

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

53 of Agriculture and Consumer Services to develop and
54 implement a multidistrict regional water supply plan;
55 providing plan criteria and requirements; providing
56 applicability; requiring the department to adopt
57 rules; amending s. 373.1501, F.S.; specifying
58 authority of the South Florida Water Management
59 District to allocate quantities of, and assign
60 priorities for the use of, water within its
61 jurisdiction; directing the district to provide
62 recommendations to the United States Army Corps of
63 Engineers when developing or implementing certain
64 water control plans or regulation schedules; amending
65 s. 373.219, F.S.; requiring the department to adopt
66 certain uniform rules; amending s. 373.223, F.S.;
67 requiring consumptive use permits authorizing over a
68 certain amount to be monitored on a specified basis;
69 amending s. 373.2234, F.S.; directing water management
70 district governing boards to consider the
71 identification of preferred water supply sources for
72 certain water users; amending s. 373.227, F.S.;
73 prohibiting water management districts from modifying
74 permitted allocation amounts under certain
75 circumstances; requiring the water management
76 districts to adopt rules to promote water conservation
77 incentives; amending s. 373.233, F.S.; providing
78 conditions under which the department and water

79 management district governing boards are directed to
80 give preference to certain applications; amending s.
81 373.4591, F.S.; providing priority consideration to
82 certain public-private partnerships for water storage,
83 groundwater recharge, and water quality improvements
84 on private agricultural lands; amending s. 373.4595,
85 F.S.; revising and providing definitions relating to
86 the Northern Everglades and Estuaries Protection
87 Program; clarifying provisions of the Lake Okeechobee
88 Watershed Protection Program; directing the South
89 Florida Water Management District to revise certain
90 rules and provide for a watershed research and water
91 quality monitoring program; revising provisions for
92 the Caloosahatchee River Watershed Protection Program
93 and the St. Lucie River Watershed Protection Program;
94 revising permitting and annual reporting requirements
95 relating to the Northern Everglades and Estuaries
96 Protection Program; revising requirements for certain
97 basin management action plans; amending s. 373.467,
98 F.S.; revising the qualifications for membership on
99 the Harris Chain of Lakes Restoration Council;
100 authorizing the Lake County legislative delegation to
101 waive such membership qualifications for good cause;
102 providing for council vacancies; amending s. 373.536,
103 F.S.; requiring a water management district to include
104 an annual funding plan in the 5-year water resource

105 development work program; directing the department to
106 post the proposed work program on its website;
107 amending s. 373.703, F.S.; authorizing water
108 management districts to join with private landowners
109 for the purpose of carrying out their powers; amending
110 s. 373.705, F.S.; revising legislative intent;
111 requiring water management district governing boards
112 to include certain information in their annual budget
113 submittals; requiring water management districts to
114 promote expanded cost-share criteria for additional
115 conservation practices and software technologies;
116 amending s. 373.707, F.S.; authorizing water
117 management districts to provide technical and
118 financial assistance to certain self-suppliers and to
119 waive certain construction costs of alternative water
120 supply development projects sponsored by certain water
121 users; amending s. 373.709, F.S.; requiring regional
122 water supply plans to include traditional and
123 alternative water supply project options that are
124 technically and financially feasible; directing the
125 department to include certain funding analyses and
126 project explanations in regional water supply planning
127 reports; creating part VIII of ch. 373, F.S., entitled
128 the "Florida Springs and Aquifer Protection Act";
129 creating s. 373.801, F.S.; providing legislative
130 findings and intent; creating s. 373.802, F.S.;

131 defining terms; creating s. 373.803, F.S.; requiring
132 the department to delineate a priority focus area for
133 each Outstanding Florida Spring by a certain date;
134 creating s. 373.805, F.S.; requiring a water
135 management district or the department to adopt or
136 revise various recovery or prevention strategies under
137 certain circumstances; providing minimum requirements
138 for recovery or prevention strategies for Outstanding
139 Florida Springs; authorizing local governments to
140 apply for an extension for projects in an adopted
141 recovery or prevention strategy; creating s. 373.807,
142 F.S.; requiring the department to initiate assessments
143 of Outstanding Florida Springs by a certain date;
144 requiring the department to develop basin management
145 action plans; authorizing local governments to apply
146 for an extension for projects in an adopted basin
147 management action plan; requiring certain local
148 governments to develop, enact, and implement an urban
149 fertilizer ordinance by a certain date; requiring the
150 Department of Environmental Protection, the Department
151 of Health, and relevant local governments and
152 utilities to develop onsite sewage treatment and
153 disposal system remediation plans under certain
154 circumstances; requiring the Department of
155 Environmental Protection to be the lead agency;
156 creating s. 373.811, F.S.; specifying prohibited

157 activities within a priority focus area of an
158 Outstanding Florida Spring; creating s. 373.813, F.S.;
159 providing rulemaking authority; amending s. 403.061,
160 F.S.; directing the department to adopt by rule a
161 specific surface water classification to protect
162 surface waters used for treated potable water supply;
163 providing criteria for such rule; authorizing the
164 reclassification of surface waters used for treated
165 potable water supply notwithstanding such rule;
166 creating s. 403.0617, F.S.; authorizing the department
167 to fund nutrient and sediment reduction and
168 conservation pilot projects under certain
169 circumstances; requiring the department to initiate
170 rulemaking by a certain date; amending s. 403.0623,
171 F.S.; requiring the department to establish certain
172 standards; requiring state agencies and water
173 management districts to show that they followed the
174 department's standards in order to receive certain
175 funding; amending s. 403.067, F.S.; providing
176 requirements for new or revised basin management
177 action plans; requiring the department to adopt rules
178 relating to the enforcement and verification of best
179 management action plans and management strategies;
180 creating s. 403.0675, F.S.; requiring the department
181 and the Department of Agriculture and Consumer
182 Services to post annual progress reports on their

183 websites and to submit such reports to the Governor
 184 and the Legislature; requiring each water management
 185 district to post the Department of Environmental
 186 Protection's report on its website; amending s.
 187 403.861, F.S.; directing the department to add treated
 188 potable water supply as a designated use of a surface
 189 water segment under certain circumstances; creating s.
 190 403.928, F.S.; requiring the Office of Economic and
 191 Demographic Research to conduct an annual assessment
 192 of Florida's water resources and conservation lands;
 193 requiring the assessment to be submitted to the
 194 Legislature by a certain date; requiring the
 195 department to evaluate the feasibility and costs of
 196 creating and maintaining a web-based interactive map;
 197 requiring the department to submit a report of its
 198 findings by a certain date; providing a declaration of
 199 important state interest; providing an effective date.

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

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

205 259.032 Conservation and recreation lands.—

206 (9)

207 (f) To ensure that the public has knowledge of and access
 208 to conservation lands, as defined in s. 253.034(2)(c), the

209 department shall publish, update, and maintain a database of
210 such lands where public access is compatible with conservation
211 and recreation purposes.

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

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

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

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

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235 percentage of public lands acquired under this chapter to which
236 the public has access and the efforts undertaken by the
237 department to increase public access to such lands.

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

240 373.019 Definitions.—When appearing in this chapter or in
241 any rule, regulation, or order adopted pursuant thereto, the
242 term:

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

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

258 373.036 Florida water plan; district water management
259 plans.—

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

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

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

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

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

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

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

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

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

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

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

284 b. A priority ranking for each listed project for which
 285 state funding through the water resources development work
 286 program is requested, which must be made available to the public

287 for comment at least 30 days before submission of the
 288 consolidated annual report;

289 c. The estimated cost for each listed project;

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

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

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

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

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

305 373.037 Pilot program for alternative water supply
 306 development in restricted allocation areas.-

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

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

312 (b) "Lower East Coast Regional Water Supply Planning Area"

313 means the areas withdrawing surface and groundwater from Water
 314 Conservation Areas 1, 2A, 2B, 3A, and 3B, Grassy Waters
 315 Preserve/Water Catchment Area, Pal Mar, J.W. Corbett Wildlife
 316 Management Area, Loxahatchee Slough, Loxahatchee River,
 317 Riverbend Park, Dupuis Reserve, Jonathan Dickinson State Park,
 318 Kitching Creek, Moonshine Creek, Cypress Creek, Hobe Grove
 319 Ditch, the Holey Land and Rotenberger Wildlife Management Areas,
 320 and the freshwater portions of the Everglades National Park, as
 321 designated by the South Florida Water Management District.

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

338 (d) "Southern Water Use Caution Area" means all of Desoto,

339 Hardee, Manatee, and Sarasota Counties and parts of Charlotte,
340 Highlands, Hillsborough, and Polk Counties, as designated by the
341 Southwest Florida Water Management District.

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

346 (2) The Legislature finds that:

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

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

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

370 (3) The water management districts specified in paragraph
371 (2) (b) may, at their sole discretion, designate and implement an
372 existing alternative water supply project that is identified in
373 each district's regional water supply plan as its one pilot
374 project or amend their respective regional water supply plans to
375 add a new alternative water supply project as their district
376 pilot project. A pilot project designation made pursuant to this
377 section should be made no later than July 1, 2017, and is not
378 subject to the rulemaking requirements of chapter 120 or subject
379 to legal challenge pursuant to ss. 120.569 and 120.57. A water
380 management district may designate an alternative water supply
381 project located within another water management district if the
382 project is located in a restricted allocation area designated by
383 the other water management district and a substantial quantity
384 of water provided by the alternative water supply project will
385 be used within the designating water management district's
386 boundaries.

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

391 subject to the following restrictions in implementing the pilot
392 project:

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

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

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

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

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

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

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

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

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

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

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

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

451 373.042 Minimum flows and minimum water levels.-

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

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

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

464
465 The minimum flow and minimum water level shall be calculated by
466 the department and the governing board using the best
467 information available. When appropriate, minimum flows and
468 minimum water levels may be calculated to reflect seasonal

469 variations. The department and the governing board shall ~~also~~
470 consider, and at their discretion may provide for, the
471 protection of nonconsumptive uses in the establishment of
472 minimum flows and minimum water levels.

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

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

490 (c) The Legislature finds as provided in s. 373.801(3) (b)
491 that the adoption of minimum flows and minimum water levels or
492 recovery or prevention strategies for Outstanding Florida
493 Springs requires immediate action. The department and the
494 districts are authorized, and all conditions are deemed to be

495 met, to use emergency rulemaking provisions pursuant to s.
496 120.54(4) to adopt minimum flows and minimum water levels
497 pursuant to this subsection and to adopt recovery or prevention
498 strategies concurrently with a minimum flow or minimum water
499 level pursuant to s. 373.805(2). The emergency rules shall
500 remain in effect during the pendency of procedures to adopt
501 rules addressing the subject of the emergency rules.

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

504 (3)-(2) By November 15, 1997, and annually thereafter, each
505 water management district shall submit to the department for
506 review and approval a priority list and schedule for the
507 establishment of minimum flows and minimum water levels for
508 surface watercourses, aquifers, and surface waters within the
509 district. The priority list and schedule shall identify those
510 listed water bodies for which the district will voluntarily
511 undertake independent scientific peer review; any reservations
512 proposed by the district to be established pursuant to s.
513 373.223(4); and those listed water bodies that have the
514 potential to be affected by withdrawals in an adjacent district
515 for which the department's adoption of a reservation pursuant to
516 s. 373.223(4) or a minimum flow or minimum water level pursuant
517 to subsection (1) may be appropriate. By March 1, 2006, and
518 annually thereafter, each water management district shall
519 include its approved priority list and schedule in the
520 consolidated annual report required by s. 373.036(7). The

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

545 (4) ~~(3)~~ Minimum flows or minimum water levels for priority
546 waters in the counties of Hillsborough, Pasco, and Pinellas

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

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

566 (6)~~(5)~~ (a) Upon written request to the department or
567 governing board by a substantially affected person, or by
568 decision of the department or governing board, before ~~prior to~~
569 the establishment of a minimum flow or minimum water level and
570 before ~~prior to~~ the filing of any petition for administrative
571 hearing related to the minimum flow or minimum water level, all
572 scientific or technical data, methodologies, and models,

573 including all scientific and technical assumptions employed in
574 each model, used to establish a minimum flow or minimum water
575 level shall be subject to independent scientific peer review.
576 Independent scientific peer review means review by a panel of
577 independent, recognized experts in the fields of hydrology,
578 hydrogeology, limnology, biology, and other scientific
579 disciplines, to the extent relevant to the establishment of the
580 minimum flow or minimum water level.

581 (b) If independent scientific peer review is requested, it
582 shall be initiated at an appropriate point agreed upon by the
583 department or governing board and the person or persons
584 requesting the peer review. If no agreement is reached, the
585 department or governing board shall determine the appropriate
586 point at which to initiate peer review. The members of the peer
587 review panel shall be selected within 60 days of the point of
588 initiation by agreement of the department or governing board and
589 the person or persons requesting the peer review. If the panel
590 is not selected within the 60-day period, the time limitation
591 may be waived upon the agreement of all parties. If no waiver
592 occurs, the department or governing board may proceed to select
593 the peer review panel. The cost of the peer review shall be
594 borne equally by the district and each party requesting the peer
595 review, to the extent economically feasible. The panel shall
596 submit a final report to the governing board within 120 days
597 after its selection unless the deadline is waived by agreement
598 of all parties. Initiation of peer review pursuant to this

599 paragraph shall toll any applicable deadline under chapter 120
600 or other law or district rule regarding permitting, rulemaking,
601 or administrative hearings, until 60 days following submittal of
602 the final report. Any such deadlines shall also be tolled for 60
603 days following withdrawal of the request or following agreement
604 of the parties that peer review will no longer be pursued. The
605 department or the governing board shall give significant weight
606 to the final report of the peer review panel when establishing
607 the minimum flow or minimum water level.

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

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

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

625 the order shall not be extended except by agreement of all the
626 parties. To the extent that the parties agree to the findings of
627 the peer review, they may stipulate that those findings be
628 incorporated as findings of fact in the final order.

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

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

633 373.0421 Establishment and implementation of minimum flows
634 and minimum water levels.—

635 (1) ESTABLISHMENT.—

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

645 (b) Exclusions.—

646 1. The Legislature recognizes that certain water bodies no
647 longer serve their historical hydrologic functions. The
648 Legislature also recognizes that recovery of these water bodies
649 to historical hydrologic conditions may not be economically or
650 technically feasible, and that such recovery effort could cause

651 adverse environmental or hydrologic impacts. Accordingly, the
652 department or governing board may determine that setting a
653 minimum flow or minimum water level for such a water body based
654 on its historical condition is not appropriate.

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

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

669
670 The exclusions of this paragraph shall not apply to the
671 Everglades Protection Area, as defined in s. 373.4592(2)(i).

672 (2) If the existing flow or water level in a water body is
673 below, or is projected to fall within 20 years below, the
674 applicable minimum flow or minimum water level established
675 pursuant to s. 373.042, the department or governing board,
676 concurrent with the adoption of the minimum flow or minimum

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677 water level and as part of the regional water supply plan
678 described in s. 373.709, shall adopt and ~~expeditiously~~ implement
679 a recovery or prevention strategy, which includes the
680 development of additional water supplies and other actions,
681 consistent with the authority granted by this chapter, to:

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

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

687 The recovery or prevention strategy must ~~shall~~ include a phased-
688 in approach ~~phasing~~ or a timetable which will allow for the
689 provision of sufficient water supplies for all existing and
690 projected reasonable-beneficial uses, including development of
691 additional water supplies and implementation of conservation and
692 other efficiency measures concurrent with and, to the maximum
693 extent practical, ~~and~~ to offset, reductions in permitted
694 withdrawals, consistent with ~~the provisions of~~ this chapter. The
695 recovery or prevention strategy may not depend solely on water
696 shortage restrictions declared pursuant to s. 373.175 or s.
697 373.246.

698 (3) To ensure that sufficient water is available for all
699 existing and future reasonable-beneficial uses and the natural
700 systems, the applicable regional water supply plan prepared
701 pursuant to s. 373.709 shall be amended to include any water
702 supply development project or water resource development project

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703 identified in a recovery or prevention strategy. Such amendment
704 shall be approved concurrently with relevant portions of the
705 recovery or prevention strategy.

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

724 (5)~~(3)~~ The provisions of this section are supplemental to
725 any other specific requirements or authority provided by law.
726 Minimum flows and minimum water levels shall be reevaluated
727 periodically and revised as needed.

728 Section 7. Section 373.0465, Florida Statutes, is created

729 to read:

730 373.0465 Central Florida Water Initiative.-

731 (1) The Legislature finds that:

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

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

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

755 associated natural systems.

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

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

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

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

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

778 3. Develop and implement, as set forth in the Central
779 Florida Water Initiative Guiding Document of January 30, 2015, a
780 single multidistrict regional water supply plan, including any

781 needed recovery or prevention strategies and a list of water
782 supply development projects or water resource projects; and

783 4. Provide for a single hydrologic planning model to
784 assess the availability of groundwater in the Central Florida
785 Water Initiative Area.

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

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

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

799 3. Consider existing recovery or prevention strategies;

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

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

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

813 1. A single, uniform definition of the term "harmful to
814 the water resources" consistent with the term's usage in s.
815 373.219;

816 2. A single method for calculating residential per capita
817 water use;

818 3. A single process for permit reviews;

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

821 5. A goal for residential per capita water use for each
822 consumptive use permit; and

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

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

832 (e) The department shall initiate rulemaking for the

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

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

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

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

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

859 exercise the authority of the state to allocate quantities of
860 water within its jurisdiction, including the water supply in
861 relation to the project, and be responsible for allocating water
862 and assigning priorities among the other water uses served by
863 the project pursuant to state law. The district may:

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

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

871 (c) Construct pilot projects that will assist in
872 determining the feasibility of technology included in the
873 Comprehensive Plan of the restudy.~~†~~ ~~and~~

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

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

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

882 373.219 Permits required.—

883 (3) For Outstanding Florida Springs, the department shall
884 adopt uniform rules for issuing permits which prevent

885 groundwater withdrawals that are harmful to the water resources
 886 and adopt by rule a uniform definition of the term "harmful to
 887 the water resources" to provide water management districts with
 888 minimum standards necessary to be consistent with the overall
 889 water policy of the state. This subsection does not prohibit a
 890 water management district from adopting a definition that is
 891 more protective of the water resources consistent with local or
 892 regional conditions and objectives.

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

895 373.223 Conditions for a permit.—

896 (6) A new consumptive use permit, or the renewal or
 897 modification of a consumptive use permit, that authorizes
 898 groundwater withdrawals of 100,000 gallons or more per day from
 899 a well with an inside diameter of 8 inches or more shall be
 900 monitored for water usage at intervals using methods determined
 901 by the applicable water management district, and the results of
 902 such monitoring shall be reported to the applicable water
 903 management district at least annually. The water management
 904 districts may adopt rules to implement this subsection.

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

907 373.2234 Preferred water supply sources.—

908 (1) The governing board of a water management district is
 909 authorized to adopt rules that identify preferred water supply
 910 sources for consumptive uses for which there is sufficient data

911 to establish that a preferred source will provide a substantial
912 new water supply to meet the existing and projected reasonable-
913 beneficial uses of a water supply planning region identified
914 pursuant to s. 373.709(1), while sustaining existing water
915 resources and natural systems. At a minimum, such rules must
916 contain a description of the preferred water supply source and
917 an assessment of the water the preferred source is projected to
918 produce.

919 (2) (a) If an applicant proposes to use a preferred water
920 supply source, that applicant's proposed water use is subject to
921 s. 373.223(1), except that the proposed use of a preferred water
922 supply source must be considered by a water management district
923 when determining whether a permit applicant's proposed use of
924 water is consistent with the public interest pursuant to s.
925 373.223(1) (c).

926 (b) The governing board of a water management district
927 shall consider the identification of preferred water supply
928 sources for water users for whom access to or development of new
929 water supplies is not technically or financially feasible.
930 Identification of preferred water supply sources for such water
931 users must be consistent with s. 373.016.

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

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

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937 ~~construed to~~

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

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

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

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

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

958 373.227 Water conservation; legislative findings and
959 intent; objectives; comprehensive statewide water conservation
960 program requirements.—

961 (5) To incentivize water conservation, if actual water use
962 is less than permitted water use due to documented

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

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

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

982 373.233 Competing applications.—

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

987 (b) If two or more competing applications qualify equally
988 under subsection (1) and none of the competing applications is a

989 renewal application, the governing board or the department shall
 990 give preference to the application for the use where the source
 991 is nearest to the area of use or application consistent with s.
 992 373.016(4) (a).

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

995 373.4591 Improvements on private agricultural lands.—

996 (1) The Legislature encourages public-private partnerships
 997 to accomplish water storage, groundwater recharge, and water
 998 quality improvements on private agricultural lands. Priority
 999 consideration shall be given to public-private partnerships
 1000 that:

1001 (a) Store or treat water on private lands for purposes of
 1002 enhancing hydrologic improvement, improving water quality, or
 1003 assisting in water supply;

1004 (b) Provide critical groundwater recharge; or

1005 (c) Provide for changes in land use to activities that
 1006 minimize nutrient loads and maximize water conservation.

1007 (2) (a) When an agreement is entered into between the
 1008 department, a water management district, or the Department of
 1009 Agriculture and Consumer Services and a private landowner to
 1010 establish ~~such~~ a public-private partnership that may create or
 1011 impact wetlands or other surface waters, a baseline condition
 1012 determining the extent of wetlands and other surface waters on
 1013 the property shall be established and documented in the
 1014 agreement before improvements are constructed.

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1015 (b) When an agreement is entered into between the
1016 Department of Agriculture and Consumer Services and a private
1017 landowner to implement best management practices pursuant to s.
1018 403.067(7)(c), a baseline condition determining the extent of
1019 wetlands and other surface water on the property may be
1020 established at the option and expense of the private landowner
1021 and documented in the agreement before improvements are
1022 constructed. The Department of Agriculture and Consumer Services
1023 shall submit the landowner's proposed baseline condition
1024 documentation to the lead agency for review and approval, and
1025 the agency shall use its best efforts to complete the review
1026 within 45 days.

1027 (3) The Department of Agriculture and Consumer Services,
1028 the department, and the water management districts shall provide
1029 a process for reviewing these requests in the timeframe
1030 specified. The determination of a baseline condition shall be
1031 conducted using the methods set forth in the rules adopted
1032 pursuant to s. 373.421. The baseline condition documented in an
1033 agreement shall be considered the extent of wetlands and other
1034 surface waters on the property for the purpose of regulation
1035 under this chapter for the duration of the agreement and after
1036 its expiration.

1037 Section 15. Paragraph (h) of subsection (1) and
1038 subsections (2) through (7) of section 373.4595, Florida
1039 Statutes, are amended to read:

1040 373.4595 Northern Everglades and Estuaries Protection

1041 Program.—

1042 (1) FINDINGS AND INTENT.—

1043 (h) The Legislature finds that the expeditious

1044 implementation of the Lake Okeechobee Watershed Protection

1045 Program, the Caloosahatchee River Watershed Protection Program,

1046 ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans

1047 is needed to improve the quality, quantity, timing, and

1048 distribution of water in the northern Everglades ecosystem and

1049 that this section, in conjunction with s. 403.067, including the

1050 implementation of the plans developed and approved pursuant to

1051 subsections (3) and (4), and any related basin management action

1052 plan developed and implemented pursuant to s. 403.067(7)(a),

1053 provide a reasonable means of achieving the total maximum daily

1054 load requirements and achieving and maintaining compliance with

1055 state water quality standards.

1056 (2) DEFINITIONS.—As used in this section, the term:

1057 (a) "Best management practice" means a practice or

1058 combination of practices determined by the coordinating

1059 agencies, based on research, field-testing, and expert review,

1060 to be the most effective and practicable on-location means,

1061 including economic and technological considerations, for

1062 improving water quality in agricultural and urban discharges.

1063 Best management practices for agricultural discharges shall

1064 reflect a balance between water quality improvements and

1065 agricultural productivity.

1066 (b) "Biosolids" means the solid, semisolid, or liquid

1067 residue generated during the treatment of domestic wastewater in
1068 a domestic wastewater treatment facility, formerly known as
1069 "domestic wastewater residuals" or "residuals," and includes
1070 products and treated material from biosolids treatment
1071 facilities and septage management facilities regulated by the
1072 department. The term does not include the treated effluent or
1073 reclaimed water from a domestic wastewater treatment facility,
1074 solids removed from pump stations and lift stations, screenings
1075 and grit removed from the preliminary treatment components of
1076 domestic wastewater treatment facilities, or ash generated
1077 during the incineration of biosolids.

1078 (c)~~(b)~~ "Caloosahatchee River watershed" means the
1079 Caloosahatchee River, its tributaries, its estuary, and the area
1080 within Charlotte, Glades, Hendry, and Lee Counties from which
1081 surface water flow is directed or drains, naturally or by
1082 constructed works, to the river, its tributaries, or its
1083 estuary.

1084 (d)~~(e)~~ "Coordinating agencies" means the Department of
1085 Agriculture and Consumer Services, the Department of
1086 Environmental Protection, and the South Florida Water Management
1087 District.

1088 (e)~~(d)~~ "Corps of Engineers" means the United States Army
1089 Corps of Engineers.

1090 (f)~~(e)~~ "Department" means the Department of Environmental
1091 Protection.

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

1093 District.

1094 ~~(g) "District's WOD program" means the program implemented~~
 1095 ~~pursuant to rules adopted as authorized by this section and ss.~~
 1096 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
 1097 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

1098 (h) "Lake Okeechobee Watershed Construction Project" means
 1099 the construction project developed pursuant to this section
 1100 ~~paragraph (3) (b).~~

1101 (i) "Lake Okeechobee Watershed Protection Plan" means the
 1102 Lake Okeechobee Watershed Construction Project and the Lake
 1103 Okeechobee Watershed Research and Water Quality Monitoring
 1104 Program ~~plan developed pursuant to this section and ss. 373.451-~~
 1105 ~~373.459.~~

1106 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
 1107 tributaries, and the area within which surface water flow is
 1108 directed or drains, naturally or by constructed works, to the
 1109 lake or its tributaries.

1110 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
 1111 ~~means the program developed pursuant to paragraph (3) (c).~~

1112 ~~(k) (1)~~ (k) "Northern Everglades" means the Lake Okeechobee
 1113 watershed, the Caloosahatchee River watershed, and the St. Lucie
 1114 River watershed.

1115 ~~(l) (m)~~ (l) "Project component" means any structural or
 1116 operational change, resulting from the Restudy, to the Central
 1117 and Southern Florida Project as it existed and was operated as
 1118 of January 1, 1999.

1119 (m) ~~(n)~~ "Restudy" means the Comprehensive Review Study of
 1120 the Central and Southern Florida Project, for which federal
 1121 participation was authorized by the Federal Water Resources
 1122 Development Acts of 1992 and 1996 together with related
 1123 Congressional resolutions and for which participation by the
 1124 South Florida Water Management District is authorized by s.
 1125 373.1501. The term includes all actions undertaken pursuant to
 1126 the aforementioned authorizations which will result in
 1127 recommendations for modifications or additions to the Central
 1128 and Southern Florida Project.

1129 (n) ~~(o)~~ "River Watershed Protection Plans" means the
 1130 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 1131 River Watershed Protection Plan developed pursuant to this
 1132 section.

1133 (o) "Soil amendment" means any substance or mixture of
 1134 substances sold or offered for sale for soil enriching or
 1135 corrective purposes, intended or claimed to be effective in
 1136 promoting or stimulating plant growth, increasing soil or plant
 1137 productivity, improving the quality of crops, or producing any
 1138 chemical or physical change in the soil, except amendments,
 1139 conditioners, additives, and related products that are derived
 1140 solely from inorganic sources and that contain no recognized
 1141 plant nutrients.

1142 (p) "St. Lucie River watershed" means the St. Lucie River,
 1143 its tributaries, its estuary, and the area within Martin,
 1144 Okeechobee, and St. Lucie Counties from which surface water flow

1145 is directed or drains, naturally or by constructed works, to the
1146 river, its tributaries, or its estuary.

1147 (q) "Total maximum daily load" means the sum of the
1148 individual wasteload allocations for point sources and the load
1149 allocations for nonpoint sources and natural background adopted
1150 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
1151 wasteload allocations and load allocations, the maximum amount
1152 of a pollutant that a water body or water segment can assimilate
1153 from all sources without exceeding water quality standards must
1154 first be calculated.

1155 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
1156 Okeechobee Watershed Protection Program shall consist of the
1157 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
1158 Basin Management Action Plan adopted pursuant to s. 403.067, the
1159 Lake Okeechobee Exotic Species Control Program, and the Lake
1160 Okeechobee Internal Phosphorus Management Program. The Lake
1161 Okeechobee Basin Management Action Plan adopted pursuant to s.
1162 403.067 shall be the component of the Lake Okeechobee Watershed
1163 Protection ~~A protection Program for Lake Okeechobee that~~
1164 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
1165 ~~immediately implemented as specified in this subsection.~~ The
1166 Lake Okeechobee Watershed Protection Program shall address the
1167 reduction of phosphorus loading to the lake from both internal
1168 and external sources. Phosphorus load reductions shall be
1169 achieved through a phased program of implementation. ~~Initial~~
1170 ~~implementation actions shall be technology-based, based upon a~~

1171 ~~consideration of both the availability of appropriate technology~~
1172 ~~and the cost of such technology, and shall include phosphorus~~
1173 ~~reduction measures at both the source and the regional level.~~
1174 ~~The initial phase of phosphorus load reductions shall be based~~
1175 ~~upon the district's Technical Publication 81-2 and the~~
1176 ~~district's WOD program, with subsequent phases of phosphorus~~
1177 ~~load reductions based upon the total maximum daily loads~~
1178 ~~established in accordance with s. 403.067.~~ In the development
1179 and administration of the Lake Okeechobee Watershed Protection
1180 Program, the coordinating agencies shall maximize opportunities
1181 provided by federal cost-sharing programs and opportunities for
1182 partnerships with the private sector.

1183 (a) Lake Okeechobee Watershed Protection Plan.—~~In order~~ To
1184 protect and restore surface water resources, the district, in
1185 cooperation with the other coordinating agencies, shall complete
1186 a Lake Okeechobee Watershed Protection Plan in accordance with
1187 this section and ss. 373.451-373.459. Beginning March 1, 2020,
1188 and every 5 years thereafter, the district shall update the Lake
1189 Okeechobee Watershed Protection Plan to ensure that it is
1190 consistent with the Lake Okeechobee Basin Management Action Plan
1191 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
1192 Protection Plan shall identify the geographic extent of the
1193 watershed, be coordinated with the plans developed pursuant to
1194 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
1195 Watershed Construction Project and the Lake Okeechobee Watershed
1196 Research and Water Quality Monitoring Program ~~contain an~~

1197 ~~implementation schedule for subsequent phases of phosphorus load~~
 1198 ~~reduction consistent with the total maximum daily loads~~
 1199 ~~established in accordance with s. 403.067.~~ The plan shall
 1200 consider and build upon a review and analysis of ~~the following:~~

- 1201 ~~1.~~ the performance of projects constructed during Phase I
 1202 and Phase II of the Lake Okeechobee Watershed Construction
 1203 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~
- 1204 ~~2.~~ relevant information resulting from the Lake Okeechobee
 1205 Basin Management Action Plan Watershed Phosphorus Control
 1206 Program, pursuant to paragraph (b); ~~(e).~~
- 1207 ~~3.~~ relevant information resulting from the Lake Okeechobee
 1208 Watershed Research and Water Quality Monitoring Program,
 1209 pursuant to subparagraph 2.; ~~paragraph (d).~~
- 1210 ~~4.~~ relevant information resulting from the Lake Okeechobee
 1211 Exotic Species Control Program, pursuant to paragraph (c); and
 1212 ~~(e).~~
- 1213 ~~5.~~ relevant information resulting from the Lake Okeechobee
 1214 Internal Phosphorus Management Program, pursuant to paragraph
 1215 (d) ~~(f).~~

1216 ~~1.(b)~~ Lake Okeechobee Watershed Construction Project.—To
 1217 improve the hydrology and water quality of Lake Okeechobee and
 1218 downstream receiving waters, including the Caloosahatchee and
 1219 St. Lucie Rivers and their estuaries, the district, in
 1220 cooperation with the other coordinating agencies, shall design
 1221 and construct the Lake Okeechobee Watershed Construction
 1222 Project. The project shall include:

1223 a.1 Phase I.—Phase I of the Lake Okeechobee Watershed
 1224 Construction Project shall consist of a series of project
 1225 features consistent with the recommendations of the South
 1226 Florida Ecosystem Restoration Working Group's Lake Okeechobee
 1227 Action Plan. Priority basins for such projects include S-191, S-
 1228 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To
 1229 obtain phosphorus load reductions to Lake Okeechobee as soon as
 1230 possible, the following actions shall be implemented:

1231 (I)a. The district shall serve as a full partner with the
 1232 Corps of Engineers in the design and construction of the Grassy
 1233 Island Ranch and New Palm Dairy stormwater treatment facilities
 1234 as components of the Lake Okeechobee Water Retention/Phosphorus
 1235 Removal Critical Project. The Corps of Engineers shall have the
 1236 lead in design and construction of these facilities. Should
 1237 delays be encountered in the implementation of either of these
 1238 facilities, the district shall notify the department and
 1239 recommend corrective actions.

1240 (II)b. The district shall obtain permits and complete
 1241 construction of two of the isolated wetland restoration projects
 1242 that are part of the Lake Okeechobee Water Retention/Phosphorus
 1243 Removal Critical Project. The additional isolated wetland
 1244 projects included in this critical project shall further reduce
 1245 phosphorus loading to Lake Okeechobee.

1246 (III)e. The district shall work with the Corps of
 1247 Engineers to expedite initiation of the design process for the
 1248 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater

1249 Treatment Area, a project component of the Comprehensive
1250 Everglades Restoration Plan. The district shall propose to the
1251 Corps of Engineers that the district take the lead in the design
1252 and construction of the Reservoir Assisted Stormwater Treatment
1253 Area and receive credit towards the local share of the total
1254 cost of the Comprehensive Everglades Restoration Plan.

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

1275 component, the Phase II detailed technical plan shall be
 1276 periodically updated. Phase II shall include construction of
 1277 additional facilities in the priority basins identified in sub-
 1278 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other
 1279 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
 1280 ~~plan will require legislative ratification pursuant to paragraph~~
 1281 ~~(i).~~ The technical plan shall:

1282 (I)a. Identify Lake Okeechobee Watershed Construction
 1283 Project facilities designed to contribute to achieving all
 1284 applicable total maximum daily loads established pursuant to s.
 1285 403.067 within the Lake Okeechobee watershed.

1286 (II)b. Identify the size and location of all such Lake
 1287 Okeechobee Watershed Construction Project facilities.

1288 (III)e. Provide a construction schedule for all such Lake
 1289 Okeechobee Watershed Construction Project facilities, including
 1290 the sequencing and specific timeframe for construction of each
 1291 Lake Okeechobee Watershed Construction Project facility.

1292 (IV)d. Provide a schedule for the acquisition of lands or
 1293 sufficient interests necessary to achieve the construction
 1294 schedule.

1295 (V)e. Provide a detailed schedule of costs associated with
 1296 the construction schedule.

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

1301 appropriate.

1302 (VII)g. Provide for additional measures, including
 1303 voluntary water storage and quality improvements on private
 1304 land, to increase water storage and reduce excess water levels
 1305 in Lake Okeechobee and to reduce excess discharges to the
 1306 estuaries.

1307 (VIII) ~~The technical plan shall also~~ Develop the
 1308 appropriate water quantity storage goal to achieve the desired
 1309 Lake Okeechobee range of lake levels and inflow volumes to the
 1310 Caloosahatchee and St. Lucie estuaries while meeting the other
 1311 water-related needs of the region, including water supply and
 1312 flood protection.

1313 (IX)h. Provide for additional source controls needed to
 1314 enhance performance of the Lake Okeechobee Watershed
 1315 Construction Project facilities. Such additional source controls
 1316 shall be incorporated into the Lake Okeechobee Basin Management
 1317 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
 1318 paragraph (b) ~~(e)~~.

1319 c.3. Evaluation.—Within 5 years after the adoption of the
 1320 Lake Okeechobee Basin Management Action Plan pursuant to s.
 1321 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
 1322 thereafter, the department ~~district~~, in cooperation with the
 1323 other coordinating agencies, shall conduct an evaluation of the
 1324 Lake Okeechobee Watershed Construction Project and identify any
 1325 further load reductions necessary to achieve compliance with the
 1326 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads

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1327 established pursuant to s. 403.067. ~~Additionally,~~ The district
1328 shall identify modifications to facilities of the Lake
1329 Okeechobee Watershed Construction Project as appropriate to meet
1330 the total maximum daily loads. Modifications to the Lake
1331 Okeechobee Watershed Construction Project resulting from this
1332 evaluation shall be incorporated into the Lake Okeechobee Basin
1333 Management Action Plan and ~~The evaluation shall be included in~~
1334 the applicable annual progress report submitted pursuant to
1335 subsection (6).

1336 d.4. Coordination and review.—To ensure the timely
1337 implementation of the Lake Okeechobee Watershed Construction
1338 Project, the design of project facilities shall be coordinated
1339 with the department and other interested parties, including
1340 affected local governments, to the maximum extent practicable.
1341 Lake Okeechobee Watershed Construction Project facilities shall
1342 be reviewed and commented upon by the department before ~~prior to~~
1343 the execution of a construction contract by the district for
1344 that facility.

1345 2. Lake Okeechobee Watershed Research and Water Quality
1346 Monitoring Program.—The coordinating agencies shall implement a
1347 Lake Okeechobee Watershed Research and Water Quality Monitoring
1348 Program. Results from the program shall be used by the
1349 department, in cooperation with the other coordinating agencies,
1350 to make modifications to the Lake Okeechobee Basin Management
1351 Action Plan adopted pursuant to s. 403.067, as appropriate. The
1352 program shall:

1353 a. Evaluate all available existing water quality data
1354 concerning total phosphorus in the Lake Okeechobee watershed,
1355 develop a water quality baseline to represent existing
1356 conditions for total phosphorus, monitor long-term ecological
1357 changes, including water quality for total phosphorus, and
1358 measure compliance with water quality standards for total
1359 phosphorus, including any applicable total maximum daily load
1360 for the Lake Okeechobee watershed as established pursuant to s.
1361 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1362 the department shall reevaluate water quality and quantity data
1363 to ensure that the appropriate projects are being designated and
1364 incorporated into the Lake Okeechobee Basin Management Action
1365 Plan adopted pursuant to s. 403.067. The district shall
1366 implement a total phosphorus monitoring program at appropriate
1367 structures owned or operated by the district and within the Lake
1368 Okeechobee watershed.

1369 b. Develop a Lake Okeechobee water quality model that
1370 reasonably represents the phosphorus dynamics of Lake Okeechobee
1371 and incorporates an uncertainty analysis associated with model
1372 predictions.

1373 c. Determine the relative contribution of phosphorus from
1374 all identifiable sources and all primary and secondary land
1375 uses.

1376 d. Conduct an assessment of the sources of phosphorus from
1377 the Upper Kissimmee Chain of Lakes and Lake Istokpoga and their
1378 relative contribution to the water quality of Lake Okeechobee.

1379 The results of this assessment shall be used by the coordinating
 1380 agencies as part of the Lake Okeechobee Basin Management Action
 1381 Plan adopted pursuant to s. 403.067 to develop interim measures,
 1382 best management practices, or regulations, as applicable.

1383 e. Assess current water management practices within the
 1384 Lake Okeechobee watershed and develop recommendations for
 1385 structural and operational improvements. Such recommendations
 1386 shall balance water supply, flood control, estuarine salinity,
 1387 maintenance of a healthy lake littoral zone, and water quality
 1388 considerations.

1389 f. Evaluate the feasibility of alternative nutrient
 1390 reduction technologies, including sediment traps, canal and
 1391 ditch maintenance, fish production or other aquaculture,
 1392 bioenergy conversion processes, and algal or other biological
 1393 treatment technologies and include any alternative nutrient
 1394 reduction technologies determined to be feasible in the Lake
 1395 Okeechobee Basin Management Action Plan adopted pursuant to s.
 1396 403.067.

1397 g. Conduct an assessment of the water volumes and timing
 1398 from the Lake Okeechobee watershed and their relative
 1399 contribution to the water level changes in Lake Okeechobee and
 1400 to the timing and volume of water delivered to the estuaries.

1401 (b)-(e) Lake Okeechobee Basin Management Action Plan
 1402 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
 1403 Management Action Plan adopted pursuant to s. 403.067 shall be
 1404 the watershed phosphorus control component for Lake Okeechobee.

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1405 The Lake Okeechobee Basin Management Action Plan shall be
1406 ~~Program is designed to be~~ a multifaceted approach designed to
1407 achieve the total maximum daily load ~~reducing phosphorus loads~~
1408 by improving the management of phosphorus sources within the
1409 Lake Okeechobee watershed through implementation of regulations
1410 and best management practices, continued development and
1411 continued implementation of improved best management practices,
1412 improvement and restoration of the hydrologic function of
1413 natural and managed systems, and use ~~utilization~~ of alternative
1414 technologies for nutrient reduction. As provided in s.
1415 403.067(7)(a)6., the Lake Okeechobee Basin Management Action
1416 Plan must include milestones for implementation and water
1417 quality improvement, and an associated water quality monitoring
1418 component sufficient to evaluate whether reasonable progress in
1419 pollutant load reductions is being achieved over time. An
1420 assessment of progress toward these milestones shall be
1421 conducted every 5 years and shall be provided to the Governor,
1422 the President of the Senate, and the Speaker of the House of
1423 Representatives. Revisions to the plan shall be made, as
1424 appropriate, as a result of each 5-year review. Revisions to the
1425 basin management action plan shall be made by the department in
1426 cooperation with the basin stakeholders. Revisions to best
1427 management practices or other measures must follow the
1428 procedures set forth in s. 403.067(7)(c)4. Revised basin
1429 management action plans must be adopted pursuant to s.
1430 403.067(7)(a)5. The department shall develop an implementation

1431 schedule establishing 5-year, 10-year, and 15-year measurable
1432 milestones and targets to achieve the total maximum daily load
1433 no more than 20 years after adoption of the plan. The initial
1434 implementation schedule shall be used to provide guidance for
1435 planning and funding purposes and is exempt from chapter 120.
1436 Upon the first 5-year review, the implementation schedule shall
1437 be adopted as part of the plan. If achieving the total maximum
1438 daily load within 20 years is not practicable, the
1439 implementation schedule must contain an explanation of the
1440 constraints that prevent achievement of the total maximum daily
1441 load within 20 years, an estimate of the time needed to achieve
1442 the total maximum daily load, and additional 5-year measurable
1443 milestones, as necessary. The coordinating agencies shall
1444 develop an interagency agreement pursuant to ss. 373.046 and
1445 373.406(5) which is consistent with the department taking the
1446 lead on water quality protection measures through the Lake
1447 Okeechobee Basin Management Action Plan adopted pursuant to s.
1448 403.067; the district taking the lead on hydrologic improvements
1449 pursuant to paragraph (a); and the Department of Agriculture and
1450 Consumer Services taking the lead on agricultural interim
1451 measures, best management practices, and other measures adopted
1452 pursuant to s. 403.067. The interagency agreement must specify
1453 how best management practices for nonagricultural nonpoint
1454 sources are developed and how all best management practices are
1455 implemented and verified consistent with s. 403.067 and this
1456 section and must address measures to be taken by the

1457 coordinating agencies during any best management practice
1458 reevaluation performed pursuant to subparagraphs 5. and 10. The
1459 department shall use best professional judgment in making the
1460 initial determination of best management practice effectiveness.
1461 The coordinating agencies may develop an intergovernmental
1462 agreement with local governments to implement nonagricultural
1463 nonpoint source best management practices within their
1464 respective geographic boundaries. The coordinating agencies
1465 shall facilitate the application of federal programs that offer
1466 opportunities for water quality treatment, including
1467 preservation, restoration, or creation of wetlands on
1468 agricultural lands.

1469 1. Agricultural nonpoint source best management practices,
1470 developed in accordance with s. 403.067 and designed to achieve
1471 the objectives of the Lake Okeechobee Watershed Protection
1472 Program as part of a phased approach of management strategies
1473 within the Lake Okeechobee Basin Management Action Plan, shall
1474 be implemented on an expedited basis. ~~The coordinating agencies~~
1475 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
1476 ~~and 373.406(5) that assures the development of best management~~
1477 ~~practices that complement existing regulatory programs and~~
1478 ~~specifies how those best management practices are implemented~~
1479 ~~and verified. The interagency agreement shall address measures~~
1480 ~~to be taken by the coordinating agencies during any best~~
1481 ~~management practice reevaluation performed pursuant to sub-~~
1482 ~~subparagraph d. The department shall use best professional~~

1483 ~~judgment in making the initial determination of best management~~
1484 ~~practice effectiveness.~~

1485 2.a. As provided in s. 403.067(7)(e), the Department of
1486 Agriculture and Consumer Services, in consultation with the
1487 department, the district, and affected parties, shall initiate
1488 rule development for interim measures, best management
1489 practices, conservation plans, nutrient management plans, or
1490 other measures necessary for Lake Okeechobee watershed total
1491 maximum daily load reduction. The rule shall include thresholds
1492 for requiring conservation and nutrient management plans and
1493 criteria for the contents of such plans. Development of
1494 agricultural nonpoint source best management practices shall
1495 initially focus on those priority basins listed in sub-
1496 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
1497 Agriculture and Consumer Services, in consultation with the
1498 department, the district, and affected parties, shall conduct an
1499 ongoing program for improvement of existing and development of
1500 new agricultural nonpoint source interim measures and ~~or~~ best
1501 management practices. The Department of Agriculture and Consumer
1502 Services shall adopt for the purpose of adoption of such
1503 practices by rule. The Department of Agriculture and Consumer
1504 Services shall work with the University of Florida ~~Florida's~~
1505 Institute of Food and Agriculture Sciences to review and, where
1506 appropriate, develop revised nutrient application rates for all
1507 agricultural soil amendments in the watershed.

1508 3.b. As provided in s. 403.067, where agricultural

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1509 nonpoint source best management practices or interim measures
1510 have been adopted by rule of the Department of Agriculture and
1511 Consumer Services, the owner or operator of an agricultural
1512 nonpoint source addressed by such rule shall either implement
1513 interim measures or best management practices or demonstrate
1514 compliance with state water quality standards addressed by the
1515 Lake Okeechobee Basin Management Action Plan adopted pursuant to
1516 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
1517 prescribed by the department or the district. Owners or
1518 operators of agricultural nonpoint sources who implement interim
1519 measures or best management practices adopted by rule of the
1520 Department of Agriculture and Consumer Services shall be subject
1521 to ~~the provisions of s. 403.067(7). The Department of~~
1522 ~~Agriculture and Consumer Services, in cooperation with the~~
1523 ~~department and the district, shall provide technical and~~
1524 ~~financial assistance for implementation of agricultural best~~
1525 ~~management practices, subject to the availability of funds.~~
1526 4.e. The district or department shall conduct monitoring
1527 at representative sites to verify the effectiveness of
1528 agricultural nonpoint source best management practices.
1529 5.d. Where water quality problems are detected for
1530 agricultural nonpoint sources despite the appropriate
1531 implementation of adopted best management practices, ~~the~~
1532 ~~Department of Agriculture and Consumer Services, in consultation~~
1533 ~~with the other coordinating agencies and affected parties, shall~~
1534 ~~institute~~ a reevaluation of the best management practices shall

1535 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation
1536 determines that the best management practices or other measures
1537 require modification, the rule shall be revised to require
1538 implementation of the modified practice within a reasonable
1539 period as specified in the rule ~~and make appropriate changes to~~
1540 ~~the rule adopting best management practices.~~

1541 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
1542 source best management practices, developed in accordance with
1543 s. 403.067 and designed to achieve the objectives of the Lake
1544 Okeechobee Watershed Protection Program as part of a phased
1545 approach of management strategies within the Lake Okeechobee
1546 Basin Management Action Plan, shall be implemented on an
1547 expedited basis. ~~The department and the district shall develop~~
1548 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
1549 ~~that assures the development of best management practices that~~
1550 ~~complement existing regulatory programs and specifies how those~~
1551 ~~best management practices are implemented and verified. The~~
1552 ~~interagency agreement shall address measures to be taken by the~~
1553 ~~department and the district during any best management practice~~
1554 ~~reevaluation performed pursuant to sub-subparagraph d.~~

1555 ~~7.a.~~ The department and the district are directed to work
1556 with the University of Florida ~~Florida's~~ Institute of Food and
1557 Agricultural Sciences to develop appropriate nutrient
1558 application rates for all nonagricultural soil amendments in the
1559 watershed. As provided in s. 403.067 ~~s. 403.067(7)(c),~~ the
1560 department, in consultation with the district and affected

1561 parties, shall develop nonagricultural nonpoint source interim
1562 measures, best management practices, or other measures necessary
1563 for Lake Okeechobee watershed total maximum daily load
1564 reduction. Development of nonagricultural nonpoint source best
1565 management practices shall initially focus on those priority
1566 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
1567 department, the district, and affected parties shall conduct an
1568 ongoing program for improvement of existing and development of
1569 new interim measures and ~~or~~ best management practices. The
1570 department or the district shall adopt such practices by rule
1571 ~~The district shall adopt technology-based standards under the~~
1572 ~~district's WOD program for nonagricultural nonpoint sources of~~
1573 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
1574 ~~authority of the department or the district to adopt basin-~~
1575 ~~specific criteria under this part to prevent harm to the water~~
1576 ~~resources of the district.~~

1577 8.b. Where nonagricultural nonpoint source best management
1578 practices or interim measures have been developed by the
1579 department and adopted by the district, the owner or operator of
1580 a nonagricultural nonpoint source shall implement interim
1581 measures or best management practices and be subject to ~~the~~
1582 ~~provisions of s. 403.067(7).~~ ~~The department and district shall~~
1583 ~~provide technical and financial assistance for implementation of~~
1584 ~~nonagricultural nonpoint source best management practices,~~
1585 ~~subject to the availability of funds.~~

1586 9.e. As provided in s. 403.067, the district or the

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1587 department shall conduct monitoring at representative sites to
1588 verify the effectiveness of nonagricultural nonpoint source best
1589 management practices.

1590 10.d. Where water quality problems are detected for
1591 nonagricultural nonpoint sources despite the appropriate
1592 implementation of adopted best management practices, ~~the~~
1593 ~~department and the district shall institute~~ a reevaluation of
1594 the best management practices shall be conducted pursuant to s.
1595 403.067(7)(c)4. If the reevaluation determines that the best
1596 management practices or other measures require modification, the
1597 rule shall be revised to require implementation of the modified
1598 practice within a reasonable time period as specified in the
1599 rule.

1600 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
1601 ~~may~~ not preclude the department or the district from requiring
1602 compliance with water quality standards or with current best
1603 management practices requirements set forth in any applicable
1604 regulatory program authorized by law for the purpose of
1605 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~
1606 and 7. are applicable only to the extent that they do not
1607 conflict with any rules adopted by the department that are
1608 necessary to maintain a federally delegated or approved program.

1609 12. The program of agricultural best management practices
1610 set forth in the Everglades Program of the district meets the
1611 requirements of this paragraph and s. 403.067(7) for the Lake
1612 Okeechobee watershed. An entity in compliance with the best

1613 management practices set forth in the Everglades Program of the
1614 district may elect to use that permit in lieu of the
1615 requirements of this paragraph. The provisions of subparagraph
1616 5. apply to this subparagraph. This subparagraph does not alter
1617 any requirement of s. 373.4592.

1618 13. The Department of Agriculture and Consumer Services,
1619 in cooperation with the department and the district, shall
1620 provide technical and financial assistance for implementation of
1621 agricultural best management practices, subject to the
1622 availability of funds. The department and district shall provide
1623 technical and financial assistance for implementation of
1624 nonagricultural nonpoint source best management practices,
1625 subject to the availability of funds.

1626 14.4. Projects that reduce the phosphorus load originating
1627 from domestic wastewater systems within the Lake Okeechobee
1628 watershed shall be given funding priority in the department's
1629 revolving loan program under s. 403.1835. The department shall
1630 coordinate and provide assistance to those local governments
1631 seeking financial assistance for such priority projects.

1632 15.5. Projects that make use of private lands, or lands
1633 held in trust for Indian tribes, to reduce nutrient loadings or
1634 concentrations within a basin by one or more of the following
1635 methods: restoring the natural hydrology of the basin, restoring
1636 wildlife habitat or impacted wetlands, reducing peak flows after
1637 storm events, increasing aquifer recharge, or protecting range
1638 and timberland from conversion to development, are eligible for

1639 grants available under this section from the coordinating
1640 agencies. For projects of otherwise equal priority, special
1641 funding priority will be given to those projects that make best
1642 use of the methods outlined above that involve public-private
1643 partnerships or that obtain federal match money. Preference
1644 ranking above the special funding priority will be given to
1645 projects located in a rural area of opportunity designated by
1646 the Governor. Grant applications may be submitted by any person
1647 or tribal entity, and eligible projects may include, but are not
1648 limited to, the purchase of conservation and flowage easements,
1649 hydrologic restoration of wetlands, creating treatment wetlands,
1650 development of a management plan for natural resources, and
1651 financial support to implement a management plan.

1652 ~~16.6.a.~~ The department shall require all entities
1653 disposing of domestic wastewater biosolids ~~residuals~~ within the
1654 Lake Okeechobee watershed and the remaining areas of Okeechobee,
1655 Glades, and Hendry Counties to develop and submit to the
1656 department an agricultural use plan that limits applications
1657 based upon phosphorus loading consistent with the Lake
1658 Okeechobee Basin Management Action Plan adopted pursuant to s.
1659 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
1660 ~~from these application sites may not exceed the limits~~
1661 ~~established in the district's WOD program. After December 31,~~
1662 ~~2007,~~ The department may not authorize the disposal of domestic
1663 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1664 watershed unless the applicant can affirmatively demonstrate

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1665 that the phosphorus in the biosolids ~~residuals~~ will not add to
1666 phosphorus loadings in Lake Okeechobee or its tributaries. This
1667 demonstration shall be based on achieving a net balance between
1668 phosphorus imports relative to exports on the permitted
1669 application site. Exports shall include only phosphorus removed
1670 from the Lake Okeechobee watershed through products generated on
1671 the permitted application site. This prohibition does not apply
1672 to Class AA biosolids ~~residuals~~ that are marketed and
1673 distributed as fertilizer products in accordance with department
1674 rule.

1675 ~~17.b.~~ Private and government-owned utilities within
1676 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,
1677 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties
1678 that dispose of wastewater biosolids ~~residual~~ sludge from
1679 utility operations and septic removal by land spreading in the
1680 Lake Okeechobee watershed may use a line item on local sewer
1681 rates to cover wastewater biosolids ~~residual~~ treatment and
1682 disposal if such disposal and treatment is done by approved
1683 alternative treatment methodology at a facility located within
1684 the areas designated by the Governor as rural areas of
1685 opportunity pursuant to s. 288.0656. This additional line item
1686 is an environmental protection disposal fee above the present
1687 sewer rate and may not be considered a part of the present sewer
1688 rate to customers, notwithstanding provisions to the contrary in
1689 chapter 367. The fee shall be established by the county
1690 commission or its designated assignee in the county in which the

1691 alternative method treatment facility is located. The fee shall
 1692 be calculated to be no higher than that necessary to recover the
 1693 facility's prudent cost of providing the service. Upon request
 1694 by an affected county commission, the Florida Public Service
 1695 Commission will provide assistance in establishing the fee.
 1696 Further, for utilities and utility authorities that use the
 1697 additional line item environmental protection disposal fee, such
 1698 fee may not be considered a rate increase under the rules of the
 1699 Public Service Commission and shall be exempt from such rules.
 1700 Utilities using ~~the provisions of~~ this section may immediately
 1701 include in their sewer invoicing the new environmental
 1702 protection disposal fee. Proceeds from this environmental
 1703 protection disposal fee shall be used for treatment and disposal
 1704 of wastewater biosolids ~~residuals~~, including any treatment
 1705 technology that helps reduce the volume of biosolids ~~residuals~~
 1706 that require final disposal, but such proceeds may not be used
 1707 for transportation or shipment costs for disposal or any costs
 1708 relating to the land application of biosolids ~~residuals~~ in the
 1709 Lake Okeechobee watershed.

1710 18.e. No less frequently than once every 3 years, the
 1711 Florida Public Service Commission or the county commission
 1712 through the services of an independent auditor shall perform a
 1713 financial audit of all facilities receiving compensation from an
 1714 environmental protection disposal fee. The Florida Public
 1715 Service Commission or the county commission through the services
 1716 of an independent auditor shall also perform an audit of the

1717 methodology used in establishing the environmental protection
 1718 disposal fee. The Florida Public Service Commission or the
 1719 county commission shall, within 120 days after completion of an
 1720 audit, file the audit report with the President of the Senate
 1721 and the Speaker of the House of Representatives and shall
 1722 provide copies to the county commissions of the counties set
 1723 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
 1724 records of any facilities receiving compensation from an
 1725 environmental protection disposal fee shall be open to the
 1726 Florida Public Service Commission and the Auditor General for
 1727 review upon request.

1728 19.7. The Department of Health shall require all entities
 1729 disposing of septage within the Lake Okeechobee watershed to
 1730 develop and submit to that agency an agricultural use plan that
 1731 limits applications based upon phosphorus loading consistent
 1732 with the Lake Okeechobee Basin Management Action Plan adopted
 1733 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
 1734 ~~concentrations originating from these application sites may not~~
 1735 ~~exceed the limits established in the district's WOD program.~~

1736 20.8. The Department of Agriculture and Consumer Services
 1737 shall initiate rulemaking requiring entities within the Lake
 1738 Okeechobee watershed which land-apply animal manure to develop
 1739 resource management system level conservation plans, according
 1740 to United States Department of Agriculture criteria, which limit
 1741 such application. Such rules must ~~may~~ include criteria and
 1742 thresholds for the requirement to develop a conservation or

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1743 nutrient management plan, requirements for plan approval, site
1744 inspection requirements, and recordkeeping requirements.

1745 21. The district shall revise chapter 40E-61, Florida
1746 Administrative Code, to be consistent with this section and s.
1747 403.067; provide for a monitoring program for nonpoint source
1748 dischargers required to monitor water quality by s. 403.067; and
1749 provide for the results of such monitoring to be reported to the
1750 coordinating agencies.

1751 ~~9. The district, the department, or the Department of~~
1752 ~~Agriculture and Consumer Services, as appropriate, shall~~
1753 ~~implement those alternative nutrient reduction technologies~~
1754 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1755 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1756 ~~Monitoring Program. The district, in cooperation with the other~~
1757 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1758 ~~Watershed Research and Water Quality Monitoring Program that~~
1759 ~~builds upon the district's existing Lake Okeechobee research~~
1760 ~~program. The program shall:~~

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

1769 ~~403.067. Every 3 years, the district shall reevaluate water~~
1770 ~~quality and quantity data to ensure that the appropriate~~
1771 ~~projects are being designated and implemented to meet the water~~
1772 ~~quality and storage goals of the plan. The district shall also~~
1773 ~~implement a total phosphorus monitoring program at appropriate~~
1774 ~~structures owned or operated by the South Florida Water~~
1775 ~~Management District and within the Lake Okeechobee watershed.~~

1776 ~~2. Develop a Lake Okeechobee water quality model that~~
1777 ~~reasonably represents phosphorus dynamics of the lake and~~
1778 ~~incorporates an uncertainty analysis associated with model~~
1779 ~~predictions.~~

1780 ~~3. Determine the relative contribution of phosphorus from~~
1781 ~~all identifiable sources and all primary and secondary land~~
1782 ~~uses.~~

1783 ~~4. Conduct an assessment of the sources of phosphorus from~~
1784 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1785 ~~relative contribution to the water quality of Lake Okeechobee.~~
1786 ~~The results of this assessment shall be used by the coordinating~~
1787 ~~agencies to develop interim measures, best management practices,~~
1788 ~~or regulation, as applicable.~~

1789 ~~5. Assess current water management practices within the~~
1790 ~~Lake Okeechobee watershed and develop recommendations for~~
1791 ~~structural and operational improvements. Such recommendations~~
1792 ~~shall balance water supply, flood control, estuarine salinity,~~
1793 ~~maintenance of a healthy lake littoral zone, and water quality~~
1794 ~~considerations.~~

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1795 ~~6. Evaluate the feasibility of alternative nutrient~~
1796 ~~reduction technologies, including sediment traps, canal and~~
1797 ~~ditch maintenance, fish production or other aquaculture,~~
1798 ~~bioenergy conversion processes, and algal or other biological~~
1799 ~~treatment technologies.~~

1800 ~~7. Conduct an assessment of the water volumes and timing~~
1801 ~~from the Lake Okeechobee watershed and their relative~~
1802 ~~contribution to the water level changes in Lake Okeechobee and~~
1803 ~~to the timing and volume of water delivered to the estuaries.~~

1804 (c) ~~(e)~~ Lake Okeechobee Exotic Species Control Program.—The
1805 coordinating agencies shall identify the exotic species that
1806 threaten the native flora and fauna within the Lake Okeechobee
1807 watershed and develop and implement measures to protect the
1808 native flora and fauna.

1809 (d) ~~(f)~~ Lake Okeechobee Internal Phosphorus Management
1810 Program.—The district, in cooperation with the other
1811 coordinating agencies and interested parties, shall evaluate the
1812 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1813 load removal projects ~~feasibility study~~. The evaluation
1814 ~~feasibility study~~ shall be based on technical feasibility, as
1815 well as economic considerations, and shall consider ~~address~~ all
1816 reasonable methods of phosphorus removal. If projects ~~methods~~
1817 are found to be feasible, the district shall immediately pursue
1818 the design, funding, and permitting for implementing such
1819 projects ~~methods~~.

1820 (e) ~~(g)~~ Lake Okeechobee Watershed Protection Program Plan

1821 implementation.—The coordinating agencies shall be jointly
1822 responsible for implementing the Lake Okeechobee Watershed
1823 Protection Program Plan, consistent with the statutory authority
1824 and responsibility of each agency. Annual funding priorities
1825 shall be jointly established, and the highest priority shall be
1826 assigned to programs and projects that address sources that have
1827 the highest relative contribution to loading and the greatest
1828 potential for reductions needed to meet the total maximum daily
1829 loads. In determining funding priorities, the coordinating
1830 agencies shall also consider the need for regulatory compliance,
1831 the extent to which the program or project is ready to proceed,
1832 and the availability of federal matching funds or other nonstate
1833 funding, including public-private partnerships. Federal and
1834 other nonstate funding shall be maximized to the greatest extent
1835 practicable.

1836 (f) ~~(h)~~ Priorities and implementation schedules.—The
1837 coordinating agencies are authorized and directed to establish
1838 priorities and implementation schedules for the achievement of
1839 total maximum daily loads, compliance with the requirements of
1840 s. 403.067, and compliance with applicable water quality
1841 standards within the waters and watersheds subject to this
1842 section.

1843 ~~(i) Legislative ratification. The coordinating agencies~~
1844 ~~shall submit the Phase II technical plan developed pursuant to~~
1845 ~~paragraph (b) to the President of the Senate and the Speaker of~~
1846 ~~the House of Representatives prior to the 2008 legislative~~

1847 ~~session for review. If the Legislature takes no action on the~~
1848 ~~plan during the 2008 legislative session, the plan is deemed~~
1849 ~~approved and may be implemented.~~

1850 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
1851 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
1852 program shall be developed and implemented as specified in this
1853 subsection. ~~In order~~ To protect and restore surface water
1854 resources, the program shall address the reduction of pollutant
1855 loadings, restoration of natural hydrology, and compliance with
1856 applicable state water quality standards. The program shall be
1857 achieved through a phased program of implementation. In
1858 addition, pollutant load reductions based upon adopted total
1859 maximum daily loads established in accordance with s. 403.067
1860 shall serve as a program objective. In the development and
1861 administration of the program, the coordinating agencies shall
1862 maximize opportunities provided by federal and local government
1863 cost-sharing programs and opportunities for partnerships with
1864 the private sector and local government. The program plan shall
1865 include a goal for salinity envelopes and freshwater inflow
1866 targets for the estuaries based upon existing research and
1867 documentation. The goal may be revised as new information is
1868 available. This goal shall seek to reduce the frequency and
1869 duration of undesirable salinity ranges while meeting the other
1870 water-related needs of the region, including water supply and
1871 flood protection, while recognizing the extent to which water
1872 inflows are within the control and jurisdiction of the district.

1873 (a) Caloosahatchee River Watershed Protection Plan. ~~No~~
 1874 ~~later than January 1, 2009,~~ The district, in cooperation with
 1875 the other coordinating agencies, Lee County, and affected
 1876 counties and municipalities, shall complete a River Watershed
 1877 Protection Plan in accordance with this subsection. The
 1878 Caloosahatchee River Watershed Protection Plan shall identify
 1879 the geographic extent of the watershed, be coordinated as needed
 1880 with the plans developed pursuant to paragraph (3) (a) and
 1881 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
 1882 ~~implementation schedule for pollutant load reductions consistent~~
 1883 ~~with any adopted total maximum daily loads and compliance with~~
 1884 ~~applicable state water quality standards. The plan shall include~~
 1885 the Caloosahatchee River Watershed Construction Project and the
 1886 Caloosahatchee River Watershed Research and Water Quality
 1887 Monitoring Program.†

1888 1. Caloosahatchee River Watershed Construction Project.—To
 1889 improve the hydrology, water quality, and aquatic habitats
 1890 within the watershed, the district shall, no later than January
 1891 1, 2012, plan, design, and construct the initial phase of the
 1892 Watershed Construction Project. In doing so, the district shall:

1893 a. Develop and designate the facilities to be constructed
 1894 to achieve stated goals and objectives of the Caloosahatchee
 1895 River Watershed Protection Plan.

1896 b. Conduct scientific studies that are necessary to
 1897 support the design of the Caloosahatchee River Watershed
 1898 Construction Project facilities.

1899 c. Identify the size and location of all such facilities.

1900 d. Provide a construction schedule for all such
 1901 facilities, including the sequencing and specific timeframe for
 1902 construction of each facility.

1903 e. Provide a schedule for the acquisition of lands or
 1904 sufficient interests necessary to achieve the construction
 1905 schedule.

1906 f. Provide a schedule of costs and benefits associated
 1907 with each construction project and identify funding sources.

1908 g. To ensure timely implementation, coordinate the design,
 1909 scheduling, and sequencing of project facilities with the
 1910 coordinating agencies, Lee County, other affected counties and
 1911 municipalities, and other affected parties.

1912 2. Caloosahatchee River Watershed Research and Water
 1913 Quality Monitoring Program.—The district, in cooperation with
 1914 the other coordinating agencies and local governments, shall
 1915 implement a Caloosahatchee River Watershed Research and Water
 1916 Quality Monitoring Program that builds upon the district's
 1917 existing research program and that is sufficient to carry out,
 1918 comply with, or assess the plans, programs, and other
 1919 responsibilities created by this subsection. The program shall
 1920 also conduct an assessment of the water volumes and timing from
 1921 Lake Okeechobee and the Caloosahatchee River watershed and their
 1922 relative contributions to the timing and volume of water
 1923 delivered to the estuary.

1924 (b)2. Caloosahatchee River Watershed Basin Management

1925 Action Plans ~~Pollutant Control Program.~~ The basin management
 1926 action plans adopted pursuant to s. 403.067 for the
 1927 Caloosahatchee River watershed shall be the Caloosahatchee River
 1928 Watershed Pollutant Control Program. The plans shall be ~~is~~
 1929 designed to be a multifaceted approach to reducing pollutant
 1930 loads by improving the management of pollutant sources within
 1931 the Caloosahatchee River watershed through implementation of
 1932 regulations and best management practices, development and
 1933 implementation of improved best management practices,
 1934 improvement and restoration of the hydrologic function of
 1935 natural and managed systems, and utilization of alternative
 1936 technologies for pollutant reduction, such as cost-effective
 1937 biologically based, hybrid wetland/chemical and other innovative
 1938 nutrient control technologies. As provided in s.
 1939 403.067(7)(a)6., the Caloosahatchee River Watershed Basin
 1940 Management Action Plans must include milestones for
 1941 implementation and water quality improvement, and an associated
 1942 water quality monitoring component sufficient to evaluate
 1943 whether reasonable progress in pollutant load reductions is
 1944 being achieved over time. An assessment of progress toward these
 1945 milestones shall be conducted every 5 years and shall be
 1946 provided to the Governor, the President of the Senate, and the
 1947 Speaker of the House of Representatives. Revisions to the plans
 1948 shall be made, as appropriate, as a result of each 5-year
 1949 review. Revisions to the basin management action plans shall be
 1950 made by the department in cooperation with the basin

1951 stakeholders. Revisions to best management practices or other
1952 measures must follow the procedures set forth in s.
1953 403.067(7)(c)4. Revised basin management action plans must be
1954 adopted pursuant to s. 403.067(7)(a)5. The department shall
1955 develop an implementation schedule establishing 5-year, 10-year,
1956 and 15-year measurable milestones and targets to achieve the
1957 total maximum daily load no more than 20 years after adoption of
1958 the plan. The initial implementation schedule shall be used to
1959 provide guidance for planning and funding purposes and is exempt
1960 from chapter 120. Upon the first 5-year review, the
1961 implementation schedule shall be adopted as part of the plans.
1962 If achieving the total maximum daily load within 20 years is not
1963 practicable, the implementation schedule must contain an
1964 explanation of the constraints that prevent achievement of the
1965 total maximum daily load within 20 years, an estimate of the
1966 time needed to achieve the total maximum daily load, and
1967 additional 5-year measurable milestones, as necessary. The
1968 coordinating agencies shall facilitate the use ~~utilization~~ of
1969 federal programs that offer opportunities for water quality
1970 treatment, including preservation, restoration, or creation of
1971 wetlands on agricultural lands.

1972 1.a. Nonpoint source best management practices consistent
1973 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1974 objectives of the Caloosahatchee River Watershed Protection
1975 Program, shall be implemented on an expedited basis. The
1976 coordinating agencies may develop an intergovernmental agreement

1977 with local governments to implement the nonagricultural,
 1978 nonpoint-source best management practices within their
 1979 respective geographic boundaries.

1980 2.b. This subsection does not preclude the department or
 1981 the district from requiring compliance with water quality
 1982 standards, adopted total maximum daily loads, or current best
 1983 management practices requirements set forth in any applicable
 1984 regulatory program authorized by law for the purpose of
 1985 protecting water quality. This subsection applies only to the
 1986 extent that it does not conflict with any rules adopted by the
 1987 department or district which are necessary to maintain a
 1988 federally delegated or approved program.

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

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

2003 control, estuarine salinity, aquatic habitat, and water quality
 2004 considerations.

2005 ~~5.e. After December 31, 2007,~~ The department may not
 2006 authorize the disposal of domestic wastewater biosolids
 2007 ~~residuals~~ within the Caloosahatchee River watershed unless the
 2008 applicant can affirmatively demonstrate that the nutrients in
 2009 the biosolids ~~residuals~~ will not add to nutrient loadings in the
 2010 watershed. This demonstration shall be based on achieving a net
 2011 balance between nutrient imports relative to exports on the
 2012 permitted application site. Exports shall include only nutrients
 2013 removed from the watershed through products generated on the
 2014 permitted application site. This prohibition does not apply to
 2015 Class AA biosolids ~~residuals~~ that are marketed and distributed
 2016 as fertilizer products in accordance with department rule.

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

2025 ~~7.g.~~ The Department of Agriculture and Consumer Services
 2026 shall require ~~initiate rulemaking requiring~~ entities within the
 2027 Caloosahatchee River watershed which land-apply animal manure to
 2028 develop a resource management system level conservation plan,

2029 according to United States Department of Agriculture criteria,
 2030 which limit such application. Such rules shall ~~may~~ include
 2031 criteria and thresholds for the requirement to develop a
 2032 conservation or nutrient management plan, requirements for plan
 2033 approval, site inspection requirements, and recordkeeping
 2034 requirements.

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

2040 ~~3. Caloosahatchee River Watershed Research and Water~~
 2041 ~~Quality Monitoring Program. The district, in cooperation with~~
 2042 ~~the other coordinating agencies and local governments, shall~~
 2043 ~~establish a Caloosahatchee River Watershed Research and Water~~
 2044 ~~Quality Monitoring Program that builds upon the district's~~
 2045 ~~existing research program and that is sufficient to carry out,~~
 2046 ~~comply with, or assess the plans, programs, and other~~
 2047 ~~responsibilities created by this subsection. The program shall~~
 2048 ~~also conduct an assessment of the water volumes and timing from~~
 2049 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
 2050 ~~their relative contributions to the timing and volume of water~~
 2051 ~~delivered to the estuary.~~

2052 ~~(c)(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
 2053 ~~than January 1, 2009,~~ The district, in cooperation with the
 2054 other coordinating agencies, Martin County, and affected

2055 counties and municipalities shall complete a plan in accordance
 2056 with this subsection. The St. Lucie River Watershed Protection
 2057 Plan shall identify the geographic extent of the watershed, be
 2058 coordinated as needed with the plans developed pursuant to
 2059 paragraph (3) (a) and paragraph (a) of this subsection, and
 2060 ~~contain an implementation schedule for pollutant load reductions~~
 2061 ~~consistent with any adopted total maximum daily loads and~~
 2062 ~~compliance with applicable state water quality standards. The~~
 2063 ~~plan shall include~~ the St. Lucie River Watershed Construction
 2064 Project and St. Lucie River Watershed Research and Water Quality
 2065 Monitoring Program.÷

- 2066 1. St. Lucie River Watershed Construction Project.—To
 2067 improve the hydrology, water quality, and aquatic habitats
 2068 within the watershed, the district shall, no later than January
 2069 1, 2012, plan, design, and construct the initial phase of the
 2070 Watershed Construction Project. In doing so, the district shall:
- 2071 a. Develop and designate the facilities to be constructed
 - 2072 to achieve stated goals and objectives of the St. Lucie River
 - 2073 Watershed Protection Plan.
 - 2074 b. Identify the size and location of all such facilities.
 - 2075 c. Provide a construction schedule for all such
 - 2076 facilities, including the sequencing and specific timeframe for
 - 2077 construction of each facility.
 - 2078 d. Provide a schedule for the acquisition of lands or
 - 2079 sufficient interests necessary to achieve the construction
 - 2080 schedule.

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

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

2087 2. St. Lucie River Watershed Research and Water Quality
 2088 Monitoring Program.—The district, in cooperation with the other
 2089 coordinating agencies and local governments, shall establish a
 2090 St. Lucie River Watershed Research and Water Quality Monitoring
 2091 Program that builds upon the district's existing research
 2092 program and that is sufficient to carry out, comply with, or
 2093 assess the plans, programs, and other responsibilities created
 2094 by this subsection. The district shall also conduct an
 2095 assessment of the water volumes and timing from Lake Okeechobee
 2096 and the St. Lucie River watershed and their relative
 2097 contributions to the timing and volume of water delivered to the
 2098 estuary.

2099 (d)~~2~~. St. Lucie River Watershed Basin Management Action
 2100 Plan ~~Pollutant Control Program~~.—The basin management action plan
 2101 for the St. Lucie River watershed adopted pursuant to s. 403.067
 2102 shall be the St. Lucie River Watershed Pollutant Control Program
 2103 and shall be ~~is~~ designed to be a multifaceted approach to
 2104 reducing pollutant loads by improving the management of
 2105 pollutant sources within the St. Lucie River watershed through
 2106 implementation of regulations and best management practices,

2107 development and implementation of improved best management
2108 practices, improvement and restoration of the hydrologic
2109 function of natural and managed systems, and use ~~utilization~~ of
2110 alternative technologies for pollutant reduction, such as cost-
2111 effective biologically based, hybrid wetland/chemical and other
2112 innovative nutrient control technologies. As provided in s.
2113 403.067(7)(a)6., the St. Lucie River Watershed Basin Management
2114 Action Plan must include milestones for implementation and water
2115 quality improvement, and an associated water quality monitoring
2116 component sufficient to evaluate whether reasonable progress in
2117 pollutant load reductions is being achieved over time. An
2118 assessment of progress toward these milestones shall be
2119 conducted every 5 years and shall be provided to the Governor,
2120 the President of the Senate, and the Speaker of the House of
2121 Representatives. Revisions to the plan shall be made, as
2122 appropriate, as a result of each 5-year review. Revisions to the
2123 basin management action plan shall be made by the department in
2124 cooperation with the basin stakeholders. Revisions to best
2125 management practices or other measures must follow the
2126 procedures set forth in s. 403.067(7)(c)4. Revised basin
2127 management action plans must be adopted pursuant to s.
2128 403.067(7)(a)5. The department shall develop an implementation
2129 schedule establishing 5-year, 10-year, and 15-year measurable
2130 milestones and targets to achieve the total maximum daily load
2131 no more than 20 years after adoption of the plan. The initial
2132 implementation schedule shall be used to provide guidance for

2133 planning and funding purposes and is exempt from chapter 120.
2134 Upon the first 5-year review, the implementation schedule shall
2135 be adopted as part of the plan. If achieving the total maximum
2136 daily load within 20 years is not practicable, the
2137 implementation schedule must contain an explanation of the
2138 constraints that prevent achievement of the total maximum daily
2139 load within 20 years, an estimate of the time needed to achieve
2140 the total maximum daily load, and additional 5-year measurable
2141 milestones, as necessary. The coordinating agencies shall
2142 facilitate the use ~~utilization~~ of federal programs that offer
2143 opportunities for water quality treatment, including
2144 preservation, restoration, or creation of wetlands on
2145 agricultural lands.

2146 ~~1.a.~~ Nonpoint source best management practices consistent
2147 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
2148 objectives of the St. Lucie River Watershed Protection Program,
2149 shall be implemented on an expedited basis. The coordinating
2150 agencies may develop an intergovernmental agreement with local
2151 governments to implement the nonagricultural nonpoint source
2152 best management practices within their respective geographic
2153 boundaries.

2154 ~~2.b.~~ This subsection does not preclude the department or
2155 the district from requiring compliance with water quality
2156 standards, adopted total maximum daily loads, or current best
2157 management practices requirements set forth in any applicable
2158 regulatory program authorized by law for the purpose of

2159 protecting water quality. This subsection applies only to the
 2160 extent that it does not conflict with any rules adopted by the
 2161 department or district which are necessary to maintain a
 2162 federally delegated or approved program.

2163 ~~3.e.~~ Projects that make use of private lands, or lands
 2164 held in trust for Indian tribes, to reduce pollutant loadings or
 2165 concentrations within a basin, or that reduce the volume of
 2166 harmful discharges by one or more of the following methods:
 2167 restoring the natural hydrology of the basin, restoring wildlife
 2168 habitat or impacted wetlands, reducing peak flows after storm
 2169 events, or increasing aquifer recharge, are eligible for grants
 2170 available under this section from the coordinating agencies.

2171 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
 2172 Plan ~~Pollutant Control Program~~ shall require assessment of
 2173 current water management practices within the watershed and
 2174 shall require development of recommendations for structural,
 2175 nonstructural, and operational improvements. Such
 2176 recommendations shall consider and balance water supply, flood
 2177 control, estuarine salinity, aquatic habitat, and water quality
 2178 considerations.

2179 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not
 2180 authorize the disposal of domestic wastewater biosolids
 2181 ~~residuals~~ within the St. Lucie River watershed unless the
 2182 applicant can affirmatively demonstrate that the nutrients in
 2183 the biosolids ~~residuals~~ will not add to nutrient loadings in the
 2184 watershed. This demonstration shall be based on achieving a net

2185 balance between nutrient imports relative to exports on the
 2186 permitted application site. Exports shall include only nutrients
 2187 removed from the St. Lucie River watershed through products
 2188 generated on the permitted application site. This prohibition
 2189 does not apply to Class AA biosolids ~~residuals~~ that are marketed
 2190 and distributed as fertilizer products in accordance with
 2191 department rule.

2192 ~~6.f.~~ The Department of Health shall require all entities
 2193 disposing of septage within the St. Lucie River watershed to
 2194 develop and submit to that agency an agricultural use plan that
 2195 limits applications based upon nutrient loading consistent with
 2196 any basin management action plan adopted pursuant to s. 403.067.
 2197 ~~By July 1, 2008, nutrient concentrations originating from these~~
 2198 ~~application sites may not exceed the limits established in the~~
 2199 ~~district's WOD program.~~

2200 ~~7.g.~~ The Department of Agriculture and Consumer Services
 2201 shall initiate rulemaking requiring entities within the St.
 2202 Lucie River watershed which land-apply animal manure to develop
 2203 a resource management system level conservation plan, according
 2204 to United States Department of Agriculture criteria, which limit
 2205 such application. Such rules shall ~~may~~ include criteria and
 2206 thresholds for the requirement to develop a conservation or
 2207 nutrient management plan, requirements for plan approval, site
 2208 inspection requirements, and recordkeeping requirements.

2209 8. The district shall initiate rulemaking to provide for a
 2210 monitoring program for nonpoint source dischargers required to

2211 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
 2212 403.067(7)(c)3. The results of such monitoring must be reported
 2213 to the coordinating agencies.

2214 ~~3. St. Lucie River Watershed Research and Water Quality~~
 2215 ~~Monitoring Program. The district, in cooperation with the other~~
 2216 ~~coordinating agencies and local governments, shall establish a~~
 2217 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
 2218 ~~Program that builds upon the district's existing research~~
 2219 ~~program and that is sufficient to carry out, comply with, or~~
 2220 ~~assess the plans, programs, and other responsibilities created~~
 2221 ~~by this subsection. The program shall also conduct an assessment~~
 2222 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
 2223 ~~Lucie River watersheds and their relative contributions to the~~
 2224 ~~timing and volume of water delivered to the estuary.~~

2225 (e) ~~(e)~~ River Watershed Protection Plan implementation.—The
 2226 coordinating agencies shall be jointly responsible for
 2227 implementing the River Watershed Protection Plans, consistent
 2228 with the statutory authority and responsibility of each agency.
 2229 Annual funding priorities shall be jointly established, and the
 2230 highest priority shall be assigned to programs and projects that
 2231 have the greatest potential for achieving the goals and
 2232 objectives of the plans. In determining funding priorities, the
 2233 coordinating agencies shall also consider the need for
 2234 regulatory compliance, the extent to which the program or
 2235 project is ready to proceed, and the availability of federal or
 2236 local government matching funds. Federal and other nonstate

2237 funding shall be maximized to the greatest extent practicable.

2238 (f)~~(d)~~ Evaluation.—Beginning ~~By~~ March 1, 2020 ~~2012~~, and
 2239 every 5 ~~3~~ years thereafter, concurrent with the updates of the
 2240 basin management action plans adopted pursuant to s. 403.067,
 2241 the department, ~~district~~ in cooperation with the other
 2242 coordinating agencies, shall conduct an evaluation of any
 2243 pollutant load reduction goals, as well as any other specific
 2244 objectives and goals, as stated in the River Watershed
 2245 Protection Programs ~~Plans~~. ~~Additionally,~~ The district shall
 2246 identify modifications to facilities of the River Watershed
 2247 Construction Projects, as appropriate, or any other elements of
 2248 the River Watershed Protection Programs ~~Plans~~. The evaluation
 2249 shall be included in the annual progress report submitted
 2250 pursuant to this section.

2251 (g)~~(e)~~ Priorities and implementation schedules.—The
 2252 coordinating agencies are authorized and directed to establish
 2253 priorities and implementation schedules for the achievement of
 2254 total maximum daily loads, the requirements of s. 403.067, and
 2255 compliance with applicable water quality standards within the
 2256 waters and watersheds subject to this section.

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

2263 ~~the plan is deemed approved and may be implemented.~~

2264 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 2265 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
 2266 department is directed to expedite development and adoption of
 2267 total maximum daily loads for the Caloosahatchee River and
 2268 estuary. The department is further directed to, ~~no later than~~
 2269 ~~December 31, 2008,~~ propose for final agency action total maximum
 2270 daily loads for nutrients in the tidal portions of the
 2271 Caloosahatchee River and estuary. The department shall initiate
 2272 development of basin management action plans for Lake
 2273 Okeechobee, the Caloosahatchee River watershed and estuary, and
 2274 the St. Lucie River watershed and estuary as provided in s.
 2275 403.067 ~~s. 403.067(7)(a)~~ as follows:

2276 (a) Basin management action plans shall be developed as
 2277 soon as practicable as determined necessary by the department to
 2278 achieve the total maximum daily loads established for the Lake
 2279 Okeechobee watershed and the estuaries.

2280 (b) The Phase II technical plan development pursuant to
 2281 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
 2282 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
 2283 provide the basis for basin management action plans developed by
 2284 the department.

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

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2289 basin management action plan.

2290 (d) As provided in s. 403.067, management strategies and
2291 pollution reduction requirements set forth in a basin management
2292 action plan subject to permitting by the department under
2293 subsection (7) must be completed pursuant to the schedule set
2294 forth in the basin management action plan, as amended. The
2295 implementation schedule may extend beyond the 5-year permit
2296 term.

2297 (e) As provided in s. 403.067, management strategies and
2298 pollution reduction requirements set forth in a basin management
2299 action plan for a specific pollutant of concern are not subject
2300 to challenge under chapter 120 at the time they are
2301 incorporated, in an identical form, into a department or
2302 district issued permit or a permit modification issued in
2303 accordance with subsection (7).

2304 ~~(d) Development of basin management action plans that~~
2305 ~~implement the provisions of the legislatively ratified plans~~
2306 ~~shall be initiated by the department no later than September 30~~
2307 ~~of the year in which the applicable plan is ratified. Where a~~
2308 ~~total maximum daily load has not been established at the time of~~
2309 ~~plan ratification, development of basin management action plans~~
2310 ~~shall be initiated no later than 90 days following adoption of~~
2311 ~~the applicable total maximum daily load.~~

2312 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
2313 cooperation with the other coordinating agencies, shall report
2314 on implementation of this section as part of the consolidated

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2315 annual report required in s. 373.036(7). The annual report shall
2316 include a summary of the conditions of the hydrology, water
2317 quality, and aquatic habitat in the northern Everglades based on
2318 the results of the Research and Water Quality Monitoring
2319 Programs, the status of the Lake Okeechobee Watershed
2320 Construction Project, the status of the Caloosahatchee River
2321 Watershed Construction Project, and the status of the St. Lucie
2322 River Watershed Construction Project. In addition, the report
2323 shall contain an annual accounting of the expenditure of funds
2324 from the Save Our Everglades Trust Fund. At a minimum, the
2325 annual report shall provide detail by program and plan,
2326 including specific information concerning the amount and use of
2327 funds from federal, state, or local government sources. In
2328 detailing the use of these funds, the district shall indicate
2329 those designated to meet requirements for matching funds. The
2330 district shall prepare the report in cooperation with the other
2331 coordinating agencies and affected local governments. The
2332 department shall report on the status of the Lake Okeechobee
2333 Basin Management Action Plan, the Caloosahatchee River Watershed
2334 Basin Management Action Plan, and the St. Lucie River Watershed
2335 Basin Management Action Plan. The Department of Agriculture and
2336 Consumer Services shall report on the status of the
2337 implementation of the agricultural nonpoint source best
2338 management practices, including an implementation assurance
2339 report summarizing survey responses and response rates, site
2340 inspections, and other methods used to verify implementation of

2341 and compliance with best management practices in the Lake
 2342 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2343 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2344 (a) The Legislature finds that the Lake Okeechobee
 2345 Watershed Protection Program will benefit Lake Okeechobee and
 2346 downstream receiving waters and is in ~~consistent with~~ the public
 2347 interest. The Lake Okeechobee Watershed Construction Project and
 2348 structures discharging into or from Lake Okeechobee shall be
 2349 constructed, operated, and maintained in accordance with this
 2350 section.

2351 (b) Permits obtained pursuant to this section are in lieu
 2352 of all other permits under this chapter or chapter 403, except
 2353 those issued under s. 403.0885, if applicable. ~~No~~ Additional
 2354 permits are not required for the Lake Okeechobee Watershed
 2355 Construction Project, or structures discharging into or from
 2356 Lake Okeechobee, if such project or structures are permitted
 2357 under this section. Construction activities related to
 2358 implementation of the Lake Okeechobee Watershed Construction
 2359 Project may be initiated before ~~prior to~~ final agency action, or
 2360 notice of intended agency action, on any permit from the
 2361 department under this section.

2362 (c) 1. ~~Within 90 days of completion of the diversion plans~~
 2363 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
 2364 ~~0706, 91-0705, and RT50-205564,~~ Owners or operators of existing
 2365 structures which discharge into or from Lake Okeechobee that
 2366 were subject to Department Consent Orders 91-0694, 91-0705, 91-

2367 0706, 91-0707, and RT50-205564 and that are subject to ~~the~~
 2368 ~~provisions of s. 373.4592(4) (a)~~ do not require a permit under
 2369 this section and shall be governed by permits issued under ~~apply~~
 2370 ~~for a permit from the department to operate and maintain such~~
 2371 ~~structures. By September 1, 2000, owners or operators of all~~
 2372 ~~other existing structures which discharge into or from Lake~~
 2373 ~~Okeechobee shall apply for a permit from the department to~~
 2374 ~~operate and maintain such structures. The department shall issue~~
 2375 ~~one or more such permits for a term of 5 years upon the~~
 2376 ~~demonstration of reasonable assurance that schedules and~~
 2377 ~~strategies to achieve and maintain compliance with water quality~~
 2378 ~~standards have been provided for, to the maximum extent~~
 2379 ~~practicable, and that operation of the structures otherwise~~
 2380 ~~complies with provisions of ss. 373.413 and 373.416~~ and the Lake
 2381 Okeechobee Basin Management Action Plan adopted pursuant to s.
 2382 403.067.

2383 ~~1. Permits issued under this paragraph shall also contain~~
 2384 ~~reasonable conditions to ensure that discharges of waters~~
 2385 ~~through structures:~~

2386 ~~a. Are adequately and accurately monitored;~~

2387 ~~b. Will not degrade existing Lake Okeechobee water quality~~
 2388 ~~and will result in an overall reduction of phosphorus input into~~
 2389 ~~Lake Okeechobee, as set forth in the district's Technical~~
 2390 ~~Publication 81-2 and the total maximum daily load established in~~
 2391 ~~accordance with s. 403.067, to the maximum extent practicable;~~
 2392 ~~and~~

2393 ~~e. Do not pose a serious danger to public health, safety,~~
 2394 ~~or welfare.~~

2395 2. For the purposes of this paragraph, owners and
 2396 operators of existing structures which are subject to ~~the~~
 2397 ~~provisions of~~ s. 373.4592(4) (a) and which discharge into or from
 2398 Lake Okeechobee shall be deemed in compliance with this
 2399 paragraph ~~the term "maximum extent practicable"~~ if they are in
 2400 full compliance with the conditions of permits under chapter
 2401 ~~chapters 40E-61 and 40E-63,~~ Florida Administrative Code.

2402 3. By January 1, 2017 ~~2004~~, the district shall submit to
 2403 the department a complete application for a permit modification
 2404 to the Lake Okeechobee structure permits to incorporate proposed
 2405 changes necessary to ensure that discharges through the
 2406 structures covered by this permit are consistent with the basin
 2407 management action plan adopted pursuant to ~~achieve state water~~
 2408 ~~quality standards, including the total maximum daily load~~
 2409 ~~established in accordance with s. 403.067. These changes shall~~
 2410 ~~be designed to achieve such compliance with state water quality~~
 2411 ~~standards no later than January 1, 2015.~~

2412 (d) The department shall require permits for district
 2413 regional projects that are part of the Lake Okeechobee Watershed
 2414 Construction Project ~~facilities~~. However, projects ~~identified in~~
 2415 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
 2416 s. 373.406 do shall not require ~~need~~ permits under this section.
 2417 Such permits shall be issued for a term of 5 years upon the
 2418 demonstration of reasonable assurances that:

2419 1. District regional projects that are part of the Lake
 2420 Okeechobee Watershed Construction Project shall facility, based
 2421 ~~upon the conceptual design documents and any subsequent detailed~~
 2422 ~~design documents developed by the district, will~~ achieve the
 2423 design objectives for phosphorus required in subparagraph
 2424 (3) (a) 1. ~~paragraph (3) (b);~~

2425 2. For water quality standards other than phosphorus, the
 2426 quality of water discharged from the facility is of equal or
 2427 better quality than the inflows;

2428 3. Discharges from the facility do not pose a serious
 2429 danger to public health, safety, or welfare; and

2430 4. Any impacts on wetlands or state-listed species
 2431 resulting from implementation of that facility of the Lake
 2432 Okeechobee Construction Project are minimized and mitigated, as
 2433 appropriate.

2434 (e) At least 60 days before ~~prior to~~ the expiration of any
 2435 permit issued under this section, the permittee may apply for a
 2436 renewal thereof for a period of 5 years.

2437 (f) Permits issued under this section may include any
 2438 standard conditions provided by department rule which are
 2439 appropriate and consistent with this section.

2440 (g) Permits issued under ~~pursuant to~~ this section may be
 2441 modified, as appropriate, upon review and approval by the
 2442 department.

2443 Section 16. Paragraph (a) of subsection (1) and subsection
 2444 (3) of section 373.467, Florida Statutes, are amended, to read:

2445 373.467 The Harris Chain of Lakes Restoration Council.—
 2446 There is created within the St. Johns River Water Management
 2447 District, with assistance from the Fish and Wildlife
 2448 Conservation Commission and the Lake County Water Authority, the
 2449 Harris Chain of Lakes Restoration Council.

2450 (1) (a) The council shall consist of nine voting members,
 2451 which shall include: a representative of waterfront property
 2452 owners, a representative of the sport fishing industry, a person
 2453 with experience in an environmental science or regulation
 2454 engineer, a person with training in biology or another
 2455 scientific discipline, ~~a person with training as an attorney, a~~
 2456 ~~physician, a person with training as an engineer,~~ and two
 2457 residents of the county who are ~~de~~ not required to meet any
 2458 additional ~~of the other~~ qualifications for membership ~~enumerated~~
 2459 ~~in this paragraph~~, each to be appointed by the Lake County
 2460 legislative delegation. The Lake County legislative delegation
 2461 may waive the qualifications for membership on a case-by-case
 2462 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council
 2463 may not be appointed to a council, board, or commission of any
 2464 council advisory group agency. The council members shall serve
 2465 as advisors to the governing board of the St. Johns River Water
 2466 Management District. The council is subject to ~~the provisions of~~
 2467 chapters 119 and 120.

2468 (3) The council shall meet at the call of its chair, at
 2469 the request of six of its members, or at the request of the
 2470 chair of the governing board of the St. Johns River Water

2471 Management District. Resignation by a council member, or failure
 2472 by a council member to attend three consecutive meetings without
 2473 an excuse approved by the chair, results in a vacancy on the
 2474 council.

2475 Section 17. Paragraphs (a) and (b) of subsection (6) of
 2476 section 373.536, Florida Statutes, are amended to read:

2477 373.536 District budget and hearing thereon.—

2478 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 2479 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2480 (a) Each district must, by the date specified for each
 2481 item, furnish copies of the following documents to the Governor,
 2482 the President of the Senate, the Speaker of the House of
 2483 Representatives, the chairs of all legislative committees and
 2484 subcommittees having substantive or fiscal jurisdiction over the
 2485 districts, as determined by the President of the Senate or the
 2486 Speaker of the House of Representatives as applicable, the
 2487 secretary of the department, and the governing board of each
 2488 county in which the district has jurisdiction or derives any
 2489 funds for the operations of the district:

2490 1. The adopted budget, to be furnished within 10 days
 2491 after its adoption.

2492 2. A financial audit of its accounts and records, to be
 2493 furnished within 10 days after its acceptance by the governing
 2494 board. The audit must be conducted in accordance with s. 11.45
 2495 and the rules adopted thereunder. In addition to the entities
 2496 named above, the district must provide a copy of the audit to

2497 the Auditor General within 10 days after its acceptance by the
2498 governing board.

2499 3. A 5-year capital improvements plan, to be included in
2500 the consolidated annual report required by s. 373.036(7). The
2501 plan must include expected sources of revenue for planned
2502 improvements and must be prepared in a manner comparable to the
2503 fixed capital outlay format set forth in s. 216.043.

2504 4. A 5-year water resource development work program to be
2505 furnished within 30 days after the adoption of the final budget.
2506 The program must describe the district's implementation strategy
2507 and include an annual funding plan for each of the 5 years
2508 included in the plan for the water resource and~~7~~ water supply~~7~~
2509 development components, including ~~and~~ alternative water supply
2510 development, ~~components~~ of each approved regional water supply
2511 plan developed or revised under s. 373.709. The work program
2512 must address all the elements of the water resource development
2513 component in the district's approved regional water supply
2514 plans, as well as the water supply projects proposed for
2515 district funding and assistance. The annual funding plan shall
2516 identify both anticipated available district funding and
2517 additional funding needs for the second through fifth years of
2518 the funding plan. The work program ~~and~~ must identify projects in
2519 the work program which will provide water; explain how each
2520 water resource ~~and~~7~~ water supply~~7~~ and alternative water supply~~
2521 development project will produce additional water available for
2522 consumptive uses; estimate the quantity of water to be produced

2523 by each project; ~~and~~ provide an assessment of the contribution
2524 of the district's regional water supply plans in supporting the
2525 implementation of minimum flows and minimum water levels and
2526 water reservations; and ensure ~~providing~~ sufficient water is
2527 available ~~needed~~ to timely meet the water supply needs of
2528 existing and future reasonable-beneficial uses for a 1-in-10-
2529 year drought event and to avoid the adverse effects of
2530 competition for water supplies.

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

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2549 House of Representatives.

2550 Section 18. Subsection (9) of section 373.703, Florida
2551 Statutes, is amended to read:

2552 373.703 Water production; general powers and duties.—In
2553 the performance of, and in conjunction with, its other powers
2554 and duties, the governing board of a water management district
2555 existing pursuant to this chapter:

2556 (9) May join with one or more other water management
2557 districts, counties, municipalities, special districts, publicly
2558 owned or privately owned water utilities, multijurisdictional
2559 water supply entities, regional water supply authorities,
2560 private landowners, or self-suppliers for the purpose of
2561 carrying out its powers, and may contract with such other
2562 entities to finance acquisitions, construction, operation, and
2563 maintenance, provided that such contracts are consistent with
2564 the public interest. The contract may provide for contributions
2565 to be made by each party to the contract for the division and
2566 apportionment of the expenses of acquisitions, construction,
2567 operation, and maintenance, and for the division and
2568 apportionment of resulting benefits, services, and products. The
2569 contracts may contain other covenants and agreements necessary
2570 and appropriate to accomplish their purposes.

2571 Section 19. Paragraph (b) of subsection (2), subsection
2572 (3), and paragraph (b) of subsection (4) of section 373.705,
2573 Florida Statutes, are amended, and subsection (5) is added to
2574 that section, to read:

2575 373.705 Water resource development; water supply
 2576 development.—

2577 (2) It is the intent of the Legislature that:

2578 (b) Water management districts take the lead in
 2579 identifying and implementing water resource development
 2580 projects, and be responsible for securing necessary funding for
 2581 regionally significant water resource development projects,
 2582 including regionally significant projects that prevent or limit
 2583 adverse water resource impacts, avoid competition among water
 2584 users, or support the provision of new water supplies in order
 2585 to meet a minimum flow or minimum water level or to implement a
 2586 recovery or prevention strategy or water reservation.

2587 (3) (a) The water management districts shall fund and
 2588 implement water resource development as defined in s. 373.019.
 2589 The water management districts are encouraged to implement water
 2590 resource development as expeditiously as possible in areas
 2591 subject to regional water supply plans.

2592 (b) Each governing board shall include in its annual
 2593 budget submittals required under this chapter:

2594 1. The amount of funds for each project in the annual
 2595 funding plan developed pursuant to s. 373.536(6) (a)4.; and

2596 2. The total amount needed for the fiscal year to
 2597 implement water resource development projects, as prioritized in
 2598 its regional water supply plans.

2599 (4)

2600 (b) Water supply development projects that meet the

2601 criteria in paragraph (a) and that meet one or more of the
 2602 following additional criteria shall be given first consideration
 2603 for state or water management district funding assistance:

2604 1. The project brings about replacement of existing
 2605 sources in order to help implement a minimum flow or minimum
 2606 water level; ~~or~~

2607 2. The project implements reuse that assists in the
 2608 elimination of domestic wastewater ocean outfalls as provided in
 2609 s. 403.086(9); or

2610 3. The project reduces or eliminates the adverse effects
 2611 of competition between legal users and the natural system.

2612 (5) The water management districts shall promote expanded
 2613 cost-share criteria for additional conservation practices, such
 2614 as soil and moisture sensors and other irrigation improvements,
 2615 water-saving equipment, and water-saving household fixtures, and
 2616 software technologies that can achieve verifiable water
 2617 conservation by providing water use information to utility
 2618 customers.

2619 Section 20. Paragraph (f) of subsection (3), paragraph (a)
 2620 of subsection (6), and paragraph (e) of subsection (8) of
 2621 section 373.707, Florida Statutes, are amended to read:

2622 373.707 Alternative water supply development.—

2623 (3) The primary roles of the water management districts in
 2624 water resource development as it relates to supporting
 2625 alternative water supply development are:

2626 (f) The provision of technical and financial assistance to

2627 local governments and publicly owned and privately owned water
2628 utilities for alternative water supply projects and to self-
2629 suppliers for alternative water supply projects to the extent
2630 that such assistance to self-suppliers promotes the policies in
2631 paragraph (1) (f).

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

2639 ~~Therefore,~~ the water management districts shall include in the
2640 annual tentative and adopted budget submittals required under
2641 this chapter the amount of funds allocated for water resource
2642 development that supports alternative water supply development
2643 and the funds allocated for alternative water supply projects
2644 ~~selected for inclusion in the Water Protection and~~
2645 ~~Sustainability Program.~~ It shall be the goal of each water
2646 management district and basin boards that the combined funds
2647 allocated annually for these purposes be, at a minimum, the
2648 equivalent of 100 percent of the state funding provided to the
2649 water management district for alternative water supply
2650 development. If this goal is not achieved, the water management
2651 district shall provide in the budget submittal an explanation of
2652 the reasons or constraints that prevent this goal from being

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2653 met, an explanation of how the goal will be met in future years,
2654 and affirmation of match is required during the budget review
2655 process as established under s. 373.536(5). The Suwannee River
2656 Water Management District and the Northwest Florida Water
2657 Management District shall not be required to meet the match
2658 requirements of this paragraph; however, they shall try to
2659 achieve the match requirement to the greatest extent
2660 practicable.

2661 (8)

2662 (e) Applicants for projects that may receive funding
2663 assistance pursuant to the Water Protection and Sustainability
2664 Program shall, at a minimum, be required to pay 60 percent of
2665 the project's construction costs. The water management districts
2666 may, at their discretion, totally or partially waive this
2667 requirement for projects sponsored by:

2668 1. Financially disadvantaged small local governments as
2669 defined in former s. 403.885(5); or

2670 2. Water users for projects determined by a water
2671 management district governing board to be in the public interest
2672 pursuant to paragraph (1)(f), if the projects are not otherwise
2673 financially feasible.

2674

2675 The water management districts or basin boards may, at their
2676 discretion, use ad valorem or federal revenues to assist a
2677 project applicant in meeting the requirements of this paragraph.

2678 Section 21. Subsection (2) and paragraphs (a) and (e) of

2679 subsection (6) of section 373.709, Florida Statutes, are amended
 2680 to read:

2681 373.709 Regional water supply planning.—

2682 (2) Each regional water supply plan must be based on at
 2683 least a 20-year planning period and must include, but need not
 2684 be limited to:

2685 (a) A water supply development component for each water
 2686 supply planning region identified by the district which
 2687 includes:

2688 1. A quantification of the water supply needs for all
 2689 existing and future reasonable-beneficial uses within the
 2690 planning horizon. The level-of-certainty planning goal
 2691 associated with identifying the water supply needs of existing
 2692 and future reasonable-beneficial uses must be based upon meeting
 2693 those needs for a 1-in-10-year drought event.

2694 a. Population projections used for determining public
 2695 water supply needs must be based upon the best available data.
 2696 In determining the best available data, the district shall
 2697 consider the University of Florida ~~Florida's~~ Bureau of Economic
 2698 and Business Research (BEBR) medium population projections and
 2699 population projection data and analysis submitted by a local
 2700 government pursuant to the public workshop described in
 2701 subsection (1) if the data and analysis support the local
 2702 government's comprehensive plan. Any adjustment of or deviation
 2703 from the BEBR projections must be fully described, and the
 2704 original BEBR data must be presented along with the adjusted

2705 data.

2706 b. Agricultural demand projections used for determining
2707 the needs of agricultural self-suppliers must be based upon the
2708 best available data. In determining the best available data for
2709 agricultural self-supplied water needs, the district shall
2710 consider the data indicative of future water supply demands
2711 provided by the Department of Agriculture and Consumer Services
2712 pursuant to s. 570.93 and agricultural demand projection data
2713 and analysis submitted by a local government pursuant to the
2714 public workshop described in subsection (1), if the data and
2715 analysis support the local government's comprehensive plan. Any
2716 adjustment of or deviation from the data provided by the
2717 Department of Agriculture and Consumer Services must be fully
2718 described, and the original data must be presented along with
2719 the adjusted data.

2720 2. A list of water supply development project options,
2721 including traditional and alternative water supply project
2722 options that are technically and financially feasible, from
2723 which local government, government-owned and privately owned
2724 utilities, regional water supply authorities,
2725 multijurisdictional water supply entities, self-suppliers, and
2726 others may choose for water supply development. In addition to
2727 projects listed by the district, such users may propose specific
2728 projects for inclusion in the list of alternative water supply
2729 projects. If such users propose a project to be listed as an
2730 alternative water supply project, the district shall determine

2731 whether it meets the goals of the plan, and, if so, it shall be
2732 included in the list. The total capacity of the projects
2733 included in the plan must exceed the needs identified in
2734 subparagraph 1. and take into account water conservation and
2735 other demand management measures, as well as water resources
2736 constraints, including adopted minimum flows and minimum water
2737 levels and water reservations. Where the district determines it
2738 is appropriate, the plan should specifically identify the need
2739 for multijurisdictional approaches to project options that,
2740 based on planning level analysis, are appropriate to supply the
2741 intended uses and that, based on such analysis, appear to be
2742 permittable and financially and technically feasible. The list
2743 of water supply development options must contain provisions that
2744 recognize that alternative water supply options for agricultural
2745 self-suppliers are limited.

2746 3. For each project option identified in subparagraph 2.,
2747 the following must be provided:

2748 a. An estimate of the amount of water to become available
2749 through the project.

2750 b. The timeframe in which the project option should be
2751 implemented and the estimated planning-level costs for capital
2752 investment and operating and maintaining the project.

2753 c. An analysis of funding needs and sources of possible
2754 funding options. For alternative water supply projects, the
2755 water management districts shall provide funding assistance
2756 pursuant to s. 373.707(8).

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2757 d. Identification of the entity that should implement each
2758 project option and the current status of project implementation.

2759 (b) A water resource development component that includes:

2760 1. A listing of those water resource development projects
2761 that support water supply development for all existing and
2762 future reasonable-beneficial uses as described in paragraph
2763 (2) (a) and for the natural systems as identified in the recovery
2764 or prevention strategies for adopted minimum flows and minimum
2765 water levels or water reservations.

2766 2. For each water resource development project listed:

2767 a. An estimate of the amount of water to become available
2768 through the project for all existing and future reasonable-
2769 beneficial uses as described in paragraph (2) (a) and for the
2770 natural systems as identified in the recovery or prevention
2771 strategies for adopted minimum flows and minimum water levels or
2772 water reservations.

2773 b. The timeframe in which the project option should be
2774 implemented and the estimated planning-level costs for capital
2775 investment and for operating and maintaining the project.

2776 c. An analysis of funding needs and sources of possible
2777 funding options.

2778 d. Identification of the entity that should implement each
2779 project option and the current status of project implementation.

2780 (c) The recovery and prevention strategy described in s.
2781 373.0421(2).

2782 (d) A funding strategy for water resource development

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2783 projects, which shall be reasonable and sufficient to pay the
2784 cost of constructing or implementing all of the listed projects.

2785 (e) Consideration of how the project options addressed in
2786 paragraph (a) serve the public interest or save costs overall by
2787 preventing the loss of natural resources or avoiding greater
2788 future expenditures for water resource development or water
2789 supply development. However, unless adopted by rule, these
2790 considerations do not constitute final agency action.

2791 (f) The technical data and information applicable to each
2792 planning region which are necessary to support the regional
2793 water supply plan.

2794 (g) The minimum flows and minimum water levels established
2795 for water resources within each planning region.

2796 (h) Reservations of water adopted by rule pursuant to s.
2797 373.223(4) within each planning region.

2798 (i) Identification of surface waters or aquifers for which
2799 minimum flows and minimum water levels are scheduled to be
2800 adopted.

2801 (j) An analysis, developed in cooperation with the
2802 department, of areas or instances in which the variance
2803 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
2804 create water supply development or water resource development
2805 projects.

2806 (k) An assessment of how the regional water supply plan
2807 and the projects identified in the funding plans prepared
2808 pursuant to sub-subparagraphs (a)3.c. and (b)2.c. support the

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2809 recovery or prevention strategies for implementation of adopted
2810 minimum flows and minimum water levels or water reservations,
2811 including minimum flows and minimum water levels for Outstanding
2812 Florida Springs adopted pursuant to s. 373.805; while ensuring
2813 that sufficient water will be available for all existing and
2814 future reasonable-beneficial uses and the natural systems
2815 identified herein; and that the adverse effects of competition
2816 for water supplies will be avoided.

2817 (6) Annually and in conjunction with the reporting
2818 requirements of s. 373.536(6)(a)4., the department shall submit
2819 to the Governor and the Legislature a report on the status of
2820 regional water supply planning in each district. The report
2821 shall include:

2822 (a) A compilation of the estimated costs ~~of~~ and an
2823 analysis of the sufficiency of potential sources of funding from
2824 all sources for water resource development and water supply
2825 development projects as identified in the water management
2826 district regional water supply plans.

2827 (e) An overall assessment of the progress being made to
2828 develop water supply in each district, including, but not
2829 limited to, an explanation of how each project in the 5-year
2830 water resource development work program developed pursuant to s.
2831 373.536(6)(a)4., either alternative or traditional, will
2832 produce, contribute to, or account for additional water being
2833 made available for consumptive uses, minimum flows and minimum
2834 water levels, or water reservations; an estimate of the quantity

2835 of water to be produced by each project;~~7~~ and an assessment of
2836 the contribution of the district's regional water supply plan in
2837 providing sufficient water to meet the needs of existing and
2838 future reasonable-beneficial uses for a 1-in-10-year drought
2839 event, as well as the needs of the natural systems.

2840 Section 22. Part VIII of chapter 373, Florida Statutes,
2841 consisting of ss. 373.801-373.813, Florida Statutes, is created
2842 and entitled the "Florida Springs and Aquifer Protection Act."

2843 Section 23. Section 373.801, Florida Statutes, is created
2844 to read:

2845 373.801 Legislative findings and intent.—

2846 (1) The Legislature finds that springs are a unique part
2847 of this state's scenic beauty. Springs provide critical habitat
2848 for plants and animals, including many endangered or threatened
2849 species. Springs also provide immeasurable natural,
2850 recreational, economic, and inherent value. Springs are of great
2851 scientific importance in understanding the diverse functions of
2852 aquatic ecosystems. Water quality of springs is an indicator of
2853 local conditions of the Floridan Aquifer, which is a source of
2854 drinking water for many residents of this state. Water flows in
2855 springs may reflect regional aquifer conditions. In addition,
2856 springs provide recreational opportunities for swimming,
2857 canoeing, wildlife watching, fishing, cave diving, and many
2858 other activities in this state. These recreational opportunities
2859 and the accompanying tourism they provide are a benefit to local
2860 economies and the economy of the state as a whole.

2861 (2) The Legislature finds that the water quantity and
 2862 water quality in springs may be related. For regulatory
 2863 purposes, the department has primary responsibility for water
 2864 quality; the water management districts have primary
 2865 responsibility for water quantity; and the Department of
 2866 Agriculture and Consumer Services has primary responsibility for
 2867 the development and implementation of agricultural best
 2868 management practices. Local governments have primary
 2869 responsibility for providing domestic wastewater collection and
 2870 treatment services and stormwater management. The foregoing
 2871 responsible entities must coordinate to restore and maintain the
 2872 water quantity and water quality of the Outstanding Florida
 2873 Springs.

2874 (3) The Legislature recognizes that:

2875 (a) A spring is only as healthy as its aquifer system. The
 2876 groundwater that supplies springs is derived from water that
 2877 recharges the aquifer system in the form of seepage from the
 2878 land surface and through direct conduits, such as sinkholes.
 2879 Springs may be adversely affected by polluted runoff from urban
 2880 and agricultural lands; discharges resulting from inadequate
 2881 wastewater and stormwater management practices; stormwater
 2882 runoff; and reduced water levels of the Floridan Aquifer. As a
 2883 result, the hydrologic and environmental conditions of a spring
 2884 or spring run are directly influenced by activities and land
 2885 uses within a springshed and by water withdrawals from the
 2886 Floridan Aquifer.

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2887 (b) Springs, whether found in urban or rural settings, or
2888 on public or private lands, may be threatened by actual or
2889 potential flow reductions and declining water quality. Many of
2890 this state's springs are demonstrating signs of significant
2891 ecological imbalance, increased nutrient loading, and declining
2892 flow. Without effective remedial action, further declines in
2893 water quality and water quantity may occur.

2894 (c) Springshed boundaries and areas of high vulnerability
2895 within a springshed need to be identified and delineated using
2896 the best available data.

2897 (d) Springsheds typically cross water management district
2898 boundaries and local government jurisdictional boundaries, so a
2899 coordinated statewide springs protection plan is needed.

2900 (e) The aquifers and springs of this state are complex
2901 systems affected by many variables and influences.

2902 (4) The Legislature recognizes that action is urgently
2903 needed and, as additional data is acquired, action must be
2904 modified.

2905 Section 24. Section 373.802, Florida Statutes, is created
2906 to read:

2907 373.802 Definitions.—As used in this part, the term:

2908 (1) "Department" means the Department of Environmental
2909 Protection, which includes the Florida Geological Survey or its
2910 successor agencies.

2911 (2) "Local government" means a county or municipal
2912 government the jurisdictional boundaries of which include an

2913 Outstanding Florida Spring or any part of a springshed or
 2914 delineated priority focus area of an Outstanding Florida Spring.

2915 (3) "Onsite sewage treatment and disposal system" means a
 2916 system that contains a standard subsurface, filled, or mound
 2917 drainfield system; an aerobic treatment unit; a graywater system
 2918 tank; a laundry wastewater system tank; a septic tank; a grease
 2919 interceptor; a pump tank; a solids or effluent pump; a
 2920 waterless, incinerating, or organic waste-composting toilet; or
 2921 a sanitary pit privy that is installed or proposed to be
 2922 installed beyond the building sewer on land of the owner or on
 2923 other land on which the owner has the legal right to install
 2924 such system. The term includes any item placed within, or
 2925 intended to be used as a part of or in conjunction with, the
 2926 system. The term does not include package sewage treatment
 2927 facilities and other treatment works regulated under chapter
 2928 403.

2929 (4) "Outstanding Florida Spring" includes all historic
 2930 first magnitude springs, including their associated spring runs,
 2931 as determined by the department using the most recent Florida
 2932 Geological Survey springs bulletin, and the following additional
 2933 springs, including their associated spring runs:

- 2934 (a) De Leon Springs;
- 2935 (b) Peacock Springs;
- 2936 (c) Poe Springs;
- 2937 (d) Rock Springs;
- 2938 (e) Wekiwa Springs; and

2939 (f) Gemini Springs.

2940
 2941 The term does not include submarine springs or river rises.

2942 (5) "Priority focus area" means the area or areas of a
 2943 basin where the Floridan Aquifer is generally most vulnerable to
 2944 pollutant inputs where there is a known connectivity between
 2945 groundwater pathways and an Outstanding Florida Spring, as
 2946 determined by the department in consultation with the
 2947 appropriate water management districts, and delineated in a
 2948 basin management action plan.

2949 (6) "Springshed" means the areas within the groundwater
 2950 and surface water basins which contribute, based upon all
 2951 relevant facts, circumstances, and data, to the discharge of a
 2952 spring as defined by potentiometric surface maps and surface
 2953 watershed boundaries.

2954 (7) "Spring run" means a body of flowing water that
 2955 originates from a spring or whose primary source of water is a
 2956 spring or springs under average rainfall conditions.

2957 (8) "Spring vent" means a location where groundwater flows
 2958 out of a natural, discernible opening in the ground onto the
 2959 land surface or into a predominantly fresh surface water body.

2960 Section 25. Section 373.803, Florida Statutes, is created
 2961 to read:

2962 373.803 Delineation of priority focus areas for
 2963 Outstanding Florida Springs.—Using the best data available from
 2964 the water management districts and other credible sources, the

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2965 department, in coordination with the water management districts,
2966 shall delineate priority focus areas for each Outstanding
2967 Florida Spring or group of springs that contains one or more
2968 Outstanding Florida Springs and is identified as impaired in
2969 accordance with s. 373.807. In delineating priority focus areas,
2970 the department shall consider groundwater travel time to the
2971 spring, hydrogeology, nutrient load, and any other factors that
2972 may lead to degradation of an Outstanding Florida Spring. The
2973 delineation of priority focus areas must be completed by July 1,
2974 2018, shall use understood and identifiable boundaries such as
2975 roads or political jurisdictions for ease of implementation, and
2976 is effective upon incorporation in a basin management action
2977 plan.

2978 Section 26. Section 373.805, Florida Statutes, is created
2979 to read:

2980 373.805 Minimum flows and minimum water levels for
2981 Outstanding Florida Springs.—

2982 (1) At the time a minimum flow or minimum water level is
2983 adopted pursuant to s. 373.042 for an Outstanding Florida
2984 Spring, if the spring is below or is projected within 20 years
2985 to fall below the minimum flow or minimum water level, a water
2986 management district or the department shall concurrently adopt a
2987 recovery or prevention strategy.

2988 (2) When a minimum flow or minimum water level for an
2989 Outstanding Florida Spring is revised pursuant to s.
2990 373.0421(3), if the spring is below or is projected within 20

2991 years to fall below the minimum flow or minimum water level, a
2992 water management district or the department shall concurrently
2993 adopt a recovery or prevention strategy or modify an existing
2994 recovery or prevention strategy. A district or the department
2995 may adopt the revised minimum flow or minimum water level before
2996 the adoption of a recovery or prevention strategy if the revised
2997 minimum flow or minimum water level is less constraining on
2998 existing or projected future consumptive uses.

2999 (3) For an Outstanding Florida Spring without an adopted
3000 recovery or prevention strategy, if a district or the department
3001 determines the spring has fallen below, or is projected within
3002 20 years to fall below, the adopted minimum flow or minimum
3003 water level, a water management district or the department shall
3004 expeditiously adopt a recovery or prevention strategy.

3005 (4) The recovery or prevention strategy for each
3006 Outstanding Florida Spring must, at a minimum, include:

3007 (a) A listing of all specific projects identified for
3008 implementation of the plan;

3009 (b) A priority listing of each project;

3010 (c) For each listed project, the estimated cost of and the
3011 estimated date of completion;

3012 (d) The source and amount of financial assistance to be
3013 made available by the water management district for each listed
3014 project, which may not be less than 25 percent of the total
3015 project cost unless a specific funding source or sources are
3016 identified which will provide more than 75 percent of the total

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3017 project cost. The Northwest Florida Water Management District
3018 and the Suwannee River Water Management District are not
3019 required to meet the minimum requirement to provide financial
3020 assistance pursuant to this paragraph;

3021 (e) An estimate of each listed project's benefit to an
3022 Outstanding Florida Spring; and

3023 (f) An implementation plan designed with a target to
3024 achieve the adopted minimum flow or minimum water level no more
3025 than 20 years after the adoption of a recovery or prevention
3026 strategy.

3027
3028 The water management district or the department shall develop a
3029 schedule establishing 5-year, 10-year, and 15-year targets for
3030 achieving the adopted minimum flows or minimum water levels. The
3031 schedule shall be used to provide guidance for planning and
3032 funding purposes and is exempt from chapter 120.

3033 (5) A local government may apply to the department for a
3034 single extension of up to 5 years for any project in an adopted
3035 recovery or prevention strategy. The department may grant the
3036 extension if the local government provides to the department
3037 sufficient evidence that an extension is in the best interest of
3038 the public. For a local government in a rural area of
3039 opportunity, as defined in s. 288.0656, the department may grant
3040 a single extension of up to 10 years.

3041 Section 27. Section 373.807, Florida Statutes, is created
3042 to read:

3043 373.807 Protection of water quality in Outstanding Florida
3044 Springs.-By July 1, 2016, the department shall initiate
3045 assessment, pursuant to s. 403.067(3), of Outstanding Florida
3046 Springs or spring systems for which an impairment determination
3047 has not been made under the numeric nutrient standards in effect
3048 for spring vents. Assessments must be completed by July 1, 2018.

3049 (1) (a) Concurrent with the adoption of a nutrient total
3050 maximum daily load for an Outstanding Florida Spring, the
3051 department, or the department in conjunction with a water
3052 management district, shall initiate development of a basin
3053 management action plan, as specified in s. 403.067. For an
3054 Outstanding Florida Spring with a nutrient total maximum daily
3055 load adopted before July 1, 2016, the department, or the
3056 department in conjunction with a water management district,
3057 shall initiate development of a basin management action plan by
3058 July 1, 2016. During the development of a basin management
3059 action plan, if the department identifies onsite sewage
3060 treatment and disposal systems as contributors of at least 20
3061 percent of nonpoint source nitrogen pollution or if the
3062 department determines remediation is necessary to achieve the
3063 total maximum daily load, the basin management action plan shall
3064 include an onsite sewage treatment and disposal system
3065 remediation plan pursuant to subsection (3) for those systems
3066 identified as requiring remediation.

3067 (b) A basin management action plan for an Outstanding
3068 Florida Spring shall be adopted within 2 years after its

3069 initiation and must include, at a minimum:

3070 1. A list of all specific projects and programs identified

3071 to implement a nutrient total maximum daily load;

3072 2. A list of all specific projects identified in any

3073 incorporated onsite sewage treatment and disposal system

3074 remediation plan, if applicable;

3075 3. A priority rank for each listed project;

3076 4. For each listed project, a planning level cost estimate

3077 and the estimated date of completion;

3078 5. The source and amount of financial assistance to be

3079 made available by the department, a water management district,

3080 or other entity for each listed project;

3081 6. An estimate of each listed project's nutrient load

3082 reduction;

3083 7. Identification of each point source or category of

3084 nonpoint sources, including, but not limited to, urban turf

3085 fertilizer, sports turf fertilizer, agricultural fertilizer,

3086 onsite sewage treatment and disposal systems, wastewater

3087 treatment facilities, animal wastes, and stormwater facilities.

3088 An estimated allocation of the pollutant load must be provided

3089 for each point source or category of nonpoint sources; and

3090 8. An implementation plan designed with a target to

3091 achieve the nutrient total maximum daily load no more than 20

3092 years after the adoption of a basin management action plan.

3093

3094 The department shall develop a schedule establishing 5-year, 10-

3095 year, and 15-year targets for achieving the nutrient total
3096 maximum daily load. The schedule shall be used to provide
3097 guidance for planning and funding purposes and is exempt from
3098 chapter 120.

3099 (c) For a basin management action plan adopted before July
3100 1, 2016, which addresses an Outstanding Florida Spring, the
3101 department or the department in conjunction with a water
3102 management district must revise the plan if necessary to comply
3103 with this section by July 1, 2018.

3104 (d) A local government may apply to the department for a
3105 single extension of up to 5 years for any project in an adopted
3106 basin management action plan. A local government in a rural area
3107 of opportunity, as defined in s. 288.0656, may apply for a
3108 single extension of up to 10 years for such a project. The
3109 department may grant the extension if the local government
3110 provides to the department sufficient evidence that an extension
3111 is in the best interest of the public.

3112 (2) By July 1, 2017, each local government, as defined in
3113 s. 373.802(2), that has not adopted an ordinance pursuant to s.
3114 403.9337, shall develop, enact, and implement an ordinance
3115 pursuant to that section. It is the intent of the Legislature
3116 that ordinances required to be adopted under this subsection
3117 reflect the latest scientific information, advancements, and
3118 technological improvements in the industry.

3119 (3) As part of a basin management action plan that
3120 includes an Outstanding Florida Spring, the department, the

3121 Department of Health, relevant local governments, and relevant
3122 local public and private wastewater utilities, shall develop an
3123 onsite sewage treatment and disposal system remediation plan for
3124 a spring if the department determines onsite sewage treatment
3125 and disposal systems within a priority focus area contribute at
3126 least 20 percent of nonpoint source nitrogen pollution or if the
3127 department determines remediation is necessary to achieve the
3128 total maximum daily load. The plan shall identify cost-effective
3129 and financially feasible projects necessary to reduce the
3130 nutrient impacts from onsite sewage treatment and disposal
3131 systems and shall be completed and adopted as part of the basin
3132 management action plan no later than the first 5-year milestone
3133 required by subparagraph (1)(b)8. The department is the lead
3134 agency in coordinating the preparation of and the adoption of
3135 the plan. The department shall:

3136 (a) Collect and evaluate credible scientific information
3137 on the effect of nutrients, particularly forms of nitrogen, on
3138 springs and springs systems; and

3139 (b) Develop a public education plan to provide area
3140 residents with reliable, understandable information about onsite
3141 sewage treatment and disposal systems and springs.

3142
3143 In addition to the requirements in s. 403.067, the plan shall
3144 include options for repair, upgrade, replacement, drainfield
3145 modification, addition of effective nitrogen reducing features,
3146 connection to a central sewerage system, or other action for an

3147 onsite sewage treatment and disposal system or group of systems
3148 within a priority focus area that contribute at least 20 percent
3149 of nonpoint source nitrogen pollution or if the department
3150 determines remediation is necessary to achieve a total maximum
3151 daily load. For these systems, the department shall include in
3152 the plan a priority ranking for each system or group of systems
3153 that requires remediation and shall award funds to implement the
3154 remediation projects contingent on an appropriation in the
3155 General Appropriations Act, which may include all or part of the
3156 costs necessary for repair, upgrade, replacement, drainfield
3157 modification, addition of effective nitrogen reducing features,
3158 initial connection to a central sewerage system, or other
3159 action. In awarding funds, the department may consider expected
3160 nutrient reduction benefit per unit cost, size and scope of
3161 project, relative local financial contribution to the project,
3162 and the financial impact on property owners and the community.
3163 The department may waive matching funding requirements for
3164 proposed projects within an area designated as a rural area of
3165 opportunity under s. 288.0656.

3166 (4) The department shall provide notice to a local
3167 government of all permit applicants under s. 403.814(12) in a
3168 priority focus area of an Outstanding Florida Spring over which
3169 the local government has full or partial jurisdiction.

3170 Section 28. Section 373.811, Florida Statutes, is created
3171 to read:

3172 373.811 Prohibited activities within a priority focus

3173 area.—The following activities are prohibited within a priority
 3174 focus area in effect for an Outstanding Florida Spring:

3175 (1) New domestic wastewater disposal facilities, including
 3176 rapid infiltration basins, with permitted capacities of 100,000
 3177 gallons per day or more, except for those facilities that meet
 3178 an advanced wastewater treatment standard of no more than 3 mg/l
 3179 total nitrogen, expressed as N, on an annual permitted basis, or
 3180 a more stringent treatment standard if the department determines
 3181 the more stringent standard is necessary to attain a total
 3182 maximum daily load for the Outstanding Florida Spring.

3183 (2) New onsite sewage treatment and disposal systems on
 3184 lots of less than 1 acre, if the addition of the specific
 3185 systems conflicts with an onsite treatment and disposal system
 3186 remediation plan incorporated into a basin management action
 3187 plan in accordance with s. 373.807(3).

3188 (3) New facilities for the disposal of hazardous waste.

3189 (4) The land application of Class A or Class B domestic
 3190 wastewater biosolids not in accordance with a department
 3191 approved nutrient management plan establishing the rate at which
 3192 all biosolids, soil amendments, and sources of nutrients at the
 3193 land application site can be applied to the land for crop
 3194 production while minimizing the amount of pollutants and
 3195 nutrients discharged to groundwater or waters of the state.

3196 (5) New agriculture operations that do not implement best
 3197 management practices, measures necessary to achieve pollution
 3198 reduction levels established by the department, or groundwater

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3199 monitoring plans approved by a water management district or the
3200 department.

3201 Section 29. Section 373.813, Florida Statutes, is created
3202 to read:

3203 373.813 Rules.—

3204 (1) The department shall adopt rules to improve water
3205 quantity and water quality to administer this part, as
3206 applicable.

3207 (2) (a) The Department of Agriculture and Consumer Services
3208 is the lead agency coordinating the reduction of agricultural
3209 nonpoint sources of pollution for the protection of Outstanding
3210 Florida Springs. The Department of Agriculture and Consumer
3211 Services and the department, pursuant to s. 403.067(7)(c)4.,
3212 shall study new or revised agricultural best management
3213 practices for improving and protecting Outstanding Florida
3214 Springs and, if necessary, in cooperation with applicable local
3215 governments and stakeholders, initiate rulemaking to require the
3216 implementation of such practices within a reasonable period.

3217 (b) The department, the Department of Agriculture and
3218 Consumer Services, and the University of Florida Institute of
3219 Food and Agricultural Sciences shall cooperate in conducting the
3220 necessary research and demonstration projects to develop
3221 improved or additional nutrient management tools, including the
3222 use of controlled release fertilizer that can be used by
3223 agricultural producers as part of an agricultural best
3224 management practices program. The development of such tools must

3225 reflect a balance between water quality improvement and
 3226 agricultural productivity and, if applicable, must be
 3227 incorporated into the revised agricultural best management
 3228 practices adopted by rule by the Department of Agriculture and
 3229 Consumer Services.

3230 Section 30. Subsection (29) of section 403.061, Florida
 3231 Statutes, is amended to read:

3232 403.061 Department; powers and duties.—The department
 3233 shall have the power and the duty to control and prohibit
 3234 pollution of air and water in accordance with the law and rules
 3235 adopted and promulgated by it and, for this purpose, to:

3236 (29) (a) Adopt by rule special criteria to protect Class II
 3237 and Class III shellfish harvesting waters. Such rules may
 3238 include special criteria for approving docking facilities that
 3239 have 10 or fewer slips if the construction and operation of such
 3240 facilities will not result in the closure of shellfish waters.

3241 (b) Adopt by rule a specific surface water classification
 3242 to protect surface waters used for treated potable water supply.
 3243 These designated surface waters shall have the same water
 3244 quality criteria protections as waters designated for fish
 3245 consumption, recreation, and the propagation and maintenance of
 3246 a healthy, well-balanced population of fish and wildlife, and
 3247 shall be free from discharged substances at a concentration
 3248 that, alone or in combination with other discharged substances,
 3249 would require significant alteration of permitted treatment
 3250 processes at the permitted treatment facility or that would

3251 otherwise prevent compliance with applicable state drinking
3252 water standards in the treated water. Notwithstanding this
3253 classification or the inclusion of treated water supply as a
3254 designated use of a surface water, a surface water used for
3255 treated potable water supply may be reclassified to the potable
3256 water supply classification.

3257

3258 The department shall implement such programs in conjunction with
3259 its other powers and duties and shall place special emphasis on
3260 reducing and eliminating contamination that presents a threat to
3261 humans, animals or plants, or to the environment.

3262 Section 31. Section 403.0617, Florida Statutes, is created
3263 to read:

3264 403.0617 Innovative nutrient and sediment reduction and
3265 conservation pilot project program.—

3266 (1) Contingent upon a specific appropriation in the
3267 General Appropriation Act, the department may fund innovative
3268 nutrient and sediment reduction and conservation pilot projects
3269 selected pursuant to this section. These pilot projects are
3270 intended to test the effectiveness of innovative or existing
3271 nutrient reduction or water conservation technologies, programs,
3272 or practices designed to minimize nutrient pollution or restore
3273 flows in the water bodies of the state.

3274 (2) By October 1, 2016, the department shall initiate
3275 rulemaking to establish criteria by which the department will
3276 evaluate and rank pilot projects for funding. The criteria must

3277 include a determination by the department that the pilot project
3278 will not be harmful to the ecological resources in the study
3279 area. The criteria must give preference to projects that will
3280 result in the greatest improvement to water quality and water
3281 quantity for the dollars to be expended for the project. At a
3282 minimum, the department shall consider all of the following:

3283 (a) The level of nutrient impairment of the waterbody,
3284 watershed, or water segment in which the project is located.

3285 (b) The quantity of nutrients the project is estimated to
3286 remove from a water body, watershed, or water segment with a
3287 nutrient total maximum daily load.

3288 (c) The potential for the project to provide a cost-
3289 effective solution to pollution, including pollution caused by
3290 onsite sewage treatment and disposal systems.

3291 (d) The anticipated impact the project will have on
3292 restoring or increasing flow or water level.

3293 (e) The amount of matching funds for the project which
3294 will be provided by the entities responsible for implementing
3295 the project.

3296 (f) Whether the project is located in a rural area of
3297 opportunity, as defined in s. 288.0656, with preference given to
3298 the local government responsible for implementing the project.

3299 (g) For multiple-year projects, whether the project has
3300 funding sources that are identified and assured through the
3301 expected completion date of the project.

3302 (h) The cost of the project and the length of time it will

3303 take to complete relative to its expected benefits.

3304 (i) Whether the entities responsible for implementing the
3305 project have used their own funds for projects to improve water
3306 quality or conserve water use with preference given to those
3307 entities that have expended such funds.

3308 Section 32. Section 403.0623, Florida Statutes, is amended
3309 to read:

3310 403.0623 Environmental data; quality assurance.—

3311 (1) The department must establish, by rule, appropriate
3312 quality assurance requirements for environmental data submitted
3313 to the department and the criteria by which environmental data
3314 may be rejected by the department. The department may adopt and
3315 enforce rules to establish data quality objectives and specify
3316 requirements for training of laboratory and field staff, sample
3317 collection methodology, proficiency testing, and audits of
3318 laboratory and field sampling activities. Such rules may be in
3319 addition to any laboratory certification provisions under ss.
3320 403.0625 and 403.863.

3321 (2)(a) The department, in coordination with the water
3322 management districts, regional water supply authorities, and the
3323 Department of Agriculture and Consumer Services shall establish
3324 standards for the collection and analysis of water quantity,
3325 water quality, and related data to ensure quality, reliability,
3326 and validity of the data and testing results.

3327 (b) To the extent practicable, the department shall
3328 coordinate with federal agencies to ensure that its collection

3329 and analysis of water quality, water quantity, and related data,
 3330 which may be used by any state agency, water management
 3331 district, or local government, is consistent with this
 3332 subsection.

3333 (c) To receive state funds for the acquisition of land or
 3334 the financing of a water resource project, state agencies and
 3335 water management districts must show that they followed the
 3336 department's collection and analysis standards, if available, as
 3337 a prerequisite for any such request for funding.

3338 (d) The department and the water management districts may
 3339 adopt rules to implement this subsection.

3340 Section 33. Subsection (7) of section 403.067, Florida
 3341 Statutes, is amended to read:

3342 403.067 Establishment and implementation of total maximum
 3343 daily loads.—

3344 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 3345 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3346 (a) Basin management action plans.—

3347 1. In developing and implementing the total maximum daily
 3348 load for a water body, the department, or the department in
 3349 conjunction with a water management district, may develop a
 3350 basin management action plan that addresses some or all of the
 3351 watersheds and basins tributary to the water body. Such plan
 3352 must integrate the appropriate management strategies available
 3353 to the state through existing water quality protection programs
 3354 to achieve the total maximum daily loads and may provide for

3355 | phased implementation of these management strategies to promote
3356 | timely, cost-effective actions as provided for in s. 403.151.
3357 | The plan must establish a schedule implementing the management
3358 | strategies, establish a basis for evaluating the plan's
3359 | effectiveness, and identify feasible funding strategies for
3360 | implementing the plan's management strategies. The management
3361 | strategies may include regional treatment systems or other
3362 | public works, where appropriate, and voluntary trading of water
3363 | quality credits to achieve the needed pollutant load reductions.

3364 | 2. A basin management action plan must equitably allocate,
3365 | pursuant to paragraph (6) (b), pollutant reductions to individual
3366 | basins, as a whole to all basins, or to each identified point
3367 | source or category of nonpoint sources, as appropriate. For
3368 | nonpoint sources for which best management practices have been
3369 | adopted, the initial requirement specified by the plan must be
3370 | those practices developed pursuant to paragraph (c). Where
3371 | appropriate, the plan may take into account the benefits of
3372 | pollutant load reduction achieved by point or nonpoint sources
3373 | that have implemented management strategies to reduce pollutant
3374 | loads, including best management practices, before the
3375 | development of the basin management action plan. The plan must
3376 | also identify the mechanisms that will address potential future
3377 | increases in pollutant loading.

3378 | 3. The basin management action planning process is
3379 | intended to involve the broadest possible range of interested
3380 | parties, with the objective of encouraging the greatest amount

3381 of cooperation and consensus possible. In developing a basin
 3382 management action plan, the department shall assure that key
 3383 stakeholders, including, but not limited to, applicable local
 3384 governments, water management districts, the Department of
 3385 Agriculture and Consumer Services, other appropriate state
 3386 agencies, local soil and water conservation districts,
 3387 environmental groups, regulated interests, and affected
 3388 pollution sources, are invited to participate in the process.
 3389 The department shall hold at least one public meeting in the
 3390 vicinity of the watershed or basin to discuss and receive
 3391 comments during the planning process and shall otherwise
 3392 encourage public participation to the greatest practicable
 3393 extent. Notice of the public meeting must be published in a
 3394 newspaper of general circulation in each county in which the
 3395 watershed or basin lies not less than 5 days nor more than 15
 3396 days before the public meeting. A basin management action plan
 3397 does not supplant or otherwise alter any assessment made under
 3398 subsection (3) or subsection (4) or any calculation or initial
 3399 allocation.

3400 4. Each new or revised basin management action plan shall
 3401 include:

3402 a. The appropriate management strategies available through
 3403 existing water quality protection programs to achieve total
 3404 maximum daily loads, which may provide for phased implementation
 3405 to promote timely, cost-effective actions as provided for in s.
 3406 403.151;

3407 b. A description of best management practices adopted by
3408 rule;

3409 c. A list of projects in priority ranking with a planning-
3410 level cost estimate and estimated date of completion for each
3411 listed project;

3412 d. The source and amount of financial assistance to be
3413 made available by the department, a water management district,
3414 or other entity for each listed project, if applicable; and

3415 e. A planning-level estimate of each listed project's
3416 expected load reduction, if applicable.

3417 ~~5.4.~~ The department shall adopt all or any part of a basin
3418 management action plan and any amendment to such plan by
3419 secretarial order pursuant to chapter 120 to implement the
3420 provisions of this section.

3421 ~~6.5.~~ The basin management action plan must include
3422 milestones for implementation and water quality improvement, and
3423 an associated water quality monitoring component sufficient to
3424 evaluate whether reasonable progress in pollutant load
3425 reductions is being achieved over time. An assessment of
3426 progress toward these milestones shall be conducted every 5
3427 years, and revisions to the plan shall be made as appropriate.
3428 Revisions to the basin management action plan shall be made by
3429 the department in cooperation with basin stakeholders. Revisions
3430 to the management strategies required for nonpoint sources must
3431 follow the procedures set forth in subparagraph (c)4. Revised
3432 basin management action plans must be adopted pursuant to

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3433 subparagraph 5.4.

3434 ~~7.6.~~ In accordance with procedures adopted by rule under
3435 paragraph (9)(c), basin management action plans, and other
3436 pollution control programs under local, state, or federal
3437 authority as provided in subsection (4), may allow point or
3438 nonpoint sources that will achieve greater pollutant reductions
3439 than required by an adopted total maximum daily load or
3440 wasteload allocation to generate, register, and trade water
3441 quality credits for the excess reductions to enable other
3442 sources to achieve their allocation; however, the generation of
3443 water quality credits does not remove the obligation of a source
3444 or activity to meet applicable technology requirements or
3445 adopted best management practices. Such plans must allow trading
3446 between NPDES permittees, and trading that may or may not
3447 involve NPDES permittees, where the generation or use of the
3448 credits involve an entity or activity not subject to department
3449 water discharge permits whose owner voluntarily elects to obtain
3450 department authorization for the generation and sale of credits.

3451 ~~8.7.~~ The provisions of the department's rule relating to
3452 the equitable abatement of pollutants into surface waters do not
3453 apply to water bodies or water body segments for which a basin
3454 management plan that takes into account future new or expanded
3455 activities or discharges has been adopted under this section.

3456 (b) Total maximum daily load implementation.—

3457 1. The department shall be the lead agency in coordinating
3458 the implementation of the total maximum daily loads through

3459 existing water quality protection programs. Application of a
3460 total maximum daily load by a water management district must be
3461 consistent with this section and does not require the issuance
3462 of an order or a separate action pursuant to s. 120.536(1) or s.
3463 120.54 for the adoption of the calculation and allocation
3464 previously established by the department. Such programs may
3465 include, but are not limited to:

3466 a. Permitting and other existing regulatory programs,
3467 including water-quality-based effluent limitations;

3468 b. Nonregulatory and incentive-based programs, including
3469 best management practices, cost sharing, waste minimization,
3470 pollution prevention, agreements established pursuant to s.
3471 403.061(21), and public education;

3472 c. Other water quality management and restoration
3473 activities, for example surface water improvement and management
3474 plans approved by water management districts or basin management
3475 action plans developed pursuant to this subsection;

3476 d. Trading of water quality credits or other equitable
3477 economically based agreements;

3478 e. Public works including capital facilities; or

3479 f. Land acquisition.

3480 2. For a basin management action plan adopted pursuant to
3481 paragraph (a), any management strategies and pollutant reduction
3482 requirements associated with a pollutant of concern for which a
3483 total maximum daily load has been developed, including effluent
3484 limits set forth for a discharger subject to NPDES permitting,

3485 if any, must be included in a timely manner in subsequent NPDES
3486 permits or permit modifications for that discharger. The
3487 department may not impose limits or conditions implementing an
3488 adopted total maximum daily load in an NPDES permit until the
3489 permit expires, the discharge is modified, or the permit is
3490 reopened pursuant to an adopted basin management action plan.

3491 a. Absent a detailed allocation, total maximum daily loads
3492 must be implemented through NPDES permit conditions that provide
3493 for a compliance schedule. In such instances, a facility's NPDES
3494 permit must allow time for the issuance of an order adopting the
3495 basin management action plan. The time allowed for the issuance
3496 of an order adopting the plan may not exceed 5 years. Upon
3497 issuance of an order adopting the plan, the permit must be
3498 reopened or renewed, as necessary, and permit conditions
3499 consistent with the plan must be established. Notwithstanding
3500 the other provisions of this subparagraph, upon request by an
3501 NPDES permittee, the department as part of a permit issuance,
3502 renewal, or modification may establish individual allocations
3503 before the adoption of a basin management action plan.

3504 b. For holders of NPDES municipal separate storm sewer
3505 system permits and other stormwater sources, implementation of a
3506 total maximum daily load or basin management action plan must be
3507 achieved, to the maximum extent practicable, through the use of
3508 best management practices or other management measures.

3509 c. The basin management action plan does not relieve the
3510 discharger from any requirement to obtain, renew, or modify an

3511 NPDES permit or to abide by other requirements of the permit.

3512 d. Management strategies set forth in a basin management
3513 action plan to be implemented by a discharger subject to
3514 permitting by the department must be completed pursuant to the
3515 schedule set forth in the basin management action plan. This
3516 implementation schedule may extend beyond the 5-year term of an
3517 NPDES permit.

3518 e. Management strategies and pollution reduction
3519 requirements set forth in a basin management action plan for a
3520 specific pollutant of concern are not subject to challenge under
3521 chapter 120 at the time they are incorporated, in an identical
3522 form, into a subsequent NPDES permit or permit modification.

3523 f. For nonagricultural pollutant sources not subject to
3524 NPDES permitting but permitted pursuant to other state,
3525 regional, or local water quality programs, the pollutant
3526 reduction actions adopted in a basin management action plan must
3527 be implemented to the maximum extent practicable as part of
3528 those permitting programs.

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

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3537 of best management practices with water quality credit trades in
3538 order to demonstrate compliance with the pollutant reductions
3539 established under subsection (6).

3540 h. A nonpoint source discharger included in a basin
3541 management action plan may be subject to enforcement action by
3542 the department or a water management district based upon a
3543 failure to implement the responsibilities set forth in sub-
3544 subparagraph g.

3545 i. A landowner, discharger, or other responsible person
3546 who is implementing applicable management strategies specified
3547 in an adopted basin management action plan may not be required
3548 by permit, enforcement action, or otherwise to implement
3549 additional management strategies, including water quality credit
3550 trading, to reduce pollutant loads to attain the pollutant
3551 reductions established pursuant to subsection (6) and shall be
3552 deemed to be in compliance with this section. This subparagraph
3553 does not limit the authority of the department to amend a basin
3554 management action plan as specified in subparagraph (a) 6. ~~(a) 5.~~

3555 (c) Best management practices.—

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

3563 practices and measures may be adopted by rule by the department
3564 and the water management districts and, where adopted by rule,
3565 shall be implemented by those parties responsible for
3566 nonagricultural nonpoint source pollution.

3567 2. The Department of Agriculture and Consumer Services may
3568 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
3569 suitable interim measures, best management practices, or other
3570 measures necessary to achieve the level of pollution reduction
3571 established by the department for agricultural pollutant sources
3572 in allocations developed pursuant to subsection (6) and this
3573 subsection or for programs implemented pursuant to paragraph
3574 (12) (b). These practices and measures may be implemented by
3575 those parties responsible for agricultural pollutant sources and
3576 the department, the water management districts, and the
3577 Department of Agriculture and Consumer Services shall assist
3578 with implementation. In the process of developing and adopting
3579 rules for interim measures, best management practices, or other
3580 measures, the Department of Agriculture and Consumer Services
3581 shall consult with the department, the Department of Health, the
3582 water management districts, representatives from affected
3583 farming groups, and environmental group representatives. Such
3584 rules must also incorporate provisions for a notice of intent to
3585 implement the practices and a system to assure the
3586 implementation of the practices, including site inspection and
3587 recordkeeping requirements.

3588 3. Where interim measures, best management practices, or

3589 | other measures are adopted by rule, the effectiveness of such
3590 | practices in achieving the levels of pollution reduction
3591 | established in allocations developed by the department pursuant
3592 | to subsection (6) and this subsection or in programs implemented
3593 | pursuant to paragraph (12)(b) must be verified at representative
3594 | sites by the department. The department shall use best
3595 | professional judgment in making the initial verification that
3596 | the best management practices are reasonably expected to be
3597 | effective and, where applicable, must notify the appropriate
3598 | water management district or the Department of Agriculture and
3599 | Consumer Services of its initial verification before the
3600 | adoption of a rule proposed pursuant to this paragraph.
3601 | Implementation, in accordance with rules adopted under this
3602 | paragraph, of practices that have been initially verified to be
3603 | effective, or verified to be effective by monitoring at
3604 | representative sites, by the department, shall provide a
3605 | presumption of compliance with state water quality standards and
3606 | release from the provisions of s. 376.307(5) for those
3607 | pollutants addressed by the practices, and the department is not
3608 | authorized to institute proceedings against the owner of the
3609 | source of pollution to recover costs or damages associated with
3610 | the contamination of surface water or groundwater caused by
3611 | those pollutants. Research projects funded by the department, a
3612 | water management district, or the Department of Agriculture and
3613 | Consumer Services to develop or demonstrate interim measures or
3614 | best management practices shall be granted a presumption of

3615 compliance with state water quality standards and a release from
3616 the provisions of s. 376.307(5). The presumption of compliance
3617 and release is limited to the research site and only for those
3618 pollutants addressed by the interim measures or best management
3619 practices. Eligibility for the presumption of compliance and
3620 release is limited to research projects on sites where the owner
3621 or operator of the research site and the department, a water
3622 management district, or the Department of Agriculture and
3623 Consumer Services have entered into a contract or other
3624 agreement that, at a minimum, specifies the research objectives,
3625 the cost-share responsibilities of the parties, and a schedule
3626 that details the beginning and ending dates of the project.

3627 4. Where water quality problems are demonstrated, despite
3628 the appropriate implementation, operation, and maintenance of
3629 best management practices and other measures required by rules
3630 adopted under this paragraph, the department, a water management
3631 district, or the Department of Agriculture and Consumer
3632 Services, in consultation with the department, shall institute a
3633 reevaluation of the best management practice or other measure.
3634 Should the reevaluation determine that the best management
3635 practice or other measure requires modification, the department,
3636 a water management district, or the Department of Agriculture
3637 and Consumer Services, as appropriate, shall revise the rule to
3638 require implementation of the modified practice within a
3639 reasonable time period as specified in the rule.

3640 5. Agricultural records relating to processes or methods

3641 of production, costs of production, profits, or other financial
3642 information held by the Department of Agriculture and Consumer
3643 Services pursuant to subparagraphs 3. and 4. or pursuant to any
3644 rule adopted pursuant to subparagraph 2. are confidential and
3645 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
3646 Constitution. Upon request, records made confidential and exempt
3647 pursuant to this subparagraph shall be released to the
3648 department or any water management district provided that the
3649 confidentiality specified by this subparagraph for such records
3650 is maintained.

3651 6. The provisions of subparagraphs 1. and 2. do not
3652 preclude the department or water management district from
3653 requiring compliance with water quality standards or with
3654 current best management practice requirements set forth in any
3655 applicable regulatory program authorized by law for the purpose
3656 of protecting water quality. Additionally, subparagraphs 1. and
3657 2. are applicable only to the extent that they do not conflict
3658 with any rules adopted by the department that are necessary to
3659 maintain a federally delegated or approved program.

3660 (d) Enforcement and verification of basin management
3661 action plans and management strategies.—

3662 1. Basin management action plans are enforceable pursuant
3663 to this section and ss. 403.121, 403.141, and 403.161.

3664 Management strategies, including best management practices and
3665 water quality monitoring, are enforceable under this chapter.

3666 2. No later than January 1, 2017:

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3667 a. The department, in consultation with the water
3668 management districts and the Department of Agriculture and
3669 Consumer Services, shall initiate rulemaking to adopt procedures
3670 to verify implementation of water quality monitoring required in
3671 lieu of implementation of best management practices or other
3672 measures pursuant to s. 403.067(7)(b)2.g.;

3673 b. The department, in consultation with the water
3674 management districts and the Department of Agriculture and
3675 Consumer Services, shall initiate rulemaking to adopt procedures
3676 to verify implementation of nonagricultural interim measures,
3677 best management practices, or other measures adopted by rule
3678 pursuant to s. 403.067(7)(c)1.; and

3679 c. The Department of Agriculture and Consumer Services, in
3680 consultation with the water management districts and the
3681 department, shall initiate rulemaking to adopt procedures to
3682 verify implementation of agricultural interim measures, best
3683 management practices, or other measures adopted by rule pursuant
3684 to s. 403.067(7)(c)2.

3685
3686 The rules required under this subparagraph shall include
3687 enforcement procedures applicable to the landowner, discharger,
3688 or other responsible person required to implement applicable
3689 management strategies, including best management practices or
3690 water quality monitoring as a result of noncompliance.

3691 Section 34. Section 403.0675, Florida Statutes, is created
3692 to read:

3693 403.0675 Progress reports.—On or before July 1 of each
3694 year, beginning in 2018:

3695 (1) The department, in conjunction with the water
3696 management districts, shall post on its website and submit
3697 electronically an annual progress report to the Governor, the
3698 President of the Senate, and the Speaker of the House of
3699 Representatives on the status of each total maximum daily load,
3700 basin management action plan, minimum flow or minimum water
3701 level, and recovery or prevention strategy adopted pursuant to
3702 s. 403.067 or parts I and VIII of chapter 373. The report must
3703 include the status of each project identified to achieve a total
3704 maximum daily load or an adopted minimum flow or minimum water
3705 level, as applicable. If a report indicates that any of the 5-
3706 year, 10-year, or 15-year milestones, or the 20-year target
3707 date, if applicable, for achieving a total maximum daily load or
3708 a minimum flow or minimum water level will not be met, the
3709 report must include an explanation of the possible causes and
3710 potential solutions. If applicable, the report must include
3711 project descriptions, estimated costs, proposed priority ranking
3712 for project implementation, and funding needed to achieve the
3713 total maximum daily load or the minimum flow or minimum water
3714 level by the target date. Each water management district shall
3715 post the department's report on its website.

3716 (2) The Department of Agriculture and Consumer Services
3717 shall post on its website and submit electronically an annual
3718 progress report to the Governor, the President of the Senate,

3719 and the Speaker of the House of Representatives on the status of
3720 the implementation of the agricultural nonpoint source best
3721 management practices, including an implementation assurance
3722 report summarizing survey responses and response rates, site
3723 inspections, and other methods used to verify implementation of
3724 and compliance with best management practices pursuant to basin
3725 management action plans.

3726 Section 35. Subsection (21) is added to section 403.861,
3727 Florida Statutes, to read:

3728 403.861 Department; powers and duties.—The department
3729 shall have the power and the duty to carry out the provisions
3730 and purposes of this act and, for this purpose, to:

3731 (21) (a) Upon issuance of a construction permit to
3732 construct a new public water system drinking water treatment
3733 facility to provide potable water supply using a surface water
3734 that, at the time of the permit application, is not being used
3735 as a potable water supply, and the classification of which does
3736 not include potable water supply as a designated use, the
3737 department shall add treated potable water supply as a
3738 designated use of the surface water segment in accordance with
3739 s. 403.061(29) (b).

3740 (b) For existing public water system drinking water
3741 treatment facilities that use a surface water as a treated
3742 potable water supply, which surface water classification does
3743 not include potable water supply as a designated use, the
3744 department shall add treated potable water supply as a

3745 designated use of the surface water segment in accordance with
3746 s. 403.061(29) (b) .

3747 Section 36. Section 403.928, Florida Statutes, is created
3748 to read:

3749 403.928 Assessment of water resources and conservation
3750 lands.—The Office of Economic and Demographic Research shall
3751 conduct an annual assessment of Florida's water resources and
3752 conservation lands.

3753 (1) WATER RESOURCES.—The assessment must include all of
3754 the following:

3755 (a) Historical and current expenditures and projections of
3756 future expenditures by federal, state, regional, and local
3757 governments and public and private utilities based upon
3758 historical trends and ongoing projects or initiatives associated
3759 with:

3760 1. Water supply and demand; and

3761 2. Water quality protection and restoration.

3762 (b) An analysis and estimates of future expenditures by
3763 federal, state, regional, and local governments and public and
3764 private utilities necessary to comply with federal and state
3765 laws and regulations governing subparagraphs (a)1. and (a)2. The
3766 analysis and estimates must address future expenditures by
3767 federal, state, regional, and local governments and all public
3768 and private utilities necessary to achieve the legislature's
3769 intent that sufficient water be available for all existing and
3770 future reasonable-beneficial uses and the natural systems, and

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3771 that adverse effects of competition for water supplies be
3772 avoided. The assessment must include a compilation of projected
3773 water supply and demand data developed by each water management
3774 district pursuant to ss. 373.036 and 373.709, with notations
3775 regarding any significant differences between the methods used
3776 by the districts to calculate the data.

3777 (c) Forecasts of federal, state, regional, and local
3778 government revenues dedicated in current law for the purposes
3779 specified in subparagraphs (a)1. and (a)2. or that have been
3780 historically allocated for these purposes, as well as public and
3781 private utility revenues.

3782 (d) An identification of gaps between projected revenues
3783 and projected and estimated expenditures.

3784 (2) CONSERVATION LANDS.—The assessment must include all of
3785 the following:

3786 (a) Historical and current expenditures and projections of
3787 future expenditures by federal, state, regional, and local
3788 governments based upon historical trends and ongoing projects or
3789 initiatives associated with real property interests eligible for
3790 funding under s. 259.105.

3791 (b) An analysis and estimates of future expenditures by
3792 federal, state, regional, and local governments necessary to
3793 purchase lands identified in plans set forth by state agencies
3794 or water management districts.

3795 (c) An analysis of the ad valorem tax impacts, by county,
3796 resulting from public ownership of conservation lands.

3797 (d) Forecasts of federal, state, regional, and local
3798 government revenues dedicated in current law to maintain
3799 conservation lands and the gap between projected expenditures
3800 and revenues.

3801 (e) The total percentage of Florida real property that is
3802 publicly owned for conservation purposes.

3803 (f) A comparison of the cost of acquiring and maintaining
3804 conservation lands under fee simple or less than fee simple
3805 ownership.

3806 (3) The assessment shall include analyses on a statewide,
3807 regional, or geographic basis, as appropriate, and shall
3808 identify analytical challenges in assessing information across
3809 the different regions of the state.

3810 (4) The assessment must identify any overlap in the
3811 expenditures for water resources and conservation lands.

3812 (5) The water management districts, the Department of
3813 Environmental Protection, the Department of Agriculture and
3814 Consumer Services, the Fish and Wildlife Conservation
3815 Commission, counties, municipalities, and special districts
3816 shall provide assistance to the Office of Economic and
3817 Demographic Research related to their respective areas of
3818 expertise.

3819 (6) The Office of Economic and Demographic Research must
3820 be given access to any data held by an agency as defined in s.
3821 112.312 if the Office of Economic and Demographic Research
3822 considers the data necessary to complete the assessment,

3823 including any confidential data.

3824 (7) The assessment shall be submitted to the President of
3825 the Senate and the Speaker of the House of Representatives by
3826 January 1, 2017, and by January 1 of each year thereafter.

3827 Section 37. (1) The Department of Environmental
3828 Protection shall evaluate the feasibility and cost of creating
3829 and maintaining a web-based, interactive map that includes, at a
3830 minimum:

3831 (a) All watersheds and each water body within those
3832 watersheds;

3833 (b) The county or counties in which the watershed or water
3834 body is located;

3835 (c) The water management district or districts in which
3836 the watershed or water body is located;

3837 (d) Whether, if applicable, a minimum flow or minimum
3838 water level has been adopted for the water body and if such
3839 minimum flow or minimum water level has not been adopted, the
3840 anticipated adoption date;

3841 (e) Whether, if applicable, a recovery or prevention
3842 strategy has been adopted for the watershed or water body and,
3843 if such a plan has not been adopted, the anticipated adoption
3844 date;

3845 (f) The impairment status of each water body;

3846 (g) Whether, if applicable, a total maximum daily load has
3847 been adopted if the water body is listed as impaired and, if
3848 such total maximum daily load has not been adopted, the

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3849 anticipated adoption date;

3850 (h) Whether, if applicable, a basin management action plan
3851 has been adopted for the watershed and, if such a plan has not
3852 been adopted, the anticipated adoption date;

3853 (i) Each project listed on the 5-year water resource
3854 development work program developed pursuant to s.
3855 373.536(6)(a)4.;

3856 (j) The agency or agencies and local sponsor, if any,
3857 responsible for overseeing the project;

3858 (k) The total or estimated cost and completion date of
3859 each project and the financial contribution of each entity;

3860 (l) The estimated quantitative benefit to the watershed or
3861 water body; and

3862 (m) The water projects completed within the last 5 years
3863 within the watershed or water body.

3864 (2) On or before January 1, 2017, the department must
3865 submit a report containing the findings on the feasibility study
3866 to the President of the Senate and the Speaker of the House of
3867 Representatives.

3868 Section 38. The Legislature finds that a proper and
3869 legitimate state purpose is served when protecting the
3870 environmental resources of this state. Therefore, the
3871 Legislature determines and declares that this act fulfills an
3872 important state interest.

3873 Section 39. This act shall take effect July 1, 2016.