

**By** the Committees on Appropriations; and Environmental Preservation and Conservation; and Senator Dean

576-01513-16

2016552c2

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

576-01513-16

2016552c2

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 or modify recovery or  
37 prevention strategies concurrently with the initial  
38 adoption or revision of certain minimum flows and  
39 minimum water levels; directing the department or the  
40 water management district governing boards to  
41 expeditiously adopt a recovery or prevention strategy  
42 under certain circumstances; providing criteria for  
43 such recovery or prevention strategies; requiring  
44 certain amendments to regional water supply plans to  
45 be concurrent with relevant portions of the recovery  
46 or prevention strategy; directing water management  
47 districts to notify the department when water use  
48 permit applications are denied for a specified reason;  
49 providing for the review and update of regional water  
50 supply plans in such cases; creating s. 373.0465,  
51 F.S.; providing legislative findings; defining the  
52 term "Central Florida Water Initiative Area";  
53 requiring the department, the St. Johns River Water  
54 Management District, the South Florida Water  
55 Management District, the Southwest Florida Water  
56 Management District, and the Department of Agriculture  
57 and Consumer Services to develop and implement a  
58 multidistrict regional water supply plan; providing

576-01513-16

2016552c2

59 plan criteria and requirements; providing  
60 applicability; requiring the department to adopt  
61 rules; amending s. 373.1501, F.S.; specifying  
62 authority of the South Florida Water Management  
63 District to allocate quantities of, and assign  
64 priorities for the use of, water within its  
65 jurisdiction; directing the district to provide  
66 recommendations to the United States Army Corps of  
67 Engineers when developing or implementing certain  
68 water control plans or regulation schedules; amending  
69 s. 373.219, F.S.; requiring the department to adopt  
70 certain uniform rules; amending s. 373.223, F.S.;  
71 requiring consumptive use permits authorizing over a  
72 certain amount to be monitored on a specified basis;  
73 providing an exception; amending s. 373.2234, F.S.;  
74 directing water management district governing boards  
75 to consider the identification of preferred water  
76 supply sources for certain water users; amending s.  
77 373.227, F.S.; prohibiting water management districts  
78 from modifying permitted allocation amounts under  
79 certain circumstances; requiring the water management  
80 districts to adopt rules to promote water conservation  
81 incentives; amending s. 373.233, F.S.; providing  
82 conditions under which the department and water  
83 management district governing boards are directed to  
84 give preference to certain applications; amending s.  
85 373.4591, F.S.; providing priority consideration to  
86 certain public-private partnerships for water storage,  
87 groundwater recharge, and water quality improvements

576-01513-16

2016552c2

88 on private agricultural lands; amending s. 373.4595,  
89 F.S.; revising and providing definitions relating to  
90 the Northern Everglades and Estuaries Protection  
91 Program; clarifying provisions of the Lake Okeechobee  
92 Watershed Protection Program; directing the South  
93 Florida Water Management District to revise certain  
94 rules and provide for a watershed research and water  
95 quality monitoring program; revising provisions for  
96 the Caloosahatchee River Watershed Protection Program  
97 and the St. Lucie River Watershed Protection Program;  
98 revising permitting and annual reporting requirements  
99 relating to the Northern Everglades and Estuaries  
100 Protection Program; revising requirements for certain  
101 basin management action plans; amending s.  
102 373.467, F.S.; revising the qualifications for  
103 membership on the Harris Chain of Lakes Restoration  
104 Council; authorizing the Lake County legislative  
105 delegation to waive such membership qualifications for  
106 good cause; providing for council vacancies; amending  
107 s. 373.536, F.S.; requiring a water management  
108 district to include an annual funding plan in the 5-  
109 year water resource development work program;  
110 directing the department to post the proposed work  
111 program on its website; amending s. 373.703, F.S.;  
112 authorizing water management districts to join with  
113 private landowners for the purpose of carrying out  
114 their powers; amending s. 373.705, F.S.; revising  
115 legislative intent; requiring water management  
116 district governing boards to include certain

576-01513-16

2016552c2

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

576-01513-16

2016552c2

146 recovery or prevention strategy; creating s. 373.807,  
147 F.S.; requiring the department to initiate assessments  
148 of Outstanding Florida Springs by a certain date;  
149 requiring the department to develop basin management  
150 action plans; authorizing local governments to apply  
151 for an extension for projects in an adopted basin  
152 management action plan; requiring certain local  
153 governments to develop, enact, and implement an urban  
154 fertilizer ordinance by a certain date; requiring the  
155 Department of Environmental Protection, the Department  
156 of Health, and relevant local governments and  
157 utilities to develop onsite sewage treatment and  
158 disposal system remediation plans under certain  
159 circumstances; requiring the Department of  
160 Environmental Protection to be the lead agency;  
161 creating s. 373.811, F.S.; specifying prohibited  
162 activities within a priority focus area of an  
163 Outstanding Florida Spring; creating s. 373.813, F.S.;  
164 providing rulemaking authority; amending s. 403.061,  
165 F.S.; directing the department to adopt by rule a  
166 specific surface water classification to protect  
167 surface waters used for treated potable water supply;  
168 providing criteria for such rule; authorizing the  
169 reclassification of surface waters used for treated  
170 potable water supply notwithstanding such rule;  
171 creating s. 403.0617, F.S.; authorizing the department  
172 to fund nutrient and sediment reduction and  
173 conservation pilot projects under certain  
174 circumstances; requiring the department to initiate

576-01513-16

2016552c2

175 rulemaking by a certain date; amending s. 403.0623,  
176 F.S.; requiring the department to establish certain  
177 standards; requiring state agencies and water  
178 management districts to show that they followed the  
179 department's standards in order to receive certain  
180 funding; amending s. 403.067, F.S.; providing  
181 requirements for new or revised basin management  
182 action plans; requiring the department to adopt rules  
183 relating to the enforcement and verification of best  
184 management action plans and management strategies;  
185 creating s. 403.0675, F.S.; requiring the department  
186 and the Department of Agriculture and Consumer  
187 Services to post annual progress reports on their  
188 websites and to submit such reports to the Governor  
189 and the Legislature; requiring each water management  
190 district to post the Department of Environmental  
191 Protection's report on its website; amending s.  
192 403.861, F.S.; directing the department to add treated  
193 potable water supply as a designated use of a surface  
194 water segment under certain circumstances; creating s.  
195 403.928, F.S.; requiring the Office of Economic and  
196 Demographic Research to conduct an annual assessment  
197 of Florida's water resources and conservation lands;  
198 requiring the assessment to be submitted to the  
199 Legislature by a certain date; requiring the  
200 department to evaluate the feasibility and costs of  
201 creating and maintaining a web-based interactive map;  
202 requiring the department to submit a report of its  
203 findings by a certain date; providing a declaration of

576-01513-16

2016552c2

204 important state interest; providing an effective date.

205  
206 Be It Enacted by the Legislature of the State of Florida:

207  
208 Section 1. Paragraph (f) is added to subsection (9) of  
209 section 259.032, Florida Statutes, to read:

210 259.032 Conservation and recreation lands.-

211 (9)

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

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

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

230 3. The database and application must include information  
231 for all state conservation lands to which the public has a right  
232 of access for recreational purposes. Beginning January 1, 2018,



576-01513-16

2016552c2

233 to the greatest extent practicable, the database shall include  
234 similar information for lands owned by federal and local  
235 governmental entities that allow access for recreational  
236 purposes.

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

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

245 373.019 Definitions.—When appearing in this chapter or in  
246 any rule, regulation, or order adopted pursuant thereto, the  
247 term:

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

261 Section 3. Paragraph (b) of subsection (7) of section

576-01513-16

2016552c2

262 373.036, Florida Statutes, is amended to read:

263 373.036 Florida water plan; district water management  
264 plans.—

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

266 (b) The consolidated annual report shall contain the  
267 following elements, as appropriate to that water management  
268 district:

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

271 2. The department-approved minimum flows and minimum water  
272 levels annual priority list and schedule required by s.  
273 373.042(3) s. ~~373.042(2)~~.

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

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

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

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

282 7. The mitigation donation annual report required by s.  
283 373.414(1)(b)2.

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

286 a. A list of all specific projects identified to implement  
287 a basin management action plan or a recovery or prevention  
288 strategy;

289 b. A priority ranking for each listed project for which  
290 state funding through the water resources development work

576-01513-16

2016552c2

291 program is requested, which must be made available to the public  
292 for comment at least 30 days before submission of the  
293 consolidated annual report;

294 c. The estimated cost for each listed project;

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

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

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

302 9. A grade for each watershed, water body, or water segment  
303 in which a project listed under subparagraph 8. is located  
304 representing the level of impairment and violations of adopted  
305 minimum flow or minimum water levels. The grading system must  
306 reflect the severity of the impairment of the watershed,  
307 waterbody, or water segment.

308 Section 4. Section 373.037, Florida Statutes, is created to  
309 read:

310 373.037 Pilot program for alternative water supply  
311 development in restricted allocation areas.-

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

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

317 (b) "Lower East Coast Regional Water Supply Planning Area"  
318 means the areas withdrawing surface and groundwater from Water  
319 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters

576-01513-16

2016552c2

320 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife  
321 Management Area, Loxahatchee Slough, Loxahatchee River,  
322 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,  
323 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove  
324 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,  
325 and the freshwater portions of the Everglades National Park, as  
326 designated by the South Florida Water Management District.

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

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

347 (e) "Upper East Coast Regional Water Supply Planning Area"  
348 means the areas withdrawing surface and groundwater from the

576-01513-16

2016552c2

349 Central and Southern Florida canals or the Floridan Aquifer, as  
350 designated by the South Florida Water Management District.

351 (2) The Legislature finds that:

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

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

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

375 (3) The water management districts specified in paragraph  
376 (2) (b) may, at their sole discretion, designate and implement an  
377 existing alternative water supply project that is identified in

576-01513-16

2016552c2

378 each district's regional water supply plan as its one pilot  
379 project or amend their respective regional water supply plans to  
380 add a new alternative water supply project as their district  
381 pilot project. A pilot project designation made pursuant to this  
382 section should be made no later than July 1, 2017, and is not  
383 subject to the rulemaking requirements of chapter 120 or subject  
384 to legal challenge pursuant to ss. 120.569 and 120.57. A water  
385 management district may designate an alternative water supply  
386 project located within another water management district if the  
387 project is located in a restricted allocation area designated by  
388 the other water management district and a substantial quantity  
389 of water provided by the alternative water supply project will  
390 be used within the boundaries of the water management district  
391 that designated the alternative water supply project.

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

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

403 (b) The governing board may not engage in local water  
404 supply distribution or sell water to the pilot project  
405 participants.

406 (c) The governing board may join with one or more other

576-01513-16

2016552c2

407 water management districts and counties, municipalities, special  
408 districts, publicly owned or privately owned water utilities,  
409 multijurisdictional water supply entities, regional water supply  
410 authorities, self-suppliers, or other entities for the purpose  
411 of carrying out its powers, and may contract with any such other  
412 entities to finance or otherwise implement acquisitions,  
413 construction, and operation and maintenance, if such contracts  
414 are consistent with the public interest and based upon  
415 independent cost estimates, including comparisons with other  
416 alternative water supply projects. The contracts may provide for  
417 contributions to be made by each party to the contract for the  
418 division and apportionment of resulting costs, including  
419 operations and maintenance, benefits, services, and products.  
420 The contracts may contain other covenants and agreements  
421 necessary and appropriate to accomplish their purposes.

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

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

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

576-01513-16

2016552c2

436 (b) Progress made in developing and implementing the pilot  
437 project in comparison to the development and implementation of  
438 other alternative water supply projects in the restricted  
439 allocation area.

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

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

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

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

454 Section 5. Section 373.042, Florida Statutes, is amended to  
455 read:

456 373.042 Minimum flows and minimum water levels.-

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

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

464 (b) Minimum water level. The minimum water level is ~~shall~~



576-01513-16

2016552c2

465 ~~be~~ the level of groundwater in an aquifer and the level of  
466 surface water at which further withdrawals would be  
467 significantly harmful to the water resources or ecology of the  
468 area.

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

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

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

576-01513-16

2016552c2

494 water level.

495 (c) The Legislature finds as provided in s. 373.801(3)(b)  
496 that the adoption of minimum flows and minimum water levels or  
497 recovery or prevention strategies for Outstanding Florida  
498 Springs requires immediate action. The department and the  
499 districts are authorized, and all conditions are deemed to be  
500 met, to use emergency rulemaking provisions pursuant to s.  
501 120.54(4) to adopt minimum flows and minimum water levels  
502 pursuant to this subsection and to adopt recovery or prevention  
503 strategies concurrently with a minimum flow or minimum water  
504 level pursuant to s. 373.805(2). The emergency rules shall  
505 remain in effect during the pendency of procedures to adopt  
506 rules addressing the subject of the emergency rules.

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

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

576-01513-16

2016552c2

523 annually thereafter, each water management district shall  
524 include its approved priority list and schedule in the  
525 consolidated annual report required by s. 373.036(7). The  
526 priority list shall be based upon the importance of the waters  
527 to the state or region and the existence of or potential for  
528 significant harm to the water resources or ecology of the state  
529 or region, and shall include those waters which are experiencing  
530 or may reasonably be expected to experience adverse impacts.  
531 Each water management district's priority list and schedule  
532 shall include all first magnitude springs, and all second  
533 magnitude springs within state or federally owned lands  
534 purchased for conservation purposes. The specific schedule for  
535 establishment of spring minimum flows and minimum water levels  
536 shall be commensurate with the existing or potential threat to  
537 spring flow from consumptive uses. Springs within the Suwannee  
538 River Water Management District, or second magnitude springs in  
539 other areas of the state, need not be included on the priority  
540 list if the water management district submits a report to the  
541 Department of Environmental Protection demonstrating that  
542 adverse impacts are not now occurring nor are reasonably  
543 expected to occur from consumptive uses during the next 20  
544 years. The priority list and schedule is not subject to any  
545 proceeding pursuant to chapter 120. Except as provided in  
546 subsection (4) ~~(3)~~, the development of a priority list and  
547 compliance with the schedule for the establishment of minimum  
548 flows and minimum water levels pursuant to this subsection  
549 satisfies the requirements of subsection (1).

550 (4) ~~(3)~~ Minimum flows or minimum water levels for priority  
551 waters in the counties of Hillsborough, Pasco, and Pinellas

576-01513-16

2016552c2

552 shall be established by October 1, 1997. Where a minimum flow or  
553 minimum water level for the priority waters within those  
554 counties has not been established by the applicable deadline,  
555 the secretary of the department shall, if requested by the  
556 governing body of any local government within whose jurisdiction  
557 the affected waters are located, establish the minimum flow or  
558 minimum water level in accordance with the procedures  
559 established by this section. The department's reasonable costs  
560 in establishing a minimum flow or minimum water level shall,  
561 upon request of the secretary, be reimbursed by the district.

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

571 (6)~~(5)~~(a) Upon written request to the department or  
572 governing board by a substantially affected person, or by  
573 decision of the department or governing board, before ~~prior to~~  
574 the establishment of a minimum flow or minimum water level and  
575 before ~~prior to~~ the filing of any petition for administrative  
576 hearing related to the minimum flow or minimum water level, all  
577 scientific or technical data, methodologies, and models,  
578 including all scientific and technical assumptions employed in  
579 each model, used to establish a minimum flow or minimum water  
580 level shall be subject to independent scientific peer review.

576-01513-16

2016552c2

581 Independent scientific peer review means review by a panel of  
582 independent, recognized experts in the fields of hydrology,  
583 hydrogeology, limnology, biology, and other scientific  
584 disciplines, to the extent relevant to the establishment of the  
585 minimum flow or minimum water level.

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

576-01513-16

2016552c2

610 department or the governing board shall give significant weight  
611 to the final report of the peer review panel when establishing  
612 the minimum flow or minimum water level.

613 (c) If the final data, methodologies, and models, including  
614 all scientific and technical assumptions employed in each model  
615 upon which a minimum flow or level is based, have undergone peer  
616 review pursuant to this subsection, by request or by decision of  
617 the department or governing board, no further peer review shall  
618 be required with respect to that minimum flow or minimum water  
619 level.

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

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

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

636 Section 6. Section 373.0421, Florida Statutes, is amended  
637 to read:

638 373.0421 Establishment and implementation of minimum flows

576-01513-16

2016552c2

639 and minimum water levels.—

640 (1) ESTABLISHMENT.—

641 (a) *Considerations.*—When establishing minimum flows and  
642 minimum water levels pursuant to s. 373.042, the department or  
643 governing board shall consider changes and structural  
644 alterations to watersheds, surface waters, and aquifers and the  
645 effects such changes or alterations have had, and the  
646 constraints such changes or alterations have placed, on the  
647 hydrology of an affected watershed, surface water, or aquifer,  
648 provided that nothing in this paragraph shall allow significant  
649 harm as provided by s. 373.042(1) caused by withdrawals.

650 (b) *Exclusions.*—

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

660 2. The department or the governing board is not required to  
661 establish minimum flows or minimum water levels pursuant to s.  
662 373.042 for surface water bodies less than 25 acres in area,  
663 unless the water body or bodies, individually or cumulatively,  
664 have significant economic, environmental, or hydrologic value.

665 3. The department or the governing board shall not set  
666 minimum flows or minimum water levels pursuant to s. 373.042 for  
667 surface water bodies constructed before ~~prior to~~ the requirement

576-01513-16

2016552c2

668 for a permit, or pursuant to an exemption, a permit, or a  
669 reclamation plan which regulates the size, depth, or function of  
670 the surface water body under the provisions of this chapter,  
671 chapter 378, or chapter 403, unless the constructed surface  
672 water body is of significant hydrologic value or is an essential  
673 element of the water resources of the area.

674

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

677 (2) If, at the time a minimum flow or minimum water level  
678 is initially established for a water body pursuant to s. 373.042  
679 or is revised, the existing flow or water level in the a water  
680 body is below, or is projected to fall within 20 years below,  
681 the applicable minimum flow or minimum water level established  
682 pursuant to s. 373.042, the department or governing board, as  
683 part of the regional water supply plan described in s. 373.709,  
684 shall concurrently adopt or modify and expeditiously implement a  
685 recovery or prevention strategy. If a minimum flow or minimum  
686 water level has been established for a water body pursuant to s.  
687 373.042, and the existing flow or water level in the water body  
688 falls below, or is projected to fall within 20 years below, the  
689 applicable minimum flow or minimum water level, the department  
690 or governing board shall expeditiously adopt a recovery or  
691 prevention strategy. A recovery or prevention strategy shall  
692 include, which includes the development of additional water  
693 supplies and other actions, consistent with the authority  
694 granted by this chapter, to:

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



576-01513-16

2016552c2

697 (b) Prevent the existing flow or water level from falling  
698 below the established minimum flow or minimum water level.  
699

700 The recovery or prevention strategy must ~~shall~~ include a phased-  
701 in approach ~~phasing~~ or a timetable which will allow for the  
702 provision of sufficient water supplies for all existing and  
703 projected reasonable-beneficial uses, including development of  
704 additional water supplies and implementation of conservation and  
705 other efficiency measures concurrent with and, to the maximum  
706 extent practical, ~~and~~ to offset, reductions in permitted  
707 withdrawals, consistent with ~~the provisions of~~ this chapter. The  
708 recovery or prevention strategy may not depend solely on water  
709 shortage restrictions declared pursuant to s. 373.175 or s.  
710 373.246.

711 (3) To ensure that sufficient water is available for all  
712 existing and future reasonable-beneficial uses and the natural  
713 systems, the applicable regional water supply plan prepared  
714 pursuant to s. 373.709 shall be amended to include any water  
715 supply development project or water resource development project  
716 identified in a recovery or prevention strategy. Such amendment  
717 shall be approved concurrently with relevant portions of the  
718 recovery or prevention strategy.

719 (4) The water management district shall notify the  
720 department if an application for a water use permit is denied  
721 based upon the impact that the use will have on an adopted  
722 minimum flow or minimum water level. Upon receipt of such  
723 notice, the department shall, as soon as practicable and in  
724 cooperation with the water management district, conduct a review  
725 of the applicable regional water supply plan prepared pursuant

576-01513-16

2016552c2

726 to s. 373.709. Such review shall include an assessment by the  
727 department of the adequacy of the plan in addressing the  
728 legislative intent of s. 373.705(2) (a) which provides that  
729 sufficient water be available for all existing and future  
730 reasonable-beneficial uses and natural systems and that the  
731 adverse effects of competition for water supplies be avoided. If  
732 the department determines, based upon this review, that the  
733 regional water supply plan does not adequately address the  
734 legislative intent of s. 373.705(2) (a), the water management  
735 district shall immediately initiate an update of the plan  
736 consistent with s. 373.709.

737 (5)~~(3)~~ The provisions of this section are supplemental to  
738 any other specific requirements or authority provided by law.  
739 Minimum flows and minimum water levels shall be reevaluated  
740 periodically and revised as needed.

741 Section 7. Section 373.0465, Florida Statutes, is created  
742 to read:

743 373.0465 Central Florida Water Initiative.-

744 (1) The Legislature finds that:

745 (a) Historically, the Floridan Aquifer system has supplied  
746 the vast majority of the water used in the Central Florida  
747 Coordination Area.

748 (b) Because the boundaries of the St. Johns River Water  
749 Management District, the South Florida Water Management  
750 District, and the Southwest Florida Water Management District  
751 meet within the Central Florida Coordination Area, the three  
752 districts and the Department of Environmental Protection have  
753 worked cooperatively to determine that the Floridan Aquifer  
754 system is locally approaching the sustainable limits of use and

576-01513-16

2016552c2

755 are exploring the need to develop sources of water to meet the  
756 long-term water needs of the area.

757 (c) The Central Florida Water Initiative is a collaborative  
758 process involving the Department of Environmental Protection,  
759 the St. Johns River Water Management District, the South Florida  
760 Water Management District, the Southwest Florida Water  
761 Management District, the Department of Agriculture and Consumer  
762 Services, regional public water supply utilities, and other  
763 stakeholders. As set forth in the Central Florida Water  
764 Initiative Guiding Document of January 30, 2015, the initiative  
765 has developed an initial framework for a unified process to  
766 address the current and long-term water supply needs of Central  
767 Florida without causing harm to the water resources and  
768 associated natural systems.

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

773 (2) (a) As used in this section, the term "Central Florida  
774 Water Initiative Area" means all of Orange, Osceola, Polk, and  
775 Seminole Counties, and southern Lake County, as designated by  
776 the Central Florida Water Initiative Guiding Document of January  
777 30, 2015.

778 (b) The department, the St. Johns River Water Management  
779 District, the South Florida Water Management District, the  
780 Southwest Florida Water Management District, and the Department  
781 of Agriculture and Consumer Services shall:

782 1. Provide for a continuation of the collaborative process  
783 in the Central Florida Water Initiative Area among the state

576-01513-16

2016552c2

784 agencies, affected water management districts, regional public  
785 water supply utilities, and other stakeholders;

786 2. Build upon the guiding principles and goals set forth in  
787 the Central Florida Water Initiative Guiding Document of January  
788 30, 2015, and the work that has already been accomplished by the  
789 Central Florida Water Initiative participants;

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

795 4. Provide for a single hydrologic planning model to assess  
796 the availability of groundwater in the Central Florida Water  
797 Initiative Area.

798 (c) In developing the water supply planning program  
799 consistent with the goals set forth in this subsection, the  
800 department, the St. Johns River Water Management District, the  
801 South Florida Water Management District, the Southwest Florida  
802 Water Management District, and the Department of Agriculture and  
803 Consumer Services shall:

804 1. Consider limitations on groundwater use together with  
805 opportunities for new, increased, or redistributed groundwater  
806 uses that are consistent with the conditions established under  
807 s. 373.223;

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

811 3. Consider existing recovery or prevention strategies;

812 4. Include a list of water supply options sufficient to

576-01513-16

2016552c2

813 meet the water needs of all existing and future reasonable-  
814 beneficial uses consistent with the conditions established under  
815 s. 373.223; and

816 5. Identify, as necessary, which of the water supply  
817 sources are preferred water supply sources pursuant to s.  
818 373.2234.

819 (d) The department, in consultation with the St. Johns  
820 River Water Management District, the South Florida Water  
821 Management District, the Southwest Florida Water Management  
822 District, and the Department of Agriculture and Consumer  
823 Services, shall adopt uniform rules for application within the  
824 Central Florida Water Initiative Area that include:

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

827 2. A single method for calculating residential per capita  
828 water use;

829 3. A single process for permit reviews;

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

832 5. A goal for residential per capita water use for each  
833 consumptive use permit; and

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

836  
837 The uniform rules must include existing recovery strategies  
838 within the Central Florida Water Initiative Area adopted before  
839 July 1, 2016. The department may grant variances to the uniform  
840 rules if there are unique circumstances or hydrogeological  
841 factors that make application of the uniform rules unrealistic

576-01513-16

2016552c2

842 or impractical.

843 (e) The department shall initiate rulemaking for the  
844 uniform rules by December 31, 2016. The department's uniform  
845 rules shall be applied by the water management districts only  
846 within the Central Florida Water Initiative Area. Upon adoption  
847 of the rules, the water management districts shall implement the  
848 rules without further rulemaking pursuant to s. 120.54. The  
849 rules adopted by the department pursuant to this section are  
850 considered the rules of the water management districts.

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

860 Section 8. Subsection (4) of section 373.1501, Florida  
861 Statutes, is amended, present subsections (7) and (8) of that  
862 section are redesignated as subsections (8) and (9),  
863 respectively, and a new subsection (7) is added to that section,  
864 to read:

865 373.1501 South Florida Water Management District as local  
866 sponsor.—

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

576-01513-16

2016552c2

871 exercise the authority of the state to allocate quantities of  
872 water within its jurisdiction, including the water supply in  
873 relation to the project, and be responsible for allocating water  
874 and assigning priorities among the other water uses served by  
875 the project pursuant to state law. The district may:

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

878 (b) Continue data gathering, analysis, research, and design  
879 of project components, participate in preconstruction  
880 engineering and design documents for project components, and  
881 further refine the Comprehensive Plan of the restudy as a guide  
882 and framework for identifying other project components.~~†~~

883 (c) Construct pilot projects that will assist in  
884 determining the feasibility of technology included in the  
885 Comprehensive Plan of the restudy.~~†~~ ~~and~~

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

887 (7) When developing or implementing water control plans or  
888 regulation schedules required for the operation of the project,  
889 the district shall provide recommendations to the United States  
890 Army Corps of Engineers which are consistent with all district  
891 programs and plans.

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

894 373.219 Permits required.—

895 (3) For Outstanding Florida Springs, the department shall  
896 adopt uniform rules for issuing permits which prevent  
897 groundwater withdrawals that are harmful to the water resources  
898 and adopt by rule a uniform definition of the term "harmful to  
899 the water resources" to provide water management districts with

576-01513-16

2016552c2

900 minimum standards necessary to be consistent with the overall  
901 water policy of the state. This subsection does not prohibit a  
902 water management district from adopting a definition that is  
903 more protective of the water resources consistent with local or  
904 regional conditions and objectives.

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

907 373.223 Conditions for a permit.—

908 (6) A new consumptive use permit, or the renewal or  
909 modification of a consumptive use permit, that authorizes  
910 groundwater withdrawals of 100,000 gallons or more per day from  
911 a well with an inside diameter of 8 inches or more shall be  
912 monitored for water usage at intervals using methods determined  
913 by the applicable water management district, and the results of  
914 such monitoring shall be reported to the applicable water  
915 management district at least annually. The water management  
916 districts may adopt rules to implement this subsection. In lieu  
917 of the requirements of this subsection, a water management  
918 district may enforce rules that govern water usage monitoring in  
919 effect on July 1, 2016, or may adopt rules that are more  
920 stringent than this subsection.

921 Section 11. Section 373.2234, Florida Statutes, is amended  
922 to read:

923 373.2234 Preferred water supply sources.—

924 (1) The governing board of a water management district is  
925 authorized to adopt rules that identify preferred water supply  
926 sources for consumptive uses for which there is sufficient data  
927 to establish that a preferred source will provide a substantial  
928 new water supply to meet the existing and projected reasonable-



576-01513-16

2016552c2

929 beneficial uses of a water supply planning region identified  
930 pursuant to s. 373.709(1), while sustaining existing water  
931 resources and natural systems. At a minimum, such rules must  
932 contain a description of the preferred water supply source and  
933 an assessment of the water the preferred source is projected to  
934 produce.

935 (2) (a) If an applicant proposes to use a preferred water  
936 supply source, that applicant's proposed water use is subject to  
937 s. 373.223(1), except that the proposed use of a preferred water  
938 supply source must be considered by a water management district  
939 when determining whether a permit applicant's proposed use of  
940 water is consistent with the public interest pursuant to s.  
941 373.223(1) (c).

942 (b) The governing board of a water management district  
943 shall consider the identification of preferred water supply  
944 sources for water users for whom access to or development of new  
945 water supplies is not technically or financially feasible.  
946 Identification of preferred water supply sources for such water  
947 users must be consistent with s. 373.016.

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

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

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

957 2. Provide that permits issued for the use of a

576-01513-16

2016552c2

958 nonpreferred water supply source must be issued for a duration  
959 of less than 20 years or that the use of a nonpreferred water  
960 supply source is not consistent with the public interest; or-

961 ~~3. Additionally, nothing in this section shall be~~  
962 ~~interpreted to~~ Require the use of a preferred water supply  
963 source or to restrict or prohibit the use of a nonpreferred  
964 water supply source.

965 (b) Rules adopted by the governing board of a water  
966 management district to implement this section shall specify that  
967 the use of a preferred water supply source is not required and  
968 that the use of a nonpreferred water supply source is not  
969 restricted or prohibited.

970 Section 12. Present subsection (5) of section 373.227,  
971 Florida Statutes, is redesignated as subsection (7), and a new  
972 subsection (5) and subsection (6) are added to that section, to  
973 read:

974 373.227 Water conservation; legislative findings and  
975 intent; objectives; comprehensive statewide water conservation  
976 program requirements.-

977 (5) To incentivize water conservation, if actual water use  
978 is less than permitted water use due to documented  
979 implementation of water conservation measures beyond those  
980 required in a consumptive use permit, including, but not limited  
981 to, those measures identified in best management practices  
982 pursuant to s. 570.93, the permitted allocation may not be  
983 modified solely due to such water conservation during the term  
984 of the permit. To promote water conservation and the  
985 implementation of measures that produce significant water  
986 savings beyond those required in a consumptive use permit, each

576-01513-16

2016552c2

987 water management district shall adopt rules providing water  
988 conservation incentives, which may include limited permit  
989 extensions.

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

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

998 373.233 Competing applications.—

999 (2) (a) If ~~In the event that~~ two or more competing  
1000 applications qualify equally ~~under the provisions of~~ subsection  
1001 (1), the governing board or the department shall give preference  
1002 to a renewal application over an initial application.

1003 (b) If two or more competing applications qualify equally  
1004 under subsection (1) and none of the competing applications is a  
1005 renewal application, the governing board or the department shall  
1006 give preference to the application for the use where the source  
1007 is nearest to the area of use or application consistent with s.  
1008 373.016(4) (a).

1009 Section 14. Section 373.4591, Florida Statutes, is amended  
1010 to read:

1011 373.4591 Improvements on private agricultural lands.—

1012 (1) The Legislature encourages public-private partnerships  
1013 to accomplish water storage, groundwater recharge, and water  
1014 quality improvements on private agricultural lands. Priority  
1015 consideration shall be given to public-private partnerships

576-01513-16

2016552c2

1016 that:

1017 (a) Store or treat water on private lands for purposes of  
1018 enhancing hydrologic improvement, improving water quality, or  
1019 assisting in water supply;

1020 (b) Provide critical groundwater recharge; or

1021 (c) Provide for changes in land use to activities that  
1022 minimize nutrient loads and maximize water conservation.

1023 (2) (a) When an agreement is entered into between the  
1024 department, a water management district, or the Department of  
1025 Agriculture and Consumer Services and a private landowner to  
1026 establish ~~such~~ a public-private partnership that may create or  
1027 impact wetlands or other surface waters, a baseline condition  
1028 determining the extent of wetlands and other surface waters on  
1029 the property shall be established and documented in the  
1030 agreement before improvements are constructed.

1031 (b) When an agreement is entered into between the  
1032 Department of Agriculture and Consumer Services and a private  
1033 landowner to implement best management practices pursuant to s.  
1034 403.067(7)(c), a baseline condition determining the extent of  
1035 wetlands and other surface water on the property may be  
1036 established at the option and expense of the private landowner  
1037 and documented in the agreement before improvements are  
1038 constructed. The Department of Agriculture and Consumer Services  
1039 shall submit the landowner's proposed baseline condition  
1040 documentation to the lead agency for review and approval, and  
1041 the agency shall use its best efforts to complete the review  
1042 within 45 days.

1043 (3) The Department of Agriculture and Consumer Services,  
1044 the department, and the water management districts shall provide

576-01513-16

2016552c2

1045 a process for reviewing these requests in the timeframe  
1046 specified. The determination of a baseline condition shall be  
1047 conducted using the methods set forth in the rules adopted  
1048 pursuant to s. 373.421. The baseline condition documented in an  
1049 agreement shall be considered the extent of wetlands and other  
1050 surface waters on the property for the purpose of regulation  
1051 under this chapter for the duration of the agreement and after  
1052 its expiration.

1053 Section 15. Paragraph (h) of subsection (1) and subsections  
1054 (2) through (7) of section 373.4595, Florida Statutes, are  
1055 amended to read:

1056 373.4595 Northern Everglades and Estuaries Protection  
1057 Program.—

1058 (1) FINDINGS AND INTENT.—

1059 (h) The Legislature finds that the expeditious  
1060 implementation of the Lake Okeechobee Watershed Protection  
1061 Program, the Caloosahatchee River Watershed Protection Program,  
1062 ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans  
1063 is needed to improve the quality, quantity, timing, and  
1064 distribution of water in the northern Everglades ecosystem and  
1065 that this section, in conjunction with s. 403.067, including the  
1066 implementation of the plans developed and approved pursuant to  
1067 subsections (3) and (4), and any related basin management action  
1068 plan developed and implemented pursuant to s. 403.067(7)(a),  
1069 provide a reasonable means of achieving the total maximum daily  
1070 load requirements and achieving and maintaining compliance with  
1071 state water quality standards.

1072 (2) DEFINITIONS.—As used in this section, the term:

1073 (a) "Best management practice" means a practice or

576-01513-16

2016552c2

1074 combination of practices determined by the coordinating  
1075 agencies, based on research, field-testing, and expert review,  
1076 to be the most effective and practicable on-location means,  
1077 including economic and technological considerations, for  
1078 improving water quality in agricultural and urban discharges.  
1079 Best management practices for agricultural discharges shall  
1080 reflect a balance between water quality improvements and  
1081 agricultural productivity.

1082 (b) "Biosolids" means the solid, semisolid, or liquid  
1083 residue generated during the treatment of domestic wastewater in  
1084 a domestic wastewater treatment facility, formerly known as  
1085 "domestic wastewater residuals" or "residuals," and includes  
1086 products and treated material from biosolids treatment  
1087 facilities and septage management facilities regulated by the  
1088 department. The term does not include the treated effluent or  
1089 reclaimed water from a domestic wastewater treatment facility,  
1090 solids removed from pump stations and lift stations, screenings  
1091 and grit removed from the preliminary treatment components of  
1092 domestic wastewater treatment facilities, or ash generated  
1093 during the incineration of biosolids.

1094 (c)~~(b)~~ "Caloosahatchee River watershed" means the  
1095 Caloosahatchee River, its tributaries, its estuary, and the area  
1096 within Charlotte, Glades, Hendry, and Lee Counties from which  
1097 surface water flow is directed or drains, naturally or by  
1098 constructed works, to the river, its tributaries, or its  
1099 estuary.

1100 (d)~~(e)~~ "Coordinating agencies" means the Department of  
1101 Agriculture and Consumer Services, the Department of  
1102 Environmental Protection, and the South Florida Water Management

576-01513-16

2016552c2

1103 District.

1104 (e)~~(d)~~ "Corps of Engineers" means the United States Army  
1105 Corps of Engineers.

1106 (f)~~(e)~~ "Department" means the Department of Environmental  
1107 Protection.

1108 (g)~~(f)~~ "District" means the South Florida Water Management  
1109 District.

1110 ~~(g) "District's WOD program" means the program implemented~~  
1111 ~~pursuant to rules adopted as authorized by this section and ss.~~  
1112 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~  
1113 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1114 (h) "Lake Okeechobee Watershed Construction Project" means  
1115 the construction project developed pursuant to this section  
1116 ~~paragraph (3)(b).~~

1117 (i) "Lake Okeechobee Watershed Protection Plan" means the  
1118 Lake Okeechobee Watershed Construction Project and the Lake  
1119 Okeechobee Watershed Research and Water Quality Monitoring  
1120 Program ~~plan developed pursuant to this section and ss. 373.451-~~  
1121 ~~373.459.~~

1122 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its  
1123 tributaries, and the area within which surface water flow is  
1124 directed or drains, naturally or by constructed works, to the  
1125 lake or its tributaries.

1126 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~  
1127 ~~means the program developed pursuant to paragraph (3)(c).~~

1128 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee  
1129 watershed, the Caloosahatchee River watershed, and the St. Lucie  
1130 River watershed.

1131 (l)~~(m)~~ "Project component" means any structural or

576-01513-16

2016552c2

1132 operational change, resulting from the Restudy, to the Central  
1133 and Southern Florida Project as it existed and was operated as  
1134 of January 1, 1999.

1135 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of  
1136 the Central and Southern Florida Project, for which federal  
1137 participation was authorized by the Federal Water Resources  
1138 Development Acts of 1992 and 1996 together with related  
1139 Congressional resolutions and for which participation by the  
1140 South Florida Water Management District is authorized by s.  
1141 373.1501. The term includes all actions undertaken pursuant to  
1142 the aforementioned authorizations which will result in  
1143 recommendations for modifications or additions to the Central  
1144 and Southern Florida Project.

1145 (n)~~(o)~~ "River Watershed Protection Plans" means the  
1146 Caloosahatchee River Watershed Protection Plan and the St. Lucie  
1147 River Watershed Protection Plan developed pursuant to this  
1148 section.

1149 (o) "Soil amendment" means any substance or mixture of  
1150 substances sold or offered for sale for soil enriching or  
1151 corrective purposes, intended or claimed to be effective in  
1152 promoting or stimulating plant growth, increasing soil or plant  
1153 productivity, improving the quality of crops, or producing any  
1154 chemical or physical change in the soil, except amendments,  
1155 conditioners, additives, and related products that are derived  
1156 solely from inorganic sources and that contain no recognized  
1157 plant nutrients.

1158 (p) "St. Lucie River watershed" means the St. Lucie River,  
1159 its tributaries, its estuary, and the area within Martin,  
1160 Okeechobee, and St. Lucie Counties from which surface water flow



576-01513-16

2016552c2

1161 is directed or drains, naturally or by constructed works, to the  
1162 river, its tributaries, or its estuary.

1163 (q) "Total maximum daily load" means the sum of the  
1164 individual wasteload allocations for point sources and the load  
1165 allocations for nonpoint sources and natural background adopted  
1166 pursuant to s. 403.067. ~~Before~~ ~~Prior to~~ determining individual  
1167 wasteload allocations and load allocations, the maximum amount  
1168 of a pollutant that a water body or water segment can assimilate  
1169 from all sources without exceeding water quality standards must  
1170 first be calculated.

1171 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
1172 Okeechobee Watershed Protection Program shall consist of the  
1173 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
1174 Basin Management Action Plan adopted pursuant to s. 403.067, the  
1175 Lake Okeechobee Exotic Species Control Program, and the Lake  
1176 Okeechobee Internal Phosphorus Management Program. The Lake  
1177 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1178 403.067 shall be the component of the Lake Okeechobee Watershed  
1179 Protection ~~A protection Program for Lake Okeechobee that~~  
1180 ~~achieves phosphorus load reductions for Lake Okeechobee shall be~~  
1181 ~~immediately implemented as specified in this subsection.~~ The  
1182 Lake Okeechobee Watershed Protection Program shall address the  
1183 reduction of phosphorus loading to the lake from both internal  
1184 and external sources. Phosphorus load reductions shall be  
1185 achieved through a phased program of implementation. ~~Initial~~  
1186 ~~implementation actions shall be technology-based, based upon a~~  
1187 ~~consideration of both the availability of appropriate technology~~  
1188 ~~and the cost of such technology, and shall include phosphorus~~  
1189 ~~reduction measures at both the source and the regional level.~~

576-01513-16

2016552c2

1190 ~~The initial phase of phosphorus load reductions shall be based~~  
1191 ~~upon the district's Technical Publication 81-2 and the~~  
1192 ~~district's WOD program, with subsequent phases of phosphorus~~  
1193 ~~load reductions based upon the total maximum daily loads~~  
1194 ~~established in accordance with s. 403.067. In the development~~  
1195 and administration of the Lake Okeechobee Watershed Protection  
1196 Program, the coordinating agencies shall maximize opportunities  
1197 provided by federal cost-sharing programs and opportunities for  
1198 partnerships with the private sector.

1199 (a) *Lake Okeechobee Watershed Protection Plan.* ~~In order~~ To  
1200 protect and restore surface water resources, the district, in  
1201 cooperation with the other coordinating agencies, shall complete  
1202 a Lake Okeechobee Watershed Protection Plan in accordance with  
1203 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
1204 and every 5 years thereafter, the district shall update the Lake  
1205 Okeechobee Watershed Protection Plan to ensure that it is  
1206 consistent with the Lake Okeechobee Basin Management Action Plan  
1207 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
1208 Protection Plan shall identify the geographic extent of the  
1209 watershed, be coordinated with the plans developed pursuant to  
1210 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
1211 Watershed Construction Project and the Lake Okeechobee Watershed  
1212 Research and Water Quality Monitoring Program ~~contain an~~  
1213 ~~implementation schedule for subsequent phases of phosphorus load~~  
1214 ~~reduction consistent with the total maximum daily loads~~  
1215 ~~established in accordance with s. 403.067.~~ The plan shall  
1216 consider and build upon a review and analysis of ~~the following:~~  
1217 1. the performance of projects constructed during Phase I  
1218 and Phase II of the Lake Okeechobee Watershed Construction

576-01513-16

2016552c2

1219 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

1220 ~~2.~~ relevant information resulting from the Lake Okeechobee

1221 Basin Management Action Plan Watershed Phosphorus Control

1222 ~~Program~~, pursuant to paragraph (b); ~~(e).~~

1223 ~~3.~~ relevant information resulting from the Lake Okeechobee

1224 Watershed Research and Water Quality Monitoring Program,

1225 pursuant to subparagraph 2.; ~~paragraph (d).~~

1226 ~~4.~~ relevant information resulting from the Lake Okeechobee

1227 Exotic Species Control Program, pursuant to paragraph (c); and

1228 ~~(e).~~

1229 ~~5.~~ relevant information resulting from the Lake Okeechobee

1230 Internal Phosphorus Management Program, pursuant to paragraph

1231 (d) ~~(f).~~

1232 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To

1233 improve the hydrology and water quality of Lake Okeechobee and

1234 downstream receiving waters, including the Caloosahatchee and

1235 St. Lucie Rivers and their estuaries, the district, in

1236 cooperation with the other coordinating agencies, shall design

1237 and construct the Lake Okeechobee Watershed Construction

1238 Project. The project shall include:

1239 a.1. ~~Phase I.~~—Phase I of the Lake Okeechobee Watershed

1240 Construction Project shall consist of a series of project

1241 features consistent with the recommendations of the South

1242 Florida Ecosystem Restoration Working Group's Lake Okeechobee

1243 Action Plan. Priority basins for such projects include S-191, S-

1244 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To

1245 obtain phosphorus load reductions to Lake Okeechobee as soon as

1246 possible, the following actions shall be implemented:

1247 (I) ~~a.~~ The district shall serve as a full partner with the

576-01513-16

2016552c2

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

1256 (II)~~b.~~ The district shall obtain permits and complete  
1257 construction of two of the isolated wetland restoration projects  
1258 that are part of the Lake Okeechobee Water Retention/Phosphorus  
1259 Removal Critical Project. The additional isolated wetland  
1260 projects included in this critical project shall further reduce  
1261 phosphorus loading to Lake Okeechobee.

1262 (III)~~e.~~ The district shall work with the Corps of Engineers  
1263 to expedite initiation of the design process for the Taylor  
1264 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
1265 Area, a project component of the Comprehensive Everglades  
1266 Restoration Plan. The district shall propose to the Corps of  
1267 Engineers that the district take the lead in the design and  
1268 construction of the Reservoir Assisted Stormwater Treatment Area  
1269 and receive credit towards the local share of the total cost of  
1270 the Comprehensive Everglades Restoration Plan.

1271 b.2. Phase II technical plan and construction. ~~By February~~  
1272 ~~1, 2008,~~ The district, in cooperation with the other  
1273 coordinating agencies, shall develop a detailed technical plan  
1274 for Phase II of the Lake Okeechobee Watershed Construction  
1275 Project which provides the basis for the Lake Okeechobee Basin  
1276 Management Action Plan adopted by the department pursuant to s.

576-01513-16

2016552c2

1277 403.067. The detailed technical plan shall include measures for  
1278 the improvement of the quality, quantity, timing, and  
1279 distribution of water in the northern Everglades ecosystem,  
1280 including the Lake Okeechobee watershed and the estuaries, and  
1281 for facilitating the achievement of water quality standards. Use  
1282 of cost-effective biologically based, hybrid wetland/chemical  
1283 and other innovative nutrient control technologies shall be  
1284 incorporated in the plan where appropriate. The detailed  
1285 technical plan shall also include a Process Development and  
1286 Engineering component to finalize the detail and design of Phase  
1287 II projects and identify additional measures needed to increase  
1288 the certainty that the overall objectives for improving water  
1289 quality and quantity can be met. Based on information and  
1290 recommendations from the Process Development and Engineering  
1291 component, the Phase II detailed technical plan shall be  
1292 periodically updated. Phase II shall include construction of  
1293 additional facilities in the priority basins identified in sub-  
1294 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other  
1295 basins in the Lake Okeechobee watershed. ~~This detailed technical~~  
1296 ~~plan will require legislative ratification pursuant to paragraph~~  
1297 ~~(i).~~ The technical plan shall:

1298 (I)a. Identify Lake Okeechobee Watershed Construction  
1299 Project facilities designed to contribute to achieving all  
1300 applicable total maximum daily loads established pursuant to s.  
1301 403.067 within the Lake Okeechobee watershed.

1302 (II)b. Identify the size and location of all such Lake  
1303 Okeechobee Watershed Construction Project facilities.

1304 (III)c. Provide a construction schedule for all such Lake  
1305 Okeechobee Watershed Construction Project facilities, including

576-01513-16

2016552c2

1306 the sequencing and specific timeframe for construction of each  
1307 Lake Okeechobee Watershed Construction Project facility.

1308 (IV)~~e.~~ Provide a schedule for the acquisition of lands or  
1309 sufficient interests necessary to achieve the construction  
1310 schedule.

1311 (V)~~e.~~ Provide a detailed schedule of costs associated with  
1312 the construction schedule.

1313 (VI)~~f.~~ Identify, to the maximum extent practicable, impacts  
1314 on wetlands and state-listed species expected to be associated  
1315 with construction of such facilities, including potential  
1316 alternatives to minimize and mitigate such impacts, as  
1317 appropriate.

1318 (VII)~~g.~~ Provide for additional measures, including  
1319 voluntary water storage and quality improvements on private  
1320 land, to increase water storage and reduce excess water levels  
1321 in Lake Okeechobee and to reduce excess discharges to the  
1322 estuaries.

1323 (VIII) ~~The technical plan shall also~~ Develop the  
1324 appropriate water quantity storage goal to achieve the desired  
1325 Lake Okeechobee range of lake levels and inflow volumes to the  
1326 Caloosahatchee and St. Lucie estuaries while meeting the other  
1327 water-related needs of the region, including water supply and  
1328 flood protection.

1329 (IX)~~h.~~ Provide for additional source controls needed to  
1330 enhance performance of the Lake Okeechobee Watershed  
1331 Construction Project facilities. Such additional source controls  
1332 shall be incorporated into the Lake Okeechobee Basin Management  
1333 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to  
1334 paragraph (b) ~~(e)~~.

576-01513-16

2016552c2

1335 c.3. Evaluation.—Within 5 years after the adoption of the  
1336 Lake Okeechobee Basin Management Action Plan pursuant to s.  
1337 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
1338 thereafter, the department ~~district~~, in cooperation with the  
1339 other coordinating agencies, shall conduct an evaluation of the  
1340 Lake Okeechobee Watershed Construction Project and identify any  
1341 further load reductions necessary to achieve compliance with the  
1342 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads  
1343 established pursuant to s. 403.067. ~~Additionally,~~ The district  
1344 shall identify modifications to facilities of the Lake  
1345 Okeechobee Watershed Construction Project as appropriate to meet  
1346 the total maximum daily loads. Modifications to the Lake  
1347 Okeechobee Watershed Construction Project resulting from this  
1348 evaluation shall be incorporated into the Lake Okeechobee Basin  
1349 Management Action Plan and ~~The evaluation shall be included in~~  
1350 the applicable annual progress report submitted pursuant to  
1351 subsection (6).

1352 d.4. Coordination and review.—To ensure the timely  
1353 implementation of the Lake Okeechobee Watershed Construction  
1354 Project, the design of project facilities shall be coordinated  
1355 with the department and other interested parties, including  
1356 affected local governments, to the maximum extent practicable.  
1357 Lake Okeechobee Watershed Construction Project facilities shall  
1358 be reviewed and commented upon by the department before ~~prior to~~  
1359 the execution of a construction contract by the district for  
1360 that facility.

1361 2. Lake Okeechobee Watershed Research and Water Quality  
1362 Monitoring Program.—The coordinating agencies shall implement a  
1363 Lake Okeechobee Watershed Research and Water Quality Monitoring

576-01513-16

2016552c2

1364 Program. Results from the program shall be used by the  
1365 department, in cooperation with the other coordinating agencies,  
1366 to make modifications to the Lake Okeechobee Basin Management  
1367 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
1368 program shall:

1369 a. Evaluate all available existing water quality data  
1370 concerning total phosphorus in the Lake Okeechobee watershed,  
1371 develop a water quality baseline to represent existing  
1372 conditions for total phosphorus, monitor long-term ecological  
1373 changes, including water quality for total phosphorus, and  
1374 measure compliance with water quality standards for total  
1375 phosphorus, including any applicable total maximum daily load  
1376 for the Lake Okeechobee watershed as established pursuant to s.  
1377 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
1378 the department shall reevaluate water quality and quantity data  
1379 to ensure that the appropriate projects are being designated and  
1380 incorporated into the Lake Okeechobee Basin Management Action  
1381 Plan adopted pursuant to s. 403.067. The district shall  
1382 implement a total phosphorus monitoring program at appropriate  
1383 structures owned or operated by the district and within the Lake  
1384 Okeechobee watershed.

1385 b. Develop a Lake Okeechobee water quality model that  
1386 reasonably represents the phosphorus dynamics of Lake Okeechobee  
1387 and incorporates an uncertainty analysis associated with model  
1388 predictions.

1389 c. Determine the relative contribution of phosphorus from  
1390 all identifiable sources and all primary and secondary land  
1391 uses.

1392 d. Conduct an assessment of the sources of phosphorus from



576-01513-16

2016552c2

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

1399 e. Assess current water management practices within the  
1400 Lake Okeechobee watershed and develop recommendations for  
1401 structural and operational improvements. Such recommendations  
1402 shall balance water supply, flood control, estuarine salinity,  
1403 maintenance of a healthy lake littoral zone, and water quality  
1404 considerations.

1405 f. Evaluate the feasibility of alternative nutrient  
1406 reduction technologies, including sediment traps, canal and  
1407 ditch maintenance, fish production or other aquaculture,  
1408 bioenergy conversion processes, and algal or other biological  
1409 treatment technologies and include any alternative nutrient  
1410 reduction technologies determined to be feasible in the Lake  
1411 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1412 403.067.

1413 g. Conduct an assessment of the water volumes and timing  
1414 from the Lake Okeechobee watershed and their relative  
1415 contribution to the water level changes in Lake Okeechobee and  
1416 to the timing and volume of water delivered to the estuaries.

1417 (b) ~~(e)~~ Lake Okeechobee Basin Management Action Plan  
1418 ~~Watershed Phosphorus Control Program.~~ The Lake Okeechobee Basin  
1419 Management Action Plan adopted pursuant to s. 403.067 shall be  
1420 the watershed phosphorus control component for Lake Okeechobee.  
1421 The Lake Okeechobee Basin Management Action Plan shall be

576-01513-16

2016552c2

1422 ~~Program is designed to be~~ a multifaceted approach designed to  
1423 achieve the total maximum daily load ~~reducing phosphorus loads~~  
1424 by improving the management of phosphorus sources within the  
1425 Lake Okeechobee watershed through implementation of regulations  
1426 and best management practices, continued development and  
1427 continued implementation of improved best management practices,  
1428 improvement and restoration of the hydrologic function of  
1429 natural and managed systems, and use ~~utilization~~ of alternative  
1430 technologies for nutrient reduction. As provided in s.  
1431 403.067(7)(a)6., the Lake Okeechobee Basin Management Action  
1432 Plan must include milestones for implementation and water  
1433 quality improvement, and an associated water quality monitoring  
1434 component sufficient to evaluate whether reasonable progress in  
1435 pollutant load reductions is being achieved over time. An  
1436 assessment of progress toward these milestones shall be  
1437 conducted every 5 years and shall be provided to the Governor,  
1438 the President of the Senate, and the Speaker of the House of  
1439 Representatives. Revisions to the plan shall be made, as  
1440 appropriate, as a result of each 5-year review. Revisions to the  
1441 basin management action plan shall be made by the department in  
1442 cooperation with the basin stakeholders. Revisions to best  
1443 management practices or other measures must follow the  
1444 procedures set forth in s. 403.067(7)(c)4. Revised basin  
1445 management action plans must be adopted pursuant to s.  
1446 403.067(7)(a)5. The department shall develop an implementation  
1447 schedule establishing 5-year, 10-year, and 15-year measurable  
1448 milestones and targets to achieve the total maximum daily load  
1449 no more than 20 years after adoption of the plan. The initial  
1450 implementation schedule shall be used to provide guidance for

576-01513-16

2016552c2

1451 planning and funding purposes and is exempt from chapter 120.  
1452 Upon the first 5-year review, the implementation schedule shall  
1453 be adopted as part of the plan. If achieving the total maximum  
1454 daily load within 20 years is not practicable, the  
1455 implementation schedule must contain an explanation of the  
1456 constraints that prevent achievement of the total maximum daily  
1457 load within 20 years, an estimate of the time needed to achieve  
1458 the total maximum daily load, and additional 5-year measurable  
1459 milestones, as necessary. The coordinating agencies shall  
1460 develop an interagency agreement pursuant to ss. 373.046 and  
1461 373.406(5) which is consistent with the department taking the  
1462 lead on water quality protection measures through the Lake  
1463 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1464 403.067; the district taking the lead on hydrologic improvements  
1465 pursuant to paragraph (a); and the Department of Agriculture and  
1466 Consumer Services taking the lead on agricultural interim  
1467 measures, best management practices, and other measures adopted  
1468 pursuant to s. 403.067. The interagency agreement must specify  
1469 how best management practices for nonagricultural nonpoint  
1470 sources are developed and how all best management practices are  
1471 implemented and verified consistent with s. 403.067 and this  
1472 section and must address measures to be taken by the  
1473 coordinating agencies during any best management practice  
1474 reevaluation performed pursuant to subparagraphs 5. and 10. The  
1475 department shall use best professional judgment in making the  
1476 initial determination of best management practice effectiveness.  
1477 The coordinating agencies may develop an intergovernmental  
1478 agreement with local governments to implement nonagricultural  
1479 nonpoint source best management practices within their

576-01513-16

2016552c2

1480 respective geographic boundaries. The coordinating agencies  
1481 shall facilitate the application of federal programs that offer  
1482 opportunities for water quality treatment, including  
1483 preservation, restoration, or creation of wetlands on  
1484 agricultural lands.

1485 1. Agricultural nonpoint source best management practices,  
1486 developed in accordance with s. 403.067 and designed to achieve  
1487 the objectives of the Lake Okeechobee Watershed Protection  
1488 Program as part of a phased approach of management strategies  
1489 within the Lake Okeechobee Basin Management Action Plan, shall  
1490 be implemented on an expedited basis. ~~The coordinating agencies~~  
1491 ~~shall develop an interagency agreement pursuant to ss. 373.046~~  
1492 ~~and 373.406(5) that assures the development of best management~~  
1493 ~~practices that complement existing regulatory programs and~~  
1494 ~~specifies how those best management practices are implemented~~  
1495 ~~and verified. The interagency agreement shall address measures~~  
1496 ~~to be taken by the coordinating agencies during any best~~  
1497 ~~management practice reevaluation performed pursuant to sub-~~  
1498 ~~paragraph d. The department shall use best professional~~  
1499 ~~judgment in making the initial determination of best management~~  
1500 ~~practice effectiveness.~~

1501 2.a. As provided in s. 403.067~~(7)(c)~~, the Department of  
1502 Agriculture and Consumer Services, in consultation with the  
1503 department, the district, and affected parties, shall initiate  
1504 rule development for interim measures, best management  
1505 practices, conservation plans, nutrient management plans, or  
1506 other measures necessary for Lake Okeechobee watershed total  
1507 maximum daily load reduction. The rule shall include thresholds  
1508 for requiring conservation and nutrient management plans and

576-01513-16

2016552c2

1509 criteria for the contents of such plans. Development of  
1510 agricultural nonpoint source best management practices shall  
1511 initially focus on those priority basins listed in sub-  
1512 subparagraph (a)1.a. subparagraph (b)1. The Department of  
1513 Agriculture and Consumer Services, in consultation with the  
1514 department, the district, and affected parties, shall conduct an  
1515 ongoing program for improvement of existing and development of  
1516 new agricultural nonpoint source interim measures and ~~or~~ best  
1517 management practices. The Department of Agriculture and Consumer  
1518 Services shall adopt for the purpose of adoption of such  
1519 practices by rule. The Department of Agriculture and Consumer  
1520 Services shall work with the University of Florida ~~Florida's~~  
1521 Institute of Food and Agriculture Sciences to review and, where  
1522 appropriate, develop revised nutrient application rates for all  
1523 agricultural soil amendments in the watershed.

1524 ~~3.b.~~ As provided in s. 403.067, where agricultural nonpoint  
1525 source best management practices or interim measures have been  
1526 adopted by rule of the Department of Agriculture and Consumer  
1527 Services, the owner or operator of an agricultural nonpoint  
1528 source addressed by such rule shall either implement interim  
1529 measures or best management practices or demonstrate compliance  
1530 with state water quality standards addressed by the Lake  
1531 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1532 403.067 ~~the district's WOD program~~ by conducting monitoring  
1533 prescribed by the department or the district. Owners or  
1534 operators of agricultural nonpoint sources who implement interim  
1535 measures or best management practices adopted by rule of the  
1536 Department of Agriculture and Consumer Services shall be subject  
1537 to ~~the provisions of s. 403.067(7).~~ ~~The Department of~~

576-01513-16

2016552c2

1538 ~~Agriculture and Consumer Services, in cooperation with the~~  
1539 ~~department and the district, shall provide technical and~~  
1540 ~~financial assistance for implementation of agricultural best~~  
1541 ~~management practices, subject to the availability of funds.~~

1542 4.e. The district or department shall conduct monitoring at  
1543 representative sites to verify the effectiveness of agricultural  
1544 nonpoint source best management practices.

1545 5.d. Where water quality problems are detected for  
1546 agricultural nonpoint sources despite the appropriate  
1547 implementation of adopted best management practices, ~~the~~  
1548 ~~Department of Agriculture and Consumer Services, in consultation~~  
1549 ~~with the other coordinating agencies and affected parties, shall~~  
1550 institute a reevaluation of the best management practices shall  
1551 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation  
1552 determines that the best management practices or other measures  
1553 require modification, the rule shall be revised to require  
1554 implementation of the modified practice within a reasonable  
1555 period as specified in the rule and make appropriate changes to  
1556 the rule adopting best management practices.

1557 6.2. As provided in s. 403.067, nonagricultural nonpoint  
1558 source best management practices, developed in accordance with  
1559 s. 403.067 and designed to achieve the objectives of the Lake  
1560 Okeechobee Watershed Protection Program as part of a phased  
1561 approach of management strategies within the Lake Okeechobee  
1562 Basin Management Action Plan, shall be implemented on an  
1563 expedited basis. The department and the district shall develop  
1564 an interagency agreement pursuant to ss. 373.046 and 373.406(5)  
1565 that assures the development of best management practices that  
1566 complement existing regulatory programs and specifies how those

576-01513-16

2016552c2

1567 ~~best management practices are implemented and verified. The~~  
1568 ~~interagency agreement shall address measures to be taken by the~~  
1569 ~~department and the district during any best management practice~~  
1570 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1571 7.a. The department and the district are directed to work  
1572 with the University of Florida ~~Florida's~~ Institute of Food and  
1573 Agricultural Sciences to develop appropriate nutrient  
1574 application rates for all nonagricultural soil amendments in the  
1575 watershed. As provided in s. 403.067 ~~s. 403.067(7)(e)~~, the  
1576 department, in consultation with the district and affected  
1577 parties, shall develop nonagricultural nonpoint source interim  
1578 measures, best management practices, or other measures necessary  
1579 for Lake Okeechobee watershed total maximum daily load  
1580 reduction. Development of nonagricultural nonpoint source best  
1581 management practices shall initially focus on those priority  
1582 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The  
1583 department, the district, and affected parties shall conduct an  
1584 ongoing program for improvement of existing and development of  
1585 new interim measures and ~~or~~ best management practices. The  
1586 department or the district shall adopt such practices by rule  
1587 ~~The district shall adopt technology-based standards under the~~  
1588 ~~district's WOD program for nonagricultural nonpoint sources of~~  
1589 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~  
1590 ~~authority of the department or the district to adopt basin-~~  
1591 ~~specific criteria under this part to prevent harm to the water~~  
1592 ~~resources of the district.~~

1593 8.b. Where nonagricultural nonpoint source best management  
1594 practices or interim measures have been developed by the  
1595 department and adopted by the district, the owner or operator of

576-01513-16

2016552c2

1596 a nonagricultural nonpoint source shall implement interim  
1597 measures or best management practices and be subject to ~~the~~  
1598 ~~provisions of s. 403.067(7). The department and district shall~~  
1599 ~~provide technical and financial assistance for implementation of~~  
1600 ~~nonagricultural nonpoint source best management practices,~~  
1601 ~~subject to the availability of funds.~~

1602 9.e. As provided in s. 403.067, the district or the  
1603 department shall conduct monitoring at representative sites to  
1604 verify the effectiveness of nonagricultural nonpoint source best  
1605 management practices.

1606 10.d. Where water quality problems are detected for  
1607 nonagricultural nonpoint sources despite the appropriate  
1608 implementation of adopted best management practices, ~~the~~  
1609 ~~department and the district shall institute a reevaluation of~~  
1610 ~~the best management practices shall be conducted pursuant to s.~~  
1611 403.067(7)(c)4. If the reevaluation determines that the best  
1612 management practices or other measures require modification, the  
1613 rule shall be revised to require implementation of the modified  
1614 practice within a reasonable time period as specified in the  
1615 rule.

1616 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~  
1617 ~~may~~ not preclude the department or the district from requiring  
1618 compliance with water quality standards or with current best  
1619 management practices requirements set forth in any applicable  
1620 regulatory program authorized by law for the purpose of  
1621 protecting water quality. ~~Additionally, Subparagraphs 1. and 2.~~  
1622 and 7. are applicable only to the extent that they do not  
1623 conflict with any rules adopted by the department that are  
1624 necessary to maintain a federally delegated or approved program.



576-01513-16

2016552c2

1625 12. The program of agricultural best management practices  
1626 set forth in the Everglades Program of the district meets the  
1627 requirements of this paragraph and s. 403.067(7) for the Lake  
1628 Okeechobee watershed. An entity in compliance with the best  
1629 management practices set forth in the Everglades Program of the  
1630 district may elect to use that permit in lieu of the  
1631 requirements of this paragraph. The provisions of subparagraph  
1632 5. apply to this subparagraph. This subparagraph does not alter  
1633 any requirement of s. 373.4592.

1634 13. The Department of Agriculture and Consumer Services, in  
1635 cooperation with the department and the district, shall provide  
1636 technical and financial assistance for implementation of  
1637 agricultural best management practices, subject to the  
1638 availability of funds. The department and district shall provide  
1639 technical and financial assistance for implementation of  
1640 nonagricultural nonpoint source best management practices,  
1641 subject to the availability of funds.

1642 14.4. Projects that reduce the phosphorus load originating  
1643 from domestic wastewater systems within the Lake Okeechobee  
1644 watershed shall be given funding priority in the department's  
1645 revolving loan program under s. 403.1835. The department shall  
1646 coordinate and provide assistance to those local governments  
1647 seeking financial assistance for such priority projects.

1648 15.5. Projects that make use of private lands, or lands  
1649 held in trust for Indian tribes, to reduce nutrient loadings or  
1650 concentrations within a basin by one or more of the following  
1651 methods: restoring the natural hydrology of the basin, restoring  
1652 wildlife habitat or impacted wetlands, reducing peak flows after  
1653 storm events, increasing aquifer recharge, or protecting range

576-01513-16

2016552c2

1654 and timberland from conversion to development, are eligible for  
1655 grants available under this section from the coordinating  
1656 agencies. For projects of otherwise equal priority, special  
1657 funding priority will be given to those projects that make best  
1658 use of the methods outlined above that involve public-private  
1659 partnerships or that obtain federal match money. Preference  
1660 ranking above the special funding priority will be given to  
1661 projects located in a rural area of opportunity designated by  
1662 the Governor. Grant applications may be submitted by any person  
1663 or tribal entity, and eligible projects may include, but are not  
1664 limited to, the purchase of conservation and flowage easements,  
1665 hydrologic restoration of wetlands, creating treatment wetlands,  
1666 development of a management plan for natural resources, and  
1667 financial support to implement a management plan.

1668 ~~16.6.a.~~ The department shall require all entities disposing  
1669 of domestic wastewater biosolids ~~residuals~~ within the Lake  
1670 Okeechobee watershed and the remaining areas of Okeechobee,  
1671 Glades, and Hendry Counties to develop and submit to the  
1672 department an agricultural use plan that limits applications  
1673 based upon phosphorus loading consistent with the Lake  
1674 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1675 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~  
1676 ~~from these application sites may not exceed the limits~~  
1677 ~~established in the district's WOD program. After December 31,~~  
1678 ~~2007,~~ The department may not authorize the disposal of domestic  
1679 wastewater biosolids ~~residuals~~ within the Lake Okeechobee  
1680 watershed unless the applicant can affirmatively demonstrate  
1681 that the phosphorus in the biosolids ~~residuals~~ will not add to  
1682 phosphorus loadings in Lake Okeechobee or its tributaries. This

576-01513-16

2016552c2

1683 demonstration shall be based on achieving a net balance between  
1684 phosphorus imports relative to exports on the permitted  
1685 application site. Exports shall include only phosphorus removed  
1686 from the Lake Okeechobee watershed through products generated on  
1687 the permitted application site. This prohibition does not apply  
1688 to Class AA biosolids ~~residuals~~ that are marketed and  
1689 distributed as fertilizer products in accordance with department  
1690 rule.

1691 17.b. Private and government-owned utilities within Monroe,  
1692 Miami-Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
1693 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
1694 dispose of wastewater biosolids ~~residual~~ sludge from utility  
1695 operations and septic removal by land spreading in the Lake  
1696 Okeechobee watershed may use a line item on local sewer rates to  
1697 cover wastewater biosolids ~~residual~~ treatment and disposal if  
1698 such disposal and treatment is done by approved alternative  
1699 treatment methodology at a facility located within the areas  
1700 designated by the Governor as rural areas of opportunity  
1701 pursuant to s. 288.0656. This additional line item is an  
1702 environmental protection disposal fee above the present sewer  
1703 rate and may not be considered a part of the present sewer rate  
1704 to customers, notwithstanding provisions to the contrary in  
1705 chapter 367. The fee shall be established by the county  
1706 commission or its designated assignee in the county in which the  
1707 alternative method treatment facility is located. The fee shall  
1708 be calculated to be no higher than that necessary to recover the  
1709 facility's prudent cost of providing the service. Upon request  
1710 by an affected county commission, the Florida Public Service  
1711 Commission will provide assistance in establishing the fee.

576-01513-16

2016552c2

1712 Further, for utilities and utility authorities that use the  
1713 additional line item environmental protection disposal fee, such  
1714 fee may not be considered a rate increase under the rules of the  
1715 Public Service Commission and shall be exempt from such rules.  
1716 Utilities using ~~the provisions of~~ this section may immediately  
1717 include in their sewer invoicing the new environmental  
1718 protection disposal fee. Proceeds from this environmental  
1719 protection disposal fee shall be used for treatment and disposal  
1720 of wastewater biosolids residuals, including any treatment  
1721 technology that helps reduce the volume of biosolids residuals  
1722 that require final disposal, but such proceeds may not be used  
1723 for transportation or shipment costs for disposal or any costs  
1724 relating to the land application of biosolids residuals in the  
1725 Lake Okeechobee watershed.

1726 18.e. No less frequently than once every 3 years, the  
1727 Florida Public Service Commission or the county commission  
1728 through the services of an independent auditor shall perform a  
1729 financial audit of all facilities receiving compensation from an  
1730 environmental protection disposal fee. The Florida Public  
1731 Service Commission or the county commission through the services  
1732 of an independent auditor shall also perform an audit of the  
1733 methodology used in establishing the environmental protection  
1734 disposal fee. The Florida Public Service Commission or the  
1735 county commission shall, within 120 days after completion of an  
1736 audit, file the audit report with the President of the Senate  
1737 and the Speaker of the House of Representatives and shall  
1738 provide copies to the county commissions of the counties set  
1739 forth in subparagraph 17. sub-subparagraph b. The books and  
1740 records of any facilities receiving compensation from an

576-01513-16

2016552c2

1741 environmental protection disposal fee shall be open to the  
1742 Florida Public Service Commission and the Auditor General for  
1743 review upon request.

1744 ~~19.7.~~ The Department of Health shall require all entities  
1745 disposing of septage within the Lake Okeechobee watershed to  
1746 develop and submit to that agency an agricultural use plan that  
1747 limits applications based upon phosphorus loading consistent  
1748 with the Lake Okeechobee Basin Management Action Plan adopted  
1749 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~  
1750 ~~concentrations originating from these application sites may not~~  
1751 ~~exceed the limits established in the district's WOD program.~~

1752 ~~20.8.~~ The Department of Agriculture and Consumer Services  
1753 shall initiate rulemaking requiring entities within the Lake  
1754 Okeechobee watershed which land-apply animal manure to develop  
1755 resource management system level conservation plans, according  
1756 to United States Department of Agriculture criteria, which limit  
1757 such application. Such rules must ~~may~~ include criteria and  
1758 thresholds for the requirement to develop a conservation or  
1759 nutrient management plan, requirements for plan approval, site  
1760 inspection requirements, and recordkeeping requirements.

1761 21. ~~The district shall revise chapter 40E-61, Florida~~  
1762 Administrative Code, to be consistent with this section and s.  
1763 403.067; provide for a monitoring program for nonpoint source  
1764 dischargers required to monitor water quality by s. 403.067; and  
1765 provide for the results of such monitoring to be reported to the  
1766 coordinating agencies.

1767 ~~9.~~ ~~The district, the department, or the Department of~~  
1768 ~~Agriculture and Consumer Services, as appropriate, shall~~  
1769 ~~implement those alternative nutrient reduction technologies~~

576-01513-16

2016552c2

1770 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1771 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
1772 ~~Monitoring Program. The district, in cooperation with the other~~  
1773 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
1774 ~~Watershed Research and Water Quality Monitoring Program that~~  
1775 ~~builds upon the district's existing Lake Okeechobee research~~  
1776 ~~program. The program shall:~~

1777 ~~1. Evaluate all available existing water quality data~~  
1778 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
1779 ~~develop a water quality baseline to represent existing~~  
1780 ~~conditions for total phosphorus, monitor long-term ecological~~  
1781 ~~changes, including water quality for total phosphorus, and~~  
1782 ~~measure compliance with water quality standards for total~~  
1783 ~~phosphorus, including any applicable total maximum daily load~~  
1784 ~~for the Lake Okeechobee watershed as established pursuant to s.~~  
1785 ~~403.067. Every 3 years, the district shall reevaluate water~~  
1786 ~~quality and quantity data to ensure that the appropriate~~  
1787 ~~projects are being designated and implemented to meet the water~~  
1788 ~~quality and storage goals of the plan. The district shall also~~  
1789 ~~implement a total phosphorus monitoring program at appropriate~~  
1790 ~~structures owned or operated by the South Florida Water~~  
1791 ~~Management District and within the Lake Okeechobee watershed.~~

1792 ~~2. Develop a Lake Okeechobee water quality model that~~  
1793 ~~reasonably represents phosphorus dynamics of the lake and~~  
1794 ~~incorporates an uncertainty analysis associated with model~~  
1795 ~~predictions.~~

1796 ~~3. Determine the relative contribution of phosphorus from~~  
1797 ~~all identifiable sources and all primary and secondary land~~  
1798 ~~uses.~~

576-01513-16

2016552c2

1799 ~~4. Conduct an assessment of the sources of phosphorus from~~  
1800 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~  
1801 ~~relative contribution to the water quality of Lake Okeechobee.~~  
1802 ~~The results of this assessment shall be used by the coordinating~~  
1803 ~~agencies to develop interim measures, best management practices,~~  
1804 ~~or regulation, as applicable.~~

1805 ~~5. Assess current water management practices within the~~  
1806 ~~Lake Okeechobee watershed and develop recommendations for~~  
1807 ~~structural and operational improvements. Such recommendations~~  
1808 ~~shall balance water supply, flood control, estuarine salinity,~~  
1809 ~~maintenance of a healthy lake littoral zone, and water quality~~  
1810 ~~considerations.~~

1811 ~~6. Evaluate the feasibility of alternative nutrient~~  
1812 ~~reduction technologies, including sediment traps, canal and~~  
1813 ~~ditch maintenance, fish production or other aquaculture,~~  
1814 ~~bioenergy conversion processes, and algal or other biological~~  
1815 ~~treatment technologies.~~

1816 ~~7. Conduct an assessment of the water volumes and timing~~  
1817 ~~from the Lake Okeechobee watershed and their relative~~  
1818 ~~contribution to the water level changes in Lake Okeechobee and~~  
1819 ~~to the timing and volume of water delivered to the estuaries.~~

1820 ~~(c)(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The  
1821 coordinating agencies shall identify the exotic species that  
1822 threaten the native flora and fauna within the Lake Okeechobee  
1823 watershed and develop and implement measures to protect the  
1824 native flora and fauna.

1825 ~~(d)(f)~~ *Lake Okeechobee Internal Phosphorus Management*  
1826 *Program.*—The district, in cooperation with the other  
1827 coordinating agencies and interested parties, shall evaluate the

576-01513-16

2016552c2

1828 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
1829 load removal projects feasibility study. The evaluation  
1830 ~~feasibility study~~ shall be based on technical feasibility, as  
1831 well as economic considerations, and shall consider ~~address~~ all  
1832 reasonable methods of phosphorus removal. If projects methods  
1833 are found to be feasible, the district shall immediately pursue  
1834 the design, funding, and permitting for implementing such  
1835 projects methods.

1836 (e) ~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*  
1837 *implementation*.—The coordinating agencies shall be jointly  
1838 responsible for implementing the Lake Okeechobee Watershed  
1839 Protection Program Plan, consistent with the statutory authority  
1840 and responsibility of each agency. Annual funding priorities  
1841 shall be jointly established, and the highest priority shall be  
1842 assigned to programs and projects that address sources that have  
1843 the highest relative contribution to loading and the greatest  
1844 potential for reductions needed to meet the total maximum daily  
1845 loads. In determining funding priorities, the coordinating  
1846 agencies shall also consider the need for regulatory compliance,  
1847 the extent to which the program or project is ready to proceed,  
1848 and the availability of federal matching funds or other nonstate  
1849 funding, including public-private partnerships. Federal and  
1850 other nonstate funding shall be maximized to the greatest extent  
1851 practicable.

1852 (f) ~~(h)~~ *Priorities and implementation schedules*.—The  
1853 coordinating agencies are authorized and directed to establish  
1854 priorities and implementation schedules for the achievement of  
1855 total maximum daily loads, compliance with the requirements of  
1856 s. 403.067, and compliance with applicable water quality



576-01513-16

2016552c2

1857 standards within the waters and watersheds subject to this  
1858 section.

1859 ~~(i) Legislative ratification. The coordinating agencies~~  
1860 ~~shall submit the Phase II technical plan developed pursuant to~~  
1861 ~~paragraph (b) to the President of the Senate and the Speaker of~~  
1862 ~~the House of Representatives prior to the 2008 legislative~~  
1863 ~~session for review. If the Legislature takes no action on the~~  
1864 ~~plan during the 2008 legislative session, the plan is deemed~~  
1865 ~~approved and may be implemented.~~

1866 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
1867 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
1868 program shall be developed and implemented as specified in this  
1869 subsection. ~~In order~~ To protect and restore surface water  
1870 resources, the program shall address the reduction of pollutant  
1871 loadings, restoration of natural hydrology, and compliance with  
1872 applicable state water quality standards. The program shall be  
1873 achieved through a phased program of implementation. In  
1874 addition, pollutant load reductions based upon adopted total  
1875 maximum daily loads established in accordance with s. 403.067  
1876 shall serve as a program objective. In the development and  
1877 administration of the program, the coordinating agencies shall  
1878 maximize opportunities provided by federal and local government  
1879 cost-sharing programs and opportunities for partnerships with  
1880 the private sector and local government. The program plan shall  
1881 include a goal for salinity envelopes and freshwater inflow  
1882 targets for the estuaries based upon existing research and  
1883 documentation. The goal may be revised as new information is  
1884 available. This goal shall seek to reduce the frequency and  
1885 duration of undesirable salinity ranges while meeting the other

576-01513-16

2016552c2

1886 water-related needs of the region, including water supply and  
1887 flood protection, while recognizing the extent to which water  
1888 inflows are within the control and jurisdiction of the district.

1889 (a) *Caloosahatchee River Watershed Protection Plan.*—~~No~~  
1890 ~~later than January 1, 2009,~~ The district, in cooperation with  
1891 the other coordinating agencies, Lee County, and affected  
1892 counties and municipalities, shall complete a River Watershed  
1893 Protection Plan in accordance with this subsection. The  
1894 Caloosahatchee River Watershed Protection Plan shall identify  
1895 the geographic extent of the watershed, be coordinated as needed  
1896 with the plans developed pursuant to paragraph (3) (a) and  
1897 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
1898 ~~implementation schedule for pollutant load reductions consistent~~  
1899 ~~with any adopted total maximum daily loads and compliance with~~  
1900 ~~applicable state water quality standards. The plan shall include~~  
1901 the Caloosahatchee River Watershed Construction Project and the  
1902 Caloosahatchee River Watershed Research and Water Quality  
1903 Monitoring Program.÷

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

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

1912 b. Conduct scientific studies that are necessary to support  
1913 the design of the Caloosahatchee River Watershed Construction  
1914 Project facilities.

576-01513-16

2016552c2

1915 c. Identify the size and location of all such facilities.

1916 d. Provide a construction schedule for all such facilities,  
1917 including the sequencing and specific timeframe for construction  
1918 of each facility.

1919 e. Provide a schedule for the acquisition of lands or  
1920 sufficient interests necessary to achieve the construction  
1921 schedule.

1922 f. Provide a schedule of costs and benefits associated with  
1923 each construction project and identify funding sources.

1924 g. To ensure timely implementation, coordinate the design,  
1925 scheduling, and sequencing of project facilities with the  
1926 coordinating agencies, Lee County, other affected counties and  
1927 municipalities, and other affected parties.

1928 2. Caloosahatchee River Watershed Research and Water  
1929 Quality Monitoring Program.—The district, in cooperation with  
1930 the other coordinating agencies and local governments, shall  
1931 implement a Caloosahatchee River Watershed Research and Water  
1932 Quality Monitoring Program that builds upon the district's  
1933 existing research program and that is sufficient to carry out,  
1934 comply with, or assess the plans, programs, and other  
1935 responsibilities created by this subsection. The program shall  
1936 also conduct an assessment of the water volumes and timing from  
1937 Lake Okeechobee and the Caloosahatchee River watershed and their  
1938 relative contributions to the timing and volume of water  
1939 delivered to the estuary.

1940 (b)2. Caloosahatchee River Watershed Basin Management  
1941 Action Plans Pollutant Control Program.—The basin management  
1942 action plans adopted pursuant to s. 403.067 for the  
1943 Caloosahatchee River watershed shall be the Caloosahatchee River

576-01513-16

2016552c2

1944 Watershed Pollutant Control Program. The plans shall be ~~is~~  
1945 designed to be a multifaceted approach to reducing pollutant  
1946 loads by improving the management of pollutant sources within  
1947 the Caloosahatchee River watershed through implementation of  
1948 regulations and best management practices, development and  
1949 implementation of improved best management practices,  
1950 improvement and restoration of the hydrologic function of  
1951 natural and managed systems, and utilization of alternative  
1952 technologies for pollutant reduction, such as cost-effective  
1953 biologically based, hybrid wetland/chemical and other innovative  
1954 nutrient control technologies. As provided in s.  
1955 403.067(7)(a)6., the Caloosahatchee River Watershed Basin  
1956 Management Action Plans must include milestones for  
1957 implementation and water quality improvement, and an associated  
1958 water quality monitoring component sufficient to evaluate  
1959 whether reasonable progress in pollutant load reductions is  
1960 being achieved over time. An assessment of progress toward these  
1961 milestones shall be conducted every 5 years and shall be  
1962 provided to the Governor, the President of the Senate, and the  
1963 Speaker of the House of Representatives. Revisions to the plans  
1964 shall be made, as appropriate, as a result of each 5-year  
1965 review. Revisions to the basin management action plans shall be  
1966 made by the department in cooperation with the basin  
1967 stakeholders. Revisions to best management practices or other  
1968 measures must follow the procedures set forth in s.  
1969 403.067(7)(c)4. Revised basin management action plans must be  
1970 adopted pursuant to s. 403.067(7)(a)5. The department shall  
1971 develop an implementation schedule establishing 5-year, 10-year,  
1972 and 15-year measurable milestones and targets to achieve the

576-01513-16

2016552c2

1973 total maximum daily load no more than 20 years after adoption of  
1974 the plan. The initial implementation schedule shall be used to  
1975 provide guidance for planning and funding purposes and is exempt  
1976 from chapter 120. Upon the first 5-year review, the  
1977 implementation schedule shall be adopted as part of the plans.  
1978 If achieving the total maximum daily load within 20 years is not  
1979 practicable, the implementation schedule must contain an  
1980 explanation of the constraints that prevent achievement of the  
1981 total maximum daily load within 20 years, an estimate of the  
1982 time needed to achieve the total maximum daily load, and  
1983 additional 5-year measurable milestones, as necessary. The  
1984 coordinating agencies shall facilitate the use ~~utilization~~ of  
1985 federal programs that offer opportunities for water quality  
1986 treatment, including preservation, restoration, or creation of  
1987 wetlands on agricultural lands.

1988 1.a. Nonpoint source best management practices consistent  
1989 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1990 objectives of the Caloosahatchee River Watershed Protection  
1991 Program, shall be implemented on an expedited basis. The  
1992 coordinating agencies may develop an intergovernmental agreement  
1993 with local governments to implement the nonagricultural,  
1994 nonpoint-source best management practices within their  
1995 respective geographic boundaries.

1996 2.b. This subsection does not preclude the department or  
1997 the district from requiring compliance with water quality  
1998 standards, adopted total maximum daily loads, or current best  
1999 management practices requirements set forth in any applicable  
2000 regulatory program authorized by law for the purpose of  
2001 protecting water quality. This subsection applies only to the

576-01513-16

2016552c2

2002 extent that it does not conflict with any rules adopted by the  
2003 department or district which are necessary to maintain a  
2004 federally delegated or approved program.

2005 ~~3.e.~~ Projects that make use of private lands, or lands held  
2006 in trust for Indian tribes, to reduce pollutant loadings or  
2007 concentrations within a basin, or that reduce the volume of  
2008 harmful discharges by one or more of the following methods:  
2009 restoring the natural hydrology of the basin, restoring wildlife  
2010 habitat or impacted wetlands, reducing peak flows after storm  
2011 events, or increasing aquifer recharge, are eligible for grants  
2012 available under this section from the coordinating agencies.

2013 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management  
2014 Action Plans ~~Pollutant Control Program~~ shall require assessment  
2015 of current water management practices within the watershed and  
2016 shall require development of recommendations for structural,  
2017 nonstructural, and operational improvements. Such  
2018 recommendations shall consider and balance water supply, flood  
2019 control, estuarine salinity, aquatic habitat, and water quality  
2020 considerations.

2021 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not  
2022 authorize the disposal of domestic wastewater biosolids  
2023 ~~residuals~~ within the Caloosahatchee River watershed unless the  
2024 applicant can affirmatively demonstrate that the nutrients in  
2025 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2026 watershed. This demonstration shall be based on achieving a net  
2027 balance between nutrient imports relative to exports on the  
2028 permitted application site. Exports shall include only nutrients  
2029 removed from the watershed through products generated on the  
2030 permitted application site. This prohibition does not apply to

576-01513-16

2016552c2

2031 Class AA biosolids ~~residuals~~ that are marketed and distributed  
2032 as fertilizer products in accordance with department rule.

2033 ~~6.f.~~ The Department of Health shall require all entities  
2034 disposing of septage within the Caloosahatchee River watershed  
2035 to develop and submit to that agency an agricultural use plan  
2036 that limits applications based upon nutrient loading consistent  
2037 with any basin management action plan adopted pursuant to s.  
2038 403.067. By July 1, 2008, nutrient concentrations originating  
2039 from these application sites may not exceed the limits  
2040 established in the district's WOD program.

2041 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2042 shall require ~~initiate rulemaking requiring~~ entities within the  
2043 Caloosahatchee River watershed which land-apply animal manure to  
2044 develop a resource management system level conservation plan,  
2045 according to United States Department of Agriculture criteria,  
2046 which limit such application. Such rules shall ~~may~~ include  
2047 criteria and thresholds for the requirement to develop a  
2048 conservation or nutrient management plan, requirements for plan  
2049 approval, site inspection requirements, and recordkeeping  
2050 requirements.

2051 8. The district shall initiate rulemaking to provide for a  
2052 monitoring program for nonpoint source dischargers required to  
2053 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
2054 403.067(7)(c)3. The results of such monitoring must be reported  
2055 to the coordinating agencies.

2056 ~~3. Caloosahatchee River Watershed Research and Water~~  
2057 ~~Quality Monitoring Program. The district, in cooperation with~~  
2058 ~~the other coordinating agencies and local governments, shall~~  
2059 ~~establish a Caloosahatchee River Watershed Research and Water~~

576-01513-16

2016552c2

2060 ~~Quality Monitoring Program that builds upon the district's~~  
2061 ~~existing research program and that is sufficient to carry out,~~  
2062 ~~comply with, or assess the plans, programs, and other~~  
2063 ~~responsibilities created by this subsection. The program shall~~  
2064 ~~also conduct an assessment of the water volumes and timing from~~  
2065 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
2066 ~~their relative contributions to the timing and volume of water~~  
2067 ~~delivered to the estuary.~~

2068 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~  
2069 ~~than January 1, 2009,~~ The district, in cooperation with the  
2070 other coordinating agencies, Martin County, and affected  
2071 counties and municipalities shall complete a plan in accordance  
2072 with this subsection. The St. Lucie River Watershed Protection  
2073 Plan shall identify the geographic extent of the watershed, be  
2074 coordinated as needed with the plans developed pursuant to  
2075 paragraph (3)(a) and paragraph (a) of this subsection, and  
2076 ~~contain an implementation schedule for pollutant load reductions~~  
2077 ~~consistent with any adopted total maximum daily loads and~~  
2078 ~~compliance with applicable state water quality standards. The~~  
2079 ~~plan shall include~~ the St. Lucie River Watershed Construction  
2080 Project and St. Lucie River Watershed Research and Water Quality  
2081 Monitoring Program.÷

2082 1. St. Lucie River Watershed Construction Project.—To  
2083 improve the hydrology, water quality, and aquatic habitats  
2084 within the watershed, the district shall, no later than January  
2085 1, 2012, plan, design, and construct the initial phase of the  
2086 Watershed Construction Project. In doing so, the district shall:

2087 a. Develop and designate the facilities to be constructed  
2088 to achieve stated goals and objectives of the St. Lucie River



576-01513-16

2016552c2

2089 Watershed Protection Plan.

2090 b. Identify the size and location of all such facilities.

2091 c. Provide a construction schedule for all such facilities,  
2092 including the sequencing and specific timeframe for construction  
2093 of each facility.

2094 d. Provide a schedule for the acquisition of lands or  
2095 sufficient interests necessary to achieve the construction  
2096 schedule.

2097 e. Provide a schedule of costs and benefits associated with  
2098 each construction project and identify funding sources.

2099 f. To ensure timely implementation, coordinate the design,  
2100 scheduling, and sequencing of project facilities with the  
2101 coordinating agencies, Martin County, St. Lucie County, other  
2102 interested parties, and other affected local governments.

2103 2. St. Lucie River Watershed Research and Water Quality  
2104 Monitoring Program.—The district, in cooperation with the other  
2105 coordinating agencies and local governments, shall establish a  
2106 St. Lucie River Watershed Research and Water Quality Monitoring  
2107 Program that builds upon the district's existing research  
2108 program and that is sufficient to carry out, comply with, or  
2109 assess the plans, programs, and other responsibilities created  
2110 by this subsection. The district shall also conduct an  
2111 assessment of the water volumes and timing from Lake Okeechobee  
2112 and the St. Lucie River watershed and their relative  
2113 contributions to the timing and volume of water delivered to the  
2114 estuary.

2115 (d)2- St. Lucie River Watershed Basin Management Action  
2116 Plan Pollutant Control Program.—The basin management action plan  
2117 for the St. Lucie River watershed adopted pursuant to s. 403.067

576-01513-16

2016552c2

2118 shall be the St. Lucie River Watershed Pollutant Control Program  
2119 and shall be ~~is~~ designed to be a multifaceted approach to  
2120 reducing pollutant loads by improving the management of  
2121 pollutant sources within the St. Lucie River watershed through  
2122 implementation of regulations and best management practices,  
2123 development and implementation of improved best management  
2124 practices, improvement and restoration of the hydrologic  
2125 function of natural and managed systems, and use ~~utilization~~ of  
2126 alternative technologies for pollutant reduction, such as cost-  
2127 effective biologically based, hybrid wetland/chemical and other  
2128 innovative nutrient control technologies. As provided in s.  
2129 403.067(7)(a)6., the St. Lucie River Watershed Basin Management  
2130 Action Plan must include milestones for implementation and water  
2131 quality improvement, and an associated water quality monitoring  
2132 component sufficient to evaluate whether reasonable progress in  
2133 pollutant load reductions is being achieved over time. An  
2134 assessment of progress toward these milestones shall be  
2135 conducted every 5 years and shall be provided to the Governor,  
2136 the President of the Senate, and the Speaker of the House of  
2137 Representatives. Revisions to the plan shall be made, as  
2138 appropriate, as a result of each 5-year review. Revisions to the  
2139 basin management action plan shall be made by the department in  
2140 cooperation with the basin stakeholders. Revisions to best  
2141 management practices or other measures must follow the  
2142 procedures set forth in s. 403.067(7)(c)4. Revised basin  
2143 management action plans must be adopted pursuant to s.  
2144 403.067(7)(a)5. The department shall develop an implementation  
2145 schedule establishing 5-year, 10-year, and 15-year measurable  
2146 milestones and targets to achieve the total maximum daily load

576-01513-16

2016552c2

2147 no more than 20 years after adoption of the plan. The initial  
2148 implementation schedule shall be used to provide guidance for  
2149 planning and funding purposes and is exempt from chapter 120.  
2150 Upon the first 5-year review, the implementation schedule shall  
2151 be adopted as part of the plan. If achieving the total maximum  
2152 daily load within 20 years is not practicable, the  
2153 implementation schedule must contain an explanation of the  
2154 constraints that prevent achievement of the total maximum daily  
2155 load within 20 years, an estimate of the time needed to achieve  
2156 the total maximum daily load, and additional 5-year measurable  
2157 milestones, as necessary. The coordinating agencies shall  
2158 facilitate the use ~~utilization~~ of federal programs that offer  
2159 opportunities for water quality treatment, including  
2160 preservation, restoration, or creation of wetlands on  
2161 agricultural lands.

2162 ~~1.a.~~ Nonpoint source best management practices consistent  
2163 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
2164 objectives of the St. Lucie River Watershed Protection Program,  
2165 shall be implemented on an expedited basis. The coordinating  
2166 agencies may develop an intergovernmental agreement with local  
2167 governments to implement the nonagricultural nonpoint source  
2168 best management practices within their respective geographic  
2169 boundaries.

2170 ~~2.b.~~ This subsection does not preclude the department or  
2171 the district from requiring compliance with water quality  
2172 standards, adopted total maximum daily loads, or current best  
2173 management practices requirements set forth in any applicable  
2174 regulatory program authorized by law for the purpose of  
2175 protecting water quality. This subsection applies only to the

576-01513-16

2016552c2

2176 extent that it does not conflict with any rules adopted by the  
2177 department or district which are necessary to maintain a  
2178 federally delegated or approved program.

2179 ~~3.e.~~ Projects that make use of private lands, or lands held  
2180 in trust for Indian tribes, to reduce pollutant loadings or  
2181 concentrations within a basin, or that reduce the volume of  
2182 harmful discharges by one or more of the following methods:  
2183 restoring the natural hydrology of the basin, restoring wildlife  
2184 habitat or impacted wetlands, reducing peak flows after storm  
2185 events, or increasing aquifer recharge, are eligible for grants  
2186 available under this section from the coordinating agencies.

2187 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
2188 Plan ~~Pollutant Control Program~~ shall require assessment of  
2189 current water management practices within the watershed and  
2190 shall require development of recommendations for structural,  
2191 nonstructural, and operational improvements. Such  
2192 recommendations shall consider and balance water supply, flood  
2193 control, estuarine salinity, aquatic habitat, and water quality  
2194 considerations.

2195 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not  
2196 authorize the disposal of domestic wastewater biosolids  
2197 ~~residuals~~ within the St. Lucie River watershed unless the  
2198 applicant can affirmatively demonstrate that the nutrients in  
2199 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
2200 watershed. This demonstration shall be based on achieving a net  
2201 balance between nutrient imports relative to exports on the  
2202 permitted application site. Exports shall include only nutrients  
2203 removed from the St. Lucie River watershed through products  
2204 generated on the permitted application site. This prohibition

576-01513-16

2016552c2

2205 does not apply to Class AA biosolids ~~residuals~~ that are marketed  
2206 and distributed as fertilizer products in accordance with  
2207 department rule.

2208 ~~6.f.~~ The Department of Health shall require all entities  
2209 disposing of septage within the St. Lucie River watershed to  
2210 develop and submit to that agency an agricultural use plan that  
2211 limits applications based upon nutrient loading consistent with  
2212 any basin management action plan adopted pursuant to s. 403.067.  
2213 ~~By July 1, 2008, nutrient concentrations originating from these~~  
2214 ~~application sites may not exceed the limits established in the~~  
2215 ~~district's WOD program.~~

2216 ~~7.g.~~ The Department of Agriculture and Consumer Services  
2217 shall initiate rulemaking requiring entities within the St.  
2218 Lucie River watershed which land-apply animal manure to develop  
2219 a resource management system level conservation plan, according  
2220 to United States Department of Agriculture criteria, which limit  
2221 such application. Such rules shall ~~may~~ include criteria and  
2222 thresholds for the requirement to develop a conservation or  
2223 nutrient management plan, requirements for plan approval, site  
2224 inspection requirements, and recordkeeping requirements.

2225 8. The district shall initiate rulemaking to provide for a  
2226 monitoring program for nonpoint source dischargers required to  
2227 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.  
2228 403.067(7)(c)3. The results of such monitoring must be reported  
2229 to the coordinating agencies.

2230 ~~3. St. Lucie River Watershed Research and Water Quality~~  
2231 ~~Monitoring Program. The district, in cooperation with the other~~  
2232 ~~coordinating agencies and local governments, shall establish a~~  
2233 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~

576-01513-16

2016552c2

2234 ~~Program that builds upon the district's existing research~~  
2235 ~~program and that is sufficient to carry out, comply with, or~~  
2236 ~~assess the plans, programs, and other responsibilities created~~  
2237 ~~by this subsection. The program shall also conduct an assessment~~  
2238 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
2239 ~~Lucie River watersheds and their relative contributions to the~~  
2240 ~~timing and volume of water delivered to the estuary.~~

2241 (e)~~(e)~~ *River Watershed Protection Plan implementation.*—The  
2242 coordinating agencies shall be jointly responsible for  
2243 implementing the River Watershed Protection Plans, consistent  
2244 with the statutory authority and responsibility of each agency.  
2245 Annual funding priorities shall be jointly established, and the  
2246 highest priority shall be assigned to programs and projects that  
2247 have the greatest potential for achieving the goals and  
2248 objectives of the plans. In determining funding priorities, the  
2249 coordinating agencies shall also consider the need for  
2250 regulatory compliance, the extent to which the program or  
2251 project is ready to proceed, and the availability of federal or  
2252 local government matching funds. Federal and other nonstate  
2253 funding shall be maximized to the greatest extent practicable.

2254 (f)~~(d)~~ *Evaluation.*—Beginning By March 1, 2020 ~~2012~~, and  
2255 every 5 ~~3~~ years thereafter, concurrent with the updates of the  
2256 basin management action plans adopted pursuant to s. 403.067,  
2257 the department, district in cooperation with the other  
2258 coordinating agencies, shall conduct an evaluation of any  
2259 pollutant load reduction goals, as well as any other specific  
2260 objectives and goals, as stated in the River Watershed  
2261 Protection Programs Plans. ~~Additionally,~~ The district shall  
2262 identify modifications to facilities of the River Watershed

576-01513-16

2016552c2

2263 Construction Projects, as appropriate, or any other elements of  
2264 the River Watershed Protection Programs Plans. The evaluation  
2265 shall be included in the annual progress report submitted  
2266 pursuant to this section.

2267 (g) ~~(e)~~ *Priorities and implementation schedules.*—The  
2268 coordinating agencies are authorized and directed to establish  
2269 priorities and implementation schedules for the achievement of  
2270 total maximum daily loads, the requirements of s. 403.067, and  
2271 compliance with applicable water quality standards within the  
2272 waters and watersheds subject to this section.

2273 ~~(f) Legislative ratification. The coordinating agencies~~  
2274 ~~shall submit the River Watershed Protection Plans developed~~  
2275 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
2276 ~~Senate and the Speaker of the House of Representatives prior to~~  
2277 ~~the 2009 legislative session for review. If the Legislature~~  
2278 ~~takes no action on the plan during the 2009 legislative session,~~  
2279 ~~the plan is deemed approved and may be implemented.~~

2280 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
2281 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
2282 department is directed to expedite development and adoption of  
2283 total maximum daily loads for the Caloosahatchee River and  
2284 estuary. The department is further directed to, ~~no later than~~  
2285 ~~December 31, 2008,~~ propose for final agency action total maximum  
2286 daily loads for nutrients in the tidal portions of the  
2287 Caloosahatchee River and estuary. The department shall initiate  
2288 development of basin management action plans for Lake  
2289 Okeechobee, the Caloosahatchee River watershed and estuary, and  
2290 the St. Lucie River watershed and estuary as provided in s.  
2291 403.067 ~~s. 403.067(7)(a)~~ as follows:

576-01513-16

2016552c2

2292 (a) Basin management action plans shall be developed as  
2293 soon as practicable as determined necessary by the department to  
2294 achieve the total maximum daily loads established for the Lake  
2295 Okeechobee watershed and the estuaries.

2296 (b) The Phase II technical plan development pursuant to  
2297 paragraph (3) (a) ~~(3) (b)~~, and the River Watershed Protection  
2298 Plans developed pursuant to paragraphs (4) (a) and (c) (b), shall  
2299 provide the basis for basin management action plans developed by  
2300 the department.

2301 (c) As determined necessary by the department ~~in order~~ to  
2302 achieve the total maximum daily loads, additional or modified  
2303 projects or programs that complement those in the legislatively  
2304 ratified plans may be included during the development of the  
2305 basin management action plan.

2306 (d) As provided in s. 403.067, management strategies and  
2307 pollution reduction requirements set forth in a basin management  
2308 action plan subject to permitting by the department under  
2309 subsection (7) must be completed pursuant to the schedule set  
2310 forth in the basin management action plan, as amended. The  
2311 implementation schedule may extend beyond the 5-year permit  
2312 term.

2313 (e) As provided in s. 403.067, management strategies and  
2314 pollution reduction requirements set forth in a basin management  
2315 action plan for a specific pollutant of concern are not subject  
2316 to challenge under chapter 120 at the time they are  
2317 incorporated, in an identical form, into a department or  
2318 district issued permit or a permit modification issued in  
2319 accordance with subsection (7).

2320 ~~(d) Development of basin management action plans that~~



576-01513-16

2016552c2

2321 ~~implement the provisions of the legislatively ratified plans~~  
2322 ~~shall be initiated by the department no later than September 30~~  
2323 ~~of the year in which the applicable plan is ratified. Where a~~  
2324 ~~total maximum daily load has not been established at the time of~~  
2325 ~~plan ratification, development of basin management action plans~~  
2326 ~~shall be initiated no later than 90 days following adoption of~~  
2327 ~~the applicable total maximum daily load.~~

2328 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
2329 cooperation with the other coordinating agencies, shall report  
2330 on implementation of this section as part of the consolidated  
2331 annual report required in s. 373.036(7). The annual report shall  
2332 include a summary of the conditions of the hydrology, water  
2333 quality, and aquatic habitat in the northern Everglades based on  
2334 the results of the Research and Water Quality Monitoring  
2335 Programs, the status of the Lake Okeechobee Watershed  
2336 Construction Project, the status of the Caloosahatchee River  
2337 Watershed Construction Project, and the status of the St. Lucie  
2338 River Watershed Construction Project. In addition, the report  
2339 shall contain an annual accounting of the expenditure of funds  
2340 from the Save Our Everglades Trust Fund. At a minimum, the  
2341 annual report shall provide detail by program and plan,  
2342 including specific information concerning the amount and use of  
2343 funds from federal, state, or local government sources. In  
2344 detailing the use of these funds, the district shall indicate  
2345 those designated to meet requirements for matching funds. The  
2346 district shall prepare the report in cooperation with the other  
2347 coordinating agencies and affected local governments. The  
2348 department shall report on the status of the Lake Okeechobee  
2349 Basin Management Action Plan, the Caloosahatchee River Watershed

576-01513-16

2016552c2

2350 Basin Management Action Plan, and the St. Lucie River Watershed  
2351 Basin Management Action Plan. The Department of Agriculture and  
2352 Consumer Services shall report on the status of the  
2353 implementation of the agricultural nonpoint source best  
2354 management practices, including an implementation assurance  
2355 report summarizing survey responses and response rates, site  
2356 inspections, and other methods used to verify implementation of  
2357 and compliance with best management practices in the Lake  
2358 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2359 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2360 (a) The Legislature finds that the Lake Okeechobee  
2361 Watershed Protection Program will benefit Lake Okeechobee and  
2362 downstream receiving waters and is in ~~consistent with~~ the public  
2363 interest. The Lake Okeechobee Watershed Construction Project and  
2364 structures discharging into or from Lake Okeechobee shall be  
2365 constructed, operated, and maintained in accordance with this  
2366 section.

2367 (b) Permits obtained pursuant to this section are in lieu  
2368 of all other permits under this chapter or chapter 403, except  
2369 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
2370 permits are not required for the Lake Okeechobee Watershed  
2371 Construction Project, or structures discharging into or from  
2372 Lake Okeechobee, if such project or structures are permitted  
2373 under this section. Construction activities related to  
2374 implementation of the Lake Okeechobee Watershed Construction  
2375 Project may be initiated before ~~prior to~~ final agency action, or  
2376 notice of intended agency action, on any permit from the  
2377 department under this section.

2378 (c) 1. ~~Within 90 days of completion of the diversion plans~~

576-01513-16

2016552c2

2379 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~  
2380 ~~0706, 91-0705, and RT50-205564, Owners or operators of existing~~  
2381 ~~structures which discharge into or from Lake Okeechobee that~~  
2382 ~~were subject to Department Consent Orders 91-0694, 91-0705, 91-~~  
2383 ~~0706, 91-0707, and RT50-205564 and that are subject to the~~  
2384 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~  
2385 ~~this section and shall be governed by permits issued under apply~~  
2386 ~~for a permit from the department to operate and maintain such~~  
2387 ~~structures. By September 1, 2000, owners or operators of all~~  
2388 ~~other existing structures which discharge into or from Lake~~  
2389 ~~Okeechobee shall apply for a permit from the department to~~  
2390 ~~operate and maintain such structures. The department shall issue~~  
2391 ~~one or more such permits for a term of 5 years upon the~~  
2392 ~~demonstration of reasonable assurance that schedules and~~  
2393 ~~strategies to achieve and maintain compliance with water quality~~  
2394 ~~standards have been provided for, to the maximum extent~~  
2395 ~~practicable, and that operation of the structures otherwise~~  
2396 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~  
2397 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~  
2398 ~~403.067.~~

2399 ~~1. Permits issued under this paragraph shall also contain~~  
2400 ~~reasonable conditions to ensure that discharges of waters~~  
2401 ~~through structures:~~

2402 ~~a. Are adequately and accurately monitored;~~

2403 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
2404 ~~and will result in an overall reduction of phosphorus input into~~  
2405 ~~Lake Okeechobee, as set forth in the district's Technical~~  
2406 ~~Publication 81-2 and the total maximum daily load established in~~  
2407 ~~accordance with s. 403.067, to the maximum extent practicable;~~

576-01513-16

2016552c2

2408 and

2409 ~~e. Do not pose a serious danger to public health, safety,~~  
2410 ~~or welfare.~~

2411 2. For the purposes of this paragraph, owners and operators  
2412 of existing structures which are subject to ~~the provisions of s.~~  
2413 373.4592(4) (a) and which discharge into or from Lake Okeechobee  
2414 shall be deemed in compliance with this paragraph ~~the term~~  
2415 ~~"maximum extent practicable"~~ if they are in full compliance with  
2416 the conditions of permits under chapter ~~chapters 40E-61 and 40E-~~  
2417 63, Florida Administrative Code.

2418 3. By January 1, 2017 ~~2004~~, the district shall submit to  
2419 the department a complete application for a permit modification  
2420 to the Lake Okeechobee structure permits to incorporate proposed  
2421 changes necessary to ensure that discharges through the  
2422 structures covered by this permit are consistent with the basin  
2423 management action plan adopted pursuant to ~~achieve state water~~  
2424 ~~quality standards, including the total maximum daily load~~  
2425 ~~established in accordance with s. 403.067. These changes shall~~  
2426 ~~be designed to achieve such compliance with state water quality~~  
2427 ~~standards no later than January 1, 2015.~~

2428 (d) The department shall require permits for district  
2429 regional projects that are part of the Lake Okeechobee Watershed  
2430 Construction Project ~~facilities~~. However, projects ~~identified in~~  
2431 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
2432 s. 373.406 do shall not require ~~need~~ permits under this section.  
2433 Such permits shall be issued for a term of 5 years upon the  
2434 demonstration of reasonable assurances that:

2435 1. District regional projects that are part of the Lake  
2436 Okeechobee Watershed Construction Project shall ~~facility, based~~

576-01513-16

2016552c2

2437 ~~upon the conceptual design documents and any subsequent detailed~~  
2438 ~~design documents developed by the district, will achieve the~~  
2439 design objectives for phosphorus required in subparagraph  
2440 (3) (a) 1. ~~paragraph (3) (b);~~

2441 2. For water quality standards other than phosphorus, the  
2442 quality of water discharged from the facility is of equal or  
2443 better quality than the inflows;

2444 3. Discharges from the facility do not pose a serious  
2445 danger to public health, safety, or welfare; and

2446 4. Any impacts on wetlands or state-listed species  
2447 resulting from implementation of that facility of the Lake  
2448 Okeechobee Construction Project are minimized and mitigated, as  
2449 appropriate.

2450 (e) At least 60 days before ~~prior to~~ the expiration of any  
2451 permit issued under this section, the permittee may apply for a  
2452 renewal thereof for a period of 5 years.

2453 (f) Permits issued under this section may include any  
2454 standard conditions provided by department rule which are  
2455 appropriate and consistent with this section.

2456 (g) Permits issued under ~~pursuant to~~ this section may be  
2457 modified, as appropriate, upon review and approval by the  
2458 department.

2459 Section 16. Paragraph (a) of subsection (1) and subsection  
2460 (3) of section 373.467, Florida Statutes, are amended, to read:

2461 373.467 The Harris Chain of Lakes Restoration Council.—  
2462 There is created within the St. Johns River Water Management  
2463 District, with assistance from the Fish and Wildlife  
2464 Conservation Commission and the Lake County Water Authority, the  
2465 Harris Chain of Lakes Restoration Council.

576-01513-16

2016552c2

2466 (1) (a) The council shall consist of nine voting members,  
2467 which shall include~~+~~ a representative of waterfront property  
2468 owners, a representative of the sport fishing industry, a person  
2469 with experience in an environmental science or regulation  
2470 engineer, a person with training in biology or another  
2471 scientific discipline, ~~a person with training as an attorney, a~~  
2472 ~~physician, a person with training as an engineer,~~ and two  
2473 residents of the county who are ~~do~~ not required to meet any  
2474 additional ~~of the other~~ qualifications for membership enumerated  
2475 ~~in this paragraph~~, each to be appointed by the Lake County  
2476 legislative delegation. The Lake County legislative delegation  
2477 may waive the qualifications for membership on a case-by-case  
2478 basis if good cause is shown. A ~~No~~ person serving on the council  
2479 may not be appointed to a council, board, or commission of any  
2480 council advisory group agency. The council members shall serve  
2481 as advisors to the governing board of the St. Johns River Water  
2482 Management District. The council is subject to ~~the provisions of~~  
2483 chapters 119 and 120.

2484 (3) The council shall meet at the call of its chair, at the  
2485 request of six of its members, or at the request of the chair of  
2486 the governing board of the St. Johns River Water Management  
2487 District. Resignation by a council member, or failure by a  
2488 council member to attend three consecutive meetings without an  
2489 excuse approved by the chair, results in a vacancy on the  
2490 council.

2491 Section 17. Paragraphs (a) and (b) of subsection (6) of  
2492 section 373.536, Florida Statutes, are amended to read:

2493 373.536 District budget and hearing thereon.—

2494 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;

576-01513-16

2016552c2

2495 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2496 (a) Each district must, by the date specified for each  
2497 item, furnish copies of the following documents to the Governor,  
2498 the President of the Senate, the Speaker of the House of  
2499 Representatives, the chairs of all legislative committees and  
2500 subcommittees having substantive or fiscal jurisdiction over the  
2501 districts, as determined by the President of the Senate or the  
2502 Speaker of the House of Representatives as applicable, the  
2503 secretary of the department, and the governing board of each  
2504 county in which the district has jurisdiction or derives any  
2505 funds for the operations of the district:

2506 1. The adopted budget, to be furnished within 10 days after  
2507 its adoption.

2508 2. A financial audit of its accounts and records, to be  
2509 furnished within 10 days after its acceptance by the governing  
2510 board. The audit must be conducted in accordance with s. 11.45  
2511 and the rules adopted thereunder. In addition to the entities  
2512 named above, the district must provide a copy of the audit to  
2513 the Auditor General within 10 days after its acceptance by the  
2514 governing board.

2515 3. A 5-year capital improvements plan, to be included in  
2516 the consolidated annual report required by s. 373.036(7). The  
2517 plan must include expected sources of revenue for planned  
2518 improvements and must be prepared in a manner comparable to the  
2519 fixed capital outlay format set forth in s. 216.043.

2520 4. A 5-year water resource development work program to be  
2521 furnished within 30 days after the adoption of the final budget.  
2522 The program must describe the district's implementation strategy  
2523 and include an annual funding plan for each of the 5 years

576-01513-16

2016552c2

2524 included in the plan for the water resource and, water supply,  
2525 development components, including ~~and~~ alternative water supply  
2526 development, components of each approved regional water supply  
2527 plan developed or revised under s. 373.709. The work program  
2528 must address all the elements of the water resource development  
2529 component in the district's approved regional water supply  
2530 plans, as well as the water supply projects proposed for  
2531 district funding and assistance. The annual funding plan shall  
2532 identify both anticipated available district funding and  
2533 additional funding needs for the second through fifth years of  
2534 the funding plan. The work program ~~and~~ must identify projects in  
2535 the work program which will provide water; explain how each  
2536 water resource and, water supply, ~~and alternative water supply~~  
2537 ~~development~~ project will produce additional water available for  
2538 consumptive uses; estimate the quantity of water to be produced  
2539 by each project; ~~and~~ provide an assessment of the contribution  
2540 of the district's regional water supply plans in supporting the  
2541 implementation of minimum flows and minimum water levels and  
2542 water reservations; and ensure ~~providing~~ sufficient water is  
2543 available ~~needed~~ to timely meet the water supply needs of  
2544 existing and future reasonable-beneficial uses for a 1-in-10-  
2545 year drought event and to avoid the adverse effects of  
2546 competition for water supplies.

2547 (b) Within 30 days after its submittal, the department  
2548 shall review the proposed work program and submit its findings,  
2549 questions, and comments to the district. The review must include  
2550 a written evaluation of the program's consistency with the  
2551 furtherance of the district's approved regional water supply  
2552 plans, and the adequacy of proposed expenditures. As part of the



576-01513-16

2016552c2

2553 review, the department shall post the proposed work program on  
2554 its website and give interested parties the opportunity to  
2555 provide written comments on each district's proposed work  
2556 program. Within 45 days after receipt of the department's  
2557 evaluation, the governing board shall state in writing to the  
2558 department which of the changes recommended in the evaluation it  
2559 will incorporate into its work program submitted as part of the  
2560 March 1 consolidated annual report required by s. 373.036(7) or  
2561 specify the reasons for not incorporating the changes. The  
2562 department shall include the district's responses in a final  
2563 evaluation report and shall submit a copy of the report to the  
2564 Governor, the President of the Senate, and the Speaker of the  
2565 House of Representatives.

2566 Section 18. Subsection (9) of section 373.703, Florida  
2567 Statutes, is amended to read:

2568 373.703 Water production; general powers and duties.—In the  
2569 performance of, and in conjunction with, its other powers and  
2570 duties, the governing board of a water management district  
2571 existing pursuant to this chapter:

2572 (9) May join with one or more other water management  
2573 districts, counties, municipalities, special districts, publicly  
2574 owned or privately owned water utilities, multijurisdictional  
2575 water supply entities, regional water supply authorities,  
2576 private landowners, or self-suppliers for the purpose of  
2577 carrying out its powers, and may contract with such other  
2578 entities to finance acquisitions, construction, operation, and  
2579 maintenance, provided that such contracts are consistent with  
2580 the public interest. The contract may provide for contributions  
2581 to be made by each party to the contract for the division and

576-01513-16

2016552c2

2582 apportionment of the expenses of acquisitions, construction,  
2583 operation, and maintenance, and for the division and  
2584 apportionment of resulting benefits, services, and products. The  
2585 contracts may contain other covenants and agreements necessary  
2586 and appropriate to accomplish their purposes.

2587 Section 19. Paragraph (b) of subsection (2), subsection  
2588 (3), and paragraph (b) of subsection (4) of section 373.705,  
2589 Florida Statutes, are amended, and subsection (5) is added to  
2590 that section, to read:

2591 373.705 Water resource development; water supply  
2592 development.—

2593 (2) It is the intent of the Legislature that:

2594 (b) Water management districts take the lead in identifying  
2595 and implementing water resource development projects, and be  
2596 responsible for securing necessary funding for regionally  
2597 significant water resource development projects, including  
2598 regionally significant projects that prevent or limit adverse  
2599 water resource impacts, avoid competition among water users, or  
2600 support the provision of new water supplies in order to meet a  
2601 minimum flow or minimum water level or to implement a recovery  
2602 or prevention strategy or water reservation.

2603 (3) (a) The water management districts shall fund and  
2604 implement water resource development as defined in s. 373.019.  
2605 The water management districts are encouraged to implement water  
2606 resource development as expeditiously as possible in areas  
2607 subject to regional water supply plans.

2608 (b) Each governing board shall include in its annual budget  
2609 submittals required under this chapter:

2610 1. The amount of funds for each project in the annual

576-01513-16

2016552c2

2611 funding plan developed pursuant to s. 373.536(6)(a)4.; and

2612 2. The total amount needed for the fiscal year to implement  
2613 water resource development projects, as prioritized in its  
2614 regional water supply plans.

2615 (4)

2616 (b) Water supply development projects that meet the  
2617 criteria in paragraph (a) and that meet one or more of the  
2618 following additional criteria shall be given first consideration  
2619 for state or water management district funding assistance:

2620 1. The project brings about replacement of existing sources  
2621 in order to help implement a minimum flow or minimum water  
2622 level; ~~or~~

2623 2. The project implements reuse that assists in the  
2624 elimination of domestic wastewater ocean outfalls as provided in  
2625 s. 403.086(9); or

2626 3. The project reduces or eliminates the adverse effects of  
2627 competition between legal users and the natural system.

2628 (5) The water management districts shall promote expanded  
2629 cost-share criteria for additional conservation practices, such  
2630 as soil and moisture sensors and other irrigation improvements,  
2631 water-saving equipment, and water-saving household fixtures, and  
2632 software technologies that can achieve verifiable water  
2633 conservation by providing water use information to utility  
2634 customers.

2635 Section 20. Paragraph (f) of subsection (3), paragraph (a)  
2636 of subsection (6), and paragraph (e) of subsection (8) of  
2637 section 373.707, Florida Statutes, are amended to read:

2638 373.707 Alternative water supply development.—

2639 (3) The primary roles of the water management districts in

576-01513-16

2016552c2

2640 water resource development as it relates to supporting  
2641 alternative water supply development are:

2642 (f) The provision of technical and financial assistance to  
2643 local governments and publicly owned and privately owned water  
2644 utilities for alternative water supply projects and to self-  
2645 suppliers for alternative water supply projects to the extent  
2646 that such assistance to self-suppliers promotes the policies in  
2647 paragraph (1)(f).

2648 (6) (a) If state ~~The statewide~~ funds are provided through  
2649 specific appropriation or pursuant to the Water Protection and  
2650 Sustainability Program, such funds serve to supplement existing  
2651 water management district or basin board funding for alternative  
2652 water supply development assistance and should not result in a  
2653 reduction of such funding. For each project identified in the  
2654 annual funding plans prepared pursuant to s. 373.536(6)(a)4.  
2655 ~~Therefore,~~ the water management districts shall include in the  
2656 annual tentative and adopted budget submittals required under  
2657 this chapter the amount of funds allocated for water resource  
2658 development that supports alternative water supply development  
2659 and the funds allocated for alternative water supply projects  
2660 ~~selected for inclusion in the Water Protection and~~  
2661 ~~Sustainability Program.~~ It shall be the goal of each water  
2662 management district and basin boards that the combined funds  
2663 allocated annually for these purposes be, at a minimum, the  
2664 equivalent of 100 percent of the state funding provided to the  
2665 water management district for alternative water supply  
2666 development. If this goal is not achieved, the water management  
2667 district shall provide in the budget submittal an explanation of  
2668 the reasons or constraints that prevent this goal from being

576-01513-16

2016552c2

2669 met, an explanation of how the goal will be met in future years,  
2670 and affirmation of match is required during the budget review  
2671 process as established under s. 373.536(5). The Suwannee River  
2672 Water Management District and the Northwest Florida Water  
2673 Management District shall not be required to meet the match  
2674 requirements of this paragraph; however, they shall try to  
2675 achieve the match requirement to the greatest extent  
2676 practicable.

2677 (8)

2678 (e) Applicants for projects that may receive funding  
2679 assistance pursuant to the Water Protection and Sustainability  
2680 Program shall, at a minimum, be required to pay 60 percent of  
2681 the project's construction costs. The water management districts  
2682 may, at their discretion, totally or partially waive this  
2683 requirement for projects sponsored by:

2684 1. Financially disadvantaged small local governments as  
2685 defined in former s. 403.885(5); or

2686 2. Water users for projects determined by a water  
2687 management district governing board to be in the public interest  
2688 pursuant to paragraph (1)(f), if the projects are not otherwise  
2689 financially feasible.

2690

2691 The water management districts or basin boards may, at their  
2692 discretion, use ad valorem or federal revenues to assist a  
2693 project applicant in meeting the requirements of this paragraph.

2694 Section 21. Subsection (2) and paragraphs (a) and (e) of  
2695 subsection (6) of section 373.709, Florida Statutes, are amended  
2696 to read:

2697 373.709 Regional water supply planning.—

576-01513-16

2016552c2

2698 (2) Each regional water supply plan must be based on at  
2699 least a 20-year planning period and must include, but need not  
2700 be limited to:

2701 (a) A water supply development component for each water  
2702 supply planning region identified by the district which  
2703 includes:

2704 1. A quantification of the water supply needs for all  
2705 existing and future reasonable-beneficial uses within the  
2706 planning horizon. The level-of-certainty planning goal  
2707 associated with identifying the water supply needs of existing  
2708 and future reasonable-beneficial uses must be based upon meeting  
2709 those needs for a 1-in-10-year drought event.

2710 a. Population projections used for determining public water  
2711 supply needs must be based upon the best available data. In  
2712 determining the best available data, the district shall consider  
2713 the University of Florida ~~Florida's~~ Bureau of Economic and  
2714 Business Research (BEBR) medium population projections and  
2715 population projection data and analysis submitted by a local  
2716 government pursuant to the public workshop described in  
2717 subsection (1) if the data and analysis support the local  
2718 government's comprehensive plan. Any adjustment of or deviation  
2719 from the BEBR projections must be fully described, and the  
2720 original BEBR data must be presented along with the adjusted  
2721 data.

2722 b. Agricultural demand projections used for determining the  
2723 needs of agricultural self-suppliers must be based upon the best  
2724 available data. In determining the best available data for  
2725 agricultural self-supplied water needs, the district shall  
2726 consider the data indicative of future water supply demands

576-01513-16

2016552c2

2727 provided by the Department of Agriculture and Consumer Services  
2728 pursuant to s. 570.93 and agricultural demand projection data  
2729 and analysis submitted by a local government pursuant to the  
2730 public workshop described in subsection (1), if the data and  
2731 analysis support the local government's comprehensive plan. Any  
2732 adjustment of or deviation from the data provided by the  
2733 Department of Agriculture and Consumer Services must be fully  
2734 described, and the original data must be presented along with  
2735 the adjusted data.

2736 2. A list of water supply development project options,  
2737 including traditional and alternative water supply project  
2738 options that are technically and financially feasible, from  
2739 which local government, government-owned and privately owned  
2740 utilities, regional water supply authorities,  
2741 multijurisdictional water supply entities, self-suppliers, and  
2742 others may choose for water supply development. In addition to  
2743 projects listed by the district, such users may propose specific  
2744 projects for inclusion in the list of alternative water supply  
2745 projects. If such users propose a project to be listed as an  
2746 alternative water supply project, the district shall determine  
2747 whether it meets the goals of the plan, and, if so, it shall be  
2748 included in the list. The total capacity of the projects  
2749 included in the plan must exceed the needs identified in  
2750 subparagraph 1. and take into account water conservation and  
2751 other demand management measures, as well as water resources  
2752 constraints, including adopted minimum flows and minimum water  
2753 levels and water reservations. Where the district determines it  
2754 is appropriate, the plan should specifically identify the need  
2755 for multijurisdictional approaches to project options that,

576-01513-16

2016552c2

2756 based on planning level analysis, are appropriate to supply the  
2757 intended uses and that, based on such analysis, appear to be  
2758 permittable and financially and technically feasible. The list  
2759 of water supply development options must contain provisions that  
2760 recognize that alternative water supply options for agricultural  
2761 self-suppliers are limited.

2762 3. For each project option identified in subparagraph 2.,  
2763 the following must be provided:

2764 a. An estimate of the amount of water to become available  
2765 through the project.

2766 b. The timeframe in which the project option should be  
2767 implemented and the estimated planning-level costs for capital  
2768 investment and operating and maintaining the project.

2769 c. An analysis of funding needs and sources of possible  
2770 funding options. For alternative water supply projects, the  
2771 water management districts shall provide funding assistance  
2772 pursuant to s. 373.707(8).

2773 d. Identification of the entity that should implement each  
2774 project option and the current status of project implementation.

2775 (b) A water resource development component that includes:

2776 1. A listing of those water resource development projects  
2777 that support water supply development for all existing and  
2778 future reasonable-beneficial uses as described in paragraph  
2779 (2) (a) and for the natural systems as identified in the recovery  
2780 or prevention strategies for adopted minimum flows and minimum  
2781 water levels or water reservations.

2782 2. For each water resource development project listed:

2783 a. An estimate of the amount of water to become available  
2784 through the project for all existing and future reasonable-



576-01513-16

2016552c2

2785 beneficial uses as described in paragraph (2) (a) and for the  
2786 natural systems as identified in the recovery or prevention  
2787 strategies for adopted minimum flows and minimum water levels or  
2788 water reservations.

2789 b. The timeframe in which the project option should be  
2790 implemented and the estimated planning-level costs for capital  
2791 investment and for operating and maintaining the project.

2792 c. An analysis of funding needs and sources of possible  
2793 funding options.

2794 d. Identification of the entity that should implement each  
2795 project option and the current status of project implementation.

2796 (c) The recovery and prevention strategy described in s.  
2797 373.0421(2).

2798 (d) A funding strategy for water resource development  
2799 projects, which shall be reasonable and sufficient to pay the  
2800 cost of constructing or implementing all of the listed projects.

2801 (e) Consideration of how the project options addressed in  
2802 paragraph (a) serve the public interest or save costs overall by  
2803 preventing the loss of natural resources or avoiding greater  
2804 future expenditures for water resource development or water  
2805 supply development. However, unless adopted by rule, these  
2806 considerations do not constitute final agency action.

2807 (f) The technical data and information applicable to each  
2808 planning region which are necessary to support the regional  
2809 water supply plan.

2810 (g) The minimum flows and minimum water levels established  
2811 for water resources within each planning region.

2812 (h) Reservations of water adopted by rule pursuant to s.  
2813 373.223(4) within each planning region.

576-01513-16

2016552c2

2814 (i) Identification of surface waters or aquifers for which  
2815 minimum flows and minimum water levels are scheduled to be  
2816 adopted.

2817 (j) An analysis, developed in cooperation with the  
2818 department, of areas or instances in which the variance  
2819 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
2820 create water supply development or water resource development  
2821 projects.

2822 (k) An assessment of how the regional water supply plan and  
2823 the projects identified in the funding plans prepared pursuant  
2824 to sub-subparagraphs (a)3.c. and (b)2.c. support the recovery or  
2825 prevention strategies for implementation of adopted minimum  
2826 flows and minimum water levels or water reservations, including  
2827 minimum flows and minimum water levels for Outstanding Florida  
2828 Springs adopted pursuant to s. 373.805; while ensuring that  
2829 sufficient water will be available for all existing and future  
2830 reasonable-beneficial uses and the natural systems identified  
2831 herein; and that the adverse effects of competition for water  
2832 supplies will be avoided.

2833 (6) Annually and in conjunction with the reporting  
2834 requirements of s. 373.536(6)(a)4., the department shall submit  
2835 to the Governor and the Legislature a report on the status of  
2836 regional water supply planning in each district. The report  
2837 shall include:

2838 (a) A compilation of the estimated costs ~~of~~ and an analysis  
2839 of the sufficiency of potential sources of funding from all  
2840 sources for water resource development and water supply  
2841 development projects as identified in the water management  
2842 district regional water supply plans.

576-01513-16

2016552c2

2843 (e) An overall assessment of the progress being made to  
2844 develop water supply in each district, including, but not  
2845 limited to, an explanation of how each project in the 5-year  
2846 water resource development work program developed pursuant to s.  
2847 373.536(6)(a)4., either alternative or traditional, will  
2848 produce, contribute to, or account for additional water being  
2849 made available for consumptive uses, minimum flows and minimum  
2850 water levels, or water reservations; an estimate of the quantity  
2851 of water to be produced by each project;; and an assessment of  
2852 the contribution of the district's regional water supply plan in  
2853 providing sufficient water to meet the needs of existing and  
2854 future reasonable-beneficial uses for a 1-in-10-year drought  
2855 event, as well as the needs of the natural systems.

2856 Section 22. Part VIII of chapter 373, Florida Statutes,  
2857 consisting of ss. 373.801-373.813, Florida Statutes, is created  
2858 and entitled the "Florida Springs and Aquifer Protection Act."

2859 Section 23. Section 373.801, Florida Statutes, is created  
2860 to read:

2861 373.801 Legislative findings and intent.-

2862 (1) The Legislature finds that springs are a unique part of  
2863 this state's scenic beauty. Springs provide critical habitat for  
2864 plants and animals, including many endangered or threatened  
2865 species. Springs also provide immeasurable natural,  
2866 recreational, economic, and inherent value. Springs are of great  
2867 scientific importance in understanding the diverse functions of  
2868 aquatic ecosystems. Water quality of springs is an indicator of  
2869 local conditions of the Floridan Aquifer, which is a source of  
2870 drinking water for many residents of this state. Water flows in  
2871 springs may reflect regional aquifer conditions. In addition,

576-01513-16

2016552c2

2872 springs provide recreational opportunities for swimming,  
2873 canoeing, wildlife watching, fishing, cave diving, and many  
2874 other activities in this state. These recreational opportunities  
2875 and the accompanying tourism they provide are a benefit to local  
2876 economies and the economy of the state as a whole.

2877 (2) The Legislature finds that the water quantity and water  
2878 quality in springs may be related. For regulatory purposes, the  
2879 department has primary responsibility for water quality; the  
2880 water management districts have primary responsibility for water  
2881 quantity; and the Department of Agriculture and Consumer  
2882 Services has primary responsibility for the development and  
2883 implementation of agricultural best management practices. Local  
2884 governments have primary responsibility for providing domestic  
2885 wastewater collection and treatment services and stormwater  
2886 management. The foregoing responsible entities must coordinate  
2887 to restore and maintain the water quantity and water quality of  
2888 the Outstanding Florida Springs.

2889 (3) The Legislature recognizes that:

2890 (a) A spring is only as healthy as its aquifer system. The  
2891 groundwater that supplies springs is derived from water that  
2892 recharges the aquifer system in the form of seepage from the  
2893 land surface and through direct conduits, such as sinkholes.  
2894 Springs may be adversely affected by polluted runoff from urban  
2895 and agricultural lands; discharges resulting from inadequate  
2896 wastewater and stormwater management practices; stormwater  
2897 runoff; and reduced water levels of the Floridan Aquifer. As a  
2898 result, the hydrologic and environmental conditions of a spring  
2899 or spring run are directly influenced by activities and land  
2900 uses within a springshed and by water withdrawals from the

576-01513-16

2016552c2

2901 Floridan Aquifer.

2902 (b) Springs, whether found in urban or rural settings, or  
2903 on public or private lands, may be threatened by actual or  
2904 potential flow reductions and declining water quality. Many of  
2905 this state's springs are demonstrating signs of significant  
2906 ecological imbalance, increased nutrient loading, and declining  
2907 flow. Without effective remedial action, further declines in  
2908 water quality and water quantity may occur.

2909 (c) Springshed boundaries and areas of high vulnerability  
2910 within a springshed need to be identified and delineated using  
2911 the best available data.

2912 (d) Springsheds typically cross water management district  
2913 boundaries and local government jurisdictional boundaries, so a  
2914 coordinated statewide springs protection plan is needed.

2915 (e) The aquifers and springs of this state are complex  
2916 systems affected by many variables and influences.

2917 (4) The Legislature recognizes that action is urgently  
2918 needed and, as additional data is acquired, action must be  
2919 modified.

2920 Section 24. Section 373.802, Florida Statutes, is created  
2921 to read:

2922 373.802 Definitions.—As used in this part, the term:

2923 (1) "Department" means the Department of Environmental  
2924 Protection, which includes the Florida Geological Survey or its  
2925 successor agencies.

2926 (2) "Local government" means a county or municipal  
2927 government the jurisdictional boundaries of which include an  
2928 Outstanding Florida Spring or any part of a springshed or  
2929 delineated priority focus area of an Outstanding Florida Spring.

576-01513-16

2016552c2

2930       (3) "Onsite sewage treatment and disposal system" means a  
2931 system that contains a standard subsurface, filled, or mound  
2932 drainfield system; an aerobic treatment unit; a graywater system  
2933 tank; a laundry wastewater system tank; a septic tank; a grease  
2934 interceptor; a pump tank; a solids or effluent pump; a  
2935 waterless, incinerating, or organic waste-composting toilet; or  
2936 a sanitary pit privy that is installed or proposed to be  
2937 installed beyond the building sewer on land of the owner or on  
2938 other land on which the owner has the legal right to install  
2939 such system. The term includes any item placed within, or  
2940 intended to be used as a part of or in conjunction with, the  
2941 system. The term does not include package sewage treatment  
2942 facilities and other treatment works regulated under chapter  
2943 403.

2944       (4) "Outstanding Florida Spring" includes all historic  
2945 first magnitude springs, including their associated spring runs,  
2946 as determined by the department using the most recent Florida  
2947 Geological Survey springs bulletin, and the following additional  
2948 springs, including their associated spring runs:

- 2949       (a) De Leon Springs;  
2950       (b) Peacock Springs;  
2951       (c) Poe Springs;  
2952       (d) Rock Springs;  
2953       (e) Wekiwa Springs; and  
2954       (f) Gemini Springs.

2955  
2956 The term does not include submarine springs or river rises.

2957       (5) "Priority focus area" means the area or areas of a  
2958 basin where the Floridan Aquifer is generally most vulnerable to

576-01513-16

2016552c2

2959 pollutant inputs where there is a known connectivity between  
2960 groundwater pathways and an Outstanding Florida Spring, as  
2961 determined by the department in consultation with the  
2962 appropriate water management districts, and delineated in a  
2963 basin management action plan.

2964 (6) "Springshed" means the areas within the groundwater and  
2965 surface water basins which contribute, based upon all relevant  
2966 facts, circumstances, and data, to the discharge of a spring as  
2967 defined by potentiometric surface maps and surface watershed  
2968 boundaries.

2969 (7) "Spring run" means a body of flowing water that  
2970 originates from a spring or whose primary source of water is a  
2971 spring or springs under average rainfall conditions.

2972 (8) "Spring vent" means a location where groundwater flows  
2973 out of a natural, discernible opening in the ground onto the  
2974 land surface or into a predominantly fresh surface water body.

2975 Section 25. Section 373.803, Florida Statutes, is created  
2976 to read:

2977 373.803 Delineation of priority focus areas for Outstanding  
2978 Florida Springs.—Using the best data available from the water  
2979 management districts and other credible sources, the department,  
2980 in coordination with the water management districts, shall  
2981 delineate priority focus areas for each Outstanding Florida  
2982 Spring or group of springs that contains one or more Outstanding  
2983 Florida Springs and is identified as impaired in accordance with  
2984 s. 373.807. In delineating priority focus areas, the department  
2985 shall consider groundwater travel time to the spring,  
2986 hydrogeology, nutrient load, and any other factors that may lead  
2987 to degradation of an Outstanding Florida Spring. The delineation

576-01513-16

2016552c2

2988 of priority focus areas must be completed by July 1, 2018, shall  
2989 use understood and identifiable boundaries such as roads or  
2990 political jurisdictions for ease of implementation, and is  
2991 effective upon incorporation in a basin management action plan.

2992 Section 26. Section 373.805, Florida Statutes, is created  
2993 to read:

2994 373.805 Minimum flows and minimum water levels for  
2995 Outstanding Florida Springs.-

2996 (1) At the time a minimum flow or minimum water level is  
2997 adopted pursuant to s. 373.042 for an Outstanding Florida  
2998 Spring, if the spring is below or is projected within 20 years  
2999 to fall below the minimum flow or minimum water level, a water  
3000 management district or the department shall concurrently adopt a  
3001 recovery or prevention strategy.

3002 (2) When a minimum flow or minimum water level for an  
3003 Outstanding Florida Spring is revised pursuant to s.  
3004 373.0421(3), if the spring is below or is projected within 20  
3005 years to fall below the minimum flow or minimum water level, a  
3006 water management district or the department shall concurrently  
3007 adopt a recovery or prevention strategy or modify an existing  
3008 recovery or prevention strategy. A district or the department  
3009 may adopt the revised minimum flow or minimum water level before  
3010 the adoption of a recovery or prevention strategy if the revised  
3011 minimum flow or minimum water level is less constraining on  
3012 existing or projected future consumptive uses.

3013 (3) For an Outstanding Florida Spring without an adopted  
3014 recovery or prevention strategy, if a district or the department  
3015 determines the spring has fallen below, or is projected within  
3016 20 years to fall below, the adopted minimum flow or minimum



576-01513-16

2016552c2

3017 water level, a water management district or the department shall  
3018 expeditiously adopt a recovery or prevention strategy.

3019 (4) The recovery or prevention strategy for each  
3020 Outstanding Florida Spring must, at a minimum, include:

3021 (a) A listing of all specific projects identified for  
3022 implementation of the plan;

3023 (b) A priority listing of each project;

3024 (c) For each listed project, the estimated cost of and the  
3025 estimated date of completion;

3026 (d) The source and amount of financial assistance to be  
3027 made available by the water management district for each listed  
3028 project, which may not be less than 25 percent of the total  
3029 project cost unless a specific funding source or sources are  
3030 identified which will provide more than 75 percent of the total  
3031 project cost. The Northwest Florida Water Management District  
3032 and the Suwannee River Water Management District are not  
3033 required to meet the minimum requirement to provide financial  
3034 assistance pursuant to this paragraph;

3035 (e) An estimate of each listed project's benefit to an  
3036 Outstanding Florida Spring; and

3037 (f) An implementation plan designed with a target to  
3038 achieve the adopted minimum flow or minimum water level no more  
3039 than 20 years after the adoption of a recovery or prevention  
3040 strategy.

3041  
3042 The water management district or the department shall develop a  
3043 schedule establishing 5-year, 10-year, and 15-year targets for  
3044 achieving the adopted minimum flows or minimum water levels. The  
3045 schedule shall be used to provide guidance for planning and

576-01513-16

2016552c2

3046 funding purposes and is exempt from chapter 120.

3047 (5) A local government may apply to the department for a  
3048 single extension of up to 5 years for any project in an adopted  
3049 recovery or prevention strategy. The department may grant the  
3050 extension if the local government provides to the department  
3051 sufficient evidence that an extension is in the best interest of  
3052 the public. For a local government in a rural area of  
3053 opportunity, as defined in s. 288.0656, the department may grant  
3054 a single extension of up to 10 years.

3055 Section 27. Section 373.807, Florida Statutes, is created  
3056 to read:

3057 373.807 Protection of water quality in Outstanding Florida  
3058 Springs.—By July 1, 2016, the department shall initiate  
3059 assessment, pursuant to s. 403.067(3), of Outstanding Florida  
3060 Springs or spring systems for which an impairment determination  
3061 has not been made under the numeric nutrient standards in effect  
3062 for spring vents. Assessments must be completed by July 1, 2018.

3063 (1) (a) Concurrent with the adoption of a nutrient total  
3064 maximum daily load for an Outstanding Florida Spring, the  
3065 department, or the department in conjunction with a water  
3066 management district, shall initiate development of a basin  
3067 management action plan, as specified in s. 403.067. For an  
3068 Outstanding Florida Spring with a nutrient total maximum daily  
3069 load adopted before July 1, 2016, the department, or the  
3070 department in conjunction with a water management district,  
3071 shall initiate development of a basin management action plan by  
3072 July 1, 2016. During the development of a basin management  
3073 action plan, if the department identifies onsite sewage  
3074 treatment and disposal systems as contributors of at least 20

576-01513-16

2016552c2

3075 percent of nonpoint source nitrogen pollution or if the  
3076 department determines remediation is necessary to achieve the  
3077 total maximum daily load, the basin management action plan shall  
3078 include an onsite sewage treatment and disposal system  
3079 remediation plan pursuant to subsection (3) for those systems  
3080 identified as requiring remediation.

3081 (b) A basin management action plan for an Outstanding  
3082 Florida Spring shall be adopted within 2 years after its  
3083 initiation and must include, at a minimum:

3084 1. A list of all specific projects and programs identified  
3085 to implement a nutrient total maximum daily load;

3086 2. A list of all specific projects identified in any  
3087 incorporated onsite sewage treatment and disposal system  
3088 remediation plan, if applicable;

3089 3. A priority rank for each listed project;

3090 4. For each listed project, a planning level cost estimate  
3091 and the estimated date of completion;

3092 5. The source and amount of financial assistance to be made  
3093 available by the department, a water management district, or  
3094 other entity for each listed project;

3095 6. An estimate of each listed project's nutrient load  
3096 reduction;

3097 7. Identification of each point source or category of  
3098 nonpoint sources, including, but not limited to, urban turf  
3099 fertilizer, sports turf fertilizer, agricultural fertilizer,  
3100 onsite sewage treatment and disposal systems, wastewater  
3101 treatment facilities, animal wastes, and stormwater facilities.

3102 An estimated allocation of the pollutant load must be provided  
3103 for each point source or category of nonpoint sources; and

576-01513-16

2016552c2

3104 8. An implementation plan designed with a target to achieve  
3105 the nutrient total maximum daily load no more than 20 years  
3106 after the adoption of a basin management action plan.

3107  
3108 The department shall develop a schedule establishing 5-year, 10-  
3109 year, and 15-year targets for achieving the nutrient total  
3110 maximum daily load. The schedule shall be used to provide  
3111 guidance for planning and funding purposes and is exempt from  
3112 chapter 120.

3113 (c) For a basin management action plan adopted before July  
3114 1, 2016, which addresses an Outstanding Florida Spring, the  
3115 department or the department in conjunction with a water  
3116 management district must revise the plan if necessary to comply  
3117 with this section by July 1, 2018.

3118 (d) A local government may apply to the department for a  
3119 single extension of up to 5 years for any project in an adopted  
3120 basin management action plan. A local government in a rural area  
3121 of opportunity, as defined in s. 288.0656, may apply for a  
3122 single extension of up to 10 years for such a project. The  
3123 department may grant the extension if the local government  
3124 provides to the department sufficient evidence that an extension  
3125 is in the best interest of the public.

3126 (2) By July 1, 2017, each local government, as defined in  
3127 s. 373.802(2), that has not adopted an ordinance pursuant to s.  
3128 403.9337, shall develop, enact, and implement an ordinance  
3129 pursuant to that section. It is the intent of the Legislature  
3130 that ordinances required to be adopted under this subsection  
3131 reflect the latest scientific information, advancements, and  
3132 technological improvements in the industry.

576-01513-16

2016552c2

3133 (3) As part of a basin management action plan that includes  
3134 an Outstanding Florida Spring, the department, the Department of  
3135 Health, relevant local governments, and relevant local public  
3136 and private wastewater utilities, shall develop an onsite sewage  
3137 treatment and disposal system remediation plan for a spring if  
3138 the department determines onsite sewage treatment and disposal  
3139 systems within a priority focus area contribute at least 20  
3140 percent of nonpoint source nitrogen pollution or if the  
3141 department determines remediation is necessary to achieve the  
3142 total maximum daily load. The plan shall identify cost-effective  
3143 and financially feasible projects necessary to reduce the  
3144 nutrient impacts from onsite sewage treatment and disposal  
3145 systems and shall be completed and adopted as part of the basin  
3146 management action plan no later than the first 5-year milestone  
3147 required by subparagraph (1)(b)8. The department is the lead  
3148 agency in coordinating the preparation of and the adoption of  
3149 the plan. The department shall:

3150 (a) Collect and evaluate credible scientific information on  
3151 the effect of nutrients, particularly forms of nitrogen, on  
3152 springs and springs systems; and

3153 (b) Develop a public education plan to provide area  
3154 residents with reliable, understandable information about onsite  
3155 sewage treatment and disposal systems and springs.

3156  
3157 In addition to the requirements in s. 403.067, the plan shall  
3158 include options for repair, upgrade, replacement, drainfield  
3159 modification, addition of effective nitrogen reducing features,  
3160 connection to a central sewerage system, or other action for an  
3161 onsite sewage treatment and disposal system or group of systems

576-01513-16

2016552c2

3162 within a priority focus area that contribute at least 20 percent  
3163 of nonpoint source nitrogen pollution or if the department  
3164 determines remediation is necessary to achieve a total maximum  
3165 daily load. For these systems, the department shall include in  
3166 the plan a priority ranking for each system or group of systems  
3167 that requires remediation and shall award funds to implement the  
3168 remediation projects contingent on an appropriation in the  
3169 General Appropriations Act, which may include all or part of the  
3170 costs necessary for repair, upgrade, replacement, drainfield  
3171 modification, addition of effective nitrogen reducing features,  
3172 initial connection to a central sewerage system, or other  
3173 action. In awarding funds, the department may consider expected  
3174 nutrient reduction benefit per unit cost, size and scope of  
3175 project, relative local financial contribution to the project,  
3176 and the financial impact on property owners and the community.  
3177 The department may waive matching funding requirements for  
3178 proposed projects within an area designated as a rural area of  
3179 opportunity under s. 288.0656.

3180 (4) The department shall provide notice to a local  
3181 government of all permit applicants under s. 403.814(12) in a  
3182 priority focus area of an Outstanding Florida Spring over which  
3183 the local government has full or partial jurisdiction.

3184 Section 28. Section 373.811, Florida Statutes, is created  
3185 to read:

3186 373.811 Prohibited activities within a priority focus  
3187 area.—The following activities are prohibited within a priority  
3188 focus area in effect for an Outstanding Florida Spring:

3189 (1) New domestic wastewater disposal facilities, including  
3190 rapid infiltration basins, with permitted capacities of 100,000

576-01513-16

2016552c2

3191 gallons per day or more, except for those facilities that meet  
3192 an advanced wastewater treatment standard of no more than 3 mg/l  
3193 total nitrogen, expressed as N, on an annual permitted basis, or  
3194 a more stringent treatment standard if the department determines  
3195 the more stringent standard is necessary to attain a total  
3196 maximum daily load for the Outstanding Florida Spring.

3197 (2) New onsite sewage treatment and disposal systems on  
3198 lots of less than 1 acre, if the addition of the specific  
3199 systems conflicts with an onsite treatment and disposal system  
3200 remediation plan incorporated into a basin management action  
3201 plan in accordance with s. 373.807(3).

3202 (3) New facilities for the disposal of hazardous waste.

3203 (4) The land application of Class A or Class B domestic  
3204 wastewater biosolids not in accordance with a department  
3205 approved nutrient management plan establishing the rate at which  
3206 all biosolids, soil amendments, and sources of nutrients at the  
3207 land application site can be applied to the land for crop  
3208 production while minimizing the amount of pollutants and  
3209 nutrients discharged to groundwater or waters of the state.

3210 (5) New agriculture operations that do not implement best  
3211 management practices, measures necessary to achieve pollution  
3212 reduction levels established by the department, or groundwater  
3213 monitoring plans approved by a water management district or the  
3214 department.

3215 Section 29. Section 373.813, Florida Statutes, is created  
3216 to read:

3217 373.813 Rules.—

3218 (1) The department shall adopt rules to improve water  
3219 quantity and water quality to administer this part, as

576-01513-16

2016552c2

3220 applicable.

3221 (2) (a) The Department of Agriculture and Consumer Services  
3222 is the lead agency coordinating the reduction of agricultural  
3223 nonpoint sources of pollution for the protection of Outstanding  
3224 Florida Springs. The Department of Agriculture and Consumer  
3225 Services and the department, pursuant to s. 403.067(7)(c)4.,  
3226 shall study new or revised agricultural best management  
3227 practices for improving and protecting Outstanding Florida  
3228 Springs and, if necessary, in cooperation with applicable local  
3229 governments and stakeholders, initiate rulemaking to require the  
3230 implementation of such practices within a reasonable period.

3231 (b) The department, the Department of Agriculture and  
3232 Consumer Services, and the University of Florida Institute of  
3233 Food and Agricultural Sciences shall cooperate in conducting the  
3234 necessary research and demonstration projects to develop  
3235 improved or additional nutrient management tools, including the  
3236 use of controlled release fertilizer that can be used by  
3237 agricultural producers as part of an agricultural best  
3238 management practices program. The development of such tools must  
3239 reflect a balance between water quality improvement and  
3240 agricultural productivity and, if applicable, must be  
3241 incorporated into the revised agricultural best management  
3242 practices adopted by rule by the Department of Agriculture and  
3243 Consumer Services.

3244 Section 30. Subsection (29) of section 403.061, Florida  
3245 Statutes, is amended to read:

3246 403.061 Department; powers and duties.—The department shall  
3247 have the power and the duty to control and prohibit pollution of  
3248 air and water in accordance with the law and rules adopted and



576-01513-16

2016552c2

3249 promulgated by it and, for this purpose, to:

3250 (29) (a) Adopt by rule special criteria to protect Class II  
3251 and Class III shellfish harvesting waters. Such rules may  
3252 include special criteria for approving docking facilities that  
3253 have 10 or fewer slips if the construction and operation of such  
3254 facilities will not result in the closure of shellfish waters.

3255 (b) Adopt by rule a specific surface water classification  
3256 to protect surface waters used for treated potable water supply.  
3257 These designated surface waters shall have the same water  
3258 quality criteria protections as waters designated for fish  
3259 consumption, recreation, and the propagation and maintenance of  
3260 a healthy, well-balanced population of fish and wildlife, and  
3261 shall be free from discharged substances at a concentration  
3262 that, alone or in combination with other discharged substances,  
3263 would require significant alteration of permitted treatment  
3264 processes at the permitted treatment facility or that would  
3265 otherwise prevent compliance with applicable state drinking  
3266 water standards in the treated water. Notwithstanding this  
3267 classification or the inclusion of treated water supply as a  
3268 designated use of a surface water, a surface water used for  
3269 treated potable water supply may be reclassified to the potable  
3270 water supply classification.

3271  
3272 The department shall implement such programs in conjunction with  
3273 its other powers and duties and shall place special emphasis on  
3274 reducing and eliminating contamination that presents a threat to  
3275 humans, animals or plants, or to the environment.

3276 Section 31. Section 403.0617, Florida Statutes, is created  
3277 to read:

576-01513-16

2016552c2

3278 403.0617 Innovative nutrient and sediment reduction and  
3279 conservation pilot project program.—

3280 (1) Contingent upon a specific appropriation in the General  
3281 Appropriation Act, the department may fund innovative nutrient  
3282 and sediment reduction and conservation pilot projects selected  
3283 pursuant to this section. These pilot projects are intended to  
3284 test the effectiveness of innovative or existing nutrient  
3285 reduction or water conservation technologies, programs, or  
3286 practices designed to minimize nutrient pollution or restore  
3287 flows in the water bodies of the state.

3288 (2) By October 1, 2016, the department shall initiate  
3289 rulemaking to establish criteria by which the department will  
3290 evaluate and rank pilot projects for funding. The criteria must  
3291 include a determination by the department that the pilot project  
3292 will not be harmful to the ecological resources in the study  
3293 area. The criteria must give preference to projects that will  
3294 result in the greatest improvement to water quality and water  
3295 quantity for the dollars to be expended for the project. At a  
3296 minimum, the department shall consider all of the following:

3297 (a) The level of nutrient impairment of the waterbody,  
3298 watershed, or water segment in which the project is located.

3299 (b) The quantity of nutrients the project is estimated to  
3300 remove from a water body, watershed, or water segment with a  
3301 nutrient total maximum daily load.

3302 (c) The potential for the project to provide a cost-  
3303 effective solution to pollution, including pollution caused by  
3304 onsite sewage treatment and disposal systems.

3305 (d) The anticipated impact the project will have on  
3306 restoring or increasing flow or water level.

576-01513-16

2016552c2

3307       (e) The amount of matching funds for the project which will  
3308 be provided by the entities responsible for implementing the  
3309 project.

3310       (f) Whether the project is located in a rural area of  
3311 opportunity, as defined in s. 288.0656, with preference given to  
3312 the local government responsible for implementing the project.

3313       (g) For multiple-year projects, whether the project has  
3314 funding sources that are identified and assured through the  
3315 expected completion date of the project.

3316       (h) The cost of the project and the length of time it will  
3317 take to complete relative to its expected benefits.

3318       (i) Whether the entities responsible for implementing the  
3319 project have used their own funds for projects to improve water  
3320 quality or conserve water use with preference given to those  
3321 entities that have expended such funds.

3322       Section 32. Section 403.0623, Florida Statutes, is amended  
3323 to read:

3324       403.0623 Environmental data; quality assurance.—

3325       (1) The department must establish, by rule, appropriate  
3326 quality assurance requirements for environmental data submitted  
3327 to the department and the criteria by which environmental data  
3328 may be rejected by the department. The department may adopt and  
3329 enforce rules to establish data quality objectives and specify  
3330 requirements for training of laboratory and field staff, sample  
3331 collection methodology, proficiency testing, and audits of  
3332 laboratory and field sampling activities. Such rules may be in  
3333 addition to any laboratory certification provisions under ss.  
3334 403.0625 and 403.863.

3335       (2) (a) The department, in coordination with the water

576-01513-16

2016552c2

3336 management districts, regional water supply authorities, and the  
3337 Department of Agriculture and Consumer Services shall establish  
3338 standards for the collection and analysis of water quantity,  
3339 water quality, and related data to ensure quality, reliability,  
3340 and validity of the data and testing results.

3341 (b) To the extent practicable, the department shall  
3342 coordinate with federal agencies to ensure that its collection  
3343 and analysis of water quality, water quantity, and related data,  
3344 which may be used by any state agency, water management  
3345 district, or local government, is consistent with this  
3346 subsection.

3347 (c) To receive state funds for the acquisition of land or  
3348 the financing of a water resource project, state agencies and  
3349 water management districts must show that they followed the  
3350 department's collection and analysis standards, if available, as  
3351 a prerequisite for any such request for funding.

3352 (d) The department and the water management districts may  
3353 adopt rules to implement this subsection.

3354 Section 33. Subsection (7) of section 403.067, Florida  
3355 Statutes, is amended to read:

3356 403.067 Establishment and implementation of total maximum  
3357 daily loads.—

3358 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND  
3359 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3360 (a) *Basin management action plans.*—

3361 1. In developing and implementing the total maximum daily  
3362 load for a water body, the department, or the department in  
3363 conjunction with a water management district, may develop a  
3364 basin management action plan that addresses some or all of the

576-01513-16

2016552c2

3365 watersheds and basins tributary to the water body. Such plan  
3366 must integrate the appropriate management strategies available  
3367 to the state through existing water quality protection programs  
3368 to achieve the total maximum daily loads and may provide for  
3369 phased implementation of these management strategies to promote  
3370 timely, cost-effective actions as provided for in s. 403.151.  
3371 The plan must establish a schedule implementing the management  
3372 strategies, establish a basis for evaluating the plan's  
3373 effectiveness, and identify feasible funding strategies for  
3374 implementing the plan's management strategies. The management  
3375 strategies may include regional treatment systems or other  
3376 public works, where appropriate, and voluntary trading of water  
3377 quality credits to achieve the needed pollutant load reductions.

3378 2. A basin management action plan must equitably allocate,  
3379 pursuant to paragraph (6) (b), pollutant reductions to individual  
3380 basins, as a whole to all basins, or to each identified point  
3381 source or category of nonpoint sources, as appropriate. For  
3382 nonpoint sources for which best management practices have been  
3383 adopted, the initial requirement specified by the plan must be  
3384 those practices developed pursuant to paragraph (c). Where  
3385 appropriate, the plan may take into account the benefits of  
3386 pollutant load reduction achieved by point or nonpoint sources  
3387 that have implemented management strategies to reduce pollutant  
3388 loads, including best management practices, before the  
3389 development of the basin management action plan. The plan must  
3390 also identify the mechanisms that will address potential future  
3391 increases in pollutant loading.

3392 3. The basin management action planning process is intended  
3393 to involve the broadest possible range of interested parties,

576-01513-16

2016552c2

3394 with the objective of encouraging the greatest amount of  
3395 cooperation and consensus possible. In developing a basin  
3396 management action plan, the department shall assure that key  
3397 stakeholders, including, but not limited to, applicable local  
3398 governments, water management districts, the Department of  
3399 Agriculture and Consumer Services, other appropriate state  
3400 agencies, local soil and water conservation districts,  
3401 environmental groups, regulated interests, and affected  
3402 pollution sources, are invited to participate in the process.  
3403 The department shall hold at least one public meeting in the  
3404 vicinity of the watershed or basin to discuss and receive  
3405 comments during the planning process and shall otherwise  
3406 encourage public participation to the greatest practicable  
3407 extent. Notice of the public meeting must be published in a  
3408 newspaper of general circulation in each county in which the  
3409 watershed or basin lies not less than 5 days nor more than 15  
3410 days before the public meeting. A basin management action plan  
3411 does not supplant or otherwise alter any assessment made under  
3412 subsection (3) or subsection (4) or any calculation or initial  
3413 allocation.

3414 4. Each new or revised basin management action plan shall  
3415 include:

3416 a. The appropriate management strategies available through  
3417 existing water quality protection programs to achieve total  
3418 maximum daily loads, which may provide for phased implementation  
3419 to promote timely, cost-effective actions as provided for in s.  
3420 403.151;

3421 b. A description of best management practices adopted by  
3422 rule;

576-01513-16

2016552c2

3423 c. A list of projects in priority ranking with a planning-  
3424 level cost estimate and estimated date of completion for each  
3425 listed project;

3426 d. The source and amount of financial assistance to be made  
3427 available by the department, a water management district, or  
3428 other entity for each listed project, if applicable; and

3429 e. A planning-level estimate of each listed project's  
3430 expected load reduction, if applicable.

3431 ~~5.4.~~ The department shall adopt all or any part of a basin  
3432 management action plan and any amendment to such plan by  
3433 secretarial order pursuant to chapter 120 to implement the  
3434 provisions of this section.

3435 ~~6.5.~~ The basin management action plan must include  
3436 milestones for implementation and water quality improvement, and  
3437 an associated water quality monitoring component sufficient to  
3438 evaluate whether reasonable progress in pollutant load  
3439 reductions is being achieved over time. An assessment of  
3440 progress toward these milestones shall be conducted every 5  
3441 years, and revisions to the plan shall be made as appropriate.  
3442 Revisions to the basin management action plan shall be made by  
3443 the department in cooperation with basin stakeholders. Revisions  
3444 to the management strategies required for nonpoint sources must  
3445 follow the procedures set forth in subparagraph (c)4. Revised  
3446 basin management action plans must be adopted pursuant to  
3447 subparagraph 5 4.

3448 ~~7.6.~~ In accordance with procedures adopted by rule under  
3449 paragraph (9) (c), basin management action plans, and other  
3450 pollution control programs under local, state, or federal  
3451 authority as provided in subsection (4), may allow point or

576-01513-16

2016552c2

3452 nonpoint sources that will achieve greater pollutant reductions  
3453 than required by an adopted total maximum daily load or  
3454 wasteload allocation to generate, register, and trade water  
3455 quality credits for the excess reductions to enable other  
3456 sources to achieve their allocation; however, the generation of  
3457 water quality credits does not remove the obligation of a source  
3458 or activity to meet applicable technology requirements or  
3459 adopted best management practices. Such plans must allow trading  
3460 between NPDES permittees, and trading that may or may not  
3461 involve NPDES permittees, where the generation or use of the  
3462 credits involve an entity or activity not subject to department  
3463 water discharge permits whose owner voluntarily elects to obtain  
3464 department authorization for the generation and sale of credits.

3465 ~~8.7.~~ The provisions of the department's rule relating to  
3466 the equitable abatement of pollutants into surface waters do not  
3467 apply to water bodies or water body segments for which a basin  
3468 management plan that takes into account future new or expanded  
3469 activities or discharges has been adopted under this section.

3470 (b) *Total maximum daily load implementation.*—

3471 1. The department shall be the lead agency in coordinating  
3472 the implementation of the total maximum daily loads through  
3473 existing water quality protection programs. Application of a  
3474 total maximum daily load by a water management district must be  
3475 consistent with this section and does not require the issuance  
3476 of an order or a separate action pursuant to s. 120.536(1) or s.  
3477 120.54 for the adoption of the calculation and allocation  
3478 previously established by the department. Such programs may  
3479 include, but are not limited to:

3480 a. Permitting and other existing regulatory programs,



576-01513-16

2016552c2

3481 including water-quality-based effluent limitations;

3482       b. Nonregulatory and incentive-based programs, including  
3483 best management practices, cost sharing, waste minimization,  
3484 pollution prevention, agreements established pursuant to s.  
3485 403.061(21), and public education;

3486       c. Other water quality management and restoration  
3487 activities, for example surface water improvement and management  
3488 plans approved by water management districts or basin management  
3489 action plans developed pursuant to this subsection;

3490       d. Trading of water quality credits or other equitable  
3491 economically based agreements;

3492       e. Public works including capital facilities; or

3493       f. Land acquisition.

3494       2. For a basin management action plan adopted pursuant to  
3495 paragraph (a), any management strategies and pollutant reduction  
3496 requirements associated with a pollutant of concern for which a  
3497 total maximum daily load has been developed, including effluent  
3498 limits set forth for a discharger subject to NPDES permitting,  
3499 if any, must be included in a timely manner in subsequent NPDES  
3500 permits or permit modifications for that discharger. The  
3501 department may not impose limits or conditions implementing an  
3502 adopted total maximum daily load in an NPDES permit until the  
3503 permit expires, the discharge is modified, or the permit is  
3504 reopened pursuant to an adopted basin management action plan.

3505       a. Absent a detailed allocation, total maximum daily loads  
3506 must be implemented through NPDES permit conditions that provide  
3507 for a compliance schedule. In such instances, a facility's NPDES  
3508 permit must allow time for the issuance of an order adopting the  
3509 basin management action plan. The time allowed for the issuance

576-01513-16

2016552c2

3510 of an order adopting the plan may not exceed 5 years. Upon  
3511 issuance of an order adopting the plan, the permit must be  
3512 reopened or renewed, as necessary, and permit conditions  
3513 consistent with the plan must be established. Notwithstanding  
3514 the other provisions of this subparagraph, upon request by an  
3515 NPDES permittee, the department as part of a permit issuance,  
3516 renewal, or modification may establish individual allocations  
3517 before the adoption of a basin management action plan.

3518       b. For holders of NPDES municipal separate storm sewer  
3519 system permits and other stormwater sources, implementation of a  
3520 total maximum daily load or basin management action plan must be  
3521 achieved, to the maximum extent practicable, through the use of  
3522 best management practices or other management measures.

3523       c. The basin management action plan does not relieve the  
3524 discharger from any requirement to obtain, renew, or modify an  
3525 NPDES permit or to abide by other requirements of the permit.

3526       d. Management strategies set forth in a basin management  
3527 action plan to be implemented by a discharger subject to  
3528 permitting by the department must be completed pursuant to the  
3529 schedule set forth in the basin management action plan. This  
3530 implementation schedule may extend beyond the 5-year term of an  
3531 NPDES permit.

3532       e. Management strategies and pollution reduction  
3533 requirements set forth in a basin management action plan for a  
3534 specific pollutant of concern are not subject to challenge under  
3535 chapter 120 at the time they are incorporated, in an identical  
3536 form, into a subsequent NPDES permit or permit modification.

3537       f. For nonagricultural pollutant sources not subject to  
3538 NPDES permitting but permitted pursuant to other state,

576-01513-16

2016552c2

3539 regional, or local water quality programs, the pollutant  
3540 reduction actions adopted in a basin management action plan must  
3541 be implemented to the maximum extent practicable as part of  
3542 those permitting programs.

3543 g. A nonpoint source discharger included in a basin  
3544 management action plan must demonstrate compliance with the  
3545 pollutant reductions established under subsection (6) by  
3546 implementing the appropriate best management practices  
3547 established pursuant to paragraph (c) or conducting water  
3548 quality monitoring prescribed by the department or a water  
3549 management district. A nonpoint source discharger may, in  
3550 accordance with department rules, supplement the implementation  
3551 of best management practices with water quality credit trades in  
3552 order to demonstrate compliance with the pollutant reductions  
3553 established under subsection (6).

3554 h. A nonpoint source discharger included in a basin  
3555 management action plan may be subject to enforcement action by  
3556 the department or a water management district based upon a  
3557 failure to implement the responsibilities set forth in sub-  
3558 subparagraph g.

3559 i. A landowner, discharger, or other responsible person who  
3560 is implementing applicable management strategies specified in an  
3561 adopted basin management action plan may not be required by  
3562 permit, enforcement action, or otherwise to implement additional  
3563 management strategies, including water quality credit trading,  
3564 to reduce pollutant loads to attain the pollutant reductions  
3565 established pursuant to subsection (6) and shall be deemed to be  
3566 in compliance with this section. This subparagraph does not  
3567 limit the authority of the department to amend a basin

576-01513-16

2016552c2

3568 management action plan as specified in subparagraph (a)6. ~~(a)5.~~

3569 (c) *Best management practices.*—

3570 1. The department, in cooperation with the water management  
3571 districts and other interested parties, as appropriate, may  
3572 develop suitable interim measures, best management practices, or  
3573 other measures necessary to achieve the level of pollution  
3574 reduction established by the department for nonagricultural  
3575 nonpoint pollutant sources in allocations developed pursuant to  
3576 subsection (6) and this subsection. These practices and measures  
3577 may be adopted by rule by the department and the water  
3578 management districts and, where adopted by rule, shall be  
3579 implemented by those parties responsible for nonagricultural  
3580 nonpoint source pollution.

3581 2. The Department of Agriculture and Consumer Services may  
3582 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54  
3583 suitable interim measures, best management practices, or other  
3584 measures necessary to achieve the level of pollution reduction  
3585 established by the department for agricultural pollutant sources  
3586 in allocations developed pursuant to subsection (6) and this  
3587 subsection or for programs implemented pursuant to paragraph  
3588 (12)(b). These practices and measures may be implemented by  
3589 those parties responsible for agricultural pollutant sources and  
3590 the department, the water management districts, and the  
3591 Department of Agriculture and Consumer Services shall assist  
3592 with implementation. In the process of developing and adopting  
3593 rules for interim measures, best management practices, or other  
3594 measures, the Department of Agriculture and Consumer Services  
3595 shall consult with the department, the Department of Health, the  
3596 water management districts, representatives from affected

576-01513-16

2016552c2

3597 farming groups, and environmental group representatives. Such  
3598 rules must also incorporate provisions for a notice of intent to  
3599 implement the practices and a system to assure the  
3600 implementation of the practices, including site inspection and  
3601 recordkeeping requirements.

3602 3. Where interim measures, best management practices, or  
3603 other measures are adopted by rule, the effectiveness of such  
3604 practices in achieving the levels of pollution reduction  
3605 established in allocations developed by the department pursuant  
3606 to subsection (6) and this subsection or in programs implemented  
3607 pursuant to paragraph (12)(b) must be verified at representative  
3608 sites by the department. The department shall use best  
3609 professional judgment in making the initial verification that  
3610 the best management practices are reasonably expected to be  
3611 effective and, where applicable, must notify the appropriate  
3612 water management district or the Department of Agriculture and  
3613 Consumer Services of its initial verification before the  
3614 adoption of a rule proposed pursuant to this paragraph.  
3615 Implementation, in accordance with rules adopted under this  
3616 paragraph, of practices that have been initially verified to be  
3617 effective, or verified to be effective by monitoring at  
3618 representative sites, by the department, shall provide a  
3619 presumption of compliance with state water quality standards and  
3620 release from the provisions of s. 376.307(5) for those  
3621 pollutants addressed by the practices, and the department is not  
3622 authorized to institute proceedings against the owner of the  
3623 source of pollution to recover costs or damages associated with  
3624 the contamination of surface water or groundwater caused by  
3625 those pollutants. Research projects funded by the department, a

576-01513-16

2016552c2

3626 water management district, or the Department of Agriculture and  
3627 Consumer Services to develop or demonstrate interim measures or  
3628 best management practices shall be granted a presumption of  
3629 compliance with state water quality standards and a release from  
3630 the provisions of s. 376.307(5). The presumption of compliance  
3631 and release is limited to the research site and only for those  
3632 pollutants addressed by the interim measures or best management  
3633 practices. Eligibility for the presumption of compliance and  
3634 release is limited to research projects on sites where the owner  
3635 or operator of the research site and the department, a water  
3636 management district, or the Department of Agriculture and  
3637 Consumer Services have entered into a contract or other  
3638 agreement that, at a minimum, specifies the research objectives,  
3639 the cost-share responsibilities of the parties, and a schedule  
3640 that details the beginning and ending dates of the project.

3641 4. Where water quality problems are demonstrated, despite  
3642 the appropriate implementation, operation, and maintenance of  
3643 best management practices and other measures required by rules  
3644 adopted under this paragraph, the department, a water management  
3645 district, or the Department of Agriculture and Consumer  
3646 Services, in consultation with the department, shall institute a  
3647 reevaluation of the best management practice or other measure.  
3648 Should the reevaluation determine that the best management  
3649 practice or other measure requires modification, the department,  
3650 a water management district, or the Department of Agriculture  
3651 and Consumer Services, as appropriate, shall revise the rule to  
3652 require implementation of the modified practice within a  
3653 reasonable time period as specified in the rule.

3654 5. Agricultural records relating to processes or methods of

576-01513-16

2016552c2

3655 production, costs of production, profits, or other financial  
3656 information held by the Department of Agriculture and Consumer  
3657 Services pursuant to subparagraphs 3. and 4. or pursuant to any  
3658 rule adopted pursuant to subparagraph 2. are confidential and  
3659 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
3660 Constitution. Upon request, records made confidential and exempt  
3661 pursuant to this subparagraph shall be released to the  
3662 department or any water management district provided that the  
3663 confidentiality specified by this subparagraph for such records  
3664 is maintained.

3665 6. The provisions of subparagraphs 1. and 2. do not  
3666 preclude the department or water management district from  
3667 requiring compliance with water quality standards or with  
3668 current best management practice requirements set forth in any  
3669 applicable regulatory program authorized by law for the purpose  
3670 of protecting water quality. Additionally, subparagraphs 1. and  
3671 2. are applicable only to the extent that they do not conflict  
3672 with any rules adopted by the department that are necessary to  
3673 maintain a federally delegated or approved program.

3674 (d) Enforcement and verification of basin management action  
3675 plans and management strategies.-

3676 1. Basin management action plans are enforceable pursuant  
3677 to this section and ss. 403.121, 403.141, and 403.161.

3678 Management strategies, including best management practices and  
3679 water quality monitoring, are enforceable under this chapter.

3680 2. No later than January 1, 2017:

3681 a. The department, in consultation with the water  
3682 management districts and the Department of Agriculture and  
3683 Consumer Services, shall initiate rulemaking to adopt procedures

576-01513-16

2016552c2

3684 to verify implementation of water quality monitoring required in  
3685 lieu of implementation of best management practices or other  
3686 measures pursuant to s. 403.067(7)(b)2.g.;

3687 b. The department, in consultation with the water  
3688 management districts and the Department of Agriculture and  
3689 Consumer Services, shall initiate rulemaking to adopt procedures  
3690 to verify implementation of nonagricultural interim measures,  
3691 best management practices, or other measures adopted by rule  
3692 pursuant to s. 403.067(7)(c)1.; and

3693 c. The Department of Agriculture and Consumer Services, in  
3694 consultation with the water management districts and the  
3695 department, shall initiate rulemaking to adopt procedures to  
3696 verify implementation of agricultural interim measures, best  
3697 management practices, or other measures adopted by rule pursuant  
3698 to s. 403.067(7)(c)2.

3699  
3700 The rules required under this subparagraph shall include  
3701 enforcement procedures applicable to the landowner, discharger,  
3702 or other responsible person required to implement applicable  
3703 management strategies, including best management practices or  
3704 water quality monitoring as a result of noncompliance.

3705 Section 34. Section 403.0675, Florida Statutes, is created  
3706 to read:

3707 403.0675 Progress reports.—On or before July 1 of each  
3708 year, beginning in 2018:

3709 (1) The department, in conjunction with the water  
3710 management districts, shall post on its website and submit  
3711 electronically an annual progress report to the Governor, the  
3712 President of the Senate, and the Speaker of the House of



576-01513-16

2016552c2

3713 Representatives on the status of each total maximum daily load,  
3714 basin management action plan, minimum flow or minimum water  
3715 level, and recovery or prevention strategy adopted pursuant to  
3716 s. 403.067 or parts I and VIII of chapter 373. The report must  
3717 include the status of each project identified to achieve a total  
3718 maximum daily load or an adopted minimum flow or minimum water  
3719 level, as applicable. If a report indicates that any of the 5-  
3720 year, 10-year, or 15-year milestones, or the 20-year target  
3721 date, if applicable, for achieving a total maximum daily load or  
3722 a minimum flow or minimum water level will not be met, the  
3723 report must include an explanation of the possible causes and  
3724 potential solutions. If applicable, the report must include  
3725 project descriptions, estimated costs, proposed priority ranking  
3726 for project implementation, and funding needed to achieve the  
3727 total maximum daily load or the minimum flow or minimum water  
3728 level by the target date. Each water management district shall  
3729 post the department's report on its website.

3730 (2) The Department of Agriculture and Consumer Services  
3731 shall post on its website and submit electronically an annual  
3732 progress report to the Governor, the President of the Senate,  
3733 and the Speaker of the House of Representatives on the status of  
3734 the implementation of the agricultural nonpoint source best  
3735 management practices, including an implementation assurance  
3736 report summarizing survey responses and response rates, site  
3737 inspections, and other methods used to verify implementation of  
3738 and compliance with best management practices pursuant to basin  
3739 management action plans.

3740 Section 35. Subsection (21) is added to section 403.861,  
3741 Florida Statutes, to read:

576-01513-16

2016552c2

3742 403.861 Department; powers and duties.—The department shall  
3743 have the power and the duty to carry out the provisions and  
3744 purposes of this act and, for this purpose, to:

3745 (21) (a) Upon issuance of a construction permit to construct  
3746 a new public water system drinking water treatment facility to  
3747 provide potable water supply using a surface water that, at the  
3748 time of the permit application, is not being used as a potable  
3749 water supply, and the classification of which does not include  
3750 potable water supply as a designated use, the department shall  
3751 add treated potable water supply as a designated use of the  
3752 surface water segment in accordance with s. 403.061(29) (b) .

3753 (b) For existing public water system drinking water  
3754 treatment facilities that use a surface water as a treated  
3755 potable water supply, which surface water classification does  
3756 not include potable water supply as a designated use, the  
3757 department shall add treated potable water supply as a  
3758 designated use of the surface water segment in accordance with  
3759 s. 403.061(29) (b) .

3760 Section 36. Section 403.928, Florida Statutes, is created  
3761 to read:

3762 403.928 Assessment of water resources and conservation  
3763 lands.—The Office of Economic and Demographic Research shall  
3764 conduct an annual assessment of Florida's water resources and  
3765 conservation lands.

3766 (1) WATER RESOURCES.—The assessment must include all of the  
3767 following:

3768 (a) Historical and current expenditures and projections of  
3769 future expenditures by federal, state, regional, and local  
3770 governments and public and private utilities based upon

576-01513-16

2016552c2

3771 historical trends and ongoing projects or initiatives associated  
3772 with:

- 3773 1. Water supply and demand; and  
3774 2. Water quality protection and restoration.

3775 (b) An analysis and estimates of future expenditures by  
3776 federal, state, regional, and local governments and public and  
3777 private utilities necessary to comply with federal and state  
3778 laws and regulations governing subparagraphs (a)1. and (a)2. The  
3779 analysis and estimates must address future expenditures by  
3780 federal, state, regional, and local governments and all public  
3781 and private utilities necessary to achieve the legislature's  
3782 intent that sufficient water be available for all existing and  
3783 future reasonable-beneficial uses and the natural systems, and  
3784 that adverse effects of competition for water supplies be  
3785 avoided. The assessment must include a compilation of projected  
3786 water supply and demand data developed by each water management  
3787 district pursuant to ss. 373.036 and 373.709, with notations  
3788 regarding any significant differences between the methods used  
3789 by the districts to calculate the data.

3790 (c) Forecasts of federal, state, regional, and local  
3791 government revenues dedicated in current law for the purposes  
3792 specified in subparagraphs (a)1. and (a)2. or that have been  
3793 historically allocated for these purposes, as well as public and  
3794 private utility revenues.

3795 (d) An identification of gaps between projected revenues  
3796 and projected and estimated expenditures.

3797 (2) CONSERVATION LANDS.—The assessment must include all of  
3798 the following:

3799 (a) Historical and current expenditures and projections of

576-01513-16

2016552c2

3800 future expenditures by federal, state, regional, and local  
3801 governments based upon historical trends and ongoing projects or  
3802 initiatives associated with real property interests eligible for  
3803 funding under s. 259.105.

3804 (b) An analysis and estimates of future expenditures by  
3805 federal, state, regional, and local governments necessary to  
3806 purchase lands identified in plans set forth by state agencies  
3807 or water management districts.

3808 (c) An analysis of the ad valorem tax impacts, by county,  
3809 resulting from public ownership of conservation lands.

3810 (d) Forecasts of federal, state, regional, and local  
3811 government revenues dedicated in current law to maintain  
3812 conservation lands and the gap between projected expenditures  
3813 and revenues.

3814 (e) The total percentage of Florida real property that is  
3815 publicly owned for conservation purposes.

3816 (f) A comparison of the cost of acquiring and maintaining  
3817 conservation lands under fee simple or less than fee simple  
3818 ownership.

3819 (3) The assessment shall include analyses on a statewide,  
3820 regional, or geographic basis, as appropriate, and shall  
3821 identify analytical challenges in assessing information across  
3822 the different regions of the state.

3823 (4) The assessment must identify any overlap in the  
3824 expenditures for water resources and conservation lands.

3825 (5) The water management districts, the Department of  
3826 Environmental Protection, the Department of Agriculture and  
3827 Consumer Services, the Fish and Wildlife Conservation  
3828 Commission, counties, municipalities, and special districts

576-01513-16

2016552c2

3829 shall provide assistance to the Office of Economic and  
3830 Demographic Research related to their respective areas of  
3831 expertise.

3832 (6) The Office of Economic and Demographic Research must be  
3833 given access to any data held by an agency as defined in s.  
3834 112.312 if the Office of Economic and Demographic Research  
3835 considers the data necessary to complete the assessment,  
3836 including any confidential data.

3837 (7) The assessment shall be submitted to the President of  
3838 the Senate and the Speaker of the House of Representatives by  
3839 January 1, 2017, and by January 1 of each year thereafter.

3840 Section 37. (1) The Department of Environmental Protection  
3841 shall evaluate the feasibility and cost of creating and  
3842 maintaining a web-based, interactive map that includes, at a  
3843 minimum:

3844 (a) All watersheds and each water body within those  
3845 watersheds;

3846 (b) The county or counties in which the watershed or water  
3847 body is located;

3848 (c) The water management district or districts in which the  
3849 watershed or water body is located;

3850 (d) Whether, if applicable, a minimum flow or minimum water  
3851 level has been adopted for the water body and if such minimum  
3852 flow or minimum water level has not been adopted, the  
3853 anticipated adoption date;

3854 (e) Whether, if applicable, a recovery or prevention  
3855 strategy has been adopted for the watershed or water body and,  
3856 if such a plan has not been adopted, the anticipated adoption  
3857 date;

576-01513-16

2016552c2

- 3858       (f) The impairment status of each water body;  
3859       (g) Whether, if applicable, a total maximum daily load has  
3860 been adopted if the water body is listed as impaired and, if  
3861 such total maximum daily load has not been adopted, the  
3862 anticipated adoption date;  
3863       (h) Whether, if applicable, a basin management action plan  
3864 has been adopted for the watershed and, if such a plan has not  
3865 been adopted, the anticipated adoption date;  
3866       (i) Each project listed on the 5-year water resource  
3867 development work program developed pursuant to s.  
3868 373.536(6)(a)4.;  
3869       (j) The agency or agencies and local sponsor, if any,  
3870 responsible for overseeing the project;  
3871       (k) The total or estimated cost and completion date of each  
3872 project and the financial contribution of each entity;  
3873       (l) The estimated quantitative benefit to the watershed or  
3874 water body; and  
3875       (m) The water projects completed within the last 5 years  
3876 within the watershed or water body.  
3877       (2) On or before January 1, 2017, the department must  
3878 submit a report containing the findings on the feasibility study  
3879 to the President of the Senate and the Speaker of the House of  
3880 Representatives.  
3881       Section 38. The Legislature finds that a proper and  
3882 legitimate state purpose is served when protecting the  
3883 environmental resources of this state. Therefore, the  
3884 Legislature determines and declares that this act fulfills an  
3885 important state interest.  
3886       Section 39. This act shall take effect July 1, 2016.