

By Senator Dean

5-00606-16

2016552\_\_

1                                   A bill to be entitled  
2       An act relating to environmental resources; amending  
3       s. 259.032, F.S.; requiring the Department of  
4       Environmental Protection to publish, update, and  
5       maintain a database of conservation lands; requiring  
6       the department to submit a report by a certain date  
7       each year to the Governor and the Legislature  
8       identifying the percentage of such lands which the  
9       public has access to and the efforts the department  
10      has undertaken to increase public access; amending s.  
11      373.019, F.S.; revising the definition of the term  
12      "water resource development" to include technical  
13      assistance to self-suppliers under certain  
14      circumstances; amending s. 373.036, F.S.; requiring  
15      certain information to be included in the consolidated  
16      annual report for certain projects related to water  
17      quality or water quantity; creating s. 373.037, F.S.;  
18      defining terms; providing legislative findings;  
19      authorizing certain water management districts to  
20      designate and implement pilot projects; providing  
21      powers and limitations for the governing boards of  
22      such water management districts; requiring a  
23      participating water management district to submit a  
24      report to the Governor and the Legislature on the  
25      effectiveness of its pilot project by a certain date;  
26      amending s. 373.042, F.S.; requiring the department or  
27      the governing board of a water management district to  
28      adopt a minimum flow or minimum water level for an  
29      Outstanding Florida Spring using emergency rulemaking

5-00606-16

2016552\_\_

30 authority under certain circumstances; requiring  
31 collaboration in the development and implementation of  
32 recovery or prevention strategies under certain  
33 circumstances; revising the rulemaking authority of  
34 the department; amending s. 373.0421, F.S.; directing  
35 the department or the water management district  
36 governing boards to adopt and implement certain  
37 recovery or prevention strategies concurrent with the  
38 adoption of minimum flows and minimum water levels;  
39 providing criteria for such recovery or prevention  
40 strategies; requiring certain amendments to regional  
41 water supply plans to be concurrent with relevant  
42 portions of the recovery or prevention strategy;  
43 directing water management districts to notify the  
44 department when water use permit applications are  
45 denied for a specified reason; providing for the  
46 review and update of regional water supply plans in  
47 such cases; creating s. 373.0465, F.S.; providing  
48 legislative intent; defining the term "Central Florida  
49 Water Initiative Area"; requiring the department, the  
50 St. Johns River Water Management District, the South  
51 Florida Water Management District, the Southwest  
52 Florida Water Management District, and the Department  
53 of Agriculture and Consumer Services to develop and  
54 implement a multidistrict regional water supply plan;  
55 providing plan criteria and requirements; providing  
56 applicability; requiring the department to adopt  
57 rules; amending s. 373.1501, F.S.; specifying  
58 authority of the South Florida Water Management

5-00606-16

2016552\_\_

59 District to allocate quantities of, and assign  
60 priorities for the use of, water within its  
61 jurisdiction; directing the district to provide  
62 recommendations to the United States Army Corps of  
63 Engineers when developing or implementing certain  
64 water control plans or regulation schedules; amending  
65 s. 373.219, F.S.; requiring the department to adopt  
66 certain uniform rules; amending s. 373.223, F.S.;  
67 requiring consumptive use permits authorizing over a  
68 certain amount to be monitored on a specified basis;  
69 amending s. 373.2234, F.S.; directing water management  
70 district governing boards to consider the  
71 identification of preferred water supply sources for  
72 certain water users; amending s. 373.227, F.S.;  
73 prohibiting water management districts from modifying  
74 permitted allocation amounts under certain  
75 circumstances; requiring the water management  
76 districts to adopt rules to promote water conservation  
77 incentives; amending s. 373.233, F.S.; providing  
78 conditions under which the department and water  
79 management district governing boards are directed to  
80 give preference to certain applications; amending s.  
81 373.4591, F.S.; providing priority consideration to  
82 certain public-private partnerships for water storage,  
83 groundwater recharge, and water quality improvements  
84 on private agricultural lands; amending s. 373.4595,  
85 F.S.; revising and providing definitions relating to  
86 the Northern Everglades and Estuaries Protection  
87 Program; clarifying provisions of the Lake Okeechobee

5-00606-16

2016552\_\_

88 Watershed Protection Program; directing the South  
89 Florida Water Management District to revise certain  
90 rules and provide for a watershed research and water  
91 quality monitoring program; revising provisions for  
92 the Caloosahatchee River Watershed Protection Program  
93 and the St. Lucie River Watershed Protection Program;  
94 revising permitting and annual reporting requirements  
95 relating to the Northern Everglades and Estuaries  
96 Protection Program; revising requirements for certain  
97 basin management action plans; amending s.  
98 373.467, F.S.; revising the qualifications for  
99 membership on the Harris Chain of Lakes Restoration  
100 Council; authorizing the Lake County legislative  
101 delegation to waive such membership qualifications for  
102 good cause; providing for council vacancies; amending  
103 s. 373.536, F.S.; requiring a water management  
104 district to include an annual funding plan in the 5-  
105 year water resource development work program;  
106 directing the department to post the proposed work  
107 program on its website; amending s. 373.703, F.S.;  
108 authorizing water management districts to join with  
109 private landowners for the purpose of carrying out  
110 their powers; amending s. 373.705, F.S.; revising  
111 legislative intent; requiring water management  
112 district governing boards to include certain  
113 information in their annual budget submittals;  
114 requiring water management districts to promote  
115 expanded cost-share criteria for additional  
116 conservation practices and software technologies;

5-00606-16

2016552\_\_

117 amending s. 373.707, F.S.; authorizing water  
118 management districts to provide technical and  
119 financial assistance to certain self-suppliers and to  
120 waive certain construction costs of alternative water  
121 supply development projects sponsored by certain water  
122 users; amending s. 373.709, F.S.; requiring regional  
123 water supply plans to include traditional and  
124 alternative water supply project options that are  
125 technically and financially feasible; directing the  
126 department to include certain funding analyses and  
127 project explanations in regional water supply planning  
128 reports; creating part VIII of ch. 373, F.S., entitled  
129 the "Florida Springs and Aquifer Protection Act";  
130 creating s. 373.801, F.S.; providing legislative  
131 findings and intent; creating s. 373.802, F.S.;  
132 defining terms; creating s. 373.803, F.S.; requiring  
133 the department to delineate a priority focus area for  
134 each Outstanding Florida Spring by a certain date;  
135 creating s. 373.805, F.S.; requiring a water  
136 management district or the department to adopt or  
137 revise various recovery or prevention strategies under  
138 certain circumstances; providing minimum requirements  
139 for recovery or prevention strategies for Outstanding  
140 Florida Springs; authorizing local governments to  
141 apply for an extension for projects in an adopted  
142 recovery or prevention strategy; creating s. 373.807,  
143 F.S.; requiring the department to initiate assessments  
144 of Outstanding Florida Springs by a certain date;  
145 requiring the department to develop basin management

5-00606-16

2016552\_\_

146 action plans; authorizing local governments to apply  
147 for an extension for projects in an adopted basin  
148 management action plan; requiring certain local  
149 governments to develop, enact, and implement an urban  
150 fertilizer ordinance by a certain date; requiring the  
151 Department of Environmental Protection, the Department  
152 of Health, and relevant local governments and  
153 utilities to develop onsite sewage treatment and  
154 disposal system remediation plans under certain  
155 circumstances; requiring the Department of  
156 Environmental Protection to be the lead agency;  
157 creating s. 373.811, F.S.; specifying prohibited  
158 activities within a priority focus area of an  
159 Outstanding Florida Spring; creating s. 373.813, F.S.;  
160 providing rulemaking authority; amending s. 403.061,  
161 F.S.; directing the department to adopt by rule a  
162 specific surface water classification to protect  
163 surface waters used for treated potable water supply;  
164 providing criteria for such rule; authorizing the  
165 reclassification of surface waters used for treated  
166 potable water supply notwithstanding such rule;  
167 creating s. 403.0617, F.S.; authorizing the department  
168 to fund nutrient and sediment reduction and  
169 conservation pilot projects under certain  
170 circumstances; requiring the department to initiate  
171 rulemaking by a certain date; amending s. 403.0623,  
172 F.S.; requiring the department to establish certain  
173 standards; requiring state agencies and water  
174 management districts to show that they followed the

5-00606-16

2016552\_\_

175 department's standards in order to receive certain  
176 funding; amending s. 403.067, F.S.; providing  
177 requirements for new or revised basin management  
178 action plans; requiring the department to adopt rules  
179 relating to the enforcement and verification of best  
180 management action plans and management strategies;  
181 creating s. 403.0675, F.S.; requiring the department  
182 and the Department of Agriculture and Consumer  
183 Services to post annual progress reports on their  
184 websites and to submit such reports to the Governor  
185 and the Legislature; requiring each water management  
186 district to post the Department of Environmental  
187 Protection's report on its website; amending s.  
188 403.861, F.S.; directing the department to add treated  
189 potable water supply as a designated use of a surface  
190 water segment under certain circumstances; creating s.  
191 403.928, F.S.; requiring the Office of Economic and  
192 Demographic Research to conduct an annual assessment  
193 of Florida's water resources and conservation lands;  
194 requiring the assessment to be submitted to the  
195 Legislature by a certain date; requiring the  
196 department to evaluate the feasibility and costs of  
197 creating and maintaining a web-based interactive map;  
198 requiring the department to submit a report of its  
199 findings by a certain date; providing a declaration of  
200 important state interest; providing an effective date.

201

202 Be It Enacted by the Legislature of the State of Florida:

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5-00606-16

2016552\_\_

204 Section 1. Paragraph (f) is added to subsection (9) of  
205 section 259.032, Florida Statutes, to read:

206 259.032 Conservation and recreation lands.—

207 (9)

208 (f) To ensure that the public has knowledge of and access  
209 to conservation lands, as defined in s. 253.034(2)(c), the  
210 department shall publish, update, and maintain a database of  
211 such lands where public access is compatible with conservation  
212 and recreation purposes.

213 1. By July 1, 2017, the database must be available to the  
214 public online and must include, at a minimum, the location,  
215 types of allowable recreational opportunities, points of public  
216 access, facilities or other amenities, restrictions, and any  
217 other information the department deems appropriate to increase  
218 public awareness of recreational opportunities on conservation  
219 lands. Such data must be electronically accessible, searchable,  
220 and downloadable in a generally acceptable format.

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

226 3. The database and application must include information  
227 for all state conservation lands to which the public has a right  
228 of access for recreational purposes. Beginning January 1, 2018,  
229 to the greatest extent practicable, the database shall include  
230 similar information for lands owned by federal and local  
231 governmental entities that allow access for recreational  
232 purposes.



5-00606-16

2016552\_\_

233       4. By January 1 of each year, the department shall provide  
234 a report to the Governor, the President of the Senate, and the  
235 Speaker of the House of Representatives describing the  
236 percentage of public lands acquired under this chapter to which  
237 the public has access and the efforts undertaken by the  
238 department to increase public access to such lands.

239       Section 2. Subsection (24) of section 373.019, Florida  
240 Statutes, is amended to read:

241       373.019 Definitions.—When appearing in this chapter or in  
242 any rule, regulation, or order adopted pursuant thereto, the  
243 term:

244       (24) “Water resource development” means the formulation and  
245 implementation of regional water resource management strategies,  
246 including the collection and evaluation of surface water and  
247 groundwater data; structural and nonstructural programs to  
248 protect and manage water resources; the development of regional  
249 water resource implementation programs; the construction,  
250 operation, and maintenance of major public works facilities to  
251 provide for flood control, surface and underground water  
252 storage, and groundwater recharge augmentation; and related  
253 technical assistance to local governments, ~~and to~~ government-  
254 owned and privately owned water utilities, and self-suppliers to  
255 the extent assistance to self-suppliers promotes the policies as  
256 set forth in s. 373.016.

257       Section 3. Paragraph (b) of subsection (7) of section  
258 373.036, Florida Statutes, is amended to read:

259       373.036 Florida water plan; district water management  
260 plans.—

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

5-00606-16

2016552\_\_

262 (b) The consolidated annual report shall contain the  
263 following elements, as appropriate to that water management  
264 district:

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

267 2. The department-approved minimum flows and minimum water  
268 levels annual priority list and schedule required by s.  
269 373.042(3) ~~s. 373.042(2)~~.

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

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

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

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

278 7. The mitigation donation annual report required by s.  
279 373.414(1)(b)2.

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

282 a. A list of all specific projects identified to implement  
283 a basin management action plan or a recovery or prevention  
284 strategy;

285 b. A priority ranking for each listed project for which  
286 state funding through the water resources development work  
287 program is requested, which must be made available to the public  
288 for comment at least 30 days before submission of the  
289 consolidated annual report;

290 c. The estimated cost for each listed project;

5-00606-16

2016552\_\_

- 291 d. The estimated completion date for each listed project;  
292 e. The source and amount of financial assistance to be made  
293 available by the department, a water management district, or  
294 other entity for each listed project; and  
295 f. A quantitative estimate of each listed project's benefit  
296 to the watershed, water body, or water segment in which it is  
297 located.
- 298 9. A grade for each watershed, water body, or water segment  
299 in which a project listed under subparagraph 8. is located  
300 representing the level of impairment and violations of adopted  
301 minimum flow or minimum water levels. The grading system must  
302 reflect the severity of the impairment of the watershed,  
303 waterbody, or water segment.

304 Section 4. Section 373.037, Florida Statutes, is created to  
305 read:

306 373.037 Pilot program for alternative water supply  
307 development in restricted allocation areas.-

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

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

313 (b) "Lower East Coast Regional Water Supply Planning Area"  
314 means the areas withdrawing surface and groundwater from Water  
315 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters  
316 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife  
317 Management Area, Loxahatchee Slough, Loxahatchee River,  
318 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,  
319 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove

5-00606-16

2016552\_\_

320 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,  
321 and the freshwater portions of the Everglades National Park, as  
322 designated by the South Florida Water Management District.

323 (c) "Restricted allocation area" means an area within a  
324 water supply planning region of the Southwest Florida Water  
325 Management District, the South Florida Water Management  
326 District, or the St. Johns River Water Management District where  
327 the governing board of the water management district has  
328 determined that existing sources of water are not adequate to  
329 supply water for all existing and future reasonable-beneficial  
330 uses and to sustain the water resources and related natural  
331 systems for the planning period pursuant to ss. 373.036 and  
332 373.709 and where the governing board of the water management  
333 district has applied allocation restrictions with regard to the  
334 use of specific sources of water. For the purposes of this  
335 section, the term includes the Central Florida Water Initiative  
336 Area, the Lower East Coast Regional Water Supply Planning Area,  
337 the Southern Water Use Caution Area, and the Upper East Coast  
338 Regional Water Supply Planning Area.

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

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

347 (2) The Legislature finds that:

348 (a) Local governments, regional water supply authorities,

5-00606-16

2016552\_\_

349 and government-owned and privately owned water utilities face  
350 significant challenges in securing funds for implementing large-  
351 scale alternative water supply projects in certain restricted  
352 allocation areas due to a variety of factors, such as the  
353 magnitude of the water resource challenges, the large number of  
354 water users, the difficulty of developing multijurisdictional  
355 solutions across district, county, or municipal boundaries, and  
356 the expense of developing large-scale alternative water supply  
357 projects identified in the regional water supply plans pursuant  
358 to s. 373.709.

359 (b) These factors make it necessary to provide other  
360 options for the Southwest Florida Water Management District, the  
361 South Florida Water Management District, and the St. Johns River  
362 Water Management District to be able to take the lead in  
363 developing and implementing one alternative water supply project  
364 within a restricted allocation area as a pilot alternative water  
365 supply development project.

366 (c) Each pilot project must provide water supply and  
367 environmental benefits. Consideration should be given to  
368 projects that provide reductions in damaging discharges to tide  
369 or that are part of a recovery or prevention strategy for  
370 minimum flows and minimum water levels.

371 (3) The water management districts specified in paragraph  
372 (2)(b) may, at their sole discretion, designate and implement an  
373 existing alternative water supply project that is identified in  
374 each district's regional water supply plan as its one pilot  
375 project or amend their respective regional water supply plans to  
376 add a new alternative water supply project as their district  
377 pilot project. A pilot project designation made pursuant to this

5-00606-16

2016552\_\_

378 section should be made no later than July 1, 2017, and is not  
379 subject to the rulemaking requirements of chapter 120 or subject  
380 to legal challenge pursuant to ss. 120.569 and 120.57. A water  
381 management district may designate an alternative water supply  
382 project located within another water management district if the  
383 project is located in a restricted allocation area designated by  
384 the other water management district and a substantial quantity  
385 of water provided by the alternative water supply project will  
386 be used within the designating water management district's  
387 boundaries.

388 (4) In addition to the other powers granted and duties  
389 imposed under this chapter, if a district specified in paragraph  
390 (2)(b) elects to implement a pilot project pursuant to this  
391 section, its governing board has the following powers and is  
392 subject to the following restrictions in implementing the pilot  
393 project:

394 (a) The governing board may not develop and implement a  
395 pilot project on privately owned land without the voluntary  
396 consent of the landowner, which consent may be evidenced by  
397 deed, easement, license, contract, or other written legal  
398 instrument executed by the landowner after July 1, 2016.

399 (b) The governing board may not engage in local water  
400 supply distribution or sell water to the pilot project  
401 participants.

402 (c) The governing board may join with one or more other  
403 water management districts and counties, municipalities, special  
404 districts, publicly owned or privately owned water utilities,  
405 multijurisdictional water supply entities, regional water supply  
406 authorities, self-suppliers, or other entities for the purpose

5-00606-16

2016552\_\_

407 of carrying out its powers, and may contract with any such other  
408 entities to finance or otherwise implement acquisitions,  
409 construction, and operation and maintenance, if such contracts  
410 are consistent with the public interest and based upon  
411 independent cost estimates, including comparisons with other  
412 alternative water supply projects. The contracts may provide for  
413 contributions to be made by each party to the contract for the  
414 division and apportionment of resulting costs, including  
415 operations and maintenance, benefits, services, and products.  
416 The contracts may contain other covenants and agreements  
417 necessary and appropriate to accomplish their purposes.

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

420 (6) If a water management district specified in paragraph  
421 (2) (b) elects to implement a pilot project, it shall submit a  
422 report to the Governor, the President of the Senate, and the  
423 Speaker of the House of Representatives by July 1, 2020, on the  
424 effectiveness of its pilot project. The report must include all  
425 of the following information:

426 (a) A description of the alternative water supply project  
427 selected as a pilot project, including the quantity of water the  
428 project has produced or is expected to produce and the  
429 consumptive users who are expected to use the water produced by  
430 the pilot project to meet their existing and future reasonable-  
431 beneficial uses.

432 (b) Progress made in developing and implementing the pilot  
433 project in comparison to the development and implementation of  
434 other alternative water supply projects in the restricted  
435 allocation area.

5-00606-16

2016552\_\_

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

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

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

444 (f) A recommendation as to whether the traditional role of  
445 water management districts regarding the development and  
446 implementation of alternative water supply projects, as  
447 specified in ss. 373.705 and 373.707, should be revised and, if  
448 so, identification of the statutory changes necessary to expand  
449 the scope of the pilot program.

450 Section 5. Section 373.042, Florida Statutes, is amended to  
451 read:

452 373.042 Minimum flows and minimum water levels.-

453 (1) Within each section, or within the water management  
454 district as a whole, the department or the governing board shall  
455 establish the following:

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

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



5-00606-16

2016552\_\_

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

474

(2) (a) If a minimum flow or minimum water level has not  
475 been adopted for an Outstanding Florida Spring, a water  
476 management district or the department shall use the emergency  
477 rulemaking authority provided in paragraph (c) to adopt a  
478 minimum flow or minimum water level no later than July 1, 2017,  
479 except for the Northwest Florida Water Management District,  
480 which shall use such authority to adopt minimum flows and  
481 minimum water levels for Outstanding Florida Springs no later  
482 than July 1, 2026.

483

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

491

(c) The Legislature finds as provided in s. 373.801(3) (b)  
492 that the adoption of minimum flows and minimum water levels or  
493 recovery or prevention strategies for Outstanding Florida

5-00606-16

2016552\_\_

494 Springs requires immediate action. The department and the  
495 districts are authorized, and all conditions are deemed to be  
496 met, to use emergency rulemaking provisions pursuant to s.  
497 120.54(4) to adopt minimum flows and minimum water levels  
498 pursuant to this subsection and to adopt recovery or prevention  
499 strategies concurrently with a minimum flow or minimum water  
500 level pursuant to s. 373.805(2). The emergency rules shall  
501 remain in effect during the pendency of procedures to adopt  
502 rules addressing the subject of the emergency rules.

503 (d) As used in this subsection, the term "Outstanding  
504 Florida Spring" has the same meaning as in s. 373.802.

505 (3)~~(2)~~ By November 15, 1997, and annually thereafter, each  
506 water management district shall submit to the department for  
507 review and approval a priority list and schedule for the  
508 establishment of minimum flows and minimum water levels for  
509 surface watercourses, aquifers, and surface waters within the  
510 district. The priority list and schedule shall identify those  
511 listed water bodies for which the district will voluntarily  
512 undertake independent scientific peer review; any reservations  
513 proposed by the district to be established pursuant to s.  
514 373.223(4); and those listed water bodies that have the  
515 potential to be affected by withdrawals in an adjacent district  
516 for which the department's adoption of a reservation pursuant to  
517 s. 373.223(4) or a minimum flow or minimum water level pursuant  
518 to subsection (1) may be appropriate. By March 1, 2006, and  
519 annually thereafter, each water management district shall  
520 include its approved priority list and schedule in the  
521 consolidated annual report required by s. 373.036(7). The  
522 priority list shall be based upon the importance of the waters

5-00606-16

2016552\_\_

523 to the state or region and the existence of or potential for  
524 significant harm to the water resources or ecology of the state  
525 or region, and shall include those waters which are experiencing  
526 or may reasonably be expected to experience adverse impacts.  
527 Each water management district's priority list and schedule  
528 shall include all first magnitude springs, and all second  
529 magnitude springs within state or federally owned lands  
530 purchased for conservation purposes. The specific schedule for  
531 establishment of spring minimum flows and minimum water levels  
532 shall be commensurate with the existing or potential threat to  
533 spring flow from consumptive uses. Springs within the Suwannee  
534 River Water Management District, or second magnitude springs in  
535 other areas of the state, need not be included on the priority  
536 list if the water management district submits a report to the  
537 Department of Environmental Protection demonstrating that  
538 adverse impacts are not now occurring nor are reasonably  
539 expected to occur from consumptive uses during the next 20  
540 years. The priority list and schedule is not subject to any  
541 proceeding pursuant to chapter 120. Except as provided in  
542 subsection (4) ~~(3)~~, the development of a priority list and  
543 compliance with the schedule for the establishment of minimum  
544 flows and minimum water levels pursuant to this subsection  
545 satisfies the requirements of subsection (1).

546 (4) ~~(3)~~ Minimum flows or minimum water levels for priority  
547 waters in the counties of Hillsborough, Pasco, and Pinellas  
548 shall be established by October 1, 1997. Where a minimum flow or  
549 minimum water level for the priority waters within those  
550 counties has not been established by the applicable deadline,  
551 the secretary of the department shall, if requested by the

5-00606-16

2016552\_\_

552 governing body of any local government within whose jurisdiction  
553 the affected waters are located, establish the minimum flow or  
554 minimum water level in accordance with the procedures  
555 established by this section. The department's reasonable costs  
556 in establishing a minimum flow or minimum water level shall,  
557 upon request of the secretary, be reimbursed by the district.

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

567 (6)~~(5)~~ (a) Upon written request to the department or  
568 governing board by a substantially affected person, or by  
569 decision of the department or governing board, before ~~prior to~~  
570 the establishment of a minimum flow or minimum water level and  
571 before ~~prior to~~ the filing of any petition for administrative  
572 hearing related to the minimum flow or minimum water level, all  
573 scientific or technical data, methodologies, and models,  
574 including all scientific and technical assumptions employed in  
575 each model, used to establish a minimum flow or minimum water  
576 level shall be subject to independent scientific peer review.  
577 Independent scientific peer review means review by a panel of  
578 independent, recognized experts in the fields of hydrology,  
579 hydrogeology, limnology, biology, and other scientific  
580 disciplines, to the extent relevant to the establishment of the

5-00606-16

2016552\_\_

581 minimum flow or minimum water level.

582 (b) If independent scientific peer review is requested, it  
583 shall be initiated at an appropriate point agreed upon by the  
584 department or governing board and the person or persons  
585 requesting the peer review. If no agreement is reached, the  
586 department or governing board shall determine the appropriate  
587 point at which to initiate peer review. The members of the peer  
588 review panel shall be selected within 60 days of the point of  
589 initiation by agreement of the department or governing board and  
590 the person or persons requesting the peer review. If the panel  
591 is not selected within the 60-day period, the time limitation  
592 may be waived upon the agreement of all parties. If no waiver  
593 occurs, the department or governing board may proceed to select  
594 the peer review panel. The cost of the peer review shall be  
595 borne equally by the district and each party requesting the peer  
596 review, to the extent economically feasible. The panel shall  
597 submit a final report to the governing board within 120 days  
598 after its selection unless the deadline is waived by agreement  
599 of all parties. Initiation of peer review pursuant to this  
600 paragraph shall toll any applicable deadline under chapter 120  
601 or other law or district rule regarding permitting, rulemaking,  
602 or administrative hearings, until 60 days following submittal of  
603 the final report. Any such deadlines shall also be tolled for 60  
604 days following withdrawal of the request or following agreement  
605 of the parties that peer review will no longer be pursued. The  
606 department or the governing board shall give significant weight  
607 to the final report of the peer review panel when establishing  
608 the minimum flow or minimum water level.

609 (c) If the final data, methodologies, and models, including

5-00606-16

2016552\_\_

610 all scientific and technical assumptions employed in each model  
611 upon which a minimum flow or level is based, have undergone peer  
612 review pursuant to this subsection, by request or by decision of  
613 the department or governing board, no further peer review shall  
614 be required with respect to that minimum flow or minimum water  
615 level.

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

619 ~~(7)-(6)~~ If a petition for administrative hearing is filed  
620 under chapter 120 challenging the establishment of a minimum  
621 flow or minimum water level, the report of an independent  
622 scientific peer review conducted under subsection (5) ~~(4)~~ is  
623 admissible as evidence in the final hearing, and the  
624 administrative law judge must render the order within 120 days  
625 after the filing of the petition. The time limit for rendering  
626 the order shall not be extended except by agreement of all the  
627 parties. To the extent that the parties agree to the findings of  
628 the peer review, they may stipulate that those findings be  
629 incorporated as findings of fact in the final order.

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

632 Section 6. Section 373.0421, Florida Statutes, is amended  
633 to read:

634 373.0421 Establishment and implementation of minimum flows  
635 and minimum water levels.—

636 (1) ESTABLISHMENT.—

637 (a) *Considerations.*—When establishing minimum flows and  
638 minimum water levels pursuant to s. 373.042, the department or

5-00606-16

2016552\_\_

639 governing board shall consider changes and structural  
640 alterations to watersheds, surface waters, and aquifers and the  
641 effects such changes or alterations have had, and the  
642 constraints such changes or alterations have placed, on the  
643 hydrology of an affected watershed, surface water, or aquifer,  
644 provided that nothing in this paragraph shall allow significant  
645 harm as provided by s. 373.042(1) caused by withdrawals.

646 (b) *Exclusions.*—

647 1. The Legislature recognizes that certain water bodies no  
648 longer serve their historical hydrologic functions. The  
649 Legislature also recognizes that recovery of these water bodies  
650 to historical hydrologic conditions may not be economically or  
651 technically feasible, and that such recovery effort could cause  
652 adverse environmental or hydrologic impacts. Accordingly, the  
653 department or governing board may determine that setting a  
654 minimum flow or minimum water level for such a water body based  
655 on its historical condition is not appropriate.

656 2. The department or the governing board is not required to  
657 establish minimum flows or minimum water levels pursuant to s.  
658 373.042 for surface water bodies less than 25 acres in area,  
659 unless the water body or bodies, individually or cumulatively,  
660 have significant economic, environmental, or hydrologic value.

661 3. The department or the governing board shall not set  
662 minimum flows or minimum water levels pursuant to s. 373.042 for  
663 surface water bodies constructed before ~~prior to~~ the requirement  
664 for a permit, or pursuant to an exemption, a permit, or a  
665 reclamation plan which regulates the size, depth, or function of  
666 the surface water body under the provisions of this chapter,  
667 chapter 378, or chapter 403, unless the constructed surface

5-00606-16

2016552\_\_

668 water body is of significant hydrologic value or is an essential  
669 element of the water resources of the area.

670

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

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

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

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

687

688 The recovery or prevention strategy must ~~shall~~ include a phased-  
689 in approach ~~phasing~~ or a timetable which will allow for the  
690 provision of sufficient water supplies for all existing and  
691 projected reasonable-beneficial uses, including development of  
692 additional water supplies and implementation of conservation and  
693 other efficiency measures concurrent with and, to the maximum  
694 extent practical, ~~and~~ to offset, reductions in permitted  
695 withdrawals, consistent with ~~the provisions of~~ this chapter. The  
696 recovery or prevention strategy may not depend solely on water



5-00606-16

2016552\_\_

697 shortage restrictions declared pursuant to s. 373.175 or s.  
698 373.246.

699 (3) To ensure that sufficient water is available for all  
700 existing and future reasonable-beneficial uses and the natural  
701 systems, the applicable regional water supply plan prepared  
702 pursuant to s. 373.709 shall be amended to include any water  
703 supply development project or water resource development project  
704 identified in a recovery or prevention strategy. Such amendment  
705 shall be approved concurrently with relevant portions of the  
706 recovery or prevention strategy.

707 (4) The water management district shall notify the  
708 department if an application for a water use permit is denied  
709 based upon the impact that the use will have on an adopted  
710 minimum flow or minimum water level. Upon receipt of such  
711 notice, the department shall, as soon as practicable and in  
712 cooperation with the water management district, conduct a review  
713 of the applicable regional water supply plan prepared pursuant  
714 to s. 373.709. Such review shall include an assessment by the  
715 department of the adequacy of the plan in addressing the  
716 legislative intent of s. 373.705(2) (b) which provides that  
717 sufficient water be available for all existing and future  
718 reasonable-beneficial uses and natural systems and that the  
719 adverse effects of competition for water supplies be avoided. If  
720 the department determines, based upon this review, that the  
721 regional water supply plan does not adequately address the  
722 legislative intent of s. 373.705(2) (b), the water management  
723 district shall immediately initiate an update of the plan  
724 consistent with s. 373.709.

725 (5)~~(3)~~ The provisions of this section are supplemental to

5-00606-16

2016552\_\_

726 any other specific requirements or authority provided by law.  
727 Minimum flows and minimum water levels shall be reevaluated  
728 periodically and revised as needed.

729 Section 7. Section 373.0465, Florida Statutes, is created  
730 to read:

731 373.0465 Central Florida Water Initiative.-

732 (1) The Legislature finds that:

733 (a) Historically, the Floridan Aquifer system has supplied  
734 the vast majority of the water used in the Central Florida  
735 Coordination Area.

736 (b) Because the boundaries of the St. Johns River Water  
737 Management District, the South Florida Water Management  
738 District, and the Southwest Florida Water Management District  
739 meet within the Central Florida Coordination Area, the three  
740 districts and the Department of Environmental Protection have  
741 worked cooperatively to determine that the Floridan Aquifer  
742 system is locally approaching the sustainable limits of use and  
743 are exploring the need to develop sources of water to meet the  
744 long-term water needs of the area.

745 (c) The Central Florida Water Initiative is a collaborative  
746 process involving the Department of Environmental Protection,  
747 the St. Johns River Water Management District, the South Florida  
748 Water Management District, the Southwest Florida Water  
749 Management District, the Department of Agriculture and Consumer  
750 Services, regional public water supply utilities, and other  
751 stakeholders. As set forth in the Central Florida Water  
752 Initiative Guiding Document of January 30, 2015, the initiative  
753 has developed an initial framework for a unified process to  
754 address the current and long-term water supply needs of Central

5-00606-16

2016552\_\_

755 Florida without causing harm to the water resources and  
756 associated natural systems.

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

761 (2) (a) As used in this section, the term "Central Florida  
762 Water Initiative Area" means all of Orange, Osceola, Polk, and  
763 Seminole Counties, and southern Lake County, as designated by  
764 the Central Florida Water Initiative Guiding Document of January  
765 30, 2015.

766 (b) The department, the St. Johns River Water Management  
767 District, the South Florida Water Management District, the  
768 Southwest Florida Water Management District, and the Department  
769 of Agriculture and Consumer Services shall:

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

774 2. Build upon the guiding principles and goals set forth in  
775 the Central Florida Water Initiative Guiding Document of January  
776 30, 2015, and the work that has already been accomplished by the  
777 Central Florida Water Initiative participants;

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

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

5-00606-16

2016552\_\_

784 the availability of groundwater in the Central Florida Water  
785 Initiative Area.

786 (c) In developing the water supply planning program  
787 consistent with the goals set forth in this subsection, the  
788 department, the St. Johns River Water Management District, the  
789 South Florida Water Management District, the Southwest Florida  
790 Water Management District, and the Department of Agriculture and  
791 Consumer Services shall:

792 1. Consider limitations on groundwater use together with  
793 opportunities for new, increased, or redistributed groundwater  
794 uses that are consistent with the conditions established under  
795 s. 373.223;

796 2. Establish a coordinated process for the identification  
797 of water resources requiring new or revised conditions. Any new  
798 or revised condition must be consistent with s. 373.223;

799 3. Consider existing recovery or prevention strategies;

800 4. Include a list of water supply options sufficient to  
801 meet the water needs of all existing and future reasonable-  
802 beneficial uses consistent with the conditions established under  
803 s. 373.223; and

804 5. Identify, as necessary, which of the water supply  
805 sources are preferred water supply sources pursuant to s.  
806 373.2234.

807 (d) The department, in consultation with the St. Johns  
808 River Water Management District, the South Florida Water  
809 Management District, the Southwest Florida Water Management  
810 District, and the Department of Agriculture and Consumer  
811 Services, shall adopt uniform rules for application within the  
812 Central Florida Water Initiative Area that include:

5-00606-16

2016552\_\_

- 813       1. A single, uniform definition of the term "harmful to the  
814 water resources" consistent with the term's usage in s. 373.219;  
815       2. A single method for calculating residential per capita  
816 water use;  
817       3. A single process for permit reviews;  
818       4. A single, consistent process, as appropriate, to set  
819 minimum flows and minimum water levels and water reservations;  
820       5. A goal for residential per capita water use for each  
821 consumptive use permit; and  
822       6. An annual conservation goal for each consumptive use  
823 permit consistent with the regional water supply plan.

824  
825 The uniform rules must include existing recovery strategies  
826 within the Central Florida Water Initiative Area adopted before  
827 July 1, 2016. The department may grant variances to the uniform  
828 rules if there are unique circumstances or hydrogeological  
829 factors that make application of the uniform rules unrealistic  
830 or impractical.

831       (e) The department shall initiate rulemaking for the  
832 uniform rules by December 31, 2016. The department's uniform  
833 rules shall be applied by the water management districts only  
834 within the Central Florida Water Initiative Area. Upon adoption  
835 of the rules, the water management districts shall implement the  
836 rules without further rulemaking pursuant to s. 120.54. The  
837 rules adopted by the department pursuant to this section are  
838 considered the rules of the water management districts.

839       (f) Water management district planning programs developed  
840 pursuant to this subsection shall be approved or adopted as  
841 required under this chapter. However, such planning programs may

5-00606-16

2016552\_\_

842 not serve to modify planning programs in areas of the affected  
843 districts that are not within the Central Florida Water  
844 Initiative Area, but may include interregional projects located  
845 outside the Central Florida Water Initiative Area which are  
846 consistent with planning and regulatory programs in the areas in  
847 which they are located.

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

852 373.1501 South Florida Water Management District as local  
853 sponsor.—

854 (4) The district is authorized to act as local sponsor of  
855 the project for those project features within the district as  
856 provided in this subsection and subject to the oversight of the  
857 department as further provided in s. 373.026. The district shall  
858 exercise the authority of the state to allocate quantities of  
859 water within its jurisdiction, including the water supply in  
860 relation to the project, and be responsible for allocating water  
861 and assigning priorities among the other water uses served by  
862 the project pursuant to state law. The district may:

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

865 (b) Continue data gathering, analysis, research, and design  
866 of project components, participate in preconstruction  
867 engineering and design documents for project components, and  
868 further refine the Comprehensive Plan of the restudy as a guide  
869 and framework for identifying other project components.†

870 (c) Construct pilot projects that will assist in

5-00606-16

2016552\_\_

871 determining the feasibility of technology included in the  
872 Comprehensive Plan of the restudy.~~;~~ and

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

874 (7) When developing or implementing water control plans or  
875 regulation schedules required for the operation of the project,  
876 the district shall provide recommendations to the United States  
877 Army Corps of Engineers which are consistent with all district  
878 programs and plans.

879 Section 9. Subsection (3) is added to section 373.219,  
880 Florida Statutes, to read:

881 373.219 Permits required.—

882 (3) For Outstanding Florida Springs, the department shall  
883 adopt uniform rules for issuing permits which prevent  
884 groundwater withdrawals that are harmful to the water resources  
885 and adopt by rule a uniform definition of the term "harmful to  
886 the water resources" to provide water management districts with  
887 minimum standards necessary to be consistent with the overall  
888 water policy of the state. This subsection does not prohibit a  
889 water management district from adopting a definition that is  
890 more protective of the water resources consistent with local or  
891 regional conditions and objectives.

892 Section 10. Subsection (6) is added to section 373.223,  
893 Florida Statutes, to read:

894 373.223 Conditions for a permit.—

895 (6) A new consumptive use permit, or the renewal or  
896 modification of a consumptive use permit, that authorizes  
897 groundwater withdrawals of 100,000 gallons or more per day from  
898 a well with an inside diameter of 8 inches or more shall be  
899 monitored for water usage at intervals using methods determined

5-00606-16

2016552\_\_

900 by the applicable water management district, and the results of  
901 such monitoring shall be reported to the applicable water  
902 management district at least annually. The water management  
903 districts may adopt rules to implement this subsection.

904 Section 11. Section 373.2234, Florida Statutes, is amended  
905 to read:

906 373.2234 Preferred water supply sources.—

907 (1) The governing board of a water management district is  
908 authorized to adopt rules that identify preferred water supply  
909 sources for consumptive uses for which there is sufficient data  
910 to establish that a preferred source will provide a substantial  
911 new water supply to meet the existing and projected reasonable-  
912 beneficial uses of a water supply planning region identified  
913 pursuant to s. 373.709(1), while sustaining existing water  
914 resources and natural systems. At a minimum, such rules must  
915 contain a description of the preferred water supply source and  
916 an assessment of the water the preferred source is projected to  
917 produce.

918 (2) (a) If an applicant proposes to use a preferred water  
919 supply source, that applicant's proposed water use is subject to  
920 s. 373.223(1), except that the proposed use of a preferred water  
921 supply source must be considered by a water management district  
922 when determining whether a permit applicant's proposed use of  
923 water is consistent with the public interest pursuant to s.  
924 373.223(1) (c).

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



5-00606-16

2016552\_\_

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

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

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

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

940 2. Provide that permits issued for the use of a  
 941 nonpreferred water supply source must be issued for a duration  
 942 of less than 20 years or that the use of a nonpreferred water  
 943 supply source is not consistent with the public interest; or-

944 3. ~~Additionally, nothing in this section shall be~~  
 945 ~~interpreted to~~ Require the use of a preferred water supply  
 946 source or to restrict or prohibit the use of a nonpreferred  
 947 water supply source.

948 (b) Rules adopted by the governing board of a water  
 949 management district to implement this section shall specify that  
 950 the use of a preferred water supply source is not required and  
 951 that the use of a nonpreferred water supply source is not  
 952 restricted or prohibited.

953 Section 12. Present subsection (5) of section 373.227,  
 954 Florida Statutes, is redesignated as subsection (7), and a new  
 955 subsection (5) and subsection (6) are added to that section, to  
 956 read:

957 373.227 Water conservation; legislative findings and

5-00606-16

2016552\_\_

958 intent; objectives; comprehensive statewide water conservation  
959 program requirements.-

960 (5) To incentivize water conservation, if actual water use  
961 is less than permitted water use due to documented  
962 implementation of water conservation measures beyond those  
963 required in a consumptive use permit, including, but not limited  
964 to, those measures identified in best management practices  
965 pursuant to s. 570.93, the permitted allocation may not be  
966 modified solely due to such water conservation during the term  
967 of the permit. To promote water conservation and the  
968 implementation of measures that produce significant water  
969 savings beyond those required in a consumptive use permit, each  
970 water management district shall adopt rules providing water  
971 conservation incentives, which may include limited permit  
972 extensions.

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

979 Section 13. Subsection (2) of section 373.233, Florida  
980 Statutes, is amended to read:

981 373.233 Competing applications.-

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

986 (b) If two or more competing applications qualify equally

5-00606-16

2016552\_\_

987 under subsection (1) and none of the competing applications is a  
988 renewal application, the governing board or the department shall  
989 give preference to the application for the use where the source  
990 is nearest to the area of use or application consistent with s.  
991 373.016(4)(a).

992 Section 14. Section 373.4591, Florida Statutes, is amended  
993 to read:

994 373.4591 Improvements on private agricultural lands.—

995 (1) The Legislature encourages public-private partnerships  
996 to accomplish water storage, groundwater recharge, and water  
997 quality improvements on private agricultural lands. Priority  
998 consideration shall be given to public-private partnerships  
999 that:

1000 (a) Store or treat water on private lands for purposes of  
1001 enhancing hydrologic improvement, improving water quality, or  
1002 assisting in water supply;

1003 (b) Provide critical groundwater recharge; or

1004 (c) Provide for changes in land use to activities that  
1005 minimize nutrient loads and maximize water conservation.

1006 (2)(a) When an agreement is entered into between the  
1007 department, a water management district, or the Department of  
1008 Agriculture and Consumer Services and a private landowner to  
1009 establish ~~such~~ a public-private partnership that may create or  
1010 impact wetlands or other surface waters, a baseline condition  
1011 determining the extent of wetlands and other surface waters on  
1012 the property shall be established and documented in the  
1013 agreement before improvements are constructed.

1014 (b) When an agreement is entered into between the  
1015 Department of Agriculture and Consumer Services and a private

5-00606-16

2016552\_\_

1016 landowner to implement best management practices pursuant to s.  
1017 403.067(7)(c), a baseline condition determining the extent of  
1018 wetlands and other surface water on the property may be  
1019 established at the option and expense of the private landowner  
1020 and documented in the agreement before improvements are  
1021 constructed. The Department of Agriculture and Consumer Services  
1022 shall submit the landowner's proposed baseline condition  
1023 documentation to the lead agency for review and approval, and  
1024 the agency shall use its best efforts to complete the review  
1025 within 45 days.

1026 (3) The Department of Agriculture and Consumer Services,  
1027 the department, and the water management districts shall provide  
1028 a process for reviewing these requests in the timeframe  
1029 specified. The determination of a baseline condition shall be  
1030 conducted using the methods set forth in the rules adopted  
1031 pursuant to s. 373.421. The baseline condition documented in an  
1032 agreement shall be considered the extent of wetlands and other  
1033 surface waters on the property for the purpose of regulation  
1034 under this chapter for the duration of the agreement and after  
1035 its expiration.

1036 Section 15. Paragraph (h) of subsection (1) and subsections  
1037 (2) through (7) of section 373.4595, Florida Statutes, are  
1038 amended to read:

1039 373.4595 Northern Everglades and Estuaries Protection  
1040 Program.—

1041 (1) FINDINGS AND INTENT.—

1042 (h) The Legislature finds that the expeditious  
1043 implementation of the Lake Okeechobee Watershed Protection  
1044 Program, the Caloosahatchee River Watershed Protection Program,

5-00606-16

2016552\_\_

1045 ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans  
1046 is needed to improve the quality, quantity, timing, and  
1047 distribution of water in the northern Everglades ecosystem and  
1048 that this section, in conjunction with s. 403.067, including the  
1049 implementation of the plans developed and approved pursuant to  
1050 subsections (3) and (4), and any related basin management action  
1051 plan developed and implemented pursuant to s. 403.067(7)(a),  
1052 provide a reasonable means of achieving the total maximum daily  
1053 load requirements and achieving and maintaining compliance with  
1054 state water quality standards.

1055 (2) DEFINITIONS.—As used in this section, the term:

1056 (a) "Best management practice" means a practice or  
1057 combination of practices determined by the coordinating  
1058 agencies, based on research, field-testing, and expert review,  
1059 to be the most effective and practicable on-location means,  
1060 including economic and technological considerations, for  
1061 improving water quality in agricultural and urban discharges.  
1062 Best management practices for agricultural discharges shall  
1063 reflect a balance between water quality improvements and  
1064 agricultural productivity.

1065 (b) "Biosolids" means the solid, semisolid, or liquid  
1066 residue generated during the treatment of domestic wastewater in  
1067 a domestic wastewater treatment facility, formerly known as  
1068 "domestic wastewater residuals" or "residuals," and includes  
1069 products and treated material from biosolids treatment  
1070 facilities and septage management facilities regulated by the  
1071 department. The term does not include the treated effluent or  
1072 reclaimed water from a domestic wastewater treatment facility,  
1073 solids removed from pump stations and lift stations, screenings

5-00606-16

2016552\_\_

1074 and grit removed from the preliminary treatment components of  
1075 domestic wastewater treatment facilities, or ash generated  
1076 during the incineration of biosolids.

1077 (c)~~(b)~~ "Caloosahatchee River watershed" means the  
1078 Caloosahatchee River, its tributaries, its estuary, and the area  
1079 within Charlotte, Glades, Hendry, and Lee Counties from which  
1080 surface water flow is directed or drains, naturally or by  
1081 constructed works, to the river, its tributaries, or its  
1082 estuary.

1083 (d)~~(e)~~ "Coordinating agencies" means the Department of  
1084 Agriculture and Consumer Services, the Department of  
1085 Environmental Protection, and the South Florida Water Management  
1086 District.

1087 (e)~~(d)~~ "Corps of Engineers" means the United States Army  
1088 Corps of Engineers.

1089 (f)~~(e)~~ "Department" means the Department of Environmental  
1090 Protection.

1091 (g)~~(f)~~ "District" means the South Florida Water Management  
1092 District.

1093 ~~(g) "District's WOD program" means the program implemented~~  
1094 ~~pursuant to rules adopted as authorized by this section and ss.~~  
1095 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~  
1096 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1097 (h) "Lake Okeechobee Watershed Construction Project" means  
1098 the construction project developed pursuant to this section  
1099 ~~paragraph (3)(b).~~

1100 (i) "Lake Okeechobee Watershed Protection Plan" means the  
1101 Lake Okeechobee Watershed Construction Project and the Lake  
1102 Okeechobee Watershed Research and Water Quality Monitoring

5-00606-16

2016552\_\_

1103 ~~Program plan developed pursuant to this section and ss. 373.451-~~  
1104 ~~373.459.~~

1105 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1106 tributaries, and the area within which surface water flow is  
1107 directed or drains, naturally or by constructed works, to the  
1108 lake or its tributaries.

1109 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~  
1110 ~~means the program developed pursuant to paragraph (3)(c).~~

1111 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee  
1112 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1113 River watershed.

1114 (l)~~(m)~~ "Project component" means any structural or  
1115 operational change, resulting from the Restudy, to the Central  
1116 and Southern Florida Project as it existed and was operated as  
1117 of January 1, 1999.

1118 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of  
1119 the Central and Southern Florida Project, for which federal  
1120 participation was authorized by the Federal Water Resources  
1121 Development Acts of 1992 and 1996 together with related  
1122 Congressional resolutions and for which participation by the  
1123 South Florida Water Management District is authorized by s.  
1124 373.1501. The term includes all actions undertaken pursuant to  
1125 the aforementioned authorizations which will result in  
1126 recommendations for modifications or additions to the Central  
1127 and Southern Florida Project.

1128 (n)~~(o)~~ "River Watershed Protection Plans" means the  
1129 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1130 River Watershed Protection Plan developed pursuant to this  
1131 section.

5-00606-16

2016552\_\_

1132       (o) "Soil amendment" means any substance or mixture of  
1133 substances sold or offered for sale for soil enriching or  
1134 corrective purposes, intended or claimed to be effective in  
1135 promoting or stimulating plant growth, increasing soil or plant  
1136 productivity, improving the quality of crops, or producing any  
1137 chemical or physical change in the soil, except amendments,  
1138 conditioners, additives, and related products that are derived  
1139 solely from inorganic sources and that contain no recognized  
1140 plant nutrients.

1141       (p) "St. Lucie River watershed" means the St. Lucie River,  
1142 its tributaries, its estuary, and the area within Martin,  
1143 Okeechobee, and St. Lucie Counties from which surface water flow  
1144 is directed or drains, naturally or by constructed works, to the  
1145 river, its tributaries, or its estuary.

1146       (q) "Total maximum daily load" means the sum of the  
1147 individual wasteload allocations for point sources and the load  
1148 allocations for nonpoint sources and natural background adopted  
1149 pursuant to s. 403.067. Before ~~Prior to~~ determining individual  
1150 wasteload allocations and load allocations, the maximum amount  
1151 of a pollutant that a water body or water segment can assimilate  
1152 from all sources without exceeding water quality standards must  
1153 first be calculated.

1154       (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1155 Okeechobee Watershed Protection Program shall consist of the  
1156 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1157 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1158 Lake Okeechobee Exotic Species Control Program, and the Lake  
1159 Okeechobee Internal Phosphorus Management Program. The Lake  
1160 Okeechobee Basin Management Action Plan adopted pursuant to s.



5-00606-16

2016552\_\_

1161 403.067 shall be the component of the Lake Okeechobee Watershed  
1162 Protection ~~A protection~~ Program for Lake Okeechobee that  
1163 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~  
1164 ~~immediately implemented as specified in this subsection.~~ The  
1165 Lake Okeechobee Watershed Protection Program shall address the  
1166 reduction of phosphorus loading to the lake from both internal  
1167 and external sources. Phosphorus load reductions shall be  
1168 achieved through a phased program of implementation. ~~Initial~~  
1169 ~~implementation actions shall be technology based, based upon a~~  
1170 ~~consideration of both the availability of appropriate technology~~  
1171 ~~and the cost of such technology, and shall include phosphorus~~  
1172 ~~reduction measures at both the source and the regional level.~~  
1173 ~~The initial phase of phosphorus load reductions shall be based~~  
1174 ~~upon the district's Technical Publication 81-2 and the~~  
1175 ~~district's WOD program, with subsequent phases of phosphorus~~  
1176 ~~load reductions based upon the total maximum daily loads~~  
1177 ~~established in accordance with s. 403.067.~~ In the development  
1178 and administration of the Lake Okeechobee Watershed Protection  
1179 Program, the coordinating agencies shall maximize opportunities  
1180 provided by federal cost-sharing programs and opportunities for  
1181 partnerships with the private sector.

1182 (a) *Lake Okeechobee Watershed Protection Plan.* ~~In order~~ To  
1183 protect and restore surface water resources, the district, in  
1184 cooperation with the other coordinating agencies, shall complete  
1185 a Lake Okeechobee Watershed Protection Plan in accordance with  
1186 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
1187 and every 5 years thereafter, the district shall update the Lake  
1188 Okeechobee Watershed Protection Plan to ensure that it is  
1189 consistent with the Lake Okeechobee Basin Management Action Plan

5-00606-16

2016552\_\_

1190 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
1191 Protection Plan shall identify the geographic extent of the  
1192 watershed, be coordinated with the plans developed pursuant to  
1193 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
1194 Watershed Construction Project and the Lake Okeechobee Watershed  
1195 Research and Water Quality Monitoring Program ~~contain an~~  
1196 implementation schedule for subsequent phases of phosphorus load  
1197 reduction consistent with the total maximum daily loads  
1198 established in accordance with s. 403.067. The plan shall  
1199 consider and build upon a review and analysis of ~~the following:~~  
1200 1. the performance of projects constructed during Phase I  
1201 and Phase II of the Lake Okeechobee Watershed Construction  
1202 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~  
1203 2. relevant information resulting from the Lake Okeechobee  
1204 Basin Management Action Plan ~~Watershed Phosphorus Control~~  
1205 ~~Program~~, pursuant to paragraph (b); ~~(e).~~  
1206 3. relevant information resulting from the Lake Okeechobee  
1207 Watershed Research and Water Quality Monitoring Program,  
1208 pursuant to subparagraph 2.; ~~paragraph (d).~~  
1209 4. relevant information resulting from the Lake Okeechobee  
1210 Exotic Species Control Program, pursuant to paragraph (c); and  
1211 ~~(e).~~  
1212 5. relevant information resulting from the Lake Okeechobee  
1213 Internal Phosphorus Management Program, pursuant to paragraph  
1214 (d) ~~(f).~~  
1215 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To  
1216 improve the hydrology and water quality of Lake Okeechobee and  
1217 downstream receiving waters, including the Caloosahatchee and  
1218 St. Lucie Rivers and their estuaries, the district, in

5-00606-16

2016552\_\_

1219 cooperation with the other coordinating agencies, shall design  
1220 and construct the Lake Okeechobee Watershed Construction  
1221 Project. The project shall include:

1222 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed  
1223 Construction Project shall consist of a series of project  
1224 features consistent with the recommendations of the South  
1225 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
1226 Action Plan. Priority basins for such projects include S-191, S-  
1227 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To  
1228 obtain phosphorus load reductions to Lake Okeechobee as soon as  
1229 possible, the following actions shall be implemented:

1230 (I)a. The district shall serve as a full partner with the  
1231 Corps of Engineers in the design and construction of the Grassy  
1232 Island Ranch and New Palm Dairy stormwater treatment facilities  
1233 as components of the Lake Okeechobee Water Retention/Phosphorus  
1234 Removal Critical Project. The Corps of Engineers shall have the  
1235 lead in design and construction of these facilities. Should  
1236 delays be encountered in the implementation of either of these  
1237 facilities, the district shall notify the department and  
1238 recommend corrective actions.

1239 (II)b. The district shall obtain permits and complete  
1240 construction of two of the isolated wetland restoration projects  
1241 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1242 Removal Critical Project. The additional isolated wetland  
1243 projects included in this critical project shall further reduce  
1244 phosphorus loading to Lake Okeechobee.

1245 (III)e. The district shall work with the Corps of Engineers  
1246 to expedite initiation of the design process for the Taylor  
1247 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment

5-00606-16

2016552\_\_

1248 Area, a project component of the Comprehensive Everglades  
1249 Restoration Plan. The district shall propose to the Corps of  
1250 Engineers that the district take the lead in the design and  
1251 construction of the Reservoir Assisted Stormwater Treatment Area  
1252 and receive credit towards the local share of the total cost of  
1253 the Comprehensive Everglades Restoration Plan.

1254 ~~b.2.~~ Phase II technical plan and construction. ~~By February~~  
1255 ~~1, 2008,~~ The district, in cooperation with the other  
1256 coordinating agencies, shall develop a detailed technical plan  
1257 for Phase II of the Lake Okeechobee Watershed Construction  
1258 Project which provides the basis for the Lake Okeechobee Basin  
1259 Management Action Plan adopted by the department pursuant to s.  
1260 403.067. The detailed technical plan shall include measures for  
1261 the improvement of the quality, quantity, timing, and  
1262 distribution of water in the northern Everglades ecosystem,  
1263 including the Lake Okeechobee watershed and the estuaries, and  
1264 for facilitating the achievement of water quality standards. Use  
1265 of cost-effective biologically based, hybrid wetland/chemical  
1266 and other innovative nutrient control technologies shall be  
1267 incorporated in the plan where appropriate. The detailed  
1268 technical plan shall also include a Process Development and  
1269 Engineering component to finalize the detail and design of Phase  
1270 II projects and identify additional measures needed to increase  
1271 the certainty that the overall objectives for improving water  
1272 quality and quantity can be met. Based on information and  
1273 recommendations from the Process Development and Engineering  
1274 component, the Phase II detailed technical plan shall be  
1275 periodically updated. Phase II shall include construction of  
1276 additional facilities in the priority basins identified in sub-

5-00606-16

2016552\_\_

1277 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other  
1278 basins in the Lake Okeechobee watershed. ~~This detailed technical~~  
1279 ~~plan will require legislative ratification pursuant to paragraph~~  
1280 ~~(i).~~ The technical plan shall:

1281 (I)a. Identify Lake Okeechobee Watershed Construction  
1282 Project facilities designed to contribute to achieving all  
1283 applicable total maximum daily loads established pursuant to s.  
1284 403.067 within the Lake Okeechobee watershed.

1285 (II)b. Identify the size and location of all such Lake  
1286 Okeechobee Watershed Construction Project facilities.

1287 (III)e. Provide a construction schedule for all such Lake  
1288 Okeechobee Watershed Construction Project facilities, including  
1289 the sequencing and specific timeframe for construction of each  
1290 Lake Okeechobee Watershed Construction Project facility.

1291 (IV)d. Provide a schedule for the acquisition of lands or  
1292 sufficient interests necessary to achieve the construction  
1293 schedule.

1294 (V)e. Provide a detailed schedule of costs associated with  
1295 the construction schedule.

1296 (VI)f. Identify, to the maximum extent practicable, impacts  
1297 on wetlands and state-listed species expected to be associated  
1298 with construction of such facilities, including potential  
1299 alternatives to minimize and mitigate such impacts, as  
1300 appropriate.

1301 (VII)g. Provide for additional measures, including  
1302 voluntary water storage and quality improvements on private  
1303 land, to increase water storage and reduce excess water levels  
1304 in Lake Okeechobee and to reduce excess discharges to the  
1305 estuaries.

5-00606-16

2016552\_\_

1306        (VIII) ~~The technical plan shall also~~ Develop the  
1307 appropriate water quantity storage goal to achieve the desired  
1308 Lake Okeechobee range of lake levels and inflow volumes to the  
1309 Caloosahatchee and St. Lucie estuaries while meeting the other  
1310 water-related needs of the region, including water supply and  
1311 flood protection.

1312        (IX) ~~h.~~ Provide for additional source controls needed to  
1313 enhance performance of the Lake Okeechobee Watershed  
1314 Construction Project facilities. Such additional source controls  
1315 shall be incorporated into the Lake Okeechobee Basin Management  
1316 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to  
1317 paragraph (b) ~~(e)~~.

1318        c.3. ~~Evaluation.~~ Within 5 years after the adoption of the  
1319 Lake Okeechobee Basin Management Action Plan pursuant to s.  
1320 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
1321 thereafter, the department ~~district~~, in cooperation with the  
1322 other coordinating agencies, shall conduct an evaluation of the  
1323 Lake Okeechobee Watershed Construction Project and identify any  
1324 further load reductions necessary to achieve compliance with the  
1325 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads  
1326 established pursuant to s. 403.067. ~~Additionally,~~ The district  
1327 shall identify modifications to facilities of the Lake  
1328 Okeechobee Watershed Construction Project as appropriate to meet  
1329 the total maximum daily loads. Modifications to the Lake  
1330 Okeechobee Watershed Construction Project resulting from this  
1331 evaluation shall be incorporated into the Lake Okeechobee Basin  
1332 Management Action Plan and ~~The evaluation shall be included in~~  
1333 the applicable annual progress report submitted pursuant to  
1334 subsection (6).

5-00606-16

2016552\_\_

1335 d.4. Coordination and review.—To ensure the timely  
1336 implementation of the Lake Okeechobee Watershed Construction  
1337 Project, the design of project facilities shall be coordinated  
1338 with the department and other interested parties, including  
1339 affected local governments, to the maximum extent practicable.  
1340 Lake Okeechobee Watershed Construction Project facilities shall  
1341 be reviewed and commented upon by the department before ~~prior to~~  
1342 the execution of a construction contract by the district for  
1343 that facility.

1344 2. Lake Okeechobee Watershed Research and Water Quality  
1345 Monitoring Program.—The coordinating agencies shall implement a  
1346 Lake Okeechobee Watershed Research and Water Quality Monitoring  
1347 Program. Results from the program shall be used by the  
1348 department, in cooperation with the other coordinating agencies,  
1349 to make modifications to the Lake Okeechobee Basin Management  
1350 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1351 program shall:

1352 a. Evaluate all available existing water quality data  
1353 concerning total phosphorus in the Lake Okeechobee watershed,  
1354 develop a water quality baseline to represent existing  
1355 conditions for total phosphorus, monitor long-term ecological  
1356 changes, including water quality for total phosphorus, and  
1357 measure compliance with water quality standards for total  
1358 phosphorus, including any applicable total maximum daily load  
1359 for the Lake Okeechobee watershed as established pursuant to s.  
1360 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1361 the department shall reevaluate water quality and quantity data  
1362 to ensure that the appropriate projects are being designated and  
1363 incorporated into the Lake Okeechobee Basin Management Action

5-00606-16

2016552\_\_

1364 Plan adopted pursuant to s. 403.067. The district shall  
1365 implement a total phosphorus monitoring program at appropriate  
1366 structures owned or operated by the district and within the Lake  
1367 Okeechobee watershed.

1368 b. Develop a Lake Okeechobee water quality model that  
1369 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1370 and incorporates an uncertainty analysis associated with model  
1371 predictions.

1372 c. Determine the relative contribution of phosphorus from  
1373 all identifiable sources and all primary and secondary land  
1374 uses.

1375 d. Conduct an assessment of the sources of phosphorus from  
1376 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their  
1377 relative contribution to the water quality of Lake Okeechobee.  
1378 The results of this assessment shall be used by the coordinating  
1379 agencies as part of the Lake Okeechobee Basin Management Action  
1380 Plan adopted pursuant to s. 403.067 to develop interim measures,  
1381 best management practices, or regulations, as applicable.

1382 e. Assess current water management practices within the  
1383 Lake Okeechobee watershed and develop recommendations for  
1384 structural and operational improvements. Such recommendations  
1385 shall balance water supply, flood control, estuarine salinity,  
1386 maintenance of a healthy lake littoral zone, and water quality  
1387 considerations.

1388 f. Evaluate the feasibility of alternative nutrient  
1389 reduction technologies, including sediment traps, canal and  
1390 ditch maintenance, fish production or other aquaculture,  
1391 bioenergy conversion processes, and algal or other biological  
1392 treatment technologies and include any alternative nutrient



5-00606-16

2016552\_\_

1393 reduction technologies determined to be feasible in the Lake  
1394 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1395 403.067.

1396 g. Conduct an assessment of the water volumes and timing  
1397 from the Lake Okeechobee watershed and their relative  
1398 contribution to the water level changes in Lake Okeechobee and  
1399 to the timing and volume of water delivered to the estuaries.

1400 (b)(e) Lake Okeechobee Basin Management Action Plan  
1401 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin  
1402 Management Action Plan adopted pursuant to s. 403.067 shall be  
1403 the watershed phosphorus control component for Lake Okeechobee.  
1404 The Lake Okeechobee Basin Management Action Plan shall be  
1405 Program is designed to be a multifaceted approach designed to  
1406 achieve the total maximum daily load reducing phosphorus loads  
1407 by improving the management of phosphorus sources within the  
1408 Lake Okeechobee watershed through implementation of regulations  
1409 and best management practices, continued development and  
1410 continued implementation of improved best management practices,  
1411 improvement and restoration of the hydrologic function of  
1412 natural and managed systems, and use utilization of alternative  
1413 technologies for nutrient reduction. As provided in s.  
1414 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
1415 Plan must include milestones for implementation and water  
1416 quality improvement, and an associated water quality monitoring  
1417 component sufficient to evaluate whether reasonable progress in  
1418 pollutant load reductions is being achieved over time. An  
1419 assessment of progress toward these milestones shall be  
1420 conducted every 5 years and shall be provided to the Governor,  
1421 the President of the Senate, and the Speaker of the House of

5-00606-16

2016552\_\_

1422 Representatives. Revisions to the plan shall be made, as  
1423 appropriate, as a result of each 5-year review. Revisions to the  
1424 basin management action plan shall be made by the department in  
1425 cooperation with the basin stakeholders. Revisions to best  
1426 management practices or other measures must follow the  
1427 procedures set forth in s. 403.067(7)(c)4. Revised basin  
1428 management action plans must be adopted pursuant to s.  
1429 403.067(7)(a)5. The department shall develop an implementation  
1430 schedule establishing 5-year, 10-year, and 15-year measurable  
1431 milestones and targets to achieve the total maximum daily load  
1432 no more than 20 years after adoption of the plan. The initial  
1433 implementation schedule shall be used to provide guidance for  
1434 planning and funding purposes and is exempt from chapter 120.  
1435 Upon the first 5-year review, the implementation schedule shall  
1436 be adopted as part of the plan. If achieving the total maximum  
1437 daily load within 20 years is not practicable, the  
1438 implementation schedule must contain an explanation of the  
1439 constraints that prevent achievement of the total maximum daily  
1440 load within 20 years, an estimate of the time needed to achieve  
1441 the total maximum daily load, and additional 5-year measurable  
1442 milestones, as necessary. The coordinating agencies shall  
1443 develop an interagency agreement pursuant to ss. 373.046 and  
1444 373.406(5) which is consistent with the department taking the  
1445 lead on water quality protection measures through the Lake  
1446 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1447 403.067; the district taking the lead on hydrologic improvements  
1448 pursuant to paragraph (a); and the Department of Agriculture and  
1449 Consumer Services taking the lead on agricultural interim  
1450 measures, best management practices, and other measures adopted

5-00606-16

2016552\_\_

1451 pursuant to s. 403.067. The interagency agreement must specify  
1452 how best management practices for nonagricultural nonpoint  
1453 sources are developed and how all best management practices are  
1454 implemented and verified consistent with s. 403.067 and this  
1455 section and must address measures to be taken by the  
1456 coordinating agencies during any best management practice  
1457 reevaluation performed pursuant to subparagraphs 5. and 10. The  
1458 department shall use best professional judgment in making the  
1459 initial determination of best management practice effectiveness.  
1460 The coordinating agencies may develop an intergovernmental  
1461 agreement with local governments to implement nonagricultural  
1462 nonpoint source best management practices within their  
1463 respective geographic boundaries. The coordinating agencies  
1464 shall facilitate the application of federal programs that offer  
1465 opportunities for water quality treatment, including  
1466 preservation, restoration, or creation of wetlands on  
1467 agricultural lands.

1468       1. Agricultural nonpoint source best management practices,  
1469 developed in accordance with s. 403.067 and designed to achieve  
1470 the objectives of the Lake Okeechobee Watershed Protection  
1471 Program as part of a phased approach of management strategies  
1472 within the Lake Okeechobee Basin Management Action Plan, shall  
1473 be implemented on an expedited basis. ~~The coordinating agencies~~  
1474 ~~shall develop an interagency agreement pursuant to ss. 373.046~~  
1475 ~~and 373.406(5) that assures the development of best management~~  
1476 ~~practices that complement existing regulatory programs and~~  
1477 ~~specifies how those best management practices are implemented~~  
1478 ~~and verified. The interagency agreement shall address measures~~  
1479 ~~to be taken by the coordinating agencies during any best~~

5-00606-16

2016552\_\_

1480 ~~management practice reevaluation performed pursuant to sub-~~  
1481 ~~subparagraph d. The department shall use best professional~~  
1482 ~~judgment in making the initial determination of best management~~  
1483 ~~practice effectiveness.~~

1484 2.a. As provided in s. 403.067~~(7)(e)~~, the Department of  
1485 Agriculture and Consumer Services, in consultation with the  
1486 department, the district, and affected parties, shall initiate  
1487 rule development for interim measures, best management  
1488 practices, conservation plans, nutrient management plans, or  
1489 other measures necessary for Lake Okeechobee watershed total  
1490 maximum daily load reduction. The rule shall include thresholds  
1491 for requiring conservation and nutrient management plans and  
1492 criteria for the contents of such plans. Development of  
1493 agricultural nonpoint source best management practices shall  
1494 initially focus on those priority basins listed in sub-  
1495 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of  
1496 Agriculture and Consumer Services, in consultation with the  
1497 department, the district, and affected parties, shall conduct an  
1498 ongoing program for improvement of existing and development of  
1499 new agricultural nonpoint source interim measures and ~~or~~ best  
1500 management practices. The Department of Agriculture and Consumer  
1501 Services shall adopt for the purpose of adoption of such  
1502 practices by rule. The Department of Agriculture and Consumer  
1503 Services shall work with the University of Florida ~~Florida's~~  
1504 Institute of Food and Agriculture Sciences to review and, where  
1505 appropriate, develop revised nutrient application rates for all  
1506 agricultural soil amendments in the watershed.

1507 3.b. As provided in s. 403.067, where agricultural nonpoint  
1508 source best management practices or interim measures have been

5-00606-16

2016552\_\_

1509 adopted by rule of the Department of Agriculture and Consumer  
1510 Services, the owner or operator of an agricultural nonpoint  
1511 source addressed by such rule shall either implement interim  
1512 measures or best management practices or demonstrate compliance  
1513 with state water quality standards addressed by the Lake  
1514 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1515 403.067 ~~the district's WOD program~~ by conducting monitoring  
1516 prescribed by the department or the district. Owners or  
1517 operators of agricultural nonpoint sources who implement interim  
1518 measures or best management practices adopted by rule of the  
1519 Department of Agriculture and Consumer Services shall be subject  
1520 to ~~the provisions of s. 403.067(7). The Department of~~  
1521 ~~Agriculture and Consumer Services, in cooperation with the~~  
1522 ~~department and the district, shall provide technical and~~  
1523 ~~financial assistance for implementation of agricultural best~~  
1524 ~~management practices, subject to the availability of funds.~~

1525 4.e. The district or department shall conduct monitoring at  
1526 representative sites to verify the effectiveness of agricultural  
1527 nonpoint source best management practices.

1528 5.d. Where water quality problems are detected for  
1529 agricultural nonpoint sources despite the appropriate  
1530 implementation of adopted best management practices, ~~the~~  
1531 ~~Department of Agriculture and Consumer Services, in consultation~~  
1532 ~~with the other coordinating agencies and affected parties, shall~~  
1533 institute a reevaluation of the best management practices shall  
1534 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation  
1535 determines that the best management practices or other measures  
1536 require modification, the rule shall be revised to require  
1537 implementation of the modified practice within a reasonable

5-00606-16

2016552\_\_

1538 ~~period as specified in the rule and make appropriate changes to~~  
1539 ~~the rule adopting best management practices.~~

1540 6.2. ~~As provided in s. 403.067,~~ nonagricultural nonpoint  
1541 source best management practices, developed in accordance with  
1542 s. 403.067 and designed to achieve the objectives of the Lake  
1543 Okeechobee Watershed Protection Program as part of a phased  
1544 approach of management strategies within the Lake Okeechobee  
1545 Basin Management Action Plan, shall be implemented on an  
1546 expedited basis. ~~The department and the district shall develop~~  
1547 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~  
1548 ~~that assures the development of best management practices that~~  
1549 ~~complement existing regulatory programs and specifies how those~~  
1550 ~~best management practices are implemented and verified. The~~  
1551 ~~interagency agreement shall address measures to be taken by the~~  
1552 ~~department and the district during any best management practice~~  
1553 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1554 7.a. The department and the district are directed to work  
1555 with the University of Florida ~~Florida's~~ Institute of Food and  
1556 Agricultural Sciences to develop appropriate nutrient  
1557 application rates for all nonagricultural soil amendments in the  
1558 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e),~~ the  
1559 department, in consultation with the district and affected  
1560 parties, shall develop nonagricultural nonpoint source interim  
1561 measures, best management practices, or other measures necessary  
1562 for Lake Okeechobee watershed total maximum daily load  
1563 reduction. Development of nonagricultural nonpoint source best  
1564 management practices shall initially focus on those priority  
1565 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The  
1566 department, the district, and affected parties shall conduct an

5-00606-16

2016552\_\_

1567 ongoing program for improvement of existing and development of  
1568 new interim measures and ~~or~~ best management practices. The  
1569 department or the district shall adopt such practices by rule  
1570 ~~The district shall adopt technology-based standards under the~~  
1571 ~~district's WOD program for nonagricultural nonpoint sources of~~  
1572 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~  
1573 ~~authority of the department or the district to adopt basin-~~  
1574 ~~specific criteria under this part to prevent harm to the water~~  
1575 ~~resources of the district.~~

1576 8.b. Where nonagricultural nonpoint source best management  
1577 practices or interim measures have been developed by the  
1578 department and adopted by the district, the owner or operator of  
1579 a nonagricultural nonpoint source shall implement interim  
1580 measures or best management practices and be subject to ~~the~~  
1581 ~~provisions of s. 403.067(7). The department and district shall~~  
1582 ~~provide technical and financial assistance for implementation of~~  
1583 ~~nonagricultural nonpoint source best management practices,~~  
1584 ~~subject to the availability of funds.~~

1585 9.c. As provided in s. 403.067, the district or the  
1586 department shall conduct monitoring at representative sites to  
1587 verify the effectiveness of nonagricultural nonpoint source best  
1588 management practices.

1589 10.d. Where water quality problems are detected for  
1590 nonagricultural nonpoint sources despite the appropriate  
1591 implementation of adopted best management practices, ~~the~~  
1592 ~~department and the district shall institute a reevaluation of~~  
1593 ~~the best management practices shall be conducted pursuant to s.~~  
1594 403.067(7)(c)4. If the reevaluation determines that the best  
1595 management practices or other measures require modification, the

5-00606-16

2016552\_\_

1596 rule shall be revised to require implementation of the modified  
1597 practice within a reasonable time period as specified in the  
1598 rule.

1599 11.3. The provisions of Subparagraphs 1. and 2. and 7. do  
1600 may not preclude the department or the district from requiring  
1601 compliance with water quality standards or with current best  
1602 management practices requirements set forth in any applicable  
1603 regulatory program authorized by law for the purpose of  
1604 protecting water quality. Additionally, Subparagraphs 1. and 2.  
1605 and 7. are applicable only to the extent that they do not  
1606 conflict with any rules adopted by the department that are  
1607 necessary to maintain a federally delegated or approved program.

1608 12. The program of agricultural best management practices  
1609 set forth in the Everglades Program of the district meets the  
1610 requirements of this paragraph and s. 403.067(7) for the Lake  
1611 Okeechobee watershed. An entity in compliance with the best  
1612 management practices set forth in the Everglades Program of the  
1613 district may elect to use that permit in lieu of the  
1614 requirements of this paragraph. The provisions of subparagraph  
1615 5. apply to this subparagraph. This subparagraph does not alter  
1616 any requirement of s. 373.4592.

1617 13. The Department of Agriculture and Consumer Services, in  
1618 cooperation with the department and the district, shall provide  
1619 technical and financial assistance for implementation of  
1620 agricultural best management practices, subject to the  
1621 availability of funds. The department and district shall provide  
1622 technical and financial assistance for implementation of  
1623 nonagricultural nonpoint source best management practices,  
1624 subject to the availability of funds.



5-00606-16

2016552\_\_

1625        14.4~~4~~. Projects that reduce the phosphorus load originating  
1626 from domestic wastewater systems within the Lake Okeechobee  
1627 watershed shall be given funding priority in the department's  
1628 revolving loan program under s. 403.1835. The department shall  
1629 coordinate and provide assistance to those local governments  
1630 seeking financial assistance for such priority projects.

1631        15.5~~5~~. Projects that make use of private lands, or lands  
1632 held in trust for Indian tribes, to reduce nutrient loadings or  
1633 concentrations within a basin by one or more of the following  
1634 methods: restoring the natural hydrology of the basin, restoring  
1635 wildlife habitat or impacted wetlands, reducing peak flows after  
1636 storm events, increasing aquifer recharge, or protecting range  
1637 and timberland from conversion to development, are eligible for  
1638 grants available under this section from the coordinating  
1639 agencies. For projects of otherwise equal priority, special  
1640 funding priority will be given to those projects that make best  
1641 use of the methods outlined above that involve public-private  
1642 partnerships or that obtain federal match money. Preference  
1643 ranking above the special funding priority will be given to  
1644 projects located in a rural area of opportunity designated by  
1645 the Governor. Grant applications may be submitted by any person  
1646 or tribal entity, and eligible projects may include, but are not  
1647 limited to, the purchase of conservation and flowage easements,  
1648 hydrologic restoration of wetlands, creating treatment wetlands,  
1649 development of a management plan for natural resources, and  
1650 financial support to implement a management plan.

1651        16.6~~6.a~~. The department shall require all entities disposing  
1652 of domestic wastewater biosolids ~~residuals~~ within the Lake  
1653 Okeechobee watershed and the remaining areas of Okeechobee,

5-00606-16

2016552\_\_

1654 Glades, and Hendry Counties to develop and submit to the  
1655 department an agricultural use plan that limits applications  
1656 based upon phosphorus loading consistent with the Lake  
1657 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1658 403.067. By July 1, 2005, phosphorus concentrations originating  
1659 from these application sites may not exceed the limits  
1660 established in the district's WOD program. After December 31,  
1661 2007, The department may not authorize the disposal of domestic  
1662 wastewater biosolids residuals within the Lake Okeechobee  
1663 watershed unless the applicant can affirmatively demonstrate  
1664 that the phosphorus in the biosolids residuals will not add to  
1665 phosphorus loadings in Lake Okeechobee or its tributaries. This  
1666 demonstration shall be based on achieving a net balance between  
1667 phosphorus imports relative to exports on the permitted  
1668 application site. Exports shall include only phosphorus removed  
1669 from the Lake Okeechobee watershed through products generated on  
1670 the permitted application site. This prohibition does not apply  
1671 to Class AA biosolids residuals that are marketed and  
1672 distributed as fertilizer products in accordance with department  
1673 rule.

1674 17.b. Private and government-owned utilities within Monroe,  
1675 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1676 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1677 dispose of wastewater biosolids residual sludge from utility  
1678 operations and septic removal by land spreading in the Lake  
1679 Okeechobee watershed may use a line item on local sewer rates to  
1680 cover wastewater biosolids residual treatment and disposal if  
1681 such disposal and treatment is done by approved alternative  
1682 treatment methodology at a facility located within the areas

5-00606-16

2016552\_\_

1683 designated by the Governor as rural areas of opportunity  
1684 pursuant to s. 288.0656. This additional line item is an  
1685 environmental protection disposal fee above the present sewer  
1686 rate and may not be considered a part of the present sewer rate  
1687 to customers, notwithstanding provisions to the contrary in  
1688 chapter 367. The fee shall be established by the county  
1689 commission or its designated assignee in the county in which the  
1690 alternative method treatment facility is located. The fee shall  
1691 be calculated to be no higher than that necessary to recover the  
1692 facility's prudent cost of providing the service. Upon request  
1693 by an affected county commission, the Florida Public Service  
1694 Commission will provide assistance in establishing the fee.  
1695 Further, for utilities and utility authorities that use the  
1696 additional line item environmental protection disposal fee, such  
1697 fee may not be considered a rate increase under the rules of the  
1698 Public Service Commission and shall be exempt from such rules.  
1699 Utilities using ~~the provisions of~~ this section may immediately  
1700 include in their sewer invoicing the new environmental  
1701 protection disposal fee. Proceeds from this environmental  
1702 protection disposal fee shall be used for treatment and disposal  
1703 of wastewater biosolids ~~residuals~~, including any treatment  
1704 technology that helps reduce the volume of biosolids ~~residuals~~  
1705 that require final disposal, but such proceeds may not be used  
1706 for transportation or shipment costs for disposal or any costs  
1707 relating to the land application of biosolids ~~residuals~~ in the  
1708 Lake Okeechobee watershed.

1709 18.e. No less frequently than once every 3 years, the  
1710 Florida Public Service Commission or the county commission  
1711 through the services of an independent auditor shall perform a

5-00606-16

2016552\_\_

1712 financial audit of all facilities receiving compensation from an  
1713 environmental protection disposal fee. The Florida Public  
1714 Service Commission or the county commission through the services  
1715 of an independent auditor shall also perform an audit of the  
1716 methodology used in establishing the environmental protection  
1717 disposal fee. The Florida Public Service Commission or the  
1718 county commission shall, within 120 days after completion of an  
1719 audit, file the audit report with the President of the Senate  
1720 and the Speaker of the House of Representatives and shall  
1721 provide copies to the county commissions of the counties set  
1722 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and  
1723 records of any facilities receiving compensation from an  
1724 environmental protection disposal fee shall be open to the  
1725 Florida Public Service Commission and the Auditor General for  
1726 review upon request.

1727 19.7. The Department of Health shall require all entities  
1728 disposing of septage within the Lake Okeechobee watershed to  
1729 develop and submit to that agency an agricultural use plan that  
1730 limits applications based upon phosphorus loading consistent  
1731 with the Lake Okeechobee Basin Management Action Plan adopted  
1732 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~  
1733 ~~concentrations originating from these application sites may not~~  
1734 ~~exceed the limits established in the district's WOD program.~~

1735 20.8. The Department of Agriculture and Consumer Services  
1736 shall initiate rulemaking requiring entities within the Lake  
1737 Okeechobee watershed which land-apply animal manure to develop  
1738 resource management system level conservation plans, according  
1739 to United States Department of Agriculture criteria, which limit  
1740 such application. Such rules must ~~may~~ include criteria and

5-00606-16

2016552\_\_

1741 thresholds for the requirement to develop a conservation or  
1742 nutrient management plan, requirements for plan approval, site  
1743 inspection requirements, and recordkeeping requirements.

1744 21. The district shall revise chapter 40E-61, Florida  
1745 Administrative Code, to be consistent with this section and s.  
1746 403.067; provide for a monitoring program for nonpoint source  
1747 dischargers required to monitor water quality by s. 403.067; and  
1748 provide for the results of such monitoring to be reported to the  
1749 coordinating agencies.

1750 ~~9. The district, the department, or the Department of~~  
1751 ~~Agriculture and Consumer Services, as appropriate, shall~~  
1752 ~~implement those alternative nutrient reduction technologies~~  
1753 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1754 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
1755 ~~Monitoring Program. The district, in cooperation with the other~~  
1756 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
1757 ~~Watershed Research and Water Quality Monitoring Program that~~  
1758 ~~builds upon the district's existing Lake Okeechobee research~~  
1759 ~~program. The program shall:~~

1760 ~~1. Evaluate all available existing water quality data~~  
1761 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
1762 ~~develop a water quality baseline to represent existing~~  
1763 ~~conditions for total phosphorus, monitor long-term ecological~~  
1764 ~~changes, including water quality for total phosphorus, and~~  
1765 ~~measure compliance with water quality standards for total~~  
1766 ~~phosphorus, including any applicable total maximum daily load~~  
1767 ~~for the Lake Okeechobee watershed as established pursuant to s.~~  
1768 ~~403.067. Every 3 years, the district shall reevaluate water~~  
1769 ~~quality and quantity data to ensure that the appropriate~~

5-00606-16

2016552\_\_

1770 ~~projects are being designated and implemented to meet the water~~  
1771 ~~quality and storage goals of the plan. The district shall also~~  
1772 ~~implement a total phosphorus monitoring program at appropriate~~  
1773 ~~structures owned or operated by the South Florida Water~~  
1774 ~~Management District and within the Lake Okeechobee watershed.~~

1775 ~~2. Develop a Lake Okeechobee water quality model that~~  
1776 ~~reasonably represents phosphorus dynamics of the lake and~~  
1777 ~~incorporates an uncertainty analysis associated with model~~  
1778 ~~predictions.~~

1779 ~~3. Determine the relative contribution of phosphorus from~~  
1780 ~~all identifiable sources and all primary and secondary land~~  
1781 ~~uses.~~

1782 ~~4. Conduct an assessment of the sources of phosphorus from~~  
1783 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~  
1784 ~~relative contribution to the water quality of Lake Okeechobee.~~  
1785 ~~The results of this assessment shall be used by the coordinating~~  
1786 ~~agencies to develop interim measures, best management practices,~~  
1787 ~~or regulation, as applicable.~~

1788 ~~5. Assess current water management practices within the~~  
1789 ~~Lake Okeechobee watershed and develop recommendations for~~  
1790 ~~structural and operational improvements. Such recommendations~~  
1791 ~~shall balance water supply, flood control, estuarine salinity,~~  
1792 ~~maintenance of a healthy lake littoral zone, and water quality~~  
1793 ~~considerations.~~

1794 ~~6. Evaluate the feasibility of alternative nutrient~~  
1795 ~~reduction technologies, including sediment traps, canal and~~  
1796 ~~ditch maintenance, fish production or other aquaculture,~~  
1797 ~~bioenergy conversion processes, and algal or other biological~~  
1798 ~~treatment technologies.~~

5-00606-16

2016552\_\_

1799 ~~7. Conduct an assessment of the water volumes and timing~~  
1800 ~~from the Lake Okeechobee watershed and their relative~~  
1801 ~~contribution to the water level changes in Lake Okeechobee and~~  
1802 ~~to the timing and volume of water delivered to the estuaries.~~

1803 (c) ~~(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The  
1804 coordinating agencies shall identify the exotic species that  
1805 threaten the native flora and fauna within the Lake Okeechobee  
1806 watershed and develop and implement measures to protect the  
1807 native flora and fauna.

1808 (d) ~~(f)~~ *Lake Okeechobee Internal Phosphorus Management*  
1809 *Program.*—The district, in cooperation with the other  
1810 coordinating agencies and interested parties, shall evaluate the  
1811 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
1812 load removal projects feasibility study. The evaluation  
1813 ~~feasibility study~~ shall be based on technical feasibility, as  
1814 well as economic considerations, and shall consider ~~address~~ all  
1815 reasonable methods of phosphorus removal. If projects methods  
1816 are found to be feasible, the district shall immediately pursue  
1817 the design, funding, and permitting for implementing such  
1818 projects methods.

1819 (e) ~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*  
1820 *implementation.*—The coordinating agencies shall be jointly  
1821 responsible for implementing the Lake Okeechobee Watershed  
1822 Protection Program Plan, consistent with the statutory authority  
1823 and responsibility of each agency. Annual funding priorities  
1824 shall be jointly established, and the highest priority shall be  
1825 assigned to programs and projects that address sources that have  
1826 the highest relative contribution to loading and the greatest  
1827 potential for reductions needed to meet the total maximum daily

5-00606-16

2016552\_\_

1828 loads. In determining funding priorities, the coordinating  
1829 agencies shall also consider the need for regulatory compliance,  
1830 the extent to which the program or project is ready to proceed,  
1831 and the availability of federal matching funds or other nonstate  
1832 funding, including public-private partnerships. Federal and  
1833 other nonstate funding shall be maximized to the greatest extent  
1834 practicable.

1835 (f) ~~(h)~~ *Priorities and implementation schedules.*—The  
1836 coordinating agencies are authorized and directed to establish  
1837 priorities and implementation schedules for the achievement of  
1838 total maximum daily loads, compliance with the requirements of  
1839 s. 403.067, and compliance with applicable water quality  
1840 standards within the waters and watersheds subject to this  
1841 section.

1842 ~~(i) *Legislative ratification.* The coordinating agencies~~  
1843 ~~shall submit the Phase II technical plan developed pursuant to~~  
1844 ~~paragraph (b) to the President of the Senate and the Speaker of~~  
1845 ~~the House of Representatives prior to the 2008 legislative~~  
1846 ~~session for review. If the Legislature takes no action on the~~  
1847 ~~plan during the 2008 legislative session, the plan is deemed~~  
1848 ~~approved and may be implemented.~~

1849 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
1850 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
1851 program shall be developed and implemented as specified in this  
1852 subsection. ~~In order~~ To protect and restore surface water  
1853 resources, the program shall address the reduction of pollutant  
1854 loadings, restoration of natural hydrology, and compliance with  
1855 applicable state water quality standards. The program shall be  
1856 achieved through a phased program of implementation. In



5-00606-16

2016552\_\_

1857 addition, pollutant load reductions based upon adopted total  
1858 maximum daily loads established in accordance with s. 403.067  
1859 shall serve as a program objective. In the development and  
1860 administration of the program, the coordinating agencies shall  
1861 maximize opportunities provided by federal and local government  
1862 cost-sharing programs and opportunities for partnerships with  
1863 the private sector and local government. The program plan shall  
1864 include a goal for salinity envelopes and freshwater inflow  
1865 targets for the estuaries based upon existing research and  
1866 documentation. The goal may be revised as new information is  
1867 available. This goal shall seek to reduce the frequency and  
1868 duration of undesirable salinity ranges while meeting the other  
1869 water-related needs of the region, including water supply and  
1870 flood protection, while recognizing the extent to which water  
1871 inflows are within the control and jurisdiction of the district.

1872 (a) *Caloosahatchee River Watershed Protection Plan.* ~~No~~  
1873 ~~later than January 1, 2009,~~ The district, in cooperation with  
1874 the other coordinating agencies, Lee County, and affected  
1875 counties and municipalities, shall complete a River Watershed  
1876 Protection Plan in accordance with this subsection. The  
1877 Caloosahatchee River Watershed Protection Plan shall identify  
1878 the geographic extent of the watershed, be coordinated as needed  
1879 with the plans developed pursuant to paragraph (3) (a) and  
1880 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
1881 ~~implementation schedule for pollutant load reductions consistent~~  
1882 ~~with any adopted total maximum daily loads and compliance with~~  
1883 ~~applicable state water quality standards. The plan shall include~~  
1884 the Caloosahatchee River Watershed Construction Project and the  
1885 Caloosahatchee River Watershed Research and Water Quality

5-00606-16

2016552\_\_

1886 Monitoring Program.÷

1887 1. Caloosahatchee River Watershed Construction Project.—To  
1888 improve the hydrology, water quality, and aquatic habitats  
1889 within the watershed, the district shall, no later than January  
1890 1, 2012, plan, design, and construct the initial phase of the  
1891 Watershed Construction Project. In doing so, the district shall:

1892 a. Develop and designate the facilities to be constructed  
1893 to achieve stated goals and objectives of the Caloosahatchee  
1894 River Watershed Protection Plan.

1895 b. Conduct scientific studies that are necessary to support  
1896 the design of the Caloosahatchee River Watershed Construction  
1897 Project facilities.

1898 c. Identify the size and location of all such facilities.

1899 d. Provide a construction schedule for all such facilities,  
1900 including the sequencing and specific timeframe for construction  
1901 of each facility.

1902 e. Provide a schedule for the acquisition of lands or  
1903 sufficient interests necessary to achieve the construction  
1904 schedule.

1905 f. Provide a schedule of costs and benefits associated with  
1906 each construction project and identify funding sources.

1907 g. To ensure timely implementation, coordinate the design,  
1908 scheduling, and sequencing of project facilities with the  
1909 coordinating agencies, Lee County, other affected counties and  
1910 municipalities, and other affected parties.

1911 2. Caloosahatchee River Watershed Research and Water  
1912 Quality Monitoring Program.—The district, in cooperation with  
1913 the other coordinating agencies and local governments, shall  
1914 implement a Caloosahatchee River Watershed Research and Water

5-00606-16

2016552\_\_

1915 Quality Monitoring Program that builds upon the district's  
1916 existing research program and that is sufficient to carry out,  
1917 comply with, or assess the plans, programs, and other  
1918 responsibilities created by this subsection. The program shall  
1919 also conduct an assessment of the water volumes and timing from  
1920 Lake Okeechobee and the Caloosahatchee River watershed and their  
1921 relative contributions to the timing and volume of water  
1922 delivered to the estuary.

1923 (b)2. Caloosahatchee River Watershed *Basin Management*  
1924 *Action Plans Pollutant Control Program.*—The basin management  
1925 action plans adopted pursuant to s. 403.067 for the  
1926 Caloosahatchee River watershed shall be the Caloosahatchee River  
1927 Watershed Pollutant Control Program. The plans shall be ~~is~~  
1928 designed to be a multifaceted approach to reducing pollutant  
1929 loads by improving the management of pollutant sources within  
1930 the Caloosahatchee River watershed through implementation of  
1931 regulations and best management practices, development and  
1932 implementation of improved best management practices,  
1933 improvement and restoration of the hydrologic function of  
1934 natural and managed systems, and utilization of alternative  
1935 technologies for pollutant reduction, such as cost-effective  
1936 biologically based, hybrid wetland/chemical and other innovative  
1937 nutrient control technologies. As provided in s.  
1938 403.067(7)(a)6., the Caloosahatchee River Watershed Basin  
1939 Management Action Plans must include milestones for  
1940 implementation and water quality improvement, and an associated  
1941 water quality monitoring component sufficient to evaluate  
1942 whether reasonable progress in pollutant load reductions is  
1943 being achieved over time. An assessment of progress toward these

5-00606-16

2016552\_\_

1944 milestones shall be conducted every 5 years and shall be  
 1945 provided to the Governor, the President of the Senate, and the  
 1946 Speaker of the House of Representatives. Revisions to the plans  
 1947 shall be made, as appropriate, as a result of each 5-year  
 1948 review. Revisions to the basin management action plans shall be  
 1949 made by the department in cooperation with the basin  
 1950 stakeholders. Revisions to best management practices or other  
 1951 measures must follow the procedures set forth in s.  
 1952 403.067(7)(c)4. Revised basin management action plans must be  
 1953 adopted pursuant to s. 403.067(7)(a)5. The department shall  
 1954 develop an implementation schedule establishing 5-year, 10-year,  
 1955 and 15-year measurable milestones and targets to achieve the  
 1956 total maximum daily load no more than 20 years after adoption of  
 1957 the plan. The initial implementation schedule shall be used to  
 1958 provide guidance for planning and funding purposes and is exempt  
 1959 from chapter 120. Upon the first 5-year review, the  
 1960 implementation schedule shall be adopted as part of the plans.  
 1961 If achieving the total maximum daily load within 20 years is not  
 1962 practicable, the implementation schedule must contain an  
 1963 explanation of the constraints that prevent achievement of the  
 1964 total maximum daily load within 20 years, an estimate of the  
 1965 time needed to achieve the total maximum daily load, and  
 1966 additional 5-year measurable milestones, as necessary. The  
 1967 coordinating agencies shall facilitate the use ~~utilization~~ of  
 1968 federal programs that offer opportunities for water quality  
 1969 treatment, including preservation, restoration, or creation of  
 1970 wetlands on agricultural lands.

1971 1.a. ~~Nonpoint source best management practices consistent~~  
 1972 ~~with s. 403.067 paragraph (3)(c), designed to achieve the~~

5-00606-16

2016552\_\_

1973 objectives of the Caloosahatchee River Watershed Protection  
1974 Program, shall be implemented on an expedited basis. The  
1975 coordinating agencies may develop an intergovernmental agreement  
1976 with local governments to implement the nonagricultural,  
1977 nonpoint-source best management practices within their  
1978 respective geographic boundaries.

1979 ~~2.b.~~ This subsection does not preclude the department or  
1980 the district from requiring compliance with water quality  
1981 standards, adopted total maximum daily loads, or current best  
1982 management practices requirements set forth in any applicable  
1983 regulatory program authorized by law for the purpose of  
1984 protecting water quality. This subsection applies only to the  
1985 extent that it does not conflict with any rules adopted by the  
1986 department or district which are necessary to maintain a  
1987 federally delegated or approved program.

1988 ~~3.e.~~ Projects that make use of private lands, or lands held  
1989 in trust for Indian tribes, to reduce pollutant loadings or  
1990 concentrations within a basin, or that reduce the volume of  
1991 harmful discharges by one or more of the following methods:  
1992 restoring the natural hydrology of the basin, restoring wildlife  
1993 habitat or impacted wetlands, reducing peak flows after storm  
1994 events, or increasing aquifer recharge, are eligible for grants  
1995 available under this section from the coordinating agencies.

1996 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management  
1997 Action Plans ~~Pollutant Control Program~~ shall require assessment  
1998 of current water management practices within the watershed and  
1999 shall require development of recommendations for structural,  
2000 nonstructural, and operational improvements. Such  
2001 recommendations shall consider and balance water supply, flood

5-00606-16

2016552\_\_

control, estuarine salinity, aquatic habitat, and water quality considerations.

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

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

~~7.g.~~ The Department of Agriculture and Consumer Services shall require ~~initiate rulemaking requiring~~ entities within the Caloosahatchee River watershed which land-apply animal manure to develop a resource management system level conservation plan, according to United States Department of Agriculture criteria, which limit such application. Such rules shall ~~may~~ include criteria and thresholds for the requirement to develop a

5-00606-16

2016552\_\_

2031 conservation or nutrient management plan, requirements for plan  
2032 approval, site inspection requirements, and recordkeeping  
2033 requirements.

2034 8. The district shall initiate rulemaking to provide for a  
2035 monitoring program for nonpoint source dischargers required to  
2036 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
2037 403.067(7)(c)3. The results of such monitoring must be reported  
2038 to the coordinating agencies.

2039 ~~3. Caloosahatchee River Watershed Research and Water~~  
2040 ~~Quality Monitoring Program. The district, in cooperation with~~  
2041 ~~the other coordinating agencies and local governments, shall~~  
2042 ~~establish a Caloosahatchee River Watershed Research and Water~~  
2043 ~~Quality Monitoring Program that builds upon the district's~~  
2044 ~~existing research program and that is sufficient to carry out,~~  
2045 ~~comply with, or assess the plans, programs, and other~~  
2046 ~~responsibilities created by this subsection. The program shall~~  
2047 ~~also conduct an assessment of the water volumes and timing from~~  
2048 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
2049 ~~their relative contributions to the timing and volume of water~~  
2050 ~~delivered to the estuary.~~

2051 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~  
2052 ~~than January 1, 2009,~~ The district, in cooperation with the  
2053 other coordinating agencies, Martin County, and affected  
2054 counties and municipalities shall complete a plan in accordance  
2055 with this subsection. The St. Lucie River Watershed Protection  
2056 Plan shall identify the geographic extent of the watershed, be  
2057 coordinated as needed with the plans developed pursuant to  
2058 paragraph (3)(a) and paragraph (a) of this subsection, and  
2059 ~~contain an implementation schedule for pollutant load reductions~~

5-00606-16

2016552\_\_

2060 ~~consistent with any adopted total maximum daily loads and~~  
2061 ~~compliance with applicable state water quality standards. The~~  
2062 ~~plan shall include~~ the St. Lucie River Watershed Construction  
2063 Project and St. Lucie River Watershed Research and Water Quality  
2064 Monitoring Program.†

2065 1. St. Lucie River Watershed Construction Project.—To  
2066 improve the hydrology, water quality, and aquatic habitats  
2067 within the watershed, the district shall, no later than January  
2068 1, 2012, plan, design, and construct the initial phase of the  
2069 Watershed Construction Project. In doing so, the district shall:

2070 a. Develop and designate the facilities to be constructed  
2071 to achieve stated goals and objectives of the St. Lucie River  
2072 Watershed Protection Plan.

2073 b. Identify the size and location of all such facilities.

2074 c. Provide a construction schedule for all such facilities,  
2075 including the sequencing and specific timeframe for construction  
2076 of each facility.

2077 d. Provide a schedule for the acquisition of lands or  
2078 sufficient interests necessary to achieve the construction  
2079 schedule.

2080 e. Provide a schedule of costs and benefits associated with  
2081 each construction project and identify funding sources.

2082 f. To ensure timely implementation, coordinate the design,  
2083 scheduling, and sequencing of project facilities with the  
2084 coordinating agencies, Martin County, St. Lucie County, other  
2085 interested parties, and other affected local governments.

2086 2. St. Lucie River Watershed Research and Water Quality  
2087 Monitoring Program.—The district, in cooperation with the other  
2088 coordinating agencies and local governments, shall establish a



5-00606-16

2016552\_\_

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

2098 (d)2. St. Lucie River Watershed Basin Management Action  
2099 Plan ~~Pollutant Control Program.~~—The basin management action plan  
2100 for the St. Lucie River watershed adopted pursuant to s. 403.067  
2101 shall be the St. Lucie River Watershed Pollutant Control Program  
2102 and shall be ~~is~~ designed to be a multifaceted approach to  
2103 reducing pollutant loads by improving the management of  
2104 pollutant sources within the St. Lucie River watershed through  
2105 implementation of regulations and best management practices,  
2106 development and implementation of improved best management  
2107 practices, improvement and restoration of the hydrologic  
2108 function of natural and managed systems, and use ~~utilization~~ of  
2109 alternative technologies for pollutant reduction, such as cost-  
2110 effective biologically based, hybrid wetland/chemical and other  
2111 innovative nutrient control technologies. As provided in s.  
2112 403.067(7)(a)6., the St. Lucie River Watershed Basin Management  
2113 Action Plan must include milestones for implementation and water  
2114 quality improvement, and an associated water quality monitoring  
2115 component sufficient to evaluate whether reasonable progress in  
2116 pollutant load reductions is being achieved over time. An  
2117 assessment of progress toward these milestones shall be

5-00606-16

2016552\_\_

2118 conducted every 5 years and shall be provided to the Governor,  
2119 the President of the Senate, and the Speaker of the House of  
2120 Representatives. Revisions to the plan shall be made, as  
2121 appropriate, as a result of each 5-year review. Revisions to the  
2122 basin management action plan shall be made by the department in  
2123 cooperation with the basin stakeholders. Revisions to best  
2124 management practices or other measures must follow the  
2125 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2126 management action plans must be adopted pursuant to s.  
2127 403.067(7)(a)5. The department shall develop an implementation  
2128 schedule establishing 5-year, 10-year, and 15-year measurable  
2129 milestones and targets to achieve the total maximum daily load  
2130 no more than 20 years after adoption of the plan. The initial  
2131 implementation schedule shall be used to provide guidance for  
2132 planning and funding purposes and is exempt from chapter 120.  
2133 Upon the first 5-year review, the implementation schedule shall  
2134 be adopted as part of the plan. If achieving the total maximum  
2135 daily load within 20 years is not practicable, the  
2136 implementation schedule must contain an explanation of the  
2137 constraints that prevent achievement of the total maximum daily  
2138 load within 20 years, an estimate of the time needed to achieve  
2139 the total maximum daily load, and additional 5-year measurable  
2140 milestones, as necessary. The coordinating agencies shall  
2141 facilitate the use ~~utilization~~ of federal programs that offer  
2142 opportunities for water quality treatment, including  
2143 preservation, restoration, or creation of wetlands on  
2144 agricultural lands.

2145 1.a. Nonpoint source best management practices consistent  
2146 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the

5-00606-16

2016552\_\_

2147 objectives of the St. Lucie River Watershed Protection Program,  
2148 shall be implemented on an expedited basis. The coordinating  
2149 agencies may develop an intergovernmental agreement with local  
2150 governments to implement the nonagricultural nonpoint source  
2151 best management practices within their respective geographic  
2152 boundaries.

2153 ~~2.b.~~ This subsection does not preclude the department or  
2154 the district from requiring compliance with water quality  
2155 standards, adopted total maximum daily loads, or current best  
2156 management practices requirements set forth in any applicable  
2157 regulatory program authorized by law for the purpose of  
2158 protecting water quality. This subsection applies only to the  
2159 extent that it does not conflict with any rules adopted by the  
2160 department or district which are necessary to maintain a  
2161 federally delegated or approved program.

2162 ~~3.e.~~ Projects that make use of private lands, or lands held  
2163 in trust for Indian tribes, to reduce pollutant loadings or  
2164 concentrations within a basin, or that reduce the volume of  
2165 harmful discharges by one or more of the following methods:  
2166 restoring the natural hydrology of the basin, restoring wildlife  
2167 habitat or impacted wetlands, reducing peak flows after storm  
2168 events, or increasing aquifer recharge, are eligible for grants  
2169 available under this section from the coordinating agencies.

2170 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
2171 Plan ~~Pollutant Control Program~~ shall require assessment of  
2172 current water management practices within the watershed and  
2173 shall require development of recommendations for structural,  
2174 nonstructural, and operational improvements. Such  
2175 recommendations shall consider and balance water supply, flood

5-00606-16

2016552\_\_

2176 control, estuarine salinity, aquatic habitat, and water quality  
2177 considerations.

2178 ~~5.e. After December 31, 2007,~~ The department may not  
2179 authorize the disposal of domestic wastewater biosolids  
2180 ~~residuals~~ within the St. Lucie River watershed unless the  
2181 applicant can affirmatively demonstrate that the nutrients in  
2182 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2183 watershed. This demonstration shall be based on achieving a net  
2184 balance between nutrient imports relative to exports on the  
2185 permitted application site. Exports shall include only nutrients  
2186 removed from the St. Lucie River watershed through products  
2187 generated on the permitted application site. This prohibition  
2188 does not apply to Class AA biosolids ~~residuals~~ that are marketed  
2189 and distributed as fertilizer products in accordance with  
2190 department rule.

2191 ~~6.f.~~ The Department of Health shall require all entities  
2192 disposing of septage within the St. Lucie River watershed to  
2193 develop and submit to that agency an agricultural use plan that  
2194 limits applications based upon nutrient loading consistent with  
2195 any basin management action plan adopted pursuant to s. 403.067.  
2196 ~~By July 1, 2008, nutrient concentrations originating from these~~  
2197 ~~application sites may not exceed the limits established in the~~  
2198 ~~district's WOD program.~~

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

5-00606-16

2016552\_\_

2205 thresholds for the requirement to develop a conservation or  
2206 nutrient management plan, requirements for plan approval, site  
2207 inspection requirements, and recordkeeping requirements.

2208 8. The district shall initiate rulemaking to provide for a  
2209 monitoring program for nonpoint source dischargers required to  
2210 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
2211 403.067(7)(c)3. The results of such monitoring must be reported  
2212 to the coordinating agencies.

2213 ~~3. St. Lucie River Watershed Research and Water Quality~~  
2214 ~~Monitoring Program. The district, in cooperation with the other~~  
2215 ~~coordinating agencies and local governments, shall establish a~~  
2216 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~  
2217 ~~Program that builds upon the district's existing research~~  
2218 ~~program and that is sufficient to carry out, comply with, or~~  
2219 ~~assess the plans, programs, and other responsibilities created~~  
2220 ~~by this subsection. The program shall also conduct an assessment~~  
2221 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
2222 ~~Lucie River watersheds and their relative contributions to the~~  
2223 ~~timing and volume of water delivered to the estuary.~~

2224 (e)(e) River Watershed Protection Plan implementation.—The  
2225 coordinating agencies shall be jointly responsible for  
2226 implementing the River Watershed Protection Plans, consistent  
2227 with the statutory authority and responsibility of each agency.  
2228 Annual funding priorities shall be jointly established, and the  
2229 highest priority shall be assigned to programs and projects that  
2230 have the greatest potential for achieving the goals and  
2231 objectives of the plans. In determining funding priorities, the  
2232 coordinating agencies shall also consider the need for  
2233 regulatory compliance, the extent to which the program or

5-00606-16

2016552\_\_

2234 project is ready to proceed, and the availability of federal or  
2235 local government matching funds. Federal and other nonstate  
2236 funding shall be maximized to the greatest extent practicable.

2237 ~~(f)~~ (d) *Evaluation.*—Beginning By March 1, 2020 2012, and  
2238 every 5 3 years thereafter, concurrent with the updates of the  
2239 basin management action plans adopted pursuant to s. 403.067,  
2240 the department, district in cooperation with the other  
2241 coordinating agencies, shall conduct an evaluation of any  
2242 pollutant load reduction goals, as well as any other specific  
2243 objectives and goals, as stated in the River Watershed  
2244 Protection Programs Plans. Additionally, The district shall  
2245 identify modifications to facilities of the River Watershed  
2246 Construction Projects, as appropriate, or any other elements of  
2247 the River Watershed Protection Programs Plans. The evaluation  
2248 shall be included in the annual progress report submitted  
2249 pursuant to this section.

2250 ~~(g)~~ (e) *Priorities and implementation schedules.*—The  
2251 coordinating agencies are authorized and directed to establish  
2252 priorities and implementation schedules for the achievement of  
2253 total maximum daily loads, the requirements of s. 403.067, and  
2254 compliance with applicable water quality standards within the  
2255 waters and watersheds subject to this section.

2256 ~~(f) Legislative ratification.~~ ~~The coordinating agencies~~  
2257 ~~shall submit the River Watershed Protection Plans developed~~  
2258 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
2259 ~~Senate and the Speaker of the House of Representatives prior to~~  
2260 ~~the 2009 legislative session for review. If the Legislature~~  
2261 ~~takes no action on the plan during the 2009 legislative session,~~  
2262 ~~the plan is deemed approved and may be implemented.~~

5-00606-16

2016552\_\_

2263 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
2264 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
2265 department is directed to expedite development and adoption of  
2266 total maximum daily loads for the Caloosahatchee River and  
2267 estuary. The department is further directed to, ~~no later than~~  
2268 ~~December 31, 2008,~~ propose for final agency action total maximum  
2269 daily loads for nutrients in the tidal portions of the  
2270 Caloosahatchee River and estuary. The department shall initiate  
2271 development of basin management action plans for Lake  
2272 Okeechobee, the Caloosahatchee River watershed and estuary, and  
2273 the St. Lucie River watershed and estuary as provided in s.  
2274 403.067 ~~s. 403.067(7)(a)~~ as follows:

2275 (a) Basin management action plans shall be developed as  
2276 soon as practicable as determined necessary by the department to  
2277 achieve the total maximum daily loads established for the Lake  
2278 Okeechobee watershed and the estuaries.

2279 (b) The Phase II technical plan development pursuant to  
2280 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection  
2281 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall  
2282 provide the basis for basin management action plans developed by  
2283 the department.

2284 (c) As determined necessary by the department ~~in order~~ to  
2285 achieve the total maximum daily loads, additional or modified  
2286 projects or programs that complement those in the legislatively  
2287 ratified plans may be included during the development of the  
2288 basin management action plan.

2289 (d) As provided in s. 403.067, management strategies and  
2290 pollution reduction requirements set forth in a basin management  
2291 action plan subject to permitting by the department under

5-00606-16

2016552\_\_

2292 subsection (7) must be completed pursuant to the schedule set  
2293 forth in the basin management action plan, as amended. The  
2294 implementation schedule may extend beyond the 5-year permit  
2295 term.

2296 (e) As provided in s. 403.067, management strategies and  
2297 pollution reduction requirements set forth in a basin management  
2298 action plan for a specific pollutant of concern are not subject  
2299 to challenge under chapter 120 at the time they are  
2300 incorporated, in an identical form, into a department or  
2301 district issued permit or a permit modification issued in  
2302 accordance with subsection (7).

2303 ~~(d) Development of basin management action plans that~~  
2304 ~~implement the provisions of the legislatively ratified plans~~  
2305 ~~shall be initiated by the department no later than September 30~~  
2306 ~~of the year in which the applicable plan is ratified. Where a~~  
2307 ~~total maximum daily load has not been established at the time of~~  
2308 ~~plan ratification, development of basin management action plans~~  
2309 ~~shall be initiated no later than 90 days following adoption of~~  
2310 ~~the applicable total maximum daily load.~~

2311 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
2312 cooperation with the other coordinating agencies, shall report  
2313 on implementation of this section as part of the consolidated  
2314 annual report required in s. 373.036(7). The annual report shall  
2315 include a summary of the conditions of the hydrology, water  
2316 quality, and aquatic habitat in the northern Everglades based on  
2317 the results of the Research and Water Quality Monitoring  
2318 Programs, the status of the Lake Okeechobee Watershed  
2319 Construction Project, the status of the Caloosahatchee River  
2320 Watershed Construction Project, and the status of the St. Lucie



5-00606-16

2016552\_\_

2321 River Watershed Construction Project. In addition, the report  
2322 shall contain an annual accounting of the expenditure of funds  
2323 from the Save Our Everglades Trust Fund. At a minimum, the  
2324 annual report shall provide detail by program and plan,  
2325 including specific information concerning the amount and use of  
2326 funds from federal, state, or local government sources. In  
2327 detailing the use of these funds, the district shall indicate  
2328 those designated to meet requirements for matching funds. The  
2329 district shall prepare the report in cooperation with the other  
2330 coordinating agencies and affected local governments. The  
2331 department shall report on the status of the Lake Okeechobee  
2332 Basin Management Action Plan, the Caloosahatchee River Watershed  
2333 Basin Management Action Plan, and the St. Lucie River Watershed  
2334 Basin Management Action Plan. The Department of Agriculture and  
2335 Consumer Services shall report on the status of the  
2336 implementation of the agricultural nonpoint source best  
2337 management practices, including an implementation assurance  
2338 report summarizing survey responses and response rates, site  
2339 inspections, and other methods used to verify implementation of  
2340 and compliance with best management practices in the Lake  
2341 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2342 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2343 (a) The Legislature finds that the Lake Okeechobee  
2344 Watershed Protection Program will benefit Lake Okeechobee and  
2345 downstream receiving waters and is in ~~consistent with~~ the public  
2346 interest. The Lake Okeechobee Watershed Construction Project and  
2347 structures discharging into or from Lake Okeechobee shall be  
2348 constructed, operated, and maintained in accordance with this  
2349 section.

5-00606-16

2016552\_\_

2350 (b) Permits obtained pursuant to this section are in lieu  
2351 of all other permits under this chapter or chapter 403, except  
2352 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
2353 permits are not required for the Lake Okeechobee Watershed  
2354 Construction Project, or structures discharging into or from  
2355 Lake Okeechobee, if such project or structures are permitted  
2356 under this section. Construction activities related to  
2357 implementation of the Lake Okeechobee Watershed Construction  
2358 Project may be initiated before ~~prior to~~ final agency action, or  
2359 notice of intended agency action, on any permit from the  
2360 department under this section.

2361 (c) 1. ~~Within 90 days of completion of the diversion plans~~  
2362 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~  
2363 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~  
2364 ~~structures which discharge into or from Lake Okeechobee that~~  
2365 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~  
2366 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~  
2367 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~  
2368 ~~this section and shall be governed by permits issued under~~ apply  
2369 ~~for a permit from the department to operate and maintain such~~  
2370 ~~structures. By September 1, 2000, owners or operators of all~~  
2371 ~~other existing structures which discharge into or from Lake~~  
2372 ~~Okeechobee shall apply for a permit from the department to~~  
2373 ~~operate and maintain such structures. The department shall issue~~  
2374 ~~one or more such permits for a term of 5 years upon the~~  
2375 ~~demonstration of reasonable assurance that schedules and~~  
2376 ~~strategies to achieve and maintain compliance with water quality~~  
2377 ~~standards have been provided for, to the maximum extent~~  
2378 ~~practicable, and that operation of the structures otherwise~~

5-00606-16

2016552\_\_

2379 ~~complies with provisions of~~ ss. 373.413 and 373.416 and the Lake  
2380 Okeechobee Basin Management Action Plan adopted pursuant to s.  
2381 403.067.

2382 ~~1. Permits issued under this paragraph shall also contain~~  
2383 ~~reasonable conditions to ensure that discharges of waters~~  
2384 ~~through structures:~~

2385 ~~a. Are adequately and accurately monitored;~~

2386 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
2387 ~~and will result in an overall reduction of phosphorus input into~~  
2388 ~~Lake Okeechobee, as set forth in the district's Technical~~  
2389 ~~Publication 81-2 and the total maximum daily load established in~~  
2390 ~~accordance with s. 403.067, to the maximum extent practicable;~~  
2391 ~~and~~

2392 ~~e. Do not pose a serious danger to public health, safety,~~  
2393 ~~or welfare.~~

2394 2. For the purposes of this paragraph, owners and operators  
2395 of existing structures which are subject to ~~the provisions of~~ s.  
2396 373.4592(4)(a) and which discharge into or from Lake Okeechobee  
2397 shall be deemed in compliance with this paragraph ~~the term~~  
2398 ~~"maximum extent practicable"~~ if they are in full compliance with  
2399 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~  
2400 63, Florida Administrative Code.

2401 3. By January 1, 2017 ~~2004~~, the district shall submit to  
2402 the department a complete application for a permit modification  
2403 to the Lake Okeechobee structure permits to incorporate proposed  
2404 changes necessary to ensure that discharges through the  
2405 structures covered by this permit are consistent with the basin  
2406 management action plan adopted pursuant to ~~achieve state water~~  
2407 ~~quality standards, including the total maximum daily load~~

5-00606-16

2016552\_\_

2408 ~~established in accordance with s. 403.067. These changes shall~~  
2409 ~~be designed to achieve such compliance with state water quality~~  
2410 ~~standards no later than January 1, 2015.~~

2411 (d) The department shall require permits for district  
2412 regional projects that are part of the Lake Okeechobee Watershed  
2413 Construction Project facilities. However, projects ~~identified in~~  
2414 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
2415 s. 373.406 do shall not require need permits under this section.  
2416 Such permits shall be issued for a term of 5 years upon the  
2417 demonstration of reasonable assurances that:

2418 1. District regional projects that are part of the Lake  
2419 Okeechobee Watershed Construction Project shall facility, ~~based~~  
2420 ~~upon the conceptual design documents and any subsequent detailed~~  
2421 ~~design documents developed by the district, will~~ achieve the  
2422 design objectives for phosphorus required in subparagraph  
2423 (3)(a)1. paragraph (3)(b);

2424 2. For water quality standards other than phosphorus, the  
2425 quality of water discharged from the facility is of equal or  
2426 better quality than the inflows;

2427 3. Discharges from the facility do not pose a serious  
2428 danger to public health, safety, or welfare; and

2429 4. Any impacts on wetlands or state-listed species  
2430 resulting from implementation of that facility of the Lake  
2431 Okeechobee Construction Project are minimized and mitigated, as  
2432 appropriate.

2433 (e) At least 60 days before ~~prior to~~ the expiration of any  
2434 permit issued under this section, the permittee may apply for a  
2435 renewal thereof for a period of 5 years.

2436 (f) Permits issued under this section may include any

5-00606-16

2016552\_\_

2437 standard conditions provided by department rule which are  
2438 appropriate and consistent with this section.

2439 (g) Permits issued under ~~pursuant to~~ this section may be  
2440 modified, as appropriate, upon review and approval by the  
2441 department.

2442 Section 16. Paragraph (a) of subsection (1) and subsection  
2443 (3) of section 373.467, Florida Statutes, are amended, to read:

2444 373.467 The Harris Chain of Lakes Restoration Council.—  
2445 There is created within the St. Johns River Water Management  
2446 District, with assistance from the Fish and Wildlife  
2447 Conservation Commission and the Lake County Water Authority, the  
2448 Harris Chain of Lakes Restoration Council.

2449 (1) (a) The council shall consist of nine voting members,  
2450 which shall include~~+~~ a representative of waterfront property  
2451 owners, a representative of the sport fishing industry, a person  
2452 with experience in an environmental science or regulation  
2453 engineer, a person with training in biology or another  
2454 scientific discipline, ~~a person with training as an attorney, a~~  
2455 ~~physician, a person with training as an engineer, and two~~  
2456 residents of the county who are ~~de~~ not required to meet any  
2457 additional ~~of the other~~ qualifications for membership ~~enumerated~~  
2458 ~~in this paragraph~~, each to be appointed by the Lake County  
2459 legislative delegation. The Lake County legislative delegation  
2460 may waive the qualifications for membership on a case-by-case  
2461 basis if good cause is shown. A ~~No~~ person serving on the council  
2462 may not be appointed to a council, board, or commission of any  
2463 council advisory group agency. The council members shall serve  
2464 as advisors to the governing board of the St. Johns River Water  
2465 Management District. The council is subject to ~~the provisions of~~

5-00606-16

2016552\_\_

2466 chapters 119 and 120.

2467 (3) The council shall meet at the call of its chair, at the  
2468 request of six of its members, or at the request of the chair of  
2469 the governing board of the St. Johns River Water Management  
2470 District. Resignation by a council member, or failure by a  
2471 council member to attend three consecutive meetings without an  
2472 excuse approved by the chair, results in a vacancy on the  
2473 council.

2474 Section 17. Paragraphs (a) and (b) of subsection (6) of  
2475 section 373.536, Florida Statutes, are amended to read:

2476 373.536 District budget and hearing thereon.—

2477 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
2478 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2479 (a) Each district must, by the date specified for each  
2480 item, furnish copies of the following documents to the Governor,  
2481 the President of the Senate, the Speaker of the House of  
2482 Representatives, the chairs of all legislative committees and  
2483 subcommittees having substantive or fiscal jurisdiction over the  
2484 districts, as determined by the President of the Senate or the  
2485 Speaker of the House of Representatives as applicable, the  
2486 secretary of the department, and the governing board of each  
2487 county in which the district has jurisdiction or derives any  
2488 funds for the operations of the district:

2489 1. The adopted budget, to be furnished within 10 days after  
2490 its adoption.

2491 2. A financial audit of its accounts and records, to be  
2492 furnished within 10 days after its acceptance by the governing  
2493 board. The audit must be conducted in accordance with s. 11.45  
2494 and the rules adopted thereunder. In addition to the entities

5-00606-16

2016552\_\_

2495 named above, the district must provide a copy of the audit to  
2496 the Auditor General within 10 days after its acceptance by the  
2497 governing board.

2498 3. A 5-year capital improvements plan, to be included in  
2499 the consolidated annual report required by s. 373.036(7). The  
2500 plan must include expected sources of revenue for planned  
2501 improvements and must be prepared in a manner comparable to the  
2502 fixed capital outlay format set forth in s. 216.043.

2503 4. A 5-year water resource development work program to be  
2504 furnished within 30 days after the adoption of the final budget.  
2505 The program must describe the district's implementation strategy  
2506 and include an annual funding plan for each of the 5 years  
2507 included in the plan for the water resource and, water supply,  
2508 development components, including and alternative water supply  
2509 development, ~~components~~ of each approved regional water supply  
2510 plan developed or revised under s. 373.709. The work program  
2511 must address all the elements of the water resource development  
2512 component in the district's approved regional water supply  
2513 plans, as well as the water supply projects proposed for  
2514 district funding and assistance. The annual funding plan shall  
2515 identify both anticipated available district funding and  
2516 additional funding needs for the second through fifth years of  
2517 the funding plan. The work program and must identify projects in  
2518 the work program which will provide water; explain how each  
2519 water resource and, water supply, ~~and alternative water supply~~  
2520 ~~development~~ project will produce additional water available for  
2521 consumptive uses; estimate the quantity of water to be produced  
2522 by each project; ~~and~~ provide an assessment of the contribution  
2523 of the district's regional water supply plans in supporting the

5-00606-16

2016552\_\_

2524 implementation of minimum flows and minimum water levels and  
2525 water reservations; and ensure ~~providing~~ sufficient water is  
2526 available ~~needed~~ to timely meet the water supply needs of  
2527 existing and future reasonable-beneficial uses for a 1-in-10-  
2528 year drought event and to avoid the adverse effects of  
2529 competition for water supplies.

2530 (b) Within 30 days after its submittal, the department  
2531 shall review the proposed work program and submit its findings,  
2532 questions, and comments to the district. The review must include  
2533 a written evaluation of the program's consistency with the  
2534 furtherance of the district's approved regional water supply  
2535 plans, and the adequacy of proposed expenditures. As part of the  
2536 review, the department shall post the proposed work program on  
2537 its website and give interested parties the opportunity to  
2538 provide written comments on each district's proposed work  
2539 program. Within 45 days after receipt of the department's  
2540 evaluation, the governing board shall state in writing to the  
2541 department which of the changes recommended in the evaluation it  
2542 will incorporate into its work program submitted as part of the  
2543 March 1 consolidated annual report required by s. 373.036(7) or  
2544 specify the reasons for not incorporating the changes. The  
2545 department shall include the district's responses in a final  
2546 evaluation report and shall submit a copy of the report to the  
2547 Governor, the President of the Senate, and the Speaker of the  
2548 House of Representatives.

2549 Section 18. Subsection (9) of section 373.703, Florida  
2550 Statutes, is amended to read:

2551 373.703 Water production; general powers and duties.—In the  
2552 performance of, and in conjunction with, its other powers and



5-00606-16

2016552\_\_

2553 duties, the governing board of a water management district  
2554 existing pursuant to this chapter:

2555 (9) May join with one or more other water management  
2556 districts, counties, municipalities, special districts, publicly  
2557 owned or privately owned water utilities, multijurisdictional  
2558 water supply entities, regional water supply authorities,  
2559 private landowners, or self-suppliers for the purpose of  
2560 carrying out its powers, and may contract with such other  
2561 entities to finance acquisitions, construction, operation, and  
2562 maintenance, provided that such contracts are consistent with  
2563 the public interest. The contract may provide for contributions  
2564 to be made by each party to the contract for the division and  
2565 apportionment of the expenses of acquisitions, construction,  
2566 operation, and maintenance, and for the division and  
2567 apportionment of resulting benefits, services, and products. The  
2568 contracts may contain other covenants and agreements necessary  
2569 and appropriate to accomplish their purposes.

2570 Section 19. Paragraph (b) of subsection (2), subsection  
2571 (3), and paragraph (b) of subsection (4) of section 373.705,  
2572 Florida Statutes, are amended, and subsection (5) is added to  
2573 that section, to read:

2574 373.705 Water resource development; water supply  
2575 development.—

2576 (2) It is the intent of the Legislature that:

2577 (b) Water management districts take the lead in identifying  
2578 and implementing water resource development projects, and be  
2579 responsible for securing necessary funding for regionally  
2580 significant water resource development projects, including  
2581 regionally significant projects that prevent or limit adverse

5-00606-16

2016552\_\_

2582 water resource impacts, avoid competition among water users, or  
2583 support the provision of new water supplies in order to meet a  
2584 minimum flow or minimum water level or to implement a recovery  
2585 or prevention strategy or water reservation.

2586 (3) (a) The water management districts shall fund and  
2587 implement water resource development as defined in s. 373.019.  
2588 The water management districts are encouraged to implement water  
2589 resource development as expeditiously as possible in areas  
2590 subject to regional water supply plans.

2591 (b) Each governing board shall include in its annual budget  
2592 submittals required under this chapter:

2593 1. The amount of funds for each project in the annual  
2594 funding plan developed pursuant to s. 373.536(6) (a)4.; and

2595 2. The total amount needed for the fiscal year to implement  
2596 water resource development projects, as prioritized in its  
2597 regional water supply plans.

2598 (4)

2599 (b) Water supply development projects that meet the  
2600 criteria in paragraph (a) and that meet one or more of the  
2601 following additional criteria shall be given first consideration  
2602 for state or water management district funding assistance:

2603 1. The project brings about replacement of existing sources  
2604 in order to help implement a minimum flow or minimum water  
2605 level; ~~or~~

2606 2. The project implements reuse that assists in the  
2607 elimination of domestic wastewater ocean outfalls as provided in  
2608 s. 403.086(9); or

2609 3. The project reduces or eliminates the adverse effects of  
2610 competition between legal users and the natural system.

5-00606-16

2016552\_\_

2611       (5) The water management districts shall promote expanded  
2612 cost-share criteria for additional conservation practices, such  
2613 as soil and moisture sensors and other irrigation improvements,  
2614 water-saving equipment, and water-saving household fixtures, and  
2615 software technologies that can achieve verifiable water  
2616 conservation by providing water use information to utility  
2617 customers.

2618       Section 20. Paragraph (f) of subsection (3), paragraph (a)  
2619 of subsection (6), and paragraph (e) of subsection (8) of  
2620 section 373.707, Florida Statutes, are amended to read:

2621       373.707 Alternative water supply development.—

2622       (3) The primary roles of the water management districts in  
2623 water resource development as it relates to supporting  
2624 alternative water supply development are:

2625       (f) The provision of technical and financial assistance to  
2626 local governments and publicly owned and privately owned water  
2627 utilities for alternative water supply projects and to self-  
2628 suppliers for alternative water supply projects to the extent  
2629 that such assistance to self-suppliers promotes the policies in  
2630 paragraph (1)(f).

2631       (6) (a) If state ~~The statewide~~ funds are provided through  
2632 specific appropriation or pursuant to the Water Protection and  
2633 Sustainability Program, such funds serve to supplement existing  
2634 water management district or basin board funding for alternative  
2635 water supply development assistance and should not result in a  
2636 reduction of such funding. For each project identified in the  
2637 annual funding plans prepared pursuant to s. 373.536(6)(a)4.  
2638 ~~Therefore,~~ the water management districts shall include in the  
2639 annual tentative and adopted budget submittals required under

5-00606-16

2016552\_\_

2640 this chapter the amount of funds allocated for water resource  
2641 development that supports alternative water supply development  
2642 and the funds allocated for alternative water supply projects  
2643 ~~selected for inclusion in the Water Protection and~~  
2644 ~~Sustainability Program~~. It shall be the goal of each water  
2645 management district and basin boards that the combined funds  
2646 allocated annually for these purposes be, at a minimum, the  
2647 equivalent of 100 percent of the state funding provided to the  
2648 water management district for alternative water supply  
2649 development. If this goal is not achieved, the water management  
2650 district shall provide in the budget submittal an explanation of  
2651 the reasons or constraints that prevent this goal from being  
2652 met, an explanation of how the goal will be met in future years,  
2653 and affirmation of match is required during the budget review  
2654 process as established under s. 373.536(5). The Suwannee River  
2655 Water Management District and the Northwest Florida Water  
2656 Management District shall not be required to meet the match  
2657 requirements of this paragraph; however, they shall try to  
2658 achieve the match requirement to the greatest extent  
2659 practicable.

2660 (8)

2661 (e) Applicants for projects that may receive funding  
2662 assistance pursuant to the Water Protection and Sustainability  
2663 Program shall, at a minimum, be required to pay 60 percent of  
2664 the project's construction costs. The water management districts  
2665 may, at their discretion, totally or partially waive this  
2666 requirement for projects sponsored by:

2667 1. Financially disadvantaged small local governments as  
2668 defined in former s. 403.885(5); or

5-00606-16

2016552\_\_

2669       2. Water users for projects determined by a water  
2670 management district governing board to be in the public interest  
2671 pursuant to paragraph (1) (f), if the projects are not otherwise  
2672 financially feasible.

2673  
2674 The water management districts or basin boards may, at their  
2675 discretion, use ad valorem or federal revenues to assist a  
2676 project applicant in meeting the requirements of this paragraph.

2677       Section 21. Subsection (2) and paragraphs (a) and (e) of  
2678 subsection (6) of section 373.709, Florida Statutes, are amended  
2679 to read:

2680       373.709 Regional water supply planning.—

2681       (2) Each regional water supply plan must be based on at  
2682 least a 20-year planning period and must include, but need not  
2683 be limited to:

2684       (a) A water supply development component for each water  
2685 supply planning region identified by the district which  
2686 includes:

2687       1. A quantification of the water supply needs for all  
2688 existing and future reasonable-beneficial uses within the  
2689 planning horizon. The level-of-certainty planning goal  
2690 associated with identifying the water supply needs of existing  
2691 and future reasonable-beneficial uses must be based upon meeting  
2692 those needs for a 1-in-10-year drought event.

2693       a. Population projections used for determining public water  
2694 supply needs must be based upon the best available data. In  
2695 determining the best available data, the district shall consider  
2696 the University of Florida ~~Florida's~~ Bureau of Economic and  
2697 Business Research (BEBR) medium population projections and

5-00606-16

2016552\_\_

2698 population projection data and analysis submitted by a local  
2699 government pursuant to the public workshop described in  
2700 subsection (1) if the data and analysis support the local  
2701 government's comprehensive plan. Any adjustment of or deviation  
2702 from the BEBR projections must be fully described, and the  
2703 original BEBR data must be presented along with the adjusted  
2704 data.

2705       b. Agricultural demand projections used for determining the  
2706 needs of agricultural self-suppliers must be based upon the best  
2707 available data. In determining the best available data for  
2708 agricultural self-supplied water needs, the district shall  
2709 consider the data indicative of future water supply demands  
2710 provided by the Department of Agriculture and Consumer Services  
2711 pursuant to s. 570.93 and agricultural demand projection data  
2712 and analysis submitted by a local government pursuant to the  
2713 public workshop described in subsection (1), if the data and  
2714 analysis support the local government's comprehensive plan. Any  
2715 adjustment of or deviation from the data provided by the  
2716 Department of Agriculture and Consumer Services must be fully  
2717 described, and the original data must be presented along with  
2718 the adjusted data.

2719       2. A list of water supply development project options,  
2720 including traditional and alternative water supply project  
2721 options that are technically and financially feasible, from  
2722 which local government, government-owned and privately owned  
2723 utilities, regional water supply authorities,  
2724 multijurisdictional water supply entities, self-suppliers, and  
2725 others may choose for water supply development. In addition to  
2726 projects listed by the district, such users may propose specific

5-00606-16

2016552\_\_

2727 projects for inclusion in the list of alternative water supply  
2728 projects. If such users propose a project to be listed as an  
2729 alternative water supply project, the district shall determine  
2730 whether it meets the goals of the plan, and, if so, it shall be  
2731 included in the list. The total capacity of the projects  
2732 included in the plan must exceed the needs identified in  
2733 subparagraph 1. and take into account water conservation and  
2734 other demand management measures, as well as water resources  
2735 constraints, including adopted minimum flows and minimum water  
2736 levels and water reservations. Where the district determines it  
2737 is appropriate, the plan should specifically identify the need  
2738 for multijurisdictional approaches to project options that,  
2739 based on planning level analysis, are appropriate to supply the  
2740 intended uses and that, based on such analysis, appear to be  
2741 permittable and financially and technically feasible. The list  
2742 of water supply development options must contain provisions that  
2743 recognize that alternative water supply options for agricultural  
2744 self-suppliers are limited.

2745 3. For each project option identified in subparagraph 2.,  
2746 the following must be provided:

2747 a. An estimate of the amount of water to become available  
2748 through the project.

2749 b. The timeframe in which the project option should be  
2750 implemented and the estimated planning-level costs for capital  
2751 investment and operating and maintaining the project.

2752 c. An analysis of funding needs and sources of possible  
2753 funding options. For alternative water supply projects, the  
2754 water management districts shall provide funding assistance  
2755 pursuant to s. 373.707(8).

5-00606-16

2016552\_\_

2756 d. Identification of the entity that should implement each  
2757 project option and the current status of project implementation.

2758 (b) A water resource development component that includes:

2759 1. A listing of those water resource development projects  
2760 that support water supply development for all existing and  
2761 future reasonable-beneficial uses as described in paragraph  
2762 (2) (a) and for the natural systems as identified in the recovery  
2763 or prevention strategies for adopted minimum flows and minimum  
2764 water levels or water reservations.

2765 2. For each water resource development project listed:

2766 a. An estimate of the amount of water to become available  
2767 through the project for all existing and future reasonable-  
2768 beneficial uses as described in paragraph (2) (a) and for the  
2769 natural systems as identified in the recovery or prevention  
2770 strategies for adopted minimum flows and minimum water levels or  
2771 water reservations.

2772 b. The timeframe in which the project option should be  
2773 implemented and the estimated planning-level costs for capital  
2774 investment and for operating and maintaining the project.

2775 c. An analysis of funding needs and sources of possible  
2776 funding options.

2777 d. Identification of the entity that should implement each  
2778 project option and the current status of project implementation.

2779 (c) The recovery and prevention strategy described in s.  
2780 373.0421(2).

2781 (d) A funding strategy for water resource development  
2782 projects, which shall be reasonable and sufficient to pay the  
2783 cost of constructing or implementing all of the listed projects.

2784 (e) Consideration of how the project options addressed in



5-00606-16

2016552\_\_

2785 paragraph (a) serve the public interest or save costs overall by  
2786 preventing the loss of natural resources or avoiding greater  
2787 future expenditures for water resource development or water  
2788 supply development. However, unless adopted by rule, these  
2789 considerations do not constitute final agency action.

2790 (f) The technical data and information applicable to each  
2791 planning region which are necessary to support the regional  
2792 water supply plan.

2793 (g) The minimum flows and minimum water levels established  
2794 for water resources within each planning region.

2795 (h) Reservations of water adopted by rule pursuant to s.  
2796 373.223(4) within each planning region.

2797 (i) Identification of surface waters or aquifers for which  
2798 minimum flows and minimum water levels are scheduled to be  
2799 adopted.

2800 (j) An analysis, developed in cooperation with the  
2801 department, of areas or instances in which the variance  
2802 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
2803 create water supply development or water resource development  
2804 projects.

2805 (k) An assessment of how the regional water supply plan and  
2806 the projects identified in the funding plans prepared pursuant  
2807 to sub-subparagraphs (a)3.c. and (b)2.c. support the recovery or  
2808 prevention strategies for implementation of adopted minimum  
2809 flows and minimum water levels or water reservations, including  
2810 minimum flows and minimum water levels for Outstanding Florida  
2811 Springs adopted pursuant to s. 373.805; while ensuring that  
2812 sufficient water will be available for all existing and future  
2813 reasonable-beneficial uses and the natural systems identified

5-00606-16

2016552\_\_

2814 herein; and that the adverse effects of competition for water  
2815 supplies will be avoided.

2816 (6) Annually and in conjunction with the reporting  
2817 requirements of s. 373.536(6)(a)4., the department shall submit  
2818 to the Governor and the Legislature a report on the status of  
2819 regional water supply planning in each district. The report  
2820 shall include:

2821 (a) A compilation of the estimated costs ~~of~~ and an analysis  
2822 of the sufficiency of potential sources of funding from all  
2823 sources for water resource development and water supply  
2824 development projects as identified in the water management  
2825 district regional water supply plans.

2826 (e) An overall assessment of the progress being made to  
2827 develop water supply in each district, including, but not  
2828 limited to, an explanation of how each project in the 5-year  
2829 water resource development work program developed pursuant to s.  
2830 373.536(6)(a)4., either alternative or traditional, will  
2831 produce, contribute to, or account for additional water being  
2832 made available for consumptive uses, minimum flows and minimum  
2833 water levels, or water reservations; an estimate of the quantity  
2834 of water to be produced by each project;~~r~~ and an assessment of  
2835 the contribution of the district's regional water supply plan in  
2836 providing sufficient water to meet the needs of existing and  
2837 future reasonable-beneficial uses for a 1-in-10-year drought  
2838 event, as well as the needs of the natural systems.

2839 Section 22. Part VIII of chapter 373, Florida Statutes,  
2840 consisting of ss. 373.801-373.813, Florida Statutes, is created  
2841 and entitled the "Florida Springs and Aquifer Protection Act."

2842 Section 23. Section 373.801, Florida Statutes, is created

5-00606-16

2016552\_\_

2843 to read:

2844 373.801 Legislative findings and intent.-

2845 (1) The Legislature finds that springs are a unique part of  
2846 this state's scenic beauty. Springs provide critical habitat for  
2847 plants and animals, including many endangered or threatened  
2848 species. Springs also provide immeasurable natural,  
2849 recreational, economic, and inherent value. Springs are of great  
2850 scientific importance in understanding the diverse functions of  
2851 aquatic ecosystems. Water quality of springs is an indicator of  
2852 local conditions of the Floridan Aquifer, which is a source of  
2853 drinking water for many residents of this state. Water flows in  
2854 springs may reflect regional aquifer conditions. In addition,  
2855 springs provide recreational opportunities for swimming,  
2856 canoeing, wildlife watching, fishing, cave diving, and many  
2857 other activities in this state. These recreational opportunities  
2858 and the accompanying tourism they provide are a benefit to local  
2859 economies and the economy of the state as a whole.

2860 (2) The Legislature finds that the water quantity and water  
2861 quality in springs may be related. For regulatory purposes, the  
2862 department has primary responsibility for water quality; the  
2863 water management districts have primary responsibility for water  
2864 quantity; and the Department of Agriculture and Consumer  
2865 Services has primary responsibility for the development and  
2866 implementation of agricultural best management practices. Local  
2867 governments have primary responsibility for providing domestic  
2868 wastewater collection and treatment services and stormwater  
2869 management. The foregoing responsible entities must coordinate  
2870 to restore and maintain the water quantity and water quality of  
2871 the Outstanding Florida Springs.

5-00606-16

2016552\_\_

2872 (3) The Legislature recognizes that:

2873 (a) A spring is only as healthy as its aquifer system. The  
2874 groundwater that supplies springs is derived from water that  
2875 recharges the aquifer system in the form of seepage from the  
2876 land surface and through direct conduits, such as sinkholes.  
2877 Springs may be adversely affected by polluted runoff from urban  
2878 and agricultural lands; discharges resulting from inadequate  
2879 wastewater and stormwater management practices; stormwater  
2880 runoff; and reduced water levels of the Floridan Aquifer. As a  
2881 result, the hydrologic and environmental conditions of a spring  
2882 or spring run are directly influenced by activities and land  
2883 uses within a springshed and by water withdrawals from the  
2884 Floridan Aquifer.

2885 (b) Springs, whether found in urban or rural settings, or  
2886 on public or private lands, may be threatened by actual or  
2887 potential flow reductions and declining water quality. Many of  
2888 this state's springs are demonstrating signs of significant  
2889 ecological imbalance, increased nutrient loading, and declining  
2890 flow. Without effective remedial action, further declines in  
2891 water quality and water quantity may occur.

2892 (c) Springshed boundaries and areas of high vulnerability  
2893 within a springshed need to be identified and delineated using  
2894 the best available data.

2895 (d) Springsheds typically cross water management district  
2896 boundaries and local government jurisdictional boundaries, so a  
2897 coordinated statewide springs protection plan is needed.

2898 (e) The aquifers and springs of this state are complex  
2899 systems affected by many variables and influences.

2900 (4) The Legislature recognizes that action is urgently

5-00606-16

2016552\_\_

2901 needed and, as additional data is acquired, action must be  
2902 modified.

2903 Section 24. Section 373.802, Florida Statutes, is created  
2904 to read:

2905 373.802 Definitions.—As used in this part, the term:

2906 (1) "Department" means the Department of Environmental  
2907 Protection, which includes the Florida Geological Survey or its  
2908 successor agencies.

2909 (2) "Local government" means a county or municipal  
2910 government the jurisdictional boundaries of which include an  
2911 Outstanding Florida Spring or any part of a springshed or  
2912 delineated priority focus area of an Outstanding Florida Spring.

2913 (3) "Onsite sewage treatment and disposal system" means a  
2914 system that contains a standard subsurface, filled, or mound  
2915 drainfield system; an aerobic treatment unit; a graywater system  
2916 tank; a laundry wastewater system tank; a septic tank; a grease  
2917 interceptor; a pump tank; a solids or effluent pump; a  
2918 waterless, incinerating, or organic waste-composting toilet; or  
2919 a sanitary pit privy that is installed or proposed to be  
2920 installed beyond the building sewer on land of the owner or on  
2921 other land on which the owner has the legal right to install  
2922 such system. The term includes any item placed within, or  
2923 intended to be used as a part of or in conjunction with, the  
2924 system. The term does not include package sewage treatment  
2925 facilities and other treatment works regulated under chapter  
2926 403.

2927 (4) "Outstanding Florida Spring" includes all historic  
2928 first magnitude springs, including their associated spring runs,  
2929 as determined by the department using the most recent Florida

5-00606-16

2016552\_\_

2930 Geological Survey springs bulletin, and the following additional  
2931 springs, including their associated spring runs:

2932 (a) De Leon Springs;

2933 (b) Peacock Springs;

2934 (c) Poe Springs;

2935 (d) Rock Springs;

2936 (e) Wekiwa Springs; and

2937 (f) Gemini Springs.

2938

2939 The term does not include submarine springs or river rises.

2940 (5) "Priority focus area" means the area or areas of a  
2941 basin where the Floridan Aquifer is generally most vulnerable to  
2942 pollutant inputs where there is a known connectivity between  
2943 groundwater pathways and an Outstanding Florida Spring, as  
2944 determined by the department in consultation with the  
2945 appropriate water management districts, and delineated in a  
2946 basin management action plan.

2947 (6) "Springshed" means the areas within the groundwater and  
2948 surface water basins which contribute, based upon all relevant  
2949 facts, circumstances, and data, to the discharge of a spring as  
2950 defined by potentiometric surface maps and surface watershed  
2951 boundaries.

2952 (7) "Spring run" means a body of flowing water that  
2953 originates from a spring or whose primary source of water is a  
2954 spring or springs under average rainfall conditions.

2955 (8) "Spring vent" means a location where groundwater flows  
2956 out of a natural, discernible opening in the ground onto the  
2957 land surface or into a predominantly fresh surface water body.

2958 Section 25. Section 373.803, Florida Statutes, is created

5-00606-16

2016552\_\_

2959 to read:

2960 373.803 Delineation of priority focus areas for Outstanding  
2961 Florida Springs.—Using the best data available from the water  
2962 management districts and other credible sources, the department,  
2963 in coordination with the water management districts, shall  
2964 delineate priority focus areas for each Outstanding Florida  
2965 Spring or group of springs that contains one or more Outstanding  
2966 Florida Springs and is identified as impaired in accordance with  
2967 s. 373.807. In delineating priority focus areas, the department  
2968 shall consider groundwater travel time to the spring,  
2969 hydrogeology, nutrient load, and any other factors that may lead  
2970 to degradation of an Outstanding Florida Spring. The delineation  
2971 of priority focus areas must be completed by July 1, 2018, shall  
2972 use understood and identifiable boundaries such as roads or  
2973 political jurisdictions for ease of implementation, and is  
2974 effective upon incorporation in a basin management action plan.

2975 Section 26. Section 373.805, Florida Statutes, is created  
2976 to read:

2977 373.805 Minimum flows and minimum water levels for  
2978 Outstanding Florida Springs.—

2979 (1) At the time a minimum flow or minimum water level is  
2980 adopted pursuant to s. 373.042 for an Outstanding Florida  
2981 Spring, if the spring is below or is projected within 20 years  
2982 to fall below the minimum flow or minimum water level, a water  
2983 management district or the department shall concurrently adopt a  
2984 recovery or prevention strategy.

2985 (2) When a minimum flow or minimum water level for an  
2986 Outstanding Florida Spring is revised pursuant to s.  
2987 373.0421(3), if the spring is below or is projected within 20

5-00606-16

2016552\_\_

2988 years to fall below the minimum flow or minimum water level, a  
2989 water management district or the department shall concurrently  
2990 adopt a recovery or prevention strategy or modify an existing  
2991 recovery or prevention strategy. A district or the department  
2992 may adopt the revised minimum flow or minimum water level before  
2993 the adoption of a recovery or prevention strategy if the revised  
2994 minimum flow or minimum water level is less constraining on  
2995 existing or projected future consumptive uses.

2996 (3) For an Outstanding Florida Spring without an adopted  
2997 recovery or prevention strategy, if a district or the department  
2998 determines the spring has fallen below, or is projected within  
2999 20 years to fall below, the adopted minimum flow or minimum  
3000 water level, a water management district or the department shall  
3001 expeditiously adopt a recovery or prevention strategy.

3002 (4) The recovery or prevention strategy for each  
3003 Outstanding Florida Spring must, at a minimum, include:

3004 (a) A listing of all specific projects identified for  
3005 implementation of the plan;

3006 (b) A priority listing of each project;

3007 (c) For each listed project, the estimated cost of and the  
3008 estimated date of completion;

3009 (d) The source and amount of financial assistance to be  
3010 made available by the water management district for each listed  
3011 project, which may not be less than 25 percent of the total  
3012 project cost unless a specific funding source or sources are  
3013 identified which will provide more than 75 percent of the total  
3014 project cost. The Northwest Florida Water Management District  
3015 and the Suwannee River Water Management District are not  
3016 required to meet the minimum requirement to receive financial



5-00606-16

2016552\_\_

3017 assistance pursuant to this paragraph;

3018 (e) An estimate of each listed project's benefit to an  
3019 Outstanding Florida Spring; and

3020 (f) An implementation plan designed with a target to  
3021 achieve the adopted minimum flow or minimum water level no more  
3022 than 20 years after the adoption of a recovery or prevention  
3023 strategy.

3024  
3025 The water management district or the department shall develop a  
3026 schedule establishing 5-year, 10-year, and 15-year targets for  
3027 achieving the adopted minimum flows or minimum water levels. The  
3028 schedule shall be used to provide guidance for planning and  
3029 funding purposes and is exempt from chapter 120.

3030 (5) A local government may apply to the department for a  
3031 single extension of up to 5 years for any project in an adopted  
3032 recovery or prevention strategy. The department may grant the  
3033 extension if the local government provides to the department  
3034 sufficient evidence that an extension is in the best interest of  
3035 the public. For a local government in a rural area of  
3036 opportunity, as defined in s. 288.0656, the department may grant  
3037 a single extension of up to 10 years.

3038 Section 27. Section 373.807, Florida Statutes, is created  
3039 to read:

3040 373.807 Protection of water quality in Outstanding Florida  
3041 Springs.—By July 1, 2016, the department shall initiate  
3042 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
3043 Springs or spring systems for which an impairment determination  
3044 has not been made under the numeric nutrient standards in effect  
3045 for spring vents. Assessments must be completed by July 1, 2018.

5-00606-16

2016552\_\_

3046 (1) (a) Concurrent with the adoption of a nutrient total  
3047 maximum daily load for an Outstanding Florida Spring, the  
3048 department, or the department in conjunction with a water  
3049 management district, shall initiate development of a basin  
3050 management action plan, as specified in s. 403.067. For an  
3051 Outstanding Florida Spring with a nutrient total maximum daily  
3052 load adopted before July 1, 2016, the department, or the  
3053 department in conjunction with a water management district,  
3054 shall initiate development of a basin management action plan by  
3055 July 1, 2016. During the development of a basin management  
3056 action plan, if the department identifies onsite sewage  
3057 treatment and disposal systems as contributors of at least 20  
3058 percent of nonpoint source nitrogen pollution or if the  
3059 department determines remediation is necessary to achieve the  
3060 total maximum daily load, the basin management action plan shall  
3061 include an onsite sewage treatment and disposal system  
3062 remediation plan pursuant to subsection (3) for those systems  
3063 identified as requiring remediation.

3064 (b) A basin management action plan for an Outstanding  
3065 Florida Spring shall be adopted within 2 years after its  
3066 initiation and must include, at a minimum:

3067 1. A list of all specific projects and programs identified  
3068 to implement a nutrient total maximum daily load;

3069 2. A list of all specific projects identified in any  
3070 incorporated onsite sewage treatment and disposal system  
3071 remediation plan, if applicable;

3072 3. A priority rank for each listed project;

3073 4. For each listed project, a planning level cost estimate  
3074 and the estimated date of completion;

5-00606-16

2016552\_\_

3075 5. The source and amount of financial assistance to be made  
3076 available by the department, a water management district, or  
3077 other entity for each listed project;

3078 6. An estimate of each listed project's nutrient load  
3079 reduction;

3080 7. Identification of each point source or category of  
3081 nonpoint sources, including, but not limited to, urban turf  
3082 fertilizer, sports turf fertilizer, agricultural fertilizer,  
3083 onsite sewage treatment and disposal systems, wastewater  
3084 treatment facilities, animal wastes, and stormwater facilities.  
3085 An estimated allocation of the pollutant load must be provided  
3086 for each point source or category of nonpoint sources; and

3087 8. An implementation plan designed with a target to achieve  
3088 the nutrient total maximum daily load no more than 20 years  
3089 after the adoption of a basin management action plan.

3090  
3091 The department shall develop a schedule establishing 5-year, 10-  
3092 year, and 15-year targets for achieving the nutrient total  
3093 maximum daily load. The schedule shall be used to provide  
3094 guidance for planning and funding purposes and is exempt from  
3095 chapter 120.

3096 (c) For a basin management action plan adopted before July  
3097 1, 2016, which addresses an Outstanding Florida Spring, the  
3098 department or the department in conjunction with a water  
3099 management district must revise the plan if necessary to comply  
3100 with this section by July 1, 2018.

3101 (d) A local government may apply to the department for a  
3102 single extension of up to 5 years for any project in an adopted  
3103 basin management action plan. A local government in a rural area

5-00606-16

2016552\_\_

3104 of opportunity, as defined in s. 288.0656, may apply for a  
3105 single extension of up to 10 years for such a project. The  
3106 department may grant the extension if the local government  
3107 provides to the department sufficient evidence that an extension  
3108 is in the best interest of the public.

3109 (2) By July 1, 2017, each local government, as defined in  
3110 s. 373.802(2), that has not adopted an ordinance pursuant to s.  
3111 403.9337, shall develop, enact, and implement an ordinance  
3112 pursuant to that section. It is the intent of the Legislature  
3113 that ordinances required to be adopted under this subsection  
3114 reflect the latest scientific information, advancements, and  
3115 technological improvements in the industry.

3116 (3) As part of a basin management action plan that includes  
3117 an Outstanding Florida Spring, the department, the Department of  
3118 Health, relevant local governments, and relevant local public  
3119 and private wastewater utilities, shall develop an onsite sewage  
3120 treatment and disposal system remediation plan for a spring if  
3121 the department determines onsite sewage treatment and disposal  
3122 systems within a priority focus area contribute at least 20  
3123 percent of nonpoint source nitrogen pollution or if the  
3124 department determines remediation is necessary to achieve the  
3125 total daily maximum load. The plan shall identify cost-effective  
3126 and financially feasible projects necessary to reduce the  
3127 nutrient impacts from onsite sewage treatment and disposal  
3128 systems and shall be completed and adopted as part of the basin  
3129 management action plan no later than the first 5-year milestone  
3130 required by subparagraph (1)(b)8. The department is the lead  
3131 agency in coordinating the preparation of and the adoption of  
3132 the plan. The department shall:

5-00606-16

2016552\_\_

3133 (a) Collect and evaluate credible scientific information on  
3134 the effect of nutrients, particularly forms of nitrogen, on  
3135 springs and springs systems; and

3136 (b) Develop a public education plan to provide area  
3137 residents with reliable, understandable information about onsite  
3138 sewage treatment and disposal systems and springs.

3139

3140 In addition to the requirements in s. 403.067, the plan shall  
3141 include options for repair, upgrade, replacement, drainfield  
3142 modification, addition of effective nitrogen reducing features,  
3143 connection to a central sewerage system, or other action for an  
3144 onsite sewage treatment and disposal system or group of systems  
3145 within a priority focus area that contribute at least 20 percent  
3146 of nonpoint source nitrogen pollution or if the department  
3147 determines remediation is necessary to achieve a total maximum  
3148 daily load. For these systems, the department shall include in  
3149 the plan a priority ranking for each system or group of systems  
3150 that requires remediation and shall award funds to implement the  
3151 remediation projects contingent on an appropriation in the  
3152 General Appropriations Act, which may include all or part of the  
3153 costs necessary for repair, upgrade, replacement, drainfield  
3154 modification, addition of effective nitrogen reducing features,  
3155 initial connection to a central sewerage system, or other  
3156 action. In awarding funds, the department may consider expected  
3157 nutrient reduction benefit per unit cost, size and scope of  
3158 project, relative local financial contribution to the project,  
3159 financial impact on property owners and the community. The  
3160 department may waive matching funding requirements for proposed  
3161 projects within an area designated as a rural area of

5-00606-16

2016552\_\_

3162 opportunity under s. 288.0656.

3163 (4) The department shall provide notice to a local  
3164 government of all permit applicants under s. 403.814(12) in a  
3165 priority focus area of an Outstanding Florida Spring over which  
3166 the local government has full or partial jurisdiction.

3167 Section 28. Section 373.811, Florida Statutes, is created  
3168 to read:

3169 373.811 Prohibited activities within a priority focus  
3170 area.—The following activities are prohibited within a priority  
3171 focus area in effect for an Outstanding Florida Spring:

3172 (1) New domestic wastewater disposal facilities, including  
3173 rapid infiltration basins, with permitted capacities of 100,000  
3174 gallons per day or more, except for those facilities that meet  
3175 an advanced wastewater treatment standard of no more than 3 mg/l  
3176 total nitrogen, expressed as N, on an annual permitted basis, or  
3177 a more stringent treatment standard if the department determines  
3178 the more stringent standard is necessary to attain a total  
3179 maximum daily load for the Outstanding Florida Spring.

3180 (2) New onsite sewage treatment and disposal systems on  
3181 lots of less than 1 acre, if the addition of the specific  
3182 systems conflicts with an onsite treatment and disposal system  
3183 remediation plan incorporated into a basin management action  
3184 plan in accordance with s. 373.807(3).

3185 (3) New facilities for the disposal of hazardous waste.

3186 (4) The land application of Class A or Class B domestic  
3187 wastewater biosolids not in accordance with a department  
3188 approved nutrient management plan establishing the rate at which  
3189 all biosolids, soil amendments, and sources of nutrients at the  
3190 land application site can be applied to the land for crop

5-00606-16

2016552\_\_

3191 production while minimizing the amount of pollutants and  
3192 nutrients discharged to groundwater or waters of the state.

3193 (5) New agriculture operations that do not implement best  
3194 management practices, measures necessary to achieve pollution  
3195 reduction levels established by the department, or groundwater  
3196 monitoring plans approved by a water management district or the  
3197 department.

3198 Section 29. Section 373.813, Florida Statutes, is created  
3199 to read:

3200 373.813 Rules.—

3201 (1) The department shall adopt rules to improve water  
3202 quantity and water quality to administer this part, as  
3203 applicable.

3204 (2) (a) The Department of Agriculture and Consumer Services  
3205 is the lead agency coordinating the reduction of agricultural  
3206 nonpoint sources of pollution for the protection of Outstanding  
3207 Florida Springs. The Department of Agriculture and Consumer  
3208 Services and the department, pursuant to s. 403.067(7)(c)4.,  
3209 shall study new or revised agricultural best management  
3210 practices for improving and protecting Outstanding Florida  
3211 Springs and, if necessary, in cooperation with applicable local  
3212 governments and stakeholders, initiate rulemaking to require the  
3213 implementation of such practices within a reasonable period.

3214 (b) The department, the Department of Agriculture and  
3215 Consumer Services, and the University of Florida Institute of  
3216 Food and Agricultural Sciences shall cooperate in conducting the  
3217 necessary research and demonstration projects to develop  
3218 improved or additional nutrient management tools, including the  
3219 use of controlled release fertilizer that can be used by

5-00606-16

2016552\_\_

3220 agricultural producers as part of an agricultural best  
3221 management practices program. The development of such tools must  
3222 reflect a balance between water quality improvement and  
3223 agricultural productivity and, if applicable, must be  
3224 incorporated into the revised agricultural best management  
3225 practices adopted by rule by the Department of Agriculture and  
3226 Consumer Services.

3227 Section 30. Subsection (29) of section 403.061, Florida  
3228 Statutes, is amended to read:

3229 403.061 Department; powers and duties.—The department shall  
3230 have the power and the duty to control and prohibit pollution of  
3231 air and water in accordance with the law and rules adopted and  
3232 promulgated by it and, for this purpose, to:

3233 (29) (a) Adopt by rule special criteria to protect Class II  
3234 and Class III shellfish harvesting waters. Such rules may  
3235 include special criteria for approving docking facilities that  
3236 have 10 or fewer slips if the construction and operation of such  
3237 facilities will not result in the closure of shellfish waters.

3238 (b) Adopt by rule a specific surface water classification  
3239 to protect surface waters used for treated potable water supply.  
3240 These designated surface waters shall have the same water  
3241 quality criteria protections as waters designated for fish  
3242 consumption, recreation, and the propagation and maintenance of  
3243 a healthy, well-balanced population of fish and wildlife, and  
3244 shall be free from discharged substances at a concentration  
3245 that, alone or in combination with other discharged substances,  
3246 would require significant alteration of permitted treatment  
3247 processes at the permitted treatment facility or that would  
3248 otherwise prevent compliance with applicable state drinking



5-00606-16

2016552\_\_

3249 water standards in the treated water. Notwithstanding this  
3250 classification or the inclusion of treated water supply as a  
3251 designated use of a surface water, a surface water used for  
3252 treated potable water supply may be reclassified to the potable  
3253 water supply classification.

3254  
3255 The department shall implement such programs in conjunction with  
3256 its other powers and duties and shall place special emphasis on  
3257 reducing and eliminating contamination that presents a threat to  
3258 humans, animals or plants, or to the environment.

3259 Section 31. Section 403.0617, Florida Statutes, is created  
3260 to read:

3261 403.0617 Innovative nutrient and sediment reduction and  
3262 conservation pilot project program.-

3263 (1) Contingent upon a specific appropriation in the General  
3264 Appropriation Act, the department may fund innovative nutrient  
3265 and sediment reduction and conservation pilot projects selected  
3266 pursuant to this section. These pilot projects are intended to  
3267 test the effectiveness of innovative or existing nutrient  
3268 reduction or water conservation technologies, programs, or  
3269 practices designed to minimize nutrient pollution or restore  
3270 flows in the water bodies of the state.

3271 (2) By October 1, 2016, the department shall initiate  
3272 rulemaking to establish criteria by which the department will  
3273 evaluate and rank pilot projects for funding. The criteria must  
3274 include a determination by the department that the pilot project  
3275 will not be harmful to the ecological resources in the study  
3276 area. The criteria must give preference to projects that will  
3277 result in the greatest improvement to water quality and water

5-00606-16

2016552\_\_

3278 quantity for the dollars to be expended for the project. At a  
3279 minimum, the department shall consider all of the following:

3280 (a) The level of nutrient impairment of the waterbody,  
3281 watershed, or water segment in which the project is located.

3282 (b) The quantity of nutrients the project is estimated to  
3283 remove from a water body, watershed, or water segment with a  
3284 nutrient total maximum daily load.

3285 (c) The potential for the project to provide a cost-  
3286 effective solution to pollution, including pollution caused by  
3287 onsite sewage treatment and disposal systems.

3288 (d) The anticipated impact the project will have on  
3289 restoring or increasing flow or water level.

3290 (e) The amount of matching funds for the project which will  
3291 be provided by the entities responsible for implementing the  
3292 project.

3293 (f) Whether the project is located in a rural area of  
3294 opportunity, as defined in s. 288.0656, with preference given to  
3295 the local government responsible for implementing the project.

3296 (g) For multiple-year projects, whether the project has  
3297 funding sources that are identified and assured through the  
3298 expected completion date of the project.

3299 (h) The cost of the project and the length of time it will  
3300 take to complete relative to its expected benefits.

3301 (i) Whether the entities responsible for implementing the  
3302 project have used their own funds for projects to improve water  
3303 quality or conserve water use with preference given to those  
3304 entities that have expended such funds.

3305 Section 32. Section 403.0623, Florida Statutes, is amended  
3306 to read:

5-00606-16

2016552\_\_

3307 403.0623 Environmental data; quality assurance.—

3308 (1) The department must establish, by rule, appropriate  
3309 quality assurance requirements for environmental data submitted  
3310 to the department and the criteria by which environmental data  
3311 may be rejected by the department. The department may adopt and  
3312 enforce rules to establish data quality objectives and specify  
3313 requirements for training of laboratory and field staff, sample  
3314 collection methodology, proficiency testing, and audits of  
3315 laboratory and field sampling activities. Such rules may be in  
3316 addition to any laboratory certification provisions under ss.  
3317 403.0625 and 403.863.

3318 (2) (a) The department, in coordination with the water  
3319 management districts, regional water supply authorities, and the  
3320 Department of Agriculture and Consumer Services shall establish  
3321 standards for the collection and analysis of water quantity,  
3322 water quality, and related data to ensure quality, reliability,  
3323 and validity of the data and testing results.

3324 (b) To the extent practicable, the department shall  
3325 coordinate with federal agencies to ensure that its collection  
3326 and analysis of water quality, water quantity, and related data,  
3327 which may be used by any state agency, water management  
3328 district, or local government, is consistent with this  
3329 subsection.

3330 (c) To receive state funds for the acquisition of land or  
3331 the financing of a water resource project, state agencies and  
3332 water management districts must show that they followed the  
3333 department's collection and analysis standards, if available, as  
3334 a prerequisite for any such request for funding.

3335 (d) The department and the water management districts may

5-00606-16

2016552\_\_

3336 adopt rules to implement this subsection.

3337 Section 33. Subsection (7) of section 403.067, Florida  
3338 Statutes, is amended to read:

3339 403.067 Establishment and implementation of total maximum  
3340 daily loads.—

3341 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
3342 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3343 (a) *Basin management action plans.*—

3344 1. In developing and implementing the total maximum daily  
3345 load for a water body, the department, or the department in  
3346 conjunction with a water management district, may develop a  
3347 basin management action plan that addresses some or all of the  
3348 watersheds and basins tributary to the water body. Such plan  
3349 must integrate the appropriate management strategies available  
3350 to the state through existing water quality protection programs  
3351 to achieve the total maximum daily loads and may provide for  
3352 phased implementation of these management strategies to promote  
3353 timely, cost-effective actions as provided for in s. 403.151.  
3354 The plan must establish a schedule implementing the management  
3355 strategies, establish a basis for evaluating the plan's  
3356 effectiveness, and identify feasible funding strategies for  
3357 implementing the plan's management strategies. The management  
3358 strategies may include regional treatment systems or other  
3359 public works, where appropriate, and voluntary trading of water  
3360 quality credits to achieve the needed pollutant load reductions.

3361 2. A basin management action plan must equitably allocate,  
3362 pursuant to paragraph (6) (b), pollutant reductions to individual  
3363 basins, as a whole to all basins, or to each identified point  
3364 source or category of nonpoint sources, as appropriate. For

5-00606-16

2016552\_\_

3365 nonpoint sources for which best management practices have been  
3366 adopted, the initial requirement specified by the plan must be  
3367 those practices developed pursuant to paragraph (c). Where  
3368 appropriate, the plan may take into account the benefits of  
3369 pollutant load reduction achieved by point or nonpoint sources  
3370 that have implemented management strategies to reduce pollutant  
3371 loads, including best management practices, before the  
3372 development of the basin management action plan. The plan must  
3373 also identify the mechanisms that will address potential future  
3374 increases in pollutant loading.

3375         3. The basin management action planning process is intended  
3376 to involve the broadest possible range of interested parties,  
3377 with the objective of encouraging the greatest amount of  
3378 cooperation and consensus possible. In developing a basin  
3379 management action plan, the department shall assure that key  
3380 stakeholders, including, but not limited to, applicable local  
3381 governments, water management districts, the Department of  
3382 Agriculture and Consumer Services, other appropriate state  
3383 agencies, local soil and water conservation districts,  
3384 environmental groups, regulated interests, and affected  
3385 pollution sources, are invited to participate in the process.  
3386 The department shall hold at least one public meeting in the  
3387 vicinity of the watershed or basin to discuss and receive  
3388 comments during the planning process and shall otherwise  
3389 encourage public participation to the greatest practicable  
3390 extent. Notice of the public meeting must be published in a  
3391 newspaper of general circulation in each county in which the  
3392 watershed or basin lies not less than 5 days nor more than 15  
3393 days before the public meeting. A basin management action plan

5-00606-16

2016552\_\_

3394 does not supplant or otherwise alter any assessment made under  
3395 subsection (3) or subsection (4) or any calculation or initial  
3396 allocation.

3397 4. Each new or revised basin management action plan shall  
3398 include:

3399 a. The appropriate management strategies available through  
3400 existing water quality protection programs to achieve total  
3401 maximum daily loads, which may provide for phased implementation  
3402 to promote timely, cost-effective actions as provided for in s.  
3403 403.151;

3404 b. A description of best management practices adopted by  
3405 rule;

3406 c. A list of projects in priority ranking with a planning-  
3407 level cost estimate and estimated date of completion for each  
3408 listed project;

3409 d. The source and amount of financial assistance to be made  
3410 available by the department, a water management district, or  
3411 other entity for each listed project, if applicable; and

3412 e. A planning-level estimate of each listed project's  
3413 expected load reduction, if applicable.

3414 ~~5.4.~~ The department shall adopt all or any part of a basin  
3415 management action plan and any amendment to such plan by  
3416 secretarial order pursuant to chapter 120 to implement the  
3417 provisions of this section.

3418 ~~6.5.~~ The basin management action plan must include  
3419 milestones for implementation and water quality improvement, and  
3420 an associated water quality monitoring component sufficient to  
3421 evaluate whether reasonable progress in pollutant load  
3422 reductions is being achieved over time. An assessment of

5-00606-16

2016552\_\_

3423 progress toward these milestones shall be conducted every 5  
3424 years, and revisions to the plan shall be made as appropriate.  
3425 Revisions to the basin management action plan shall be made by  
3426 the department in cooperation with basin stakeholders. Revisions  
3427 to the management strategies required for nonpoint sources must  
3428 follow the procedures set forth in subparagraph (c)4. Revised  
3429 basin management action plans must be adopted pursuant to  
3430 subparagraph 5.4.

3431 ~~7.6.~~ In accordance with procedures adopted by rule under  
3432 paragraph (9) (c), basin management action plans, and other  
3433 pollution control programs under local, state, or federal  
3434 authority as provided in subsection (4), may allow point or  
3435 nonpoint sources that will achieve greater pollutant reductions  
3436 than required by an adopted total maximum load or wasteload  
3437 allocation to generate, register, and trade water quality  
3438 credits for the excess reductions to enable other sources to  
3439 achieve their allocation; however, the generation of water  
3440 quality credits does not remove the obligation of a source or  
3441 activity to meet applicable technology requirements or adopted  
3442 best management practices. Such plans must allow trading between  
3443 NPDES permittees, and trading that may or may not involve NPDES  
3444 permittees, where the generation or use of the credits involve  
3445 an entity or activity not subject to department water discharge  
3446 permits whose owner voluntarily elects to obtain department  
3447 authorization for the generation and sale of credits.

3448 ~~8.7.~~ The provisions of the department's rule relating to  
3449 the equitable abatement of pollutants into surface waters do not  
3450 apply to water bodies or water body segments for which a basin  
3451 management plan that takes into account future new or expanded

5-00606-16

2016552\_\_

3452 activities or discharges has been adopted under this section.

3453 (b) *Total maximum daily load implementation.*—

3454 1. The department shall be the lead agency in coordinating  
3455 the implementation of the total maximum daily loads through  
3456 existing water quality protection programs. Application of a  
3457 total maximum daily load by a water management district must be  
3458 consistent with this section and does not require the issuance  
3459 of an order or a separate action pursuant to s. 120.536(1) or s.  
3460 120.54 for the adoption of the calculation and allocation  
3461 previously established by the department. Such programs may  
3462 include, but are not limited to:

3463 a. Permitting and other existing regulatory programs,  
3464 including water-quality-based effluent limitations;

3465 b. Nonregulatory and incentive-based programs, including  
3466 best management practices, cost sharing, waste minimization,  
3467 pollution prevention, agreements established pursuant to s.  
3468 403.061(21), and public education;

3469 c. Other water quality management and restoration  
3470 activities, for example surface water improvement and management  
3471 plans approved by water management districts or basin management  
3472 action plans developed pursuant to this subsection;

3473 d. Trading of water quality credits or other equitable  
3474 economically based agreements;

3475 e. Public works including capital facilities; or

3476 f. Land acquisition.

3477 2. For a basin management action plan adopted pursuant to  
3478 paragraph (a), any management strategies and pollutant reduction  
3479 requirements associated with a pollutant of concern for which a  
3480 total maximum daily load has been developed, including effluent



5-00606-16

2016552\_\_

3481 limits set forth for a discharger subject to NPDES permitting,  
3482 if any, must be included in a timely manner in subsequent NPDES  
3483 permits or permit modifications for that discharger. The  
3484 department may not impose limits or conditions implementing an  
3485 adopted total maximum daily load in an NPDES permit until the  
3486 permit expires, the discharge is modified, or the permit is  
3487 reopened pursuant to an adopted basin management action plan.

3488       a. Absent a detailed allocation, total maximum daily loads  
3489 must be implemented through NPDES permit conditions that provide  
3490 for a compliance schedule. In such instances, a facility's NPDES  
3491 permit must allow time for the issuance of an order adopting the  
3492 basin management action plan. The time allowed for the issuance  
3493 of an order adopting the plan may not exceed 5 years. Upon  
3494 issuance of an order adopting the plan, the permit must be  
3495 reopened or renewed, as necessary, and permit conditions  
3496 consistent with the plan must be established. Notwithstanding  
3497 the other provisions of this subparagraph, upon request by an  
3498 NPDES permittee, the department as part of a permit issuance,  
3499 renewal, or modification may establish individual allocations  
3500 before the adoption of a basin management action plan.

3501       b. For holders of NPDES municipal separate storm sewer  
3502 system permits and other stormwater sources, implementation of a  
3503 total maximum daily load or basin management action plan must be  
3504 achieved, to the maximum extent practicable, through the use of  
3505 best management practices or other management measures.

3506       c. The basin management action plan does not relieve the  
3507 discharger from any requirement to obtain, renew, or modify an  
3508 NPDES permit or to abide by other requirements of the permit.

3509       d. Management strategies set forth in a basin management

5-00606-16

2016552\_\_

3510 action plan to be implemented by a discharger subject to  
3511 permitting by the department must be completed pursuant to the  
3512 schedule set forth in the basin management action plan. This  
3513 implementation schedule may extend beyond the 5-year term of an  
3514 NPDES permit.

3515 e. Management strategies and pollution reduction  
3516 requirements set forth in a basin management action plan for a  
3517 specific pollutant of concern are not subject to challenge under  
3518 chapter 120 at the time they are incorporated, in an identical  
3519 form, into a subsequent NPDES permit or permit modification.

3520 f. For nonagricultural pollutant sources not subject to  
3521 NPDES permitting but permitted pursuant to other state,  
3522 regional, or local water quality programs, the pollutant  
3523 reduction actions adopted in a basin management action plan must  
3524 be implemented to the maximum extent practicable as part of  
3525 those permitting programs.

3526 g. A nonpoint source discharger included in a basin  
3527 management action plan must demonstrate compliance with the  
3528 pollutant reductions established under subsection (6) by  
3529 implementing the appropriate best management practices  
3530 established pursuant to paragraph (c) or conducting water  
3531 quality monitoring prescribed by the department or a water  
3532 management district. A nonpoint source discharger may, in  
3533 accordance with department rules, supplement the implementation  
3534 of best management practices with water quality credit trades in  
3535 order to demonstrate compliance with the pollutant reductions  
3536 established under subsection (6).

3537 h. A nonpoint source discharger included in a basin  
3538 management action plan may be subject to enforcement action by

5-00606-16

2016552\_\_

3539 the department or a water management district based upon a  
3540 failure to implement the responsibilities set forth in sub-  
3541 subparagraph g.

3542 i. A landowner, discharger, or other responsible person who  
3543 is implementing applicable management strategies specified in an  
3544 adopted basin management action plan may not be required by  
3545 permit, enforcement action, or otherwise to implement additional  
3546 management strategies, including water quality credit trading,  
3547 to reduce pollutant loads to attain the pollutant reductions  
3548 established pursuant to subsection (6) and shall be deemed to be  
3549 in compliance with this section. This subparagraph does not  
3550 limit the authority of the department to amend a basin  
3551 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

3552 (c) *Best management practices.*—

3553 1. The department, in cooperation with the water management  
3554 districts and other interested parties, as appropriate, may  
3555 develop suitable interim measures, best management practices, or  
3556 other measures necessary to achieve the level of pollution  
3557 reduction established by the department for nonagricultural  
3558 nonpoint pollutant sources in allocations developed pursuant to  
3559 subsection (6) and this subsection. These practices and measures  
3560 may be adopted by rule by the department and the water  
3561 management districts and, where adopted by rule, shall be  
3562 implemented by those parties responsible for nonagricultural  
3563 nonpoint source pollution.

3564 2. The Department of Agriculture and Consumer Services may  
3565 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
3566 suitable interim measures, best management practices, or other  
3567 measures necessary to achieve the level of pollution reduction

5-00606-16

2016552\_\_

3568 established by the department for agricultural pollutant sources  
3569 in allocations developed pursuant to subsection (6) and this  
3570 subsection or for programs implemented pursuant to paragraph  
3571 (12) (b). These practices and measures may be implemented by  
3572 those parties responsible for agricultural pollutant sources and  
3573 the department, the water management districts, and the  
3574 Department of Agriculture and Consumer Services shall assist  
3575 with implementation. In the process of developing and adopting  
3576 rules for interim measures, best management practices, or other  
3577 measures, the Department of Agriculture and Consumer Services  
3578 shall consult with the department, the Department of Health, the  
3579 water management districts, representatives from affected  
3580 farming groups, and environmental group representatives. Such  
3581 rules must also incorporate provisions for a notice of intent to  
3582 implement the practices and a system to assure the  
3583 implementation of the practices, including site inspection and  
3584 recordkeeping requirements.

3585         3. Where interim measures, best management practices, or  
3586 other measures are adopted by rule, the effectiveness of such  
3587 practices in achieving the levels of pollution reduction  
3588 established in allocations developed by the department pursuant  
3589 to subsection (6) and this subsection or in programs implemented  
3590 pursuant to paragraph (12) (b) must be verified at representative  
3591 sites by the department. The department shall use best  
3592 professional judgment in making the initial verification that  
3593 the best management practices are reasonably expected to be  
3594 effective and, where applicable, must notify the appropriate  
3595 water management district or the Department of Agriculture and  
3596 Consumer Services of its initial verification before the

5-00606-16

2016552\_\_

3597 adoption of a rule proposed pursuant to this paragraph.  
3598 Implementation, in accordance with rules adopted under this  
3599 paragraph, of practices that have been initially verified to be  
3600 effective, or verified to be effective by monitoring at  
3601 representative sites, by the department, shall provide a  
3602 presumption of compliance with state water quality standards and  
3603 release from the provisions of s. 376.307(5) for those  
3604 pollutants addressed by the practices, and the department is not  
3605 authorized to institute proceedings against the owner of the  
3606 source of pollution to recover costs or damages associated with  
3607 the contamination of surface water or groundwater caused by  
3608 those pollutants. Research projects funded by the department, a  
3609 water management district, or the Department of Agriculture and  
3610 Consumer Services to develop or demonstrate interim measures or  
3611 best management practices shall be granted a presumption of  
3612 compliance with state water quality standards and a release from  
3613 the provisions of s. 376.307(5). The presumption of compliance  
3614 and release is limited to the research site and only for those  
3615 pollutants addressed by the interim measures or best management  
3616 practices. Eligibility for the presumption of compliance and  
3617 release is limited to research projects on sites where the owner  
3618 or operator of the research site and the department, a water  
3619 management district, or the Department of Agriculture and  
3620 Consumer Services have entered into a contract or other  
3621 agreement that, at a minimum, specifies the research objectives,  
3622 the cost-share responsibilities of the parties, and a schedule  
3623 that details the beginning and ending dates of the project.

3624 4. Where water quality problems are demonstrated, despite  
3625 the appropriate implementation, operation, and maintenance of

5-00606-16

2016552\_\_

3626 best management practices and other measures required by rules  
3627 adopted under this paragraph, the department, a water management  
3628 district, or the Department of Agriculture and Consumer  
3629 Services, in consultation with the department, shall institute a  
3630 reevaluation of the best management practice or other measure.  
3631 Should the reevaluation determine that the best management  
3632 practice or other measure requires modification, the department,  
3633 a water management district, or the Department of Agriculture  
3634 and Consumer Services, as appropriate, shall revise the rule to  
3635 require implementation of the modified practice within a  
3636 reasonable time period as specified in the rule.

3637         5. Agricultural records relating to processes or methods of  
3638 production, costs of production, profits, or other financial  
3639 information held by the Department of Agriculture and Consumer  
3640 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
3641 rule adopted pursuant to subparagraph 2. are confidential and  
3642 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3643 Constitution. Upon request, records made confidential and exempt  
3644 pursuant to this subparagraph shall be released to the  
3645 department or any water management district provided that the  
3646 confidentiality specified by this subparagraph for such records  
3647 is maintained.

3648         6. The provisions of subparagraphs 1. and 2. do not  
3649 preclude the department or water management district from  
3650 requiring compliance with water quality standards or with  
3651 current best management practice requirements set forth in any  
3652 applicable regulatory program authorized by law for the purpose  
3653 of protecting water quality. Additionally, subparagraphs 1. and  
3654 2. are applicable only to the extent that they do not conflict

5-00606-16

2016552\_\_

3655 with any rules adopted by the department that are necessary to  
3656 maintain a federally delegated or approved program.

3657 (d) Enforcement and verification of basin management action  
3658 plans and management strategies.-

3659 1. Basin management action plans are enforceable pursuant  
3660 to this section and ss. 403.121, 403.141, and 403.161.

3661 Management strategies, including best management practices and  
3662 water quality monitoring, are enforceable under this chapter.

3663 2. No later than January 1, 2017:

3664 a. The department, in consultation with the water  
3665 management districts and the Department of Agriculture and  
3666 Consumer Services, shall initiate rulemaking to adopt procedures  
3667 to verify implementation of water quality monitoring required in  
3668 lieu of implementation of best management practices or other  
3669 measures pursuant to s. 403.067(7)(b)2.g.;

3670 b. The department, in consultation with the water  
3671 management districts and the Department of Agriculture and  
3672 Consumer Services, shall initiate rulemaking to adopt procedures  
3673 to verify implementation of nonagricultural interim measures,  
3674 best management practices, or other measures adopted by rule  
3675 pursuant to s. 403.067(7)(c)1.; and

3676 c. The Department of Agriculture and Consumer Services, in  
3677 consultation with the water management districts and the  
3678 department, shall initiate rulemaking to adopt procedures to  
3679 verify implementation of agricultural interim measures, best  
3680 management practices, or other measures adopted by rule pursuant  
3681 to s. 403.067(7)(c)2.

3682  
3683 The rules required under this subparagraph shall include

5-00606-16

2016552\_\_

3684 enforcement procedures applicable to the landowner, discharger,  
3685 or other responsible person required to implement applicable  
3686 management strategies, including best management practices or  
3687 water quality monitoring as a result of noncompliance.

3688 Section 34. Section 403.0675, Florida Statutes, is created  
3689 to read:

3690 403.0675 Progress reports.—On or before July 1 of each  
3691 year, beginning in 2018:

3692 (1) The department, in conjunction with the water  
3693 management districts, shall post on its website and submit  
3694 electronically an annual progress report to the Governor, the  
3695 President of the Senate, and the Speaker of the House of  
3696 Representatives on the status of each total maximum daily load,  
3697 basin management action plan, minimum flow or minimum water  
3698 level, and recovery or prevention strategy adopted pursuant to  
3699 s. 403.067 or parts I and VIII of chapter 373. The report must  
3700 include the status of each project identified to achieve a total  
3701 maximum daily load or an adopted minimum flow or minimum water  
3702 level, as applicable. If a report indicates that any of the 5-  
3703 year, 10-year, or 15-year milestones, or the 20-year target  
3704 date, if applicable, for achieving a total maximum daily load or  
3705 a minimum flow or minimum water level will not be met, the  
3706 report must include an explanation of the possible causes and  
3707 potential solutions. If applicable, the report must include  
3708 project descriptions, estimated costs, proposed priority ranking  
3709 for project implementation, and funding needed to achieve the  
3710 total maximum daily load or the minimum flow or minimum water  
3711 level by the target date. Each water management district shall  
3712 post the department's report on its website.



5-00606-16

2016552\_\_

3713       (2) The Department of Agriculture and Consumer Services  
3714 shall post on its website and submit electronically an annual  
3715 progress report to the Governor, the President of the Senate,  
3716 and the Speaker of the House of Representatives on the status of  
3717 the implementation of the agricultural nonpoint source best  
3718 management practices, including an implementation assurance  
3719 report summarizing survey responses and response rates, site  
3720 inspections, and other methods used to verify implementation of  
3721 and compliance with best management practices pursuant to basin  
3722 management action plans.

3723       Section 35. Subsection (21) is added to section 403.861,  
3724 Florida Statutes, to read:

3725       403.861 Department; powers and duties.—The department shall  
3726 have the power and the duty to carry out the provisions and  
3727 purposes of this act and, for this purpose, to:

3728       (21) (a) Upon issuance of a construction permit to construct  
3729 a new public water system drinking water treatment facility to  
3730 provide potable water supply using a surface water that, at the  
3731 time of the permit application, is not being used as a potable  
3732 water supply, and the classification of which does not include  
3733 potable water supply as a designated use, the department shall  
3734 add treated potable water supply as a designated use of the  
3735 surface water segment in accordance with s. 403.061(29) (b).

3736       (b) For existing public water system drinking water  
3737 treatment facilities that use a surface water as a treated  
3738 potable water supply, which surface water classification does  
3739 not include potable water supply as a designated use, the  
3740 department shall add treated potable water supply as a  
3741 designated use of the surface water segment in accordance with

5-00606-16

2016552\_\_

3742 s. 403.061(29)(b).

3743 Section 36. Section 403.928, Florida Statutes, is created  
3744 to read:

3745 403.928 Assessment of water resources and conservation  
3746 lands.—The Office of Economic and Demographic Research shall  
3747 conduct an annual assessment of Florida’s water resources and  
3748 conservation lands.

3749 (1) WATER RESOURCES.—The assessment must include all of the  
3750 following:

3751 (a) Historical and current expenditures and projections of  
3752 future expenditures by federal, state, regional, and local  
3753 governments and public and private utilities based upon  
3754 historical trends and ongoing projects or initiatives associated  
3755 with:

3756 1. Water supply and demand; and

3757 2. Water quality protection and restoration.

3758 (b) An analysis and estimates of future expenditures by  
3759 federal, state, regional, and local governments and public and  
3760 private utilities necessary to comply with federal and state  
3761 laws and regulations governing subparagraphs (a)1. and (a)2. The  
3762 analysis and estimates must address future expenditures by  
3763 federal, state, regional, and local governments and all public  
3764 and private utilities necessary to achieve the legislature’s  
3765 intent that sufficient water be available for all existing and  
3766 future reasonable-beneficial uses and the natural systems, and  
3767 that adverse effects of competition for water supplies be  
3768 avoided. The assessment must include a compilation of projected  
3769 water supply and demand data developed by each water management  
3770 district pursuant to ss. 373.036 and 373.709, with notations

5-00606-16

2016552\_\_

3771 regarding any significant differences between the methods used  
3772 by the districts to calculate the data.

3773 (c) Forecasts of federal, state, regional, and local  
3774 government revenues dedicated in current law for the purposes  
3775 specified in subparagraphs (a)1. and (a)2. or that have been  
3776 historically allocated for these purposes, as well as public and  
3777 private utility revenues.

3778 (d) An identification of gaps between projected revenues  
3779 and projected and estimated expenditures.

3780 (2) CONSERVATION LANDS.—The assessment must include all of  
3781 the following:

3782 (a) Historical and current expenditures and projections of  
3783 future expenditures by federal, state, regional, and local  
3784 governments based upon historical trends and ongoing projects or  
3785 initiatives associated with real property interests eligible for  
3786 funding under s. 259.105.

3787 (b) An analysis and estimates of future expenditures by  
3788 federal, state, regional, and local governments necessary to  
3789 purchase lands identified in plans set forth by state agencies  
3790 or water management districts.

3791 (c) An analysis of the ad valorem tax impacts, by county,  
3792 resulting from public ownership of conservation lands.

3793 (d) Forecasts of federal, state, regional, and local  
3794 government revenues dedicated in current law to maintain  
3795 conservation lands and the gap between projected expenditures  
3796 and revenues.

3797 (e) The total percentage of Florida real property that is  
3798 publicly owned for conservation purposes

3799 (f) A comparison of the cost of acquiring and maintaining

5-00606-16

2016552\_\_

3800 conservation lands under fee simple or less than fee simple  
3801 ownership.

3802 (3) The assessment shall include analyses on a statewide,  
3803 regional, or geographic basis, as appropriate, and shall  
3804 identify analytical challenges in assessing information across  
3805 the different regions of the state.

3806 (4) The assessment must identify any overlap in the  
3807 expenditures for water resources and conservation lands.

3808 (5) The water management districts, the Department of  
3809 Environmental Protection, the Department of Agriculture and  
3810 Consumer Services, the Fish and Wildlife Conservation  
3811 Commission, counties, municipalities, and special districts  
3812 shall provide assistance to the Office of Economic and  
3813 Demographic Research related to their respective areas of  
3814 expertise.

3815 (6) The Office of Economic and Demographic Research must be  
3816 given access to any data held by an agency as defined in s.  
3817 112.312 if the Office of Economic Demographic Research considers  
3818 the data necessary to complete the assessment, including any  
3819 confidential data.

3820 (7) The assessment shall be submitted to the President of  
3821 the Senate and the Speaker of the House of Representatives by  
3822 January 1, 2017, and by January 1 of each year thereafter.

3823 Section 37. (1) The Department of Environmental Protection  
3824 shall evaluate the feasibility and cost of creating and  
3825 maintaining a web-based, interactive map that includes, at a  
3826 minimum:

3827 (a) All watersheds and each water body within those  
3828 watersheds;

5-00606-16

2016552\_\_

- 3829       (b) The county or counties in which the watershed or water  
3830 body is located;
- 3831       (c) The water management district or districts in which the  
3832 watershed or water body is located;
- 3833       (d) Whether, if applicable, a minimum flow or minimum water  
3834 level has been adopted for the water body and if such minimum  
3835 flow or minimum water level has not been adopted, the  
3836 anticipated adoption date;
- 3837       (e) Whether, if applicable, a recovery or prevention  
3838 strategy has been adopted for the watershed or water body and,  
3839 if such a plan has not been adopted, the anticipated adoption  
3840 date;
- 3841       (f) The impairment status of each water body;
- 3842       (g) Whether, if applicable, a total maximum daily load has  
3843 been adopted if the water body is listed as impaired and, if  
3844 such total maximum daily load has not been adopted, the  
3845 anticipated adoption date;
- 3846       (h) Whether, if applicable, a basin management action plan  
3847 has been adopted for the watershed and, if such a plan has not  
3848 been adopted, the anticipated adoption date;
- 3849       (i) Each project listed on the 5-year water resource  
3850 development work program developed pursuant to s.  
3851 373.536(6)(a)4.;
- 3852       (j) The agency or agencies and local sponsor, if any,  
3853 responsible for overseeing the project;
- 3854       (k) The total or estimated cost and completion date of each  
3855 project and the financial contribution of each entity;
- 3856       (l) The estimated quantitative benefit to the watershed or  
3857 water body; and

5-00606-16

2016552\_\_

3858       (m) The water projects completed within the last 5 years  
3859 within the watershed or water body.

3860       (2) On or before January 1, 2017, the department must  
3861 submit a report containing the findings on the feasibility study  
3862 to the President of the Senate and the Speaker of the House of  
3863 Representatives.

3864       Section 38. The Legislature finds that a proper and  
3865 legitimate state purpose is served when protecting the  
3866 environmental resources of this state. Therefore, the  
3867 Legislature determines and declares that this act fulfills an  
3868 important state interest.

3869       Section 39. This act shall take effect July 1, 2016.