



612098

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/24/2015	.	
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The Committee on Environmental Preservation and Conservation  
(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 will require enhanced accommodation of alternative  
204 travel modes to meet the needs of residents and visitors. 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 to 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 Shared-Use Nonmotorized



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

278 (2) The Shared-Use Nonmotorized Trail Network Plan must  
279 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 Shared-Use Nonmotorized Trail  
283 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 illustrating existing and planned facilities and  
295 identifying 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, present paragraphs (d)  
402 and (e) of subsection (7) are redesignated as paragraphs (e) and  
403 (f), respectively, and a new paragraph (d) is added to that  
404 subsection, to read:

405 373.036 Florida water plan; district water management  
406 plans.-

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

408 (b) The consolidated annual report shall contain the  
409 following elements, as appropriate to that water management  
410 district:

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

413 2. The department-approved minimum flows and levels annual  
414 priority list and schedule required by s. 373.042(3) ~~s.~~  
415 ~~373.042(2)~~.

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



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417 s. 373.536(6)(a)3.

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

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

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

424 7. The mitigation donation annual report required by s.  
425 373.414(1)(b)2.

426 (d) The consolidated annual report must contain information  
427 on all projects related to water quality or water quantity as  
428 part of a 5-year work program, including:

429 1. A list of all specific projects identified to implement  
430 a basin management action plan or a recovery or prevention  
431 strategy;

432 2. A grade for each watershed, water body, or water segment  
433 in which a project is located representing the level of  
434 impairment and violations of adopted or interim minimum flow or  
435 minimum water level. The grading system must reflect the  
436 severity of the impairment of the watershed, waterbody, or water  
437 segment;

438 3. A priority ranking for each listed project for which  
439 state funding through the water resources work program is  
440 requested, which must be made available to the public for  
441 comment at least 30 days before submission of the consolidated  
442 annual report;

443 4. The estimated cost for each listed project;

444 5. The estimated completion date for each listed project;

445 6. The source and amount of financial assistance to be made





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446 available by the department, a water management district, or  
447 other entity for each listed project; and

448 7. A quantitative estimate of each listed project's benefit  
449 to the watershed, water body, or water segment in which it is  
450 located.

451 Section 9. Subsection (1) and present subsections (2) and  
452 (6) of section 373.042, Florida Statutes, are amended, present  
453 subsections (2) through (6) of that section are redesignated as  
454 subsections (3) through (7), respectively, and a new subsection  
455 (2) is added to that section, to read:

456 373.042 Minimum flows and levels.-

457 (1) Within each section, or within the water management  
458 district as a whole, the department or the governing board shall  
459 establish the following:

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

464 (b) Minimum water level. The minimum water level is ~~shall~~  
465 ~~be~~ the level of groundwater in an aquifer and the level of  
466 surface water at which further withdrawals would be  
467 significantly harmful to the water resources or ecology of the  
468 area.

469 (c) Minimum flow or minimum water level for an Outstanding  
470 Florida Spring, as defined in s. 373.802. The minimum flow or  
471 minimum water level are the limit and level, respectively, at  
472 which further withdrawals would be harmful to the water  
473 resources or ecology of the area.

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475 The minimum flow and minimum water level shall be calculated by  
476 the department and the governing board using the best  
477 information available. When appropriate, minimum flows and  
478 minimum water levels may be calculated to reflect seasonal  
479 variations. The department and the governing board shall ~~also~~  
480 consider, and at their discretion may provide for, the  
481 protection of nonconsumptive uses in the establishment of  
482 minimum flows and minimum water levels.

483 (2) (a) Until such time as a minimum flow or minimum water  
484 level is adopted for an Outstanding Florida Spring, the interim  
485 minimum flow or minimum water level for such spring shall be  
486 determined by using the best existing and available information.  
487 The interim minimum flow or minimum water level is the flow or  
488 water level exceeded 67 percent of the time based upon an  
489 analysis of estimated long-term conditions. By July 1, 2016, the  
490 districts shall use reasonable calculations to estimate the  
491 long-term median flow or water level and the flow or water level  
492 that would be exceeded 67 percent of the time. The analysis may  
493 include construction of a flow or water level duration curve, an  
494 analysis of the flow or water level at any point in the spring,  
495 and historic data to extrapolate the values or other statistical  
496 methods to estimate the long-term median flow or water level  
497 that would be exceeded 67 percent of the time.

498 (b) If a minimum flow or minimum water level has been  
499 established but not yet adopted for an Outstanding Florida  
500 Spring, a water management district shall use the established  
501 minimum flow or minimum water level, instead of the minimum flow  
502 or minimum water level established by the procedure in paragraph  
503 (a), as the interim minimum flow or minimum water level until



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504 the adoption of a minimum flow or minimum water level. Long-term  
505 or short-term seasonal or annual variations in flows or water  
506 levels of an Outstanding Florida Spring due to factors other  
507 than water withdrawals are not considered violations of an  
508 interim minimum flow or minimum water level.

509 (c) For Outstanding Florida Springs identified on a water  
510 management district's priority list developed pursuant to  
511 subsection (3) which have the potential to be affected by  
512 withdrawals in an adjacent district, the interim minimum flow or  
513 minimum water level shall be applied by the adjacent district or  
514 districts. By July 1, 2017, the adjacent districts and the  
515 department shall collaboratively develop and implement a  
516 recovery or prevention strategy for an Outstanding Florida  
517 Spring not meeting an adopted or interim minimum flow or minimum  
518 water level.

519 (d) The Legislature finds that the failure to adopt minimum  
520 flows and minimum water levels or recovery or prevention  
521 strategies for Outstanding Florida Springs has resulted in an  
522 immediate danger to the public health, safety, and welfare and  
523 that immediate action must be taken to address the condition of  
524 Outstanding Florida Springs. The department may use emergency  
525 rulemaking provisions pursuant to s. 120.54(4) to adopt interim  
526 minimum flows and minimum water levels under this subsection and  
527 recovery or prevention strategies concurrent with an interim  
528 minimum flow or minimum water level pursuant to s.  
529 373.805(2) (b). For purposes of this section, an interim minimum  
530 flow or minimum water level and a recovery or prevention  
531 strategy shall remain in effect until January 1, 2018, and may  
532 not be renewable, except as otherwise provided in s.



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533 120.54(4)(c).

534 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each  
535 water management district shall submit to the department for  
536 review and approval a priority list and schedule for the  
537 establishment of minimum flows and levels for surface  
538 watercourses, aquifers, and surface waters within the district.  
539 The priority list and schedule shall identify those listed water  
540 bodies for which the district will voluntarily undertake  
541 independent scientific peer review; any reservations proposed by  
542 the district to be established pursuant to s. 373.223(4); and  
543 those listed water bodies that have the potential to be affected  
544 by withdrawals in an adjacent district for which the  
545 department's adoption of a reservation pursuant to s. 373.223(4)  
546 or a minimum flow or level pursuant to subsection (1) may be  
547 appropriate. By March 1, 2006, and annually thereafter, each  
548 water management district shall include its approved priority  
549 list and schedule in the consolidated annual report required by  
550 s. 373.036(7). The priority list shall be based upon the  
551 importance of the waters to the state or region and the  
552 existence of or potential for significant harm to the water  
553 resources or ecology of the state or region, and shall include  
554 those waters which are experiencing or may reasonably be  
555 expected to experience adverse impacts. Each water management  
556 district's priority list and schedule shall include all first  
557 magnitude springs, and all second magnitude springs within state  
558 or federally owned lands purchased for conservation purposes.  
559 The specific schedule for establishment of spring minimum flows  
560 and levels shall be commensurate with the existing or potential  
561 threat to spring flow from consumptive uses. Springs within the



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562 Suwannee River Water Management District, or second magnitude  
563 springs in other areas of the state, need not be included on the  
564 priority list if the water management district submits a report  
565 to the Department of Environmental Protection demonstrating that  
566 adverse impacts are not now occurring nor are reasonably  
567 expected to occur from consumptive uses during the next 20  
568 years. The priority list and schedule is not subject to any  
569 proceeding pursuant to chapter 120. Except as provided in  
570 subsection (4) ~~(3)~~, the development of a priority list and  
571 compliance with the schedule for the establishment of minimum  
572 flows and levels pursuant to this subsection satisfies the  
573 requirements of subsection (1).

574 (7) ~~(6)~~ If a petition for administrative hearing is filed  
575 under chapter 120 challenging the establishment of a minimum  
576 flow or level, the report of an independent scientific peer  
577 review conducted under subsection (5) ~~(4)~~ is admissible as  
578 evidence in the final hearing, and the administrative law judge  
579 must render the order within 120 days after the filing of the  
580 petition. The time limit for rendering the order shall not be  
581 extended except by agreement of all the parties. To the extent  
582 that the parties agree to the findings of the peer review, they  
583 may stipulate that those findings be incorporated as findings of  
584 fact in the final order.

585 Section 10. Section 373.0421, Florida Statutes, is amended  
586 to read:

587 373.0421 Establishment and implementation of minimum flows  
588 and levels.—

589 (1) ESTABLISHMENT.—

590 (a) *Considerations*.—When establishing minimum flows and



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591 minimum water levels pursuant to s. 373.042, the department or  
592 governing board shall consider changes and structural  
593 alterations to watersheds, surface waters, and aquifers and the  
594 effects such changes or alterations have had, and the  
595 constraints such changes or alterations have placed, on the  
596 hydrology of an affected watershed, surface water, or aquifer,  
597 provided that nothing in this paragraph shall allow significant  
598 harm as provided by s. 373.042(1) (a) and (b), or harm as  
599 provided by s. 373.042(1) (c), caused by withdrawals.

600 (b) *Exclusions.*—

601 1. The Legislature recognizes that certain water bodies no  
602 longer serve their historical hydrologic functions. The  
603 Legislature also recognizes that recovery of these water bodies  
604 to historical hydrologic conditions may not be economically or  
605 technically feasible, and that such recovery effort could cause  
606 adverse environmental or hydrologic impacts. Accordingly, the  
607 department or governing board may determine that setting a  
608 minimum flow or level for such a water body based on its  
609 historical condition is not appropriate.

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

615 3. The department or the governing board shall not set  
616 minimum flows or levels pursuant to s. 373.042 for surface water  
617 bodies constructed prior to the requirement for a permit, or  
618 pursuant to an exemption, a permit, or a reclamation plan which  
619 regulates the size, depth, or function of the surface water body



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620 under the provisions of this chapter, chapter 378, or chapter  
621 403, unless the constructed surface water body is of significant  
622 hydrologic value or is an essential element of the water  
623 resources of the area.

624

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

627 (2) If the existing flow or level in a water body is below,  
628 or is projected to fall within 20 years below, the applicable  
629 minimum flow or level established pursuant to s. 373.042, the  
630 department or governing board, concurrent with the adoption of  
631 the minimum flow or level and as part of the regional water  
632 supply plan described in s. 373.709, shall adopt and  
633 ~~expeditiously~~ implement a recovery or prevention strategy, which  
634 includes the development of additional water supplies and other  
635 actions, consistent with the authority granted by this chapter,  
636 to:

637 (a) Achieve recovery to the established minimum flow or  
638 level as soon as practicable; or

639 (b) Prevent the existing flow or level from falling below  
640 the established minimum flow or level.

641

642 The recovery or prevention strategy shall include phasing or a  
643 timetable which will allow for the provision of sufficient water  
644 supplies for all existing and projected reasonable-beneficial  
645 uses, including development of additional water supplies and  
646 implementation of conservation and other efficiency measures  
647 concurrent with, to the maximum extent practical, and to offset,  
648 reductions in permitted withdrawals, consistent with ~~the~~



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649 provisions of this chapter. The recovery or prevention strategy  
650 may not depend solely on water shortage restrictions declared  
651 pursuant to s. 373.175 or s. 373.246.

652 (3) In order to ensure that sufficient water is available  
653 for all existing and future reasonable-beneficial uses and the  
654 natural systems, the applicable regional water supply plan  
655 prepared pursuant to s. 373.709 shall be amended to include any  
656 water supply development projects and water resource development  
657 projects identified in a recovery or prevention strategy. Such  
658 amendment shall be approved concurrently with relevant portions  
659 of the recovery or prevention strategy.

660 (4) The water management district shall notify the  
661 department if an application for a water use permit is denied  
662 based upon the impact that the use will have on an adopted  
663 minimum flow or minimum water level. Upon receipt of such  
664 notice, the department shall, as soon as practicable and in  
665 cooperation with the water management district, conduct a review  
666 of the applicable regional water supply plan prepared pursuant  
667 to s. 373.709. Such review shall include an assessment by the  
668 department of the adequacy of the plan to meet the legislative  
669 intent of s. 373.705(2)(b) that sufficient water be available  
670 for all existing and future reasonable-beneficial uses and the  
671 natural systems and that the adverse effects of competition for  
672 water supplies be avoided. If the department determines, based  
673 upon this review, that the regional water supply plan does not  
674 adequately address the legislative intent of s. 373.705(2)(b),  
675 the water management district shall immediately initiate an  
676 update of the plan consistent with s. 373.709.

677 (5) ~~(3)~~ The provisions of this section are supplemental to





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678 any other specific requirements or authority provided by law.  
679 Minimum flows and levels shall be reevaluated periodically and  
680 revised as needed.

681 Section 11. Section 373.0465, Florida Statutes, is created  
682 to read:

683 373.0465 Central Florida Water Initiative.-

684 (1) FINDINGS.—The Legislature finds that:

685 (a) Historically, the Floridan Aquifer system has supplied  
686 the vast majority of the water used in the Central Florida  
687 Coordination Area.

688 (b) Because the boundaries of the St. Johns River Water  
689 Management District, the South Florida Water Management  
690 District, and the Southwest Florida Water Management District  
691 meet within the Central Florida Coordination Area, the three  
692 districts and the Department of Environmental Protection have  
693 worked cooperatively to determine that the Floridan Aquifer  
694 system is locally approaching the sustainable limits of use and  
695 are exploring the need to develop sources of water to meet the  
696 long-term water needs of the area.

697 (c) The Central Florida Water Initiative, a collaborative  
698 process involving the Department of Environmental Protection,  
699 the St. Johns River Water Management District, the South Florida  
700 Water Management District, the Southwest Florida Water  
701 Management District, the Department of Agriculture and Consumer  
702 Services, regional public water supply utilities, and other  
703 stakeholders, has developed an initial framework, as set forth  
704 in the Central Florida Water Initiative Guiding Document of  
705 January 30, 2015, for a unified process to address the current  
706 and long-term water supply needs of Central Florida without



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707 causing harm to the water resources and associated natural  
708 systems.

709 (d) Developing water sources as an alternative to continued  
710 reliance on the Floridan Aquifer will benefit existing and  
711 future water users and natural systems beyond the boundaries of  
712 the Central Florida Water Initiative.

713 (2) (a) As used in this section, the term "Central Florida  
714 Water Initiative Area" means all of Orange, Osceola, Polk, and  
715 Seminole Counties, and southern Lake County, as designated by  
716 the Central Florida Water Initiative Guiding Document of January  
717 30, 2015.

718 (b) The department, the St. Johns River Water Management  
719 District, the South Florida Water Management District, the  
720 Southwest Florida Water Management District, and the Department  
721 of Agriculture and Consumer Services shall:

722 1. Provide for a continuation of the collaborative process  
723 in the Central Florida Water Initiative Area among the state  
724 agencies, affected water management districts, regional public  
725 water supply utilities, and other stakeholders.

726 2. Build upon the guiding principles and goals set forth in  
727 the Central Florida Water Initiative Guiding Document of January  
728 30, 2015, and the work that has already been accomplished by the  
729 Central Florida Water Initiative participants.

730 3. Develop and implement, as set forth in the Central  
731 Florida Water Initiative Guiding Document of January 30, 2015, a  
732 single multidistrict regional water supply plan, including any  
733 needed recovery or prevention strategies and a list of water  
734 resource or water supply development projects.

735 4. Provide for a single hydrologic planning model to assess



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736 the availability of groundwater in the Central Florida Water  
737 Initiative Area.

738 (c) In developing the water supply planning program  
739 consistent with the goals set forth in this subsection, the  
740 department, the South Florida Water Management District, the  
741 Southwest Florida Water Management District, the St. Johns River  
742 Water Management District, and the Department of Agriculture and  
743 Consumer Services shall:

744 1. Consider limitations on groundwater use together with  
745 opportunities for new, increased, or redistributed groundwater  
746 uses that are based on the conditions established under s.  
747 373.223.

748 2. Establish a coordinated process for the identification  
749 of water resources requiring new or revised conditions  
750 established under s. 373.223.

751 3. Consider existing recovery or prevention strategies.

752 4. Include a list of water supply options sufficient to  
753 meet the water needs of all existing and future reasonable-  
754 beneficial uses which meet conditions established under s.  
755 373.223.

756 5. Identify, as necessary, which of the water supply  
757 sources are preferred water supply sources pursuant to s.  
758 373.2234.

759 (d) The department, in consultation with the St. Johns  
760 River Water Management District, the South Florida Water  
761 Management District, the Southwest Florida Water Management  
762 District, and the Department of Agriculture and Consumer  
763 Services, shall adopt uniform rules for application within the  
764 Central Florida Water Initiative Area that include:



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

767 2. A single method for calculating residential per capita  
768 water use;

769 3. A single process for permit reviews;

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

772 5. A goal for residential per capita water use for each  
773 consumptive use permit; and

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

776

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

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

791 (f) Water management district planning programs developed  
792 pursuant this subsection shall be approved or adopted as  
793 required under this chapter. However, such planning programs may



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794 not serve to modify planning programs in areas of the affected  
795 districts that are not within the Central Florida Water  
796 Initiative Area, but may include interregional projects located  
797 outside the Central Florida Water Initiative Area which are  
798 consistent with planning and regulatory programs in the areas in  
799 which they are located.

800 Section 12. Subsection (4) of section 373.1501, Florida  
801 Statutes, is amended, subsections (7) and (8) are renumbered as  
802 subsections (8) and (9), respectively, and a new subsection (7)  
803 is added to that section, to read:

804 373.1501 South Florida Water Management District as local  
805 sponsor.—

806 (4) The district is authorized to act as local sponsor of  
807 the project for those project features within the district as  
808 provided in this subsection and subject to the oversight of the  
809 department as further provided in s. 373.026. The district shall  
810 exercise the authority of the state to allocate quantities of  
811 water within its jurisdiction, including the water supply in  
812 relation to the project, and be responsible for allocating water  
813 and assigning priorities among the other water uses served by  
814 the project pursuant to state law. The district may:

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

817 (b) Continue data gathering, analysis, research, and design  
818 of project components, participate in preconstruction  
819 engineering and design documents for project components, and  
820 further refine the Comprehensive Plan of the restudy as a guide  
821 and framework for identifying other project components.†

822 (c) Construct pilot projects that will assist in



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823 determining the feasibility of technology included in the  
824 Comprehensive Plan of the restudy. ~~and~~

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

826 (7) When developing or implementing water control plans or  
827 regulation schedules required for the operation of the project,  
828 the district shall provide recommendations to the United States  
829 Army Corps of Engineers which are consistent with all district  
830 programs and plans.

831 Section 13. Section 373.2234, Florida Statutes, is amended  
832 to read:

833 373.2234 Preferred water supply sources.—

834 (1) The governing board of a water management district is  
835 authorized to adopt rules that identify preferred water supply  
836 sources for consumptive uses for which there is sufficient data  
837 to establish that a preferred source will provide a substantial  
838 new water supply to meet the existing and projected reasonable-  
839 beneficial uses of a water supply planning region identified  
840 pursuant to s. 373.709(1), while sustaining existing water  
841 resources and natural systems. At a minimum, such rules must  
842 contain a description of the preferred water supply source and  
843 an assessment of the water the preferred source is projected to  
844 produce.

845 (2) (a) If an applicant proposes to use a preferred water  
846 supply source, that applicant's proposed water use is subject to  
847 s. 373.223(1), except that the proposed use of a preferred water  
848 supply source must be considered by a water management district  
849 when determining whether a permit applicant's proposed use of  
850 water is consistent with the public interest pursuant to s.  
851 373.223(1) (c).



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852           (b) The governing board of a water management district  
853 shall consider the identification of preferred water supply  
854 sources for water users for whom access to or development of new  
855 water supplies is not technically or financially feasible.  
856 Identification of preferred water supply sources for such water  
857 users must be consistent with s. 373.016.

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

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

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

867           2. Provide that permits issued for the use of a  
868 nonpreferred water supply source must be issued for a duration  
869 of less than 20 years or that the use of a nonpreferred water  
870 supply source is not consistent with the public interest; or.

871           3. ~~Additionally, nothing in this section shall be~~  
872 ~~interpreted to~~ Require the use of a preferred water supply  
873 source or to restrict or prohibit the use of a nonpreferred  
874 water supply source.

875           (b) Rules adopted by the governing board of a water  
876 management district to implement this section shall specify that  
877 the use of a preferred water supply source is not required and  
878 that the use of a nonpreferred water supply source is not  
879 restricted or prohibited.

880           Section 14. Subsection (2) of section 373.233, Florida



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881 Statutes, is amended to read:

882 373.233 Competing applications.—

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

887 (b) If two or more competing applications qualify equally  
888 under subsection (1) and none of the competing applications is a  
889 renewal application, the governing board or the department shall  
890 give preference to the use where the source is nearest to the  
891 area of use or application in a manner consistent with s.

892 373.016(4) (a).

893 Section 15. Section 373.4591, Florida Statutes, is amended  
894 to read:

895 373.4591 Improvements on private agricultural lands.—

896 (1) The Legislature encourages public-private partnerships  
897 to accomplish water storage, groundwater recharge, and water  
898 quality improvements on private agricultural lands. Priority  
899 consideration shall be given to public-private partnerships  
900 that:

901 (a) Store or treat water on private lands for purposes of  
902 enhancing hydrologic improvement, improving water quality, or  
903 assisting in water supply;

904 (b) Provide critical ground water recharge; or

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

907 (2) (a) When an agreement is entered into between the  
908 department, a water management district, or the Department of  
909 Agriculture and Consumer Services and a private landowner to





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910 establish ~~such~~ a public-private partnership that may create or  
911 impact wetlands or other surface waters, a baseline condition  
912 determining the extent of wetlands and other surface waters on  
913 the property shall be established and documented in the  
914 agreement before improvements are constructed.

915 (b) When an agreement is entered into between the  
916 Department of Agriculture and Consumer Services and a private  
917 landowner to implement best management practices pursuant to s.  
918 403.067(7)(c), a baseline condition determining the extent of  
919 wetlands and other surface water on the property may be  
920 established at the option and expense of the private landowner  
921 and documented in the agreement before improvements are  
922 constructed. The Department of Agriculture and Consumer Services  
923 shall submit the landowner's proposed baseline condition  
924 documentation to the lead agency for review and approval, and  
925 the agency shall use its best efforts to complete the review  
926 within 45 days.

927 (3) The Department of Agriculture and Consumer Services,  
928 the department, and the water management districts shall provide  
929 a process for reviewing these requests in the timeframe  
930 specified. The determination of a baseline condition shall be  
931 conducted using the methods set forth in the rules adopted  
932 pursuant to s. 373.421. The baseline condition documented in an  
933 agreement shall be considered the extent of wetlands and other  
934 surface waters on the property for the purpose of regulation  
935 under this chapter for the duration of the agreement and after  
936 its expiration.

937 Section 16. Paragraph (h) of subsection (1) and subsections  
938 (2) through (7) of section 373.4595, Florida Statutes, are



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939 amended, and present subsections (8) through (13) are  
940 redesignated as subsections (9) through (14), respectively, and  
941 a new subsection (8) is added, to read:

942 373.4595 Northern Everglades and Estuaries Protection  
943 Program.—

944 (1) FINDINGS AND INTENT.—

945 (h) The Legislature finds that the expeditious  
946 implementation of the Lake Okeechobee Watershed Protection  
947 Program, the Caloosahatchee River Watershed Protection Program,  
948 Plan and the St. Lucie River Watershed Protection Program Plans  
949 is needed to improve the quality, quantity, timing, and  
950 distribution of water in the northern Everglades ecosystem and  
951 that this section, in conjunction with s. 403.067, including the  
952 implementation of the plans developed and approved pursuant to  
953 subsections (3) and (4), and any related basin management action  
954 plan developed and implemented pursuant to s. 403.067(7)(a),  
955 provide a reasonable means of achieving the total maximum daily  
956 load requirements and achieving and maintaining compliance with  
957 state water quality standards.

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

959 (a) "Best management practice" means a practice or  
960 combination of practices determined by the coordinating  
961 agencies, based on research, field-testing, and expert review,  
962 to be the most effective and practicable on-location means,  
963 including economic and technological considerations, for  
964 improving water quality in agricultural and urban discharges.  
965 Best management practices for agricultural discharges shall  
966 reflect a balance between water quality improvements and  
967 agricultural productivity.



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968        (b) "Biosolids" means the solid, semisolid, or liquid  
969 residue generated during the treatment of domestic wastewater in  
970 a domestic wastewater treatment facility, formerly known as  
971 "domestic wastewater residuals" or "residuals," and includes  
972 products and treated material from biosolids treatment  
973 facilities and septage management facilities regulated by the  
974 department. The term does not include the treated effluent or  
975 reclaimed water from a domestic wastewater treatment facility,  
976 solids removed from pump stations and lift stations, screenings  
977 and grit removed from the preliminary treatment components of  
978 domestic wastewater treatment facilities, or ash generated  
979 during the incineration of biosolids.

980        (c) ~~(b)~~ "Caloosahatchee River watershed" means the  
981 Caloosahatchee River, its tributaries, its estuary, and the area  
982 within Charlotte, Glades, Hendry, and Lee Counties from which  
983 surface water flow is directed or drains, naturally or by  
984 constructed works, to the river, its tributaries, or its  
985 estuary.

986        (d) ~~(e)~~ "Coordinating agencies" means the Department of  
987 Agriculture and Consumer Services, the Department of  
988 Environmental Protection, and the South Florida Water Management  
989 District.

990        (e) ~~(d)~~ "Corps of Engineers" means the United States Army  
991 Corps of Engineers.

992        (f) ~~(e)~~ "Department" means the Department of Environmental  
993 Protection.

994        (g) ~~(f)~~ "District" means the South Florida Water Management  
995 District.

996        ~~(g) "District's WOD program" means the program implemented~~



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997 ~~pursuant to rules adopted as authorized by this section and ss.~~  
998 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~  
999 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1000 (h) "Lake Okeechobee Watershed Construction Project" means  
1001 the construction project developed pursuant to this section  
1002 ~~paragraph (3) (b).~~

1003 (i) "Lake Okeechobee Watershed Protection Plan" means the  
1004 Lake Okeechobee Watershed Construction Project and the Lake  
1005 Okeechobee Watershed Research and Water Quality Monitoring  
1006 Program ~~plan developed pursuant to this section and ss. 373.451-~~  
1007 ~~373.459.~~

1008 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1009 tributaries, and the area within which surface water flow is  
1010 directed or drains, naturally or by constructed works, to the  
1011 lake or its tributaries.

1012 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~  
1013 ~~means the program developed pursuant to paragraph (3) (c).~~

1014 (k) (1) "Northern Everglades" means the Lake Okeechobee  
1015 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1016 River watershed.

1017 (1) (m) "Project component" means any structural or  
1018 operational change, resulting from the Restudy, to the Central  
1019 and Southern Florida Project as it existed and was operated as  
1020 of January 1, 1999.

1021 (m) (n) "Restudy" means the Comprehensive Review Study of  
1022 the Central and Southern Florida Project, for which federal  
1023 participation was authorized by the Federal Water Resources  
1024 Development Acts of 1992 and 1996 together with related  
1025 Congressional resolutions and for which participation by the



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1026 South Florida Water Management District is authorized by s.  
1027 373.1501. The term includes all actions undertaken pursuant to  
1028 the aforementioned authorizations which will result in  
1029 recommendations for modifications or additions to the Central  
1030 and Southern Florida Project.

1031 (n) ~~(e)~~ "River Watershed Protection Plans" means the  
1032 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1033 River Watershed Protection Plan developed pursuant to this  
1034 section.

1035 (o) "Soil amendment" means any substance or mixture of  
1036 substances sold or offered for sale for soil enriching or  
1037 corrective purposes, intended or claimed to be effective in  
1038 promoting or stimulating plant growth, increasing soil or plant  
1039 productivity, improving the quality of crops, or producing any  
1040 chemical or physical change in the soil, except amendments,  
1041 conditioners, additives, and related products that are derived  
1042 solely from inorganic sources and that contain no recognized  
1043 plant nutrients.

1044 (p) "St. Lucie River watershed" means the St. Lucie River,  
1045 its tributaries, its estuary, and the area within Martin,  
1046 Okeechobee, and St. Lucie Counties from which surface water flow  
1047 is directed or drains, naturally or by constructed works, to the  
1048 river, its tributaries, or its estuary.

1049 (q) "Total maximum daily load" means the sum of the  
1050 individual wasteload allocations for point sources and the load  
1051 allocations for nonpoint sources and natural background adopted  
1052 pursuant to s. 403.067. Before ~~Prior to~~ determining individual  
1053 wasteload allocations and load allocations, the maximum amount  
1054 of a pollutant that a water body or water segment can assimilate



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1055 from all sources without exceeding water quality standards must  
1056 first be calculated.

1057 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1058 Okeechobee Watershed Protection Program shall consist of the  
1059 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1060 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1061 Lake Okeechobee Exotic Species Control Program, and the Lake  
1062 Okeechobee Internal Phosphorus Management Program. The Lake  
1063 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1064 403.067 shall be the component of the Lake Okeechobee Watershed  
1065 Protection A protection Program for Lake Okeechobee that  
1066 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~  
1067 ~~immediately implemented as specified in this subsection.~~ The  
1068 Lake Okeechobee Watershed Protection Program shall address the  
1069 reduction of phosphorus loading to the lake from both internal  
1070 and external sources. Phosphorus load reductions shall be  
1071 achieved through a phased program of implementation. ~~Initial~~  
1072 ~~implementation actions shall be technology-based, based upon a~~  
1073 ~~consideration of both the availability of appropriate technology~~  
1074 ~~and the cost of such technology, and shall include phosphorus~~  
1075 ~~reduction measures at both the source and the regional level.~~  
1076 ~~The initial phase of phosphorus load reductions shall be based~~  
1077 ~~upon the district's Technical Publication 81-2 and the~~  
1078 ~~district's WOD program, with subsequent phases of phosphorus~~  
1079 ~~load reductions based upon the total maximum daily loads~~  
1080 ~~established in accordance with s. 403.067.~~ In the development  
1081 and administration of the Lake Okeechobee Watershed Protection  
1082 Program, the coordinating agencies shall maximize opportunities  
1083 provided by federal cost-sharing programs and opportunities for



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1084 partnerships with the private sector.

1085 (a) *Lake Okeechobee Watershed Protection Plan.*—In order to  
1086 protect and restore surface water resources, the district, in  
1087 cooperation with the other coordinating agencies, shall complete  
1088 a Lake Okeechobee Watershed Protection Plan in accordance with  
1089 this section and ss. 373.451–373.459. Beginning March 1, 2020,  
1090 and every 5 years thereafter, the district shall update the Lake  
1091 Okeechobee Watershed Protection Plan to ensure that it is  
1092 consistent with the Lake Okeechobee Basin Management Action Plan  
1093 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
1094 Protection Plan shall identify the geographic extent of the  
1095 watershed, be coordinated with the plans developed pursuant to  
1096 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
1097 Watershed Construction Project and the Lake Okeechobee Watershed  
1098 Research and Water Quality Monitoring Program ~~contain an~~  
1099 ~~implementation schedule for subsequent phases of phosphorus load~~  
1100 ~~reduction consistent with the total maximum daily loads~~  
1101 ~~established in accordance with s. 403.067.~~ The plan shall  
1102 consider and build upon a review and analysis of ~~the following~~:

1103 ~~1.~~ the performance of projects constructed during Phase I  
1104 and Phase II of the Lake Okeechobee Watershed Construction  
1105 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

1106 ~~2.~~ relevant information resulting from the Lake Okeechobee  
1107 Basin Management Action Plan ~~Watershed Phosphorus Control~~  
1108 ~~Program~~, pursuant to paragraph (b); ~~(c).~~

1109 ~~3.~~ relevant information resulting from the Lake Okeechobee  
1110 Watershed Research and Water Quality Monitoring Program,  
1111 pursuant to subparagraph 2.; ~~paragraph (d).~~

1112 ~~4.~~ relevant information resulting from the Lake Okeechobee



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1113 Exotic Species Control Program, pursuant to paragraph (c); and  
1114 ~~(e)~~.

1115 5. Relevant information resulting from the Lake Okeechobee  
1116 Internal Phosphorus Management Program, pursuant to paragraph  
1117 (d) ~~(f)~~.

1118 1. ~~(b)~~ *Lake Okeechobee Watershed Construction Project.*—To  
1119 improve the hydrology and water quality of Lake Okeechobee and  
1120 downstream receiving waters, including the Caloosahatchee and  
1121 St. Lucie Rivers and their estuaries, the district, in  
1122 cooperation with the other coordinating agencies, shall design  
1123 and construct the Lake Okeechobee Watershed Construction  
1124 Project. The project shall include:

1125 a. ~~1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed  
1126 Construction Project shall consist of a series of project  
1127 features consistent with the recommendations of the South  
1128 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
1129 Action Plan. Priority basins for such projects include S-191, S-  
1130 154, and Pools D and E in the Lower Kissimmee River. In order to  
1131 obtain phosphorus load reductions to Lake Okeechobee as soon as  
1132 possible, the following actions shall be implemented:

1133 (I) ~~a.~~ The district shall serve as a full partner with the  
1134 Corps of Engineers in the design and construction of the Grassy  
1135 Island Ranch and New Palm Dairy stormwater treatment facilities  
1136 as components of the Lake Okeechobee Water Retention/Phosphorus  
1137 Removal Critical Project. The Corps of Engineers shall have the  
1138 lead in design and construction of these facilities. Should  
1139 delays be encountered in the implementation of either of these  
1140 facilities, the district shall notify the department and  
1141 recommend corrective actions.





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1142            ~~(II)b.~~ The district shall obtain permits and complete  
1143 construction of two of the isolated wetland restoration projects  
1144 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1145 Removal Critical Project. The additional isolated wetland  
1146 projects included in this critical project shall further reduce  
1147 phosphorus loading to Lake Okeechobee.

1148            ~~(III)e.~~ The district shall work with the Corps of Engineers  
1149 to expedite initiation of the design process for the Taylor  
1150 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
1151 Area, a project component of the Comprehensive Everglades  
1152 Restoration Plan. The district shall propose to the Corps of  
1153 Engineers that the district take the lead in the design and  
1154 construction of the Reservoir Assisted Stormwater Treatment Area  
1155 and receive credit towards the local share of the total cost of  
1156 the Comprehensive Everglades Restoration Plan.

1157            ~~b.2.~~ Phase II technical plan and construction. ~~By February~~  
1158 ~~1, 2008,~~ The district, in cooperation with the other  
1159 coordinating agencies, shall develop a detailed technical plan  
1160 for Phase II of the Lake Okeechobee Watershed Construction  
1161 Project which provides the basis for the Lake Okeechobee Basin  
1162 Management Action Plan adopted by the department pursuant to s.  
1163 403.067. The detailed technical plan shall include measures for  
1164 the improvement of the quality, quantity, timing, and  
1165 distribution of water in the northern Everglades ecosystem,  
1166 including the Lake Okeechobee watershed and the estuaries, and  
1167 for facilitating the achievement of water quality standards. Use  
1168 of cost-effective biologically based, hybrid wetland/chemical  
1169 and other innovative nutrient control technologies shall be  
1170 incorporated in the plan where appropriate. The detailed



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1171 technical plan shall also include a Process Development and  
1172 Engineering component to finalize the detail and design of Phase  
1173 II projects and identify additional measures needed to increase  
1174 the certainty that the overall objectives for improving water  
1175 quality and quantity can be met. Based on information and  
1176 recommendations from the Process Development and Engineering  
1177 component, the Phase II detailed technical plan shall be  
1178 periodically updated. Phase II shall include construction of  
1179 additional facilities in the priority basins identified in sub-  
1180 subparagraph a. subparagraph 1., as well as facilities for other  
1181 basins in the Lake Okeechobee watershed. ~~This detailed technical~~  
1182 ~~plan will require legislative ratification pursuant to paragraph~~  
1183 ~~(i).~~ The technical plan shall:

1184 (I)a. Identify Lake Okeechobee Watershed Construction  
1185 Project facilities designed to contribute to achieving all  
1186 applicable total maximum daily loads established pursuant to s.  
1187 403.067 within the Lake Okeechobee watershed.

1188 (II)b. Identify the size and location of all such Lake  
1189 Okeechobee Watershed Construction Project facilities.

1190 (III)c. Provide a construction schedule for all such Lake  
1191 Okeechobee Watershed Construction Project facilities, including  
1192 the sequencing and specific timeframe for construction of each  
1193 Lake Okeechobee Watershed Construction Project facility.

1194 (IV)d. Provide a schedule for the acquisition of lands or  
1195 sufficient interests necessary to achieve the construction  
1196 schedule.

1197 (V)e. Provide a detailed schedule of costs associated with  
1198 the construction schedule.

1199 (VI)f. Identify, to the maximum extent practicable, impacts



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1200 on wetlands and state-listed species expected to be associated  
1201 with construction of such facilities, including potential  
1202 alternatives to minimize and mitigate such impacts, as  
1203 appropriate.

1204 (VII)~~g.~~ Provide for additional measures, including  
1205 voluntary water storage and quality improvements on private  
1206 land, to increase water storage and reduce excess water levels  
1207 in Lake Okeechobee and to reduce excess discharges to the  
1208 estuaries.

1209 (VIII) ~~The technical plan shall also~~ Develop the  
1210 appropriate water quantity storage goal to achieve the desired  
1211 Lake Okeechobee range of lake levels and inflow volumes to the  
1212 Caloosahatchee and St. Lucie estuaries while meeting the other  
1213 water-related needs of the region, including water supply and  
1214 flood protection.

1215 (IX)~~h.~~ Provide for additional source controls needed to  
1216 enhance performance of the Lake Okeechobee Watershed  
1217 Construction Project facilities. Such additional source controls  
1218 shall be incorporated into the Lake Okeechobee Basin Management  
1219 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to  
1220 paragraph (b) ~~(e)~~.

1221 c.3. ~~Evaluation.~~ Within 5 years after the adoption of the  
1222 Lake Okeechobee Basin Management Action Plan pursuant to s.  
1223 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
1224 thereafter, the department ~~district~~, in cooperation with the  
1225 other coordinating agencies, shall conduct an evaluation of the  
1226 Lake Okeechobee Watershed Construction Project and identify any  
1227 further load reductions necessary to achieve compliance with the  
1228 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads



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1229 established pursuant to s. 403.067. ~~Additionally,~~ The district  
1230 shall identify modifications to facilities of the Lake  
1231 Okeechobee Watershed Construction Project as appropriate to meet  
1232 the total maximum daily loads. Modifications to the Lake  
1233 Okeechobee Watershed Construction Project resulting from this  
1234 evaluation shall be incorporated into the Lake Okeechobee Basin  
1235 Management Action Plan and ~~The evaluation shall be included in~~  
1236 the applicable annual progress report submitted pursuant to  
1237 subsection (6).

1238 d.4. Coordination and review.—To ensure the timely  
1239 implementation of the Lake Okeechobee Watershed Construction  
1240 Project, the design of project facilities shall be coordinated  
1241 with the department and other interested parties, including  
1242 affected local governments, to the maximum extent practicable.  
1243 Lake Okeechobee Watershed Construction Project facilities shall  
1244 be reviewed and commented upon by the department before ~~prior to~~  
1245 the execution of a construction contract by the district for  
1246 that facility.

1247 2. Lake Okeechobee Watershed Research and Water Quality  
1248 Monitoring Program.—The coordinating agencies shall implement a  
1249 Lake Okeechobee Watershed Research and Water Quality Monitoring  
1250 Program. Results from the program shall be used by the  
1251 department, in cooperation with the other coordinating agencies,  
1252 to make modifications to the Lake Okeechobee Basin Management  
1253 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1254 program shall:

1255 a. Evaluate all available existing water quality data  
1256 concerning total phosphorus in the Lake Okeechobee watershed,  
1257 develop a water quality baseline to represent existing



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1258 conditions for total phosphorus, monitor long-term ecological  
1259 changes, including water quality for total phosphorus, and  
1260 measure compliance with water quality standards for total  
1261 phosphorus, including any applicable total maximum daily load  
1262 for the Lake Okeechobee watershed as established pursuant to s.  
1263 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1264 the department shall reevaluate water quality and quantity data  
1265 to ensure that the appropriate projects are being designated and  
1266 incorporated into the Lake Okeechobee Basin Management Action  
1267 Plan adopted pursuant to s. 403.067. The district shall  
1268 implement a total phosphorus monitoring program at appropriate  
1269 structures owned or operated by the district and within the Lake  
1270 Okeechobee watershed.

1271 b. Develop a Lake Okeechobee water quality model that  
1272 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1273 and incorporates an uncertainty analysis associated with model  
1274 predictions.

1275 c. Determine the relative contribution of phosphorus from  
1276 all identifiable sources and all primary and secondary land  
1277 uses.

1278 d. Conduct an assessment of the sources of phosphorus from  
1279 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their  
1280 relative contribution to the water quality of Lake Okeechobee.  
1281 The results of this assessment shall be used by the coordinating  
1282 agencies as part of the Lake Okeechobee Basin Management Action  
1283 Plan adopted pursuant to s. 403.067 to develop interim measures,  
1284 best management practices, or regulations, as applicable.

1285 e. Assess current water management practices within the  
1286 Lake Okeechobee watershed and develop recommendations for



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1287 structural and operational improvements. Such recommendations  
1288 shall balance water supply, flood control, estuarine salinity,  
1289 maintenance of a healthy lake littoral zone, and water quality  
1290 considerations.

1291 f. Evaluate the feasibility of alternative nutrient  
1292 reduction technologies, including sediment traps, canal and  
1293 ditch maintenance, fish production or other aquaculture,  
1294 bioenergy conversion processes, and algal or other biological  
1295 treatment technologies and include any alternative nutrient  
1296 reduction technologies determined to be feasible in the Lake  
1297 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1298 403.067.

1299 g. Conduct an assessment of the water volumes and timing  
1300 from the Lake Okeechobee watershed and their relative  
1301 contribution to the water level changes in Lake Okeechobee and  
1302 to the timing and volume of water delivered to the estuaries.

1303 (b)-(c) Lake Okeechobee Basin Management Action Plan  
1304 ~~Watershed Phosphorus Control Program.~~The Lake Okeechobee Basin  
1305 Management Action Plan adopted pursuant to s. 403.067 shall be  
1306 the watershed phosphorus control component for Lake Okeechobee  
1307 and shall be ~~Program is~~ designed to be a multifaceted approach  
1308 to reducing phosphorus loads by improving the management of  
1309 phosphorus sources within the Lake Okeechobee watershed through  
1310 implementation of regulations and best management practices,  
1311 continued development and continued implementation of improved  
1312 best management practices, improvement and restoration of the  
1313 hydrologic function of natural and managed systems, and use  
1314 ~~utilization~~ of alternative technologies for nutrient reduction.  
1315 The plan shall contain an implementation schedule for pollutant



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1316 load reductions consistent with the adopted total maximum daily  
1317 load. The coordinating agencies shall develop an interagency  
1318 agreement pursuant to ss. 373.046 and 373.406 which is  
1319 consistent with the department taking the lead on water quality  
1320 protection measures through the Lake Okeechobee Basin Management  
1321 Action Plan adopted pursuant to s. 403.067; the district taking  
1322 the lead on hydrologic improvements pursuant to paragraph (a);  
1323 and the Department of Agriculture and Consumer Services taking  
1324 the lead on agricultural interim measures, best management  
1325 practices, and other measures adopted pursuant to s. 403.067.  
1326 The interagency agreement shall specify how best management  
1327 practices for nonagricultural nonpoint sources are developed and  
1328 how all best management practices are implemented and verified  
1329 consistent with s. 403.067 and this section. The interagency  
1330 agreement shall address measures to be taken by the coordinating  
1331 agencies during any best management practice reevaluation  
1332 performed pursuant to subparagraphs 5. and 10. The department  
1333 shall use best professional judgment in making the initial  
1334 determination of best management practice effectiveness. The  
1335 coordinating agencies may develop an intergovernmental agreement  
1336 with local governments to implement nonagricultural nonpoint  
1337 source best management practices within their respective  
1338 geographic boundaries. The coordinating agencies shall  
1339 facilitate the application of federal programs that offer  
1340 opportunities for water quality treatment, including  
1341 preservation, restoration, or creation of wetlands on  
1342 agricultural lands.

1343       1. Agricultural nonpoint source best management practices,  
1344 developed in accordance with s. 403.067 and designed to achieve



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1345 the objectives of the Lake Okeechobee Watershed Protection  
1346 Program as part of a phased approach of management strategies  
1347 within the Lake Okeechobee Basin Management Action Plan, shall  
1348 be implemented on an expedited basis. ~~The coordinating agencies~~  
1349 ~~shall develop an interagency agreement pursuant to ss. 373.046~~  
1350 ~~and 373.406(5) that assures the development of best management~~  
1351 ~~practices that complement existing regulatory programs and~~  
1352 ~~specifies how those best management practices are implemented~~  
1353 ~~and verified. The interagency agreement shall address measures~~  
1354 ~~to be taken by the coordinating agencies during any best~~  
1355 ~~management practice reevaluation performed pursuant to sub-~~  
1356 ~~subparagraph d. The department shall use best professional~~  
1357 ~~judgment in making the initial determination of best management~~  
1358 ~~practice effectiveness.~~

1359 2.a. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the  
1360 Department of Agriculture and Consumer Services, in consultation  
1361 with the department, the district, and affected parties, shall  
1362 initiate rule development for interim measures, best management  
1363 practices, conservation plans, nutrient management plans, or  
1364 other measures necessary for Lake Okeechobee watershed total  
1365 maximum daily load reduction. The rule shall include thresholds  
1366 for requiring conservation and nutrient management plans and  
1367 criteria for the contents of such plans. Development of  
1368 agricultural nonpoint source best management practices shall  
1369 initially focus on those priority basins listed in sub-  
1370 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of  
1371 Agriculture and Consumer Services, in consultation with the  
1372 department, the district, and affected parties, shall conduct an  
1373 ongoing program for improvement of existing and development of





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1374 new agricultural nonpoint source interim measures and ~~or~~ best  
1375 management practices. The Department of Agriculture and Consumer  
1376 Services shall adopt ~~for the purpose of adoption of~~ such  
1377 practices by rule. The Department of Agriculture and Consumer  
1378 Services shall work with the University of Florida ~~Florida's~~  
1379 Institute of Food and Agriculture Sciences to review and, where  
1380 appropriate, develop revised nutrient application rates for all  
1381 agricultural soil amendments in the watershed.

1382 ~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint  
1383 source best management practices or interim measures have been  
1384 adopted by rule of the Department of Agriculture and Consumer  
1385 Services, the owner or operator of an agricultural nonpoint  
1386 source addressed by such rule shall either implement interim  
1387 measures or best management practices or demonstrate compliance  
1388 with state water quality standards addressed by the Lake  
1389 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1390 403.067 ~~the district's WOD program~~ by conducting monitoring  
1391 prescribed by the department or the district. Owners or  
1392 operators of agricultural nonpoint sources who implement interim  
1393 measures or best management practices adopted by rule of the  
1394 Department of Agriculture and Consumer Services shall be subject  
1395 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~  
1396 ~~Agriculture and Consumer Services, in cooperation with the~~  
1397 ~~department and the district, shall provide technical and~~  
1398 ~~financial assistance for implementation of agricultural best~~  
1399 ~~management practices, subject to the availability of funds.~~

1400 ~~4.e.~~ The district or department shall conduct monitoring at  
1401 representative sites to verify the effectiveness of agricultural  
1402 nonpoint source best management practices.



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1403           ~~5.d.~~ Where water quality problems are detected for  
1404 agricultural nonpoint sources despite the appropriate  
1405 implementation of adopted best management practices, ~~the~~  
1406 ~~Department of Agriculture and Consumer Services, in consultation~~  
1407 ~~with the other coordinating agencies and affected parties, shall~~  
1408 ~~institute~~ a reevaluation and revision of the best management  
1409 practices shall be conducted pursuant to s. 403.067(7)(c)4. and  
1410 ~~make appropriate changes to the rule adopting best management~~  
1411 ~~practices.~~

1412           ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint  
1413 source best management practices, developed in accordance with  
1414 s. 403.067 and designed to achieve the objectives of the Lake  
1415 Okeechobee Watershed Protection Program as part of a phased  
1416 approach of management strategies within the Lake Okeechobee  
1417 Basin Management Action Plan, shall be implemented on an  
1418 expedited basis. ~~The department and the district shall develop~~  
1419 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~  
1420 ~~that assures the development of best management practices that~~  
1421 ~~complement existing regulatory programs and specifies how those~~  
1422 ~~best management practices are implemented and verified. The~~  
1423 ~~interagency agreement shall address measures to be taken by the~~  
1424 ~~department and the district during any best management practice~~  
1425 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1426           ~~7.a.~~ The department and the district are directed to work  
1427 with the University of Florida ~~Florida's~~ Institute of Food and  
1428 Agricultural Sciences to develop appropriate nutrient  
1429 application rates for all nonagricultural soil amendments in the  
1430 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e),~~ the  
1431 department, in consultation with the district and affected



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1432 parties, shall develop nonagricultural nonpoint source interim  
1433 measures, best management practices, or other measures necessary  
1434 for Lake Okeechobee watershed total maximum daily load  
1435 reduction. Development of nonagricultural nonpoint source best  
1436 management practices shall initially focus on those priority  
1437 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The  
1438 department, the district, and affected parties shall conduct an  
1439 ongoing program for improvement of existing and development of  
1440 new interim measures and ~~or~~ best management practices. The  
1441 department or the district shall adopt such practices by rule  
1442 ~~The district shall adopt technology-based standards under the~~  
1443 ~~district's WOD program for nonagricultural nonpoint sources of~~  
1444 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~  
1445 ~~authority of the department or the district to adopt basin-~~  
1446 ~~specific criteria under this part to prevent harm to the water~~  
1447 ~~resources of the district.~~

1448 8.b. Where nonagricultural nonpoint source best management  
1449 practices or interim measures have been developed by the  
1450 department and adopted by the district, the owner or operator of  
1451 a nonagricultural nonpoint source shall implement interim  
1452 measures or best management practices and be subject to ~~the~~  
1453 ~~provisions of s. 403.067(7).~~ ~~The department and district shall~~  
1454 ~~provide technical and financial assistance for implementation of~~  
1455 ~~nonagricultural nonpoint source best management practices,~~  
1456 ~~subject to the availability of funds.~~

1457 9.e. As provided in s. 403.067, the district or the  
1458 department shall conduct monitoring at representative sites to  
1459 verify the effectiveness of nonagricultural nonpoint source best  
1460 management practices.



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1461           10.d. Where water quality problems are detected for  
1462 nonagricultural nonpoint sources despite the appropriate  
1463 implementation of adopted best management practices, ~~the~~  
1464 ~~department and the district shall institute~~ a reevaluation and  
1465 revision of the best management practices shall be conducted  
1466 pursuant to s. 403.067(7)(c)4.

1467           11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~  
1468 ~~may~~ not preclude the department or the district from requiring  
1469 compliance with water quality standards or with current best  
1470 management practices requirements set forth in any applicable  
1471 regulatory program authorized by law for the purpose of  
1472 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~  
1473 and 7. are applicable only to the extent that they do not  
1474 conflict with any rules adopted by the department that are  
1475 necessary to maintain a federally delegated or approved program.

1476           12. The program of agricultural best management practices  
1477 set forth in the Everglades Program of the district, meets the  
1478 requirements of this paragraph and s. 403.067(7) for the Lake  
1479 Okeechobee watershed. An entity in compliance with best  
1480 management practices set forth in the Everglades Program of the  
1481 district, may elect to use that permit in lieu of the  
1482 requirements of this paragraph. The provisions of s.  
1483 373.4595(3)(b)5. apply to this subparagraph.

1484           13. The Department of Agriculture and Consumer Services, in  
1485 cooperation with the department and the district, shall provide  
1486 technical and financial assistance for implementation of  
1487 agricultural best management practices, subject to the  
1488 availability of funds. The department and district shall provide  
1489 technical and financial assistance for implementation of



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1490 nonagricultural nonpoint source best management practices,  
1491 subject to the availability of funds.

1492 14.4. Projects that reduce the phosphorus load originating  
1493 from domestic wastewater systems within the Lake Okeechobee  
1494 watershed shall be given funding priority in the department's  
1495 revolving loan program under s. 403.1835. The department shall  
1496 coordinate and provide assistance to those local governments  
1497 seeking financial assistance for such priority projects.

1498 15.5. Projects that make use of private lands, or lands  
1499 held in trust for Indian tribes, to reduce nutrient loadings or  
1500 concentrations within a basin by one or more of the following  
1501 methods: restoring the natural hydrology of the basin, restoring  
1502 wildlife habitat or impacted wetlands, reducing peak flows after  
1503 storm events, increasing aquifer recharge, or protecting range  
1504 and timberland from conversion to development, are eligible for  
1505 grants available under this section from the coordinating  
1506 agencies. For projects of otherwise equal priority, special  
1507 funding priority will be given to those projects that make best  
1508 use of the methods outlined above that involve public-private  
1509 partnerships or that obtain federal match money. Preference  
1510 ranking above the special funding priority will be given to  
1511 projects located in a rural area of opportunity designated by  
1512 the Governor. Grant applications may be submitted by any person  
1513 or tribal entity, and eligible projects may include, but are not  
1514 limited to, the purchase of conservation and flowage easements,  
1515 hydrologic restoration of wetlands, creating treatment wetlands,  
1516 development of a management plan for natural resources, and  
1517 financial support to implement a management plan.

1518 16.6.a. The department shall require all entities disposing



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1519 of domestic wastewater biosolids ~~residuals~~ within the Lake  
1520 Okeechobee watershed and the remaining areas of Okeechobee,  
1521 Glades, and Hendry Counties to develop and submit to the  
1522 department an agricultural use plan that limits applications  
1523 based upon phosphorus loading consistent with the Lake  
1524 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1525 403.067. By July 1, 2005, phosphorus concentrations originating  
1526 from these application sites may not exceed the limits  
1527 established in the district's WOD program. After December 31,  
1528 2007, The department may not authorize the disposal of domestic  
1529 wastewater biosolids ~~residuals~~ within the Lake Okeechobee  
1530 watershed unless the applicant can affirmatively demonstrate  
1531 that the phosphorus in the biosolids ~~residuals~~ will not add to  
1532 phosphorus loadings in Lake Okeechobee or its tributaries. This  
1533 demonstration shall be based on achieving a net balance between  
1534 phosphorus imports relative to exports on the permitted  
1535 application site. Exports shall include only phosphorus removed  
1536 from the Lake Okeechobee watershed through products generated on  
1537 the permitted application site. This prohibition does not apply  
1538 to Class AA biosolids ~~residuals~~ that are marketed and  
1539 distributed as fertilizer products in accordance with department  
1540 rule.

1541 17.b. Private and government-owned utilities within Monroe,  
1542 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1543 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1544 dispose of wastewater biosolids ~~residual~~ sludge from utility  
1545 operations and septic removal by land spreading in the Lake  
1546 Okeechobee watershed may use a line item on local sewer rates to  
1547 cover wastewater biosolids ~~residual~~ treatment and disposal if



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1548 such disposal and treatment is done by approved alternative  
1549 treatment methodology at a facility located within the areas  
1550 designated by the Governor as rural areas of opportunity  
1551 pursuant to s. 288.0656. This additional line item is an  
1552 environmental protection disposal fee above the present sewer  
1553 rate and may not be considered a part of the present sewer rate  
1554 to customers, notwithstanding provisions to the contrary in  
1555 chapter 367. The fee shall be established by the county  
1556 commission or its designated assignee in the county in which the  
1557 alternative method treatment facility is located. The fee shall  
1558 be calculated to be no higher than that necessary to recover the  
1559 facility's prudent cost of providing the service. Upon request  
1560 by an affected county commission, the Florida Public Service  
1561 Commission will provide assistance in establishing the fee.  
1562 Further, for utilities and utility authorities that use the  
1563 additional line item environmental protection disposal fee, such  
1564 fee may not be considered a rate increase under the rules of the  
1565 Public Service Commission and shall be exempt from such rules.  
1566 Utilities using ~~the provisions of~~ this section may immediately  
1567 include in their sewer invoicing the new environmental  
1568 protection disposal fee. Proceeds from this environmental  
1569 protection disposal fee shall be used for treatment and disposal  
1570 of wastewater biosolids residuals, including any treatment  
1571 technology that helps reduce the volume of biosolids residuals  
1572 that require final disposal, but such proceeds may not be used  
1573 for transportation or shipment costs for disposal or any costs  
1574 relating to the land application of biosolids residuals in the  
1575 Lake Okeechobee watershed.

1576 18.e. No less frequently than once every 3 years, the



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1577 Florida Public Service Commission or the county commission  
1578 through the services of an independent auditor shall perform a  
1579 financial audit of all facilities receiving compensation from an  
1580 environmental protection disposal fee. The Florida Public  
1581 Service Commission or the county commission through the services  
1582 of an independent auditor shall also perform an audit of the  
1583 methodology used in establishing the environmental protection  
1584 disposal fee. The Florida Public Service Commission or the  
1585 county commission shall, within 120 days after completion of an  
1586 audit, file the audit report with the President of the Senate  
1587 and the Speaker of the House of Representatives and shall  
1588 provide copies to the county commissions of the counties set  
1589 forth in subparagraph 17 ~~sub-subparagraph b~~. The books and  
1590 records of any facilities receiving compensation from an  
1591 environmental protection disposal fee shall be open to the  
1592 Florida Public Service Commission and the Auditor General for  
1593 review upon request.

1594 19.7. The Department of Health shall require all entities  
1595 disposing of septage within the Lake Okeechobee watershed to  
1596 develop and submit to that agency an agricultural use plan that  
1597 limits applications based upon phosphorus loading consistent  
1598 with the Lake Okeechobee Basin Management Action Plan adopted  
1599 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~  
1600 ~~concentrations originating from these application sites may not~~  
1601 ~~exceed the limits established in the district's WOD program.~~

1602 20.8. The Department of Agriculture and Consumer Services  
1603 shall initiate rulemaking requiring entities within the Lake  
1604 Okeechobee watershed which land-apply animal manure to develop  
1605 resource management system level conservation plans, according





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1606 to United States Department of Agriculture criteria, which limit  
1607 such application. Such rules may include criteria and thresholds  
1608 for the requirement to develop a conservation or nutrient  
1609 management plan, requirements for plan approval, and  
1610 recordkeeping requirements.

1611 21. The district shall revise chapter 40E-61, Florida  
1612 Administrative Code, to be consistent with this section and s.  
1613 403.067; provide for a monitoring program for nonpoint source  
1614 dischargers required to monitor water quality by s. 403.067; and  
1615 provide for the results of such monitoring to be reported to the  
1616 coordinating agencies.

1617 ~~9. The district, the department, or the Department of~~  
1618 ~~Agriculture and Consumer Services, as appropriate, shall~~  
1619 ~~implement those alternative nutrient reduction technologies~~  
1620 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1621 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
1622 ~~Monitoring Program. The district, in cooperation with the other~~  
1623 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
1624 ~~Watershed Research and Water Quality Monitoring Program that~~  
1625 ~~builds upon the district's existing Lake Okeechobee research~~  
1626 ~~program. The program shall:~~

1627 ~~1. Evaluate all available existing water quality data~~  
1628 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
1629 ~~develop a water quality baseline to represent existing~~  
1630 ~~conditions for total phosphorus, monitor long-term ecological~~  
1631 ~~changes, including water quality for total phosphorus, and~~  
1632 ~~measure compliance with water quality standards for total~~  
1633 ~~phosphorus, including any applicable total maximum daily load~~  
1634 ~~for the Lake Okeechobee watershed as established pursuant to s.~~



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1635 ~~403.067. Every 3 years, the district shall reevaluate water~~  
1636 ~~quality and quantity data to ensure that the appropriate~~  
1637 ~~projects are being designated and implemented to meet the water~~  
1638 ~~quality and storage goals of the plan. The district shall also~~  
1639 ~~implement a total phosphorus monitoring program at appropriate~~  
1640 ~~structures owned or operated by the South Florida Water~~  
1641 ~~Management District and within the Lake Okeechobee watershed.~~

1642 ~~2. Develop a Lake Okeechobee water quality model that~~  
1643 ~~reasonably represents phosphorus dynamics of the lake and~~  
1644 ~~incorporates an uncertainty analysis associated with model~~  
1645 ~~predictions.~~

1646 ~~3. Determine the relative contribution of phosphorus from~~  
1647 ~~all identifiable sources and all primary and secondary land~~  
1648 ~~uses.~~

1649 ~~4. Conduct an assessment of the sources of phosphorus from~~  
1650 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~  
1651 ~~relative contribution to the water quality of Lake Okeechobee.~~  
1652 ~~The results of this assessment shall be used by the coordinating~~  
1653 ~~agencies to develop interim measures, best management practices,~~  
1654 ~~or regulation, as applicable.~~

1655 ~~5. Assess current water management practices within the~~  
1656 ~~Lake Okeechobee watershed and develop recommendations for~~  
1657 ~~structural and operational improvements. Such recommendations~~  
1658 ~~shall balance water supply, flood control, estuarine salinity,~~  
1659 ~~maintenance of a healthy lake littoral zone, and water quality~~  
1660 ~~considerations.~~

1661 ~~6. Evaluate the feasibility of alternative nutrient~~  
1662 ~~reduction technologies, including sediment traps, canal and~~  
1663 ~~ditch maintenance, fish production or other aquaculture,~~



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1664 ~~bioenergy conversion processes, and algal or other biological~~  
1665 ~~treatment technologies.~~

1666 ~~7. Conduct an assessment of the water volumes and timing~~  
1667 ~~from the Lake Okeechobee watershed and their relative~~  
1668 ~~contribution to the water level changes in Lake Okeechobee and~~  
1669 ~~to the timing and volume of water delivered to the estuaries.~~

1670 ~~(c)(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The  
1671 coordinating agencies shall identify the exotic species that  
1672 threaten the native flora and fauna within the Lake Okeechobee  
1673 watershed and develop and implement measures to protect the  
1674 native flora and fauna.

1675 ~~(d)(f)~~ *Lake Okeechobee Internal Phosphorus Management*  
1676 *Program.*—The district, in cooperation with the other  
1677 coordinating agencies and interested parties, shall evaluate the  
1678 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
1679 load removal projects ~~feasibility study~~. The evaluation  
1680 ~~feasibility study~~ shall be based on technical feasibility, as  
1681 well as economic considerations, and shall consider ~~address~~ all  
1682 reasonable methods of phosphorus removal. If projects ~~methods~~  
1683 are found to be feasible, the district shall immediately pursue  
1684 the design, funding, and permitting for implementing such  
1685 projects ~~methods~~.

1686 ~~(e)(g)~~ *Lake Okeechobee Watershed Protection Program Plan*  
1687 *implementation.*—The coordinating agencies shall be jointly  
1688 responsible for implementing the Lake Okeechobee Watershed  
1689 Protection Program Plan, consistent with the statutory authority  
1690 and responsibility of each agency. Annual funding priorities  
1691 shall be jointly established, and the highest priority shall be  
1692 assigned to programs and projects that address sources that have



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1693 the highest relative contribution to loading and the greatest  
1694 potential for reductions needed to meet the total maximum daily  
1695 loads. In determining funding priorities, the coordinating  
1696 agencies shall also consider the need for regulatory compliance,  
1697 the extent to which the program or project is ready to proceed,  
1698 and the availability of federal matching funds or other nonstate  
1699 funding, including public-private partnerships. Federal and  
1700 other nonstate funding shall be maximized to the greatest extent  
1701 practicable.

1702 (f) ~~(h)~~ *Priorities and implementation schedules.*—The  
1703 coordinating agencies are authorized and directed to establish  
1704 priorities and implementation schedules for the achievement of  
1705 total maximum daily loads, compliance with the requirements of  
1706 s. 403.067, and compliance with applicable water quality  
1707 standards within the waters and watersheds subject to this  
1708 section.

1709 ~~(i) *Legislative ratification.*—The coordinating agencies~~  
1710 ~~shall submit the Phase II technical plan developed pursuant to~~  
1711 ~~paragraph (b) to the President of the Senate and the Speaker of~~  
1712 ~~the House of Representatives prior to the 2008 legislative~~  
1713 ~~session for review. If the Legislature takes no action on the~~  
1714 ~~plan during the 2008 legislative session, the plan is deemed~~  
1715 ~~approved and may be implemented.~~

1716 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
1717 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
1718 program shall be developed and implemented as specified in this  
1719 subsection. In order to protect and restore surface water  
1720 resources, the program shall address the reduction of pollutant  
1721 loadings, restoration of natural hydrology, and compliance with



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1722 applicable state water quality standards. The program shall be  
1723 achieved through a phased program of implementation. In  
1724 addition, pollutant load reductions based upon adopted total  
1725 maximum daily loads established in accordance with s. 403.067  
1726 shall serve as a program objective. In the development and  
1727 administration of the program, the coordinating agencies shall  
1728 maximize opportunities provided by federal and local government  
1729 cost-sharing programs and opportunities for partnerships with  
1730 the private sector and local government. The program plan shall  
1731 include a goal for salinity envelopes and freshwater inflow  
1732 targets for the estuaries based upon existing research and  
1733 documentation. The goal may be revised as new information is  
1734 available. This goal shall seek to reduce the frequency and  
1735 duration of undesirable salinity ranges while meeting the other  
1736 water-related needs of the region, including water supply and  
1737 flood protection, while recognizing the extent to which water  
1738 inflows are within the control and jurisdiction of the district.

1739 (a) *Caloosahatchee River Watershed Protection Plan.* ~~No~~  
1740 ~~later than January 1, 2009,~~ The district, in cooperation with  
1741 the other coordinating agencies, Lee County, and affected  
1742 counties and municipalities, shall complete a River Watershed  
1743 Protection Plan in accordance with this subsection. The  
1744 Caloosahatchee River Watershed Protection Plan shall identify  
1745 the geographic extent of the watershed, be coordinated as needed  
1746 with the plans developed pursuant to paragraph (3) (a) and  
1747 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
1748 ~~implementation schedule for pollutant load reductions consistent~~  
1749 ~~with any adopted total maximum daily loads and compliance with~~  
1750 ~~applicable state water quality standards. The plan shall include~~



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1751 the Caloosahatchee River Watershed Construction Project and the  
1752 Caloosahatchee River Watershed Research and Water Quality  
1753 Monitoring Program.±

1754 1. Caloosahatchee River Watershed Construction Project.—To  
1755 improve the hydrology, water quality, and aquatic habitats  
1756 within the watershed, the district shall, no later than January  
1757 1, 2012, plan, design, and construct the initial phase of the  
1758 Watershed Construction Project. In doing so, the district shall:

1759 a. Develop and designate the facilities to be constructed  
1760 to achieve stated goals and objectives of the Caloosahatchee  
1761 River Watershed Protection Plan.

1762 b. Conduct scientific studies that are necessary to support  
1763 the design of the Caloosahatchee River Watershed Construction  
1764 Project facilities.

1765 c. Identify the size and location of all such facilities.

1766 d. Provide a construction schedule for all such facilities,  
1767 including the sequencing and specific timeframe for construction  
1768 of each facility.

1769 e. Provide a schedule for the acquisition of lands or  
1770 sufficient interests necessary to achieve the construction  
1771 schedule.

1772 f. Provide a schedule of costs and benefits associated with  
1773 each construction project and identify funding sources.

1774 g. To ensure timely implementation, coordinate the design,  
1775 scheduling, and sequencing of project facilities with the  
1776 coordinating agencies, Lee County, other affected counties and  
1777 municipalities, and other affected parties.

1778 2. Caloosahatchee River Watershed Research and Water  
1779 Quality Monitoring Program.—The district, in cooperation with



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1780 the other coordinating agencies and local governments, shall  
1781 implement a Caloosahatchee River Watershed Research and Water  
1782 Quality Monitoring Program that builds upon the district's  
1783 existing research program and that is sufficient to carry out,  
1784 comply with, or assess the plans, programs, and other  
1785 responsibilities created by this subsection. The program shall  
1786 also conduct an assessment of the water volumes and timing from  
1787 Lake Okeechobee and the Caloosahatchee River watershed and their  
1788 relative contributions to the timing and volume of water  
1789 delivered to the estuary.

1790 (b)2- Caloosahatchee River Watershed Basin Management  
1791 Action Plans Pollutant Control Program.—The basin management  
1792 action plans adopted pursuant to s. 403.067 for the  
1793 Caloosahatchee River watershed shall be the Caloosahatchee River  
1794 Watershed Pollutant Control Program. The plans shall be is  
1795 designed to be a multifaceted approach to reducing pollutant  
1796 loads by improving the management of pollutant sources within  
1797 the Caloosahatchee River watershed through implementation of  
1798 regulations and best management practices, development and  
1799 implementation of improved best management practices,  
1800 improvement and restoration of the hydrologic function of  
1801 natural and managed systems, and utilization of alternative  
1802 technologies for pollutant reduction, such as cost-effective  
1803 biologically based, hybrid wetland/chemical and other innovative  
1804 nutrient control technologies. The plans shall contain an  
1805 implementation schedule for pollutant load reductions consistent  
1806 with the adopted total maximum daily load. The coordinating  
1807 agencies shall facilitate the use utilization of federal  
1808 programs that offer opportunities for water quality treatment,



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1809 including preservation, restoration, or creation of wetlands on  
1810 agricultural lands.

1811 ~~1.a.~~ Nonpoint source best management practices consistent  
1812 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1813 objectives of the Caloosahatchee River Watershed Protection  
1814 Program, shall be implemented on an expedited basis. The  
1815 coordinating agencies may develop an intergovernmental agreement  
1816 with local governments to implement the nonagricultural,  
1817 nonpoint-source best management practices within their  
1818 respective geographic boundaries.

1819 ~~2.b.~~ This subsection does not preclude the department or  
1820 the district from requiring compliance with water quality  
1821 standards, adopted total maximum daily loads, or current best  
1822 management practices requirements set forth in any applicable  
1823 regulatory program authorized by law for the purpose of  
1824 protecting water quality. This subsection applies only to the  
1825 extent that it does not conflict with any rules adopted by the  
1826 department or district which are necessary to maintain a  
1827 federally delegated or approved program.

1828 ~~3.e.~~ Projects that make use of private lands, or lands held  
1829 in trust for Indian tribes, to reduce pollutant loadings or  
1830 concentrations within a basin, or that reduce the volume of  
1831 harmful discharges by one or more of the following methods:  
1832 restoring the natural hydrology of the basin, restoring wildlife  
1833 habitat or impacted wetlands, reducing peak flows after storm  
1834 events, or increasing aquifer recharge, are eligible for grants  
1835 available under this section from the coordinating agencies.

1836 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management  
1837 Action Plans ~~Pollutant Control Program~~ shall require assessment





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1838 of current water management practices within the watershed and  
1839 shall require development of recommendations for structural,  
1840 nonstructural, and operational improvements. Such  
1841 recommendations shall consider and balance water supply, flood  
1842 control, estuarine salinity, aquatic habitat, and water quality  
1843 considerations.

1844 ~~5.e. After December 31, 2007,~~ The department may not  
1845 authorize the disposal of domestic wastewater biosolids  
1846 ~~residuals~~ within the Caloosahatchee River watershed unless the  
1847 applicant can affirmatively demonstrate that the nutrients in  
1848 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
1849 watershed. This demonstration shall be based on achieving a net  
1850 balance between nutrient imports relative to exports on the  
1851 permitted application site. Exports shall include only nutrients  
1852 removed from the watershed through products generated on the  
1853 permitted application site. This prohibition does not apply to  
1854 Class AA biosolids ~~residuals~~ that are marketed and distributed  
1855 as fertilizer products in accordance with department rule.

1856 ~~6.f.~~ The Department of Health shall require all entities  
1857 disposing of septage within the Caloosahatchee River watershed  
1858 to develop and submit to that agency an agricultural use plan  
1859 that limits applications based upon nutrient loading consistent  
1860 with any basin management action plan adopted pursuant to s.  
1861 403.067. ~~By July 1, 2008, nutrient concentrations originating~~  
1862 ~~from these application sites may not exceed the limits~~  
1863 ~~established in the district's WOD program.~~

1864 ~~7.g.~~ The Department of Agriculture and Consumer Services  
1865 shall require ~~initiate rulemaking requiring~~ entities within the  
1866 Caloosahatchee River watershed which land-apply animal manure to



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1867 develop a resource management system level conservation plan,  
1868 according to United States Department of Agriculture criteria,  
1869 which limit such application. Such rules may include criteria  
1870 and thresholds for the requirement to develop a conservation or  
1871 nutrient management plan, requirements for plan approval, and  
1872 recordkeeping requirements.

1873 8. The district shall initiate rulemaking to provide for a  
1874 monitoring program for nonpoint source dischargers required to  
1875 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
1876 403.067(7)(c)3. The results of such monitoring must be reported  
1877 to the coordinating agencies.

1878 ~~3. Caloosahatchee River Watershed Research and Water~~  
1879 ~~Quality Monitoring Program. The district, in cooperation with~~  
1880 ~~the other coordinating agencies and local governments, shall~~  
1881 ~~establish a Caloosahatchee River Watershed Research and Water~~  
1882 ~~Quality Monitoring Program that builds upon the district's~~  
1883 ~~existing research program and that is sufficient to carry out,~~  
1884 ~~comply with, or assess the plans, programs, and other~~  
1885 ~~responsibilities created by this subsection. The program shall~~  
1886 ~~also conduct an assessment of the water volumes and timing from~~  
1887 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
1888 ~~their relative contributions to the timing and volume of water~~  
1889 ~~delivered to the estuary.~~

1890 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~  
1891 ~~than January 1, 2009, The district, in cooperation with the~~  
1892 ~~other coordinating agencies, Martin County, and affected~~  
1893 ~~counties and municipalities shall complete a plan in accordance~~  
1894 ~~with this subsection. The St. Lucie River Watershed Protection~~  
1895 ~~Plan shall identify the geographic extent of the watershed, be~~



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1896 coordinated as needed with the plans developed pursuant to  
1897 paragraph (3) (a) and paragraph (a) of this subsection, and  
1898 ~~contain an implementation schedule for pollutant load reductions~~  
1899 ~~consistent with any adopted total maximum daily loads and~~  
1900 ~~compliance with applicable state water quality standards. The~~  
1901 ~~plan shall~~ include the St. Lucie River Watershed Construction  
1902 Project and St. Lucie River Watershed Research and Water Quality  
1903 Monitoring Program.÷

1904 1. St. Lucie River Watershed Construction Project.—To  
1905 improve the hydrology, water quality, and aquatic habitats  
1906 within the watershed, the district shall, no later than January  
1907 1, 2012, plan, design, and construct the initial phase of the  
1908 Watershed Construction Project. In doing so, the district shall:

1909 a. Develop and designate the facilities to be constructed  
1910 to achieve stated goals and objectives of the St. Lucie River  
1911 Watershed Protection Plan.

1912 b. Identify the size and location of all such facilities.

1913 c. Provide a construction schedule for all such facilities,  
1914 including the sequencing and specific timeframe for construction  
1915 of each facility.

1916 d. Provide a schedule for the acquisition of lands or  
1917 sufficient interests necessary to achieve the construction  
1918 schedule.

1919 e. Provide a schedule of costs and benefits associated with  
1920 each construction project and identify funding sources.

1921 f. To ensure timely implementation, coordinate the design,  
1922 scheduling, and sequencing of project facilities with the  
1923 coordinating agencies, Martin County, St. Lucie County, other  
1924 interested parties, and other affected local governments.



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1925           2. St. Lucie River Watershed Research and Water Quality  
1926 Monitoring Program.—The district, in cooperation with the other  
1927 coordinating agencies and local governments, shall establish a  
1928 St. Lucie River Watershed Research and Water Quality Monitoring  
1929 Program that builds upon the district's existing research  
1930 program and that is sufficient to carry out, comply with, or  
1931 assess the plans, programs, and other responsibilities created  
1932 by this subsection. The program shall also conduct an assessment  
1933 of the water volumes and timing from Lake Okeechobee and the St.  
1934 Lucie River watershed and their relative contributions to the  
1935 timing and volume of water delivered to the estuary.

1936           (d)2. St. Lucie River Watershed Basin Management Action  
1937 Plans ~~Pollutant Control Program~~.—Basin management action plans  
1938 for the St. Lucie River watershed adopted pursuant to s. 403.067  
1939 shall be the St. Lucie River Watershed Pollutant Control Program  
1940 and shall be ~~is~~ designed to be a multifaceted approach to  
1941 reducing pollutant loads by improving the management of  
1942 pollutant sources within the St. Lucie River watershed through  
1943 implementation of regulations and best management practices,  
1944 development and implementation of improved best management  
1945 practices, improvement and restoration of the hydrologic  
1946 function of natural and managed systems, and use ~~utilization~~ of  
1947 alternative technologies for pollutant reduction, such as cost-  
1948 effective biologically based, hybrid wetland/chemical and other  
1949 innovative nutrient control technologies. The plan shall contain  
1950 an implementation schedule for pollutant load reductions  
1951 consistent with the adopted total maximum daily load. The  
1952 coordinating agencies shall facilitate the use ~~utilization~~ of  
1953 federal programs that offer opportunities for water quality



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1954 treatment, including preservation, restoration, or creation of  
1955 wetlands on agricultural lands.

1956 ~~1.a.~~ Nonpoint source best management practices consistent  
1957 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1958 objectives of the St. Lucie River Watershed Protection Program,  
1959 shall be implemented on an expedited basis. The coordinating  
1960 agencies may develop an intergovernmental agreement with local  
1961 governments to implement the nonagricultural nonpoint source  
1962 best management practices within their respective geographic  
1963 boundaries.

1964 ~~2.b.~~ This subsection does not preclude the department or  
1965 the district from requiring compliance with water quality  
1966 standards, adopted total maximum daily loads, or current best  
1967 management practices requirements set forth in any applicable  
1968 regulatory program authorized by law for the purpose of  
1969 protecting water quality. This subsection applies only to the  
1970 extent that it does not conflict with any rules adopted by the  
1971 department or district which are necessary to maintain a  
1972 federally delegated or approved program.

1973 ~~3.e.~~ Projects that make use of private lands, or lands held  
1974 in trust for Indian tribes, to reduce pollutant loadings or  
1975 concentrations within a basin, or that reduce the volume of  
1976 harmful discharges by one or more of the following methods:  
1977 restoring the natural hydrology of the basin, restoring wildlife  
1978 habitat or impacted wetlands, reducing peak flows after storm  
1979 events, or increasing aquifer recharge, are eligible for grants  
1980 available under this section from the coordinating agencies.

1981 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
1982 Plans ~~Pollutant Control Program~~ shall require assessment of



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1983 current water management practices within the watershed and  
1984 shall require development of recommendations for structural,  
1985 nonstructural, and operational improvements. Such  
1986 recommendations shall consider and balance water supply, flood  
1987 control, estuarine salinity, aquatic habitat, and water quality  
1988 considerations.

1989 ~~5.e. After December 31, 2007,~~ The department may not  
1990 authorize the disposal of domestic wastewater biosolids  
1991 ~~residuals~~ within the St. Lucie River watershed unless the  
1992 applicant can affirmatively demonstrate that the nutrients in  
1993 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
1994 watershed. This demonstration shall be based on achieving a net  
1995 balance between nutrient imports relative to exports on the  
1996 permitted application site. Exports shall include only nutrients  
1997 removed from the St. Lucie River watershed through products  
1998 generated on the permitted application site. This prohibition  
1999 does not apply to Class AA biosolids ~~residuals~~ that are marketed  
2000 and distributed as fertilizer products in accordance with  
2001 department rule.

2002 ~~6.f.~~ The Department of Health shall require all entities  
2003 disposing of septage within the St. Lucie River watershed to  
2004 develop and submit to that agency an agricultural use plan that  
2005 limits applications based upon nutrient loading consistent with  
2006 any basin management action plan adopted pursuant to s. 403.067.  
2007 ~~By July 1, 2008, nutrient concentrations originating from these~~  
2008 ~~application sites may not exceed the limits established in the~~  
2009 ~~district's WOD program.~~

2010 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2011 shall initiate rulemaking requiring entities within the St.



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2012 Lucie River watershed which land-apply animal manure to develop  
2013 a resource management system level conservation plan, according  
2014 to United States Department of Agriculture criteria, which limit  
2015 such application. Such rules may include criteria and thresholds  
2016 for the requirement to develop a conservation or nutrient  
2017 management plan, requirements for plan approval, and  
2018 recordkeeping requirements.

2019 8. The district shall initiate rulemaking to provide for a  
2020 monitoring program for nonpoint source dischargers required to  
2021 monitor water quality pursuant to s. 403.067(7) (b)2.g. or s.  
2022 403.067(7) (c)3. The results of such monitoring must be reported  
2023 to the coordinating agencies.

2024 ~~3. St. Lucie River Watershed Research and Water Quality~~  
2025 ~~Monitoring Program. The district, in cooperation with the other~~  
2026 ~~coordinating agencies and local governments, shall establish a~~  
2027 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~  
2028 ~~Program that builds upon the district's existing research~~  
2029 ~~program and that is sufficient to carry out, comply with, or~~  
2030 ~~assess the plans, programs, and other responsibilities created~~  
2031 ~~by this subsection. The program shall also conduct an assessment~~  
2032 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
2033 ~~Lucie River watersheds and their relative contributions to the~~  
2034 ~~timing and volume of water delivered to the estuary.~~

2035 (e)-(e) River Watershed Protection Plan implementation.—The  
2036 coordinating agencies shall be jointly responsible for  
2037 implementing the River Watershed Protection Plans, consistent  
2038 with the statutory authority and responsibility of each agency.  
2039 Annual funding priorities shall be jointly established, and the  
2040 highest priority shall be assigned to programs and projects that



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2041 have the greatest potential for achieving the goals and  
2042 objectives of the plans. In determining funding priorities, the  
2043 coordinating agencies shall also consider the need for  
2044 regulatory compliance, the extent to which the program or  
2045 project is ready to proceed, and the availability of federal or  
2046 local government matching funds. Federal and other nonstate  
2047 funding shall be maximized to the greatest extent practicable.

2048 ~~(f)~~ (d) Evaluation.—Beginning By March 1, 2020 2012, and  
2049 every 5 3 years thereafter concurrent with the updates of the  
2050 basin management action plans adopted pursuant to s. 403.067,  
2051 the district, in cooperation with the other coordinating  
2052 agencies, shall conduct an evaluation of any pollutant load  
2053 reduction goals, as well as any other specific objectives and  
2054 goals, as stated in the River Watershed Protection Programs  
2055 Plans. ~~Additionally,~~ The district shall identify modifications  
2056 to facilities of the River Watershed Construction Projects, as  
2057 appropriate, or any other elements of the River Watershed  
2058 Protection Programs Plans. The evaluation shall be included in  
2059 the annual progress report submitted pursuant to this section.

2060 ~~(g)~~ (e) Priorities and implementation schedules.—The  
2061 coordinating agencies are authorized and directed to establish  
2062 priorities and implementation schedules for the achievement of  
2063 total maximum daily loads, the requirements of s. 403.067, and  
2064 compliance with applicable water quality standards within the  
2065 waters and watersheds subject to this section.

2066 ~~(f) Legislative ratification.~~ ~~The coordinating agencies~~  
2067 ~~shall submit the River Watershed Protection Plans developed~~  
2068 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
2069 ~~Senate and the Speaker of the House of Representatives prior to~~





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2070 ~~the 2009 legislative session for review. If the Legislature~~  
2071 ~~takes no action on the plan during the 2009 legislative session,~~  
2072 ~~the plan is deemed approved and may be implemented.~~

2073 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
2074 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
2075 department is directed to expedite development and adoption of  
2076 total maximum daily loads for the Caloosahatchee River and  
2077 estuary. The department is further directed to, ~~no later than~~  
2078 ~~December 31, 2008,~~ propose for final agency action total maximum  
2079 daily loads for nutrients in the tidal portions of the  
2080 Caloosahatchee River and estuary. The department shall initiate  
2081 development of basin management action plans for Lake  
2082 Okeechobee, the Caloosahatchee River watershed and estuary, and  
2083 the St. Lucie River watershed and estuary as provided in s.  
2084 403.067 s. 403.067(7)(a) as follows:

2085 (a) Basin management action plans shall be developed as  
2086 soon as practicable as determined necessary by the department to  
2087 achieve the total maximum daily loads established for the Lake  
2088 Okeechobee watershed and the estuaries.

2089 (b) The Phase II technical plan development pursuant to  
2090 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection  
2091 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall  
2092 provide the basis for basin management action plans developed by  
2093 the department.

2094 (c) As determined necessary by the department in order to  
2095 achieve the total maximum daily loads, additional or modified  
2096 projects or programs that complement those in the legislatively  
2097 ratified plans may be included during the development of the  
2098 basin management action plan.



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2099           (d) As provided in s. 403.067, management strategies and  
2100 pollution reduction requirements set forth in a basin management  
2101 action plan subject to permitting by the department under  
2102 subsection (7) must be completed pursuant to the schedule set  
2103 forth in the basin management action plan, as amended. The  
2104 implementation schedule may extend beyond the 5-year permit  
2105 term.

2106           (e) As provided in s. 403.067, management strategies and  
2107 pollution reduction requirements set forth in a basin management  
2108 action plan for a specific pollutant of concern are not subject  
2109 to challenge under chapter 120 at the time they are  
2110 incorporated, in an identical form, into a department or  
2111 district issued permit or a permit modification issued in  
2112 accordance with subsection (7).

2113           ~~(d) Development of basin management action plans that~~  
2114 ~~implement the provisions of the legislatively ratified plans~~  
2115 ~~shall be initiated by the department no later than September 30~~  
2116 ~~of the year in which the applicable plan is ratified. Where a~~  
2117 ~~total maximum daily load has not been established at the time of~~  
2118 ~~plan ratification, development of basin management action plans~~  
2119 ~~shall be initiated no later than 90 days following adoption of~~  
2120 ~~the applicable total maximum daily load.~~

2121           (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
2122 cooperation with the other coordinating agencies, shall report  
2123 on implementation of this section as part of the consolidated  
2124 annual report required in s. 373.036(7). The annual report shall  
2125 include a summary of the conditions of the hydrology, water  
2126 quality, and aquatic habitat in the northern Everglades based on  
2127 the results of the Research and Water Quality Monitoring



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2128 Programs, the status of the Lake Okeechobee Watershed  
2129 Construction Project, the status of the Caloosahatchee River  
2130 Watershed Construction Project, and the status of the St. Lucie  
2131 River Watershed Construction Project. In addition, the report  
2132 shall contain an annual accounting of the expenditure of funds  
2133 from the Save Our Everglades Trust Fund. At a minimum, the  
2134 annual report shall provide detail by program and plan,  
2135 including specific information concerning the amount and use of  
2136 funds from federal, state, or local government sources. In  
2137 detailing the use of these funds, the district shall indicate  
2138 those designated to meet requirements for matching funds. The  
2139 district shall prepare the report in cooperation with the other  
2140 coordinating agencies and affected local governments. The  
2141 department shall report on the status of the Lake Okeechobee  
2142 Basin Management Action Plan, the Caloosahatchee River Watershed  
2143 Basin Management Action Plan, and the St. Lucie River Watershed  
2144 Basin Management Action Plan. The Department of Agriculture and  
2145 Consumer Services shall report on the status of the  
2146 implementation of the agricultural nonpoint source best  
2147 management practices.

2148 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2149 (a) The Legislature finds that the Lake Okeechobee  
2150 Watershed Protection Program will benefit Lake Okeechobee and  
2151 downstream receiving waters and is in ~~consistent with~~ the public  
2152 interest. The Lake Okeechobee Watershed Construction Project,  
2153 and structures discharging into or from Lake Okeechobee shall be  
2154 constructed, operated, and maintained in accordance with this  
2155 section.

2156 (b) Permits obtained pursuant to this section are in lieu



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2157 of all other permits under this chapter or chapter 403, except  
2158 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
2159 permits are not required for the Lake Okeechobee Watershed  
2160 Construction Project, or structures discharging into or from  
2161 Lake Okeechobee, if such project or structures are permitted  
2162 under this section. Construction activities related to  
2163 implementation of the Lake Okeechobee Watershed Construction  
2164 Project may be initiated before ~~prior to~~ final agency action, or  
2165 notice of intended agency action, on any permit from the  
2166 department under this section.

2167 (c) 1. ~~Within 90 days of completion of the diversion plans~~  
2168 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~  
2169 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~  
2170 ~~structures which discharge into or from Lake Okeechobee that~~  
2171 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~  
2172 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~  
2173 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~  
2174 ~~this section and shall be governed by permits issued under apply~~  
2175 ~~for a permit from the department to operate and maintain such~~  
2176 ~~structures. By September 1, 2000, owners or operators of all~~  
2177 ~~other existing structures which discharge into or from Lake~~  
2178 ~~Okeechobee shall apply for a permit from the department to~~  
2179 ~~operate and maintain such structures. The department shall issue~~  
2180 ~~one or more such permits for a term of 5 years upon the~~  
2181 ~~demonstration of reasonable assurance that schedules and~~  
2182 ~~strategies to achieve and maintain compliance with water quality~~  
2183 ~~standards have been provided for, to the maximum extent~~  
2184 ~~practicable, and that operation of the structures otherwise~~  
2185 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~



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2186 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2187 403.067.

2188 ~~1. Permits issued under this paragraph shall also contain~~  
2189 ~~reasonable conditions to ensure that discharges of waters~~  
2190 ~~through structures:~~

2191 ~~a. Are adequately and accurately monitored;~~

2192 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
2193 ~~and will result in an overall reduction of phosphorus input into~~  
2194 ~~Lake Okeechobee, as set forth in the district's Technical~~  
2195 ~~Publication 81-2 and the total maximum daily load established in~~  
2196 ~~accordance with s. 403.067, to the maximum extent practicable;~~  
2197 ~~and~~

2198 ~~e. Do not pose a serious danger to public health, safety,~~  
2199 ~~or welfare.~~

2200 2. For the purposes of this paragraph, owners and operators  
2201 of existing structures which are subject to ~~the provisions of s.~~  
2202 ~~373.4592(4) (a) and which discharge into or from Lake Okeechobee~~  
2203 ~~shall be deemed in compliance with this paragraph ~~the term~~~~  
2204 ~~"maximum extent practicable" if they are in full compliance with~~  
2205 ~~the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~~~  
2206 ~~63, Florida Administrative Code.~~

2207 3. ~~By January 1, 2004,~~ The district shall obtain from  
2208 ~~submit to~~ the department a permit modification to the Lake  
2209 Okeechobee structure permits to incorporate proposed changes  
2210 necessary to ensure that discharges through the structures  
2211 covered by this permit are consistent with the basin management  
2212 action plan adopted pursuant to achieve state water quality  
2213 ~~standards, including the total maximum daily load established in~~  
2214 ~~accordance with s. 403.067. These changes shall be designed to~~



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2215 ~~achieve such compliance with state water quality standards no~~  
2216 ~~later than January 1, 2015.~~

2217 (d) The department shall require permits for district  
2218 regional projects that are part of the Lake Okeechobee Watershed  
2219 Construction Project facilities. However, projects ~~identified in~~  
2220 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
2221 s. 373.406 do shall not require need permits under this section.  
2222 Such permits shall be issued for a term of 5 years upon the  
2223 demonstration of reasonable assurances that:

2224 1. District regional projects that are part of the Lake  
2225 Okeechobee Watershed Construction Project shall facility, based  
2226 ~~upon the conceptual design documents and any subsequent detailed~~  
2227 ~~design documents developed by the district, will~~ achieve the  
2228 design objectives for phosphorus required in subparagraph  
2229 (3)(a)1. paragraph (3)(b);

2230 2. For water quality standards other than phosphorus, the  
2231 quality of water discharged from the facility is of equal or  
2232 better quality than the inflows;

2233 3. Discharges from the facility do not pose a serious  
2234 danger to public health, safety, or welfare; and

2235 4. Any impacts on wetlands or state-listed species  
2236 resulting from implementation of that facility of the Lake  
2237 Okeechobee Construction Project are minimized and mitigated, as  
2238 appropriate.

2239 (e) At least 60 days before ~~prior to~~ the expiration of any  
2240 permit issued under this section, the permittee may apply for a  
2241 renewal thereof for a period of 5 years.

2242 (f) Permits issued under this section may include any  
2243 standard conditions provided by department rule which are



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2244 appropriate and consistent with this section.

2245 (g) Permits issued under ~~pursuant to~~ this section may be  
2246 modified, as appropriate, upon review and approval by the  
2247 department.

2248 (8) ENFORCEMENT OF BASIN MANAGEMENT ACTION PLANS.—The basin  
2249 management action plans for Lake Okeechobee, the Caloosahatchee  
2250 River watershed and estuary, and the St. Lucie River watershed  
2251 and estuary are enforceable pursuant to ss. 403.067, 403.121,  
2252 403.141, and 403.161.

2253 Section 17. Paragraphs (a) and (b) of subsection (6) of  
2254 section 373.536, Florida Statutes, are amended to read:

2255 373.536 District budget and hearing thereon.—

2256 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
2257 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2258 (a) Each district must, by the date specified for each  
2259 item, furnish copies of the following documents to the Governor,  
2260 the President of the Senate, the Speaker of the House of  
2261 Representatives, the chairs of all legislative committees and  
2262 subcommittees having substantive or fiscal jurisdiction over the  
2263 districts, as determined by the President of the Senate or the  
2264 Speaker of the House of Representatives as applicable, the  
2265 secretary of the department, and the governing board of each  
2266 county in which the district has jurisdiction or derives any  
2267 funds for the operations of the district:

2268 1. The adopted budget, to be furnished within 10 days after  
2269 its adoption.

2270 2. A financial audit of its accounts and records, to be  
2271 furnished within 10 days after its acceptance by the governing  
2272 board. The audit must be conducted in accordance with s. 11.45



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2273 and the rules adopted thereunder. In addition to the entities  
2274 named above, the district must provide a copy of the audit to  
2275 the Auditor General within 10 days after its acceptance by the  
2276 governing board.

2277 3. A 5-year capital improvements plan, to be included in  
2278 the consolidated annual report required by s. 373.036(7). The  
2279 plan must include expected sources of revenue for planned  
2280 improvements and must be prepared in a manner comparable to the  
2281 fixed capital outlay format set forth in s. 216.043.

2282 4. A 5-year water resource development work program to be  
2283 furnished within 30 days after the adoption of the final budget.  
2284 The program must describe the district's implementation strategy  
2285 and include an annual funding plan for each of the 5 years  
2286 included in the plan for the water resource and, water supply,  
2287 development components, including and alternative water supply  
2288 development, components of each approved regional water supply  
2289 plan developed or revised under s. 373.709. The work program  
2290 must address all the elements of the water resource development  
2291 component in the district's approved regional water supply  
2292 plans, as well as the water supply projects proposed for  
2293 district funding and assistance. The annual funding plan shall  
2294 identify both anticipated available district funding and  
2295 additional funding needs for the second through fifth years of  
2296 the funding plan. Funding requests for projects submitted for  
2297 consideration for state funding pursuant to s. 403.0616 shall be  
2298 identified separately. The work program and must identify  
2299 projects in the work program which will provide water; explain  
2300 how each water resource, and water supply, and alternative water  
2301 supply development project will produce additional water





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2302 available for consumptive uses; estimate the quantity of water  
2303 to be produced by each project; ~~and~~ provide an assessment of the  
2304 contribution of the district's regional water supply plans in  
2305 supporting the implementation of minimum flows and levels and  
2306 reservations; and ensure ~~providing~~ sufficient water is available  
2307 ~~needed~~ to timely meet the water supply needs of existing and  
2308 future reasonable-beneficial uses for a 1-in-10-year drought  
2309 event and to avoid the adverse effects of competition for water  
2310 supplies.

2311 (b) Within 30 days after its submittal, the department  
2312 shall review the proposed work program and submit its findings,  
2313 questions, and comments to the district. The review must include  
2314 a written evaluation of the program's consistency with the  
2315 furtherance of the district's approved regional water supply  
2316 plans, and the adequacy of proposed expenditures. As part of the  
2317 review, the department shall post the work program on its  
2318 website and give interested parties the opportunity to provide  
2319 written comments on each district's proposed work program.  
2320 Within 45 days after receipt of the department's evaluation, the  
2321 governing board shall state in writing to the department which  
2322 of the changes recommended in the evaluation it will incorporate  
2323 into its work program submitted as part of the March 1  
2324 consolidated annual report required by s. 373.036(7) or specify  
2325 the reasons for not incorporating the changes. The department  
2326 shall include the district's responses in a final evaluation  
2327 report and shall submit a copy of the report to the Governor,  
2328 the President of the Senate, and the Speaker of the House of  
2329 Representatives.

2330 Section 18. Subsection (9) of section 373.703, Florida



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2331 Statutes, is amended to read:

2332           373.703 Water production; general powers and duties.—In the  
2333 performance of, and in conjunction with, its other powers and  
2334 duties, the governing board of a water management district  
2335 existing pursuant to this chapter:

2336           (9) May join with one or more other water management  
2337 districts, counties, municipalities, special districts, publicly  
2338 owned or privately owned water utilities, multijurisdictional  
2339 water supply entities, regional water supply authorities,  
2340 private landowners, or self-suppliers for the purpose of  
2341 carrying out its powers, and may contract with such other  
2342 entities to finance acquisitions, construction, operation, and  
2343 maintenance, provided that such contracts are consistent with  
2344 the public interest. The contract may provide for contributions  
2345 to be made by each party to the contract for the division and  
2346 apportionment of the expenses of acquisitions, construction,  
2347 operation, and maintenance, and for the division and  
2348 apportionment of resulting benefits, services, and products. The  
2349 contracts may contain other covenants and agreements necessary  
2350 and appropriate to accomplish their purposes.

2351           Section 19. Paragraph (b) of subsection (2), subsection  
2352 (3), and paragraph (b) of subsection (4) of section 373.705,  
2353 Florida Statutes, are amended to read:

2354           373.705 Water resource development; water supply  
2355 development.—

2356           (2) It is the intent of the Legislature that:

2357           (b) Water management districts take the lead in identifying  
2358 and implementing water resource development projects, and be  
2359 responsible for securing necessary funding for regionally



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2360 significant water resource development projects, including  
2361 regionally significant projects that prevent or limit adverse  
2362 water resource impacts, avoid competition among water users, or  
2363 support the provision of new water supplies in order to meet a  
2364 minimum flow or minimum water level, implement a recovery or  
2365 prevention strategy or water reservation.

2366 (3) (a) The water management districts shall fund and  
2367 implement water resource development as defined in s. 373.019.  
2368 The water management districts are encouraged to implement water  
2369 resource development as expeditiously as possible in areas  
2370 subject to regional water supply plans.

2371 (b) Each governing board shall include in its annual budget  
2372 submittals required under this chapter:

2373 1. The amount of funds for each project in the annual  
2374 funding plan developed pursuant to s. 373.536(6) (a) 4.

2375 2. The total amount needed for the fiscal year to implement  
2376 water resource development projects, as prioritized in its  
2377 regional water supply plans.

2378 3. The amount of funds requested for each project submitted  
2379 for consideration for state funding pursuant to s. 403.0616.

2380 (4)

2381 (b) Water supply development projects that meet the  
2382 criteria in paragraph (a) and that meet one or more of the  
2383 following additional criteria shall be given first consideration  
2384 for state or water management district funding assistance:

2385 1. The project brings about replacement of existing sources  
2386 in order to help implement a minimum flow or level; ~~or~~

2387 2. The project implements reuse that assists in the  
2388 elimination of domestic wastewater ocean outfalls as provided in



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2389 s. 403.086(9); or

2390 3. The project reduces or eliminates the adverse effects of  
2391 competition between legal users and the natural system.

2392 Section 20. Paragraph (f) of subsection (3), paragraph (a)  
2393 of subsection (6), and paragraph (e) of subsection (8) of  
2394 section 373.707, Florida Statutes, are amended to read:

2395 373.707 Alternative water supply development.—

2396 (3) The primary roles of the water management districts in  
2397 water resource development as it relates to supporting  
2398 alternative water supply development are:

2399 (f) The provision of technical and financial assistance to  
2400 local governments and publicly owned and privately owned water  
2401 utilities for alternative water supply projects and for self-  
2402 suppliers for alternative water supply projects to the extent  
2403 assistance for self-suppliers promotes the policies in paragraph  
2404 (1) (f).

2405 (6) (a) Where state ~~The statewide~~ funds are provided through  
2406 specific appropriation for a priority project of the water  
2407 resources work program pursuant to s. 403.0616, or pursuant to  
2408 the Water Protection and Sustainability Program, such funds  
2409 serve to supplement existing water management district or basin  
2410 board funding for alternative water supply development  
2411 assistance and should not result in a reduction of such funding.  
2412 For each project identified in the plans prepared pursuant to s.  
2413 373.536(6) (a) 4. Therefore, the water management districts shall  
2414 include in the annual tentative and adopted budget submittals  
2415 required under this chapter the amount of funds allocated for  
2416 water resource development that supports alternative water  
2417 supply development and the funds allocated for alternative water



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2418 supply projects ~~selected for inclusion in the Water Protection~~  
2419 ~~and Sustainability Program~~. It shall be the goal of each water  
2420 management district and basin boards that the combined funds  
2421 allocated annually for these purposes be, at a minimum, the  
2422 equivalent of 100 percent of the state funding provided to the  
2423 water management district for alternative water supply  
2424 development. If this goal is not achieved, the water management  
2425 district shall provide in the budget submittal an explanation of  
2426 the reasons or constraints that prevent this goal from being  
2427 met, an explanation of how the goal will be met in future years,  
2428 and affirmation of match is required during the budget review  
2429 process as established under s. 373.536(5). The Suwannee River  
2430 Water Management District and the Northwest Florida Water  
2431 Management District shall not be required to meet the match  
2432 requirements of this paragraph; however, they shall try to  
2433 achieve the match requirement to the greatest extent  
2434 practicable.

2435 (8)

2436 (e) Applicants for projects that may receive funding  
2437 assistance pursuant to the Water Protection and Sustainability  
2438 Program shall, at a minimum, be required to pay 60 percent of  
2439 the project's construction costs. The water management districts  
2440 may, at their discretion, totally or partially waive this  
2441 requirement for projects sponsored by:

2442 1. Financially disadvantaged small local governments as  
2443 defined in former s. 403.885(5); or

2444 2. Water users for projects determined by a water  
2445 management district governing board to be in the public interest  
2446 pursuant to paragraph (1) (f), if the projects are not otherwise



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2447 financially feasible.

2448

2449 The water management districts or basin boards may, at their  
2450 discretion, use ad valorem or federal revenues to assist a  
2451 project applicant in meeting the requirements of this paragraph.

2452 Section 21. Paragraph (a) of subsection (2) and paragraphs  
2453 (a) and (e) of subsection (6) of section 373.709, Florida  
2454 Statutes, are amended to read:

2455 373.709 Regional water supply planning.—

2456 (2) Each regional water supply plan must be based on at  
2457 least a 20-year planning period and must include, but need not  
2458 be limited to:

2459 (a) A water supply development component for each water  
2460 supply planning region identified by the district which  
2461 includes:

2462 1. A quantification of the water supply needs for all  
2463 existing and future reasonable-beneficial uses within the  
2464 planning horizon. The level-of-certainty planning goal  
2465 associated with identifying the water supply needs of existing  
2466 and future reasonable-beneficial uses must be based upon meeting  
2467 those needs for a 1-in-10-year drought event.

2468 a. Population projections used for determining public water  
2469 supply needs must be based upon the best available data. In  
2470 determining the best available data, the district shall consider  
2471 the University of Florida ~~Florida's~~ Bureau of Economic and  
2472 Business Research (BEBR) medium population projections and  
2473 population projection data and analysis submitted by a local  
2474 government pursuant to the public workshop described in  
2475 subsection (1) if the data and analysis support the local



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2476 government's comprehensive plan. Any adjustment of or deviation  
2477 from the BEBR projections must be fully described, and the  
2478 original BEBR data must be presented along with the adjusted  
2479 data.

2480       b. Agricultural demand projections used for determining the  
2481 needs of agricultural self-suppliers must be based upon the best  
2482 available data. In determining the best available data for  
2483 agricultural self-supplied water needs, the district shall  
2484 consider the data indicative of future water supply demands  
2485 provided by the Department of Agriculture and Consumer Services  
2486 pursuant to s. 570.93 and agricultural demand projection data  
2487 and analysis submitted by a local government pursuant to the  
2488 public workshop described in subsection (1), if the data and  
2489 analysis support the local government's comprehensive plan. Any  
2490 adjustment of or deviation from the data provided by the  
2491 Department of Agriculture and Consumer Services must be fully  
2492 described, and the original data must be presented along with  
2493 the adjusted data.

2494       2. A list of water supply development project options,  
2495 including traditional and alternative water supply project  
2496 options that are technically and financially feasible, from  
2497 which local government, government-owned and privately owned  
2498 utilities, regional water supply authorities,  
2499 multijurisdictional water supply entities, self-suppliers, and  
2500 others may choose for water supply development. In addition to  
2501 projects listed by the district, such users may propose specific  
2502 projects for inclusion in the list of alternative water supply  
2503 projects. If such users propose a project to be listed as an  
2504 alternative water supply project, the district shall determine



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2505 whether it meets the goals of the plan, and, if so, it shall be  
2506 included in the list. The total capacity of the projects  
2507 included in the plan must exceed the needs identified in  
2508 subparagraph 1. and take into account water conservation and  
2509 other demand management measures, as well as water resources  
2510 constraints, including adopted minimum flows and levels and  
2511 water reservations. Where the district determines it is  
2512 appropriate, the plan should specifically identify the need for  
2513 multijurisdictional approaches to project options that, based on  
2514 planning level analysis, are appropriate to supply the intended  
2515 uses and that, based on such analysis, appear to be permissible  
2516 and financially and technically feasible. The list of water  
2517 supply development options must contain provisions that  
2518 recognize that alternative water supply options for agricultural  
2519 self-suppliers are limited.

2520 3. For each project option identified in subparagraph 2.,  
2521 the following must be provided:

2522 a. An estimate of the amount of water to become available  
2523 through the project.

2524 b. The timeframe in which the project option should be  
2525 implemented and the estimated planning-level costs for capital  
2526 investment and operating and maintaining the project.

2527 c. An analysis of funding needs and sources of possible  
2528 funding options. For alternative water supply projects, the  
2529 water management districts shall provide funding assistance  
2530 pursuant to s. 373.707(8).

2531 d. Identification of the entity that should implement each  
2532 project option and the current status of project implementation.

2533 (6) Annually and in conjunction with the reporting





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2534 requirements of s. 373.536(6)(a)4., the department shall submit  
2535 to the Governor and the Legislature a report on the status of  
2536 regional water supply planning in each district. The report  
2537 shall include:

2538 (a) A compilation of the estimated costs ~~of~~ and an analysis  
2539 of the sufficiency of potential sources of funding from all  
2540 sources for water resource development and water supply  
2541 development projects as identified in the water management  
2542 district regional water supply plans.

2543 (e) An overall assessment of the progress being made to  
2544 develop water supply in each district, including, but not  
2545 limited to, an explanation of how each project in the 5-year  
2546 water resource development work program in s. 373.536(6)(a)4.,  
2547 either alternative or traditional, will produce, contribute to,  
2548 or account for additional water being made available for  
2549 consumptive uses, minimum flows and levels, or water  
2550 reservations; an estimate of the quantity of water to be  
2551 produced by each project; and an assessment of the contribution  
2552 of the district's regional water supply plan in providing  
2553 sufficient water to meet the needs of existing and future  
2554 reasonable-beneficial uses for a 1-in-10-year drought event, as  
2555 well as the needs of the natural systems.

2556 Section 22. Part VIII of chapter 373, Florida Statutes,  
2557 consisting of sections 373.801, 373.802, 373.803, 373.805,  
2558 373.807, 373.811, 373.813, and 373.815, Florida Statutes, is  
2559 created and entitled the "Florida Springs and Aquifer Protection  
2560 Act."

2561 Section 23. Section 373.801, Florida Statutes, is created  
2562 to read:



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2563           373.801 Legislative findings and intent.-

2564           (1) The Legislature finds that springs are a unique part of  
2565 this state's scenic beauty. Springs provide critical habitat for  
2566 plants and animals, including many endangered or threatened  
2567 species. Springs also provide immeasurable natural,  
2568 recreational, economic, and inherent value. Springs are of great  
2569 scientific importance in understanding the diverse functions of  
2570 aquatic ecosystems. Water quality of springs is an indicator of  
2571 local conditions of the Floridan Aquifer, which is a source of  
2572 drinking water for many residents of this state. Water flows in  
2573 springs reflect regional aquifer conditions. In addition,  
2574 springs provide recreational opportunities for swimming,  
2575 canoeing, wildlife watching, fishing, cave diving, and many  
2576 other activities in this state. These recreational opportunities  
2577 and the accompanying tourism they provide are a benefit to local  
2578 economies and the economy of the state as a whole.

2579           (2) Water quantity and water quality in springs may be  
2580 related. For regulatory purposes, the department has primary  
2581 responsibility for water quality; the water management districts  
2582 have primary responsibility for water quantity; the Department  
2583 of Agriculture and Consumer Services has primary responsibility  
2584 for the development and implementation of agricultural best  
2585 management practices; and the local governments have primary  
2586 responsibility for providing wastewater and stormwater  
2587 management. The foregoing responsible entities must coordinate  
2588 to restore and maintain the water quantity and water quality of  
2589 the Outstanding Florida Springs.

2590           (3) The Legislature recognizes that:

2591           (a) Springs are only as healthy as their springsheds. The



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2592 groundwater that supplies springs is derived from water that  
2593 recharges the aquifer system in the form of seepage from the  
2594 land surface and through direct conduits, such as sinkholes.  
2595 Springs may be adversely affected by polluted runoff from urban  
2596 and agricultural lands; discharge resulting from inadequate  
2597 wastewater and stormwater management practices; stormwater  
2598 runoff; and reduced water levels of the Floridan Aquifer. As a  
2599 result, the hydrologic and environmental conditions of a spring  
2600 or spring run are directly influenced by activities and land  
2601 uses within a springshed and by water withdrawals from the  
2602 Floridan Aquifer.

2603 (b) Springs, whether found in urban or rural settings, or  
2604 on public or private lands, may be threatened by actual or  
2605 potential flow reductions and declining water quality. Many of  
2606 this state's springs are demonstrating signs of significant  
2607 ecological imbalance, increased nutrient loading, and declining  
2608 water flow. Without effective remedial action, further declines  
2609 in water quality and water quantity may occur.

2610 (c) Springshed boundaries and areas of high vulnerability  
2611 within a springshed need to be identified and delineated using  
2612 the best available data.

2613 (d) Springsheds typically cross water management district  
2614 boundaries and local government jurisdictional boundaries, so a  
2615 coordinated statewide springs protection plan is needed.

2616 (e) The aquifers and springs of this state are complex  
2617 systems affected by many variables and influences.

2618 (4) The Legislature recognizes that action is urgently  
2619 needed and, as additional data is acquired, action must be  
2620 continually modified.



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2621 Section 24. Section 373.802, Florida Statutes, is created  
2622 to read:

2623 373.802 Definitions.—As used in this part, the term:

2624 (1) "Department" means the Department of Environmental  
2625 Protection, which includes the Florida Geological Survey or its  
2626 successor agencies.

2627 (2) "Local government" means a county or municipal  
2628 government the jurisdictional boundaries of which include an  
2629 Outstanding Florida Spring or any part of a springshed or  
2630 delineated priority focus area of an Outstanding Florida Spring.

2631 (3) "Onsite sewage treatment and disposal system" means a  
2632 system that contains a standard subsurface, filled, or mound  
2633 drainfield system; an aerobic treatment unit; a graywater system  
2634 tank; a laundry wastewater system tank; a septic tank; a grease  
2635 interceptor; a pump tank; a solids or effluent pump; a  
2636 waterless, incinerating, or organic waste-composting toilet; or  
2637 a sanitary pit privy that is installed or proposed to be  
2638 installed beyond the building sewer on land of the owner or on  
2639 other land on which the owner has the legal right to install  
2640 such system. The term includes any item placed within, or  
2641 intended to be used as a part of or in conjunction with, the  
2642 system. The term does not include package sewage treatment  
2643 facilities and other treatment works regulated under chapter  
2644 403.

2645 (4) "Outstanding Florida Spring" includes all historic  
2646 first magnitude springs, as determined by the department using  
2647 the most recent Florida Geological Survey springs bulletin,  
2648 excluding submarine springs, and the following springs, and  
2649 their associated spring runs:



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2650 (a) De Leon Springs;

2651 (b) Peacock Springs;

2652 (c) Poe Springs;

2653 (d) Rock Springs;

2654 (e) Wekiwa Springs; and

2655 (f) Gemini Springs.

2656 (5) "Priority focus area" means the area or areas of a  
2657 basin where the Floridan Aquifer is most vulnerable to  
2658 groundwater withdrawals or pollutant inputs, where the  
2659 groundwater travel times are the fastest, and where there is a  
2660 known connectivity between groundwater pathways and an  
2661 Outstanding Florida Spring, as determined by the department in  
2662 consultation with the appropriate water management districts.

2663 (6) "Springshed" means the areas within the groundwater and  
2664 surface water basins which contribute, based upon all relevant  
2665 facts, circumstances, and data, to the discharge of a spring as  
2666 defined by potentiometric surface maps and surface watershed  
2667 boundaries.

2668 (7) "Spring run" means a body of flowing water that  
2669 originates from a spring or whose primary source of water is a  
2670 spring or springs under average rainfall conditions.

2671 (8) "Spring vent" means a location where groundwater flows  
2672 out of a natural, discernable opening in the ground onto the  
2673 land surface or into a predominantly fresh surface water body.

2674 Section 25. Section 373.803, Florida Statutes, is created  
2675 to read:

2676 373.803 Delineation of priority focus areas for Outstanding  
2677 Florida Springs.—Using the best data available from the water  
2678 management districts and other credible sources, the department,



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2679 in coordination with the water management districts, shall  
2680 delineate priority focus areas for each Outstanding Florida  
2681 Spring or group of springs that contains one or more Outstanding  
2682 Florida Springs. In delineating priority focus areas, the  
2683 department shall consider groundwater travel time to the spring,  
2684 hydrogeology, nutrient load, and any other factors that may lead  
2685 to degradation of an Outstanding Florida Spring. The delineation  
2686 of priority focus areas must be completed by July 1, 2018.

2687 Section 26. Section 373.805, Florida Statutes, is created  
2688 to read:

2689 373.805 Minimum flows and minimum water levels for  
2690 Outstanding Florida Springs.—

2691 (1) (a) At the time a minimum flow or minimum water level is  
2692 adopted for an Outstanding Florida Spring, if the spring is  
2693 below or is projected within 20 years to fall below the minimum  
2694 flow or minimum water level, a water management district or the  
2695 department shall simultaneously adopt a recovery or prevention  
2696 strategy.

2697 (b) When an interim minimum flow or minimum water level is  
2698 established pursuant to s. 373.042(2) for an Outstanding Florida  
2699 Spring, the water management district or the department shall  
2700 also adopt a recovery or prevention strategy by July 1, 2016, if  
2701 the spring is below or is projected within 20 years to fall  
2702 below the interim minimum flow or minimum water level.

2703 (2) For an Outstanding Florida Spring, a minimum flow or  
2704 minimum water level adopted before July 1, 2015, must be revised  
2705 by July 1, 2018. When a minimum flow or minimum water level is  
2706 revised, if the spring is below or is projected within 20 years  
2707 to fall below the revised minimum flow or minimum water level, a



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2708 water management district or the department shall simultaneously  
2709 adopt a recovery or prevention strategy or modify an existing  
2710 recovery or prevention strategy. A district or the department  
2711 may adopt the revised minimum flow or minimum water level before  
2712 the adoption of a recovery or prevention strategy if the revised  
2713 minimum flow or minimum water level is less constraining on  
2714 existing or projected future consumptive uses.

2715 (3) For an Outstanding Florida Spring without an adopted  
2716 recovery or prevention strategy, if a district or the department  
2717 determines the spring has fallen below, or is projected within  
2718 20 years to fall below the adopted or interim minimum flow or  
2719 minimum water level, a water management district or the  
2720 department shall expeditiously adopt a recovery or prevention  
2721 strategy.

2722 (4) The recovery or prevention strategy for each  
2723 Outstanding Florida Spring must, at a minimum, include:

2724 (a) A listing of all specific projects identified for  
2725 implementation of the plan;

2726 (b) A priority listing of each project;

2727 (c) For each listed project, the estimated cost of and the  
2728 estimated date of completion;

2729 (d) The source and amount of financial assistance to be  
2730 made available by the water management district for each listed  
2731 project, which may not be less than 25 percent of the total  
2732 project cost unless a specific funding source or sources are  
2733 identified which will provide more than 75 percent of the total  
2734 project cost. The Northwest Florida Water Management District  
2735 and the Suwannee River Water Management District are not  
2736 required to provide matching funds pursuant to this paragraph;



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2737 (e) An estimate of each listed project's benefit to an  
2738 Outstanding Florida Spring; and

2739 (f) An implementation plan with a goal to achieve the  
2740 adopted or interim minimum flow or minimum water level no more  
2741 than 20 years after the adoption of a recovery or prevention  
2742 strategy. The implementation plan must include measureable  
2743 interim milestones to be achieved within 5, 10, and 15 years,  
2744 respectively, intended to achieve the adopted or interim minimum  
2745 flow or minimum water level.

2746 (5) A local government may apply to the department for an  
2747 extension of up to 5 years for any project in an adopted  
2748 recovery or prevention strategy. The department may grant the  
2749 extension if the local government provides to the department  
2750 sufficient evidence that an extension is in the best interest of  
2751 the public. For a local government in a rural area of  
2752 opportunity, as defined in s. 288.0656, the department may grant  
2753 an extension of up to 10 years.

2754 Section 27. Section 373.807, Florida Statutes, is created  
2755 to read:

2756 373.807 Protection of water quality in Outstanding Florida  
2757 Springs.—By July 1, 2015, the department shall initiate  
2758 assessment, pursuant to s. 403.067(3), of each Outstanding  
2759 Florida Spring for which an impairment determination has not  
2760 been made under the numeric nutrient standards in effect for  
2761 spring vents. Assessments must be completed by July 1, 2018.

2762 (1) (a) Simultaneously with the adoption of a nutrient total  
2763 maximum daily load for an Outstanding Florida Spring, the  
2764 department, or the department in conjunction with a water  
2765 management district, shall initiate development of a basin





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2766 management action plan, as specified in s. 403.067. For an  
2767 Outstanding Florida Spring with a nutrient total maximum daily  
2768 load adopted before July 1, 2015, the department, or the  
2769 department in conjunction with a water management district,  
2770 shall initiate development of a basin management action plan by  
2771 July 1, 2015. During the development of a basin management  
2772 action plan, if the department identifies onsite sewage  
2773 treatment and disposal systems as significant nonpoint sources  
2774 of nutrient pollution which need to be addressed within a local  
2775 government jurisdiction, the department shall notify the local  
2776 government within 30 days. The local government shall develop an  
2777 onsite sewage treatment and disposal system remediation plan  
2778 pursuant to subsection (3) for those systems identified as  
2779 significant nonpoint sources of nutrient pollution for inclusion  
2780 in the basin management action plan.

2781 (b) A basin management action plan for an Outstanding  
2782 Florida Spring shall be adopted within 3 years after its  
2783 initiation and must include, at a minimum:

2784 1. A list of all specific projects identified to implement  
2785 a nutrient total maximum daily load;

2786 2. A list of all specific projects identified in an onsite  
2787 sewage treatment and disposal system remediation plan, if  
2788 applicable;

2789 3. A priority rank for each listed project;

2790 4. For each listed project, the estimated cost of and the  
2791 estimated date of completion;

2792 5. The source and amount of financial assistance to be made  
2793 available by the department, a water management district, or  
2794 other entity for each listed project;



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2795 6. An estimate of each listed project's nutrient load  
2796 reduction;

2797 7. Identification of each point source or category of  
2798 nonpoint sources, including, but not limited to, urban turf  
2799 fertilizer, sports turf fertilizer, agricultural fertilizer,  
2800 onsite sewage treatment and disposal systems, wastewater  
2801 treatment facilities, animal wastes, and stormwater facilities.  
2802 An estimated allocation of the pollutant load must be provided  
2803 for each point source or category of nonpoint sources; and

2804 8. An implementation plan intended to achieve the adopted  
2805 nutrient total maximum daily load no more than 20 years after  
2806 the adoption of a basin management action plan. The plan must  
2807 include measureable interim milestones to be achieved within 5,  
2808 10, and 15 years, respectively, intended to achieve the adopted  
2809 nutrient total maximum daily load.

2810 (c) For a basin management action plan adopted before July  
2811 1, 2015, which addresses an Outstanding Florida Spring, the  
2812 department or the department in conjunction with a water  
2813 management district must revise the plan pursuant to this  
2814 section by July 1, 2018.

2815 (d) Upon approval of an onsite sewage treatment and  
2816 disposal system remediation plan by the department, the plan  
2817 shall be deemed incorporated as part of the appropriate basin  
2818 management action plan pursuant to s. 403.067(7) until such time  
2819 as the basin management action plan is revised.

2820 (e) A local government may apply to the department for an  
2821 extension of up to 5 years for any project in an adopted basin  
2822 management action plan. A local government in a rural area of  
2823 opportunity, as defined in s. 288.0656, may apply for an



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2824 extension of up to 10 years for such a project. The department  
2825 may grant the extension if the local government provides to the  
2826 department sufficient evidence that an extension is in the best  
2827 interest of the public.

2828 (2) Within 6 months after the delineation of priority focus  
2829 areas of an Outstanding Florida Spring that is fully or  
2830 partially within the jurisdiction of a local government, a local  
2831 government must develop, enact, and implement an ordinance that  
2832 meets or exceeds the requirements of the department's Model  
2833 Ordinance for Florida-Friendly Fertilizer Use on Urban  
2834 Landscapes. Such ordinance must require that, within a priority  
2835 focus area of an Outstanding Florida Spring with an adopted  
2836 nutrient total maximum daily load, the nitrogen application rate  
2837 of any fertilizer applied to turf or landscape plants may not  
2838 exceed the lowest basic maintenance rate of the most recent  
2839 recommendations by the Institute of Food and Agricultural  
2840 Sciences. The department shall adopt rules to implement this  
2841 subsection which establish reasonable minimum standards and  
2842 reflect advancements or improvements regarding nutrient load  
2843 reductions.

2844 (3) Notwithstanding ss. 381.0064, 381.0065, 381.00651,  
2845 381.00655, 381.0066, 381.0067 and 381.0068, by July 1, 2017, the  
2846 department, in conjunction with the Department of Health and  
2847 local governments, must identify onsite sewage treatment and  
2848 disposal systems within each priority focus area. Within 60 days  
2849 after the department's completion of the identification of these  
2850 systems, the department shall provide the location of the  
2851 systems to the local governments in which they are located. If  
2852 notified by the department pursuant to subsection (1), the local



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2853 government, in consultation with the department, shall develop  
2854 an onsite sewage treatment and disposal system remediation plan  
2855 within 12 months after notification by the department. If the  
2856 department determines onsite sewage treatment and disposal  
2857 systems within a priority focus area contribute at least 20  
2858 percent of nonpoint source nutrient pollution, the plan must  
2859 identify which systems require repair, upgrade, replacement,  
2860 drainfield modification, connection to a central sewerage  
2861 system, or no action. The plan must include a priority ranking  
2862 for each system or group of systems that require remediation.  
2863 Each remediation plan must be submitted to the department for  
2864 approval.

2865 (a) In reviewing and approving the remediation plans, the  
2866 department shall consider, at a minimum:

2867 1. The density of onsite sewage treatment and disposal  
2868 systems;

2869 2. The number of onsite sewage treatment and disposal  
2870 systems;

2871 3. The proximity of the onsite sewage treatment and  
2872 disposal system or systems to an Outstanding Florida Spring;

2873 4. The estimated nutrient loading of the onsite sewage  
2874 treatment and disposal system or systems; and

2875 5. The cost of the proposed remedial action.

2876 (b) Before submitting an onsite sewage treatment and  
2877 disposal system remediation plan to the department, the local  
2878 government shall hold at least one public meeting to provide the  
2879 public an opportunity to comment on the plan. The approval of an  
2880 onsite sewage treatment and disposal system remediation plan by  
2881 the department constitutes a final agency action.



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2882 (c) If a local government does not substantially comply  
2883 with this subsection, it may be ineligible for funding pursuant  
2884 to s. 403.0617.

2885 (d) With respect to implementation of an onsite sewage  
2886 treatment and disposal system remediation plan, a property owner  
2887 with an onsite sewage treatment and disposal system identified  
2888 as requiring remediation by the plan may not be required to pay  
2889 the cost of a system inspection, a system upgrade, a system  
2890 replacement, a drainfield modification, or any initial  
2891 connection fee for connecting to a sanitary sewer system. This  
2892 paragraph does not apply to local government programs in  
2893 existence before July 1, 2015, which are inconsistent with this  
2894 paragraph.

2895 (4) The department shall provide notice to a local  
2896 government of all permit applicants under s. 403.814(12) in a  
2897 priority focus area of an Outstanding Florida Spring over which  
2898 the local government has full or partial jurisdiction.

2899 Section 28. Section 373.811, Florida Statutes, is created  
2900 to read:

2901 373.811 Prohibited activities within a priority focus  
2902 area.—The following activities are prohibited within a priority  
2903 focus area of an Outstanding Florida Spring:

2904 (1) New municipal or industrial wastewater disposal  
2905 facilities, including rapid infiltration basins, with permitted  
2906 capacities of 100,000 gallons per day or more, except for those  
2907 facilities that meet an advanced wastewater treatment standard  
2908 of no more than 3 mg/l total nitrogen, expressed as N, on an  
2909 annual permitted basis, or a more stringent treatment standard  
2910 if the department determines the more stringent standard is



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2911 necessary to prevent impairment or aid in the recovery of an  
2912 Outstanding Florida Spring.

2913 (2) Beginning 6 months after the Department of Health  
2914 approves passive nitrogen removing onsite sewage treatment and  
2915 disposal systems, new onsite sewage treatment and disposal  
2916 systems on lots of less than 1 acre, except for passive nitrogen  
2917 removing onsite sewage treatment and disposal systems.

2918 (3) New facilities for the disposal of hazardous waste.

2919 (4) The land application of Class A or Class B domestic  
2920 wastewater biosolids.

2921 (5) New agriculture operations that do not implement best  
2922 management practices, measures necessary to achieve pollution  
2923 reduction levels established by the department, or groundwater  
2924 monitoring plans approved by a water management district or the  
2925 department.

2926 Section 29. Section 373.813, Florida Statutes, is created  
2927 to read:

2928 373.813 Rules.—

2929 (1) The department shall adopt rules to create a program to  
2930 improve water quantity and water quality to administer this  
2931 part, as applicable.

2932 (2) The Department of Health, the Department of Agriculture  
2933 and Consumer Services, and the water management districts, as  
2934 appropriate, may adopt rules to administer this part, as  
2935 applicable.

2936 (3) (a) The Department of Agriculture and Consumer Services  
2937 is the lead agency coordinating the reduction of agricultural  
2938 nonpoint sources of pollution for the protection of Outstanding  
2939 Florida Springs. The Department of Agriculture and Consumer



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2940 Services and the department, pursuant to s. 403.067(7)(c)4.,  
2941 shall study new or revised agricultural best management  
2942 practices for improving and protecting Outstanding Florida  
2943 Springs and, if necessary, in cooperation with applicable local  
2944 governments and stakeholders, initiate rulemaking to require the  
2945 implementation of such practices within a reasonable period.

2946 (b) The department, the Department of Agriculture and  
2947 Consumer Services, and the University of Florida Institute of  
2948 Food and Agricultural Sciences shall cooperate in conducting the  
2949 necessary research and demonstration projects to develop  
2950 improved or additional nutrient management tools, including the  
2951 use of controlled release fertilizer that can be used by  
2952 agricultural producers as part of an agricultural best  
2953 management practices program. The development of such tools must  
2954 reflect a balance between water quality improvement and  
2955 agricultural productivity and, if applicable, must be  
2956 incorporated into the revised agricultural best management  
2957 practices adopted by rule by the Department of Agriculture and  
2958 Consumer Services.

2959 Section 30. Section 373.815, Florida Statutes, is created  
2960 to read:

2961 373.815 Reports.—Each July 1, beginning July 1, 2016, the  
2962 department, in conjunction with the water management districts,  
2963 shall submit progress reports to the Governor, the President of  
2964 the Senate, and the Speaker of the House of Representatives on  
2965 the status of each total maximum daily load, basin management  
2966 action plan, minimum flow or minimum water level, and recovery  
2967 or prevention strategy adopted pursuant to this part. The report  
2968 must include the status of each project identified to achieve an



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2969 adopted total maximum daily load or an adopted or interim  
2970 minimum flow or minimum water level, as applicable. If a report  
2971 indicates that any of the interim 5-, 10-, or 15-year  
2972 milestones, or the 20-year goal will not be met, the report must  
2973 include specific corrective actions that will be taken to  
2974 achieve these milestones and goals, and, if necessary, executive  
2975 and legislative recommendations to that end.

2976 Section 31. Subsections (25) and (29) of section 403.061,  
2977 Florida Statutes, are amended, and subsection (45) is added to  
2978 that section, to read:

2979 403.061 Department; powers and duties.—The department shall  
2980 have the power and the duty to control and prohibit pollution of  
2981 air and water in accordance with the law and rules adopted and  
2982 promulgated by it and, for this purpose, to:

2983 (25) (a) Establish and administer a program for the  
2984 restoration and preservation of bodies of water within the  
2985 state. The department shall have the power to acquire lands, to  
2986 cooperate with other applicable state or local agencies to  
2987 enhance existing public access to such bodies of water, and to  
2988 adopt all rules necessary to accomplish this purpose.

2989 (b) Create a consolidated water resources work plan, in  
2990 consultation with state agencies, water management districts,  
2991 and local governments, which provides a geographic depiction of  
2992 the total inventory of water resources projects currently under  
2993 construction, completed in the previous 5 years, or planned to  
2994 begin construction in the next 5 years. The consolidated work  
2995 plan must include for each project a description of the project,  
2996 the total cost of the project, and identification of the  
2997 governmental entity financing the project. This information





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2998 together with the information provided pursuant to paragraph  
2999 (45) (a) is intended to facilitate the ability of the Florida  
3000 Water Resources Advisory Council, the Legislature, and the  
3001 public to consider the projects contained in the tentative water  
3002 resources work program developed pursuant to s. 403.0616 in  
3003 relation to all projects undertaken within a 10-year period and  
3004 the existing condition of water resources in the project area  
3005 and in the state as a whole. The department may adopt all rules  
3006 necessary to accomplish this purpose.

3007       (29) (a) Adopt by rule special criteria to protect Class II  
3008 and Class III shellfish harvesting waters. Such rules may  
3009 include special criteria for approving docking facilities that  
3010 have 10 or fewer slips if the construction and operation of such  
3011 facilities will not result in the closure of shellfish waters.

3012       (b) Adopt by rule a specific surface water classification  
3013 to protect surface waters used for treated potable water supply.  
3014 These designated surface waters shall have the same water  
3015 quality criteria protections as waters designated for fish  
3016 consumption, recreation, and the propagation and maintenance of  
3017 a healthy, well-balanced population of fish and wildlife, and  
3018 shall be free from discharged substances at a concentration  
3019 that, alone or in combination with other discharged substances,  
3020 would require significant alteration of permitted treatment  
3021 processes at the permitted treatment facility or that would  
3022 otherwise prevent compliance with applicable state drinking  
3023 water standards in the treated water. Notwithstanding this  
3024 classification, a surface water used for treated potable water  
3025 supply may be reclassified as waters designated for potable  
3026 water supply.



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- 3027       (45) (a) Create and maintain a web-based, interactive map  
3028 that includes, at a minimum:
- 3029       1. All watersheds and each water body within those  
3030 watersheds;
- 3031       2. The county or counties in which the watershed or water  
3032 body is located;
- 3033       3. The water management district or districts in which the  
3034 watershed or water body is located;
- 3035       4. Whether a minimum flow or minimum water level has been  
3036 adopted for the water body, and if such minimum flow or minimum  
3037 water level has not been adopted, the anticipated adoption date;
- 3038       5. Whether a recovery or prevention strategy has been  
3039 adopted for the watershed or water body and, if such a plan has  
3040 not been adopted, the anticipated adoption date;
- 3041       6. The impairment status of each watershed or water body;
- 3042       7. Whether a total maximum daily load has been adopted if  
3043 the watershed or water body is listed as impaired and, if such  
3044 total maximum daily load has not been adopted, the anticipated  
3045 adoption date;
- 3046       8. Whether a basin management action plan has been adopted  
3047 for the watershed and, if such a plan has not been adopted, the  
3048 anticipated adoption date;
- 3049       9. Each project listed on the 5-year water resources work  
3050 program developed pursuant to s. 373.036(7);
- 3051       10. The agency or agencies and local sponsor, if any,  
3052 responsible for overseeing the project;
- 3053       11. The estimated cost and completion date of each project  
3054 and the financial contribution of each entity;
- 3055       12. The quantitative estimated benefit to the watershed or



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3056 water body; and

3057 13. The water projects completed within the last 5 years  
3058 within the watershed or water body.

3059 (b) The department and each water management district shall  
3060 prominently display on their respective websites a hyperlink to  
3061 the interactive map required by this subsection.

3062

3063 The department shall implement such programs in conjunction with  
3064 its other powers and duties and shall place special emphasis on  
3065 reducing and eliminating contamination that presents a threat to  
3066 humans, animals or plants, or to the environment.

3067 Section 32. Section 403.0616, Florida Statutes, is created  
3068 to read:

3069 403.0616 Florida Water Resources Advisory Council.—

3070 (1) The Florida Water Resources Advisory Council is hereby  
3071 created within the department for the purpose of evaluating  
3072 water resource projects prioritized and submitted by state  
3073 agencies, water management districts, or local governments. The  
3074 council shall evaluate and recommend projects that are eligible  
3075 for state funding as priority projects of statewide, regional,  
3076 or critical local importance under this chapter or chapter 373.  
3077 The council must review and evaluate all water resource projects  
3078 that are prioritized and reported by state agencies or water  
3079 management districts pursuant to s. 373.036(7)(d)3., or by local  
3080 governments, if applicable, in order to provide the Legislature  
3081 with recommendations for projects that improve or restore the  
3082 water resources of this state. The council is also responsible  
3083 for submitting a prioritization of pilot projects that test the  
3084 effectiveness of innovative or existing nutrient reduction or



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3085 water conservation technologies or practices designed to  
3086 minimize nutrient pollution or restore flows in the water bodies  
3087 of the state as provided in s. 403.0617.

3088 (2) The Florida Water Resources Advisory Council consists  
3089 of five voting members and five ex officio, nonvoting members as  
3090 follows:

3091 (a) The Secretary of Environmental Protection, who shall  
3092 serve as chair of the council; the Commissioner of Agriculture;  
3093 the executive director of the Fish and Wildlife Conservation  
3094 Commission; one member with expertise in a scientific discipline  
3095 related to water resources, appointed by the President of the  
3096 Senate; and one member with expertise in a scientific discipline  
3097 related to water resources, appointed by the Speaker of the  
3098 House of Representatives, all of whom shall be voting members.

3099 (b) The executive directors of each of the five water  
3100 management districts, all of whom shall be nonvoting members.

3101 (3) Members appointed by the President of the Senate and  
3102 Speaker of the House of Representatives shall serve 2-year terms  
3103 but may not serve more than a total of 6 years. The President of  
3104 the Senate and Speaker of the House of Representatives may fill  
3105 a vacancy at any time for an unexpired term of an appointed  
3106 member.

3107 (4) If a member of the council is disqualified from serving  
3108 because he or she no longer holds the position required to serve  
3109 under this section, the interim head of the agency shall serve  
3110 as the agency representative.

3111 (5) The two appointed council members shall receive  
3112 reimbursement for expenses and per diem for travel to attend  
3113 council meetings authorized pursuant to s. 112.061 while in the



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3114 performance of their duties.

3115 (6) The council shall hold periodic meetings at the request  
3116 of the chair but must hold at least two public meetings,  
3117 separately noticed, each year in which the public has the  
3118 opportunity to participate and comment. Unless otherwise  
3119 provided by law, notice for each meeting must be published in a  
3120 newspaper of general circulation in the area where the meeting  
3121 is to be held at least 5 days but no more than 15 days before  
3122 the meeting date.

3123 (a) By July 15 of each year, the council shall release a  
3124 tentative water resources work program containing legislative  
3125 recommendations for water resource projects. The public has 30  
3126 days to submit comments regarding the tentative program.

3127 (b) The council shall adopt the tentative work program  
3128 containing its legislative recommendations and submit it to the  
3129 Governor, the President of the Senate, and the Speaker of the  
3130 House of Representatives by August 31 of each year. An  
3131 affirmative vote of three members of the council is required to  
3132 adopt the tentative work program.

3133 (7) The department shall provide primary staff support to  
3134 the council and shall ensure that council meetings are  
3135 electronically recorded. Such recordings must be preserved  
3136 pursuant to chapters 119 and 257.

3137 (8) The council shall recommend rules for adoption by the  
3138 department to competitively evaluate, select, and rank projects  
3139 for the tentative water resources work program. The council  
3140 shall develop specific criteria for the evaluation, selection,  
3141 and ranking of projects, including a preference for projects  
3142 that will have a significant, measurable impact on improving



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3143 water quantity or water quality; projects in areas of greatest  
3144 impairment; projects of state or regional significance; projects  
3145 recommended by multiple districts or multiple local governments  
3146 cooperatively; projects with a significant monetary commitment  
3147 by the local project sponsor or sponsors; projects in rural  
3148 areas of opportunity as defined in s. 288.0656; projects that  
3149 may be funded through appropriate loan programs; and projects  
3150 that have significant private contributions of time or money.

3151 (9) The department, in consultation with the Department of  
3152 Agriculture and Consumer Services, the Fish and Wildlife  
3153 Conservation Commission, and the water management districts,  
3154 shall adopt rules to implement this section.

3155 Section 33. Section 403.0617, Florida Statutes, is created  
3156 to read:

3157 403.0617 Innovative nutrient and sediment reduction and  
3158 conservation pilot project program.—

3159 (1) By December 31, 2015, the department shall adopt rules  
3160 to competitively evaluate and rank projects for selection and  
3161 prioritization by the Water Resources Advisory Council, pursuant  
3162 to s. 403.0616, for submission to the Legislature for funding.  
3163 These pilot projects are intended to test the effectiveness of  
3164 innovative or existing nutrient reduction or water conservation  
3165 technologies or practices designed to minimize nutrient  
3166 pollution or restore flows in the water bodies of the state. The  
3167 department must include in the evaluation criteria a  
3168 determination by the department that the pilot project will not  
3169 be harmful to the ecological resources in the study area.

3170 (2) In developing these rules, the council shall give  
3171 preference to the projects that will result in the greatest



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3172 improvement to water quality and water quantity for the dollars  
3173 to be expended for the project. At a minimum, the department  
3174 shall consider all of the following:

3175 (a) The level of nutrient impairment of the waterbody,  
3176 watershed, or water segment in which the project is located.

3177 (b) The quantity of pollutants, particularly total  
3178 nitrogen, which the project is estimated to remove from a water  
3179 body, watershed, or water segment with an adopted nutrient total  
3180 maximum daily load.

3181 (c) The potential for the project to provide a cost  
3182 effective solution to pollution caused by onsite sewage  
3183 treatment and disposal systems.

3184 (d) The flow necessary to restore a water resource to its  
3185 adopted or interim minimum flow or minimum water level.

3186 (e) The anticipated impact the project will have on  
3187 restoring or increasing water flow or water level.

3188 (f) The amount of matching funds for the project which will  
3189 be provided by the entities responsible for implementing the  
3190 project.

3191 (g) Whether the project is located in a rural area of  
3192 opportunity, as defined in s. 288.0656, with preference given to  
3193 the local government responsible for implementing the project.

3194 (h) For multiple-year projects, whether the project has  
3195 funding sources that are identified and assured through the  
3196 expected completion date of the project.

3197 (i) The cost of the project and the length of time it will  
3198 take to complete relative to its expected benefits.

3199 (j) Whether the entities responsible for implementing the  
3200 project have used their own funds for projects to improve water



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3201 quality or conserve water use with preference given to those  
3202 entities that have expended such funds.

3203 Section 34. Section 403.0623, Florida Statutes, is amended  
3204 to read:

3205 403.0623 Environmental data; quality assurance.—

3206 (1) The department must establish, by rule, appropriate  
3207 quality assurance requirements for environmental data submitted  
3208 to the department and the criteria by which environmental data  
3209 may be rejected by the department. The department may adopt and  
3210 enforce rules to establish data quality objectives and specify  
3211 requirements for training of laboratory and field staff, sample  
3212 collection methodology, proficiency testing, and audits of  
3213 laboratory and field sampling activities. Such rules may be in  
3214 addition to any laboratory certification provisions under ss.  
3215 403.0625 and 403.863.

3216 (2) (a) The department, in coordination with the water  
3217 management districts, shall establish standards for the  
3218 collection of water quantity, water quality, and related data to  
3219 ensure quality, reliability, and validity of the data and  
3220 testing results. The water management districts shall submit  
3221 such data collected after June 30, 2015, to the department for  
3222 analysis. The department shall analyze the data to ensure  
3223 statewide consistency. The department shall maintain a  
3224 centralized database for all testing results and analyses, which  
3225 must be accessible by the water management districts.

3226 (b) To the extent practicable, the department shall  
3227 coordinate with federal agencies to ensure that its collection  
3228 and analysis of water quality, water quantity, and related data,  
3229 which may be used by any state agency, water management





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3230 district, or local government, is consistent with this  
3231 subsection.

3232 (c) In order to receive state funds for the acquisition of  
3233 lands or the financing of a water resource project, state  
3234 agencies and water management districts must use the  
3235 department's testing results and analysis, if available, as a  
3236 prerequisite for any such request for funding.

3237 (d) The department and the water management districts may  
3238 adopt rules to implement this subsection.

3239 Section 35. Subsection (21) is added to section 403.861,  
3240 Florida Statutes, to read:

3241 403.861 Department; powers and duties.—The department shall  
3242 have the power and the duty to carry out the provisions and  
3243 purposes of this act and, for this purpose, to:

3244 (21) Establish rules in accordance with this subsection  
3245 concerning the use of surface waters for public water supply.

3246 (a) Any permit applicant applying to construct a public  
3247 water system to provide potable public water supply using a  
3248 surface water of the state which, at the time of the permit  
3249 application, does not include potable water supply as a  
3250 designated use by the department, shall petition to reclassify  
3251 the surface water to include potable water supplies as a  
3252 designated use or shall certify in the permit application that  
3253 the public water supply utility will provide potable water to  
3254 the public which, at a minimum, meets primary drinking water  
3255 standards adopted in accordance with s. 403.853. An existing  
3256 permittee may elect to file a certification in accordance with  
3257 this paragraph.

3258 (b) Upon receipt of the certification described in



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3259 paragraph (a) from an existing permittee or, in the case of a  
3260 new permittee for surface water that does not include potable  
3261 use at the time of application, upon issuance of the permit, the  
3262 department shall act on the certification by adding treated  
3263 potable water supplies as a designated use of the surface water.

3264 Section 36. This act shall take effect July 1, 2015.

3265  
3266 ===== T I T L E A M E N D M E N T =====

3267 And the title is amended as follows:

3268 Delete everything before the enacting clause  
3269 and insert:

3270 A bill to be entitled  
3271 An act relating to environmental resources; amending  
3272 s. 259.032, F.S.; requiring the Department of  
3273 Environmental Protection to publish, update, and  
3274 maintain a database of conservation lands; requiring  
3275 the department to submit a report to the Governor and  
3276 the Legislature identifying the percentage of such  
3277 lands which the public has access to and the efforts  
3278 the department has undertaken to increase public  
3279 access; amending ss. 260.0144 and 335.065, F.S.;

3280 conforming provisions to changes made by the act;

3281 creating s. 339.81, F.S.; creating the Florida Shared-

3282 Use Nonmotorized Trail Network; specifying the

3283 composition of the network; requiring a project

3284 constructed as part of the network to be included in

3285 the Department of Transportation's work program;

3286 declaring the planning, development, operation, and

3287 maintenance of the network to be a public purpose;



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3288 authorizing the spending of public funds and the  
3289 acceptance of certain gifts and grants to be used for  
3290 such purpose; authorizing the department to transfer  
3291 maintenance responsibilities to certain state agencies  
3292 and contract with not-for-profit or private sector  
3293 entities to provide maintenance services; authorizing  
3294 the department to adopt rules; creating s. 339.82,  
3295 F.S.; requiring the department to develop a Shared-Use  
3296 Nonmotorized Trail Network Plan; creating s. 339.83,  
3297 F.S.; authorizing the department to enter into  
3298 concession agreements with not-for-profit or private  
3299 sector entities for certain commercial sponsorship  
3300 signs, markings, and exhibits; authorizing the  
3301 department to contract for the provision of certain  
3302 services related to the trail sponsorship program;  
3303 authorizing the department to reject proposals for  
3304 such services, seek other proposals, or perform the  
3305 services; authorizing the department to terminate  
3306 permits or change locations of sponsorship sites for  
3307 construction or improvement of facilities under  
3308 certain circumstances; authorizing the department to  
3309 adopt rules; amending s. 373.019, F.S.; revising the  
3310 definition of the term "water resource development" to  
3311 include self-suppliers; amending s. 373.036, F.S.;  
3312 requiring certain information to be included in the  
3313 consolidated annual report for each project related to  
3314 water quality or water quantity; amending s. 373.042,  
3315 F.S.; requiring the Department of Environmental  
3316 Protection or the governing board of a water



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3317 management district to establish a minimum flow or  
3318 minimum water level for an Outstanding Florida Spring;  
3319 requiring the establishment of interim minimum flows  
3320 or minimum water levels if minimum flows or minimum  
3321 levels have not been adopted; requiring the  
3322 application of interim minimum flows or minimum water  
3323 levels in water management districts that may affect  
3324 an interim minimum flow or minimum water level  
3325 established in another water management district;  
3326 providing a deadline for development and  
3327 implementation of recovery or prevention strategies  
3328 under certain circumstances; authorizing the  
3329 department to use emergency rulemaking procedures  
3330 under certain circumstances; amending s. 373.0421,  
3331 F.S.; directing the Department of Environmental  
3332 Protection and water management district governing  
3333 boards to implement certain recovery or prevention  
3334 strategies concurrent with the adoption of minimum  
3335 flows and levels; providing criteria for such recovery  
3336 or prevention strategies; requiring revisions to  
3337 regional water supply plans to be concurrent with  
3338 relevant portions of the recovery or prevention  
3339 strategy; directing water management districts to  
3340 notify the department when water use permit  
3341 applications are denied for a specified reason;  
3342 providing for the review and update of regional water  
3343 supply plans in such cases; conforming cross-  
3344 references; creating s. 373.0465, F.S.; providing  
3345 legislative intent; defining the term "Central Florida



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3346 Water Initiative Area"; requiring the Department of  
3347 Environmental Protection, the St. Johns River Water  
3348 Management District, the South Florida Water  
3349 Management District, the Southwest Florida Water  
3350 Management District, and the Department of Agriculture  
3351 and Consumer Services to develop and implement a  
3352 multidistrict regional water supply plan; providing  
3353 plan criteria and requirements; providing  
3354 applicability; requiring the department to adopt  
3355 rules; amending s. 373.1501, F.S.; specifying  
3356 authority of the South Florida Water Management  
3357 District to allocate quantities of, and assign  
3358 priorities for the use of, water within its  
3359 jurisdiction; directing the district to provide  
3360 recommendations to the United States Army Corps of  
3361 Engineers when developing or implementing certain  
3362 water control plans or regulation schedules; amending  
3363 s. 373.2234, F.S.; directing water management district  
3364 governing boards to give priority consideration to the  
3365 identification of preferred water supply sources for  
3366 certain water users; amending s. 373.233, F.S.;  
3367 providing conditions under which the department and  
3368 water management district governing boards are  
3369 directed to give preference to certain applications;  
3370 amending s. 373.4591, F.S.; providing priority  
3371 consideration to certain public-private partnerships  
3372 for water storage, groundwater recharge, and water  
3373 quality improvements on private agricultural lands;  
3374 amending s. 373.4595, F.S.; revising and providing



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3375 definitions relating to the Northern Everglades and  
3376 Estuaries Protection Program; clarifying provisions of  
3377 the Lake Okeechobee Watershed Protection Program;  
3378 directing the South Florida Water Management District  
3379 to revise certain rules and provide for a water  
3380 quality monitoring program; revising provisions for  
3381 the Caloosahatchee River Watershed Protection Program  
3382 and the St. Lucie River Watershed Protection Program;  
3383 revising permitting and annual reporting requirements  
3384 relating to the Northern Everglades and Estuaries  
3385 Protection Program; providing enforcement provisions  
3386 for certain basin management action plans; amending s.  
3387 373.536, F.S.; requiring a water management district  
3388 to include an annual funding plan in the water  
3389 resource development work program; directing the  
3390 department to post the work program on its website;  
3391 amending s. 373.703, F.S.; authorizing water  
3392 management districts to contract with private  
3393 landowners for water production; amending s. 373.705,  
3394 F.S.; providing first consideration for funding  
3395 assistance to certain water supply development  
3396 projects; requiring governing boards to include  
3397 certain information in their annual budget submittals;  
3398 amending s. 373.707, F.S.; authorizing water  
3399 management districts to provide technical and  
3400 financial assistance to self-suppliers and to waive  
3401 certain construction costs of alternative water supply  
3402 development projects by certain water users; amending  
3403 s. 373.709, F.S.; requiring water supply plans to



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3404 include traditional and alternative water supply  
3405 project options that are technically and financially  
3406 feasible; directing the department to include certain  
3407 funding analyses and project explanations in regional  
3408 water supply planning reports; creating part VIII of  
3409 ch. 373, F.S., entitled the "Florida Springs and  
3410 Aquifer Protection Act"; creating s. 373.801, F.S.;  
3411 providing legislative findings and intent; creating s.  
3412 373.802, F.S.; defining terms; creating s. 373.803,  
3413 F.S.; requiring the department to delineate a priority  
3414 focus area for each Outstanding Florida Spring by a  
3415 certain date; creating s. 373.805, F.S.; requiring the  
3416 department or a water management district to adopt or  
3417 revise various recovery or prevention strategies under  
3418 certain circumstances by a certain date; providing  
3419 minimum requirements for recovery or prevention  
3420 strategies for Outstanding Florida Springs;  
3421 authorizing local governments to apply for an  
3422 extension for projects in an adopted recovery or  
3423 prevention strategy; creating s. 373.807, F.S.;  
3424 requiring the department to initiate assessments of  
3425 Outstanding Florida Springs by a certain date;  
3426 requiring the department to develop basin management  
3427 action plans; authorizing local governments to apply  
3428 for an extension for projects in an adopted basin  
3429 management action plan; requiring local governments to  
3430 adopt an urban fertilizer ordinance by a certain date;  
3431 requiring the department, the Department of Health,  
3432 and local governments to identify onsite sewage



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3433 treatment and disposal systems within each priority  
3434 focus area; requiring local governments to develop  
3435 onsite sewage treatment and disposal system  
3436 remediation plans; prohibiting property owners with  
3437 identified onsite sewage treatment and disposal  
3438 systems from being required to pay certain costs;  
3439 creating s. 373.811, F.S.; specifying prohibited  
3440 activities within a priority focus area of an  
3441 Outstanding Florida Spring; creating s. 373.813, F.S.;;  
3442 providing rulemaking authority; creating s. 373.815,  
3443 F.S.;; requiring the department to submit annual  
3444 reports; amending s. 403.061, F.S.;; requiring the  
3445 department to create a consolidated water resources  
3446 work plan; directing the department to adopt by rule a  
3447 specific surface water classification to protect  
3448 surface waters used for treated potable water supply;  
3449 providing criteria for such rule; authorizing the  
3450 reclassification of surface waters used for treated  
3451 potable water supply notwithstanding such rule;  
3452 requiring the department to create and maintain a web-  
3453 based interactive map; creating s. 403.0616, F.S.;;  
3454 creating the Florida Water Resources Advisory Council  
3455 to provide the Legislature with recommendations for  
3456 projects submitted by governmental entities; requiring  
3457 the council to consolidate various reports to enhance  
3458 the water resources of this state; requiring the  
3459 department to adopt rules; creating s. 403.0617, F.S.;;  
3460 requiring the department to adopt rules to fund  
3461 certain pilot projects; amending s. 403.0623, F.S.;;





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3462 requiring the department to establish certain  
3463 standards to ensure statewide consistency; requiring  
3464 the department to maintain a centralized database for  
3465 testing results and analysis of water quantity and  
3466 quality data; amending s. 403.861, F.S.; directing the  
3467 department to establish rules concerning the use of  
3468 surface waters for public water supply; requiring  
3469 permit applicants using surface water to provide  
3470 potable public water supply to petition the department  
3471 to reclassify the surface water or to certify that the  
3472 potable public water supply will meet certain drinking  
3473 water standards; directing the department to designate  
3474 treated potable water supplies as a use of surface  
3475 water; providing an effective date.