must be
3355 modified.

3356 Section 29. Section 373.802, Florida Statutes, is created
3357 to read:

3358 373.802 Definitions.—As used in this part, the term:

3359 (1) "Department" means the Department of Environmental
3360 Protection, which includes the Florida Geological Survey or its
3361 successor agencies.

3362 (2) "Local government" means a county or municipal



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3363 government the jurisdictional boundaries of which include an
3364 Outstanding Florida Spring or any part of a springshed or
3365 delineated priority focus area of an Outstanding Florida Spring.

3366 (3) "Onsite sewage treatment and disposal system" means a
3367 system that contains a standard subsurface, filled, or mound
3368 drainfield system; an aerobic treatment unit; a graywater system
3369 tank; a laundry wastewater system tank; a septic tank; a grease
3370 interceptor; a pump tank; a solids or effluent pump; a
3371 waterless, incinerating, or organic waste-composting toilet; or
3372 a sanitary pit privy that is installed or proposed to be
3373 installed beyond the building sewer on land of the owner or on
3374 other land on which the owner has the legal right to install
3375 such system. The term includes any item placed within, or
3376 intended to be used as a part of or in conjunction with, the
3377 system. The term does not include package sewage treatment
3378 facilities and other treatment works regulated under chapter
3379 403.

3380 (4) "Outstanding Florida Spring" includes all historic
3381 first magnitude springs, as determined by the department using
3382 the most recent Florida Geological Survey springs bulletin, and
3383 the following additional springs and associated spring runs:

- 3384 (a) De Leon Springs;
- 3385 (b) Peacock Springs;
- 3386 (c) Poe Springs;
- 3387 (d) Rock Springs;
- 3388 (e) Wekiwa Springs; and
- 3389 (f) Gemini Springs.

3390
3391 The term does not include submarine springs.



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3392 (5) "Priority focus area" means the area or areas of a
3393 basin where the Floridan Aquifer is most vulnerable to
3394 groundwater withdrawals or pollutant inputs, where the
3395 groundwater travel times are the fastest, and where there is a
3396 known connectivity between groundwater pathways and an
3397 Outstanding Florida Spring, as determined by the department in
3398 consultation with the appropriate water management districts,
3399 and delineated in a basin management action plan.

3400 (6) "Springshed" means the areas within the groundwater and
3401 surface water basins which contribute, based upon all relevant
3402 facts, circumstances, and data, to the discharge of a spring as
3403 defined by potentiometric surface maps and surface watershed
3404 boundaries.

3405 (7) "Spring run" means a body of flowing water that
3406 originates from a spring or whose primary source of water is a
3407 spring or springs under average rainfall conditions.

3408 (8) "Spring vent" means a location where groundwater flows
3409 out of a natural, discernible opening in the ground onto the
3410 land surface or into a predominantly fresh surface water body.

3411 Section 30. Section 373.803, Florida Statutes, is created
3412 to read:

3413 373.803 Delineation of priority focus areas for Outstanding
3414 Florida Springs.—Using the best data available from the water
3415 management districts and other credible sources, the department,
3416 in coordination with the water management districts, shall
3417 delineate priority focus areas for each Outstanding Florida
3418 Spring or group of springs that contains one or more Outstanding
3419 Florida Springs and is identified as impaired in accordance with
3420 s. 373.807. In delineating priority focus areas, the department



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3421 shall consider groundwater travel time to the spring,
3422 hydrogeology, nutrient load, and any other factors that may lead
3423 to degradation of an Outstanding Florida Spring. The delineation
3424 of priority focus areas must be completed by July 1, 2018, and
3425 shall be effective upon incorporation in a basin management
3426 action plan.

3427 Section 31. Section 373.805, Florida Statutes, is created
3428 to read:

3429 373.805 Minimum flows and minimum water levels for
3430 Outstanding Florida Springs.-

3431 (1) At the time a minimum flow or minimum water level is
3432 adopted pursuant to s. 373.042 for an Outstanding Florida
3433 Spring, if the spring is below or is projected within 20 years
3434 to fall below the minimum flow or minimum water level, a water
3435 management district or the department shall concurrently adopt a
3436 recovery or prevention strategy.

3437 (2) When a minimum flow or minimum water level for an
3438 Outstanding Florida Spring is revised pursuant to s.
3439 373.0421(3), if the spring is below or is projected within 20
3440 years to fall below the minimum flow or minimum water level, a
3441 water management district or the department shall concurrently
3442 adopt a recovery or prevention strategy or modify an existing
3443 recovery or prevention strategy. A district or the department
3444 may adopt the revised minimum flow or minimum water level before
3445 the adoption of a recovery or prevention strategy if the revised
3446 minimum flow or minimum water level is less constraining on
3447 existing or projected future consumptive uses.

3448 (3) For an Outstanding Florida Spring without an adopted
3449 recovery or prevention strategy, if a district or the department



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3450 determines the spring has fallen below, or is projected within
3451 20 years to fall below, the adopted minimum flow or minimum
3452 water level, a water management district or the department shall
3453 expeditiously adopt a recovery or prevention strategy.

3454 (4) The recovery or prevention strategy for each
3455 Outstanding Florida Spring must, at a minimum, include:

3456 (a) A listing of all specific projects identified for
3457 implementation of the plan;

3458 (b) A priority listing of each project;

3459 (c) For each listed project, the estimated cost of and the
3460 estimated date of completion;

3461 (d) The source and amount of financial assistance to be
3462 made available by the water management district for each listed
3463 project, which may not be less than 25 percent of the total
3464 project cost unless a specific funding source or sources are
3465 identified which will provide more than 75 percent of the total
3466 project cost. The Northwest Florida Water Management District
3467 and the Suwannee River Water Management District are not
3468 required to provide matching funds pursuant to this paragraph;

3469 (e) An estimate of each listed project's benefit to an
3470 Outstanding Florida Spring; and

3471 (f) An implementation plan designed with a target to
3472 achieve the adopted minimum flow or minimum water level no more
3473 than 20 years after the adoption of a recovery or prevention
3474 strategy. The implementation plan must include a schedule of 5-,
3475 10-, and 15-year measureable milestones intended to achieve the
3476 adopted minimum flow or minimum water level. The schedule is not
3477 a rule but is intended to provide guidance for planning and
3478 funding purposes and is exempt from s. 120.54(1)(a).



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3479 (5) A local government may apply to the department for an
3480 extension of up to 5 years for any project in an adopted
3481 recovery or prevention strategy. The department may grant the
3482 extension if the local government provides to the department
3483 sufficient evidence that an extension is in the best interest of
3484 the public. For a local government in a rural area of
3485 opportunity, as defined in s. 288.0656, the department may grant
3486 an extension of up to 10 years.

3487 Section 32. Section 373.807, Florida Statutes, is created
3488 to read:

3489 373.807 Protection of water quality in Outstanding Florida
3490 Springs.—By July 1, 2015, the department shall initiate
3491 assessment, pursuant to s. 403.067(3), of each Outstanding
3492 Florida Spring for which an impairment determination has not
3493 been made under the numeric nutrient standards in effect for
3494 spring vents. Assessments must be completed by July 1, 2018.

3495 (1) (a) Concurrently with the adoption of a nutrient total
3496 maximum daily load for an Outstanding Florida Spring, the
3497 department, or the department in conjunction with a water
3498 management district, shall initiate development of a basin
3499 management action plan, as specified in s. 403.067. For an
3500 Outstanding Florida Spring with a nutrient total maximum daily
3501 load adopted before July 1, 2015, the department, or the
3502 department in conjunction with a water management district,
3503 shall initiate development of a basin management action plan by
3504 July 1, 2015. During the development of a basin management
3505 action plan, if the department identifies onsite sewage
3506 treatment and disposal systems as contributors of at least 20
3507 percent of nonpoint source nutrient pollution which need to be



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3508 addressed within local government jurisdictions, the basin
3509 management action plan shall include an onsite sewage treatment
3510 and disposal system remediation plan pursuant to subsection (3)
3511 for those systems identified as requiring remediation.

3512 (b) A basin management action plan for an Outstanding
3513 Florida Spring shall be adopted within 2 years after its
3514 initiation and must include, at a minimum:

3515 1. A list of all specific projects and programs identified
3516 to implement a nutrient total maximum daily load;

3517 2. A list of all specific projects identified in any
3518 incorporated onsite sewage treatment and disposal system
3519 remediation plan, if applicable;

3520 3. A priority rank for each listed project;

3521 4. For each listed project, a planning level cost estimate
3522 and the estimated date of completion;

3523 5. The source and amount of financial assistance to be made
3524 available by the department, a water management district, or
3525 other entity for each listed project;

3526 6. An estimate of each listed project's nutrient load
3527 reduction;

3528 7. Identification of each point source or category of
3529 nonpoint sources, including, but not limited to, urban turf
3530 fertilizer, sports turf fertilizer, agricultural fertilizer,
3531 onsite sewage treatment and disposal systems, wastewater
3532 treatment facilities, animal wastes, and stormwater facilities.

3533 An estimated allocation of the pollutant load must be provided
3534 for each point source or category of nonpoint sources; and

3535 8. An implementation plan designed with a target to achieve
3536 the adopted nutrient total maximum daily load no more than 20



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3537 years after the adoption of a basin management action plan. The
3538 plan must include a schedule of 5-, 10-, and 15-year measureable
3539 milestones intended to achieve the adopted nutrient total
3540 maximum daily load. The schedule is not a rule but is intended
3541 to provide guidance for planning and funding purposes and is
3542 exempt from s. 120.54(1) (a).

3543 (c) For a basin management action plan adopted before July
3544 1, 2015, which addresses an Outstanding Florida Spring, the
3545 department or the department in conjunction with a water
3546 management district must revise the plan if necessary to comply
3547 with this section by July 1, 2018.

3548 (d) Upon approval of an onsite sewage treatment and
3549 disposal system remediation plan by the department, the plan
3550 shall be deemed incorporated as part of the appropriate basin
3551 management action plan pursuant to s. 403.067(7).

3552 (e) A local government may apply to the department for an
3553 extension of up to 5 years for any project in an adopted basin
3554 management action plan. A local government in a rural area of
3555 opportunity, as defined in s. 288.0656, may apply for an
3556 extension of up to 10 years for such a project. The department
3557 may grant the extension if the local government provides to the
3558 department sufficient evidence that an extension is in the best
3559 interest of the public.

3560 (2) Within 12 months after the adoption of a basin
3561 management action plan containing a priority focus area or areas
3562 of an Outstanding Florida Spring that is fully or partially
3563 within the jurisdiction of a local government, the local
3564 government must develop, enact, and implement an ordinance that
3565 meets or exceeds the requirements of the department's Model



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3566 Ordinance for Florida-Friendly Fertilizer Use on Urban
3567 Landscapes. The department shall revise the model ordinance to
3568 require that, within a priority focus area of an Outstanding
3569 Florida Spring with an adopted nutrient total maximum daily
3570 load, the nitrogen application rate of any fertilizer applied to
3571 turf or landscape plants may not exceed the lowest basic
3572 maintenance rate of the most recent recommendations by the
3573 Institute of Food and Agricultural Sciences.

3574 (3) As part of a basin management action plan that includes
3575 an Outstanding Florida Spring, the department, in consultation
3576 with the Department of Health, relevant local governments, and
3577 relevant local public and private wastewater utilities, shall
3578 develop an onsite sewage treatment and disposal system
3579 remediation plan for a spring for which the department
3580 determines onsite sewage treatment and disposal systems within a
3581 priority focus area contribute at least 20 percent of nonpoint
3582 source nutrient pollution. This plan shall be completed and
3583 adopted as part of the basin management action plan no later
3584 than the first 5-year milestone required by s. 373.807(2)(b)8.
3585 In preparing this plan, the department shall:

3586 (a) Collect and evaluate credible scientific information on
3587 the effect of nutrients, particularly forms of nitrogen, on
3588 springs and springs systems;

3589 (b) Develop and implement a public education plan to
3590 provide area residents with reliable, understandable information
3591 about onsite sewage treatment and disposal systems and springs;
3592 and

3593 (c) Develop projects necessary to reduce the nutrient
3594 impacts from onsite sewage treatment and disposal systems.



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3595
3596 The plan shall include options for repair, upgrade, replacement,
3597 drainfield modification, addition of effective nitrogen reducing
3598 features, connection to a central sewerage system or other
3599 action for systems or groups of systems within a priority focus
3600 area which contribute at least 20 percent of nonpoint source
3601 nutrient pollution. The department shall include in the plan a
3602 priority ranking for each system or group of systems that
3603 require remediation and shall award funds to implement the
3604 remediation projects identified in the basin management action
3605 plan contingent on specific appropriation in the General
3606 Appropriations Act, which may include all or part of the costs
3607 necessary to match local funding for repair, upgrade,
3608 replacement, drainfield modification, initial connection to a
3609 central sewerage system, or other action. In awarding funds, the
3610 department may consider expected nutrient reduction benefit per
3611 unit cost, size and scope of project, relative local financial
3612 contribution to the project, financial impact on property owners
3613 and the community. The department may waive matching funding
3614 requirements for proposed projects within an area designated as
3615 a rural area of opportunity under s. 288.0656.

3616 (4) The department shall provide notice to a local
3617 government of all permit applicants under s. 403.814(12) in a
3618 priority focus area of an Outstanding Florida Spring over which
3619 the local government has full or partial jurisdiction.

3620 Section 33. Section 373.811, Florida Statutes, is created
3621 to read:

3622 373.811 Prohibited activities within a priority focus
3623 area.—The following activities are prohibited within a priority



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3624 focus area in effect for an Outstanding Florida Spring:

3625 (1) New domestic wastewater disposal facilities, including
3626 rapid infiltration basins, with permitted capacities of 100,000
3627 gallons per day or more, except for those facilities that meet
3628 an advanced wastewater treatment standard of no more than 3 mg/l
3629 total nitrogen, expressed as N, on an annual permitted basis, or
3630 a more stringent treatment standard if the department determines
3631 the more stringent standard is necessary to attain a total
3632 maximum daily load for the Outstanding Florida Spring.

3633 (2) New onsite sewage treatment and disposal systems on
3634 lots of less than 1 acre, if the addition of the specific
3635 systems conflicts with an onsite treatment and disposal system
3636 remediation plan incorporated into a basin management action
3637 plan in accordance with s. 373.807(3).

3638 (3) New facilities for the disposal of hazardous waste.

3639 (4) The land application of Class A or Class B domestic
3640 wastewater biosolids not in accordance with a department
3641 approved nutrient management plan establishing the rate at which
3642 all biosolids, soil amendments, and sources of nutrients at the
3643 land application site can be applied to the land for crop
3644 production while minimizing the amount of pollutants and
3645 nutrients discharged to groundwater or waters of the state.

3646 (5) New agriculture operations that do not implement best
3647 management practices, measures necessary to achieve pollution
3648 reduction levels established by the department, or groundwater
3649 monitoring plans approved by a water management district or the
3650 department.

3651 Section 34. Section 373.813, Florida Statutes, is created
3652 to read:



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3653 373.813 Rules.-

3654 (1) The department shall adopt rules to improve water
3655 quantity and water quality to administer this part, as
3656 applicable.

3657 (2) (a) The Department of Agriculture and Consumer Services
3658 is the lead agency coordinating the reduction of agricultural
3659 nonpoint sources of pollution for the protection of Outstanding
3660 Florida Springs. The Department of Agriculture and Consumer
3661 Services and the department, pursuant to s. 403.067(7)(c)4.,
3662 shall study new or revised agricultural best management
3663 practices for improving and protecting Outstanding Florida
3664 Springs and, if necessary, in cooperation with applicable local
3665 governments and stakeholders, initiate rulemaking to require the
3666 implementation of such practices within a reasonable period.

3667 (b) The department, the Department of Agriculture and
3668 Consumer Services, and the University of Florida Institute of
3669 Food and Agricultural Sciences shall cooperate in conducting the
3670 necessary research and demonstration projects to develop
3671 improved or additional nutrient management tools, including the
3672 use of controlled release fertilizer that can be used by
3673 agricultural producers as part of an agricultural best
3674 management practices program. The development of such tools must
3675 reflect a balance between water quality improvement and
3676 agricultural productivity and, if applicable, must be
3677 incorporated into the revised agricultural best management
3678 practices adopted by rule by the Department of Agriculture and
3679 Consumer Services.

3680 Section 35. Subsections (25) and (29) of section 403.061,
3681 Florida Statutes, are amended, and subsection (45) is added to



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3682 that section, to read:

3683 403.061 Department; powers and duties.—The department shall
3684 have the power and the duty to control and prohibit pollution of
3685 air and water in accordance with the law and rules adopted and
3686 promulgated by it and, for this purpose, to:

3687 (25) (a) Establish and administer a program for the
3688 restoration and preservation of bodies of water within the
3689 state. The department shall have the power to acquire lands, to
3690 cooperate with other applicable state or local agencies to
3691 enhance existing public access to such bodies of water, and to
3692 adopt all rules necessary to accomplish this purpose.

3693 (b) Create a consolidated water resources work plan, in
3694 consultation with state agencies, water management districts,
3695 regional water supply authorities, and local governments, which
3696 provides a geographic depiction of the total inventory of water
3697 resources projects and regionally significant water supply
3698 projects currently under construction, completed in the previous
3699 5 years, or planned to begin construction in the next 5 years.
3700 The consolidated work plan must include for each project a
3701 description of the project, the total cost of the project, and
3702 identification of the governmental entity financing the project.
3703 This information together with the information provided pursuant
3704 to paragraph (45) (a) is intended to facilitate the ability of
3705 the Florida Water Resources Advisory Council, the Legislature,
3706 and the public to consider the projects contained in the
3707 tentative water resources work program developed pursuant to s.
3708 403.0616 in relation to all projects undertaken within a 10-year
3709 period and the existing condition of water resources in the
3710 project area and in the state as a whole. The department may



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3711 adopt rules to accomplish this purpose.

3712 (29) (a) Adopt by rule special criteria to protect Class II
3713 and Class III shellfish harvesting waters. Such rules may
3714 include special criteria for approving docking facilities that
3715 have 10 or fewer slips if the construction and operation of such
3716 facilities will not result in the closure of shellfish waters.

3717 (b) Adopt by rule a specific surface water classification
3718 to protect surface waters used for treated potable water supply.

3719 These designated surface waters shall have the same water
3720 quality criteria protections as waters designated for fish
3721 consumption, recreation, and the propagation and maintenance of
3722 a healthy, well-balanced population of fish and wildlife, and
3723 shall be free from discharged substances at a concentration
3724 that, alone or in combination with other discharged substances,
3725 would require significant alteration of permitted treatment
3726 processes at the permitted treatment facility or that would
3727 otherwise prevent compliance with applicable state drinking
3728 water standards in the treated water. Notwithstanding this
3729 classification or the inclusion of treated water supply as a
3730 designated use of a surface water, a surface water used for
3731 treated potable water supply may be reclassified to the potable
3732 water supply classification.

3733 (45) (a) Create and maintain a web-based, interactive map
3734 that includes, at a minimum:

3735 1. All watersheds and each water body within those
3736 watersheds;

3737 2. The county or counties in which the watershed or water
3738 body is located;

3739 3. The water management district or districts in which the



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3740 watershed or water body is located;
3741 4. Whether a minimum flow or minimum water level has been
3742 adopted for the water body, and if such minimum flow or minimum
3743 water level has not been adopted, the anticipated adoption date;
3744 5. Whether a recovery or prevention strategy has been
3745 adopted for the watershed or water body and, if such a plan has
3746 not been adopted, the anticipated adoption date;
3747 6. The impairment status of each watershed or water body;
3748 7. Whether a total maximum daily load has been adopted if
3749 the watershed or water body is listed as impaired and, if such
3750 total maximum daily load has not been adopted, the anticipated
3751 adoption date;
3752 8. Whether a basin management action plan has been adopted
3753 for the watershed and, if such a plan has not been adopted, the
3754 anticipated adoption date;
3755 9. Each project listed on the 5-year water resources work
3756 program developed pursuant to s. 373.036(7);
3757 10. The agency or agencies and local sponsor, if any,
3758 responsible for overseeing the project;
3759 11. The estimated cost and completion date of each project
3760 and the financial contribution of each entity;
3761 12. The quantitative estimated benefit to the watershed or
3762 water body; and
3763 13. The water projects completed within the last 5 years
3764 within the watershed or water body.
3765 (b) The department and each water management district shall
3766 prominently display on their respective websites a hyperlink to
3767 the interactive map required by this subsection.
3768



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3769 The department shall implement such programs in conjunction with
3770 its other powers and duties and shall place special emphasis on
3771 reducing and eliminating contamination that presents a threat to
3772 humans, animals or plants, or to the environment.

3773 Section 36. Section 403.0616, Florida Statutes, is created
3774 to read:

3775 403.0616 Florida Water Resources Advisory Council.-

3776 (1) The Florida Water Resources Advisory Council is hereby
3777 created within the department for the purpose of evaluating
3778 water resource projects prioritized and submitted by state
3779 agencies, water management districts, regional water supply
3780 authorities, or local governments. The council shall evaluate
3781 and recommend projects that are eligible for state funding as
3782 priority projects of statewide, regional, or critical local
3783 importance under this chapter or chapter 373. The council must
3784 review and evaluate all water resource projects that are
3785 prioritized and reported by state agencies or water management
3786 districts pursuant to s. 373.036(7)(b)8.b., or by local
3787 governments, or regional water supply authorities, if
3788 applicable, in order to provide the Legislature with
3789 recommendations for projects that improve or restore the water
3790 resources of this state. The council is also responsible for
3791 submitting a prioritization of pilot projects that test the
3792 effectiveness of innovative or existing nutrient reduction or
3793 water conservation technologies or practices designed to
3794 minimize nutrient pollution or restore flows in the water bodies
3795 of the state as provided in s. 403.0617.

3796 (2) The Florida Water Resources Advisory Council consists
3797 of five voting members and five ex officio, nonvoting members as



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3798 follows:

3799 (a) The Secretary of Environmental Protection, who shall
3800 serve as chair of the council; the Commissioner of Agriculture;
3801 the executive director of the Fish and Wildlife Conservation
3802 Commission; one member with expertise in a scientific discipline
3803 related to water resources, appointed by the President of the
3804 Senate; and one member with expertise in a scientific discipline
3805 related to water resources, appointed by the Speaker of the
3806 House of Representatives, all of whom shall be voting members.

3807 (b) The executive directors of each of the five water
3808 management districts, all of whom shall be nonvoting members.

3809 (3) Members appointed by the President of the Senate and
3810 Speaker of the House of Representatives shall serve 2-year terms
3811 but may not serve more than a total of 6 years. The President of
3812 the Senate and the Speaker of the House of Representatives may
3813 fill a vacancy at any time for an unexpired term of an appointed
3814 member.

3815 (4) If a member of the council is disqualified from serving
3816 because he or she no longer holds the position required to serve
3817 under this section, the interim head of the agency shall serve
3818 as the agency representative.

3819 (5) The two appointed council members shall receive
3820 reimbursement for expenses and per diem for travel to attend
3821 council meetings authorized pursuant to s. 112.061 while in the
3822 performance of their duties.

3823 (6) The council shall hold periodic meetings at the request
3824 of the chair but must hold at least two public meetings,
3825 separately noticed, each year in which the public has the
3826 opportunity to participate and comment. Unless otherwise



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3827 provided by law, notice for each meeting must be published in a
3828 newspaper of general circulation in the area where the meeting
3829 is to be held at least 5 days but no more than 15 days before
3830 the meeting date.

3831 (a) By July 15 of each year, the council shall release a
3832 tentative water resources work program containing legislative
3833 recommendations for water resource projects. The public has 30
3834 days to submit comments regarding the tentative program.

3835 (b) The council shall adopt the tentative work program
3836 containing its legislative recommendations and submit it to the
3837 Governor, the President of the Senate, and the Speaker of the
3838 House of Representatives by August 31 of each year. An
3839 affirmative vote of three members of the council is required to
3840 adopt the tentative work program.

3841 (7) The department shall provide primary staff support to
3842 the council and shall ensure that council meetings are
3843 electronically recorded. Such recordings must be preserved
3844 pursuant to chapters 119 and 257.

3845 (8) The council shall recommend rules for adoption by the
3846 department to competitively evaluate, select, and rank projects
3847 for the tentative water resources work program. The council
3848 shall develop specific criteria for the evaluation, selection,
3849 and ranking of projects, including a preference for projects
3850 that will have a significant, measurable impact on improving
3851 water quantity or water quality; projects in areas of greatest
3852 impairment; projects of state or regional significance; projects
3853 recommended by multiple districts or multiple local governments
3854 cooperatively; projects with a significant monetary commitment
3855 by the local project sponsor or sponsors; projects in rural



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3856 areas of opportunity as defined in s. 288.0656; projects that
3857 may be funded through appropriate loan programs; and projects
3858 that have significant private contributions of time or money.

3859 (9) The department, in consultation with the Department of
3860 Agriculture and Consumer Services, the Fish and Wildlife
3861 Conservation Commission, and the water management districts,
3862 shall adopt rules to implement this section.

3863 Section 37. Section 403.0617, Florida Statutes, is created
3864 to read:

3865 403.0617 Innovative nutrient and sediment reduction and
3866 conservation pilot project program.-

3867 (1) By December 31, 2015, the department shall adopt rules
3868 to competitively evaluate and rank projects for selection and
3869 prioritization by the Water Resources Advisory Council, pursuant
3870 to s. 403.0616, for submission to the Legislature for funding.
3871 These pilot projects are intended to test the effectiveness of
3872 innovative or existing nutrient reduction or water conservation
3873 technologies, programs or practices designed to minimize
3874 nutrient pollution or restore flows in the water bodies of the
3875 state. The department must include in the evaluation criteria a
3876 determination by the department that the pilot project will not
3877 be harmful to the ecological resources in the study area.

3878 (2) In developing these rules, the department shall give
3879 preference to the projects that will result in the greatest
3880 improvement to water quality and water quantity for the dollars
3881 to be expended for the project. At a minimum, the department
3882 shall consider all of the following:

3883 (a) The level of nutrient impairment of the waterbody,
3884 watershed, or water segment in which the project is located.



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3885 (b) The quantity of pollutants, particularly total
3886 nitrogen, which the project is estimated to remove from a water
3887 body, watershed, or water segment with an adopted nutrient total
3888 maximum daily load.

3889 (c) The potential for the project to provide a cost-
3890 effective solution to pollution caused by onsite sewage
3891 treatment and disposal systems.

3892 (d) The flow necessary to restore a water resource to its
3893 adopted minimum flow or minimum water level.

3894 (e) The anticipated impact the project will have on
3895 restoring or increasing flow or water level.

3896 (f) The amount of matching funds for the project which will
3897 be provided by the entities responsible for implementing the
3898 project.

3899 (g) Whether the project is located in a rural area of
3900 opportunity, as defined in s. 288.0656, with preference given to
3901 the local government responsible for implementing the project.

3902 (h) For multiple-year projects, whether the project has
3903 funding sources that are identified and assured through the
3904 expected completion date of the project.

3905 (i) The cost of the project and the length of time it will
3906 take to complete relative to its expected benefits.

3907 (j) Whether the entities responsible for implementing the
3908 project have used their own funds for projects to improve water
3909 quality or conserve water use with preference given to those
3910 entities that have expended such funds.

3911 Section 38. Section 403.0623, Florida Statutes, is amended
3912 to read:

3913 403.0623 Environmental data; quality assurance.-



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3914 (1) The department must establish, by rule, appropriate
3915 quality assurance requirements for environmental data submitted
3916 to the department and the criteria by which environmental data
3917 may be rejected by the department. The department may adopt and
3918 enforce rules to establish data quality objectives and specify
3919 requirements for training of laboratory and field staff, sample
3920 collection methodology, proficiency testing, and audits of
3921 laboratory and field sampling activities. Such rules may be in
3922 addition to any laboratory certification provisions under ss.
3923 403.0625 and 403.863.

3924 (2) (a) The department, in coordination with the water
3925 management districts and regional water supply authorities,
3926 shall establish standards for the collection of water quantity,
3927 water quality, and related data to ensure quality, reliability,
3928 and validity of the data and testing results. The water
3929 management districts shall submit such data collected after June
3930 30, 2015, to the department for analysis. The department shall
3931 analyze the data to ensure statewide consistency. The department
3932 shall maintain a centralized database for all testing results
3933 and analyses, which must be accessible by the water management
3934 districts.

3935 (b) To the extent practicable, the department shall
3936 coordinate with federal agencies to ensure that its collection
3937 and analysis of water quality, water quantity, and related data,
3938 which may be used by any state agency, water management
3939 district, or local government, is consistent with this
3940 subsection.

3941 (c) In order to receive state funds for the acquisition of
3942 lands or the financing of a water resource project, state



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3943 agencies and water management districts must use the
3944 department's testing results and analysis, if available, as a
3945 prerequisite for any such request for funding.

3946 (d) The department and the water management districts may
3947 adopt rules to implement this subsection.

3948 Section 39. Subsection (7) of section 403.067, Florida
3949 Statutes, is amended to read:

3950 403.067 Establishment and implementation of total maximum
3951 daily loads.—

3952 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
3953 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3954 (a) *Basin management action plans.*—

3955 1. In developing and implementing the total maximum daily
3956 load for a water body, the department, or the department in
3957 conjunction with a water management district, may develop a
3958 basin management action plan that addresses some or all of the
3959 watersheds and basins tributary to the water body. Such plan
3960 must integrate the appropriate management strategies available
3961 to the state through existing water quality protection programs
3962 to achieve the total maximum daily loads and may provide for
3963 phased implementation of these management strategies to promote
3964 timely, cost-effective actions as provided for in s. 403.151.
3965 The plan must establish a schedule implementing the management
3966 strategies, establish a basis for evaluating the plan's
3967 effectiveness, and identify feasible funding strategies for
3968 implementing the plan's management strategies. The management
3969 strategies may include regional treatment systems or other
3970 public works, where appropriate, and voluntary trading of water
3971 quality credits to achieve the needed pollutant load reductions.



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3972 2. A basin management action plan must equitably allocate,
3973 pursuant to paragraph (6) (b), pollutant reductions to individual
3974 basins, as a whole to all basins, or to each identified point
3975 source or category of nonpoint sources, as appropriate. For
3976 nonpoint sources for which best management practices have been
3977 adopted, the initial requirement specified by the plan must be
3978 those practices developed pursuant to paragraph (c). Where
3979 appropriate, the plan may take into account the benefits of
3980 pollutant load reduction achieved by point or nonpoint sources
3981 that have implemented management strategies to reduce pollutant
3982 loads, including best management practices, before the
3983 development of the basin management action plan. The plan must
3984 also identify the mechanisms that will address potential future
3985 increases in pollutant loading.

3986 3. The basin management action planning process is intended
3987 to involve the broadest possible range of interested parties,
3988 with the objective of encouraging the greatest amount of
3989 cooperation and consensus possible. In developing a basin
3990 management action plan, the department shall assure that key
3991 stakeholders, including, but not limited to, applicable local
3992 governments, water management districts, the Department of
3993 Agriculture and Consumer Services, other appropriate state
3994 agencies, local soil and water conservation districts,
3995 environmental groups, regulated interests, and affected
3996 pollution sources, are invited to participate in the process.
3997 The department shall hold at least one public meeting in the
3998 vicinity of the watershed or basin to discuss and receive
3999 comments during the planning process and shall otherwise
4000 encourage public participation to the greatest practicable



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4001 extent. Notice of the public meeting must be published in a
4002 newspaper of general circulation in each county in which the
4003 watershed or basin lies not less than 5 days nor more than 15
4004 days before the public meeting. A basin management action plan
4005 does not supplant or otherwise alter any assessment made under
4006 subsection (3) or subsection (4) or any calculation or initial
4007 allocation.

4008 4. Each new or revised basin management action plan shall
4009 include:

4010 a. The appropriate management strategies available through
4011 existing water quality protection programs to achieve total
4012 maximum daily loads, which may provide for phased implementation
4013 to promote timely, cost-effective actions as provided for in s.
4014 403.151;

4015 b. A description of best management practices adopted by
4016 rule;

4017 c. A list of projects in priority ranking with a planning-
4018 level cost estimate and estimated date of completion for each
4019 listed project;

4020 d. The source and amount of financial assistance to be made
4021 available by the department, a water management district, or
4022 other entity for each listed project, if applicable; and

4023 e. A planning-level estimate of each listed project's
4024 expected load reduction, if applicable.

4025 ~~5.4.~~ The department shall adopt all or any part of a basin
4026 management action plan and any amendment to such plan by
4027 secretarial order pursuant to chapter 120 to implement the
4028 provisions of this section.

4029 ~~6.5.~~ The basin management action plan must include



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4030 milestones for implementation and water quality improvement, and
4031 an associated water quality monitoring component sufficient to
4032 evaluate whether reasonable progress in pollutant load
4033 reductions is being achieved over time. An assessment of
4034 progress toward these milestones shall be conducted every 5
4035 years, and revisions to the plan shall be made as appropriate.
4036 Revisions to the basin management action plan shall be made by
4037 the department in cooperation with basin stakeholders. Revisions
4038 to the management strategies required for nonpoint sources must
4039 follow the procedures set forth in subparagraph (c)4. Revised
4040 basin management action plans must be adopted pursuant to
4041 subparagraph 4.

4042 ~~7.6.~~ In accordance with procedures adopted by rule under
4043 paragraph (9)(c), basin management action plans, and other
4044 pollution control programs under local, state, or federal
4045 authority as provided in subsection (4), may allow point or
4046 nonpoint sources that will achieve greater pollutant reductions
4047 than required by an adopted total maximum load or wasteload
4048 allocation to generate, register, and trade water quality
4049 credits for the excess reductions to enable other sources to
4050 achieve their allocation; however, the generation of water
4051 quality credits does not remove the obligation of a source or
4052 activity to meet applicable technology requirements or adopted
4053 best management practices. Such plans must allow trading between
4054 NPDES permittees, and trading that may or may not involve NPDES
4055 permittees, where the generation or use of the credits involve
4056 an entity or activity not subject to department water discharge
4057 permits whose owner voluntarily elects to obtain department
4058 authorization for the generation and sale of credits.



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4059 ~~8.7.~~ The provisions of the department's rule relating to
4060 the equitable abatement of pollutants into surface waters do not
4061 apply to water bodies or water body segments for which a basin
4062 management plan that takes into account future new or expanded
4063 activities or discharges has been adopted under this section.

4064 (b) *Total maximum daily load implementation.*—

4065 1. The department shall be the lead agency in coordinating
4066 the implementation of the total maximum daily loads through
4067 existing water quality protection programs. Application of a
4068 total maximum daily load by a water management district must be
4069 consistent with this section and does not require the issuance
4070 of an order or a separate action pursuant to s. 120.536(1) or s.
4071 120.54 for the adoption of the calculation and allocation
4072 previously established by the department. Such programs may
4073 include, but are not limited to:

4074 a. Permitting and other existing regulatory programs,
4075 including water-quality-based effluent limitations;

4076 b. Nonregulatory and incentive-based programs, including
4077 best management practices, cost sharing, waste minimization,
4078 pollution prevention, agreements established pursuant to s.
4079 403.061(21), and public education;

4080 c. Other water quality management and restoration
4081 activities, for example surface water improvement and management
4082 plans approved by water management districts or basin management
4083 action plans developed pursuant to this subsection;

4084 d. Trading of water quality credits or other equitable
4085 economically based agreements;

4086 e. Public works including capital facilities; or

4087 f. Land acquisition.



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4088 2. For a basin management action plan adopted pursuant to
4089 paragraph (a), any management strategies and pollutant reduction
4090 requirements associated with a pollutant of concern for which a
4091 total maximum daily load has been developed, including effluent
4092 limits set forth for a discharger subject to NPDES permitting,
4093 if any, must be included in a timely manner in subsequent NPDES
4094 permits or permit modifications for that discharger. The
4095 department may not impose limits or conditions implementing an
4096 adopted total maximum daily load in an NPDES permit until the
4097 permit expires, the discharge is modified, or the permit is
4098 reopened pursuant to an adopted basin management action plan.

4099 a. Absent a detailed allocation, total maximum daily loads
4100 must be implemented through NPDES permit conditions that provide
4101 for a compliance schedule. In such instances, a facility's NPDES
4102 permit must allow time for the issuance of an order adopting the
4103 basin management action plan. The time allowed for the issuance
4104 of an order adopting the plan may not exceed 5 years. Upon
4105 issuance of an order adopting the plan, the permit must be
4106 reopened or renewed, as necessary, and permit conditions
4107 consistent with the plan must be established. Notwithstanding
4108 the other provisions of this subparagraph, upon request by an
4109 NPDES permittee, the department as part of a permit issuance,
4110 renewal, or modification may establish individual allocations
4111 before the adoption of a basin management action plan.

4112 b. For holders of NPDES municipal separate storm sewer
4113 system permits and other stormwater sources, implementation of a
4114 total maximum daily load or basin management action plan must be
4115 achieved, to the maximum extent practicable, through the use of
4116 best management practices or other management measures.



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4117 c. The basin management action plan does not relieve the
4118 discharger from any requirement to obtain, renew, or modify an
4119 NPDES permit or to abide by other requirements of the permit.

4120 d. Management strategies set forth in a basin management
4121 action plan to be implemented by a discharger subject to
4122 permitting by the department must be completed pursuant to the
4123 schedule set forth in the basin management action plan. This
4124 implementation schedule may extend beyond the 5-year term of an
4125 NPDES permit.

4126 e. Management strategies and pollution reduction
4127 requirements set forth in a basin management action plan for a
4128 specific pollutant of concern are not subject to challenge under
4129 chapter 120 at the time they are incorporated, in an identical
4130 form, into a subsequent NPDES permit or permit modification.

4131 f. For nonagricultural pollutant sources not subject to
4132 NPDES permitting but permitted pursuant to other state,
4133 regional, or local water quality programs, the pollutant
4134 reduction actions adopted in a basin management action plan must
4135 be implemented to the maximum extent practicable as part of
4136 those permitting programs.

4137 g. A nonpoint source discharger included in a basin
4138 management action plan must demonstrate compliance with the
4139 pollutant reductions established under subsection (6) by
4140 implementing the appropriate best management practices
4141 established pursuant to paragraph (c) or conducting water
4142 quality monitoring prescribed by the department or a water
4143 management district. A nonpoint source discharger may, in
4144 accordance with department rules, supplement the implementation
4145 of best management practices with water quality credit trades in



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4146 order to demonstrate compliance with the pollutant reductions
4147 established under subsection (6).

4148 h. A nonpoint source discharger included in a basin
4149 management action plan may be subject to enforcement action by
4150 the department or a water management district based upon a
4151 failure to implement the responsibilities set forth in sub-
4152 subparagraph g.

4153 i. A landowner, discharger, or other responsible person who
4154 is implementing applicable management strategies specified in an
4155 adopted basin management action plan may not be required by
4156 permit, enforcement action, or otherwise to implement additional
4157 management strategies, including water quality credit trading,
4158 to reduce pollutant loads to attain the pollutant reductions
4159 established pursuant to subsection (6) and shall be deemed to be
4160 in compliance with this section. This subparagraph does not
4161 limit the authority of the department to amend a basin
4162 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

4163 (c) *Best management practices.*—

4164 1. The department, in cooperation with the water management
4165 districts and other interested parties, as appropriate, may
4166 develop suitable interim measures, best management practices, or
4167 other measures necessary to achieve the level of pollution
4168 reduction established by the department for nonagricultural
4169 nonpoint pollutant sources in allocations developed pursuant to
4170 subsection (6) and this subsection. These practices and measures
4171 may be adopted by rule by the department and the water
4172 management districts and, where adopted by rule, shall be
4173 implemented by those parties responsible for nonagricultural
4174 nonpoint source pollution.



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4175 2. The Department of Agriculture and Consumer Services may
4176 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
4177 suitable interim measures, best management practices, or other
4178 measures necessary to achieve the level of pollution reduction
4179 established by the department for agricultural pollutant sources
4180 in allocations developed pursuant to subsection (6) and this
4181 subsection or for programs implemented pursuant to paragraph
4182 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented
4183 by those parties responsible for agricultural pollutant sources
4184 and the department, the water management districts, and the
4185 Department of Agriculture and Consumer Services shall assist
4186 with implementation. In the process of developing and adopting
4187 rules for interim measures, best management practices, or other
4188 measures, the Department of Agriculture and Consumer Services
4189 shall consult with the department, the Department of Health, the
4190 water management districts, representatives from affected
4191 farming groups, and environmental group representatives. Such
4192 rules must also incorporate provisions for a notice of intent to
4193 implement the practices and a system to assure the
4194 implementation of the practices, including site inspection and
4195 recordkeeping requirements.

4196 3. Where interim measures, best management practices, or
4197 other measures are adopted by rule, the effectiveness of such
4198 practices in achieving the levels of pollution reduction
4199 established in allocations developed by the department pursuant
4200 to subsection (6) and this subsection or in programs implemented
4201 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at
4202 representative sites by the department. The department shall use
4203 best professional judgment in making the initial verification



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4204 that the best management practices are reasonably expected to be
4205 effective and, where applicable, must notify the appropriate
4206 water management district or the Department of Agriculture and
4207 Consumer Services of its initial verification before the
4208 adoption of a rule proposed pursuant to this paragraph.
4209 Implementation, in accordance with rules adopted under this
4210 paragraph, of practices that have been initially verified to be
4211 effective, or verified to be effective by monitoring at
4212 representative sites, by the department, shall provide a
4213 presumption of compliance with state water quality standards and
4214 release from the provisions of s. 376.307(5) for those
4215 pollutants addressed by the practices, and the department is not
4216 authorized to institute proceedings against the owner of the
4217 source of pollution to recover costs or damages associated with
4218 the contamination of surface water or groundwater caused by
4219 those pollutants. Research projects funded by the department, a
4220 water management district, or the Department of Agriculture and
4221 Consumer Services to develop or demonstrate interim measures or
4222 best management practices shall be granted a presumption of
4223 compliance with state water quality standards and a release from
4224 the provisions of s. 376.307(5). The presumption of compliance
4225 and release is limited to the research site and only for those
4226 pollutants addressed by the interim measures or best management
4227 practices. Eligibility for the presumption of compliance and
4228 release is limited to research projects on sites where the owner
4229 or operator of the research site and the department, a water
4230 management district, or the Department of Agriculture and
4231 Consumer Services have entered into a contract or other
4232 agreement that, at a minimum, specifies the research objectives,



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4233 the cost-share responsibilities of the parties, and a schedule
4234 that details the beginning and ending dates of the project.

4235 4. Where water quality problems are demonstrated, despite
4236 the appropriate implementation, operation, and maintenance of
4237 best management practices and other measures required by rules
4238 adopted under this paragraph, the department, a water management
4239 district, or the Department of Agriculture and Consumer
4240 Services, in consultation with the department, shall institute a
4241 reevaluation of the best management practice or other measure.
4242 Should the reevaluation determine that the best management
4243 practice or other measure requires modification, the department,
4244 a water management district, or the Department of Agriculture
4245 and Consumer Services, as appropriate, shall revise the rule to
4246 require implementation of the modified practice within a
4247 reasonable time period as specified in the rule.

4248 5. Agricultural records relating to processes or methods of
4249 production, costs of production, profits, or other financial
4250 information held by the Department of Agriculture and Consumer
4251 Services pursuant to subparagraphs 3. and 4. or pursuant to any
4252 rule adopted pursuant to subparagraph 2. are confidential and
4253 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
4254 Constitution. Upon request, records made confidential and exempt
4255 pursuant to this subparagraph shall be released to the
4256 department or any water management district provided that the
4257 confidentiality specified by this subparagraph for such records
4258 is maintained.

4259 6. The provisions of subparagraphs 1. and 2. do not
4260 preclude the department or water management district from
4261 requiring compliance with water quality standards or with



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4262 current best management practice requirements set forth in any
4263 applicable regulatory program authorized by law for the purpose
4264 of protecting water quality. Additionally, subparagraphs 1. and
4265 2. are applicable only to the extent that they do not conflict
4266 with any rules adopted by the department that are necessary to
4267 maintain a federally delegated or approved program.

4268 (d) Enforcement and verification of basin management action
4269 plans and management strategies.-

4270 1. Basin management action plans are enforceable pursuant
4271 to this section and ss. 403.121, 403.141, and 403.161.

4272 Management strategies, including best management practices and
4273 water quality monitoring, are enforceable under this chapter.

4274 2. No later than January 1, 2016:

4275 a. The department, in consultation with the water
4276 management districts and the Department of Agriculture and
4277 Consumer Services, shall initiate rulemaking to adopt procedures
4278 to verify implementation of water quality monitoring required in
4279 lieu of implementation of best management practices or other
4280 measures pursuant to s. 403.067(7)(b)2.g.;

4281 b. The department, in consultation with the water
4282 management districts and the Department of Agriculture and
4283 Consumer Services, shall initiate rulemaking to adopt procedures
4284 to verify implementation of nonagricultural interim measures,
4285 best management practices, or other measures adopted by rule
4286 pursuant to s. 403.067(7)(c)1.; and

4287 c. The Department of Agriculture and Consumer Services, in
4288 consultation with the water management districts and the
4289 department, shall initiate rulemaking to adopt procedures to
4290 verify implementation of agricultural interim measures, best



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4291 management practices, or other measures adopted by rule pursuant
4292 to s. 403.067(7)(c)2.

4293
4294 The above rules shall include enforcement procedures applicable
4295 to the landowner, discharger, or other responsible person
4296 required to implement applicable management strategies,
4297 including best management practices, or water quality monitoring
4298 as a result of noncompliance.

4299 Section 40. Section 403.0675, Florida Statutes, is created
4300 to read:

4301 403.0675 Progress reports.—On or before July 1, beginning
4302 July 1, 2017:

4303 (1) The department, in conjunction with the water
4304 management districts, shall submit progress reports to the
4305 Governor, the President of the Senate, and the Speaker of the
4306 House of Representatives on the status of each total maximum
4307 daily load, basin management action plan, minimum flow or
4308 minimum water level, and recovery or prevention strategy adopted
4309 pursuant to s. 403.067 or parts I and VIII of chapter 373. The
4310 report must include the status of each project identified to
4311 achieve an adopted total maximum daily load or an adopted
4312 minimum flow or minimum water level, as applicable. If a report
4313 indicates that any of the 5-, 10-, or 15-year milestones, or the
4314 20-year target date, if applicable, for achieving a total
4315 maximum daily load or a minimum flow or minimum water level will
4316 not be met, the report must include an explanation of the
4317 possible causes and potential solutions. If applicable, the
4318 report shall include project descriptions, estimated costs,
4319 proposed priority ranking for project implementation, and



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4320 funding needed to achieve the total maximum daily load or the
4321 minimum flow or minimum water level by the target date.

4322 (2) The Department of Agriculture and Consumer Services
4323 shall report to the Governor, the President of the Senate, and
4324 the Speaker of the House of Representatives on the status of the
4325 implementation of the agricultural nonpoint source best
4326 management practices including an implementation assurance
4327 report summarizing survey responses and response rates, site
4328 inspections and other methods used to verify implementation of
4329 and compliance with best management practices pursuant to basin
4330 management action plans.

4331 Section 41. Subsection (21) is added to section 403.861,
4332 Florida Statutes, to read:

4333 403.861 Department; powers and duties.—The department shall
4334 have the power and the duty to carry out the provisions and
4335 purposes of this act and, for this purpose, to:

4336 (21) (a) Upon issuance of a construction permit to construct
4337 a new public water system drinking water treatment facility to
4338 provide potable water supply using a surface water of the state
4339 that, at the time of the permit application, is not being used
4340 as a potable water supply, and the classification of which does
4341 not include potable water supply as a designated use, the
4342 department shall add treated potable water supply as a
4343 designated use of the surface water segment in accordance with
4344 s. 403.061(29) (b).

4345 (b) For existing public water system drinking water
4346 treatment facilities that use a surface water of the state as a
4347 treated potable water supply, which surface water classification
4348 does not include potable water as a designated use, the



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4349 department shall add treated potable water supply as a
4350 designated use of the surface water segment in accordance with
4351 s. 403.061(29)(b).

4352 Section 42. This act shall take effect July 1, 2015.