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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/08/2015	.	
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Appropriations Subcommittee on General Government (Dean)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

259.032 Conservation and Recreation Lands Trust Fund;  
purpose.—

(11)

(g) In order to ensure that the public has knowledge of and



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11 access to conservation lands, as defined in s. 253.034(2)(c),  
12 the department shall publish, update, and maintain a database of  
13 such lands where public access is compatible with conservation  
14 and recreation purposes.

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

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

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

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



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40 Section 2. Section 260.0144, Florida Statutes, is amended  
41 to read:

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

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

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

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

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

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

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

66 (d) The department shall ensure that the size, color,  
67 materials, construction, and location of all signs are  
68 consistent with the management plan for the property and the



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69 standards of the department, do not intrude on natural and  
70 historic settings, and contain only a logo selected by the  
71 sponsor and the following sponsorship wording:

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

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

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

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

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

94       (3) A concession agreement shall be for a minimum of 1  
95 year, but may be for a longer period under a multiyear  
96 agreement, and may be terminated for just cause by the  
97 department upon 60 days' advance notice. Just cause for



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98 termination of a concession agreement includes, but is not  
99 limited to, violation of the terms of the concession agreement  
100 or any provision of this section.

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

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

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

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

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

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

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

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

125 (3) The department, in cooperation with the Department of  
126 Environmental Protection, shall establish a statewide integrated



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

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

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

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

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

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

153 ~~3. The department shall ensure that the size, color,~~  
154 ~~materials, construction, and location of all signs are~~  
155 ~~consistent with the management plan for the property and the~~



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156 ~~standards of the department, do not intrude on natural and~~  
157 ~~historic settings, and contain only a logo selected by the~~  
158 ~~sponsor and the following sponsorship wording:~~

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

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

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

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

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

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



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

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

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

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

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

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

197 339.81 Florida Shared-Use Nonmotorized Trail Network.—

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





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

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

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

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



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243 are signed and marked for nonmotorized use; or

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

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

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

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

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

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

270 339.82 Shared-Use Nonmotorized Trail Network Plan.—

271 (1) The department shall develop a network plan for the



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

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

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

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

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

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

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

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

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

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



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

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

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

308 339.83 Sponsorship of Shared-Use Nonmotorized Trails.—

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

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

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

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

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



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330 c. Pavement markings denoting specified distances must be  
331 located at least 1 mile apart.

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

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

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

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

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

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



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359 or this section.

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

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

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

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

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

387 (24) "Water resource development" means the formulation and



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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

433           c. The estimated cost for each listed project;

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

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

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

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





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446 waterbody, or water segment.

447 Section 9. Section 373.042, Florida Statutes, is amended to  
448 read:

449 373.042 Minimum flows and minimum water levels.-

450 (1) Within each section, or within the water management  
451 district as a whole, the department or the governing board shall  
452 establish the following:

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

457 (b) Minimum water level. The minimum water level is ~~shall~~  
458 ~~be~~ the level of groundwater in an aquifer and the level of  
459 surface water at which further withdrawals would be  
460 significantly harmful to the water resources or ecology of the  
461 area.

462  
463 The minimum flow and minimum water level shall be calculated by  
464 the department and the governing board using the best  
465 information available. When appropriate, minimum flows and  
466 minimum water levels may be calculated to reflect seasonal  
467 variations. The department and the governing board shall ~~also~~  
468 consider, and at their discretion may provide for, the  
469 protection of nonconsumptive uses in the establishment of  
470 minimum flows and minimum water levels.

471 (2) (a) If a minimum flow or minimum water level has been  
472 established for an Outstanding Florida Spring, a water  
473 management district or the department shall use the emergency  
474 rulemaking authority provided in paragraph (c) to adopt a



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475 minimum flow or minimum water level no later than July 1, 2016,  
476 except for the Northwest Florida Water Management District,  
477 which shall expeditiously adopt minimum flows and minimum water  
478 levels for Outstanding Florida Springs no later than July 1,  
479 2026.

480 (b) For Outstanding Florida Springs identified on a water  
481 management district's priority list developed pursuant to  
482 subsection (3) which have the potential to be affected by  
483 withdrawals in an adjacent district, the adjacent district or  
484 districts and the department shall collaboratively develop and  
485 implement a recovery or prevention strategy for an Outstanding  
486 Florida Spring not meeting an adopted minimum flow or minimum  
487 water level.

488 (c) The Legislature finds that the failure to adopt minimum  
489 flows and minimum water levels or recovery or prevention  
490 strategies for Outstanding Florida Springs has resulted in an  
491 immediate danger to the public health, safety, and welfare and  
492 that immediate action must be taken to address the condition of  
493 Outstanding Florida Springs. The district or the department  
494 shall use emergency rulemaking provisions pursuant to s.  
495 120.54(4) to adopt minimum flows and minimum water levels under  
496 this subsection and recovery or prevention strategies adopted  
497 concurrently with a minimum flow or minimum water level pursuant  
498 to s. 373.805(2).

499 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each  
500 water management district shall submit to the department for  
501 review and approval a priority list and schedule for the  
502 establishment of minimum flows and minimum water levels for  
503 surface watercourses, aquifers, and surface waters within the



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504 district. The priority list and schedule shall identify those  
505 listed water bodies for which the district will voluntarily  
506 undertake independent scientific peer review; any reservations  
507 proposed by the district to be established pursuant to s.  
508 373.223(4); and those listed water bodies that have the  
509 potential to be affected by withdrawals in an adjacent district  
510 for which the department's adoption of a reservation pursuant to  
511 s. 373.223(4) or a minimum flow or minimum water level pursuant  
512 to subsection (1) may be appropriate. By March 1, 2006, and  
513 annually thereafter, each water management district shall  
514 include its approved priority list and schedule in the  
515 consolidated annual report required by s. 373.036(7). The  
516 priority list shall be based upon the importance of the waters  
517 to the state or region and the existence of or potential for  
518 significant harm to the water resources or ecology of the state  
519 or region, and shall include those waters which are experiencing  
520 or may reasonably be expected to experience adverse impacts.  
521 Each water management district's priority list and schedule  
522 shall include all first magnitude springs, and all second  
523 magnitude springs within state or federally owned lands  
524 purchased for conservation purposes. The specific schedule for  
525 establishment of spring minimum flows and minimum water levels  
526 shall be commensurate with the existing or potential threat to  
527 spring flow from consumptive uses. Springs within the Suwannee  
528 River Water Management District, or second magnitude springs in  
529 other areas of the state, need not be included on the priority  
530 list if the water management district submits a report to the  
531 Department of Environmental Protection demonstrating that  
532 adverse impacts are not now occurring nor are reasonably



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533 expected to occur from consumptive uses during the next 20  
534 years. The priority list and schedule is not subject to any  
535 proceeding pursuant to chapter 120. Except as provided in  
536 subsection (4) ~~(3)~~, the development of a priority list and  
537 compliance with the schedule for the establishment of minimum  
538 flows and minimum water levels pursuant to this subsection  
539 satisfies the requirements of subsection (1).

540 (4) ~~(3)~~ Minimum flows or minimum water levels for priority  
541 waters in the counties of Hillsborough, Pasco, and Pinellas  
542 shall be established by October 1, 1997. Where a minimum flow or  
543 minimum water level for the priority waters within those  
544 counties has not been established by the applicable deadline,  
545 the secretary of the department shall, if requested by the  
546 governing body of any local government within whose jurisdiction  
547 the affected waters are located, establish the minimum flow or  
548 minimum water level in accordance with the procedures  
549 established by this section. The department's reasonable costs  
550 in establishing a minimum flow or minimum water level shall,  
551 upon request of the secretary, be reimbursed by the district.

552 (5) ~~(4)~~ A water management district shall provide the  
553 department with technical information and staff support for the  
554 development of a reservation, minimum flow or minimum water  
555 level, or recovery or prevention strategy to be adopted by the  
556 department by rule. A water management district shall apply any  
557 reservation, minimum flow or minimum water level, or recovery or  
558 prevention strategy adopted by the department by rule without  
559 the district's adoption by rule of such reservation, minimum  
560 flow or minimum water level, or recovery or prevention strategy.

561 (6) ~~(5)~~ (a) Upon written request to the department or



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562 governing board by a substantially affected person, or by  
563 decision of the department or governing board, prior to the  
564 establishment of a minimum flow or minimum water level and prior  
565 to the filing of any petition for administrative hearing related  
566 to the minimum flow or minimum water level, all scientific or  
567 technical data, methodologies, and models, including all  
568 scientific and technical assumptions employed in each model,  
569 used to establish a minimum flow or minimum water level shall be  
570 subject to independent scientific peer review. Independent  
571 scientific peer review means review by a panel of independent,  
572 recognized experts in the fields of hydrology, hydrogeology,  
573 limnology, biology, and other scientific disciplines, to the  
574 extent relevant to the establishment of the minimum flow or  
575 minimum water level.

576 (b) If independent scientific peer review is requested, it  
577 shall be initiated at an appropriate point agreed upon by the  
578 department or governing board and the person or persons  
579 requesting the peer review. If no agreement is reached, the  
580 department or governing board shall determine the appropriate  
581 point at which to initiate peer review. The members of the peer  
582 review panel shall be selected within 60 days of the point of  
583 initiation by agreement of the department or governing board and  
584 the person or persons requesting the peer review. If the panel  
585 is not selected within the 60-day period, the time limitation  
586 may be waived upon the agreement of all parties. If no waiver  
587 occurs, the department or governing board may proceed to select  
588 the peer review panel. The cost of the peer review shall be  
589 borne equally by the district and each party requesting the peer  
590 review, to the extent economically feasible. The panel shall



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591 submit a final report to the governing board within 120 days  
592 after its selection unless the deadline is waived by agreement  
593 of all parties. Initiation of peer review pursuant to this  
594 paragraph shall toll any applicable deadline under chapter 120  
595 or other law or district rule regarding permitting, rulemaking,  
596 or administrative hearings, until 60 days following submittal of  
597 the final report. Any such deadlines shall also be tolled for 60  
598 days following withdrawal of the request or following agreement  
599 of the parties that peer review will no longer be pursued. The  
600 department or the governing board shall give significant weight  
601 to the final report of the peer review panel when establishing  
602 the minimum flow or minimum water level.

603 (c) If the final data, methodologies, and models, including  
604 all scientific and technical assumptions employed in each model  
605 upon which a minimum flow or level is based, have undergone peer  
606 review pursuant to this subsection, by request or by decision of  
607 the department or governing board, no further peer review shall  
608 be required with respect to that minimum flow or minimum water  
609 level.

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

613 ~~(7)~~ (6) If a petition for administrative hearing is filed  
614 under chapter 120 challenging the establishment of a minimum  
615 flow or minimum water level, the report of an independent  
616 scientific peer review conducted under subsection ~~(5)~~ (4) is  
617 admissible as evidence in the final hearing, and the  
618 administrative law judge must render the order within 120 days  
619 after the filing of the petition. The time limit for rendering



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620 the order shall not be extended except by agreement of all the  
621 parties. To the extent that the parties agree to the findings of  
622 the peer review, they may stipulate that those findings be  
623 incorporated as findings of fact in the final order.

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

626 Section 10. Section 373.0421, Florida Statutes, is amended  
627 to read:

628 373.0421 Establishment and implementation of minimum flows  
629 and minimum levels.—

630 (1) ESTABLISHMENT.—

631 (a) *Considerations.*—When establishing minimum flows and  
632 minimum water levels pursuant to s. 373.042, the department or  
633 governing board shall consider changes and structural  
634 alterations to watersheds, surface waters, and aquifers and the  
635 effects such changes or alterations have had, and the  
636 constraints such changes or alterations have placed, on the  
637 hydrology of an affected watershed, surface water, or aquifer,  
638 provided that nothing in this paragraph shall allow significant  
639 harm as provided by s. 373.042(1) caused by withdrawals.

640 (b) *Exclusions.*—

641 1. The Legislature recognizes that certain water bodies no  
642 longer serve their historical hydrologic functions. The  
643 Legislature also recognizes that recovery of these water bodies  
644 to historical hydrologic conditions may not be economically or  
645 technically feasible, and that such recovery effort could cause  
646 adverse environmental or hydrologic impacts. Accordingly, the  
647 department or governing board may determine that setting a  
648 minimum flow or minimum water level for such a water body based



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649 on its historical condition is not appropriate.

650 2. The department or the governing board is not required to  
651 establish minimum flows or minimum water levels pursuant to s.  
652 373.042 for surface water bodies less than 25 acres in area,  
653 unless the water body or bodies, individually or cumulatively,  
654 have significant economic, environmental, or hydrologic value.

655 3. The department or the governing board shall not set  
656 minimum flows or minimum water levels pursuant to s. 373.042 for  
657 surface water bodies constructed prior to the requirement for a  
658 permit, or pursuant to an exemption, a permit, or a reclamation  
659 plan which regulates the size, depth, or function of the surface  
660 water body under the provisions of this chapter, chapter 378, or  
661 chapter 403, unless the constructed surface water body is of  
662 significant hydrologic value or is an essential element of the  
663 water resources of the area.

664  
665 The exclusions of this paragraph shall not apply to the  
666 Everglades Protection Area, as defined in s. 373.4592(2)(i).

667 (2) If the existing flow or water level in a water body is  
668 below, or is projected to fall within 20 years below, the  
669 applicable minimum flow or minimum water level established  
670 pursuant to s. 373.042, the department or governing board,  
671 concurrent with the adoption of the minimum flow or minimum  
672 water level and as part of the regional water supply plan  
673 described in s. 373.709, shall adopt and ~~expeditiously~~ implement  
674 a recovery or prevention strategy, which includes the  
675 development of additional water supplies and other actions,  
676 consistent with the authority granted by this chapter, to:

677 (a) Achieve recovery to the established minimum flow or





678 minimum water level as soon as practicable; or

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

681  
682 The recovery or prevention strategy must ~~shall~~ include a phased  
683 in approach ~~phasing~~ or a timetable which will allow for the  
684 provision of sufficient water supplies for all existing and  
685 projected reasonable-beneficial uses, including development of  
686 additional water supplies and implementation of conservation and  
687 other efficiency measures concurrent with and, to the maximum  
688 extent practical, ~~and~~ to offset, reductions in permitted  
689 withdrawals, consistent with ~~the provisions of~~ this chapter. The  
690 recovery or prevention strategy may not depend solely on water  
691 shortage restrictions declared pursuant to s. 373.175 or s.  
692 373.246.

693 (3) In order to ensure that sufficient water is available  
694 for all existing and future reasonable-beneficial uses and the  
695 natural systems, the applicable regional water supply plan  
696 prepared pursuant to s. 373.709 shall be amended to include any  
697 water supply development project or water resource development  
698 project identified in a recovery or prevention strategy. Such  
699 amendment shall be approved concurrently with relevant portions  
700 of the recovery or prevention strategy.

701 (4) The water management district shall notify the  
702 department if an application for a water use permit is denied  
703 based upon the impact that the use will have on an adopted  
704 minimum flow or minimum water level. Upon receipt of such  
705 notice, the department shall, as soon as practicable and in  
706 cooperation with the water management district, conduct a review



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707 of the applicable regional water supply plan prepared pursuant  
708 to s. 373.709. Such review shall include an assessment by the  
709 department of the adequacy of the plan in addressing the  
710 legislative intent of s. 373.705(2) (b) which provides that  
711 sufficient water be available for all existing and future  
712 reasonable-beneficial uses and natural systems and that the  
713 adverse effects of competition for water supplies be avoided. If  
714 the department determines, based upon this review, that the  
715 regional water supply plan does not adequately address the  
716 legislative intent of s. 373.705(2) (b), the water management  
717 district shall immediately initiate an update of the plan  
718 consistent with s. 373.709.

719 (5) ~~(3)~~ The provisions of this section are supplemental to  
720 any other specific requirements or authority provided by law.  
721 Minimum flows and minimum water levels shall be reevaluated  
722 periodically and revised as needed.

723 Section 11. Section 373.0465, Florida Statutes, is created  
724 to read:

725 373.0465 Central Florida Water Initiative.-

726 (1) The Legislature finds that:

727 (a) Historically, the Floridan Aquifer system has supplied  
728 the vast majority of the water used in the Central Florida  
729 Coordination Area.

730 (b) Because the boundaries of the St. Johns River Water  
731 Management District, the South Florida Water Management  
732 District, and the Southwest Florida Water Management District  
733 meet within the Central Florida Coordination Area, the three  
734 districts and the Department of Environmental Protection have  
735 worked cooperatively to determine that the Floridan Aquifer



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736 system is locally approaching the sustainable limits of use and  
737 are exploring the need to develop sources of water to meet the  
738 long-term water needs of the area.

739 (c) The Central Florida Water Initiative is a collaborative  
740 process involving the Department of Environmental Protection,  
741 the St. Johns River Water Management District, the South Florida  
742 Water Management District, the Southwest Florida Water  
743 Management District, the Department of Agriculture and Consumer  
744 Services, regional public water supply utilities, and other  
745 stakeholders. As set forth in the Central Florida Water  
746 Initiative Guiding Document of January 30, 2015, the initiative  
747 has developed an initial framework, for a unified process to  
748 address the current and long-term water supply needs of Central  
749 Florida without causing harm to the water resources and  
750 associated natural systems.

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

755 (2) (a) As used in this section, the term "Central Florida  
756 Water Initiative Area" means all of Orange, Osceola, Polk, and  
757 Seminole Counties, and southern Lake County, as designated by  
758 the Central Florida Water Initiative Guiding Document of January  
759 30, 2015.

760 (b) The department, the St. Johns River Water Management  
761 District, the South Florida Water Management District, the  
762 Southwest Florida Water Management District, and the Department  
763 of Agriculture and Consumer Services shall:

764 1. Provide for a continuation of the collaborative process



765 in the Central Florida Water Initiative Area among the state  
766 agencies, affected water management districts, regional public  
767 water supply utilities, and other stakeholders;

768 2. Build upon the guiding principles and goals set forth in  
769 the Central Florida Water Initiative Guiding Document of January  
770 30, 2015, and the work that has already been accomplished by the  
771 Central Florida Water Initiative participants;

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

777 4. Provide for a single hydrologic planning model to assess  
778 the availability of groundwater in the Central Florida Water  
779 Initiative Area.

780 (c) In developing the water supply planning program  
781 consistent with the goals set forth in this subsection, the  
782 department, the St. Johns River Water Management District, the  
783 South Florida Water Management District, the Southwest Florida  
784 Water Management District, and the Department of Agriculture and  
785 Consumer Services shall:

786 1. Consider limitations on groundwater use together with  
787 opportunities for new, increased, or redistributed groundwater  
788 uses that are consistent with the conditions established under  
789 s. 373.223;

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

793 3. Consider existing recovery or prevention strategies;



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794 4. Include a list of water supply options sufficient to  
795 meet the water needs of all existing and future reasonable-  
796 beneficial uses consistent with the conditions established under  
797 s. 373.223; and

798 5. Identify, as necessary, which of the water supply  
799 sources are preferred water supply sources pursuant to s.  
800 373.2234.

801 (d) The department, in consultation with the St. Johns  
802 River Water Management District, the South Florida Water  
803 Management District, the Southwest Florida Water Management  
804 District, and the Department of Agriculture and Consumer  
805 Services, shall adopt uniform rules for application within the  
806 Central Florida Water Initiative Area that include:

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

809 2. A single method for calculating residential per capita  
810 water use;

811 3. A single process for permit reviews;

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

814 5. A goal for residential per capita water use for each  
815 consumptive use permit; and

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

818  
819 The uniform rules shall include existing recovery strategies  
820 within the Central Florida Water Initiative Area adopted before  
821 July 1, 2015. The department may grant variances to the uniform  
822 rules if there are unique circumstances or hydrogeological



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823 factors that make application of the uniform rules unrealistic  
824 or impractical.

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

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

842 Section 12. Subsection (4) of section 373.1501, Florida  
843 Statutes, is amended, present subsections (7) and (8) are  
844 renumbered as subsections (8) and (9), respectively, and a new  
845 subsection (7) is added to that section, to read:

846 373.1501 South Florida Water Management District as local  
847 sponsor.—

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



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852 exercise the authority of the state to allocate quantities of  
853 water within its jurisdiction, including the water supply in  
854 relation to the project, and be responsible for allocating water  
855 and assigning priorities among the other water uses served by  
856 the project pursuant to state law. The district may:

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

859 (b) Continue data gathering, analysis, research, and design  
860 of project components, participate in preconstruction  
861 engineering and design documents for project components, and  
862 further refine the Comprehensive Plan of the restudy as a guide  
863 and framework for identifying other project components.~~†~~

864 (c) Construct pilot projects that will assist in  
865 determining the feasibility of technology included in the  
866 Comprehensive Plan of the restudy.~~†~~ ~~and~~

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

868 (7) When developing or implementing water control plans or  
869 regulation schedules required for the operation of the project,  
870 the district shall provide recommendations to the United States  
871 Army Corps of Engineers which are consistent with all district  
872 programs and plans.

873 Section 13. Subsection (3) is added to section 373.219,  
874 Florida Statutes, to read:

875 373.219 Permits required.—

876 (3) The department shall adopt by rule a uniform definition  
877 of the term "harmful to the water resources" for Outstanding  
878 Florida Springs to provide water management districts with  
879 minimum standards necessary to be consistent with the overall  
880 water policy of the state. This subsection does not prohibit a



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881 water management district from adopting a definition that is  
882 more protective of the water resources consistent with local or  
883 regional conditions and objectives.

884 Section 14. Subsection (6) is added to section 373.223,  
885 Florida Statutes, to read:

886 373.223 Conditions for a permit.—

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

893 Section 15. Section 373.2234, Florida Statutes, is amended  
894 to read:

895 373.2234 Preferred water supply sources.—

896 (1) The governing board of a water management district is  
897 authorized to adopt rules that identify preferred water supply  
898 sources for consumptive uses for which there is sufficient data  
899 to establish that a preferred source will provide a substantial  
900 new water supply to meet the existing and projected reasonable-  
901 beneficial uses of a water supply planning region identified  
902 pursuant to s. 373.709(1), while sustaining existing water  
903 resources and natural systems. At a minimum, such rules must  
904 contain a description of the preferred water supply source and  
905 an assessment of the water the preferred source is projected to  
906 produce.

907 (2) (a) If an applicant proposes to use a preferred water  
908 supply source, that applicant's proposed water use is subject to  
909 s. 373.223(1), except that the proposed use of a preferred water





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910 supply source must be considered by a water management district  
911 when determining whether a permit applicant's proposed use of  
912 water is consistent with the public interest pursuant to s.  
913 373.223(1) (c) .

914 (b) The governing board of a water management district  
915 shall consider the identification of preferred water supply  
916 sources for water users for whom access to or development of new  
917 water supplies is not technically or financially feasible.  
918 Identification of preferred water supply sources for such water  
919 users must be consistent with s. 373.016.

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

924 (3) (a) Nothing in This section does not: shall be construed  
925 to

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

929 2. Provide that permits issued for the use of a  
930 nonpreferred water supply source must be issued for a duration  
931 of less than 20 years or that the use of a nonpreferred water  
932 supply source is not consistent with the public interest; or-

933 3. Additionally, nothing in this section shall be  
934 interpreted to Require the use of a preferred water supply  
935 source or to restrict or prohibit the use of a nonpreferred  
936 water supply source.

937 (b) Rules adopted by the governing board of a water  
938 management district to implement this section shall specify that



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939 the use of a preferred water supply source is not required and  
940 that the use of a nonpreferred water supply source is not  
941 restricted or prohibited.

942 Section 16. Present subsection (5) of section 373.227,  
943 Florida Statutes, is redesignated as subsection (7), and a new  
944 subsection (5) and a subsection (6) are added to that section,  
945 to read:

946 373.227 Water conservation; legislative findings and  
947 intent; objectives; comprehensive statewide water conservation  
948 program requirements.—

949 (5) In order to incentivize water conservation, in areas  
950 not included in a regional water supply plan pursuant to s.  
951 373.709 and in areas not included in a declaration of water  
952 shortage or emergency pursuant to s. 373.246, if actual water  
953 use is less than permitted water use due to documented  
954 implementation of water conservation measures, including, but  
955 not limited to, those measures identified in best management  
956 practices pursuant to s. 570.93, the permitted allocation may  
957 not be modified due to such water conservation during the term  
958 of the permit. In order to promote water conservation and the  
959 implementation of measures that produce significant water  
960 savings beyond those required in a consumptive use permit, each  
961 water management district shall adopt rules providing water  
962 conservation incentives, which may include limited permit  
963 extensions.

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



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

970 Section 17. Subsection (2) of section 373.233, Florida  
971 Statutes, is amended to read:

972 373.233 Competing applications.-

973 (2) (a) If In the event that two or more competing  
974 applications qualify equally under the provisions of subsection  
975 (1), the governing board or the department shall give preference  
976 to a renewal application over an initial application.

977 (b) If two or more competing applications qualify equally  
978 under subsection (1) and none of the competing applications is a  
979 renewal application, the governing board or the department shall  
980 give preference to the application for the use where the source  
981 is nearest to the area of use or application consistent with s.  
982 373.016(4) (a).

983 Section 18. Section 373.4591, Florida Statutes, is amended  
984 to read:

985 373.4591 Improvements on private agricultural lands.-

986 (1) The Legislature encourages public-private partnerships  
987 to accomplish water storage, groundwater recharge, and water  
988 quality improvements on private agricultural lands. Priority  
989 consideration shall be given to public-private partnerships  
990 that:

991 (a) Store or treat water on private lands for purposes of  
992 enhancing hydrologic improvement, improving water quality, or  
993 assisting in water supply;

994 (b) Provide critical ground water recharge; or

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



997           (2) (a) When an agreement is entered into between the  
998 department, a water management district, or the Department of  
999 Agriculture and Consumer Services and a private landowner to  
1000 establish ~~such~~ a public-private partnership that may create or  
1001 impact wetlands or other surface waters, a baseline condition  
1002 determining the extent of wetlands and other surface waters on  
1003 the property shall be established and documented in the  
1004 agreement before improvements are constructed.

1005           (b) When an agreement is entered into between the  
1006 Department of Agriculture and Consumer Services and a private  
1007 landowner to implement best management practices pursuant to s.  
1008 403.067(7)(c), a baseline condition determining the extent of  
1009 wetlands and other surface water on the property may be  
1010 established at the option and expense of the private landowner  
1011 and documented in the agreement before improvements are  
1012 constructed. The Department of Agriculture and Consumer Services  
1013 shall submit the landowner's proposed baseline condition  
1014 documentation to the lead agency for review and approval, and  
1015 the agency shall use its best efforts to complete the review  
1016 within 45 days.

1017           (3) The Department of Agriculture and Consumer Services,  
1018 the department, and the water management districts shall provide  
1019 a process for reviewing these requests in the timeframe  
1020 specified. The determination of a baseline condition shall be  
1021 conducted using the methods set forth in the rules adopted  
1022 pursuant to s. 373.421. The baseline condition documented in an  
1023 agreement shall be considered the extent of wetlands and other  
1024 surface waters on the property for the purpose of regulation  
1025 under this chapter for the duration of the agreement and after



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1026 its expiration.

1027 Section 19. Paragraph (h) of subsection (1) and subsections  
1028 (2) through (7) of section 373.4595, Florida Statutes, are  
1029 amended, and present subsections (8) through (13) of that  
1030 section are redesignated as subsections (9) through (14),  
1031 respectively, and a new subsection (8) is added to that section,  
1032 to read:

1033 373.4595 Northern Everglades and Estuaries Protection  
1034 Program.—

1035 (1) FINDINGS AND INTENT.—

1036 (h) The Legislature finds that the expeditious  
1037 implementation of the Lake Okeechobee Watershed Protection  
1038 Program, the Caloosahatchee River Watershed Protection Program,  
1039 Plan and the St. Lucie River Watershed Protection Program Plans  
1040 is needed to improve the quality, quantity, timing, and  
1041 distribution of water in the northern Everglades ecosystem and  
1042 that this section, in conjunction with s. 403.067, including the  
1043 implementation of the plans developed and approved pursuant to  
1044 subsections (3) and (4), and any related basin management action  
1045 plan developed and implemented pursuant to s. 403.067(7)(a),  
1046 provide a reasonable means of achieving the total maximum daily  
1047 load requirements and achieving and maintaining compliance with  
1048 state water quality standards.

1049 (2) DEFINITIONS.—As used in this section, the term:

1050 (a) "Best management practice" means a practice or  
1051 combination of practices determined by the coordinating  
1052 agencies, based on research, field-testing, and expert review,  
1053 to be the most effective and practicable on-location means,  
1054 including economic and technological considerations, for



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1055 improving water quality in agricultural and urban discharges.  
1056 Best management practices for agricultural discharges shall  
1057 reflect a balance between water quality improvements and  
1058 agricultural productivity.

1059 (b) "Biosolids" means the solid, semisolid, or liquid  
1060 residue generated during the treatment of domestic wastewater in  
1061 a domestic wastewater treatment facility, formerly known as  
1062 "domestic wastewater residuals" or "residuals," and includes  
1063 products and treated material from biosolids treatment  
1064 facilities and septage management facilities regulated by the  
1065 department. The term does not include the treated effluent or  
1066 reclaimed water from a domestic wastewater treatment facility,  
1067 solids removed from pump stations and lift stations, screenings  
1068 and grit removed from the preliminary treatment components of  
1069 domestic wastewater treatment facilities, or ash generated  
1070 during the incineration of biosolids.

1071 (c) ~~(b)~~ "Caloosahatchee River watershed" means the  
1072 Caloosahatchee River, its tributaries, its estuary, and the area  
1073 within Charlotte, Glades, Hendry, and Lee Counties from which  
1074 surface water flow is directed or drains, naturally or by  
1075 constructed works, to the river, its tributaries, or its  
1076 estuary.

1077 (d) ~~(c)~~ "Coordinating agencies" means the Department of  
1078 Agriculture and Consumer Services, the Department of  
1079 Environmental Protection, and the South Florida Water Management  
1080 District.

1081 (e) ~~(d)~~ "Corps of Engineers" means the United States Army  
1082 Corps of Engineers.

1083 (f) ~~(e)~~ "Department" means the Department of Environmental



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1084 Protection.

1085 (g)~~(f)~~ "District" means the South Florida Water Management  
1086 District.

1087 ~~(g) "District's WOD program" means the program implemented~~  
1088 ~~pursuant to rules adopted as authorized by this section and ss.~~  
1089 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~  
1090 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1091 (h) "Lake Okeechobee Watershed Construction Project" means  
1092 the construction project developed pursuant to this section  
1093 ~~paragraph (3)(b).~~

1094 (i) "Lake Okeechobee Watershed Protection Plan" means the  
1095 Lake Okeechobee Watershed Construction Project and the Lake  
1096 Okeechobee Watershed Research and Water Quality Monitoring  
1097 Program ~~plan developed pursuant to this section and ss. 373.451-~~  
1098 ~~373.459.~~

1099 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1100 tributaries, and the area within which surface water flow is  
1101 directed or drains, naturally or by constructed works, to the  
1102 lake or its tributaries.

1103 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~  
1104 ~~means the program developed pursuant to paragraph (3)(c).~~

1105 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee  
1106 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1107 River watershed.

1108 (l)~~(m)~~ "Project component" means any structural or  
1109 operational change, resulting from the Restudy, to the Central  
1110 and Southern Florida Project as it existed and was operated as  
1111 of January 1, 1999.

1112 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of



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1113 the Central and Southern Florida Project, for which federal  
1114 participation was authorized by the Federal Water Resources  
1115 Development Acts of 1992 and 1996 together with related  
1116 Congressional resolutions and for which participation by the  
1117 South Florida Water Management District is authorized by s.  
1118 373.1501. The term includes all actions undertaken pursuant to  
1119 the aforementioned authorizations which will result in  
1120 recommendations for modifications or additions to the Central  
1121 and Southern Florida Project.

1122 (n) ~~(o)~~ "River Watershed Protection Plans" means the  
1123 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1124 River Watershed Protection Plan developed pursuant to this  
1125 section.

1126 (o) "Soil amendment" means any substance or mixture of  
1127 substances sold or offered for sale for soil enriching or  
1128 corrective purposes, intended or claimed to be effective in  
1129 promoting or stimulating plant growth, increasing soil or plant  
1130 productivity, improving the quality of crops, or producing any  
1131 chemical or physical change in the soil, except amendments,  
1132 conditioners, additives, and related products that are derived  
1133 solely from inorganic sources and that contain no recognized  
1134 plant nutrients.

1135 (p) "St. Lucie River watershed" means the St. Lucie River,  
1136 its tributaries, its estuary, and the area within Martin,  
1137 Okeechobee, and St. Lucie Counties from which surface water flow  
1138 is directed or drains, naturally or by constructed works, to the  
1139 river, its tributaries, or its estuary.

1140 (q) "Total maximum daily load" means the sum of the  
1141 individual wasteload allocations for point sources and the load





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1142 allocations for nonpoint sources and natural background adopted  
1143 pursuant to s. 403.067. Before ~~Prior to~~ determining individual  
1144 wasteload allocations and load allocations, the maximum amount  
1145 of a pollutant that a water body or water segment can assimilate  
1146 from all sources without exceeding water quality standards must  
1147 first be calculated.

1148 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1149 Okeechobee Watershed Protection Program shall consist of the  
1150 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1151 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1152 Lake Okeechobee Exotic Species Control Program, and the Lake  
1153 Okeechobee Internal Phosphorus Management Program. The Lake  
1154 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1155 403.067 shall be the component of the Lake Okeechobee Watershed  
1156 Protection ~~A protection Program for Lake Okeechobee that~~  
1157 ~~achieves phosphorus load reductions for Lake Okeechobee shall be~~  
1158 ~~immediately implemented as specified in this subsection.~~ As  
1159 provided in s. 403.067(7)(a)5., the Lake Okeechobee Basin  
1160 Management Action Plan must include milestones for  
1161 implementation and water quality improvement and an associated  
1162 water quality monitoring component sufficient to evaluate  
1163 whether reasonable progress in pollutant load reductions is  
1164 being achieved over time. The department shall develop a  
1165 schedule to establish 5-, 10-, and 15-year measurable milestones  
1166 and a target for achieving water quality improvement consistent  
1167 with this section. The schedule shall be used to provide  
1168 guidance for planning and funding purposes and is exempt from s.  
1169 120.54(1)(a). An assessment of progress toward these milestones  
1170 shall be conducted every 5 years and revisions to the plan shall



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1171 be made, as appropriate, as a result of each 5-year review. The  
1172 assessment shall be provided to the Governor, the President of  
1173 the Senate, and the Speaker of the House of Representatives.  
1174 Upon the first 5-year review, a schedule, measureable  
1175 milestones, and a target for achieving water quality improvement  
1176 consistent with the provisions of this section shall be adopted  
1177 into the plan. Revisions to the basin management action plan  
1178 shall be made by the department in cooperation with basin  
1179 stakeholders. Revisions to the management strategies must follow  
1180 the procedures set forth in s. 403.067(7)(c)4. Revised basin  
1181 management action plans must be adopted pursuant to s.  
1182 403.067(7)(a)4. The Lake Okeechobee Watershed Protection Program  
1183 shall address the reduction of phosphorus loading to the lake  
1184 from both internal and external sources. Phosphorus load  
1185 reductions shall be achieved through a phased program of  
1186 implementation. ~~Initial implementation actions shall be~~  
1187 ~~technology-based, based upon a consideration of both the~~  
1188 ~~availability of appropriate technology and the cost of such~~  
1189 ~~technology, and shall include phosphorus reduction measures at~~  
1190 ~~both the source and the regional level. The initial phase of~~  
1191 ~~phosphorus load reductions shall be based upon the district's~~  
1192 ~~Technical Publication 81-2 and the district's WOD program, with~~  
1193 ~~subsequent phases of phosphorus load reductions based upon the~~  
1194 ~~total maximum daily loads established in accordance with s.~~  
1195 403.067. In the development and administration of the Lake  
1196 Okeechobee Watershed Protection Program, the coordinating  
1197 agencies shall maximize opportunities provided by federal cost-  
1198 sharing programs and opportunities for partnerships with the  
1199 private sector.



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1200 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to  
1201 protect and restore surface water resources, the district, in  
1202 cooperation with the other coordinating agencies, shall complete  
1203 a Lake Okeechobee Watershed Protection Plan in accordance with  
1204 this section and ss. 373.451–373.459. Beginning March 1, 2020,  
1205 and every 5 years thereafter, the district shall update the Lake  
1206 Okeechobee Watershed Protection Plan to ensure that it is  
1207 consistent with the Lake Okeechobee Basin Management Action Plan  
1208 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
1209 Protection Plan shall identify the geographic extent of the  
1210 watershed, be coordinated with the plans developed pursuant to  
1211 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
1212 Watershed Construction Project and the Lake Okeechobee Watershed  
1213 Research and Water Quality Monitoring Program ~~contain an~~  
1214 implementation schedule for subsequent phases of phosphorus load  
1215 reduction consistent with the total maximum daily loads  
1216 established in accordance with s. 403.067. The plan shall  
1217 consider and build upon a review and analysis of ~~the following:~~  
1218 1. the performance of projects constructed during Phase I  
1219 and Phase II of the Lake Okeechobee Watershed Construction  
1220 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~  
1221 2. relevant information resulting from the Lake Okeechobee  
1222 Basin Management Action Plan ~~Watershed Phosphorus Control~~  
1223 Program, pursuant to paragraph (b); ~~(c).~~  
1224 3. relevant information resulting from the Lake Okeechobee  
1225 Watershed Research and Water Quality Monitoring Program,  
1226 pursuant to subparagraph 2.; ~~paragraph (d).~~  
1227 4. relevant information resulting from the Lake Okeechobee  
1228 Exotic Species Control Program, pursuant to paragraph (c); and



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1229 ~~(e)~~.  
1230 ~~5.~~ relevant information resulting from the Lake Okeechobee  
1231 Internal Phosphorus Management Program, pursuant to paragraph  
1232 (d) ~~(f)~~.

1233 1. ~~(b)~~ *Lake Okeechobee Watershed Construction Project*.—To  
1234 improve the hydrology and water quality of Lake Okeechobee and  
1235 downstream receiving waters, including the Caloosahatchee and  
1236 St. Lucie Rivers and their estuaries, the district, in  
1237 cooperation with the other coordinating agencies, shall design  
1238 and construct the Lake Okeechobee Watershed Construction  
1239 Project. The project shall include:

1240 a. ~~1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed  
1241 Construction Project shall consist of a series of project  
1242 features consistent with the recommendations of the South  
1243 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
1244 Action Plan. Priority basins for such projects include S-191, S-  
1245 154, and Pools D and E in the Lower Kissimmee River. In order to  
1246 obtain phosphorus load reductions to Lake Okeechobee as soon as  
1247 possible, the following actions shall be implemented:

1248 (I) ~~a.~~ The district shall serve as a full partner with the  
1249 Corps of Engineers in the design and construction of the Grassy  
1250 Island Ranch and New Palm Dairy stormwater treatment facilities  
1251 as components of the Lake Okeechobee Water Retention/Phosphorus  
1252 Removal Critical Project. The Corps of Engineers shall have the  
1253 lead in design and construction of these facilities. Should  
1254 delays be encountered in the implementation of either of these  
1255 facilities, the district shall notify the department and  
1256 recommend corrective actions.

1257 (II) ~~b.~~ The district shall obtain permits and complete



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1258 construction of two of the isolated wetland restoration projects  
1259 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1260 Removal Critical Project. The additional isolated wetland  
1261 projects included in this critical project shall further reduce  
1262 phosphorus loading to Lake Okeechobee.

1263 (III) ~~e.~~ The district shall work with the Corps of Engineers  
1264 to expedite initiation of the design process for the Taylor  
1265 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
1266 Area, a project component of the Comprehensive Everglades  
1267 Restoration Plan. The district shall propose to the Corps of  
1268 Engineers that the district take the lead in the design and  
1269 construction of the Reservoir Assisted Stormwater Treatment Area  
1270 and receive credit towards the local share of the total cost of  
1271 the Comprehensive Everglades Restoration Plan.

1272 b.2. Phase II technical plan and construction. ~~By February~~  
1273 ~~1, 2008,~~ The district, in cooperation with the other  
1274 coordinating agencies, shall develop a detailed technical plan  
1275 for Phase II of the Lake Okeechobee Watershed Construction  
1276 Project which provides the basis for the Lake Okeechobee Basin  
1277 Management Action Plan adopted by the department pursuant to s.  
1278 403.067. The detailed technical plan shall include measures for  
1279 the improvement of the quality, quantity, timing, and  
1280 distribution of water in the northern Everglades ecosystem,  
1281 including the Lake Okeechobee watershed and the estuaries, and  
1282 for facilitating the achievement of water quality standards. Use  
1283 of cost-effective biologically based, hybrid wetland/chemical  
1284 and other innovative nutrient control technologies shall be  
1285 incorporated in the plan where appropriate. The detailed  
1286 technical plan shall also include a Process Development and



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1287 Engineering component to finalize the detail and design of Phase  
1288 II projects and identify additional measures needed to increase  
1289 the certainty that the overall objectives for improving water  
1290 quality and quantity can be met. Based on information and  
1291 recommendations from the Process Development and Engineering  
1292 component, the Phase II detailed technical plan shall be  
1293 periodically updated. Phase II shall include construction of  
1294 additional facilities in the priority basins identified in sub-  
1295 subparagraph a. subparagraph 1., as well as facilities for other  
1296 basins in the Lake Okeechobee watershed. ~~This detailed technical~~  
1297 ~~plan will require legislative ratification pursuant to paragraph~~  
1298 ~~(i).~~ The technical plan shall:

1299       (I)a. Identify Lake Okeechobee Watershed Construction  
1300 Project facilities designed to contribute to achieving all  
1301 applicable total maximum daily loads established pursuant to s.  
1302 403.067 within the Lake Okeechobee watershed.

1303       (II)b. Identify the size and location of all such Lake  
1304 Okeechobee Watershed Construction Project facilities.

1305       (III)c. Provide a construction schedule for all such Lake  
1306 Okeechobee Watershed Construction Project facilities, including  
1307 the sequencing and specific timeframe for construction of each  
1308 Lake Okeechobee Watershed Construction Project facility.

1309       (IV)d. Provide a schedule for the acquisition of lands or  
1310 sufficient interests necessary to achieve the construction  
1311 schedule.

1312       (V)e. Provide a detailed schedule of costs associated with  
1313 the construction schedule.

1314       (VI)f. Identify, to the maximum extent practicable, impacts  
1315 on wetlands and state-listed species expected to be associated



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1316 with construction of such facilities, including potential  
1317 alternatives to minimize and mitigate such impacts, as  
1318 appropriate.

1319 (VII)~~g.~~ Provide for additional measures, including  
1320 voluntary water storage and quality improvements on private  
1321 land, to increase water storage and reduce excess water levels  
1322 in Lake Okeechobee and to reduce excess discharges to the  
1323 estuaries.

1324 (VIII) ~~The technical plan shall also~~ Develop the  
1325 appropriate water quantity storage goal to achieve the desired  
1326 Lake Okeechobee range of lake levels and inflow volumes to the  
1327 Caloosahatchee and St. Lucie estuaries while meeting the other  
1328 water-related needs of the region, including water supply and  
1329 flood protection.

1330 (IX)~~h.~~ Provide for additional source controls needed to  
1331 enhance performance of the Lake Okeechobee Watershed  
1332 Construction Project facilities. Such additional source controls  
1333 shall be incorporated into the Lake Okeechobee Basin Management  
1334 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to  
1335 paragraph (b) ~~(e)~~.

1336 c.3. ~~Evaluation.~~ Within 5 years after the adoption of the  
1337 Lake Okeechobee Basin Management Action Plan pursuant to s.  
1338 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
1339 thereafter, the department ~~district~~, in cooperation with the  
1340 other coordinating agencies, shall conduct an evaluation of the  
1341 Lake Okeechobee Watershed Construction Project and identify any  
1342 further load reductions necessary to achieve compliance with the  
1343 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads  
1344 established pursuant to s. 403.067. ~~Additionally,~~ The district



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1345 shall identify modifications to facilities of the Lake  
1346 Okeechobee Watershed Construction Project as appropriate to meet  
1347 the total maximum daily loads. Modifications to the Lake  
1348 Okeechobee Watershed Construction Project resulting from this  
1349 evaluation shall be incorporated into the Lake Okeechobee Basin  
1350 Management Action Plan and ~~The evaluation shall be included in~~  
1351 the applicable annual progress report submitted pursuant to  
1352 subsection (6).

1353 d.4. ~~Coordination and review.~~—To ensure the timely  
1354 implementation of the Lake Okeechobee Watershed Construction  
1355 Project, the design of project facilities shall be coordinated  
1356 with the department and other interested parties, including  
1357 affected local governments, to the maximum extent practicable.  
1358 Lake Okeechobee Watershed Construction Project facilities shall  
1359 be reviewed and commented upon by the department before ~~prior to~~  
1360 the execution of a construction contract by the district for  
1361 that facility.

1362 2. Lake Okeechobee Watershed Research and Water Quality  
1363 Monitoring Program.—The coordinating agencies shall implement a  
1364 Lake Okeechobee Watershed Research and Water Quality Monitoring  
1365 Program. Results from the program shall be used by the  
1366 department, in cooperation with the other coordinating agencies,  
1367 to make modifications to the Lake Okeechobee Basin Management  
1368 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1369 program shall:

1370 a. Evaluate all available existing water quality data  
1371 concerning total phosphorus in the Lake Okeechobee watershed,  
1372 develop a water quality baseline to represent existing  
1373 conditions for total phosphorus, monitor long-term ecological





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1374 changes, including water quality for total phosphorus, and  
1375 measure compliance with water quality standards for total  
1376 phosphorus, including any applicable total maximum daily load  
1377 for the Lake Okeechobee watershed as established pursuant to s.  
1378 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1379 the department shall reevaluate water quality and quantity data  
1380 to ensure that the appropriate projects are being designated and  
1381 incorporated into the Lake Okeechobee Basin Management Action  
1382 Plan adopted pursuant to s. 403.067. The district shall  
1383 implement a total phosphorus monitoring program at appropriate  
1384 structures owned or operated by the district and within the Lake  
1385 Okeechobee watershed.

1386 b. Develop a Lake Okeechobee water quality model that  
1387 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1388 and incorporates an uncertainty analysis associated with model  
1389 predictions.

1390 c. Determine the relative contribution of phosphorus from  
1391 all identifiable sources and all primary and secondary land  
1392 uses.

1393 d. Conduct an assessment of the sources of phosphorus from  
1394 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their  
1395 relative contribution to the water quality of Lake Okeechobee.  
1396 The results of this assessment shall be used by the coordinating  
1397 agencies as part of the Lake Okeechobee Basin Management Action  
1398 Plan adopted pursuant to s. 403.067 to develop interim measures,  
1399 best management practices, or regulations, as applicable.

1400 e. Assess current water management practices within the  
1401 Lake Okeechobee watershed and develop recommendations for  
1402 structural and operational improvements. Such recommendations



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1403 shall balance water supply, flood control, estuarine salinity,  
1404 maintenance of a healthy lake littoral zone, and water quality  
1405 considerations.

1406 f. Evaluate the feasibility of alternative nutrient  
1407 reduction technologies, including sediment traps, canal and  
1408 ditch maintenance, fish production or other aquaculture,  
1409 bioenergy conversion processes, and algal or other biological  
1410 treatment technologies and include any alternative nutrient  
1411 reduction technologies determined to be feasible in the Lake  
1412 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1413 403.067.

1414 g. Conduct an assessment of the water volumes and timing  
1415 from the Lake Okeechobee watershed and their relative  
1416 contribution to the water level changes in Lake Okeechobee and  
1417 to the timing and volume of water delivered to the estuaries.

1418 (b)(e) Lake Okeechobee Basin Management Action Plan  
1419 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin  
1420 Management Action Plan adopted pursuant to s. 403.067 shall be  
1421 the watershed phosphorus control component for Lake Okeechobee.  
1422 The Lake Okeechobee Basin Management Action Plan shall be  
1423 Program is designed to be a multifaceted approach designed to  
1424 achieve the total maximum daily load reducing phosphorus loads  
1425 by improving the management of phosphorus sources within the  
1426 Lake Okeechobee watershed through implementation of regulations  
1427 and best management practices, continued development and  
1428 continued implementation of improved best management practices,  
1429 improvement and restoration of the hydrologic function of  
1430 natural and managed systems, and use utilization of alternative  
1431 technologies for nutrient reduction. The plan must include an



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1432 implementation schedule pursuant to this subsection for  
1433 pollutant load reductions consistent with the adopted total  
1434 maximum daily load. The department shall develop a schedule to  
1435 establish 5-, 10-, and 15-year milestones and a target to  
1436 achieve the adopted total maximum daily load no more than 20  
1437 years after adoption of the plan. The schedule shall be used to  
1438 provide guidance for planning and funding purposes and is exempt  
1439 from the provisions of s. 120.54(1)(a). If achieving the adopted  
1440 total maximum daily load within 20 years is not practicable, the  
1441 schedule shall contain an explanation of the constraints that  
1442 prevent achieving the total maximum daily load within 20 years  
1443 and an estimate of the time needed to achieve the total maximum  
1444 daily load and additional 5-year measurable milestones, as  
1445 necessary. The coordinating agencies shall develop an  
1446 interagency agreement pursuant to ss. 373.046 and 373.406 which  
1447 is consistent with the department taking the lead on water  
1448 quality protection measures through the Lake Okeechobee Basin  
1449 Management Action Plan adopted pursuant to s. 403.067; the  
1450 district taking the lead on hydrologic improvements pursuant to  
1451 paragraph (a); and the Department of Agriculture and Consumer  
1452 Services taking the lead on agricultural interim measures, best  
1453 management practices, and other measures adopted pursuant to s.  
1454 403.067. The interagency agreement shall specify how best  
1455 management practices for nonagricultural nonpoint sources are  
1456 developed and how all best management practices are implemented  
1457 and verified consistent with s. 403.067 and this section. The  
1458 interagency agreement shall address measures to be taken by the  
1459 coordinating agencies during any best management practice  
1460 reevaluation performed pursuant to subparagraphs 5. and 10. The



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1461 department shall use best professional judgment in making the  
1462 initial determination of best management practice effectiveness.  
1463 The coordinating agencies may develop an intergovernmental  
1464 agreement with local governments to implement nonagricultural  
1465 nonpoint source best management practices within their  
1466 respective geographic boundaries. The coordinating agencies  
1467 shall facilitate the application of federal programs that offer  
1468 opportunities for water quality treatment, including  
1469 preservation, restoration, or creation of wetlands on  
1470 agricultural lands.

1471       1. Agricultural nonpoint source best management practices,  
1472 developed in accordance with s. 403.067 and designed to achieve  
1473 the objectives of the Lake Okeechobee Watershed Protection  
1474 Program as part of a phased approach of management strategies  
1475 within the Lake Okeechobee Basin Management Action Plan, shall  
1476 be implemented on an expedited basis. ~~The coordinating agencies~~  
1477 ~~shall develop an interagency agreement pursuant to ss. 373.046~~  
1478 ~~and 373.406(5) that assures the development of best management~~  
1479 ~~practices that complement existing regulatory programs and~~  
1480 ~~specifies how those best management practices are implemented~~  
1481 ~~and verified. The interagency agreement shall address measures~~  
1482 ~~to be taken by the coordinating agencies during any best~~  
1483 ~~management practice reevaluation performed pursuant to sub-~~  
1484 ~~subparagraph d. The department shall use best professional~~  
1485 ~~judgment in making the initial determination of best management~~  
1486 ~~practice effectiveness.~~

1487       ~~2.a.~~ As provided in s. 403.067(7)(e), the Department of  
1488 Agriculture and Consumer Services, in consultation with the  
1489 department, the district, and affected parties, shall initiate



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1490 rule development for interim measures, best management  
1491 practices, conservation plans, nutrient management plans, or  
1492 other measures necessary for Lake Okeechobee watershed total  
1493 maximum daily load reduction. The rule shall include thresholds  
1494 for requiring conservation and nutrient management plans and  
1495 criteria for the contents of such plans. Development of  
1496 agricultural nonpoint source best management practices shall  
1497 initially focus on those priority basins listed in sub-  
1498 subparagraph (a)1.a. subparagraph (b)1. The Department of  
1499 Agriculture and Consumer Services, in consultation with the  
1500 department, the district, and affected parties, shall conduct an  
1501 ongoing program for improvement of existing and development of  
1502 new agricultural nonpoint source interim measures and ~~or~~ best  
1503 management practices. The Department of Agriculture and Consumer  
1504 Services shall adopt for the purpose of adoption of such  
1505 practices by rule. The Department of Agriculture and Consumer  
1506 Services shall work with the University of Florida ~~Florida's~~  
1507 Institute of Food and Agriculture Sciences to review and, where  
1508 appropriate, develop revised nutrient application rates for all  
1509 agricultural soil amendments in the watershed.

1510 ~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint  
1511 source best management practices or interim measures have been  
1512 adopted by rule of the Department of Agriculture and Consumer  
1513 Services, the owner or operator of an agricultural nonpoint  
1514 source addressed by such rule shall either implement interim  
1515 measures or best management practices or demonstrate compliance  
1516 with state water quality standards addressed by the Lake  
1517 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1518 403.067 ~~the district's WOD program~~ by conducting monitoring



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1519 prescribed by the department or the district. Owners or  
1520 operators of agricultural nonpoint sources who implement interim  
1521 measures or best management practices adopted by rule of the  
1522 Department of Agriculture and Consumer Services shall be subject  
1523 to ~~the provisions of s. 403.067(7). The Department of~~  
1524 ~~Agriculture and Consumer Services, in cooperation with the~~  
1525 ~~department and the district, shall provide technical and~~  
1526 ~~financial assistance for implementation of agricultural best~~  
1527 ~~management practices, subject to the availability of funds.~~

1528 4.e. The district or department shall conduct monitoring at  
1529 representative sites to verify the effectiveness of agricultural  
1530 nonpoint source best management practices.

1531 5.d. Where water quality problems are detected for  
1532 agricultural nonpoint sources despite the appropriate  
1533 implementation of adopted best management practices, ~~the~~  
1534 ~~Department of Agriculture and Consumer Services, in consultation~~  
1535 ~~with the other coordinating agencies and affected parties, shall~~  
1536 institute a reevaluation of the best management practices shall  
1537 be conducted pursuant to s. 403.067(7)(c)4. Should the  
1538 reevaluation determine that the best management practices or  
1539 other measures require modification, the rule shall be revised  
1540 to require implementation of the modified practice within a  
1541 reasonable time period as specified in the rule and make  
1542 appropriate changes to the rule adopting best management  
1543 practices.

1544 6.2. As provided in s. 403.067, nonagricultural nonpoint  
1545 source best management practices, developed in accordance with  
1546 s. 403.067 and designed to achieve the objectives of the Lake  
1547 Okeechobee Watershed Protection Program as part of a phased



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1548 approach of management strategies within the Lake Okeechobee  
1549 Basin Management Action Plan, shall be implemented on an  
1550 expedited basis. ~~The department and the district shall develop~~  
1551 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~  
1552 ~~that assures the development of best management practices that~~  
1553 ~~complement existing regulatory programs and specifies how those~~  
1554 ~~best management practices are implemented and verified. The~~  
1555 ~~interagency agreement shall address measures to be taken by the~~  
1556 ~~department and the district during any best management practice~~  
1557 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1558 7.a. The department and the district are directed to work  
1559 with the University of Florida ~~Florida's~~ Institute of Food and  
1560 Agricultural Sciences to develop appropriate nutrient  
1561 application rates for all nonagricultural soil amendments in the  
1562 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the  
1563 department, in consultation with the district and affected  
1564 parties, shall develop nonagricultural nonpoint source interim  
1565 measures, best management practices, or other measures necessary  
1566 for Lake Okeechobee watershed total maximum daily load  
1567 reduction. Development of nonagricultural nonpoint source best  
1568 management practices shall initially focus on those priority  
1569 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The  
1570 department, the district, and affected parties shall conduct an  
1571 ongoing program for improvement of existing and development of  
1572 new interim measures and ~~or~~ best management practices. The  
1573 department or the district shall adopt such practices by rule  
1574 ~~The district shall adopt technology-based standards under the~~  
1575 ~~district's WOD program for nonagricultural nonpoint sources of~~  
1576 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~



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1577 ~~authority of the department or the district to adopt basin-~~  
1578 ~~specific criteria under this part to prevent harm to the water~~  
1579 ~~resources of the district.~~

1580 ~~8.b.~~ Where nonagricultural nonpoint source best management  
1581 practices or interim measures have been developed by the  
1582 department and adopted by the district, the owner or operator of  
1583 a nonagricultural nonpoint source shall implement interim  
1584 measures or best management practices and be subject to ~~the~~  
1585 ~~provisions of s. 403.067(7). The department and district shall~~  
1586 ~~provide technical and financial assistance for implementation of~~  
1587 ~~nonagricultural nonpoint source best management practices,~~  
1588 ~~subject to the availability of funds.~~

1589 ~~9.e.~~ As provided in s. 403.067, the district or the  
1590 department shall conduct monitoring at representative sites to  
1591 verify the effectiveness of nonagricultural nonpoint source best  
1592 management practices.

1593 ~~10.d.~~ Where water quality problems are detected for  
1594 nonagricultural nonpoint sources despite the appropriate  
1595 implementation of adopted best management practices, ~~the~~  
1596 ~~department and the district shall institute a reevaluation of~~  
1597 ~~the best management practices~~ shall be conducted pursuant to s.  
1598 403.067(7)(c)4. Should the reevaluation determine that the best  
1599 management practices or other measures require modification, the  
1600 rule shall be revised to require implementation of the modified  
1601 practice within a reasonable time period as specified in the  
1602 rule.

1603 ~~11.3.~~ The provisions of Subparagraphs 1. and 2. and 7. do  
1604 ~~may~~ not preclude the department or the district from requiring  
1605 compliance with water quality standards or with current best





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1606 management practices requirements set forth in any applicable  
1607 regulatory program authorized by law for the purpose of  
1608 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~  
1609 and 7. are applicable only to the extent that they do not  
1610 conflict with any rules adopted by the department that are  
1611 necessary to maintain a federally delegated or approved program.

1612 12. The program of agricultural best management practices  
1613 set forth in the Everglades Program of the district, meets the  
1614 requirements of this paragraph and s. 403.067(7) for the Lake  
1615 Okeechobee watershed. An entity in compliance with best  
1616 management practices set forth in the Everglades Program of the  
1617 district, may elect to use that permit in lieu of the  
1618 requirements of this paragraph. The provisions of s.  
1619 373.4595(3)(b)5. apply to this subparagraph. This subparagraph  
1620 does not alter any requirement under s. 373.4592.

1621 13. The Department of Agriculture and Consumer Services, in  
1622 cooperation with the department and the district, shall provide  
1623 technical and financial assistance for implementation of  
1624 agricultural best management practices, subject to the  
1625 availability of funds. The department and district shall provide  
1626 technical and financial assistance for implementation of  
1627 nonagricultural nonpoint source best management practices,  
1628 subject to the availability of funds.

1629 14.4. Projects that reduce the phosphorus load originating  
1630 from domestic wastewater systems within the Lake Okeechobee  
1631 watershed shall be given funding priority in the department's  
1632 revolving loan program under s. 403.1835. The department shall  
1633 coordinate and provide assistance to those local governments  
1634 seeking financial assistance for such priority projects.



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1635            ~~15.5.~~ Projects that make use of private lands, or lands  
1636 held in trust for Indian tribes, to reduce nutrient loadings or  
1637 concentrations within a basin by one or more of the following  
1638 methods: restoring the natural hydrology of the basin, restoring  
1639 wildlife habitat or impacted wetlands, reducing peak flows after  
1640 storm events, increasing aquifer recharge, or protecting range  
1641 and timberland from conversion to development, are eligible for  
1642 grants available under this section from the coordinating  
1643 agencies. For projects of otherwise equal priority, special  
1644 funding priority will be given to those projects that make best  
1645 use of the methods outlined above that involve public-private  
1646 partnerships or that obtain federal match money. Preference  
1647 ranking above the special funding priority will be given to  
1648 projects located in a rural area of opportunity designated by  
1649 the Governor. Grant applications may be submitted by any person  
1650 or tribal entity, and eligible projects may include, but are not  
1651 limited to, the purchase of conservation and flowage easements,  
1652 hydrologic restoration of wetlands, creating treatment wetlands,  
1653 development of a management plan for natural resources, and  
1654 financial support to implement a management plan.

1655            ~~16.6.a.~~ The department shall require all entities disposing  
1656 of domestic wastewater biosolids ~~residuals~~ within the Lake  
1657 Okeechobee watershed and the remaining areas of Okeechobee,  
1658 Glades, and Hendry Counties to develop and submit to the  
1659 department an agricultural use plan that limits applications  
1660 based upon phosphorus loading consistent with the Lake  
1661 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1662 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~  
1663 ~~from these application sites may not exceed the limits~~



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1664 ~~established in the district's WOD program. After December 31,~~  
1665 ~~2007,~~ The department may not authorize the disposal of domestic  
1666 wastewater biosolids ~~residuals~~ within the Lake Okeechobee  
1667 watershed unless the applicant can affirmatively demonstrate  
1668 that the phosphorus in the biosolids ~~residuals~~ will not add to  
1669 phosphorus loadings in Lake Okeechobee or its tributaries. This  
1670 demonstration shall be based on achieving a net balance between  
1671 phosphorus imports relative to exports on the permitted  
1672 application site. Exports shall include only phosphorus removed  
1673 from the Lake Okeechobee watershed through products generated on  
1674 the permitted application site. This prohibition does not apply  
1675 to Class AA biosolids ~~residuals~~ that are marketed and  
1676 distributed as fertilizer products in accordance with department  
1677 rule.

1678 ~~17.b.~~ Private and government-owned utilities within Monroe,  
1679 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1680 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1681 dispose of wastewater biosolids ~~residual~~ sludge from utility  
1682 operations and septic removal by land spreading in the Lake  
1683 Okeechobee watershed may use a line item on local sewer rates to  
1684 cover wastewater biosolids ~~residual~~ treatment and disposal if  
1685 such disposal and treatment is done by approved alternative  
1686 treatment methodology at a facility located within the areas  
1687 designated by the Governor as rural areas of opportunity  
1688 pursuant to s. 288.0656. This additional line item is an  
1689 environmental protection disposal fee above the present sewer  
1690 rate and may not be considered a part of the present sewer rate  
1691 to customers, notwithstanding provisions to the contrary in  
1692 chapter 367. The fee shall be established by the county



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1693 commission or its designated assignee in the county in which the  
1694 alternative method treatment facility is located. The fee shall  
1695 be calculated to be no higher than that necessary to recover the  
1696 facility's prudent cost of providing the service. Upon request  
1697 by an affected county commission, the Florida Public Service  
1698 Commission will provide assistance in establishing the fee.  
1699 Further, for utilities and utility authorities that use the  
1700 additional line item environmental protection disposal fee, such  
1701 fee may not be considered a rate increase under the rules of the  
1702 Public Service Commission and shall be exempt from such rules.  
1703 Utilities using ~~the provisions of~~ this section may immediately  
1704 include in their sewer invoicing the new environmental  
1705 protection disposal fee. Proceeds from this environmental  
1706 protection disposal fee shall be used for treatment and disposal  
1707 of wastewater biosolids residuals, including any treatment  
1708 technology that helps reduce the volume of biosolids residuals  
1709 that require final disposal, but such proceeds may not be used  
1710 for transportation or shipment costs for disposal or any costs  
1711 relating to the land application of biosolids residuals in the  
1712 Lake Okeechobee watershed.

1713 18.e. No less frequently than once every 3 years, the  
1714 Florida Public Service Commission or the county commission  
1715 through the services of an independent auditor shall perform a  
1716 financial audit of all facilities receiving compensation from an  
1717 environmental protection disposal fee. The Florida Public  
1718 Service Commission or the county commission through the services  
1719 of an independent auditor shall also perform an audit of the  
1720 methodology used in establishing the environmental protection  
1721 disposal fee. The Florida Public Service Commission or the



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1722 county commission shall, within 120 days after completion of an  
1723 audit, file the audit report with the President of the Senate  
1724 and the Speaker of the House of Representatives and shall  
1725 provide copies to the county commissions of the counties set  
1726 forth in subparagraph 17. sub-subparagraph b. The books and  
1727 records of any facilities receiving compensation from an  
1728 environmental protection disposal fee shall be open to the  
1729 Florida Public Service Commission and the Auditor General for  
1730 review upon request.

1731 19.7. The Department of Health shall require all entities  
1732 disposing of septage within the Lake Okeechobee watershed to  
1733 develop and submit to that agency an agricultural use plan that  
1734 limits applications based upon phosphorus loading consistent  
1735 with the Lake Okeechobee Basin Management Action Plan adopted  
1736 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~  
1737 ~~concentrations originating from these application sites may not~~  
1738 ~~exceed the limits established in the district's WOD program.~~

1739 20.8. The Department of Agriculture and Consumer Services  
1740 shall initiate rulemaking requiring entities within the Lake  
1741 Okeechobee watershed which land-apply animal manure to develop  
1742 resource management system level conservation plans, according  
1743 to United States Department of Agriculture criteria, which limit  
1744 such application. Such rules shall ~~may~~ include criteria and  
1745 thresholds for the requirement to develop a conservation or  
1746 nutrient management plan, requirements for plan approval, site  
1747 inspection requirements, and recordkeeping requirements.

1748 21. The district shall revise chapter 40E-61, Florida  
1749 Administrative Code, to be consistent with this section and s.  
1750 403.067; provide for a monitoring program for nonpoint source



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1751 dischargers required to monitor water quality by s. 403.067; and  
1752 provide for the results of such monitoring to be reported to the  
1753 coordinating agencies.

1754 ~~9. The district, the department, or the Department of~~  
1755 ~~Agriculture and Consumer Services, as appropriate, shall~~  
1756 ~~implement those alternative nutrient reduction technologies~~  
1757 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1758 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
1759 ~~Monitoring Program. The district, in cooperation with the other~~  
1760 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
1761 ~~Watershed Research and Water Quality Monitoring Program that~~  
1762 ~~builds upon the district's existing Lake Okeechobee research~~  
1763 ~~program. The program shall:~~

1764 ~~1. Evaluate all available existing water quality data~~  
1765 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
1766 ~~develop a water quality baseline to represent existing~~  
1767 ~~conditions for total phosphorus, monitor long-term ecological~~  
1768 ~~changes, including water quality for total phosphorus, and~~  
1769 ~~measure compliance with water quality standards for total~~  
1770 ~~phosphorus, including any applicable total maximum daily load~~  
1771 ~~for the Lake Okeechobee watershed as established pursuant to s.~~  
1772 ~~403.067. Every 3 years, the district shall reevaluate water~~  
1773 ~~quality and quantity data to ensure that the appropriate~~  
1774 ~~projects are being designated and implemented to meet the water~~  
1775 ~~quality and storage goals of the plan. The district shall also~~  
1776 ~~implement a total phosphorus monitoring program at appropriate~~  
1777 ~~structures owned or operated by the South Florida Water~~  
1778 ~~Management District and within the Lake Okeechobee watershed.~~

1779 ~~2. Develop a Lake Okeechobee water quality model that~~



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1780 ~~reasonably represents phosphorus dynamics of the lake and~~  
1781 ~~incorporates an uncertainty analysis associated with model~~  
1782 ~~predictions.~~

1783 ~~3. Determine the relative contribution of phosphorus from~~  
1784 ~~all identifiable sources and all primary and secondary land~~  
1785 ~~uses.~~

1786 ~~4. Conduct an assessment of the sources of phosphorus from~~  
1787 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~  
1788 ~~relative contribution to the water quality of Lake Okeechobee.~~  
1789 ~~The results of this assessment shall be used by the coordinating~~  
1790 ~~agencies to develop interim measures, best management practices,~~  
1791 ~~or regulation, as applicable.~~

1792 ~~5. Assess current water management practices within the~~  
1793 ~~Lake Okeechobee watershed and develop recommendations for~~  
1794 ~~structural and operational improvements. Such recommendations~~  
1795 ~~shall balance water supply, flood control, estuarine salinity,~~  
1796 ~~maintenance of a healthy lake littoral zone, and water quality~~  
1797 ~~considerations.~~

1798 ~~6. Evaluate the feasibility of alternative nutrient~~  
1799 ~~reduction technologies, including sediment traps, canal and~~  
1800 ~~ditch maintenance, fish production or other aquaculture,~~  
1801 ~~bioenergy conversion processes, and algal or other biological~~  
1802 ~~treatment technologies.~~

1803 ~~7. Conduct an assessment of the water volumes and timing~~  
1804 ~~from the Lake Okeechobee watershed and their relative~~  
1805 ~~contribution to the water level changes in Lake Okeechobee and~~  
1806 ~~to the timing and volume of water delivered to the estuaries.~~

1807 ~~(c)(e) Lake Okeechobee Exotic Species Control Program.—The~~  
1808 ~~coordinating agencies shall identify the exotic species that~~



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1809 threaten the native flora and fauna within the Lake Okeechobee  
1810 watershed and develop and implement measures to protect the  
1811 native flora and fauna.

1812 (d)~~(f)~~ *Lake Okeechobee Internal Phosphorus Management*  
1813 *Program.*—The district, in cooperation with the other  
1814 coordinating agencies and interested parties, shall evaluate the  
1815 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
1816 load removal projects ~~feasibility study~~. The evaluation  
1817 ~~feasibility study~~ shall be based on technical feasibility, as  
1818 well as economic considerations, and shall consider ~~address~~ all  
1819 reasonable methods of phosphorus removal. If projects ~~methods~~  
1820 are found to be feasible, the district shall immediately pursue  
1821 the design, funding, and permitting for implementing such  
1822 projects ~~methods~~.

1823 (e)~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*  
1824 *implementation.*—The coordinating agencies shall be jointly  
1825 responsible for implementing the Lake Okeechobee Watershed  
1826 Protection Program Plan, consistent with the statutory authority  
1827 and responsibility of each agency. Annual funding priorities  
1828 shall be jointly established, and the highest priority shall be  
1829 assigned to programs and projects that address sources that have  
1830 the highest relative contribution to loading and the greatest  
1831 potential for reductions needed to meet the total maximum daily  
1832 loads. In determining funding priorities, the coordinating  
1833 agencies shall also consider the need for regulatory compliance,  
1834 the extent to which the program or project is ready to proceed,  
1835 and the availability of federal matching funds or other nonstate  
1836 funding, including public-private partnerships. Federal and  
1837 other nonstate funding shall be maximized to the greatest extent





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1838 practicable.

1839 ~~(f)~~ ~~(h)~~ *Priorities and implementation schedules.*—The  
1840 coordinating agencies are authorized and directed to establish  
1841 priorities and implementation schedules for the achievement of  
1842 total maximum daily loads, compliance with the requirements of  
1843 s. 403.067, and compliance with applicable water quality  
1844 standards within the waters and watersheds subject to this  
1845 section.

1846 ~~(i) Legislative ratification.~~—~~The coordinating agencies~~  
1847 ~~shall submit the Phase II technical plan developed pursuant to~~  
1848 ~~paragraph (b) to the President of the Senate and the Speaker of~~  
1849 ~~the House of Representatives prior to the 2008 legislative~~  
1850 ~~session for review. If the Legislature takes no action on the~~  
1851 ~~plan during the 2008 legislative session, the plan is deemed~~  
1852 ~~approved and may be implemented.~~

1853 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
1854 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
1855 program shall be developed and implemented as specified in this  
1856 subsection. In order to protect and restore surface water  
1857 resources, the program shall address the reduction of pollutant  
1858 loadings, restoration of natural hydrology, and compliance with  
1859 applicable state water quality standards. The program shall be  
1860 achieved through a phased program of implementation. In  
1861 addition, pollutant load reductions based upon adopted total  
1862 maximum daily loads established in accordance with s. 403.067  
1863 shall serve as a program objective. In the development and  
1864 administration of the program, the coordinating agencies shall  
1865 maximize opportunities provided by federal and local government  
1866 cost-sharing programs and opportunities for partnerships with



1867 the private sector and local government. The program plan shall  
1868 include a goal for salinity envelopes and freshwater inflow  
1869 targets for the estuaries based upon existing research and  
1870 documentation. The goal may be revised as new information is  
1871 available. This goal shall seek to reduce the frequency and  
1872 duration of undesirable salinity ranges while meeting the other  
1873 water-related needs of the region, including water supply and  
1874 flood protection, while recognizing the extent to which water  
1875 inflows are within the control and jurisdiction of the district.

1876 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~  
1877 ~~later than January 1, 2009,~~ The district, in cooperation with  
1878 the other coordinating agencies, Lee County, and affected  
1879 counties and municipalities, shall complete a River Watershed  
1880 Protection Plan in accordance with this subsection. The  
1881 Caloosahatchee River Watershed Protection Plan shall identify  
1882 the geographic extent of the watershed, be coordinated as needed  
1883 with the plans developed pursuant to paragraph (3) (a) and  
1884 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
1885 ~~implementation schedule for pollutant load reductions consistent~~  
1886 ~~with any adopted total maximum daily loads and compliance with~~  
1887 ~~applicable state water quality standards.~~ The plan shall include  
1888 the Caloosahatchee River Watershed Construction Project and the  
1889 Caloosahatchee River Watershed Research and Water Quality  
1890 Monitoring Program.÷

1891 1. *Caloosahatchee River Watershed Construction Project.*—To  
1892 improve the hydrology, water quality, and aquatic habitats  
1893 within the watershed, the district shall, no later than January  
1894 1, 2012, plan, design, and construct the initial phase of the  
1895 Watershed Construction Project. In doing so, the district shall:



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1896 a. Develop and designate the facilities to be constructed  
1897 to achieve stated goals and objectives of the Caloosahatchee  
1898 River Watershed Protection Plan.

1899 b. Conduct scientific studies that are necessary to support  
1900 the design of the Caloosahatchee River Watershed Construction  
1901 Project facilities.

1902 c. Identify the size and location of all such facilities.

1903 d. Provide a construction schedule for all such facilities,  
1904 including the sequencing and specific timeframe for construction  
1905 of each facility.

1906 e. Provide a schedule for the acquisition of lands or  
1907 sufficient interests necessary to achieve the construction  
1908 schedule.

1909 f. Provide a schedule of costs and benefits associated with  
1910 each construction project and identify funding sources.

1911 g. To ensure timely implementation, coordinate the design,  
1912 scheduling, and sequencing of project facilities with the  
1913 coordinating agencies, Lee County, other affected counties and  
1914 municipalities, and other affected parties.

1915 2. Caloosahatchee River Watershed Research and Water  
1916 Quality Monitoring Program.—The district, in cooperation with  
1917 the other coordinating agencies and local governments, shall  
1918 implement a Caloosahatchee River Watershed Research and Water  
1919 Quality Monitoring Program that builds upon the district's  
1920 existing research program and that is sufficient to carry out,  
1921 comply with, or assess the plans, programs, and other  
1922 responsibilities created by this subsection. The program shall  
1923 also conduct an assessment of the water volumes and timing from  
1924 Lake Okeechobee and the Caloosahatchee River watershed and their



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1925 relative contributions to the timing and volume of water  
1926 delivered to the estuary.

1927 (b)2. Caloosahatchee River Watershed Basin Management  
1928 Action Plans Pollutant Control Program.—The basin management  
1929 action plans adopted pursuant to s. 403.067 for the  
1930 Caloosahatchee River watershed shall be the Caloosahatchee River  
1931 Watershed Pollutant Control Program. The plans shall be ~~is~~  
1932 designed to be a multifaceted approach to reducing pollutant  
1933 loads by improving the management of pollutant sources within  
1934 the Caloosahatchee River watershed through implementation of  
1935 regulations and best management practices, development and  
1936 implementation of improved best management practices,  
1937 improvement and restoration of the hydrologic function of  
1938 natural and managed systems, and utilization of alternative  
1939 technologies for pollutant reduction, such as cost-effective  
1940 biologically based, hybrid wetland/chemical and other innovative  
1941 nutrient control technologies. The plans shall contain an  
1942 implementation schedule for pollutant load reductions consistent  
1943 with the adopted total maximum daily load. As provided in s.  
1944 403.067(7)(a)5., the Caloosahatchee River Watershed Basin  
1945 Management Action Plan must include milestones for  
1946 implementation and water quality improvement and an associated  
1947 water quality monitoring component sufficient to evaluate  
1948 whether reasonable progress in pollutant load reductions is  
1949 being achieved over time. The department shall develop a  
1950 schedule to establish 5-, 10-, and 15-year measurable milestones  
1951 and a target for achieving water quality improvement consistent  
1952 with the provisions of this section. The schedule shall be used  
1953 to provide guidance for planning and funding purposes and is



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1954 exempt from the provisions of s. 120.54(1)(a). An assessment of  
1955 progress toward these milestones shall be conducted every 5  
1956 years, and revisions to the plan shall be made, as appropriate,  
1957 as a result of each 5-year review. The assessment shall be  
1958 provided to the Governor, the President of the Senate, and the  
1959 Speaker of the House of Representatives. Upon the first 5-year  
1960 review, a schedule, measureable milestones, and a target for  
1961 achieving water quality improvement consistent with the  
1962 provisions of this section shall be adopted into the plan  
1963 revisions to the basin management action plan shall be made by  
1964 the department in cooperation with basin stakeholders. Revisions  
1965 to the management strategies must follow the procedures set  
1966 forth in s. 403.067(7)(c)4. Revised basin management action  
1967 plans must be adopted pursuant to s. 403.067(7)(a)4. The  
1968 coordinating agencies shall facilitate the use ~~utilization~~ of  
1969 federal programs that offer opportunities for water quality  
1970 treatment, including preservation, restoration, or creation of  
1971 wetlands on agricultural lands.

1972 1.a. Nonpoint source best management practices consistent  
1973 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1974 objectives of the Caloosahatchee River Watershed Protection  
1975 Program, shall be implemented on an expedited basis. The  
1976 coordinating agencies may develop an intergovernmental agreement  
1977 with local governments to implement the nonagricultural,  
1978 nonpoint-source best management practices within their  
1979 respective geographic boundaries.

1980 2.b. This subsection does not preclude the department or  
1981 the district from requiring compliance with water quality  
1982 standards, adopted total maximum daily loads, or current best



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1983 management practices requirements set forth in any applicable  
1984 regulatory program authorized by law for the purpose of  
1985 protecting water quality. This subsection applies only to the  
1986 extent that it does not conflict with any rules adopted by the  
1987 department or district which are necessary to maintain a  
1988 federally delegated or approved program.

1989 ~~3.e.~~ Projects that make use of private lands, or lands held  
1990 in trust for Indian tribes, to reduce pollutant loadings or  
1991 concentrations within a basin, or that reduce the volume of  
1992 harmful discharges by one or more of the following methods:  
1993 restoring the natural hydrology of the basin, restoring wildlife  
1994 habitat or impacted wetlands, reducing peak flows after storm  
1995 events, or increasing aquifer recharge, are eligible for grants  
1996 available under this section from the coordinating agencies.

1997 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management  
1998 Action Plans ~~Pollutant Control Program~~ shall require assessment  
1999 of current water management practices within the watershed and  
2000 shall require development of recommendations for structural,  
2001 nonstructural, and operational improvements. Such  
2002 recommendations shall consider and balance water supply, flood  
2003 control, estuarine salinity, aquatic habitat, and water quality  
2004 considerations.

2005 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not  
2006 authorize the disposal of domestic wastewater biosolids  
2007 ~~residuals~~ within the Caloosahatchee River watershed unless the  
2008 applicant can affirmatively demonstrate that the nutrients in  
2009 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2010 watershed. This demonstration shall be based on achieving a net  
2011 balance between nutrient imports relative to exports on the



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2012 permitted application site. Exports shall include only nutrients  
2013 removed from the watershed through products generated on the  
2014 permitted application site. This prohibition does not apply to  
2015 Class AA biosolids ~~residuals~~ that are marketed and distributed  
2016 as fertilizer products in accordance with department rule.

2017 ~~6.f.~~ The Department of Health shall require all entities  
2018 disposing of septage within the Caloosahatchee River watershed  
2019 to develop and submit to that agency an agricultural use plan  
2020 that limits applications based upon nutrient loading consistent  
2021 with any basin management action plan adopted pursuant to s.  
2022 403.067. ~~By July 1, 2008, nutrient concentrations originating~~  
2023 ~~from these application sites may not exceed the limits~~  
2024 ~~established in the district's WOD program.~~

2025 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2026 shall require ~~initiate rulemaking requiring~~ entities within the  
2027 Caloosahatchee River watershed which land-apply animal manure to  
2028 develop a resource management system level conservation plan,  
2029 according to United States Department of Agriculture criteria,  
2030 which limit such application. Such rules shall ~~may~~ include  
2031 criteria and thresholds for the requirement to develop a  
2032 conservation or nutrient management plan, requirements for plan  
2033 approval, site inspection requirements, and recordkeeping  
2034 requirements.

2035 8. ~~The district shall initiate rulemaking to provide for a~~  
2036 monitoring program for nonpoint source dischargers required to  
2037 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.  
2038 403.067(7) (c)3. ~~The results of such monitoring must be reported~~  
2039 to the coordinating agencies.

2040 ~~3. Caloosahatchee River Watershed Research and Water~~



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2041 ~~Quality Monitoring Program. The district, in cooperation with~~  
2042 ~~the other coordinating agencies and local governments, shall~~  
2043 ~~establish a Caloosahatchee River Watershed Research and Water~~  
2044 ~~Quality Monitoring Program that builds upon the district's~~  
2045 ~~existing research program and that is sufficient to carry out,~~  
2046 ~~comply with, or assess the plans, programs, and other~~  
2047 ~~responsibilities created by this subsection. The program shall~~  
2048 ~~also conduct an assessment of the water volumes and timing from~~  
2049 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
2050 ~~their relative contributions to the timing and volume of water~~  
2051 ~~delivered to the estuary.~~

2052 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~  
2053 ~~than January 1, 2009, The district, in cooperation with the~~  
2054 ~~other coordinating agencies, Martin County, and affected~~  
2055 ~~counties and municipalities shall complete a plan in accordance~~  
2056 ~~with this subsection. The St. Lucie River Watershed Protection~~  
2057 ~~Plan shall identify the geographic extent of the watershed, be~~  
2058 ~~coordinated as needed with the plans developed pursuant to~~  
2059 ~~paragraph (3) (a) and paragraph (a) of this subsection, and~~  
2060 ~~contain an implementation schedule for pollutant load reductions~~  
2061 ~~consistent with any adopted total maximum daily loads and~~  
2062 ~~compliance with applicable state water quality standards. The~~  
2063 ~~plan shall include the St. Lucie River Watershed Construction~~  
2064 ~~Project and St. Lucie River Watershed Research and Water Quality~~  
2065 ~~Monitoring Program.~~

2066 1. St. Lucie River Watershed Construction Project.—To  
2067 improve the hydrology, water quality, and aquatic habitats  
2068 within the watershed, the district shall, no later than January  
2069 1, 2012, plan, design, and construct the initial phase of the





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2070 Watershed Construction Project. In doing so, the district shall:

2071 a. Develop and designate the facilities to be constructed  
2072 to achieve stated goals and objectives of the St. Lucie River  
2073 Watershed Protection Plan.

2074 b. Identify the size and location of all such facilities.

2075 c. Provide a construction schedule for all such facilities,  
2076 including the sequencing and specific timeframe for construction  
2077 of each facility.

2078 d. Provide a schedule for the acquisition of lands or  
2079 sufficient interests necessary to achieve the construction  
2080 schedule.

2081 e. Provide a schedule of costs and benefits associated with  
2082 each construction project and identify funding sources.

2083 f. To ensure timely implementation, coordinate the design,  
2084 scheduling, and sequencing of project facilities with the  
2085 coordinating agencies, Martin County, St. Lucie County, other  
2086 interested parties, and other affected local governments.

2087 2. St. Lucie River Watershed Research and Water Quality  
2088 Monitoring Program.—The district, in cooperation with the other  
2089 coordinating agencies and local governments, shall establish a  
2090 St. Lucie River Watershed Research and Water Quality Monitoring  
2091 Program that builds upon the district's existing research  
2092 program and that is sufficient to carry out, comply with, or  
2093 assess the plans, programs, and other responsibilities created  
2094 by this subsection. The program shall also conduct an assessment  
2095 of the water volumes and timing from Lake Okeechobee and the St.  
2096 Lucie River watershed and their relative contributions to the  
2097 timing and volume of water delivered to the estuary.

2098 (d)2- St. Lucie River Watershed Basin Management Action



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2099 Plans Pollutant Control Program.—Basin management action plans  
2100 for the St. Lucie River watershed adopted pursuant to s. 403.067  
2101 shall be the St. Lucie River Watershed Pollutant Control Program  
2102 and shall be is designed to be a multifaceted approach to  
2103 reducing pollutant loads by improving the management of  
2104 pollutant sources within the St. Lucie River watershed through  
2105 implementation of regulations and best management practices,  
2106 development and implementation of improved best management  
2107 practices, improvement and restoration of the hydrologic  
2108 function of natural and managed systems, and use utilization of  
2109 alternative technologies for pollutant reduction, such as cost-  
2110 effective biologically based, hybrid wetland/chemical and other  
2111 innovative nutrient control technologies. The plan shall contain  
2112 an implementation schedule for pollutant load reductions  
2113 consistent with the adopted total maximum daily load. As  
2114 provided in 403.067(7)(a)5., the St. Lucie Watershed Basin  
2115 Management Action Plan must include milestones for  
2116 implementation and water quality improvement, and an associated  
2117 water quality monitoring component sufficient to evaluate  
2118 whether reasonable progress in pollutant load reductions is  
2119 being achieved over time. The department shall develop a  
2120 schedule to establish 5-, 10-, and 15-year measurable milestones  
2121 and a target for achieving water quality improvement consistent  
2122 with the provisions of this section. The schedule shall be used  
2123 to provide guidance for planning and funding purposes and is  
2124 exempt from the provisions of s. 120.54(1)(a). An assessment of  
2125 progress toward these milestones shall be conducted every 5  
2126 years, and revisions to the plan shall be made, as appropriate,  
2127 as a result of each 5-year review. The assessment shall be



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2128 provided to the Governor, the President of the Senate, and the  
2129 Speaker of the House of Representatives. Upon the first 5-year  
2130 review, a schedule, measureable milestones, and a target for  
2131 achieving water quality improvement consistent with the  
2132 provisions of this section shall be adopted into the plan.  
2133 Revisions to the basin management action plan shall be made by  
2134 the department in cooperation with basin stakeholders. Revisions  
2135 to the management strategies must follow the procedures set  
2136 forth in s. 403.067(7)(c)4. Revised basin management action  
2137 plans must be adopted pursuant to s. 403.067(7)(a)4. The  
2138 coordinating agencies shall facilitate the use ~~utilization~~ of  
2139 federal programs that offer opportunities for water quality  
2140 treatment, including preservation, restoration, or creation of  
2141 wetlands on agricultural lands.

2142 ~~1.a.~~ Nonpoint source best management practices consistent  
2143 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
2144 objectives of the St. Lucie River Watershed Protection Program,  
2145 shall be implemented on an expedited basis. The coordinating  
2146 agencies may develop an intergovernmental agreement with local  
2147 governments to implement the nonagricultural nonpoint source  
2148 best management practices within their respective geographic  
2149 boundaries.

2150 ~~2.b.~~ This subsection does not preclude the department or  
2151 the district from requiring compliance with water quality  
2152 standards, adopted total maximum daily loads, or current best  
2153 management practices requirements set forth in any applicable  
2154 regulatory program authorized by law for the purpose of  
2155 protecting water quality. This subsection applies only to the  
2156 extent that it does not conflict with any rules adopted by the



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2157 department or district which are necessary to maintain a  
2158 federally delegated or approved program.

2159 ~~3.e.~~ Projects that make use of private lands, or lands held  
2160 in trust for Indian tribes, to reduce pollutant loadings or  
2161 concentrations within a basin, or that reduce the volume of  
2162 harmful discharges by one or more of the following methods:  
2163 restoring the natural hydrology of the basin, restoring wildlife  
2164 habitat or impacted wetlands, reducing peak flows after storm  
2165 events, or increasing aquifer recharge, are eligible for grants  
2166 available under this section from the coordinating agencies.

2167 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
2168 Plans ~~Pollutant Control Program~~ shall require assessment of  
2169 current water management practices within the watershed and  
2170 shall require development of recommendations for structural,  
2171 nonstructural, and operational improvements. Such  
2172 recommendations shall consider and balance water supply, flood  
2173 control, estuarine salinity, aquatic habitat, and water quality  
2174 considerations.

2175 ~~5.e. After December 31, 2007,~~ The department may not  
2176 authorize the disposal of domestic wastewater biosolids  
2177 ~~residuals~~ within the St. Lucie River watershed unless the  
2178 applicant can affirmatively demonstrate that the nutrients in  
2179 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2180 watershed. This demonstration shall be based on achieving a net  
2181 balance between nutrient imports relative to exports on the  
2182 permitted application site. Exports shall include only nutrients  
2183 removed from the St. Lucie River watershed through products  
2184 generated on the permitted application site. This prohibition  
2185 does not apply to Class AA biosolids ~~residuals~~ that are marketed



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2186 and distributed as fertilizer products in accordance with  
2187 department rule.

2188 ~~6.f.~~ The Department of Health shall require all entities  
2189 disposing of septage within the St. Lucie River watershed to  
2190 develop and submit to that agency an agricultural use plan that  
2191 limits applications based upon nutrient loading consistent with  
2192 any basin management action plan adopted pursuant to s. 403.067.  
2193 ~~By July 1, 2008, nutrient concentrations originating from these~~  
2194 ~~application sites may not exceed the limits established in the~~  
2195 ~~district's WOD program.~~

2196 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2197 shall initiate rulemaking requiring entities within the St.  
2198 Lucie River watershed which land-apply animal manure to develop  
2199 a resource management system level conservation plan, according  
2200 to United States Department of Agriculture criteria, which limit  
2201 such application. Such rules shall ~~may~~ include criteria and  
2202 thresholds for the requirement to develop a conservation or  
2203 nutrient management plan, requirements for plan approval, site  
2204 inspection requirements, and recordkeeping requirements.

2205 8. The district shall initiate rulemaking to provide for a  
2206 monitoring program for nonpoint source dischargers required to  
2207 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
2208 403.067(7)(c)3. The results of such monitoring must be reported  
2209 to the coordinating agencies.

2210 ~~3. St. Lucie River Watershed Research and Water Quality~~  
2211 ~~Monitoring Program. The district, in cooperation with the other~~  
2212 ~~coordinating agencies and local governments, shall establish a~~  
2213 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~  
2214 ~~Program that builds upon the district's existing research~~



2215 ~~program and that is sufficient to carry out, comply with, or~~  
2216 ~~assess the plans, programs, and other responsibilities created~~  
2217 ~~by this subsection. The program shall also conduct an assessment~~  
2218 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
2219 ~~Lucie River watersheds and their relative contributions to the~~  
2220 ~~timing and volume of water delivered to the estuary.~~

2221 (e) ~~(e)~~ *River Watershed Protection Plan implementation.*—The  
2222 coordinating agencies shall be jointly responsible for  
2223 implementing the River Watershed Protection Plans, consistent  
2224 with the statutory authority and responsibility of each agency.  
2225 Annual funding priorities shall be jointly established, and the  
2226 highest priority shall be assigned to programs and projects that  
2227 have the greatest potential for achieving the goals and  
2228 objectives of the plans. In determining funding priorities, the  
2229 coordinating agencies shall also consider the need for  
2230 regulatory compliance, the extent to which the program or  
2231 project is ready to proceed, and the availability of federal or  
2232 local government matching funds. Federal and other nonstate  
2233 funding shall be maximized to the greatest extent practicable.

2234 (f) ~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 2012, and  
2235 every 5 3 years thereafter, concurrent with the updates of the  
2236 basin management action plans adopted pursuant to s. 403.067,  
2237 the department, district in cooperation with the other  
2238 coordinating agencies, shall conduct an evaluation of any  
2239 pollutant load reduction goals, as well as any other specific  
2240 objectives and goals, as stated in the River Watershed  
2241 Protection Programs Plans. ~~Additionally,~~ The district shall  
2242 identify modifications to facilities of the River Watershed  
2243 Construction Projects, as appropriate, or any other elements of



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2244 the River Watershed Protection Programs Plans. The evaluation  
2245 shall be included in the annual progress report submitted  
2246 pursuant to this section.

2247 (g)(e) Priorities and implementation schedules.—The  
2248 coordinating agencies are authorized and directed to establish  
2249 priorities and implementation schedules for the achievement of  
2250 total maximum daily loads, the requirements of s. 403.067, and  
2251 compliance with applicable water quality standards within the  
2252 waters and watersheds subject to this section.

2253 ~~(f) Legislative ratification. The coordinating agencies~~  
2254 ~~shall submit the River Watershed Protection Plans developed~~  
2255 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
2256 ~~Senate and the Speaker of the House of Representatives prior to~~  
2257 ~~the 2009 legislative session for review. If the Legislature~~  
2258 ~~takes no action on the plan during the 2009 legislative session,~~  
2259 ~~the plan is deemed approved and may be implemented.~~

2260 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
2261 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
2262 department is directed to expedite development and adoption of  
2263 total maximum daily loads for the Caloosahatchee River and  
2264 estuary. The department is further directed to, ~~no later than~~  
2265 ~~December 31, 2008,~~ propose for final agency action total maximum  
2266 daily loads for nutrients in the tidal portions of the  
2267 Caloosahatchee River and estuary. The department shall initiate  
2268 development of basin management action plans for Lake  
2269 Okeechobee, the Caloosahatchee River watershed and estuary, and  
2270 the St. Lucie River watershed and estuary as provided in s.  
2271 403.067 s. 403.067(7)(a) as follows:

2272 (a) Basin management action plans shall be developed as



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2273 soon as practicable as determined necessary by the department to  
2274 achieve the total maximum daily loads established for the Lake  
2275 Okeechobee watershed and the estuaries.

2276 (b) The Phase II technical plan development pursuant to  
2277 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection  
2278 Plans developed pursuant to paragraphs (4) (a) and (c) (b), shall  
2279 provide the basis for basin management action plans developed by  
2280 the department.

2281 (c) As determined necessary by the department in order to  
2282 achieve the total maximum daily loads, additional or modified  
2283 projects or programs that complement those in the legislatively  
2284 ratified plans may be included during the development of the  
2285 basin management action plan.

2286 (d) As provided in s. 403.067, management strategies and  
2287 pollution reduction requirements set forth in a basin management  
2288 action plan subject to permitting by the department under  
2289 subsection (7) must be completed pursuant to the schedule set  
2290 forth in the basin management action plan, as amended. The  
2291 implementation schedule may extend beyond the 5-year permit  
2292 term.

2293 (e) As provided in s. 403.067, management strategies and  
2294 pollution reduction requirements set forth in a basin management  
2295 action plan for a specific pollutant of concern are not subject  
2296 to challenge under chapter 120 at the time they are  
2297 incorporated, in an identical form, into a department or  
2298 district issued permit or a permit modification issued in  
2299 accordance with subsection (7).

2300 ~~(d) Development of basin management action plans that~~  
2301 ~~implement the provisions of the legislatively ratified plans~~





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2302 ~~shall be initiated by the department no later than September 30~~  
2303 ~~of the year in which the applicable plan is ratified. Where a~~  
2304 ~~total maximum daily load has not been established at the time of~~  
2305 ~~plan ratification, development of basin management action plans~~  
2306 ~~shall be initiated no later than 90 days following adoption of~~  
2307 ~~the applicable total maximum daily load.~~

2308 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
2309 cooperation with the other coordinating agencies, shall report  
2310 on implementation of this section as part of the consolidated  
2311 annual report required in s. 373.036(7). The annual report shall  
2312 include a summary of the conditions of the hydrology, water  
2313 quality, and aquatic habitat in the northern Everglades based on  
2314 the results of the Research and Water Quality Monitoring  
2315 Programs, the status of the Lake Okeechobee Watershed  
2316 Construction Project, the status of the Caloosahatchee River  
2317 Watershed Construction Project, and the status of the St. Lucie  
2318 River Watershed Construction Project. In addition, the report  
2319 shall contain an annual accounting of the expenditure of funds  
2320 from the Save Our Everglades Trust Fund. At a minimum, the  
2321 annual report shall provide detail by program and plan,  
2322 including specific information concerning the amount and use of  
2323 funds from federal, state, or local government sources. In  
2324 detailing the use of these funds, the district shall indicate  
2325 those designated to meet requirements for matching funds. The  
2326 district shall prepare the report in cooperation with the other  
2327 coordinating agencies and affected local governments. The  
2328 department shall report on the status of the Lake Okeechobee  
2329 Basin Management Action Plan, the Caloosahatchee River Watershed  
2330 Basin Management Action Plan, and the St. Lucie River Watershed



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2331 Basin Management Action Plan. The Department of Agriculture and  
2332 Consumer Services shall report on the status of the  
2333 implementation of the agricultural nonpoint source best  
2334 management practices, including an implementation assurance  
2335 report summarizing survey responses and response rates, site  
2336 inspections, and other methods used to verify implementation of  
2337 and compliance with best management practices in the Lake  
2338 Okeechobee, Caloosahatchee and St. Lucie watersheds.

2339 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2340 (a) The Legislature finds that the Lake Okeechobee  
2341 Watershed Protection Program will benefit Lake Okeechobee and  
2342 downstream receiving waters and is in ~~consistent with~~ the public  
2343 interest. The Lake Okeechobee Watershed Construction Project and  
2344 structures discharging into or from Lake Okeechobee shall be  
2345 constructed, operated, and maintained in accordance with this  
2346 section.

2347 (b) Permits obtained pursuant to this section are in lieu  
2348 of all other permits under this chapter or chapter 403, except  
2349 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
2350 permits are not required for the Lake Okeechobee Watershed  
2351 Construction Project, or structures discharging into or from  
2352 Lake Okeechobee, if such project or structures are permitted  
2353 under this section. Construction activities related to  
2354 implementation of the Lake Okeechobee Watershed Construction  
2355 Project may be initiated before ~~prior to~~ final agency action, or  
2356 notice of intended agency action, on any permit from the  
2357 department under this section.

2358 (c) ~~1. Within 90 days of completion of the diversion plans~~  
2359 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~



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2360 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~  
2361 ~~structures which discharge into or from Lake Okeechobee that~~  
2362 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~  
2363 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~  
2364 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~  
2365 ~~this section and shall be governed by permits issued under apply~~  
2366 ~~for a permit from the department to operate and maintain such~~  
2367 ~~structures. By September 1, 2000, owners or operators of all~~  
2368 ~~other existing structures which discharge into or from Lake~~  
2369 ~~Okeechobee shall apply for a permit from the department to~~  
2370 ~~operate and maintain such structures. The department shall issue~~  
2371 ~~one or more such permits for a term of 5 years upon the~~  
2372 ~~demonstration of reasonable assurance that schedules and~~  
2373 ~~strategies to achieve and maintain compliance with water quality~~  
2374 ~~standards have been provided for, to the maximum extent~~  
2375 ~~practicable, and that operation of the structures otherwise~~  
2376 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~  
2377 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~  
2378 ~~403.067.~~

2379 ~~1. Permits issued under this paragraph shall also contain~~  
2380 ~~reasonable conditions to ensure that discharges of waters~~  
2381 ~~through structures:~~

2382 ~~a. Are adequately and accurately monitored;~~

2383 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
2384 ~~and will result in an overall reduction of phosphorus input into~~  
2385 ~~Lake Okeechobee, as set forth in the district's Technical~~  
2386 ~~Publication 81-2 and the total maximum daily load established in~~  
2387 ~~accordance with s. 403.067, to the maximum extent practicable;~~

2388 ~~and~~



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2389 ~~e. Do not pose a serious danger to public health, safety,~~  
2390 ~~or welfare.~~

2391 2. For the purposes of this paragraph, owners and operators  
2392 of existing structures which are subject to ~~the provisions of s.~~  
2393 373.4592(4) (a) and which discharge into or from Lake Okeechobee  
2394 shall be deemed in compliance with this paragraph ~~the term~~  
2395 ~~"maximum extent practicable"~~ if they are in full compliance with  
2396 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~  
2397 63, Florida Administrative Code.

2398 3. By January 1, 2016 ~~2004~~, the district shall submit to  
2399 the department a complete application for a permit modification  
2400 to the Lake Okeechobee structure permits to incorporate proposed  
2401 changes necessary to ensure that discharges through the  
2402 structures covered by this permit are consistent with the basin  
2403 management action plan adopted pursuant to ~~achieve state water~~  
2404 ~~quality standards, including the total maximum daily load~~  
2405 ~~established in accordance with s. 403.067. These changes shall~~  
2406 ~~be designed to achieve such compliance with state water quality~~  
2407 ~~standards no later than January 1, 2015.~~

2408 (d) The department shall require permits for district  
2409 regional projects that are part of the Lake Okeechobee Watershed  
2410 Construction Project facilities. However, projects ~~identified in~~  
2411 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
2412 s. 373.406 do shall not require need permits under this section.  
2413 Such permits shall be issued for a term of 5 years upon the  
2414 demonstration of reasonable assurances that:

2415 1. District regional projects that are part of the Lake  
2416 Okeechobee Watershed Construction Project shall facility, based  
2417 ~~upon the conceptual design documents and any subsequent detailed~~



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2418 ~~design documents developed by the district, will~~ achieve the  
2419 design objectives for phosphorus required in subparagraph  
2420 (3) (a) 1. ~~paragraph (3) (b);~~

2421 2. For water quality standards other than phosphorus, the  
2422 quality of water discharged from the facility is of equal or  
2423 better quality than the inflows;

2424 3. Discharges from the facility do not pose a serious  
2425 danger to public health, safety, or welfare; and

2426 4. Any impacts on wetlands or state-listed species  
2427 resulting from implementation of that facility of the Lake  
2428 Okeechobee Construction Project are minimized and mitigated, as  
2429 appropriate.

2430 (e) At least 60 days before ~~prior to~~ the expiration of any  
2431 permit issued under this section, the permittee may apply for a  
2432 renewal thereof for a period of 5 years.

2433 (f) Permits issued under this section may include any  
2434 standard conditions provided by department rule which are  
2435 appropriate and consistent with this section.

2436 (g) Permits issued under ~~pursuant to~~ this section may be  
2437 modified, as appropriate, upon review and approval by the  
2438 department.

2439 Section 20. Paragraphs (a) and (b) of subsection (6) of  
2440 section 373.536, Florida Statutes, are amended to read:

2441 373.536 District budget and hearing thereon.—

2442 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
2443 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2444 (a) Each district must, by the date specified for each  
2445 item, furnish copies of the following documents to the Governor,  
2446 the President of the Senate, the Speaker of the House of



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2447 Representatives, the chairs of all legislative committees and  
2448 subcommittees having substantive or fiscal jurisdiction over the  
2449 districts, as determined by the President of the Senate or the  
2450 Speaker of the House of Representatives as applicable, the  
2451 secretary of the department, and the governing board of each  
2452 county in which the district has jurisdiction or derives any  
2453 funds for the operations of the district:

2454 1. The adopted budget, to be furnished within 10 days after  
2455 its adoption.

2456 2. A financial audit of its accounts and records, to be  
2457 furnished within 10 days after its acceptance by the governing  
2458 board. The audit must be conducted in accordance with s. 11.45  
2459 and the rules adopted thereunder. In addition to the entities  
2460 named above, the district must provide a copy of the audit to  
2461 the Auditor General within 10 days after its acceptance by the  
2462 governing board.

2463 3. A 5-year capital improvements plan, to be included in  
2464 the consolidated annual report required by s. 373.036(7). The  
2465 plan must include expected sources of revenue for planned  
2466 improvements and must be prepared in a manner comparable to the  
2467 fixed capital outlay format set forth in s. 216.043.

2468 4. A 5-year water resource development work program to be  
2469 furnished within 30 days after the adoption of the final budget.  
2470 The program must describe the district's implementation strategy  
2471 and include an annual funding plan for each of the 5 years  
2472 included in the plan for the water resource and~~7~~ water supply~~7~~  
2473 development components, including ~~and~~ alternative water supply  
2474 development, ~~components~~ of each approved regional water supply  
2475 plan developed or revised under s. 373.709. The work program



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2476 must address all the elements of the water resource development  
2477 component in the district's approved regional water supply  
2478 plans, as well as the water supply projects proposed for  
2479 district funding and assistance. The annual funding plan shall  
2480 identify both anticipated available district funding and  
2481 additional funding needs for the second through fifth years of  
2482 the funding plan. Funding requests for projects submitted for  
2483 consideration for state funding pursuant to s. 403.0616 shall be  
2484 identified separately. The work program ~~and~~ must identify  
2485 projects in the work program which will provide water; explain  
2486 how each water resource and ~~water supply, and alternative water~~  
2487 ~~supply development~~ project will produce additional water  
2488 available for consumptive uses; estimate the quantity of water  
2489 to be produced by each project; ~~and~~ provide an assessment of the  
2490 contribution of the district's regional water supply plans in  
2491 supporting the implementation of minimum flows and minimum water  
2492 levels and water reservations; and ensure ~~providing~~ sufficient  
2493 water is available ~~needed~~ to timely meet the water supply needs  
2494 of existing and future reasonable-beneficial uses for a 1-in-10-  
2495 year drought event and to avoid the adverse effects of  
2496 competition for water supplies.

2497 (b) Within 30 days after its submittal, the department  
2498 shall review the proposed work program and submit its findings,  
2499 questions, and comments to the district. The review must include  
2500 a written evaluation of the program's consistency with the  
2501 furtherance of the district's approved regional water supply  
2502 plans, and the adequacy of proposed expenditures. As part of the  
2503 review, the department shall post the work program on its  
2504 website and give interested parties the opportunity to provide



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2505 written comments on each district's proposed work program.  
2506 Within 45 days after receipt of the department's evaluation, the  
2507 governing board shall state in writing to the department which  
2508 of the changes recommended in the evaluation it will incorporate  
2509 into its work program submitted as part of the March 1  
2510 consolidated annual report required by s. 373.036(7) or specify  
2511 the reasons for not incorporating the changes. The department  
2512 shall include the district's responses in a final evaluation  
2513 report and shall submit a copy of the report to the Governor,  
2514 the President of the Senate, and the Speaker of the House of  
2515 Representatives.

2516 Section 21. Subsection (9) of section 373.703, Florida  
2517 Statutes, is amended to read:

2518 373.703 Water production; general powers and duties.—In the  
2519 performance of, and in conjunction with, its other powers and  
2520 duties, the governing board of a water management district  
2521 existing pursuant to this chapter:

2522 (9) May join with one or more other water management  
2523 districts, counties, municipalities, special districts, publicly  
2524 owned or privately owned water utilities, multijurisdictional  
2525 water supply entities, regional water supply authorities,  
2526 private landowners, or self-suppliers for the purpose of  
2527 carrying out its powers, and may contract with such other  
2528 entities to finance acquisitions, construction, operation, and  
2529 maintenance, provided that such contracts are consistent with  
2530 the public interest. The contract may provide for contributions  
2531 to be made by each party to the contract for the division and  
2532 apportionment of the expenses of acquisitions, construction,  
2533 operation, and maintenance, and for the division and





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2534 apportionment of resulting benefits, services, and products. The  
2535 contracts may contain other covenants and agreements necessary  
2536 and appropriate to accomplish their purposes.

2537 Section 22. Paragraph (b) of subsection (2), subsection  
2538 (3), and paragraph (b) of subsection (4) of section 373.705,  
2539 Florida Statutes, are amended, and subsection (5) is added to  
2540 that section, to read:

2541 373.705 Water resource development; water supply  
2542 development.—

2543 (2) It is the intent of the Legislature that:

2544 (b) Water management districts take the lead in identifying  
2545 and implementing water resource development projects, and be  
2546 responsible for securing necessary funding for regionally  
2547 significant water resource development projects, including  
2548 regionally significant projects that prevent or limit adverse  
2549 water resource impacts, avoid competition among water users, or  
2550 support the provision of new water supplies in order to meet a  
2551 minimum flow or minimum water level, implement a recovery or  
2552 prevention strategy or water reservation.

2553 (3) (a) The water management districts shall fund and  
2554 implement water resource development as defined in s. 373.019.  
2555 The water management districts are encouraged to implement water  
2556 resource development as expeditiously as possible in areas  
2557 subject to regional water supply plans.

2558 (b) Each governing board shall include in its annual budget  
2559 submittals required under this chapter:

2560 1. The amount of funds for each project in the annual  
2561 funding plan developed pursuant to s. 373.536(6)(a)4.;

2562 2. The total amount needed for the fiscal year to implement



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2563 water resource development projects, as prioritized in its  
2564 regional water supply plans; and

2565 3. The amount of funds requested for each project submitted  
2566 for consideration for state funding pursuant to s. 403.0616.

2567 (4)

2568 (b) Water supply development projects that meet the  
2569 criteria in paragraph (a) and that meet one or more of the  
2570 following additional criteria shall be given first consideration  
2571 for state or water management district funding assistance:

2572 1. The project brings about replacement of existing sources  
2573 in order to help implement a minimum flow or minimum water  
2574 level; ~~or~~

2575 2. The project implements reuse that assists in the  
2576 elimination of domestic wastewater ocean outfalls as provided in  
2577 s. 403.086(9); or

2578 3. The project reduces or eliminates the adverse effects of  
2579 competition between legal users and the natural system.

2580 (5) The water management districts shall promote expanded  
2581 cost-share criteria for additional conservation practices, such  
2582 as soil and moisture sensors and other irrigation improvements,  
2583 water-saving equipment, and water-saving household fixtures.

2584 Section 23. Paragraph (f) of subsection (3), paragraph (a)  
2585 of subsection (6), and paragraph (e) of subsection (8) of  
2586 section 373.707, Florida Statutes, are amended to read:

2587 373.707 Alternative water supply development.—

2588 (3) The primary roles of the water management districts in  
2589 water resource development as it relates to supporting  
2590 alternative water supply development are:

2591 (f) The provision of technical and financial assistance to



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2592 local governments and publicly owned and privately owned water  
2593 utilities for alternative water supply projects and for self-  
2594 suppliers for alternative water supply projects to the extent  
2595 assistance for self-suppliers promotes the policies in paragraph  
2596 (1) (f).

2597 (6) (a) Where state ~~The statewide~~ funds are provided through  
2598 specific appropriation for a priority project of the water  
2599 resources work program pursuant to s. 403.0616, or pursuant to  
2600 the Water Protection and Sustainability Program, such funds  
2601 serve to supplement existing water management district or basin  
2602 board funding for alternative water supply development  
2603 assistance and should not result in a reduction of such funding.  
2604 For each project identified in the annual funding plans prepared  
2605 pursuant to s. 373.536(6) (a) 4. Therefore, the water management  
2606 districts shall include in the annual tentative and adopted  
2607 budget submittals required under this chapter the amount of  
2608 funds allocated for water resource development that supports  
2609 alternative water supply development and the funds allocated for  
2610 alternative water supply projects ~~selected for inclusion in the~~  
2611 ~~Water Protection and Sustainability Program.~~ It shall be the  
2612 goal of each water management district and basin boards that the  
2613 combined funds allocated annually for these purposes be, at a  
2614 minimum, the equivalent of 100 percent of the state funding  
2615 provided to the water management district for alternative water  
2616 supply development. If this goal is not achieved, the water  
2617 management district shall provide in the budget submittal an  
2618 explanation of the reasons or constraints that prevent this goal  
2619 from being met, an explanation of how the goal will be met in  
2620 future years, and affirmation of match is required during the



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2621 budget review process as established under s. 373.536(5). The  
2622 Suwannee River Water Management District and the Northwest  
2623 Florida Water Management District shall not be required to meet  
2624 the match requirements of this paragraph; however, they shall  
2625 try to achieve the match requirement to the greatest extent  
2626 practicable.

2627 (8)

2628 (e) Applicants for projects that may receive funding  
2629 assistance pursuant to the Water Protection and Sustainability  
2630 Program shall, at a minimum, be required to pay 60 percent of  
2631 the project's construction costs. The water management districts  
2632 may, at their discretion, totally or partially waive this  
2633 requirement for projects sponsored by:

2634 1. Financially disadvantaged small local governments as  
2635 defined in former s. 403.885(5); or

2636 2. Water users for projects determined by a water  
2637 management district governing board to be in the public interest  
2638 pursuant to paragraph (1)(f), if the projects are not otherwise  
2639 financially feasible.

2640  
2641 The water management districts or basin boards may, at their  
2642 discretion, use ad valorem or federal revenues to assist a  
2643 project applicant in meeting the requirements of this paragraph.

2644 Section 24. Paragraph (a) of subsection (2) and paragraphs  
2645 (a) and (e) of subsection (6) of section 373.709, Florida  
2646 Statutes, are amended to read:

2647 373.709 Regional water supply planning.—

2648 (2) Each regional water supply plan must be based on at  
2649 least a 20-year planning period and must include, but need not



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2650 be limited to:

2651 (a) A water supply development component for each water  
2652 supply planning region identified by the district which  
2653 includes:

2654 1. A quantification of the water supply needs for all  
2655 existing and future reasonable-beneficial uses within the  
2656 planning horizon. The level-of-certainty planning goal  
2657 associated with identifying the water supply needs of existing  
2658 and future reasonable-beneficial uses must be based upon meeting  
2659 those needs for a 1-in-10-year drought event.

2660 a. Population projections used for determining public water  
2661 supply needs must be based upon the best available data. In  
2662 determining the best available data, the district shall consider  
2663 the University of Florida ~~Florida's~~ Bureau of Economic and  
2664 Business Research (BEBR) medium population projections and  
2665 population projection data and analysis submitted by a local  
2666 government pursuant to the public workshop described in  
2667 subsection (1) if the data and analysis support the local  
2668 government's comprehensive plan. Any adjustment of or deviation  
2669 from the BEBR projections must be fully described, and the  
2670 original BEBR data must be presented along with the adjusted  
2671 data.

2672 b. Agricultural demand projections used for determining the  
2673 needs of agricultural self-suppliers must be based upon the best  
2674 available data. In determining the best available data for  
2675 agricultural self-supplied water needs, the district shall  
2676 consider the data indicative of future water supply demands  
2677 provided by the Department of Agriculture and Consumer Services  
2678 pursuant to s. 570.93 and agricultural demand projection data



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2679 and analysis submitted by a local government pursuant to the  
2680 public workshop described in subsection (1), if the data and  
2681 analysis support the local government's comprehensive plan. Any  
2682 adjustment of or deviation from the data provided by the  
2683 Department of Agriculture and Consumer Services must be fully  
2684 described, and the original data must be presented along with  
2685 the adjusted data.

2686         2. A list of water supply development project options,  
2687 including traditional and alternative water supply project  
2688 options that are technically and financially feasible, from  
2689 which local government, government-owned and privately owned  
2690 utilities, regional water supply authorities,  
2691 multijurisdictional water supply entities, self-suppliers, and  
2692 others may choose for water supply development. In addition to  
2693 projects listed by the district, such users may propose specific  
2694 projects for inclusion in the list of alternative water supply  
2695 projects. If such users propose a project to be listed as an  
2696 alternative water supply project, the district shall determine  
2697 whether it meets the goals of the plan, and, if so, it shall be  
2698 included in the list. The total capacity of the projects  
2699 included in the plan must exceed the needs identified in  
2700 subparagraph 1. and take into account water conservation and  
2701 other demand management measures, as well as water resources  
2702 constraints, including adopted minimum flows and minimum water  
2703 levels and water reservations. Where the district determines it  
2704 is appropriate, the plan should specifically identify the need  
2705 for multijurisdictional approaches to project options that,  
2706 based on planning level analysis, are appropriate to supply the  
2707 intended uses and that, based on such analysis, appear to be



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2708 permittable and financially and technically feasible. The list  
2709 of water supply development options must contain provisions that  
2710 recognize that alternative water supply options for agricultural  
2711 self-suppliers are limited.

2712 3. For each project option identified in subparagraph 2.,  
2713 the following must be provided:

2714 a. An estimate of the amount of water to become available  
2715 through the project.

2716 b. The timeframe in which the project option should be  
2717 implemented and the estimated planning-level costs for capital  
2718 investment and operating and maintaining the project.

2719 c. An analysis of funding needs and sources of possible  
2720 funding options. For alternative water supply projects, the  
2721 water management districts shall provide funding assistance  
2722 pursuant to s. 373.707(8).

2723 d. Identification of the entity that should implement each  
2724 project option and the current status of project implementation.

2725 (6) Annually and in conjunction with the reporting  
2726 requirements of s. 373.536(6)(a)4., the department shall submit  
2727 to the Governor and the Legislature a report on the status of  
2728 regional water supply planning in each district. The report  
2729 shall include:

2730 (a) A compilation of the estimated costs ~~of~~ and an analysis  
2731 of the sufficiency of potential sources of funding from all  
2732 sources for water resource development and water supply  
2733 development projects as identified in the water management  
2734 district regional water supply plans.

2735 (e) An overall assessment of the progress being made to  
2736 develop water supply in each district, including, but not



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2737 limited to, an explanation of how each project in the 5-year  
2738 water resource development work program developed pursuant to s.  
2739 373.536(6)(a)4., either alternative or traditional, will  
2740 produce, contribute to, or account for additional water being  
2741 made available for consumptive uses, minimum flows and minimum  
2742 water levels, or water reservations; an estimate of the quantity  
2743 of water to be produced by each project;7 and an assessment of  
2744 the contribution of the district's regional water supply plan in  
2745 providing sufficient water to meet the needs of existing and  
2746 future reasonable-beneficial uses for a 1-in-10-year drought  
2747 event, as well as the needs of the natural systems.

2748 Section 25. Part VIII of chapter 373, Florida Statutes,  
2749 consisting of sections 373.801, 373.802, 373.803, 373.805,  
2750 373.807, 373.811, and 373.813, Florida Statutes, is created and  
2751 entitled the "Florida Springs and Aquifer Protection Act."

2752 Section 26. Section 373.801, Florida Statutes, is created  
2753 to read:

2754 373.801 Legislative findings and intent.—

2755 (1) The Legislature finds that springs are a unique part of  
2756 this state's scenic beauty. Springs provide critical habitat for  
2757 plants and animals, including many endangered or threatened  
2758 species. Springs also provide immeasurable natural,  
2759 recreational, economic, and inherent value. Springs are of great  
2760 scientific importance in understanding the diverse functions of  
2761 aquatic ecosystems. Water quality of springs is an indicator of  
2762 local conditions of the Floridan Aquifer, which is a source of  
2763 drinking water for many residents of this state. Water flows in  
2764 springs may reflect regional aquifer conditions. In addition,  
2765 springs provide recreational opportunities for swimming,





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2766 canoeing, wildlife watching, fishing, cave diving, and many  
2767 other activities in this state. These recreational opportunities  
2768 and the accompanying tourism they provide are a benefit to local  
2769 economies and the economy of the state as a whole.

2770 (2) The Legislature finds that the water quantity and water  
2771 quality in springs may be related. For regulatory purposes, the  
2772 department has primary responsibility for water quality; the  
2773 water management districts have primary responsibility for water  
2774 quantity; and the Department of Agriculture and Consumer  
2775 Services has primary responsibility for the development and  
2776 implementation of agricultural best management practices. Local  
2777 governments have primary responsibility for providing wastewater  
2778 services and stormwater management. The foregoing responsible  
2779 entities must coordinate to restore and maintain the water  
2780 quantity and water quality of the Outstanding Florida Springs.

2781 (3) The Legislature recognizes that:

2782 (a) Springs are only as healthy as their springsheds. The  
2783 groundwater that supplies springs is derived from water that  
2784 recharges the aquifer system in the form of seepage from the  
2785 land surface and through direct conduits, such as sinkholes.  
2786 Springs may be adversely affected by polluted runoff from urban  
2787 and agricultural lands; discharges resulting from inadequate  
2788 wastewater and stormwater management practices; stormwater  
2789 runoff; and reduced water levels of the Floridan Aquifer. As a  
2790 result, the hydrologic and environmental conditions of a spring  
2791 or spring run are directly influenced by activities and land  
2792 uses within a springshed and by water withdrawals from the  
2793 Floridan Aquifer.

2794 (b) Springs, whether found in urban or rural settings, or



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2795 on public or private lands, may be threatened by actual or  
2796 potential flow reductions and declining water quality. Many of  
2797 this state's springs are demonstrating signs of significant  
2798 ecological imbalance, increased nutrient loading, and declining  
2799 flow. Without effective remedial action, further declines in  
2800 water quality and water quantity may occur.

2801 (c) Springshed boundaries and areas of high vulnerability  
2802 within a springshed need to be identified and delineated using  
2803 the best available data.

2804 (d) Springsheds typically cross water management district  
2805 boundaries and local government jurisdictional boundaries, so a  
2806 coordinated statewide springs protection plan is needed.

2807 (e) The aquifers and springs of this state are complex  
2808 systems affected by many variables and influences.

2809 (4) The Legislature recognizes that action is urgently  
2810 needed and, as additional data is acquired, action must be  
2811 modified.

2812 Section 27. Section 373.802, Florida Statutes, is created  
2813 to read:

2814 373.802 Definitions.—As used in this part, the term:

2815 (1) "Department" means the Department of Environmental  
2816 Protection, which includes the Florida Geological Survey or its  
2817 successor agencies.

2818 (2) "Local government" means a county or municipal  
2819 government the jurisdictional boundaries of which include an  
2820 Outstanding Florida Spring or any part of a springshed or  
2821 delineated priority focus area of an Outstanding Florida Spring.

2822 (3) "Onsite sewage treatment and disposal system" means a  
2823 system that contains a standard subsurface, filled, or mound



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2824 drainfield system; an aerobic treatment unit; a graywater system  
2825 tank; a laundry wastewater system tank; a septic tank; a grease  
2826 interceptor; a pump tank; a solids or effluent pump; a  
2827 waterless, incinerating, or organic waste-composting toilet; or  
2828 a sanitary pit privy that is installed or proposed to be  
2829 installed beyond the building sewer on land of the owner or on  
2830 other land on which the owner has the legal right to install  
2831 such system. The term includes any item placed within, or  
2832 intended to be used as a part of or in conjunction with, the  
2833 system. The term does not include package sewage treatment  
2834 facilities and other treatment works regulated under chapter  
2835 403.

2836 (4) "Outstanding Florida Spring" includes all historic  
2837 first magnitude springs, as determined by the department using  
2838 the most recent Florida Geological Survey springs bulletin, and  
2839 the following additional springs and associated spring runs:

- 2840 (a) De Leon Springs;
- 2841 (b) Peacock Springs;
- 2842 (c) Poe Springs;
- 2843 (d) Rock Springs;
- 2844 (e) Wekiwa Springs; and
- 2845 (f) Gemini Springs.

2846  
2847 The term does not include submarine springs.

2848 (5) "Priority focus area" means the area or areas of a  
2849 basin where the Floridan Aquifer is most vulnerable to  
2850 groundwater withdrawals or pollutant inputs, where the  
2851 groundwater travel times are the fastest, and where there is a  
2852 known connectivity between groundwater pathways and an



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2853 Outstanding Florida Spring, as determined by the department in  
2854 consultation with the appropriate water management districts,  
2855 and delineated in a basin management action plan.

2856 (6) "Springshed" means the areas within the groundwater and  
2857 surface water basins which contribute, based upon all relevant  
2858 facts, circumstances, and data, to the discharge of a spring as  
2859 defined by potentiometric surface maps and surface watershed  
2860 boundaries.

2861 (7) "Spring run" means a body of flowing water that  
2862 originates from a spring or whose primary source of water is a  
2863 spring or springs under average rainfall conditions.

2864 (8) "Spring vent" means a location where groundwater flows  
2865 out of a natural, discernible opening in the ground onto the  
2866 land surface or into a predominantly fresh surface water body.

2867 Section 28. Section 373.803, Florida Statutes, is created  
2868 to read:

2869 373.803 Delineation of priority focus areas for Outstanding  
2870 Florida Springs.—Using the best data available from the water  
2871 management districts and other credible sources, the department,  
2872 in coordination with the water management districts, shall  
2873 delineate priority focus areas for each Outstanding Florida  
2874 Spring or group of springs that contains one or more Outstanding  
2875 Florida Springs and is identified as impaired in accordance with  
2876 s. 373.807. In delineating priority focus areas, the department  
2877 shall consider groundwater travel time to the spring,  
2878 hydrogeology, nutrient load, and any other factors that may lead  
2879 to degradation of an Outstanding Florida Spring. The delineation  
2880 of priority focus areas must be completed by July 1, 2018, and  
2881 shall be effective upon incorporation in a basin management



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2882 action plan.

2883 Section 29. Section 373.805, Florida Statutes, is created  
2884 to read:

2885 373.805 Minimum flows and minimum water levels for  
2886 Outstanding Florida Springs.-

2887 (1) At the time a minimum flow or minimum water level is  
2888 adopted pursuant to s. 373.042 for an Outstanding Florida  
2889 Spring, if the spring is below or is projected within 20 years  
2890 to fall below the minimum flow or minimum water level, a water  
2891 management district or the department shall concurrently adopt a  
2892 recovery or prevention strategy.

2893 (2) When a minimum flow or minimum water level for an  
2894 Outstanding Florida Spring is revised pursuant to s.  
2895 373.0421(3), if the spring is below or is projected within 20  
2896 years to fall below the minimum flow or minimum water level, a  
2897 water management district or the department shall concurrently  
2898 adopt a recovery or prevention strategy or modify an existing  
2899 recovery or prevention strategy. A district or the department  
2900 may adopt the revised minimum flow or minimum water level before  
2901 the adoption of a recovery or prevention strategy if the revised  
2902 minimum flow or minimum water level is less constraining on  
2903 existing or projected future consumptive uses.

2904 (3) For an Outstanding Florida Spring without an adopted  
2905 recovery or prevention strategy, if a district or the department  
2906 determines the spring has fallen below, or is projected within  
2907 20 years to fall below, the adopted minimum flow or minimum  
2908 water level, a water management district or the department shall  
2909 expeditiously adopt a recovery or prevention strategy.

2910 (4) The recovery or prevention strategy for each



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2911 Outstanding Florida Spring must, at a minimum, include:  
2912 (a) A listing of all specific projects identified for  
2913 implementation of the plan;  
2914 (b) A priority listing of each project;  
2915 (c) For each listed project, the estimated cost of and the  
2916 estimated date of completion;  
2917 (d) The source and amount of financial assistance to be  
2918 made available by the water management district for each listed  
2919 project, which may not be less than 25 percent of the total  
2920 project cost unless a specific funding source or sources are  
2921 identified which will provide more than 75 percent of the total  
2922 project cost. The Northwest Florida Water Management District  
2923 and the Suwannee River Water Management District are not  
2924 required to provide matching funds pursuant to this paragraph;  
2925 (e) An estimate of each listed project's benefit to an  
2926 Outstanding Florida Spring; and  
2927 (f) An implementation plan designed with a target to  
2928 achieve the adopted minimum flow or minimum water level no more  
2929 than 20 years after the adoption of a recovery or prevention  
2930 strategy. The implementation plan must include a schedule of 5-,  
2931 10-, and 15-year measureable milestones intended to achieve the  
2932 adopted minimum flow or minimum water level. The schedule is not  
2933 a rule but is intended to provide guidance for planning and  
2934 funding purposes and is exempt from the provisions of s.  
2935 120.54(1)(a).  
2936 (5) A local government may apply to the department for an  
2937 extension of up to 5 years for any project in an adopted  
2938 recovery or prevention strategy. The department may grant the  
2939 extension if the local government provides to the department



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2940 sufficient evidence that an extension is in the best interest of  
2941 the public. For a local government in a rural area of  
2942 opportunity, as defined in s. 288.0656, the department may grant  
2943 an extension of up to 10 years.

2944 Section 30. Section 373.807, Florida Statutes, is created  
2945 to read:

2946 373.807 Protection of water quality in Outstanding Florida  
2947 Springs.—By July 1, 2015, the department shall initiate  
2948 assessment, pursuant to s. 403.067(3), of each Outstanding  
2949 Florida Spring for which an impairment determination has not  
2950 been made under the numeric nutrient standards in effect for  
2951 spring vents. Assessments must be completed by July 1, 2018.

2952 (1) (a) Concurrently with the adoption of a nutrient total  
2953 maximum daily load for an Outstanding Florida Spring, the  
2954 department, or the department in conjunction with a water  
2955 management district, shall initiate development of a basin  
2956 management action plan, as specified in s. 403.067. For an  
2957 Outstanding Florida Spring with a nutrient total maximum daily  
2958 load adopted before July 1, 2015, the department, or the  
2959 department in conjunction with a water management district,  
2960 shall initiate development of a basin management action plan by  
2961 July 1, 2015. During the development of a basin management  
2962 action plan, if the department identifies onsite sewage  
2963 treatment and disposal systems as contributors of at least 20  
2964 percent of nonpoint source nutrient pollution which need to be  
2965 addressed within local government jurisdictions, the basin  
2966 management action plan shall include an onsite sewage treatment  
2967 and disposal system remediation plan pursuant to subsection (3)  
2968 for those systems identified as requiring remediation.



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2969           (b) A basin management action plan for an Outstanding  
2970 Florida Spring shall be adopted within 2 years after its  
2971 initiation and must include, at a minimum:  
2972           1. A list of all specific projects and programs identified  
2973 to implement a nutrient total maximum daily load;  
2974           2. A list of all specific projects identified in any  
2975 incorporated onsite sewage treatment and disposal system  
2976 remediation plan, if applicable;  
2977           3. A priority rank for each listed project;  
2978           4. For each listed project, a planning level cost  
2979 estimate and the estimated date of completion;  
2980           5. The source and amount of financial assistance to be made  
2981 available by the department, a water management district, or  
2982 other entity for each listed project;  
2983           6. An estimate of each listed project's nutrient load  
2984 reduction;  
2985           7. Identification of each point source or category of  
2986 nonpoint sources, including, but not limited to, urban turf  
2987 fertilizer, sports turf fertilizer, agricultural fertilizer,  
2988 onsite sewage treatment and disposal systems, wastewater  
2989 treatment facilities, animal wastes, and stormwater facilities.  
2990 An estimated allocation of the pollutant load must be provided  
2991 for each point source or category of nonpoint sources; and  
2992           8. An implementation plan designed with a target to achieve  
2993 the adopted nutrient total maximum daily load no more than 20  
2994 years after the adoption of a basin management action plan. The  
2995 plan must include a schedule of 5-, 10-, and 15-year measureable  
2996 milestones intended to achieve the adopted nutrient total  
2997 maximum daily load. The schedule is not a rule but is intended





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2998 to provide guidance for planning and funding purposes and is  
2999 exempt from the provisions of s. 120.54(1) (a).

3000 (c) For a basin management action plan adopted before July  
3001 1, 2015, which addresses an Outstanding Florida Spring, the  
3002 department or the department in conjunction with a water  
3003 management district must revise the plan if necessary to comply  
3004 with this section to this section by July 1, 2018.

3005 (d) Upon approval of an onsite sewage treatment and  
3006 disposal system remediation plan by the department, the plan  
3007 shall be deemed incorporated as part of the appropriate basin  
3008 management action plan pursuant to s. 403.067(7).

3009 (e) A local government may apply to the department for an  
3010 extension of up to 5 years for any project in an adopted basin  
3011 management action plan. A local government in a rural area of  
3012 opportunity, as defined in s. 288.0656, may apply for an  
3013 extension of up to 10 years for such a project. The department  
3014 may grant the extension if the local government provides to the  
3015 department sufficient evidence that an extension is in the best  
3016 interest of the public.

3017 (2) Within 12 months after the adoption of a basin  
3018 management action plan containing a priority focus area or areas  
3019 of an Outstanding Florida Spring that is fully or partially  
3020 within the jurisdiction of a local government, the local  
3021 government must develop, enact, and implement an ordinance that  
3022 meets or exceeds the requirements of the department's Model  
3023 Ordinance for Florida-Friendly Fertilizer Use on Urban  
3024 Landscapes. The department shall revise the model ordinance to  
3025 require that, within a priority focus area of an Outstanding  
3026 Florida Spring with an adopted nutrient total maximum daily



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3027 load, the nitrogen application rate of any fertilizer applied to  
3028 turf or landscape plants may not exceed the lowest basic  
3029 maintenance rate of the most recent recommendations by the  
3030 Institute of Food and Agricultural Sciences.

3031 (3) As part of a basin management action plan that includes  
3032 an Outstanding Florida Spring, the department, in consultation  
3033 with the Department of Health, relevant local governments, and  
3034 relevant local public and private wastewater utilities, shall  
3035 develop an onsite sewage treatment and disposal system  
3036 remediation plan for a spring for which the department  
3037 determines onsite sewage treatment and disposal systems within a  
3038 priority focus area contribute at least 20 percent of nonpoint  
3039 source nutrient pollution. This plan shall be completed and  
3040 adopted as part of the basin management action plan no later  
3041 than the first 5-year milestone required by s. 373.807(2)(b)8.  
3042 In preparing this plan, the department shall:

3043 (a) Collect and evaluate credible scientific information on  
3044 the effect of nutrients, particularly forms of nitrogen, on  
3045 springs and springs systems;

3046 (b) Develop and implement a public education plan to  
3047 provide area residents with reliable, understandable information  
3048 about onsite sewage treatment and disposal systems and springs;  
3049 and

3050 (c) Develop projects necessary to reduce the nutrient  
3051 impacts from onsite sewage treatment and disposal systems.

3052  
3053 The plan shall include options for repair, upgrade, replacement,  
3054 drainfield modification, addition of effective nitrogen reducing  
3055 features, connection to a central sewerage system or other



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3056 action for systems or groups of systems within a priority focus  
3057 area which contribute at least 20 percent of nonpoint source  
3058 nutrient pollution. The department shall include in the plan a  
3059 priority ranking for each system or group of systems that  
3060 require remediation and shall award funds to implement the  
3061 remediation projects identified in the basin management action  
3062 plan contingent on specific appropriation in the General  
3063 Appropriations Act, which may include all or part of the costs  
3064 necessary to match local funding for repair, upgrade,  
3065 replacement, drainfield modification, initial connection to a  
3066 central sewerage system, or other action. In awarding funds, the  
3067 department may consider expected nutrient reduction benefit per  
3068 unit cost, size and scope of project, relative local financial  
3069 contribution to the project, financial impact on property owners  
3070 and the community. The department may waive matching funding  
3071 requirements for proposed projects within an area designated as  
3072 a rural area of opportunity under s. 288.0656.

3073 (4) The department shall provide notice to a local  
3074 government of all permit applicants under s. 403.814(12) in a  
3075 priority focus area of an Outstanding Florida Spring over which  
3076 the local government has full or partial jurisdiction.

3077 Section 31. Section 373.811, Florida Statutes, is created  
3078 to read:

3079 373.811 Prohibited activities within a priority focus  
3080 area.—The following activities are prohibited within a priority  
3081 focus area in effect for an Outstanding Florida Spring:

3082 (1) New domestic wastewater disposal facilities, including  
3083 rapid infiltration basins, with permitted capacities of 100,000  
3084 gallons per day or more, except for those facilities that meet



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3085 an advanced wastewater treatment standard of no more than 3 mg/l  
3086 total nitrogen, expressed as N, on an annual permitted basis, or  
3087 a more stringent treatment standard if the department determines  
3088 the more stringent standard is necessary to attain a total  
3089 maximum daily load for the Outstanding Florida Spring.

3090 (2) New onsite sewage treatment and disposal systems on  
3091 lots of less than 1 acre, if the addition of the specific  
3092 systems conflicts with an onsite treatment and disposal system  
3093 remediation plan incorporated into a basin management action  
3094 plan in accordance with s. 373.807(3).

3095 (3) New facilities for the disposal of hazardous waste.

3096 (4) The land application of Class A or Class B domestic  
3097 wastewater biosolids not in accordance with a department  
3098 approved nutrient management plan establishing the rate at which  
3099 all biosolids, soil amendments, and sources of nutrients at the  
3100 land application site can be applied to the land for crop  
3101 production while minimizing the amount of pollutants and  
3102 nutrients discharged to groundwater or waters of the state.

3103 (5) New agriculture operations that do not implement best  
3104 management practices, measures necessary to achieve pollution  
3105 reduction levels established by the department, or groundwater  
3106 monitoring plans approved by a water management district or the  
3107 department.

3108 Section 32. Section 373.813, Florida Statutes, is created  
3109 to read:

3110 373.813 Rules.—

3111 (1) The department shall adopt rules to improve water  
3112 quantity and water quality to administer this part, as  
3113 applicable.



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3114           (2) (a) The Department of Agriculture and Consumer Services  
3115 is the lead agency coordinating the reduction of agricultural  
3116 nonpoint sources of pollution for the protection of Outstanding  
3117 Florida Springs. The Department of Agriculture and Consumer  
3118 Services and the department, pursuant to s. 403.067(7)(c)4.,  
3119 shall study new or revised agricultural best management  
3120 practices for improving and protecting Outstanding Florida  
3121 Springs and, if necessary, in cooperation with applicable local  
3122 governments and stakeholders, initiate rulemaking to require the  
3123 implementation of such practices within a reasonable period.

3124           (b) The department, the Department of Agriculture and  
3125 Consumer Services, and the University of Florida Institute of  
3126 Food and Agricultural Sciences shall cooperate in conducting the  
3127 necessary research and demonstration projects to develop  
3128 improved or additional nutrient management tools, including the  
3129 use of controlled release fertilizer that can be used by  
3130 agricultural producers as part of an agricultural best  
3131 management practices program. The development of such tools must  
3132 reflect a balance between water quality improvement and  
3133 agricultural productivity and, if applicable, must be  
3134 incorporated into the revised agricultural best management  
3135 practices adopted by rule by the Department of Agriculture and  
3136 Consumer Services.

3137           Section 33. Subsections (25) and (29) of section 403.061,  
3138 Florida Statutes, are amended, and subsection (45) is added to  
3139 that section, to read:

3140           403.061 Department; powers and duties.—The department shall  
3141 have the power and the duty to control and prohibit pollution of  
3142 air and water in accordance with the law and rules adopted and



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3143 promulgated by it and, for this purpose, to:

3144       (25) (a) Establish and administer a program for the  
3145 restoration and preservation of bodies of water within the  
3146 state. The department shall have the power to acquire lands, to  
3147 cooperate with other applicable state or local agencies to  
3148 enhance existing public access to such bodies of water, and to  
3149 adopt all rules necessary to accomplish this purpose.

3150       (b) Create a consolidated water resources work plan, in  
3151 consultation with state agencies, water management districts,  
3152 regional water supply authorities, and local governments, which  
3153 provides a geographic depiction of the total inventory of water  
3154 resources projects and regionally significant water supply  
3155 projects currently under construction, completed in the previous  
3156 5 years, or planned to begin construction in the next 5 years.  
3157 The consolidated work plan must include for each project a  
3158 description of the project, the total cost of the project, and  
3159 identification of the governmental entity financing the project.  
3160 This information together with the information provided pursuant  
3161 to paragraph (45) (a) is intended to facilitate the ability of  
3162 the Florida Water Resources Advisory Council, the Legislature,  
3163 and the public to consider the projects contained in the  
3164 tentative water resources work program developed pursuant to s.  
3165 403.0616 in relation to all projects undertaken within a 10-year  
3166 period and the existing condition of water resources in the  
3167 project area and in the state as a whole. The department may  
3168 adopt rules to accomplish this purpose.

3169       (29) (a) Adopt by rule special criteria to protect Class II  
3170 and Class III shellfish harvesting waters. Such rules may  
3171 include special criteria for approving docking facilities that



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3172 have 10 or fewer slips if the construction and operation of such  
3173 facilities will not result in the closure of shellfish waters.

3174 (b) Adopt by rule a specific surface water classification  
3175 to protect surface waters used for treated potable water supply.  
3176 These designated surface waters shall have the same water  
3177 quality criteria protections as waters designated for fish  
3178 consumption, recreation, and the propagation and maintenance of  
3179 a healthy, well-balanced population of fish and wildlife, and  
3180 shall be free from discharged substances at a concentration  
3181 that, alone or in combination with other discharged substances,  
3182 would require significant alteration of permitted treatment  
3183 processes at the permitted treatment facility or that would  
3184 otherwise prevent compliance with applicable state drinking  
3185 water standards in the treated water. Notwithstanding this  
3186 classification or the inclusion of treated water supply as a  
3187 designated use of a surface water, a surface water used for  
3188 treated potable water supply may be reclassified to the potable  
3189 water supply classification.

3190 (45) (a) Create and maintain a web-based, interactive map  
3191 that includes, at a minimum:

3192 1. All watersheds and each water body within those  
3193 watersheds;

3194 2. The county or counties in which the watershed or water  
3195 body is located;

3196 3. The water management district or districts in which the  
3197 watershed or water body is located;

3198 4. Whether a minimum flow or minimum water level has been  
3199 adopted for the water body, and if such minimum flow or minimum  
3200 water level has not been adopted, the anticipated adoption date;



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3201           5. Whether a recovery or prevention strategy has been  
3202 adopted for the watershed or water body and, if such a plan has  
3203 not been adopted, the anticipated adoption date;

3204           6. The impairment status of each watershed or water body;

3205           7. Whether a total maximum daily load has been adopted if  
3206 the watershed or water body is listed as impaired and, if such  
3207 total maximum daily load has not been adopted, the anticipated  
3208 adoption date;

3209           8. Whether a basin management action plan has been adopted  
3210 for the watershed and, if such a plan has not been adopted, the  
3211 anticipated adoption date;

3212           9. Each project listed on the 5-year water resources work  
3213 program developed pursuant to s. 373.036(7);

3214           10. The agency or agencies and local sponsor, if any,  
3215 responsible for overseeing the project;

3216           11. The estimated cost and completion date of each project  
3217 and the financial contribution of each entity;

3218           12. The quantitative estimated benefit to the watershed or  
3219 water body; and

3220           13. The water projects completed within the last 5 years  
3221 within the watershed or water body.

3222           (b) The department and each water management district shall  
3223 prominently display on their respective websites a hyperlink to  
3224 the interactive map required by this subsection.

3225  
3226 The department shall implement such programs in conjunction with  
3227 its other powers and duties and shall place special emphasis on  
3228 reducing and eliminating contamination that presents a threat to  
3229 humans, animals or plants, or to the environment.





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3230 Section 34. Section 403.0616, Florida Statutes, is created  
3231 to read:

3232 403.0616 Florida Water Resources Advisory Council.—

3233 (1) The Florida Water Resources Advisory Council is hereby  
3234 created within the department for the purpose of evaluating  
3235 water resource projects prioritized and submitted by state  
3236 agencies, water management districts, regional water supply  
3237 authorities, or local governments. The council shall evaluate  
3238 and recommend projects that are eligible for state funding as  
3239 priority projects of statewide, regional, or critical local  
3240 importance under this chapter or chapter 373. The council must  
3241 review and evaluate all water resource projects that are  
3242 prioritized and reported by state agencies or water management  
3243 districts pursuant to s. 373.036(7)(b)8.c., or by local  
3244 governments, or regional supply projects, if applicable, in  
3245 order to provide the Legislature with recommendations for  
3246 projects that improve or restore the water resources of this  
3247 state. The council is also responsible for submitting a  
3248 prioritization of pilot projects that test the effectiveness of  
3249 innovative or existing nutrient reduction or water conservation  
3250 technologies or practices designed to minimize nutrient  
3251 pollution or restore flows in the water bodies of the state as  
3252 provided in s. 403.0617.

3253 (2) The Florida Water Resources Advisory Council consists  
3254 of five voting members and five ex officio, nonvoting members as  
3255 follows:

3256 (a) The Secretary of Environmental Protection, who shall  
3257 serve as chair of the council; the Commissioner of Agriculture;  
3258 the executive director of the Fish and Wildlife Conservation



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3259 Commission; one member with expertise in a scientific discipline  
3260 related to water resources, appointed by the President of the  
3261 Senate; and one member with expertise in a scientific discipline  
3262 related to water resources, appointed by the Speaker of the  
3263 House of Representatives, all of whom shall be voting members.

3264 (b) The executive directors of each of the five water  
3265 management districts, all of whom shall be nonvoting members.

3266 (3) Members appointed by the President of the Senate and  
3267 Speaker of the House of Representatives shall serve 2-year terms  
3268 but may not serve more than a total of 6 years. The President of  
3269 the Senate and the Speaker of the House of Representatives may  
3270 fill a vacancy at any time for an unexpired term of an appointed  
3271 member.

3272 (4) If a member of the council is disqualified from serving  
3273 because he or she no longer holds the position required to serve  
3274 under this section, the interim head of the agency shall serve  
3275 as the agency representative.

3276 (5) The two appointed council members shall receive  
3277 reimbursement for expenses and per diem for travel to attend  
3278 council meetings authorized pursuant to s. 112.061 while in the  
3279 performance of their duties.

3280 (6) The council shall hold periodic meetings at the request  
3281 of the chair but must hold at least two public meetings,  
3282 separately noticed, each year in which the public has the  
3283 opportunity to participate and comment. Unless otherwise  
3284 provided by law, notice for each meeting must be published in a  
3285 newspaper of general circulation in the area where the meeting  
3286 is to be held at least 5 days but no more than 15 days before  
3287 the meeting date.



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3288           (a) By July 15 of each year, the council shall release a  
3289 tentative water resources work program containing legislative  
3290 recommendations for water resource projects. The public has 30  
3291 days to submit comments regarding the tentative program.

3292           (b) The council shall adopt the tentative work program  
3293 containing its legislative recommendations and submit it to the  
3294 Governor, the President of the Senate, and the Speaker of the  
3295 House of Representatives by August 31 of each year. An  
3296 affirmative vote of three members of the council is required to  
3297 adopt the tentative work program.

3298           (7) The department shall provide primary staff support to  
3299 the council and shall ensure that council meetings are  
3300 electronically recorded. Such recordings must be preserved  
3301 pursuant to chapters 119 and 257.

3302           (8) The council shall recommend rules for adoption by the  
3303 department to competitively evaluate, select, and rank projects  
3304 for the tentative water resources work program. The council  
3305 shall develop specific criteria for the evaluation, selection,  
3306 and ranking of projects, including a preference for projects  
3307 that will have a significant, measurable impact on improving  
3308 water quantity or water quality; projects in areas of greatest  
3309 impairment; projects of state or regional significance; projects  
3310 recommended by multiple districts or multiple local governments  
3311 cooperatively; projects with a significant monetary commitment  
3312 by the local project sponsor or sponsors; projects in rural  
3313 areas of opportunity as defined in s. 288.0656; projects that  
3314 may be funded through appropriate loan programs; and projects  
3315 that have significant private contributions of time or money.

3316           (9) The department, in consultation with the Department of



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3317 Agriculture and Consumer Services, the Fish and Wildlife  
3318 Conservation Commission, and the water management districts,  
3319 shall adopt rules to implement this section.

3320 Section 35. Section 403.0617, Florida Statutes, is created  
3321 to read:

3322 403.0617 Innovative nutrient and sediment reduction and  
3323 conservation pilot project program.-

3324 (1) By December 31, 2015, the department shall adopt rules  
3325 to competitively evaluate and rank projects for selection and  
3326 prioritization by the Water Resources Advisory Council, pursuant  
3327 to s. 403.0616, for submission to the Legislature for funding.

3328 These pilot projects are intended to test the effectiveness of  
3329 innovative or existing nutrient reduction or water conservation  
3330 technologies, programs or practices designed to minimize  
3331 nutrient pollution or restore flows in the water bodies of the  
3332 state. The department must include in the evaluation criteria a  
3333 determination by the department that the pilot project will not  
3334 be harmful to the ecological resources in the study area.

3335 (2) In developing these rules, the department shall give  
3336 preference to the projects that will result in the greatest  
3337 improvement to water quality and water quantity for the dollars  
3338 to be expended for the project. At a minimum, the department  
3339 shall consider all of the following:

3340 (a) The level of nutrient impairment of the waterbody,  
3341 watershed, or water segment in which the project is located.

3342 (b) The quantity of pollutants, particularly total  
3343 nitrogen, which the project is estimated to remove from a water  
3344 body, watershed, or water segment with an adopted nutrient total  
3345 maximum daily load.



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3346       (c) The potential for the project to provide a cost-  
3347 effective solution to pollution caused by onsite sewage  
3348 treatment and disposal systems.

3349       (d) The flow necessary to restore a water resource to its  
3350 adopted minimum flow or minimum water level.

3351       (e) The anticipated impact the project will have on  
3352 restoring or increasing flow or water level.

3353       (f) The amount of matching funds for the project which will  
3354 be provided by the entities responsible for implementing the  
3355 project.

3356       (g) Whether the project is located in a rural area of  
3357 opportunity, as defined in s. 288.0656, with preference given to  
3358 the local government responsible for implementing the project.

3359       (h) For multiple-year projects, whether the project has  
3360 funding sources that are identified and assured through the  
3361 expected completion date of the project.

3362       (i) The cost of the project and the length of time it will  
3363 take to complete relative to its expected benefits.

3364       (j) Whether the entities responsible for implementing the  
3365 project have used their own funds for projects to improve water  
3366 quality or conserve water use with preference given to those  
3367 entities that have expended such funds.

3368       Section 36. Section 403.0623, Florida Statutes, is amended  
3369 to read:

3370       403.0623 Environmental data; quality assurance.-

3371       (1) The department must establish, by rule, appropriate  
3372 quality assurance requirements for environmental data submitted  
3373 to the department and the criteria by which environmental data  
3374 may be rejected by the department. The department may adopt and



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3375 enforce rules to establish data quality objectives and specify  
3376 requirements for training of laboratory and field staff, sample  
3377 collection methodology, proficiency testing, and audits of  
3378 laboratory and field sampling activities. Such rules may be in  
3379 addition to any laboratory certification provisions under ss.  
3380 403.0625 and 403.863.

3381 (2) (a) The department, in coordination with the water  
3382 management districts and regional water supply authorities,  
3383 shall establish standards for the collection of water quantity,  
3384 water quality, and related data to ensure quality, reliability,  
3385 and validity of the data and testing results. The water  
3386 management districts shall submit such data collected after June  
3387 30, 2015, to the department for analysis. The department shall  
3388 analyze the data to ensure statewide consistency. The department  
3389 shall maintain a centralized database for all testing results  
3390 and analyses, which must be accessible by the water management  
3391 districts.

3392 (b) To the extent practicable, the department shall  
3393 coordinate with federal agencies to ensure that its collection  
3394 and analysis of water quality, water quantity, and related data,  
3395 which may be used by any state agency, water management  
3396 district, or local government, is consistent with this  
3397 subsection.

3398 (c) In order to receive state funds for the acquisition of  
3399 lands or the financing of a water resource project, state  
3400 agencies and water management districts must use the  
3401 department's testing results and analysis, if available, as a  
3402 prerequisite for any such request for funding.

3403 (d) The department and the water management districts may



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3404 adopt rules to implement this subsection.

3405 Section 37. Subsection (7) of section 403.067, Florida  
3406 Statutes, is amended to read:

3407 403.067 Establishment and implementation of total maximum  
3408 daily loads.—

3409 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
3410 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3411 (a) *Basin management action plans.*—

3412 1. In developing and implementing the total maximum daily  
3413 load for a water body, the department, or the department in  
3414 conjunction with a water management district, may develop a  
3415 basin management action plan that addresses some or all of the  
3416 watersheds and basins tributary to the water body. Such plan  
3417 must integrate the appropriate management strategies available  
3418 to the state through existing water quality protection programs  
3419 to achieve the total maximum daily loads and may provide for  
3420 phased implementation of these management strategies to promote  
3421 timely, cost-effective actions as provided for in s. 403.151.  
3422 The plan must establish a schedule implementing the management  
3423 strategies, establish a basis for evaluating the plan's  
3424 effectiveness, and identify feasible funding strategies for  
3425 implementing the plan's management strategies. The management  
3426 strategies may include regional treatment systems or other  
3427 public works, where appropriate, and voluntary trading of water  
3428 quality credits to achieve the needed pollutant load reductions.

3429 2. A basin management action plan must equitably allocate,  
3430 pursuant to paragraph (6) (b), pollutant reductions to individual  
3431 basins, as a whole to all basins, or to each identified point  
3432 source or category of nonpoint sources, as appropriate. For



3433 nonpoint sources for which best management practices have been  
3434 adopted, the initial requirement specified by the plan must be  
3435 those practices developed pursuant to paragraph (c). Where  
3436 appropriate, the plan may take into account the benefits of  
3437 pollutant load reduction achieved by point or nonpoint sources  
3438 that have implemented management strategies to reduce pollutant  
3439 loads, including best management practices, before the  
3440 development of the basin management action plan. The plan must  
3441 also identify the mechanisms that will address potential future  
3442 increases in pollutant loading.

3443         3. The basin management action planning process is intended  
3444 to involve the broadest possible range of interested parties,  
3445 with the objective of encouraging the greatest amount of  
3446 cooperation and consensus possible. In developing a basin  
3447 management action plan, the department shall assure that key  
3448 stakeholders, including, but not limited to, applicable local  
3449 governments, water management districts, the Department of  
3450 Agriculture and Consumer Services, other appropriate state  
3451 agencies, local soil and water conservation districts,  
3452 environmental groups, regulated interests, and affected  
3453 pollution sources, are invited to participate in the process.  
3454 The department shall hold at least one public meeting in the  
3455 vicinity of the watershed or basin to discuss and receive  
3456 comments during the planning process and shall otherwise  
3457 encourage public participation to the greatest practicable  
3458 extent. Notice of the public meeting must be published in a  
3459 newspaper of general circulation in each county in which the  
3460 watershed or basin lies not less than 5 days nor more than 15  
3461 days before the public meeting. A basin management action plan





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3462 does not supplant or otherwise alter any assessment made under  
3463 subsection (3) or subsection (4) or any calculation or initial  
3464 allocation.

3465 4. Each new or revised basin management action plan shall  
3466 include:

3467 a. The appropriate management strategies available through  
3468 existing water quality protection programs to achieve total  
3469 maximum daily loads, which may provide for phased implementation  
3470 to promote timely, cost-effective actions as provided for in s.  
3471 403.151;

3472 b. A description of best management practices adopted by  
3473 rule;

3474 c. A list of projects in priority ranking with a planning-  
3475 level cost estimate and estimated date of completion for each  
3476 listed project;

3477 d. The source and amount of financial assistance to be made  
3478 available by the department, a water management district, or  
3479 other entity for each listed project, if applicable; and

3480 e. A planning-level estimate of each listed project's  
3481 expected load reduction, if applicable.

3482 5.4. The department shall adopt all or any part of a basin  
3483 management action plan and any amendment to such plan by  
3484 secretarial order pursuant to chapter 120 to implement the  
3485 provisions of this section.

3486 6.5. The basin management action plan must include  
3487 milestones for implementation and water quality improvement, and  
3488 an associated water quality monitoring component sufficient to  
3489 evaluate whether reasonable progress in pollutant load  
3490 reductions is being achieved over time. An assessment of



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3491 progress toward these milestones shall be conducted every 5  
3492 years, and revisions to the plan shall be made as appropriate.  
3493 Revisions to the basin management action plan shall be made by  
3494 the department in cooperation with basin stakeholders. Revisions  
3495 to the management strategies required for nonpoint sources must  
3496 follow the procedures set forth in subparagraph (c)4. Revised  
3497 basin management action plans must be adopted pursuant to  
3498 subparagraph 4.

3499 ~~7.6.~~ In accordance with procedures adopted by rule under  
3500 paragraph (9)(c), basin management action plans, and other  
3501 pollution control programs under local, state, or federal  
3502 authority as provided in subsection (4), may allow point or  
3503 nonpoint sources that will achieve greater pollutant reductions  
3504 than required by an adopted total maximum load or wasteload  
3505 allocation to generate, register, and trade water quality  
3506 credits for the excess reductions to enable other sources to  
3507 achieve their allocation; however, the generation of water  
3508 quality credits does not remove the obligation of a source or  
3509 activity to meet applicable technology requirements or adopted  
3510 best management practices. Such plans must allow trading between  
3511 NPDES permittees, and trading that may or may not involve NPDES  
3512 permittees, where the generation or use of the credits involve  
3513 an entity or activity not subject to department water discharge  
3514 permits whose owner voluntarily elects to obtain department  
3515 authorization for the generation and sale of credits.

3516 ~~8.7.~~ The provisions of the department's rule relating to  
3517 the equitable abatement of pollutants into surface waters do not  
3518 apply to water bodies or water body segments for which a basin  
3519 management plan that takes into account future new or expanded



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3520 activities or discharges has been adopted under this section.

3521 (b) *Total maximum daily load implementation.*—

3522 1. The department shall be the lead agency in coordinating  
3523 the implementation of the total maximum daily loads through  
3524 existing water quality protection programs. Application of a  
3525 total maximum daily load by a water management district must be  
3526 consistent with this section and does not require the issuance  
3527 of an order or a separate action pursuant to s. 120.536(1) or s.  
3528 120.54 for the adoption of the calculation and allocation  
3529 previously established by the department. Such programs may  
3530 include, but are not limited to:

3531 a. Permitting and other existing regulatory programs,  
3532 including water-quality-based effluent limitations;

3533 b. Nonregulatory and incentive-based programs, including  
3534 best management practices, cost sharing, waste minimization,  
3535 pollution prevention, agreements established pursuant to s.  
3536 403.061(21), and public education;

3537 c. Other water quality management and restoration  
3538 activities, for example surface water improvement and management  
3539 plans approved by water management districts or basin management  
3540 action plans developed pursuant to this subsection;

3541 d. Trading of water quality credits or other equitable  
3542 economically based agreements;

3543 e. Public works including capital facilities; or

3544 f. Land acquisition.

3545 2. For a basin management action plan adopted pursuant to  
3546 paragraph (a), any management strategies and pollutant reduction  
3547 requirements associated with a pollutant of concern for which a  
3548 total maximum daily load has been developed, including effluent



3549 limits set forth for a discharger subject to NPDES permitting,  
3550 if any, must be included in a timely manner in subsequent NPDES  
3551 permits or permit modifications for that discharger. The  
3552 department may not impose limits or conditions implementing an  
3553 adopted total maximum daily load in an NPDES permit until the  
3554 permit expires, the discharge is modified, or the permit is  
3555 reopened pursuant to an adopted basin management action plan.

3556 a. Absent a detailed allocation, total maximum daily loads  
3557 must be implemented through NPDES permit conditions that provide  
3558 for a compliance schedule. In such instances, a facility's NPDES  
3559 permit must allow time for the issuance of an order adopting the  
3560 basin management action plan. The time allowed for the issuance  
3561 of an order adopting the plan may not exceed 5 years. Upon  
3562 issuance of an order adopting the plan, the permit must be  
3563 reopened or renewed, as necessary, and permit conditions  
3564 consistent with the plan must be established. Notwithstanding  
3565 the other provisions of this subparagraph, upon request by an  
3566 NPDES permittee, the department as part of a permit issuance,  
3567 renewal, or modification may establish individual allocations  
3568 before the adoption of a basin management action plan.

3569 b. For holders of NPDES municipal separate storm sewer  
3570 system permits and other stormwater sources, implementation of a  
3571 total maximum daily load or basin management action plan must be  
3572 achieved, to the maximum extent practicable, through the use of  
3573 best management practices or other management measures.

3574 c. The basin management action plan does not relieve the  
3575 discharger from any requirement to obtain, renew, or modify an  
3576 NPDES permit or to abide by other requirements of the permit.

3577 d. Management strategies set forth in a basin management



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3578 action plan to be implemented by a discharger subject to  
3579 permitting by the department must be completed pursuant to the  
3580 schedule set forth in the basin management action plan. This  
3581 implementation schedule may extend beyond the 5-year term of an  
3582 NPDES permit.

3583 e. Management strategies and pollution reduction  
3584 requirements set forth in a basin management action plan for a  
3585 specific pollutant of concern are not subject to challenge under  
3586 chapter 120 at the time they are incorporated, in an identical  
3587 form, into a subsequent NPDES permit or permit modification.

3588 f. For nonagricultural pollutant sources not subject to  
3589 NPDES permitting but permitted pursuant to other state,  
3590 regional, or local water quality programs, the pollutant  
3591 reduction actions adopted in a basin management action plan must  
3592 be implemented to the maximum extent practicable as part of  
3593 those permitting programs.

3594 g. A nonpoint source discharger included in a basin  
3595 management action plan must demonstrate compliance with the  
3596 pollutant reductions established under subsection (6) by  
3597 implementing the appropriate best management practices  
3598 established pursuant to paragraph (c) or conducting water  
3599 quality monitoring prescribed by the department or a water  
3600 management district. A nonpoint source discharger may, in  
3601 accordance with department rules, supplement the implementation  
3602 of best management practices with water quality credit trades in  
3603 order to demonstrate compliance with the pollutant reductions  
3604 established under subsection (6).

3605 h. A nonpoint source discharger included in a basin  
3606 management action plan may be subject to enforcement action by



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3607 the department or a water management district based upon a  
3608 failure to implement the responsibilities set forth in sub-  
3609 subparagraph g.

3610 i. A landowner, discharger, or other responsible person who  
3611 is implementing applicable management strategies specified in an  
3612 adopted basin management action plan may not be required by  
3613 permit, enforcement action, or otherwise to implement additional  
3614 management strategies, including water quality credit trading,  
3615 to reduce pollutant loads to attain the pollutant reductions  
3616 established pursuant to subsection (6) and shall be deemed to be  
3617 in compliance with this section. This subparagraph does not  
3618 limit the authority of the department to amend a basin  
3619 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

3620 (c) *Best management practices.*—

3621 1. The department, in cooperation with the water management  
3622 districts and other interested parties, as appropriate, may  
3623 develop suitable interim measures, best management practices, or  
3624 other measures necessary to achieve the level of pollution  
3625 reduction established by the department for nonagricultural  
3626 nonpoint pollutant sources in allocations developed pursuant to  
3627 subsection (6) and this subsection. These practices and measures  
3628 may be adopted by rule by the department and the water  
3629 management districts and, where adopted by rule, shall be  
3630 implemented by those parties responsible for nonagricultural  
3631 nonpoint source pollution.

3632 2. The Department of Agriculture and Consumer Services may  
3633 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
3634 suitable interim measures, best management practices, or other  
3635 measures necessary to achieve the level of pollution reduction



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3636 established by the department for agricultural pollutant sources  
3637 in allocations developed pursuant to subsection (6) and this  
3638 subsection or for programs implemented pursuant to paragraph  
3639 (12) (b) ~~(13) (b)~~. These practices and measures may be implemented  
3640 by those parties responsible for agricultural pollutant sources  
3641 and the department, the water management districts, and the  
3642 Department of Agriculture and Consumer Services shall assist  
3643 with implementation. In the process of developing and adopting  
3644 rules for interim measures, best management practices, or other  
3645 measures, the Department of Agriculture and Consumer Services  
3646 shall consult with the department, the Department of Health, the  
3647 water management districts, representatives from affected  
3648 farming groups, and environmental group representatives. Such  
3649 rules must also incorporate provisions for a notice of intent to  
3650 implement the practices and a system to assure the  
3651 implementation of the practices, including site inspection and  
3652 recordkeeping requirements.

3653         3. Where interim measures, best management practices, or  
3654 other measures are adopted by rule, the effectiveness of such  
3655 practices in achieving the levels of pollution reduction  
3656 established in allocations developed by the department pursuant  
3657 to subsection (6) and this subsection or in programs implemented  
3658 pursuant to paragraph (12) (b) ~~(13) (b)~~ must be verified at  
3659 representative sites by the department. The department shall use  
3660 best professional judgment in making the initial verification  
3661 that the best management practices are reasonably expected to be  
3662 effective and, where applicable, must notify the appropriate  
3663 water management district or the Department of Agriculture and  
3664 Consumer Services of its initial verification before the



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3665 adoption of a rule proposed pursuant to this paragraph.  
3666 Implementation, in accordance with rules adopted under this  
3667 paragraph, of practices that have been initially verified to be  
3668 effective, or verified to be effective by monitoring at  
3669 representative sites, by the department, shall provide a  
3670 presumption of compliance with state water quality standards and  
3671 release from the provisions of s. 376.307(5) for those  
3672 pollutants addressed by the practices, and the department is not  
3673 authorized to institute proceedings against the owner of the  
3674 source of pollution to recover costs or damages associated with  
3675 the contamination of surface water or groundwater caused by  
3676 those pollutants. Research projects funded by the department, a  
3677 water management district, or the Department of Agriculture and  
3678 Consumer Services to develop or demonstrate interim measures or  
3679 best management practices shall be granted a presumption of  
3680 compliance with state water quality standards and a release from  
3681 the provisions of s. 376.307(5). The presumption of compliance  
3682 and release is limited to the research site and only for those  
3683 pollutants addressed by the interim measures or best management  
3684 practices. Eligibility for the presumption of compliance and  
3685 release is limited to research projects on sites where the owner  
3686 or operator of the research site and the department, a water  
3687 management district, or the Department of Agriculture and  
3688 Consumer Services have entered into a contract or other  
3689 agreement that, at a minimum, specifies the research objectives,  
3690 the cost-share responsibilities of the parties, and a schedule  
3691 that details the beginning and ending dates of the project.

3692 4. Where water quality problems are demonstrated, despite  
3693 the appropriate implementation, operation, and maintenance of





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3694 best management practices and other measures required by rules  
3695 adopted under this paragraph, the department, a water management  
3696 district, or the Department of Agriculture and Consumer  
3697 Services, in consultation with the department, shall institute a  
3698 reevaluation of the best management practice or other measure.  
3699 Should the reevaluation determine that the best management  
3700 practice or other measure requires modification, the department,  
3701 a water management district, or the Department of Agriculture  
3702 and Consumer Services, as appropriate, shall revise the rule to  
3703 require implementation of the modified practice within a  
3704 reasonable time period as specified in the rule.

3705         5. Agricultural records relating to processes or methods of  
3706 production, costs of production, profits, or other financial  
3707 information held by the Department of Agriculture and Consumer  
3708 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
3709 rule adopted pursuant to subparagraph 2. are confidential and  
3710 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3711 Constitution. Upon request, records made confidential and exempt  
3712 pursuant to this subparagraph shall be released to the  
3713 department or any water management district provided that the  
3714 confidentiality specified by this subparagraph for such records  
3715 is maintained.

3716         6. The provisions of subparagraphs 1. and 2. do not  
3717 preclude the department or water management district from  
3718 requiring compliance with water quality standards or with  
3719 current best management practice requirements set forth in any  
3720 applicable regulatory program authorized by law for the purpose  
3721 of protecting water quality. Additionally, subparagraphs 1. and  
3722 2. are applicable only to the extent that they do not conflict



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3723 with any rules adopted by the department that are necessary to  
3724 maintain a federally delegated or approved program.

3725 (d) Enforcement and verification of basin management action  
3726 plans and management strategies.-

3727 1. Basin management action plans are enforceable pursuant  
3728 to this section and ss. 403.121, 403.141, and 403.161.

3729 Management strategies, including best management practices and  
3730 water quality monitoring, are enforceable under this chapter.

3731 2. No later than January 1, 2016:

3732 a. The department, in consultation with the water  
3733 management districts and the Department of Agriculture and  
3734 Consumer Services, shall initiate rulemaking to adopt procedures  
3735 to verify implementation of water quality monitoring required in  
3736 lieu of implementation of best management practices or other  
3737 measures pursuant to s. 403.067(7)(b)2.g.;

3738 b. The department, in consultation with the water  
3739 management districts and the Department of Agriculture and  
3740 Consumer Services, shall initiate rulemaking to adopt procedures  
3741 to verify implementation of nonagricultural interim measures,  
3742 best management practices, or other measures adopted by rule  
3743 pursuant to s. 403.067(7)(c)1.; and

3744 c. The Department of Agriculture and Consumer Services, in  
3745 consultation with the water management districts and the  
3746 department, shall initiate rulemaking to adopt procedures to  
3747 verify implementation of agricultural interim measures, best  
3748 management practices, or other measures adopted by rule pursuant  
3749 to s. 403.067(7)(c)2.

3750  
3751 The above rules shall include enforcement procedures applicable



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3752 to the landowner, discharger, or other responsible person  
3753 required to implement applicable management strategies,  
3754 including best management practices, or water quality monitoring  
3755 as a result of noncompliance.

3756 Section 38. Section 403.0675, Florida Statutes, is created  
3757 to read:

3758 403.0675 Progress reports.-

3759 (1) On or before July 1, beginning July 1, 2017:

3760 (a) The department, in conjunction with the water  
3761 management districts, shall submit progress reports to the  
3762 Governor, the President of the Senate, and the Speaker of the  
3763 House of Representatives on the status of each total maximum  
3764 daily load, basin management action plan, minimum flow or  
3765 minimum water level, and recovery or prevention strategy adopted  
3766 pursuant to s. 403.067 or parts I and VIII of chapter 373. The  
3767 report must include the status of each project identified to  
3768 achieve an adopted total maximum daily load or an adopted or  
3769 minimum flow or minimum water level, as applicable. If a report  
3770 indicates that any of the 5-, 10-, or 15-year milestones, or the  
3771 20-year target date, if applicable, for achieving a total  
3772 maximum daily load or a minimum flow or minimum water level will  
3773 not be met, the report must include an explanation of the  
3774 possible causes and potential solutions. If applicable, the  
3775 report shall include project descriptions, estimated costs,  
3776 proposed priority ranking for project implementation, and  
3777 funding needed to achieve the total maximum daily load or the  
3778 minimum flow or minimum water level by the target date.

3779 (b) The Department of Agriculture and Consumer Services  
3780 shall report to the Governor, the President of the Senate, and



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3781 the Speaker of the House of Representatives on the status of the  
3782 implementation of the agricultural nonpoint source best  
3783 management practices including an implementation assurance  
3784 report summarizing survey responses and response rates, site  
3785 inspections and other methods used to verify implementation of  
3786 and compliance with best management practices pursuant to basin  
3787 management action plans.

3788 Section 39. Subsection (21) is added to section 403.861,  
3789 Florida Statutes, to read:

3790 403.861 Department; powers and duties.—The department shall  
3791 have the power and the duty to carry out the provisions and  
3792 purposes of this act and, for this purpose, to:

3793 (21) (a) Upon issuance of a construction permit to construct  
3794 a new public water system drinking water treatment facility to  
3795 provide potable water supply using a surface water of the state  
3796 that, at the time of the permit application, is not being used  
3797 as a potable water supply, and the classification of which does  
3798 not include potable water supply as a designated use, the  
3799 department shall add treated potable water supply as a  
3800 designated use of the surface water segment in accordance with  
3801 s. 403.061(29) (b).

3802 (b) For existing public water system drinking water  
3803 treatment facilities that use a surface water of the state as a  
3804 treated potable water supply, which surface water classification  
3805 does not include potable water as a designated use, the  
3806 department shall add treated potable water supply as a  
3807 designated use of the surface water segment in accordance with  
3808 s. 403.061(29) (b).

3809 Section 40. This act shall take effect July 1, 2015.



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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

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



3839 network plan for the Florida Shared-Use Nonmotorized  
3840 Trail Network; creating s. 339.83, F.S.; authorizing  
3841 the department to enter into concession agreements  
3842 with not-for-profit or private sector entities for  
3843 certain commercial sponsorship signs, markings, and  
3844 exhibits; authorizing the department to contract for  
3845 the provision of certain services related to the trail  
3846 sponsorship program; authorizing the department to  
3847 adopt rules; amending s. 373.019, F.S.; revising the  
3848 definition of the term "water resource development" to  
3849 include technical assistance to self-suppliers under  
3850 certain circumstances; amending s. 373.036, F.S.;  
3851 requiring certain information to be included in the  
3852 consolidated annual report for all projects related to  
3853 water quality or water quantity; amending s. 373.042,  
3854 F.S.; requiring the Department of Environmental  
3855 Protection or the governing board of a water  
3856 management district to adopt a minimum flow or minimum  
3857 water level for an Outstanding Florida Spring using  
3858 emergency rulemaking authority; requiring  
3859 collaboration in the development and implementation of  
3860 recovery or prevention strategies under certain  
3861 circumstances; authorizing the department to use  
3862 emergency rulemaking procedures under certain  
3863 circumstances; amending s. 373.0421, F.S.; directing  
3864 the department or water management district governing  
3865 boards to adopt and implement certain recovery or  
3866 prevention strategies concurrent with the adoption of  
3867 minimum flows and minimum water levels; providing



3868 criteria for such recovery or prevention strategies;  
3869 requiring certain amendments to regional water supply  
3870 plans to be concurrent with relevant portions of the  
3871 recovery or prevention strategy; directing water  
3872 management districts to notify the department when  
3873 water use permit applications are denied for a  
3874 specified reason; providing for the review and update  
3875 of regional water supply plans in such cases;  
3876 conforming cross-references; creating s. 373.0465,  
3877 F.S.; providing legislative intent; defining the term  
3878 "Central Florida Water Initiative Area"; requiring the  
3879 department, the St. Johns River Water Management  
3880 District, the South Florida Water Management District,  
3881 the Southwest Florida Water Management District, and  
3882 the Department of Agriculture and Consumer Services to  
3883 develop and implement a multidistrict regional water  
3884 supply plan; providing plan criteria and requirements;  
3885 providing applicability; requiring the department to  
3886 adopt rules; amending s. 373.1501, F.S.; specifying  
3887 authority of the South Florida Water Management  
3888 District to allocate quantities of, and assign  
3889 priorities for the use of, water within its  
3890 jurisdiction; directing the district to provide  
3891 recommendations to the United States Army Corps of  
3892 Engineers when developing or implementing certain  
3893 water control plans or regulation schedules; amending  
3894 s. 373.218, F.S.; requiring the department to adopt a  
3895 uniform definition of the term "harmful to the water  
3896 resources"; amending s. 373.223, F.S.; requiring



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3897 consumptive use permits authorizing over a certain  
3898 amount to be monitored on a specified basis; amending  
3899 s. 373.2234, F.S.; directing water management district  
3900 governing boards to consider the identification of  
3901 preferred water supply sources for certain water  
3902 users; amending s. 373.227, F.S.; prohibiting water  
3903 management districts from modifying permitted  
3904 allocation amounts under certain circumstances;  
3905 requiring the water management districts to adopt  
3906 rules to promote water conservation incentives;  
3907 amending s. 373.233, F.S.; providing conditions under  
3908 which the department and water management district  
3909 governing boards are directed to give preference to  
3910 certain applications; amending s. 373.4591, F.S.;  
3911 providing priority consideration to certain public-  
3912 private partnerships for water storage, groundwater  
3913 recharge, and water quality improvements on private  
3914 agricultural lands; amending s. 373.4595, F.S.;  
3915 revising and providing definitions relating to the  
3916 Northern Everglades and Estuaries Protection Program;  
3917 clarifying provisions of the Lake Okeechobee Watershed  
3918 Protection Program; directing the South Florida Water  
3919 Management District to revise certain rules and  
3920 provide for a watershed research and water quality  
3921 monitoring program; revising provisions for the  
3922 Caloosahatchee River Watershed Protection Program and  
3923 the St. Lucie River Watershed Protection Program;  
3924 revising permitting and annual reporting requirements  
3925 relating to the Northern Everglades and Estuaries





3926 Protection Program; providing enforcement provisions  
3927 for certain basin management action plans; amending s.  
3928 373.536, F.S.; requiring a water management district  
3929 to include an annual funding plan in the water  
3930 resource development work program; directing the  
3931 department to post the work program on its website;  
3932 amending s. 373.703, F.S.; authorizing water  
3933 management districts to join with private landowners  
3934 for the purpose of carrying out its powers; amending  
3935 s. 373.705, F.S.; requiring governing boards to  
3936 include certain information in their annual budget  
3937 submittals; providing first consideration for funding  
3938 assistance to certain water supply development  
3939 projects; requiring water management districts to  
3940 promote expanded cost-share criteria for additional  
3941 conservation practices; amending s. 373.707, F.S.;  
3942 authorizing water management districts to provide  
3943 technical and financial assistance to certain self-  
3944 suppliers and to waive certain construction costs of  
3945 alternative water supply development projects  
3946 sponsored by certain water users; amending s. 373.709,  
3947 F.S.; requiring regional water supply plans to include  
3948 traditional and alternative water supply project  
3949 options that are technically and financially feasible;  
3950 directing the department to include certain funding  
3951 analyses and project explanations in regional water  
3952 supply planning reports; creating part VIII of ch.  
3953 373, F.S., entitled the "Florida Springs and Aquifer  
3954 Protection Act"; creating s. 373.801, F.S.; providing



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3955 legislative findings and intent; creating s. 373.802,  
3956 F.S.; defining terms; creating s. 373.803, F.S.;  
3957 requiring the department to delineate a priority focus  
3958 area for each Outstanding Florida Spring by a certain  
3959 date; creating s. 373.805, F.S.; requiring a water  
3960 management district or the department to adopt or  
3961 revise various recovery or prevention strategies under  
3962 certain circumstances by a certain date; providing  
3963 minimum requirements for recovery or prevention  
3964 strategies for Outstanding Florida Springs;  
3965 authorizing local governments to apply for an  
3966 extension for projects in an adopted recovery or  
3967 prevention strategy; creating s. 373.807, F.S.;  
3968 requiring the department to initiate assessments of  
3969 Outstanding Florida Springs by a certain date;  
3970 requiring the department to develop basin management  
3971 action plans; authorizing local governments to apply  
3972 for an extension for projects in an adopted basin  
3973 management action plan; requiring local governments to  
3974 adopt an urban fertilizer ordinance by a certain date;  
3975 requiring the department, the Department of Health,  
3976 and local governments to identify onsite sewage  
3977 treatment and disposal systems within each priority  
3978 focus area; requiring local governments to develop  
3979 onsite sewage treatment and disposal system  
3980 remediation plans; prohibiting property owners with  
3981 identified onsite sewage treatment and disposal  
3982 systems from being required to pay certain costs;  
3983 creating s. 373.811, F.S.; specifying prohibited



3984 activities within a priority focus area of an  
3985 Outstanding Florida Spring; creating s. 373.813, F.S.;  
3986 providing rulemaking authority; amending s. 403.061,  
3987 F.S.; requiring the department to create a  
3988 consolidated water resources work plan; directing the  
3989 department to adopt by rule a specific surface water  
3990 classification to protect surface waters used for  
3991 treated potable water supply; providing criteria for  
3992 such rule; authorizing the reclassification of surface  
3993 waters used for treated potable water supply  
3994 notwithstanding such rule; requiring the department to  
3995 create and maintain a web-based interactive map;  
3996 creating s. 403.0616, F.S.; creating the Florida Water  
3997 Resources Advisory Council to provide the Legislature  
3998 with recommendations for projects submitted by  
3999 governmental entities; requiring the council to  
4000 consolidate various reports to enhance the water  
4001 resources of this state; requiring the department to  
4002 adopt rules; creating s. 403.0617, F.S.; requiring the  
4003 department to adopt rules to fund certain pilot  
4004 projects; amending s. 403.0623, F.S.; requiring the  
4005 department to establish certain standards to ensure  
4006 statewide consistency; requiring the department to  
4007 maintain a centralized database for testing results  
4008 and analysis of water quantity and quality data;  
4009 requiring state agencies and water management  
4010 districts to use the department's testing results and  
4011 analysis in order to receive certain funding; amending  
4012 s. 403.067, F.S.; providing requirements for new or



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4013 revised best management action plans; requiring the  
4014 department adopt rules relating to the enforcement and  
4015 verification of best management action plans and  
4016 management strategies; creating s. 403.0675, F.S.;  
4017 requiring the department to submit annual reports;  
4018 amending s. 403.861, F.S.; directing the department to  
4019 add treated potable water supply as a designated use  
4020 of a surface water segment under certain  
4021 circumstances; providing an effective date.