Agriculture & Natural Resources Appropriations Subcommittee

November 18, 2015
3:30 PM – 5:30 PM
Reed Hall

Meeting Packet

Steve Crisafulli
Speaker

Ben Albritton
Chair

The Florida House of Representatives

Appropriations Committee

Agriculture & Natural Resources Appropriations Subcommittee

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AGENDA
3:30 PM – 5:30 PM
Reed Hall

I. Call to Order/Roll Call

II. HB 7005 by Caldwell

III. Closing/Adjourn

221 The Capitol, 402 South Monroe Street, Tallahassee, Florida 32399-1300
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HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7005 PCB SAC 16-01 Environmental Resources
SPONSOR(S): State Affairs Committee, Caldwell
TIED BILLS: **IDEN./SIM. BILLS:** SB 552

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Affairs Committee	15 Y, 0 N	Moore	Camechis
1) Agriculture & Natural Resources Appropriations Subcommittee		Helpling	Massengale

SUMMARY ANALYSIS

This bill revises policies relating to Florida's environmental resources including, but not limited to:

- Creating the Florida Springs and Aquifer Protection Act to expedite protection and restoration of the water flow and water quality in the aquifer and Outstanding Florida Springs.
- Ensuring that the appropriate governmental entities continue to develop and implement uniform water supply planning, consumptive water use permitting, and resource protection programs for the area encompassed by the Central Florida Water Initiative.
- Updating and restructuring the Northern Everglades and Estuaries Act to reflect and build upon the Department of Environmental Protection's (DEP) completion of basin management action plans (BMAP) for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River and Estuary, DEP's continuing development of a BMAP for the inland portion of the Caloosahatchee River watershed, and Department of Agriculture and Consumer Services' implementation of best management practices in the three basins.
- Modifying water supply and resource planning documents and processes in order to provide more robust representations of the state's water needs and goals.
- Requiring the Office of Economic and Demographic Research to conduct an annual assessment of water resources and conservation lands.
- Requiring DEP to publish an online publicly accessible database of conservation lands on which public access is compatible with conservation and recreation purposes.
- Requiring DEP to conduct a feasibility study for creating and maintaining a web-based, interactive map of the state's waterbodies as well as regulatory information about each waterbody.

The bill appears to have a significant fiscal impact on state government and an indeterminate fiscal impact on local governments and the private sector. See the Fiscal Analysis and Economic Impact section for more detailed information.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Water Quantity

Present Situation

Consumptive Use Permitting

A person must apply for and obtain a consumptive use permit (CUP) from the applicable water management district (WMD) before using surface or groundwater of the state, unless the person is solely using the water for domestic use.[1] To obtain a CUP, an applicant must satisfy three requirements, commonly referred to as the "the three-prong test." To satisfy the test, an applicant must establish that the proposed use of water:

- Is for a "reasonable-beneficial use," meaning the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest;[2]
- Will not interfere with any presently existing legal use of water; and
- Is consistent with the public interest.[3]

If two or more CUP applications that otherwise comply with the three-prong test are pending for a quantity of water that is inadequate for both or all, or that for any other reason are in conflict, and the WMD or Department of Environmental Protection (DEP) has deemed the applications complete, the WMD or DEP has the right to approve or modify the application that best serves the public interest.[4] In the event that two or more competing applications qualify equally, the WMD or DEP will give preference to a renewal application over an initial application.[5]

Minimum Flows and Levels

The minimum flow of surface water is the limit at which further water withdrawals would be significantly harmful to the water resource or ecology of the area.[6] A minimum level is the level of groundwater in an aquifer and the level of surface water at which further water withdrawals would be significantly harmful to the water resources of the area.[7] Minimum flows and levels (MFLs) are calculated by DEP or the WMDs and adopted by rule.[8] WMDs are required to develop, and annually update, a priority listing of waterbodies within their boundaries for the establishment of MFLs.[9] MFLs are set using the best available information, considering natural seasonal fluctuations, and the protection of non-consumptive uses.[10]

Recovery or Prevention Strategies

For a waterbody that is below an MFL or is projected to fall below it within 20 years, the WMD or DEP is required to expeditiously implement a recovery or prevention strategy as part of the regional water

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[1] Section 373.219, F.S.
[2] Section 373.019(16), F.S.
[3] Section 373.223(1), F.S.
[4] *Id.*
[5] Section 373.233(2), F.S.
[6] Section 373.042(1), F.S.
[7] *Id.*
[8] *Id.*
[9] Section 373.042(2), F.S.
[10] Section 373.042(1), F.S.

supply plan (RWSP). A recovery or prevention strategy may include implementing conservation measures, developing additional water supplies, and reducing permitted allocations of water to achieve recovery of a waterbody to the adopted MFL or prevent a waterbody from falling below the adopted MFL.[11] A recovery or prevention strategy must include phasing or a timetable that allows for the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses.

Alternative Water Supply Development

One of the ways water demands can be met is through the development of alternative water supplies (AWS).[12] AWS includes:

- Salt water;
- Brackish surface and groundwater;
- Surface water captured predominately during wet-weather flows;
- Sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses;
- The downstream augmentation of waterbodies with reclaimed water;
- Stormwater; and
- Any other water supply source that is designated as nontraditional for a water supply planning region in the applicable RWSP.[13]

Funding for the development of AWS is a shared responsibility between water suppliers and users, the state, and WMDs.[14] Water suppliers and users have the primary responsibility for providing funding, while the state and WMDs have the responsibility to provide funding assistance.[15]

AWS development projects may receive state funding through specific appropriation or through the Water Protection and Sustainability Program (WPSP) if funded by the Legislature.[16] Applicants for projects that receive funding through the WPSP are required to pay at least 60 percent of the project's construction costs.[17] A WMD may waive this requirement for projects developed by financially disadvantaged small local governments. Additionally, a WMD may, at its discretion, use ad valorem or federal revenues to assist a project applicant in meeting the match requirement. [18]

Funding from the WPSP must be used for construction costs of AWS projects, and should not result in a reduction of existing funding assistance from a WMD or basin board. Each WMD is required to include in its annual tentative and adopted budget submittals the amount of funds allocated for water resource development that supports AWS development and the funds allocated for AWS projects selected for inclusion in the WPSP. The goal of each WMD and basin board must be that the combined funds allocated annually for these purposes be, at a minimum, the equivalent of 100 percent of the state funding provided to the WMD for AWS development. If this goal is not achieved, the WMD must provide in its budget submittal an explanation of the reasons or constraints that prevent this goal from being met and an explanation of how the goal will be met in future years. The Suwanee River Water Management District (SRWMD) and the Northwest Florida Water Management District (NWFWMD) are not required to meet the match requirements, but they must try to achieve the match requirement to the greatest extent practicable.[19]

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[11] Section 373.0421(2), F.S.
[12] Sections 373.707(1)(a)-(b) and 373.1961(2)(a), F.S.
[13] Section 373.019(1), F.S.
[14] Section 373.707(2)(c), F.S.
[15] *Id.*
[16] Section 373.707(1)(d), and (6), F.S.; the Legislature has not provided funding for AWS projects through the WPSP since fiscal year 2008-2009.
[17] Section 373.707(8)(e), F.S.
[18] *Id.*
[19] Section 373.707(6), F.S.

Effect of Proposed Changes

The bill amends s. 373.042, F.S., to exempt rules adopting MFLs from the legislative ratification requirement in s. 120.541(3), F.S.[20] The bill also amends s. 373.042, F.S., regarding MFLs for Outstanding Florida Springs (*see* Springs Protection and Restoration section of the analysis for the effect of the proposed changes).

The bill includes the following revisions to s. 373.0421, F.S., regarding the establishment and implementation of MFLs:

- Requires DEP or WMD to adopt recovery or prevention strategies concurrent with the adoption of an MFL.
- Provides that a recovery or prevention strategy may not solely depend on water shortage restrictions declared pursuant to s. 373.175, F.S., or s. 373.246, F.S.[21]
- Requires a RWSP, prepared pursuant to s. 373.709, F.S.,[22] to be amended to include any water supply development projects and water resource development projects identified in a recovery or prevention strategy. The amended RWSP must be approved concurrently with the relevant portions of the recovery or prevention strategy.
- Requires a WMD to notify DEP when an application for a CUP, which otherwise meets the requirement of s. 373.223, F.S.,[23] is denied based upon the impact that the use will have on an adopted MFL. Upon receiving such notice, and in cooperation with the WMD, DEP must review the applicable RWSP. The review must include an assessment by DEP of the adequacy of the RWSP in meeting the intent of the Legislature that there be sufficient water available for all existing and future reasonable-beneficial uses and the natural systems, and the adverse effects of competition for water supplies be avoided. Based on this review, if DEP determines the RWSP does not adequately address the Legislature's intent, the WMD must immediately initiate an update of the RWSP.

The bill amends s. 373.223, F.S., to require each CUP that authorizes withdrawals of 100,000 gallons per day (gpd) or more from a well 8 inches in diameter or greater to be monitored by the permit holder for water use and reported to the WMD at least annually. The bill also authorizes the WMDs to adopt rules to implement this section.

The bill amends s. 373.2234, F.S., regarding preferred water supply sources,[24] to require a WMD to consider the identification of preferred water supply sources for water users for which access to or development of new water supplies is not technically or financially feasible.

The bill amends s. 373.227, F.S., regarding water conservation, to:

- Prohibit modification of a CUP allocation during the permit term if documented conservation measures result in decreased water use, and requires WMDs to adopt rules providing water conservation incentives, which may include permit extensions.
- Prohibit reduction in agricultural irrigation CUPs during the term of the CUP if actual water use is less than permitted use due to weather, crop disease, nursery stock availability, market conditions, or changes in crop type.

[20] Section 120.541(3), F.S., provides legislative ratification requirements for certain rules.
[21] Sections 373.175 and 373.246, F.S., provide for the declaration of a water shortage.
[22] Section 373.709, F.S., establishes the requirements to be included in a RWSP.
[23] Section 373.223, F.S., establishes the requirements for issuance of a CUP.
[24] Section 373.2234, F.S., provides that a "preferred water source" is a water supply source identified by a WMD for consumptive uses for which there is sufficient data to establish that a preferred source will provide a substantial new water supply to meet the existing and projected reasonable-beneficial uses of a water supply planning region while sustaining existing water resources and natural systems.

The bill amends s. 373.233, F.S., regarding competing CUP applications, to require that if two or more competing applications qualify equally, and are not renewal applications, then the WMD or DEP must give preference to the use where the source is nearest to the area of use or application.

The bill amends s. 373.707, F.S., regarding AWS development, to:

- Include self-suppliers as a type of entity that may receive technical and financial assistance from a WMD for AWS projects.
- Specify that state funding made available to a WMD through a specific appropriation should not result in a reduction in WMD or basin board funding for AWS development assistance.
- Require that for each AWS project identified in a WMD's RWSP, the WMD must include in its annual budget submittals the amount of funds allocated for water resource development that supports AWS development and the funds allocated for AWS projects.
- Authorize the WMDs to waive the requirement that applicants for funding under the WPSP pay 60 percent of the construction costs if the project is sponsored by water users, the WMD determines the project to be in the public interest, and the project is not otherwise financially feasible.

The bill creates s. 373.037, F.S., establishing a pilot program for AWS development in restricted allocation areas. The bill:

- Defines a "restricted allocation area" as an area within a water supply planning region of the Southwest Florida Water Management District (SWFWMD), the South Florida Water Management District (SFWMD), or the SJRWMD where existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems and where the WMD has applied allocation restrictions for the use of water, including the Central Florida Water Initiative Area, the Lower East Coast Regional Water Supply Planning Area, the Southern Water Use Caution Area, and the Upper East Coast Regional Water Supply Planning Area.
- Allows the SWFWMD, SFWMD, and SJRWMD to each designate and implement an existing AWS project in their RWSP as the WMD's one pilot project, or amend its RWSP to add a new project. The bill also allows the SWFWMD, SFWMD, or SJRWMD to designate a project in another WMD if the project is located in a restricted allocation area and a substantial quantity of water created will be used by the designating WMD. Selection of the pilot project must be made by July 1, 2017, and is not subject to rulemaking or legal challenge pursuant to ch. 120, F.S.
- Prohibits the SWFWMD, SFWMD, and SJRWMD from:
    - Developing or implementing the pilot project on privately owned land without obtaining written consent of the landowner after July 1, 2016;
    - Engaging in local water supply distribution or selling water to pilot project participants; and
    - Entering into contracts with other entities, public or private, unless it is consistent with the public interest and is based on independent cost estimates, including comparisons with other AWS projects.
- Allows the SWFWMD, SFWMD, and SJRWMD to provide up to 50 percent of funding assistance for the pilot project.
- Requires the SWFWMD, SFWMD, and SJRWMD, if implementing a pilot project, to submit a report, by July 1, 2020, to the Governor and Legislature on the effectiveness of the pilot project and requires certain information be included.

Water Quality

Present Situation

Nutrient Pollution and Sources of Pollution

Nutrient pollution occurs when there are too many nutrients, mainly nitrogen and phosphorus, in a waterbody. [25] Excess nutrients cause algae in the water to grow, which can result in an algal bloom. Algal blooms are thick, floating mats of algae that can be toxic to humans, deplete oxygen levels necessary for fish and shellfish survival, and reduce water clarity. Algal blooms affect the quality of life for Floridians by causing human health issues, reductions in property values, and lost tourism. Contributors of nutrient pollution include onsite sewage treatment and disposal systems (OSTDS), industrial and domestic wastewater discharges, livestock manure, stormwater runoff, commercial and residential fertilization application, and car and power plant air emissions.[26]

Clean Water Act and Water Quality Standards

Congress enacted the Clean Water Act (CWA) in 1972 to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters."[27] The CWA requires states to adopt water quality standards (WQS) for their navigable waters, and to review and update those standards at least triennially. WQS must include the:

- Designation of a waterbody's beneficial uses (e.g., public water supply, recreation, fish propagation, and navigation);
- Water quality criteria that define the amount of pollutants, in numeric or narrative form, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.[28]

The U.S. Environmental Protection Agency (EPA) reviews state WQS to ensure compliance with the requirements of the CWA. If the EPA determines that a WQS is inconsistent with the CWA, it will notify the state of the changes needed to meet the requirements of the CWA. If the state does not make the changes, EPA will set the WQS.[29]

Numeric Nutrient Criteria

Water quality criteria are created to protect the beneficial uses of a waterbody and are based on data and scientific judgments about pollutant concentrations and their effects on a waterbody. There are two types of water quality criteria: numeric and narrative. Numeric nutrient criteria establish the maximum allowable concentration of a pollutant in a waterbody. Narrative nutrient criteria describe the types of organisms expected to be found in a healthy waterbody and the desired conditions for a waterbody (e.g., free from excessive algal blooms).[30]

Historically, Florida implemented narrative nutrient criteria for nutrient pollution.[31] However, in July 2008, the Florida Wildlife Federation and other environmental groups sued EPA in an attempt to compel EPA to adopt numeric nutrient criteria for Florida's waterbodies. In January 2009, EPA determined that a numeric nutrient criterion for Florida's waterbodies was necessary to meet the requirements of the CWA. EPA determined that Florida's narrative nutrient criteria alone was insufficient to ensure protection of applicable designated uses, but recognized the ongoing efforts by

[25] *The Facts about Nutrient Pollution*, available at: http://water.epa.gov/polwaste/upload/nutrient_pollution_factsheet.pdf.
[26] *Id.*
[27] 33 U.S.C. §1251
[28] 33 U.S.C. § 1313(c)(2)(A)-(B); 40 C.F.R. §§ 131.6, 131.10-12.
[29] 33 U.S.C. §1313(c) (3)-(4).
[30] EPA Factsheet, *Water Quality Standards: Protecting Human Health and Aquatic Life* (Feb. 2011), available at: *http://water.epa.gov/scitech/swguidance/standards/upload/WQS_basic_factsheet.pdf.*
[31] DEP's website at: http://www.dep.state.fl.us/water/wqssp/nutrients/

DEP in developing numeric nutrient criteria for Florida's waterbodies. EPA noted that if Florida adopted and EPA approved new or revised WQS that sufficiently addressed its determination before EPA promulgated its WQS, EPA would no longer be obligated to promulgate the WQS.

In August 2009, the parties entered into a consent decree that required EPA to adopt numeric nutrient criteria for Florida's lakes, flowing waters, estuaries, and coastal waters (Consent Decree).[32] DEP suspended its rulemaking proceedings while EPA developed its rules to impose numeric nutrient criteria in Florida. In December 2010, EPA adopted final numeric nutrient criteria rules for all lakes and springs in the state and flowing waters outside of the southern Florida region in accordance with the Consent Decree and subsequent revisions.

Also in December 2010, Florida filed a lawsuit in federal district court against EPA over its intrusion into Florida's previously approved clean water program.[33] The lawsuit alleged that EPA's action was inconsistent with the intent of Congress when it based the CWA on the idea of cooperative federalism whereby the states would be responsible for the control of water quality with oversight by EPA. Control of nutrient loading from predominantly nonpoint sources involves traditional states' rights and responsibilities for water and land resource management, which Congress expressly intended to preserve in the CWA. The lawsuit specifically alleged that EPA's rules and January 2009 necessity determination for promulgating numeric nutrient criteria for Florida's waters were arbitrary, capricious, and an abuse of discretion, and requested the court to enjoin EPA from implementing its numeric nutrient criteria rules in Florida.

On February 18, 2012, the U.S. District Court for the Northern District of Florida found against the state, holding that EPA's determination that Florida's narrative nutrient criteria was inadequate and that numeric criteria are necessary was not arbitrary and capricious.[34] The court also held, however, that EPA's rule setting numeric nutrient criteria for Florida was not arbitrary and capricious save for two exceptions: EPA's stream criteria were found to be arbitrary and capricious, as were the default downstream protection values for unimpaired lakes. In accordance with the court's ruling, the Consent Decree was to remain in effect, with the modification that EPA was required to remedy the numeric nutrient criteria for streams and downstream protection values by May 21, 2012.

In response to EPA promulgating rules to establish numeric nutrient criteria for Florida's waterways, DEP began rulemaking and adopted state numeric nutrient criteria for streams, rivers, lakes, and south Florida estuaries, and submitted them to EPA for approval pursuant to the CWA. Several environmental groups challenged DEP's rules, filing a petition with the Division of Administrative Hearings (DOAH). In June 2012, DOAH issued its ruling finding that DEP acted within its authority in promulgating numeric nutrient criteria for the state and the decision was affirmed by the First District Court of Appeal in February 2013.[35]

On June 27, 2013, EPA formally approved DEP's *Implementation of Florida's Numeric Nutrient Standards*, dated April, 2013. On June 28, 2013, EPA made a revised determination regarding Florida's numeric nutrient criteria that removed all fresh waters from the previous determination and filed a motion to modify the Consent Decree. The motion was granted on January 7, 2014,[36] and appealed by environmental groups. On July 7, 2015, the U.S. Court of Appeals for the 11th Circuit issued its ruling affirming the granting of EPA's motion to modify the Consent Decree.[37]

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[32] *Consent Decree*, available at: http://water.epa.gov/lawsregs/rulesregs/upload/Consent-Decree-re-numeric-water-quality-criteria-for-nutrients-for-the-state-of-Florida.pdf

[33] *State of Florida v. Jackson,* Case 3:10-cv-00503-RV-MD (N.D. Fla. 2010).

[34] *State of Florida v. Jackson*, 853 F.Supp.2d 1138 (N.D. Fla. 2012).

[35] *Florida Wildlife Federation, et. al. v. Department of Environmental Protection,* Case No. ID12-320 (Feb. 2013).

[36] *Order Modifying the Consent Decree*, available at: http://www.dep.state.fl.us/secretary/news/2014/01/Order_Modifying_Consent_Decree.pdf

[37] Unpublished opinion available at: http://media.ca11.uscourts.gov/opinions/unpub/files/201410987.pdf

The vast majority of Florida's freshwater streams, lakes, and springs are covered by numeric nutrient criterion, including wetlands in the Everglades Protection Area.[38] Numeric nutrient criteria are also established for all estuary segments and open ocean coastal waters.[39]

Total Maximum Daily Loads

Pursuant to the CWA, states are required to develop lists of waterbodies that do not meet WQS (impaired waters). For impaired waters, the state is charged with developing a total maximum daily load (TMDL) for the waterbody. A TMDL calculates the maximum allowable amount of a pollutant that the waterbody can receive, while implementing the WQS.[40] A waterbody may have several TMDLs, one for each pollutant that exceeds the waterbody's capacity to absorb it safely.

Basin Management Action Plans

When a TMDL has been established for an impaired water, a basin management action plan (BMAP) may be developed by DEP.[41] BMAPs implement comprehensive regulatory, non-regulatory, and incentive-based strategies to reduce pollutant loadings.[42] Regulatory actions may include the issuance or revision of permits for environmental resources, wastewater, and stormwater.[43] Non-regulatory and incentive-based actions may include habitat preservation or restoration, and the development and implementation of best management practices (BMPs).[44]

BMAP development involves collaboration with local stakeholders, local government agencies, and state agencies, including the applicable WMD and the Department of Agriculture and Consumer Services (DACS).[45] The BMAP must be adopted by order of the Secretary of the DEP pursuant to ch. 120, F.S.[46]

Best Management Practices

Nutrient pollution may enter a waterbody through point and nonpoint sources. Point sources of pollution (e.g., a pipe or culvert discharge from a facility) are controlled by National Pollution Discharge Elimination System (NPDES) permits issued for the operation involved.

Nonpoint sources of pollution are categorized as nonagricultural nonpoint sources (e.g., OSTDS, stormwater runoff, and golf courses) or agricultural nonpoint sources from agricultural operations. Nonpoint sources are controlled through the implementation of BMPs.[47]

DEP, in cooperation with the WMDs, establishes BMPs for nonagricultural nonpoint sources. DACS establishes BMPs for agricultural nonpoint sources.[48] DACS has created two types of BMPs: management and structural. Management BMPs involve nutrient and irrigation management and structural BMPs involve changes to the land or installation of structures (e.g., tailwater recovery ponds and fences).[49]

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[38] DEP's website at: http://www.dep.state.fl.us/water/wqssp/nutrients/
[39] *Id.*
[40] 33 U.S.C. §1313 (d) (1)(A).
[41] Section 403.067(7), F.S.
[42] Section 403.067(7)(b)1., F.S.
[43] *Id.*
[44] *Id.*
[45] Section 403.067(7)(a)3., F.S.
[46] Section 403.067(7)(a)4., F.S.
[47] Section 403.067(7)(c), F.S.
[48] *Id.*
[49] *Agricultural and Water Quality*, available at: http://www.freshfromflorida.com/content/download/33106/813038/BMP_Backgrounder.pdf.

Enforcement of BMAPs, BMPs, and Water Quality Monitoring

The BMAP does not relieve the point source discharger from any requirement to obtain, renew, or modify a NPDES permit or to abide by any other requirement of the permit.[50] DEP may reopen a NPDES permit imposing new limits or conditions on point source dischargers.[51]

A nonpoint source discharger included within a BMAP area must demonstrate compliance with pollutant reductions established in an adopted BMAP.[52] A nonpoint source discharger may be subject to enforcement action by DEP or WMD based upon a failure to implement and demonstrate compliance with appropriate BMPs or to conduct water quality monitoring prescribed by DEP or WMD.[53]

DACS is responsible for enforcing BMPs for participants that are enrolled in DACS' agricultural BMP program. A participant is required to keep records to document the implementation and maintenance of BMP practices.[54] These records must be retained for at least 5 years and are subject to DACS' inspection.[55]

Effect of Proposed Changes

The bill amends s. 403.067(7), F.S., as follows:

- Requires each new or revised BMAP to include:
  - Appropriate management strategies to achieve TMDLs;
  - A description of BMPs adopted by rule;
  - A prioritized list of projects with a cost estimate and estimated date of completion;
  - The source and amount of financial assistance by DEP, WMD, or other entity for each project; and
  - An estimate of each project's expected load reduction.
- Specifies that BMAPs, BMPs, and water quality monitoring are enforceable.
- Requires that, by January 1, 2017:
  - DEP initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of the implementation of BMPs or other measures;
  - DEP initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, BMPs, or other measures; and
  - DACS initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, BMPs, or other measures.
- The rules must include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including BMPs or water quality monitoring as a result of noncompliance.

The bill creates s. 403.0675, F.S., regarding progress reports, requiring that, on or before July 1, 2018, and annually thereafter:

- DEP post on its website and submit electronically to the Governor and the Legislature an annual progress report on the status of each adopted TMDL, BMAP, MFL, and recovery or prevention strategy. The report must include the status of each project identified to achieve the TMDL or MFL. If any of the 5-year milestones will not be met, the report must include an explanation of the possible causes and potential solutions. The report must also include project descriptions, estimated costs, proposed priority ranking for project implementation, and funding needed to achieve the TMDL or MFL by the target date. Each WMD must also post the report on its website; and

[50] Section 403.067(7)(b)2.c., F.S.
[51] Section 403.067(7)(b)2.a., F.S.
[52] Section 403.067(7)(b)2.g., F.S.
[53] Section 403.067(7)(b)2.h., F.S.
[54] Chapter 5M, F.A.C.
[55] *Id.*

- DACS post on its website and submit to the Governor and the Legislature an annual progress report on the status of the implementation of the agricultural nonpoint source BMPs, including an implementation assurance report summarizing survey responses and response rates, site inspections and other methods used to verify implementation of and compliance with BMPs pursuant to BMAPs.

The bill creates s. 403.0617, F.S., regarding an innovative nutrient and sediment reduction and conservation pilot project program, and provides as follows:

- DEP may fund pilot projects, contingent upon a specific appropriation, to test the effectiveness of innovative or existing nutrient reduction or water conservation technologies, programs, or practices designed to minimize nutrient pollution or restore flows in waterbodies.
- DEP must initiate rulemaking, by October 1, 2016, to establish criteria for the evaluation and ranking of pilot projects for funding. The criteria must include a determination by DEP that the pilot project will not be harmful to the ecological resources in the study area, and preference must be given to projects that will result in the greatest improvement to water quality and water quantity for the dollars to be expended for the project. DEP must also, at a minimum, consider the following:
    - The level of nutrient impairment of the waterbody, watershed, or water segment where the project is located;
    - The quantity of nutrients the project is estimated to remove from a waterbody, watershed, or water segment with an adopted TMDL;
    - The potential for the project to provide a cost-effective solution to pollution, including pollution caused by OSTDSs;
    - The anticipated impact the project will have on restoring or increasing water flow or water level;
    - The amount of matching funds for the project that will be provided by the entities responsible for implementing the project;
    - Whether the project is located in a rural area of opportunity, with preference given to the local government responsible for implementing the project;
    - For multiple-year projects, whether the project has funding sources that are identified and assured through the expected completion date;
    - The cost of the project and length of time it will take to complete relative to its expected benefits; and
    - Whether the entities responsible for implementing the project have used their own funds for projects to improve water quality or conserve water use, with preference given to those entities that have expended such funds.

The bill amends s. 403.0623, F.S., regarding environmental data and quality assurance, by requiring:

- DEP to establish uniform standards for collecting and analyzing water quality, water quantity, and related data.
- DEP, to the extent practicable, to coordinate with federal agencies to ensure that its collection and analysis of water data may be used by any state agency, WMD, or local government.
- WMDs and state agencies to show that they follow DEP's collection and analysis standards in order to receive state funds for land acquisition or water resource projects.

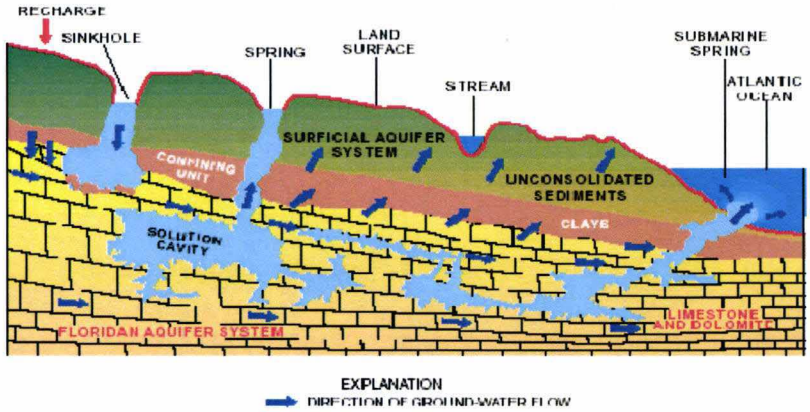
Springs Protection and Restoration

Present Situation

Springs

A spring is a point where groundwater emerges onto the Earth's surface (Figure 4). It is estimated that Florida has more than 900 springs, possibly the largest concentration in the world.[56] Florida has two types of springs, seeps and karst springs.[57]

Figure 4: How are springs formed?[58]



Seeps form when rainwater percolates down through permeable sediments to a much less permeable or impermeable formation, which forces the water to move laterally to the surface.[59] Seeps may also form in karst areas where water flow from the Floridan aquifer is more diffuse.[60] An example of a seep spring in Florida is Ray Hill Seep Spring.[61] It is one of a collection of springs surfacing from the base of an 80-foot high bluff outside of Ponce de Leon, Florida, joining with other, smaller seep springs to form Camp Branch.[62]

The majority of Florida's springs are karst springs.[63] Florida is one of the few places in the world with karst springs.[64] Karst springs occur when groundwater flows to the surface through the highly porous and permeable karst limestone formations of the Floridan aquifer.[65]

The Floridan aquifer is an extensive limestone aquifer underlying all of Florida, and portions of southern Georgia, Alabama, and South Carolina (Figure 5).[66]

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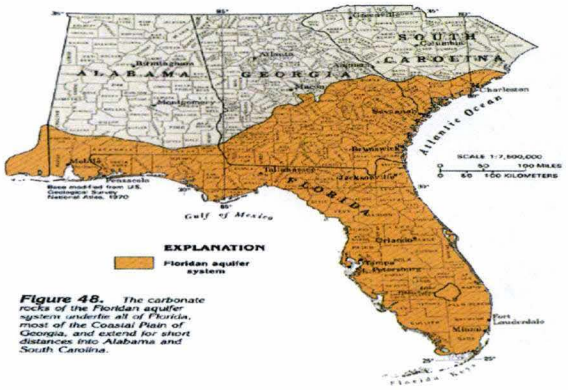
[56] This information can be found on DEP's website at: http://www.dep.state.fl.us/springs/.
[57] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[58] Available at: http://water.usgs.gov/edu/watercyclesprings.html.
[59] *Id.*
[60] *Florida Spring Classification System and Spring Glossary*, available at: http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf
[61] Information available at: NWFWMD's website at *http://ftp.nwfwmd.state.fl.us/rmd/springs/choctawhatchee/docs/rayhill.html*
[62] *Id.*
[63] *Florida Spring Classification System and Spring Glossary*, available at: http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf
[64] *Florida Springs Initiative Monitoring Network Report and Recognized Sources of Nitrate*, available at: http://www.dep.state.fl.us/springs/reports/files/springs_report_102110.pdf
[65] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[66] *Protecting Florida's Springs: An Implementation Guidebook*, available at: http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf

Figure 5: The Floridan aquifer[67]



Springs have dynamic water flows.[68] The magnitude, or size, of a spring is based on the median value of all discharge measurements for a period of record, as follows: [69]

Magnitude	Average flow of water
1	100 cubic feet per second (cfs) or more (64.6 mgd or more)
2	10 to 100 cfs (6.46 to 64.6 mgd)
3	1 to 10 cfs (0.0646 to 6.46 mgd)
4	100 gallons per minute (gpm) to 1 cfs (448 gpm)
5	10 to 100 gpm
6	1 to 10 gpm
7	1 pint to 1 gpm
8	Less than 1 pint per minute

Florida has 33 first magnitude springs, more than any other state or country.[70] Many springs have kept a first magnitude category even though the flows have changed considerably from when the spring was first considered a first magnitude spring.[71] These springs are known as historical first magnitude springs.[72] The term "historical" refers to the period of time prior to the adoption of the Florida Springs Classification System in 2003.[73] Florida has also identified 191 second magnitude and 151 third magnitude springs.[74]

Florida's springs occur primarily in the northern two-thirds of the peninsula and the central panhandle.[75] Thirty-nine of Florida's 67 counties either contain springs or include land areas that contribute water to springs.[76]

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[67] Image is from the U.S. Geological Survey and can be found online at: http://pubs.usgs.gov/ha/ha730/ch_g/G-Floridan1.html.
[68] *Florida Spring Classification System and Spring Glossary*, available at: http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf
[69] *Id.*
[70] *First Magnitude Springs of Florida*, available at http://publicfiles.dep.state.fl.us/FGS/WEB/listpubs/OFR-85.pdf
[71] *Florida Spring Classification System and Spring Glossary*, available at: http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf
[72] *Id.*
[73] *Id.*
[74] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[75] *Id.*; *Florida Springs Initiative Program Summary and Recommendations, 2007*, available at: http://www.dep.state.fl.us/springs/reports/files/2007springs_report.pdf
[76] *Florida Springs Initiative Program Summary and Recommendations, 2007*, available at: http://www.dep.state.fl.us/springs/reports/files/2007springs_report.pdf

Florida's springs maintain abundant wildlife, provide water flow to rivers and estuaries, and provide for swimming, fishing, kayaking, and other recreational opportunities for residents and visitors.[77]

Artifacts indicate humans have been drawn to Florida's springs for thousands of years.[78] Tools and weapons have been recovered from Wakulla and Little Salt Springs, and spear points have been recovered from the spring-fed riverbeds in north and central Florida.[79] Florida's springs were locations of Spanish missions, steamboat landings, and gristmills.[80] In the mid to late 1800s, Florida's springs served as sites for development, including Silver Springs, Green Cove Springs and De Leon Springs.[81] Some springs were valued for their perceived therapeutic qualities.[82]

Florida's springs were the state's first tourist attraction and have continually provided contributions to its economy.[83] In the 2014-15 fiscal year, Florida's 16 spring state parks attracted almost 3.5 million visitors and generated more than $13 million in revenue.[84] Additionally, privately owned and operated parks featuring springs contribute millions of dollars to Florida's economy each year.[85]

Florida's springs are also a source for bottled water. Zephyrhills® Brand 100% Natural Spring Water comes from Crystal Springs, located near Zephyrhills, Florida, and from other springs around the state.[86] Ginnie Springs, in High Springs, Florida, is a source of bottled water for Danone International Brands, Inc.[87]

Spring Flows

A spring's flow rate or discharge rate changes in response to fluctuations in the water level of the Floridan aquifer. Discharge rate is measured in cubic feet per second or gpd. The discharge rate of a spring generally remains stable over extended periods of time. However, because discharge rates are driven by the rate of recharge, climatic fluctuations often have a major effect on spring flow.[88] In addition to climatic conditions, anthropogenic factors, such as over pumping of the aquifer, can also have an impact on spring flows and discharge rates.

During 1998-2002, Florida suffered a major drought with a rainfall deficit totaling more than 50 inches. The resulting reduction in recharge from the drought and normal withdrawals caused a lowering of the aquifer. Many first magnitude springs experienced a significant flow reduction. Some springs, such as Hornsby Spring, ceased flowing completely.[89] To mitigate reductions in discharge rates that could

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[77] *Florida's Springs Strategies for Protection and Restoration*, available at: http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf
[78] *Id.*
[79] *Id.*
[80] *Id.*
[81] *Id.*; Figure 7 - *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[82] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[83] *Florida's Springs Strategies for Protection and Restoration*, available at: http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf
[84] Department of Environmental Protection, *Florida State Parks: Final Balance Report FY 14-15.* A copy of the report is on file with the State Affairs Committee.
[85] *Florida's Springs Strategies for Protection and Restoration*, available at: http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf
[86] Zephyrhills® Brand 100% Natural Spring Water website, available at: http://www.zephyrhillswater.com.
[87] *Florida's Springs Strategies for Protection and Restoration*, available at: http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf
[88] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[89] *Id.*

adversely impact a spring's surrounding ecosystem and to restore already reduced discharge rates, DEP and the WMDs establish MFLs and implement recovery or prevention strategies.[90]

Nutrient Pollution and Sources Specific to Groundwater and Springs

The health of Florida's spring water is an indication of the water quality within the aquifer.[91] There has been a documented increase in nitrate concentrations over the past several decades in Florida's springs.[92] The primary sources of nitrogen are from fertilizers, human wastewater, animal waste, and air emissions.[93] Consequently, springs found to have the highest concentrations of nitrogen are located in or near areas where there are agriculture, commercial, and residential developments.[94]

In 2008, DEP proposed a nitrogen threshold of 0.35 milligrams per liter for springs, applicable to nitrate and nitrate+nitrite.[95] Thirty-six of the 49 springs studied exceeded DEP's proposed threshold. As of January 2010, 14 of the 49 springs and 10 waterbodies deriving their flow from springs were identified as impaired due to nitrate enrichment.[96]

Effect of Proposed Changes

The bill creates s. 373.801, F.S., providing the following legislative findings and intent:

- Springs are a unique part of Florida's scenic beauty. They provide critical habitat for plants and animals, immeasurable recreational opportunities (e.g., swimming, canoeing, wildlife watching, and cave diving), and economic value to the state.
- Springs are of great scientific importance in understanding the functions of aquatic systems. Water quality of springs is an indicator of local conditions of the Floridan aquifer, which is the source of drinking water for many residents. Water flows in springs may reflect regional aquifer conditions. Water quantity and quality in springs may be related.
- DEP has primary responsibility for water quality. WMDs have primary responsibility for water quantity. DACS has primary responsibility for developing and implementing agricultural BMPs. Local governments have primary responsibility for providing domestic wastewater collection and treatment and stormwater management. DEP, WMDs, DACS, and local governments must coordinate to restore and maintain the water quantity and water quality of Outstanding Florida Springs (OFS).
- Springs are only as healthy as its aquifer system.
- Springs may be adversely affected by polluted runoff from urban and agricultural lands, discharges from inadequate wastewater and stormwater management practices, stormwater runoff, and reduced water levels of the Floridian aquifer.
- Springs are demonstrating signs of significant ecological imbalance, increased nutrient loading, and declining flow, and without effective remedial action, further declines in water quality and water quantity may occur.
- Springshed boundaries need to be identified and delineated using the best available data.
- Springsheds typically cross WMD and local government jurisdictional boundaries, requiring a coordinated statewide springs protection plan.
- Action is urgently needed, and as additional data is acquired, action must be modified.

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[90] Sections 373.042 and 373.0421, F.S.
[91] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[92] *Id.*
[93] *Id.*
[94] *Florida Springs Initiative Monitoring Network Report and Recognized Sources of Nitrate*, available at: http://www.dep.state.fl.us/springs/reports/files/springs_report_102110.pdf
[95] *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at: http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf
[96] *Id.*

The bill creates s. 373.802, F.S., providing definitions, including, but not limited to, the following terms:

- "Outstanding Florida Spring" includes all historic first magnitude springs, including their associated spring runs, as well as De Leon, Peacock, Poe, Rock, Wekiwa, and Gemini Springs, and excludes submarine springs and river rises.
- "Priority focus area" is the area(s) of a basin where the Floridan aquifer is generally most vulnerable to pollutant inputs where there is a known connectivity between groundwater pathways and an OFS, and delineated in a BMAP.

The bill creates s. 373.803, F.S., regarding the delineation of priority focus areas for an OFS. It requires DEP, in coordination with the WMDs, to delineate priority focus areas for each OFS that is identified as impaired. The delineation must be completed by July 1, 2018. The delineation will be effective when incorporated into a BMAP.

The bill amends s. 373.219, F.S., with respect to OFSs to require DEP to adopt uniform rules for issuing CUPs to prevent groundwater withdrawals that are harmful to the water resources. The bill also requires DEP to adopt a uniform definition of "harmful to the water resources" to provide WMDs with minimum standards necessary to be consistent with the overall water policy of the state. However, the bill does not prohibit a WMD from adopting a definition that is more protective of the water resources consistent with local or regional conditions and objectives.

The bill amends s. 373.042, F.S., regarding MFLs, to require that:

- If an MFL has not been adopted for an OFS, a WMD or DEP must use emergency rulemaking authority to adopt an MFL no later than July 1, 2017, except for the NWFWMD, which must adopt an MFL no later than July 1, 2026.
- For an OFS identified on a WMD's priority list having the potential to be affected by withdrawals in an adjacent WMD, the adjacent WMD(s) and DEP must develop and implement a recovery or prevention strategy for the OFS not meeting an adopted MFL.

The bill creates s. 373.805, F.S., regarding MFLs for an OFS, as follows:

- Requires DEP or a WMD to concurrently adopt a recovery or prevention strategy with the adoption of the MFL for an OFS if the DEP or WMD determines the OFS is below or is projected to fall below the MFL within 20 years.
- Requires DEP or WMD to concurrently adopt a recovery or prevention strategy or revise an existing one if, upon review of an existing MFL for an OFS, the DEP or WMD determines the OFS is below or is projected to fall below the MFL within 20 years, and allows a revised MFL to be adopted before a revised recovery or prevention strategy if it is less constraining on existing or projected future consumptive uses.
- Requires a WMD or DEP to expeditiously adopt a recovery or prevention strategy for an OFS if the WMD or DEP determines the OFS has fallen below or is projected to fall below the adopted MFL within 20 years.
- Requires a recovery or prevention strategy for an OFS to include, at a minimum:
    - A prioritized list of specific projects to achieve the MFL.
    - The estimated cost, estimated completion date, and estimated benefit for each project.
    - The source and amount of financial assistance from the WMD for each project, which must be at least 25 percent of total project cost unless a specific funding source(s) is identified that will provide more than 75 percent of the project cost. The NWFWMD and the SRWMD are not required to meet the 25 percent threshold.
    - An implementation plan designed with a target to achieve the adopted MFL within 20 years after adoption of the recovery or prevention strategy.
    - Requires the WMDs or DEP to develop a schedule establishing 5, 10, and 15-year targets for achieving the adopted MFL and exempts the schedule from the requirements of ch. 120, F.S.
- Allows a local government to apply to DEP for one extension of up to 5 years for any project in an adopted recovery or prevention strategy. A local government in a rural area of opportunity

may apply for one extension of up to 10 years. DEP may grant an extension if the local government provides sufficient evidence that an extension is in the best interest of the public.

The bill creates s. 373.807, F.S., regarding the protection of water quality in OFSs, as follows:

- Requires DEP, by July 1, 2016, to begin a water quality assessment for each OFS for which an impairment determination has not been made, and to complete each assessment by July 1, 2018.
- Requires DEP to initiate development of a BMAP concurrently with the adoption of a TMDL for an OFS. For TMDLs adopted for an OFS before July 1, 2016, DEP must initiate development of the BMAP by July 1, 2016. During development of a BMAP that includes an OFS, if DEP identifies OSTDSs as contributors of at least 20 percent of nonpoint source nutrient pollution or if DEP determines remediation is necessary to achieve the TMDL, the BMAP must include an OSTDS remediation plan.
- Requires a BMAP for an OFS to be adopted within 2 years after initiation, and the BMAP to include:
    - A list of all projects identified to implement the TMDL;
    - A list of all projects identified in an OSTDS remediation plan, if applicable;
    - A priority rank, estimated cost, and estimated completion date for each listed project;
    - The source and amount of funding to be made available by DEP, a WMD, or others for each listed project;
    - An estimate of each project's nutrient load reduction;
    - Identification of each point source or category of nonpoint source and an estimated allocation of pollutant load for each; and
    - An implementation plan designed with a target to achieve the adopted TMDL within 20 years after adoption of a BMAP.
    - Requires DEP to develop a schedule establishing 5, 10, and 15-year targets for achieving the adopted MFL and exempts the schedule from the requirements of ch. 120, F.S.
- Requires DEP to revise, by July 1, 2018, a BMAP that was adopted before July 1, 2016, which addresses an OFS.
- Allows a local government to apply to DEP for one extension of up to 5 years for any project in an adopted BMAP. A local government in a rural area of opportunity may apply for one extension of up to 10 years. DEP may grant an extension if the local government provides sufficient evidence that an extension is in the best interest of the public.
- Requires local governments, whose jurisdictional boundaries include an OFS or any part of a springshed or delineated priority focus area of an OFS, to, by July 1, 2017, develop, enact and implement an urban landscape fertilizer ordinance.[97]
- Requires DEP, DOH, local governments, and wastewater utilities to jointly develop an OSTDS remediation plan if DEP determines that OSTDS within a priority focus area of an OFS contribute to at least 20 percent of nonpoint source pollution or that remediation is necessary to achieve the TMDL. Requires each OSTDS remediation plan to be included in the BMAP for the OFS. Requires the OSTDS remediation plan to identify cost-effective and financially feasible projects necessary to reduce nutrient impacts from OSTDS and it must be completed and adopted as part of the BMAP no later than the first 5-year milestone requirement. Requires, DEP, in preparing the plan, to:
    - Collect and evaluate credible scientific information on the effect on nutrients on springs; and
    - Develop a public education plan to provide area residents with reliable, understandable information about OSTDS and springs.
- Requires each OSTDS remediation plan to include options for repair, upgrade, replacement, drainfield modification, addition of effective nitrogen reducing features, connection to a central sewerage system, or other action for certain systems. DEP must also include in the plan a priority ranking for each system of group of systems that requires remediation and must award

[97] Section 403.9337, F.S., provides for a model ordinance for Florida-friendly fertilizer use on urban landscapes.

funds to implement the remediation projects contingent upon an appropriation in the General Appropriations Act, which may include all or part of the costs necessary for repair, upgrade, replacement, drainfield modification, initial connection to a central sewerage system, or other action.
- Requires DEP to provide notice to a local government of all permit applicants for a general permit for certain stormwater management systems[98] in a priority focus area of an OFS over which the local government has full or partial jurisdiction.

The bill creates s. 373.811, F.S., prohibiting the following activities within a priority focus area of an OFS:
- New domestic wastewater disposal facilities, including rapid infiltration basins, with permitted capacities of 100,000 gpd or more, except those that meet advanced wastewater treatment standards;
- New OSTDSs on lots less than 1 acre, if it conflicts with an OSTDS remediation plan incorporated in a BMAP;
- New hazardous waste disposal facilities;
- Land application of Class A or Class B domestic biosolids, unless in accordance with a DEP approved nutrient management plan; and
- New agricultural operations that do not implement BMPs, measures to achieve pollution reduction levels, or groundwater monitoring plans.

The bill creates s. 373.813, F.S., regarding water quality and water quantity rules for OFSs, requiring:
- DEP to adopt rules to improve water quality and quantity in administering the Florida Springs and Aquifer Protection Act;
- DACS and DEP to study new or revised agricultural BMPs for improving and protecting OFS, and, if necessary, initiate rulemaking to require implementation; and
- DEP, DACS, and the University of Florida Institute of Food and Agricultural Sciences to conduct research and demonstration projects to develop improved nutrient management tools that can be used by agricultural producers as part of BMPs. The BMPs must be adopted by rule by DACS.

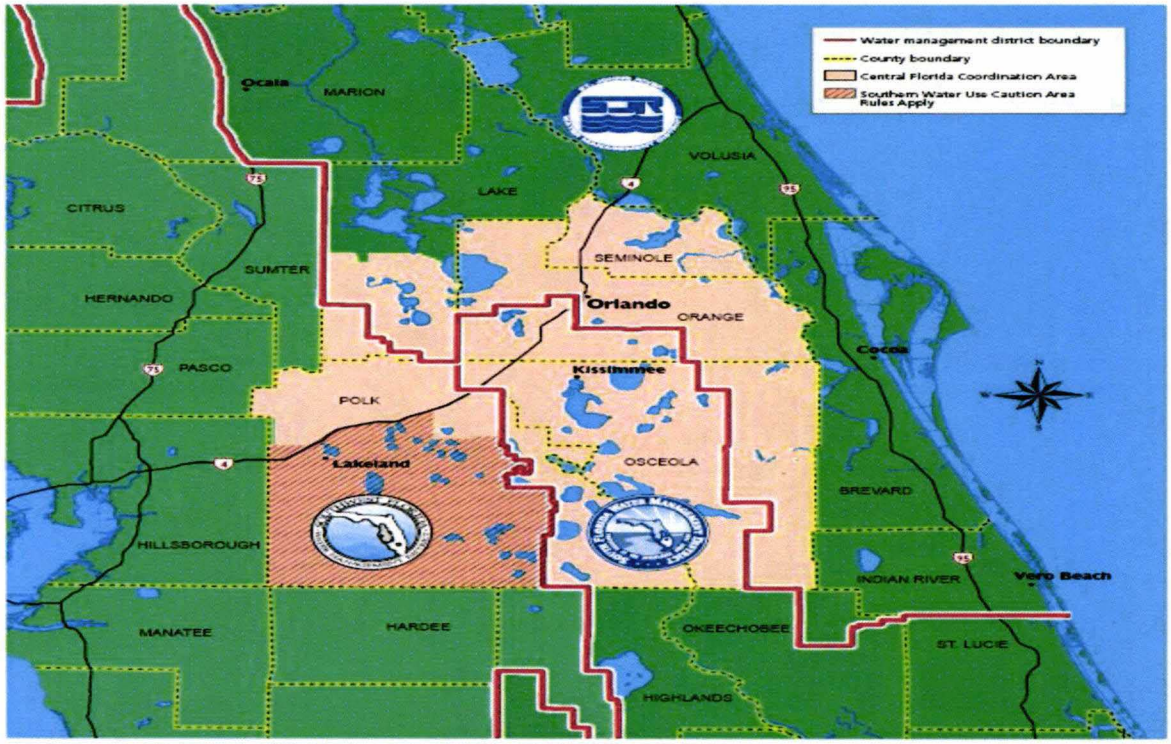
Central Florida Water Initiative

Present Situation

The Central Florida Water Initiative (CFWI) is a collaborative regional water supply endeavor to protect, conserve and restore the water resources of Orange, Osceola, Seminole and Polk counties, and southern Lake county and is where the boundaries of the SWFWMD, the SFWMD, and the SJRWMD converge (Figure 1).[99] The area covers approximately 5,300 square miles, is home to approximately 2.7 million Floridians, supports a large tourist industry, significant agricultural industry and a growing industrial and commercial sector.[100] The area also encompasses extensive natural systems, including the Green Swamp, Reedy Creek Swamp, Boggy Creek Swamp, Shingle Creek Swamp, the Kissimmee Chain of Lakes, which is the headwaters of the Kissimmee River, 16 springs and countless wetlands and surface waterbodies.[101]

[98] Section 403.814(12), F.S., provides for a general permit for stormwater management systems serving a total project area of up to 10 acres.
[99] *Central Florida Water Initiative Guiding Document*, available at: http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf
[100] *Central Florida Water Initiative Regional Water Supply Plan,* available at: http://cfwiwater.com/pdfs/plans/CFWI_RWSP_DrftPblc2_VolIa_5-1-15.pdf
[101] *Id.*

Figure 1: CFWI Area



The area's population is projected to reach 4.2 million by 2035, which is a 49 percent increase from 2010.[102] The area has traditionally relied on the Floridian aquifer for its primary water source.[103] Currently, more than 90 percent of treated wastewater in the area is reused for landscape irrigation, industrial uses, groundwater recharge, and environmental enhancement.[104] Total average water use in the area is projected to increase 40 percent by 2035. Planning efforts have documented that groundwater withdrawals in the area are either rapidly approaching, or have surpassed the maximum rate that can be sustained without causing harm or adverse impacts to the water resources and related natural systems, meaning that groundwater resources alone cannot meet future water demands in the area.[105]

Through the CFWI, the three WMDs are working collaboratively with other agencies and stakeholders to implement effective water resource planning.[106] According to the CFWI RWSP, with appropriate management, continued diversification of water supply sources, conservation, and implementation of water supply and water resource development projects, the water demands of the CFWI area can be met through 2035, while sustaining the water resources and related natural systems.[107] Future challenges in resource development and natural resource protection in the CFWI area require concerted efforts to monitor, implement management measures, characterize current hydrologic conditions, and project future conditions.[108] Successful implementation of these measures requires close coordination and collaboration with state, regional and local governments, utilities, and other water users.[109]

[102] *Id.*
[103] *Id.*
[104] *Id.*
[105] *Id.*
[106] *Id.*
[107] *Id.*
[108] *Id.*
[109] *Id.*

CFWI Guiding Document

The evolving CFWI Guiding Document is intended to describe the collaborative process being implemented in Central Florida.[110] Revisions to the CFWI Guiding Document are made as appropriate under the direction of the CFWI Steering Committee, which comprises a public water supply utility representative, a Governing Board member from the SWFWMD, the SFWMD, and the SJRWMD, a DEP representative, and a DACS representative.[111]

The CFWI Guiding Document provides the following principles:

- Identify the sustainable quantities of traditional groundwater sources available for water supply that can be used without causing unacceptable harm to the water resources and associated natural systems.
- Develop strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources. Strategies should include optimizing the use of existing groundwater sources, implementing demand management, and identifying AWSs that can be permitted and implemented as demands approach the sustainable yield of existing sources.
- Establish consistent rules and regulations for the SWFWMD, SFWMD, and SJRWMD that meet the CFWI goals and implement the results of the CFWI. Adoption of rules and regulations are expected to require coordination with DEP's statewide Consumptive Use Permitting Consistency initiative and the state's five WMDs.[112]

The CWFI Guiding Document also provides the following goals:

- One model;
- One uniform definition of harm;
- One reference condition;
- One process for permit reviews;
- One consistent process, where appropriate, to set MFLs and reservations; and
- One coordinated RWSP, including any needed recovery and prevention strategies.[113]

Effect of Proposed Changes

The bill creates s. 373.0465, F.S., regarding the CFWI, as follows:

- Provides the following legislative findings:
    - The Floridan aquifer has historically supplied the majority of water used in the Central Florida Coordination Area.
    - The SJRWMD, SFWMD, SWFWMD, and DEP have worked collectively to determine that the Floridan aquifer is locally approaching the sustainable limits of use and are exploring the need to develop sources of water to meet the long-term water needs of the area.
    - The CFWI is a collaborative process involving DEP, SJRWMD, SFWMD, SWFWMD, DACS, regional public water supply utilities, and other stakeholders. The CFWI has developed an initial framework for a unified process to address the current and long-term water supply needs of Central Florida without causing harm to the water resources and associated natural systems.
    - Developing water sources as an alternative to continued reliance on the Floridan aquifer will benefit existing and future water users and natural systems within and beyond the boundaries of the CFWI.

[110] *Central Florida Water Initiative Guiding Document*, available at: http://cfwiwater.com/pdfs/CFWI_Guiding_Document_2015-01-30.pdf
[111] *Id.*
[112] *Id.*
[113] *Id.*

- Defines the term "Central Florida Water Initiative Area," to mean all of Orange, Osceola, Polk and Seminole Counties, and southern Lake County, as designated by the CFWI Guiding Document of January 30, 2015.
- Requires DEP, SJRWMD, SFWMD, SWFWMD, and DACS to:
  - Continue the collaborative process in the CFWI Area with state agencies, affected WMDs, regional public water supply utilities, and other stakeholders;
  - Build upon the guiding principles and goals set forth in the CFWI Guiding Document of January 30, 2015;
  - Develop and implement, as set forth in the CFWI Guiding Document of January 30, 2015, a single multidistrict RWSP, including recovery or prevention strategies and a list of water supply development projects or water resource projects; and
  - Provide a single hydrologic planning model to assess the availability of groundwater in the CFWI Area.
- Requires DEP, in consultation with SJRWMD, SFWMD, SWFWMD, and DACS, to adopt uniform rules for application in the CFWI Area that include:
  - A single, uniform definition of "harmful to the water resources," consistent with the term's usage in s. 373.219, F.S.[114]
  - A single method for calculating residential per capita water use;
  - A single process for permit reviews;
  - A single, consistent process, as appropriate, to set MFLs and water reservations;
  - A goal for residential per capita water use for each CUP; and
  - An annual conservation goal for each CUP consistent with the RWSP.
- Requires DEP to initiate rulemaking for the uniform rules by December 31, 2016.

Lake Okeechobee Watershed and the Northern Everglades and Estuaries Protection Program

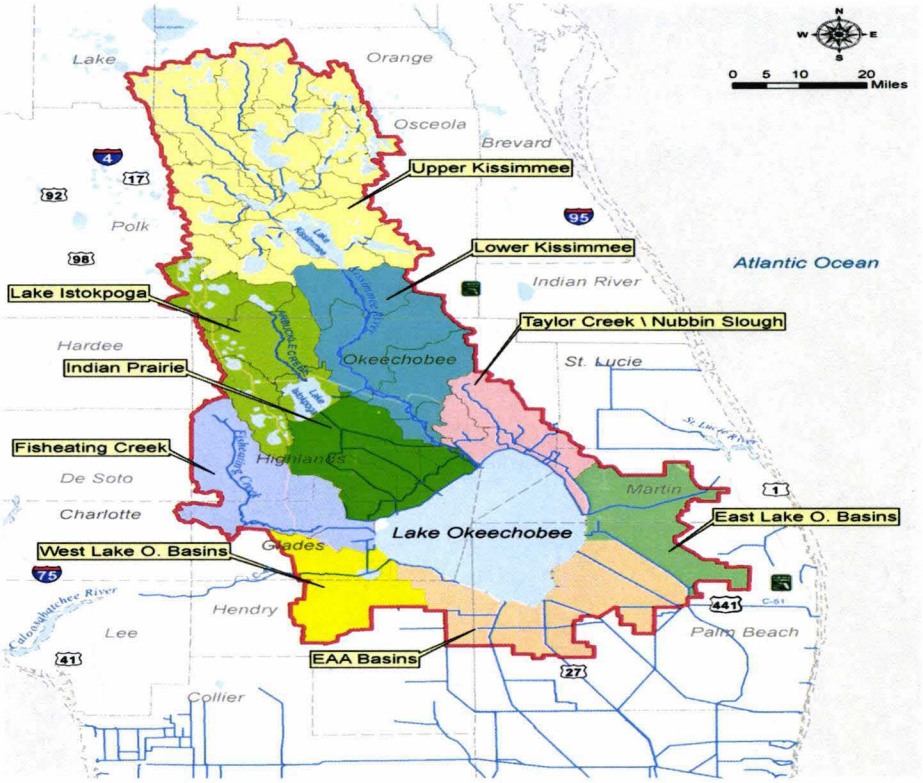
Present Situation

Lake Okeechobee Watershed Protection Program

Lake Okeechobee is Florida's largest freshwater lake and the second largest in the contiguous United States.[115] It provides drinking water, irrigation for agricultural land, and freshwater for the Everglades.[116] The Lake Okeechobee watershed, the area of land that drains or otherwise contributes to the flow of water into the lake, is approximately 1,800 square miles, which is actually larger than Rhode Island (Figure 2).[117]

[114] Section 373.219, F.S., authorizes WMDs or DEP to require CUPs and impose reasonable conditions to assure that the use is not harmful to the water resources of the area.
[115] *DEP Adopts Restoration Plan for Lake Okeechobee*, available at: http://content.govdelivery.com/accounts/FLDEP/bulletins/e1e723
[116] *Id.*
[117] Section 373.403(12), F.S.; *DEP Adopts Restoration Plan for Lake Okeechobee*, available at: http://content.govdelivery.com/accounts/FLDEP/bulletins/e1e723 and *Executive Summary Lake Okeechobee Protection Plan Update (March 2011)*, available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/ne_crwpp_main_123108.pdf

Figure 2: Lake Okeechobee Boundary and Sub-Watersheds



The Lake Okeechobee Watershed Protection Program is designed to reduce phosphorus loading to the lake, thereby improving water quality in the lake, and in the downstream receiving waters.[118] The initial phase for achieving phosphorous reductions was through the use of the SFWMD's Works of the District (WOD) program with subsequent phasing of reductions through the establishment of a TMDL for phosphorous.[119] The phosphorous TMDL was established in 2001.[120] In December 2014, DEP adopted the Lake Okeechobee BMAP, which implements phosphorus reductions established by the TMDL.[121] The BMAP identifies strategies and projects to reduce phosphorus entering the lake by 33 percent over the next 10 years and for the continued planning and development of long-term projects.[122]

The Lake Okeechobee Watershed Protection Program consists of several components: the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Watershed Construction Project, the Lake Okeechobee Watershed Protection Phosphorus Control Program, the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program.[123] The Lake Okeechobee Watershed Protection Plan identifies the geographic extent of the watershed, contains the implementation schedule for phosphorus load reductions consistent with the TMDL, and serves as the framework for the other components of the program.[124] The Lake Okeechobee Watershed Construction Project serves to improve the hydrology and water quality of Lake Okeechobee and of downstream waterbodies through the construction of stormwater treatment areas, water storage reservoirs, and other projects.[125] The Lake Okeechobee Watershed Protection Phosphorus Control Program is

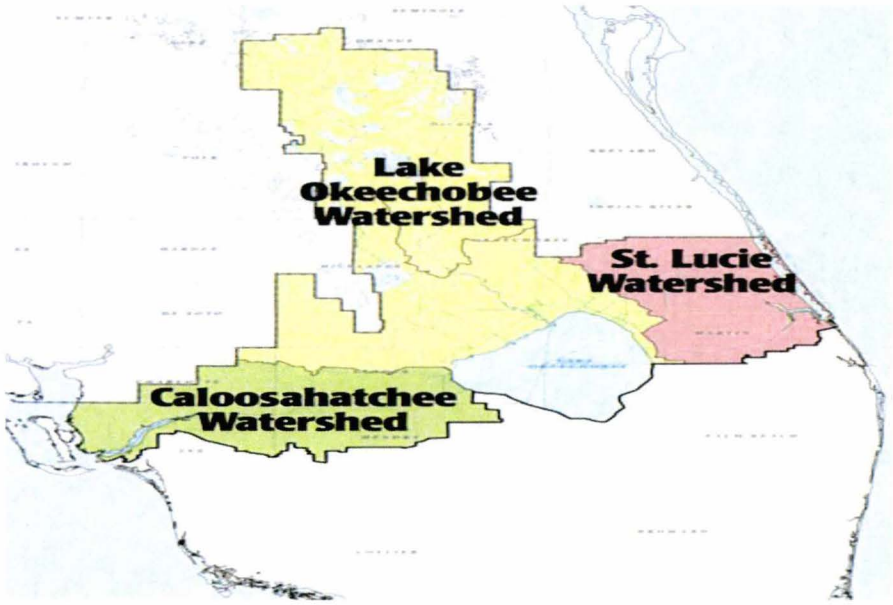
[118] Section 373.4595(1)(e) and (3), F.S.
[119] Section 373.4595(1)(f) and (3), F.S.
[120] *Total Maximum Daily Load for Total Phosphorous Lake Okeechobee, Florida*, available at: http://www.dep.state.fl.us/water/tmdl/docs/tmdls/final/gp1/Lake_O_TMDL_Final.pdf
[121] *DEP Adopts Restoration Plan for Lake Okeechobee*, available at: http://content.govdelivery.com/accounts/FLDEP/bulletins/e1e723
[122] *Id.*
[123] Section 373.4595(3)(a)-(f), F.S.
[124] Section 373.4595(3)(a), F.S.
[125] Section 373.4595(3)(b), F.S.

designed to reduce phosphorous loads through the implementation of BMPs, and other technologies for nutrient reduction.[126] The Lake Okeechobee Watershed Research and Water Quality Monitoring Program component assesses sources of phosphorus, evaluates the feasibility of alternative nutrient reduction technologies, and evaluates water quality data.[127] The Lake Okeechobee Exotic Species Control Program identifies exotic plant species and implements measures to protect the native species.[128] The Lake Okeechobee Internal Phosphorus Management Program deals with historical phosphorus loading in Lake Okeechobee's sediments.[129]

Northern Everglades and Estuaries Protection Program

In 2007, the Lake Okeechobee Protection Program was expanded to include the Caloosahatchee River, the St. Lucie River, and their estuaries (Northern Everglades and Estuaries Protection Program or NEEPP).[130] The NEEPP consists of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, recognizing the connectivity of the Everglades, north and south of Lake Okeechobee (Figure 3).[131] Improvements to the hydrology, water quality and aquatic habitats within these watersheds are essential to the protection of the Everglades.[132] Implementation of the Lake Okeechobee Watershed Protection Plan, as well as the watershed protection programs developed for the St. Lucie River and Caloosahatchee River are necessary to achieve and maintain compliance with WQSs and re-establish salinity regimes for a well-balanced ecosystem.[133]

Figure 3: Lake Okeechobee, Caloosahatchee River, and St. Lucie River watersheds



The Caloosahatchee River and St. Lucie River Watershed Protection Programs are each three-pronged approaches.[134] Each has a construction project component, a pollutant control program, and a research and water quality monitoring program.[135]

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[126] Section 373.4595(3)(c), F.S.
[127] Section 373.4595(3)(d), F.S.
[128] Section 373.4595(3)(e), F.S.
[129] Section 373.4595(3)(f), F.S.
[130] *Quick Facts: Northern Everglades & Estuaries Protection Program*, available at: http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/spl_northern_everglades.pdf
[131] Section 373.4595(2)(l), F.S.; *Quick Facts: Northern Everglades & Estuaries Protection Program*, available at: http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/spl_northern_everglades.pdf
[132] Section 373.4595(1)(c), F.S.
[133] Section 373.4595(1)(h) and (4), F.S.
[134] Section 373.4595(4)(a) and (b), F.S.

The construction project component works to improve the hydrology, water quality, and aquatic habitat within the respective watershed.[136] The pollutant control programs are multifaceted approaches to pollutant load reductions through the implementation of BMPs and other innovative nutrient control technologies.[137] The water quality research and water quality monitoring programs are required to build upon the SFWMD's existing program and include an assessment of water volumes and timing from Lake Okeechobee and the respective river watershed and their relative contributions to the timing and volume of water delivered to the respective estuary.[138]

In November 2012, DEP adopted the Caloosahatchee Estuary BMAP, identifying and implementing strategies necessary to achieve the total nitrogen TMDL set for the watershed. In May 2013, DEP adopted the St. Lucie River and Estuary BMAP, to achieve phosphorus, nitrogen, and dissolved oxygen TMDLs set in that watershed.

Effect of Proposed Changes

The bill amends s. 373.4595, F.S., regarding the NEEPP, as follows:

- Subsection (2) is amended to include definitions for the terms "biosolids" and "soil amendment." These terms are used in s. 373.4595, F.S., but were not defined. The definitions of "District's WOD program" and "Lake Okeechobee Watershed Phosphorous Control Program" are removed since these terms are no longer used in the section. The definition of "Lake Okeechobee Watershed Protection Plan" is amended to conform to other changes in the bill.
- Subsection (3) is amended to reflect that the Lake Okeechobee Watershed Protection Program (LOWPP) consists of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee BMAP, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorous Management Program. Additionally, new language is added to specify that the component of the LOWPP responsible for achieving phosphorus reductions in Lake Okeechobee is the Lake Okeechobee BMAP.
    - Paragraph (3)(a) is amended to:
        - ❖ Require the SFWMD, beginning March 1, 2020, and every 5 years thereafter, to update the Lake Okeechobee Watershed Protection Plan to ensure its consistency with the Lake Okeechobee BMAP.
        - ❖ Require the Lake Okeechobee Watershed Protection Plan to include the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program.
        - ❖ Require the SFWMD to cooperate with the other coordinating agencies when designing and constructing the Lake Okeechobee Watershed Construction Project.
        - ❖ Specify that the Phase II technical plan of the Lake Okeechobee Watershed Construction Project is to provide the basis for the Lake Okeechobee BMAP.
        - ❖ Direct DEP, within 5 years after adoption of the Lake Okeechobee BMAP and every 5 years thereafter, to evaluate the Lake Okeechobee Watershed Construction Project to identify any further load reductions needed to achieve compliance with the Lake Okeechobee TMDL. Any modifications to the Lake Okeechobee Watershed Construction Project resulting from the evaluation must be incorporated into the Lake Okeechobee BMAP.
        - ❖ Require the coordinating agencies to implement the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, and for DEP to use the results, in cooperation with the coordinating agencies, to modify the Lake Okeechobee BMAP, as appropriate.

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[135] *Id.*
[136] Section 373.4595(4)(a)1. and (b)1., F.S.
[137] Section 373.4595(4)(a)2. and (b)2., F.S.
[138] Section 373.4595(4)(a)3. and (b)3., F.S.

- ❖ Require DEP, beginning March 1, 2020, and every 5 years thereafter, to reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP.
- ❖ Require results of the phosphorous assessment from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga to be used as part of the Lake Okeechobee BMAP to develop interim measures, BMPs, or regulations, as applicable.

- Paragraph (3)(b) is amended to specify that the Lake Okeechobee BMAP is the watershed phosphorus control component for Lake Okeechobee. The plan must contain an implementation schedule for pollutant load reductions consistent with the adopted TMDL. The coordinating agencies must develop an interagency agreement that is consistent with DEP taking the lead on water quality protection measures through the Lake Okeechobee BMAP, the SFWMD taking the lead on hydrologic improvements pursuant to the Lake Okeechobee Watershed Protection Plan, and DACS taking the lead on agricultural interim measures, BMPs, and other measures. The interagency agreement must specify how BMPs for nonagricultural nonpoint sources are developed and how all BMPs are implemented and verified. The interagency agreement must also address measures to be taken by the coordinating agencies during any BMP reevaluation that is performed. DEP is required to use best professional judgment in making the initial determination of a BMP's effectiveness. The coordinating agencies are authorized to develop an intergovernmental agreement with local governments to implement nonagricultural nonpoint source BMPs within their respective geographic boundaries. The bill also makes the following additional revisions to paragraph (3)(b):
  - ❖ Requires agricultural nonpoint source BMPs developed and designed to achieve the objectives of the LOWPP as part of a phased approach of management strategies within the Lake Okeechobee BMAP to be implemented on an expedited basis.
  - ❖ Requires an owner or operator of an agricultural nonpoint source who chooses to conduct monitoring instead of implementing BMPs or interim measures to demonstrate compliance with WQS addressed by the Lake Okeechobee BMAP rather than demonstrating compliance with the SFWMD's WOD program.
  - ❖ Requires reevaluation of BMPs to be conducted, pursuant to s. 403.067(7)(c)4, F.S., where water quality problems are detected for agricultural nonpoint sources or nonagricultural nonpoint sources despite the appropriate implementation of adopted BMPs.
  - ❖ Requires nonagricultural nonpoint source BMPs developed and designed to achieve the objectives of the LOWPP as part of a phased approach of management strategies within the Lake Okeechobee BMAP to be implemented on an expedited basis.
  - ❖ Provides that the requirements of the Lake Okeechobee BMAP and s. 403.067(7), F.S., for the Lake Okeechobee watershed are met through the implementation of agricultural BMPs set forth in the Everglades Program[139] of the SFWMD. Accordingly, an entity in compliance with agricultural BMPs as set forth in the Everglades Program may elect to use that permit in lieu of the requirements of the Lake Okeechobee BMAP. The agricultural BMPs implemented through a permit issued under the Everglades Program are subject to reevaluation as provided for in s. 373.4595(3)(b)5, F.S.
  - ❖ Replaces all references to the term "residuals" with the term "biosolids." The term is synonymous, but biosolids is the more accurate term used in practice today.
  - ❖ Requires the Department of Health to require all entities disposing of septage within the Lake Okeechobee watershed to develop and submit an agricultural use plan that limits applications based upon phosphorous loading consistent with the

[139] Chapter 40E-63, F.A.C., establishes the Everglades Regulatory Program, which requires certain permits and BMPs for entities within the Everglades Agricultural Area.

Lake Okeechobee BMAP, instead of the phosphorous limits established in the SFWMD's WOD program.
    - ❖ Requires the SFWMD to revise ch. 40E-61, F.A.C.,[140] to be consistent with NEEPP, as amended by this bill, to provide for a monitoring program for nonpoint source dischargers required to monitor water quality, and to provide for the results of such monitoring to be reported to the coordinating agencies.
    - ❖ Requires the SFWMD, in cooperation with the other coordinating agencies, to evaluate the feasibility of Lake Okeechobee internal phosphorous load removal projects. The evaluation must consider all reasonable methods of phosphorous removal.
- Subsection (4) is amended to include the following revisions to the Caloosahatchee and St. Lucie River Watershed Protection Programs:
    - Specifies that the Caloosahatchee River Watershed Protection Plan includes the Caloosahatchee River Watershed Construction Project and the Caloosahatchee River Watershed Research and Water Quality Monitoring Program.
    - Provides that the BMAPs adopted for the Caloosahatchee River watershed are the Caloosahatchee River Watershed Pollutant Control Program.
    - Requires limits on the application of septage within the Caloosahatchee River and St. Lucie River watersheds to be based on nutrient loading consistent with any BMAP, and deletes the requirement that nutrient concentrations not exceed limits established in the SFWMD's WOD program.
    - Specifies that the St. Lucie River Watershed Protection Plan includes the St. Lucie River Watershed Construction Project and the St. Lucie River Watershed Research and Water Quality Monitoring Program.
    - Specifies that the BMAPs adopted for the St. Lucie River are the St. Lucie River Watershed Pollutant Control Program.
    - Requires BMAPs for the Caloosahatchee River and St. Lucie River watersheds to contain an implementation schedule for pollutant load reductions consistent with their adopted TMDL.
    - Requires the SFWMD to initiate rulemaking to provide for a monitoring program for nonpoint source dischargers required to monitor water quality and for the monitoring results to be reported to the coordinating agencies.
    - Requires DEP, beginning March 1, 2020, and every 5 years thereafter, concurrent with updates to the BMAPs, to conduct an evaluation of pollutant load reduction goals of the Caloosahatchee River and St. Lucie River Watershed Protection Programs.
- Subsection (5) is amended to require DEP to initiate development of BMAPs for the Lake Okeechobee watershed, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary. In addition, the bill:
    - Requires management strategies and pollution reduction requirements set forth in a BMAP to be completed pursuant to the schedule set forth in the BMAP, and specifies that the implementation schedule may extend beyond the 5-year permit term.
    - Provides that management strategies and pollution reduction requirements set forth in a BMAP for a specific pollutant of concern are not subject to challenge under ch. 120, F.S., when they are incorporated into a DEP or SFWMD issued permit or permit modification.
- Subsection (6) is amended to require DEP to report on the status of the Lake Okeechobee BMAP, the Caloosahatchee River Watershed BMAP, and the St. Lucie River Watershed BMAP, and for DACS to report on the status of the implementation of agricultural nonpoint source BMPs, and compliance with BMPs in the Lake Okeechobee, Caloosahatchee, and St. Lucie watersheds. The report will be included in the SFWMD's annual report required pursuant to s. 373.036(7), F.S.[141]

[140] Chapter 40E-61, F.A.C., sets forth the rule criteria for the Works of the District.
[141] Section 373.036(7), F.S., sets forth the requirements for the consolidated WMD annual report.

- Subsection (7) is amended to include the following revisions to the permitting requirements in s. 373.4595, F.S.:
    - Provides that owners and operators of existing structures that discharge into or from Lake Okeechobee that were subject to certain DEP consent orders and are subject to s. 373.4592(4)(a), F.S.,[142] do not require a permit under this section and must be governed by permits issued under ss. 373.413[143] and 373.416, F.S.,[144] and the Lake Okeechobee BMAP.
    - Requires the SFWMD to submit to DEP, by January 1, 2017, a complete application for permit modification to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures are consistent with the BMAP. The bill deletes the provision that these changes must be designed to achieve compliance with WQS by January 1, 2015.
    - Directs DEP to require permits for SFWMD regional projects that are part of the Lake Okeechobee Watershed Construction Project. The bill requires SFWMD to demonstrate reasonable assurances that the regional projects will achieve the design objectives for phosphorous.

Water Supply and Water Resource Planning and Development

Present Situation

Role of WMDs in Water Supply and Water Resource Development

The Legislature intends that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that the adverse effects of competition for water supplies be avoided.[145] The Legislature has divided the responsibility for water supply development and water resource development between the WMDs and local governments, regional water supply authorities, and publically and privately owned water utilities.[146]

Water supply development is the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use.[147] Local governments, regional water supply authorities, and water utilities, both private and public, are to take the lead in securing funding for and implementing water supply development projects.[148]

Water resource development is the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments and to government-owned and privately owned water utilities.[149] WMDs are to be lead in water supply planning and in identifying and implementing water resource development projects.[150]

[142] Section 373.4592(4)(a), F.S., sets forth the requirements for the Everglades Construction Project.
[143] Section 373.413, F.S., establishes the requirements for environmental resource permits.
[144] Section 373.416, F.S., establishes the requirements for environmental resource permits for maintenance purposes.
[145] Section 373.705(2)(a), F.S.
[146] Section 373.705(1)(a)-(b), F.S.
[147] Section 373.019(26), F.S.
[148] Section 373.705(2)(c), F.S.
[149] Section 373.019(24), F.S.
[150] Section 373.705(2)(b), F.S.

Each WMD is required to fund and implement water resource development projects in areas subject to RWSPs.[151] Water supply development projects that are consistent with RWSPs receive priority funding assistance, from the state or WMD, if the project:

- Supports a dependable, sustainable supply of water that is not financially feasible;
- Provides substantial environmental benefits, but requires assistance to be economically competitive; or
- Significantly implements reuse, storage, recharge, or conservation of water that contributes to the sustainability of regional water sources.[152]

Additionally, if a water supply development project meets one of the above criteria and either brings about replacement of existing sources aiding in the implementation of an MFL, or implements reuse assisting in the elimination of a domestic wastewater ocean outfall, the project will be given first consideration for state or WMD funding assistance.[153]

WMD Water Management Plan

Each WMD is charged with developing a water management plan for the water resources within their respective district.[154] This plan addresses water supply, water quality, flood protection, floodplain management, and natural systems, is based on a 20-year planning period, and is updated at least once every 5 years.[155] The plan must include scientific methodologies for establishing MFLs and all established MFLs, identification of water supply planning regions that singly or collectively encompass the entire district, a districtwide water supply assessment, and any completed RWSP.[156]

Regional Water Supply Plans

If a WMD's water management plan reveals that existing sources of water are inadequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the 20-year planning period, the WMD must develop a RWSP.[157]

A RWSP is also based on at least a 20-year projection, and must include:

- A water supply development component;
- A water resource development component;
- A recovery or prevention strategy, if the existing flow or level is below or projected to fall below an adopted MFL within 20 years;
- A funding strategy for water resource development projects;
- Consideration of how water supply development projects serve the public interest or save costs by preventing the loss of natural resources or avoid greater future costs for water resource or development;
- Technical data and information necessary to support the RWSP;
- MFLs established within each planning region;
- Reservations of water adopted within each planning region;
- Identification of surface waters or aquifers for which MFLs are scheduled for adoption; and
- An analysis of areas where variances may be used to create water supply or resource development projects.[158]

[151] Section 373.705(3), F.S.
[152] Section 373.705(4)(a), F.S.
[153] Section 373.705(4)(b), F.S.
[154] Section 373.036(2)(a), F.S.
[155] *Id.*
[156] Section 373.036(2)(b), F.S.
[157] Section 373.709(1), F.S.
[158] Section 373.709(2)(a)-(j), F.S.

The water supply development component of the RWSP must include:

- A quantification of water supply needs for all existing and future reasonable-beneficial uses projected through the 20-year planning period based on best available data;
- A list of water supply development project options for local governments, utilities, regional water supply authorities, self-suppliers, and others to choose from for water supply development; and
- For each water supply development project listed there must be:
  - An estimated amount of water to be made available through the project;
  - The timeframe for implementation of the project, and the estimated costs for the project, including operation and maintenance;
  - An analysis of funding needs and sources of possible funding options; and
  - Identification of who should implement the project, as well as the current status of implementation.[159]

The water resource development component of the RWSP must include:

- A list of water resource development projects that support water supply development; and
- For each water resource development project listed there must be:
  - An estimated amount of water to be made available through the project;
  - The timeframe for implementation of the project, and the estimated costs for the project, including operation and maintenance;
  - An analysis of funding needs and possible sources of funding; and
  - Identification of who should implement the project, as well as the current status of implementation.[160]

Each WMD is required to annually report on the status of water resource and water supply development projects identified in its RWSPs.[161] The annual report must include estimated costs and potential sources of funding for the projects, percentage and amount of WMD funds for the development of AWS, a description of the WMD's progress in achieving water resource development objectives, including implementation of its 5-year water resource development work program, and an overall assessment of progress on water supply development.[162]

5-Year Water Resource Development Work Program

Each WMD is required to furnish a 5-year water resource development work program within 30 days after adoption of a final budget. The work program must describe the WMDs implementation strategy and funding plan for water resource, water supply, and AWS development in each approved RWSP. The work program must address all elements of the water resource development component of a RWSP and must:

- Identify projects in the work program which will provide water;
- Explain how each water resource, water supply, and AWS development project will produce additional water for consumptive uses;
- Estimate the quantity of water to be produced by each project; and
- Provide an assessment of the contribution of the WMD's RWSPs in providing sufficient water needed to timely meet water supply needs of existing and future reasonable-beneficial uses for a 1-in-10-year drought.[163]

Improvements on Private Agricultural Lands

An additional mechanism to promote water resource development, as well as improve water quality, is through a public-private partnership.[164] One type of public-private partnership is a collaborative effort

[159] Section 373.709(2)(a), F.S.
[160] Section 373.709(2)(b), F.S.
[161] Section 373.709(6), F.S.
[162] *Id.*
[163] Section 373.536(6)(a)4., F.S.

between a WMD, DEP, or DACS and a private landowner to accomplish water storage and water quality improvements on private agricultural lands.[165] The public-private partnership is formalized in an agreement between the parties.[166] If the public-private partnership agreement is between a private landowner and a WMD or DEP, the agreement must contain a baseline condition, which determines the extent of wetlands and other surface waters on the property, and will be used for the regulation of such water, even after expiration of the agreement.[167] Establishing a baseline condition is optional for a public-private partnership agreement between a private landowner and DACS when used to implement BMPs.[168]

Public-private partnerships that facilitate nutrient reductions, consistent with TMDLs, within the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed are highly encouraged.[169] Public-private partnerships within the Lake Okeechobee watershed are eligible for state grants and otherwise receive special funding priority.[170]

Effect of Proposed Changes

The bill amends s. 373.709, F.S., regarding regional water supply planning, to:

- Require water supply development project options in a WMD's RWSP to be technically and financially feasible.
- Require the water resource development component of the RWSP to:
    - Include a listing of water resource development projects that support water supply development for all existing and future reasonable-beneficial uses and for the natural systems as identified in the recovery or prevention strategies for adopted MFLs or water reservations.
    - Include for each listed project an estimate of the amount of water to become available through the project for all existing and future reasonable-beneficial uses and for the natural systems as identified in the recovery or prevention strategies for adopted MFLs or water reservations.
- Require an assessment of how the RWSP and the projects identified in the RWSP's funding plans for water supply and water resource development projects support the recovery or prevention strategies for implementation of adopted MFLs or water reservations, including MFLs for OFSs, while ensuring that sufficient water will be available for all existing and future reasonable-beneficial uses and the natural systems identified in the RWSP and avoiding the adverse effects of competition for water supplies.
- Require DEP to include in its annual status report to the Governor and Legislature an analysis of the sufficiency of potential funding from all sources for water resource development and water supply development projects identified in each of the WMD's RWSPs, and an explanation of how each project identified in the 5-year water resource development work program will contribute to additional water for MFLs or water reservations.

The bill amends s. 373.036, F.S., regarding the consolidated WMD annual report, requiring the report to contain:

- Information on all projects related to water quality or quantity as part of a 5-year work program, including:
    - A list of all specific projects identified to implement a BMAP or recovery or prevention strategy;

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[164] Section 373.085(1)(a), F.S.
[165] Section 373.4591, F.S.
[166] *Id.*
[167] *Id.*
[168] *Id.*
[169] Section 373.4595(1)(n), F.S.
[170] Section 373.4595(3)(c)5. and (g), F.S.

    - A priority ranking for each project for which state funding through the water resources work program is requested, which must be made available to the public for comment at least 30 days before submission of the report;
    - The estimated cost and completion date for each listed project;
    - The source and amount of financial assistance to be made available by DEP, a WMD, or other entity for each listed project; and
    - A quantitative estimate of each listed project's benefit to the watershed, waterbody, or water segment.
- A grade for each watershed, waterbody or water segment in which a listed project is located representing the level of impairment and violations of adopted MFLs.

The bill amends s. 373.536, F.S., regarding the 5-year water resource development work program, to require WMDs to include an annual funding plan for each of the 5 years for the water resource and water supply development components of each approved RWSP. The bill requires the annual funding plan to identify anticipated WMD funding and additional funding needs for the second through fifth years of the funding plan. The bill requires the work program to address water supply projects proposed for WMD funding and assistance. In addition, the bill requires the work program to provide an assessment of the RWSPs in supporting the implementation of MFLs and water reservations, and ensure sufficient water is available to avoid adverse effects of competition for water supplies. Lastly, the bill requires DEP to post the work program on its website.

The bill amends the definition of "water resource development" in s. 373.019(24), F.S., to include self-suppliers as an entity that may receive technical assistance related to water resource development, as long as such assistance promotes the policies set forth in s. 373.016, F.S.[171]

The bill amends s. 373.705, F.S., regarding water resource development and water supply development, as follows:

- Specifies that a WMD should secure funding for regionally significant water resource development projects that:
    - Prevent or limit adverse water resource impacts;
    - Avoid competition among water users; or
    - Support new water supplies to meet an MFL or to implement a recovery or prevention strategy or water reservation.
- Requires each WMD to include in its annual budget submittals the amount of funds needed for each water resource development project as prioritized in its RWSPs, along with the total amount needed to implement the projects.
- Requires a water supply development project to be given first consideration for state or WMD funding assistance if the project reduces or eliminates the adverse effects of competition between legal users and the natural system.
- Requires WMDs to promote expanded cost-share criteria for additional conservation practices (e.g., soil and moisture sensors and other irrigation improvements, water-saving equipment, and water-saving household fixtures) and software technologies that can achieve verifiable water conservation by providing water use information to utility customers.

The bill amends s. 373.703, F.S., regarding water production, authorizing each WMD to join with private landowners to carry out the WMD's duties and to contract with private landowners to finance acquisitions, construction, operation, and maintenance, if it is in the public interest.

The bill amends s. 373.4591, F.S., regarding improvements on private agricultural lands, to reflect that the Legislature encourages public-private partnerships for groundwater recharge on private agricultural lands. In addition to DEP and WMDs, the bill authorizes DACS to enter into an agreement with a private landowner to establish a public-private partnership that may create or impact wetlands or other surface waters. The bill requires priority consideration to be given to public-private partnerships that:

[171] Section 373.016, F.S., provides for the declaration of water policy.

- Store or treat water on private lands for hydraulic improvement, water quality, or water supply;
- Provide critical groundwater recharge; or
- Provide for changes in land use to activities that minimize nutrient loads and maximize water conservation.

Central and Southern Florida Project

Present Situation

The Central and Southern Florida Project (Project), authorized by Congress in 1948, is a multi-purpose project that provides flood control, water supply for municipal, industrial, and agricultural uses, prevention of saltwater intrusion, water supply for the Everglades National Park, and protection of fish and wildlife resources. The primary system includes approximately 1,000 miles of levees, 720 miles of canals, and almost 200 water control structures.

The Project provides an east coast protective levee, extending from the Homestead area north to the eastern shore of Lake Okeechobee near St. Lucie Canal. There are three conservation areas for water impoundment in the Everglades area, west of the east coast protective levee, with control structures to transfer water as necessary. There are also local protective works along the lower east coast with an encirclement of the Lake Okeechobee agricultural area by levees and canals. Enlargement of portions of the Miami, North New River, Hillsboro, and West Palm Beach Canals and existing Lake Okeechobee levees are part of the Project. Also included are construction of new levees on the northeast and northwest shores of Lake Okeechobee, increased outlet capacity for improved control of Lake Okeechobee, floodway channels in the Kissimmee River Basin, with suitable control structures to prevent over drainage, and facilities for regulation of floods in the Upper St. Johns River Basin.

The Project provides water control and protection from the recurrence of flood waters for the highly developed urban area along the lower east coast of Florida and for the agricultural areas around Lake Okeechobee (including the towns around the lake), in the Upper St. Johns and Kissimmee River Basin, and in south Dade County. Another project function is the conservation of floodwaters for beneficial uses during dry seasons. The Project also delivers water to Everglades National Park according to a set schedule.

The U.S. Army Corps of Engineers operates and maintains project works on the St. Lucie Canal, Caloosahatchee River, Lake Okeechobee levees, channels, and major spillways, and the main outlets for Water Conservation Areas 1, 2A, and 3A. The SFWMD operates the remainder of the Project in accordance with regulations prescribed by the U.S. Army Corps of Engineers. Section 373.1501(4), F.S., specifies that the SFWMD is authorized to act as local sponsor of the Project for those project features located within the district. As the local sponsor, SFWMD has an essential role with the U.S. Army Corps of Engineers in developing water management criteria for the Project and is responsible for allocation of water from project storage, except where mandated by federal law.

Effect of Proposed Changes

The bill amends s. 373.1501, F.S., requiring the SFWMD, as local sponsor of the Project, to:

- Exercise the authority of the state to allocate water quantities within its jurisdiction, including water supply in relation to the Project, and to be responsible for allocating water and assigning priorities among other water users served by the Project.
- Provide recommendations to the U.S. Army Corps of Engineers that are consistent with all of the SFWMD's programs and plans, when developing or implementing water control plans or regulation schedules required for operation of the Project.

Surface Water Use Classification

Present Situation

The CWA requires states to adopt WQS for their navigable waters, and to review and update those standards at least every three years. WQS must include:

- Designation of a waterbody's beneficial uses (e.g., public water supply, recreation, fish propagation, and navigation);
- Water quality criteria that define the amounts of pollutants, in numeric or narrative form, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.[172]

Florida has developed the following classifications for a waterbody's designated beneficial uses:

- Class I: potable water supplies; recreation; fish consumption; propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class II: shellfish prorogation or harvesting; fish consumption; propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class III: fish consumption; propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class III-Limited: fish consumption; recreation or limited recreation; propagation and maintenance of a limited population of fish and wildlife;
- Class IV: agricultural water supplies; and
- Class V: navigation, utility, and industrial use.[173]

Reclassification of a waterbody's designated beneficial use can be initiated by DEP or by petition from another entity. A designated beneficial use may be upgraded, but there must be credible information showing the existence or attainability of the beneficial use. For example, a waterbody designated as Class III may be upgraded to a Class II if there is credible information showing that shellfish harvesting and consumption are routinely conducted in the waterbody and that water quality criteria for Class II is attainable.[174]

For a waterbody to be considered for reclassification as a drinking water source, a petitioner must demonstrate that the water quality meets Class I water quality criteria[175] or can meet those criteria after treatment. Potential influences of reclassification on other users of the waterbody must be evaluated and permitting requirements must also be considered.

Petitions to add a waterbody's designated use as drinking water source should determine if it is an existing use (now or since 1975) or an attainable use. Factors to consider when determining whether the use is an existing use can include the presence of drinking water withdrawals and permits authorizing withdrawal for consumptive use. Factors to consider when determining whether the designation is an attainable use can include proximity to wastewater sources and effects on water quality.[176]

The water quality criteria discussed in this section of the bill analysis pertain only to the use classification of a waterbody, and are different from the drinking water criteria established under the Florida Safe Drinking Water Act. Florida's drinking water criteria do not change regardless of any changes to the classification of a waterbody.

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[172] 33 U.S.C. § 1313(c)(2)(A)-(B); 40 C.F.R. §§ 131.6, 131.10-12.

[173] *Process for Reclassifying the Designated Uses of Florida Surface Waters*, available at: http://www.dep.state.fl.us/water/wqssp/docs/reclass/process_document_080510.pdf

[174] *Id.*

[175] Water quality criteria are contained in ch. 62-302.530, F.A.C.

[176] *Process for Reclassifying the Designated Uses of Florida Surface Waters*, available at: http://www.dep.state.fl.us/water/wqssp/docs/reclass/process_document_080510.pdf

Effect of Proposed Changes

The bill amends s. 403.061, F.S., authorizing DEP to adopt by rule a specific surface water classification to protect surface water used for treated potable water supply. The bill requires these designated water sources to have the same water quality criteria protections as surface waters designated for fish consumption, recreation, and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife. The bill requires these designated water sources be free from discharged substances at a concentration that, alone or in combination with other discharged substances, would require significant alteration of permitted treatment processes at the permitted treatment facility, or which would otherwise prevent compliance with applicable state drinking water standards. Notwithstanding this classification, a surface water used for treated potable water supply may be reclassified as waters designated for potable water supply.

The bill also amends s. 403.861, F.S., requiring DEP to add treated potable water supply as a designated use of a surface water:

- Upon issuance of a construction permit to construct a new public water system drinking water treatment facility to provide potable water supply using a surface water that, at the time of the permit application, is not being used as a potable water supply system, the classification of which does not include potable water supply as a designated use.
- For existing public water system drinking water treatment facilities that use a surface water as a treated potable water supply, which surface water classification does not include potable water supply as a designated use.

Harris Chain of Lakes Restoration Council

Present Situation

The Harris Chain of Lakes is located largely in Lake County and the northwestern portion of Orange County.[177] It includes tens of thousands of acres of lakes and wetlands and is the headwaters of the Ocklawaha River.[178]

In 2001, the Legislature created the Harris Chain of Lakes Restoration Council to:

- Review audits and all data related to lake restoration techniques and sport fish population recovery strategies;
- Evaluate whether additional studies are needed;
- Explore all possible sources of funding to conduct restoration activities; and
- Report to the Legislature, before November 25 of each year, on the progress of the Harris Chain of Lakes restoration program and provide any recommendations for the next fiscal year.[179]

The Harris Chain of Lakes Restoration Council consists of the following nine voting members:

- A representative of waterfront property owners;
- A representative of the sport fishing industry;
- An environmental engineer;
- A person with training in biology or another scientific discipline;
- A person with training as an attorney;
- A physician;
- A person with training as an engineer; and

[177] Harris Chain of Lakes Restoration Council's website at: http://harrischainoflakescouncil.com.
[178] *Id.*
[179] Section 373.467(4), F.S.

- Two residents of Lake County appointed by the Lake County legislative delegation who do not meet any of the other qualifications for membership enumerated above.[180]

Effect of Proposed Changes

The bill revises s. 373.467, F.S., regarding the Harris Chain of Lakes Restoration Council, as follows:

- Revises the membership of the Council and authorizes the Lake County legislative delegation to waive membership qualifications on a case-by-case basis if good cause is shown.
- Specifies that a resignation or failure to attend three consecutive meetings, without an excuse approved by the chair, results in a vacancy on the Council.

Conservation and Recreational Lands

Present Situation

It is the policy of the state that the citizens of Florida be assured public ownership of natural areas for maintaining its unique natural resources, protecting air, land, and water quality, promoting water resource development to meet the needs of natural systems and the public, promoting restoration activities on public lands, and providing lands for natural resource based recreation.[181] The Legislature intends that lands acquired for conservation and recreation purposes be managed in a way that protects or restores their natural resource values, and provides the greatest benefit, including public access, to the citizens of Florida.[182]

DEP is the lead agency for acquiring state lands for protection and providing oversight for the management of activities on public lands, including lakes, rivers and islands.[183]

As of February 2015, non-submerged conservation lands in Florida consisted of the following:[184]

Federal Government Lands	4,058,185	117,500
State Government Lands	4,874,019	615,244
County and City Governments Lands	488,208	8,631

Effect of Proposed Changes

The bill amends s. 259.032, F.S., regarding conservation and recreation lands, to ensure the public has knowledge of and access to conservation lands, and requires DEP to:

- Publish, update, and maintain a database of conservation lands where public access is compatible with conservation and recreation purposes.
- Place the database available online to the public by July 1, 2017, including, at a minimum, the location, types of allowable recreational opportunities, points of public access, facilities or other amenities, restrictions, and any other information DEP deems appropriate to increase public awareness of recreational opportunities on conservation lands. The data must be electronically accessible, searchable, and downloadable in a generally acceptable format.
- Create, on its own or through partnership with a third-party entity, an application downloadable on mobile devices to be used to locate state lands available for public access using the user's locational information or based upon an activity of interest.
- Include, in the database and application, information for all state conservation lands that the public has a right of access for recreational purposes. Beginning January 1, 2018, to the

[180] Section 373.467(1)(a), F.S.
[181] Section 259.032(1), F.S.
[182] *Id.*
[183] DEP's website at: http://www.dep.state.fl.us/lands/statelands_cont.htm
[184] *Summary of Florida Conservation Lands,* available at: http://www.fnai.org/PDF/Maacres_201502_FCL_plus_LTF.pdf

greatest extent practicable, the database must include similar information for lands owned by federal and local government entities that allow access for recreational purposes.
- Provide a report to the Governor and Legislature, by January 1 of each year, describing the percentage of public lands acquired by the state under ch. 259, F.S.,[185] that the public has access to and DEP's efforts to increase public access to these lands.

Interactive Water Map Feasibility Study

Present Situation

Currently, there is no single resource that lists each watershed and waterbody with information about whether the waterbody is impaired, and if so, whether an MFL, TMDL, or BMAP have been adopted.

Effect of Proposed Changes

The bill creates an undesignated section of law that requires DEP to:
- Evaluate the feasibility and cost of creating and maintaining a web-based, interactive map that includes, at a minimum:
  - All watersheds and each waterbody within those watersheds;
  - The county(s) where the watershed or waterbody is located;
  - The WMD(s) where the watershed or waterbody is located;
  - Whether, if applicable, an MFL has been adopted for the waterbody and if an MFL has not been adopted, the anticipated adoption date;
  - Whether, if applicable, a recovery or prevention strategy has been adopted for the watershed or waterbody and, if a recovery or prevention strategy has not been adopted, the anticipated adoption date;
  - The impairment status of each waterbody;
  - Whether, if applicable, a TMDL has been adopted for an impaired waterbody and, if a TMDL has not been adopted, the anticipated adoption date;
  - Whether, if applicable, a BMAP has been adopted for the watershed and, if a BMAP has not been adopted, the anticipated adoption date;
  - Each project listed on the 5-year water resource development work program developed pursuant to s. 373.536(6)(a)4, F.S.;
  - The agency(s) and local sponsor, if any, responsible for overseeing the project;
  - The total or estimated cost and completion date of each project and the financial contribution of each entity;
  - The estimated quantitative benefit to the watershed or waterbody; and
  - The water projects completed within the last 5 years within the watershed or waterbody.
- Submit a report containing the findings on the feasibility study to the Legislature on or before January 1, 2017.

Assessment of Water Resources and Conservation Lands

Present Situation

The Office of Economic and Demographic Research (EDR) conducts research for the Legislature forecasting economic and social trends that affect policy, revenues, and appropriations.[186] EDR researches projects for legislative committees (e.g., sentencing guidelines, environmental land acquisition programs, and the impact of tourism on the state's economy), and also works with Cabinet agencies, statewide commissions, and tasks forces that have legislators among their membership to assess the impact of proposals they are considering submitting to the Legislature.[187]

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[185] Chapter 259, F.S., governs land acquisitions for conservation or recreation.
[186] EDR's website at http://edr.state.fl.us/Content/about/index.cfm
[187] *Id.*

Effect of Proposed Changes

The bill creates s. 403.928, F.S., which requires EDR to conduct an annual assessment of water resources and conservation lands. The assessment must include all of the following related to water resources:

- Historical and current expenditures and projections of future expenditures by federal, state, regional, and local governments and public and private utilities based upon historical trends and ongoing projects or initiatives associated with:
  - Water supply and demand; and
  - Water quality protection and restoration.
- An analysis and estimates of future expenditures by federal, state, regional, and local governments and public and private utilities necessary to comply with federal and state laws and regulations governing water supply and demand, and water quality protection and restoration. The analysis and estimates must address future expenditures by federal, state, regional, and local governments and public and private utilities necessary to achieve the legislature's intent that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that adverse effects of competition for water supplies be avoided. The assessment must include a compilation of projected water supply and demand data developed by each WMD pursuant to ss. 373.036[188] and 373.709[189], F.S., with notations regarding any significant differences between the methods used by the WMDs to calculate the data.
- Forecasts of federal, state, regional, and local government revenues dedicated in current law to the purposes of water supply and demand, and water quality protection and restoration, or that have been historically allocated for these purposes, as well as public and private utility revenues.
- Identification of gaps between projected revenues and projected and estimated expenditures.

In addition, the assessment must include the following related to conservation lands:

- Historical and current expenditures and projections of future expenditures by federal, state, regional, and local governments based upon historical trends and ongoing projects or initiatives associated with real property interests eligible for funding under the s. 259.105, F.S.[190]
- An analysis and estimates of future expenditures by federal, state, regional, and local governments necessary to purchase lands identified in plans set forth by state agencies or WMDs.
- An analysis of the ad valorem tax impacts by county resulting from public ownership of conservation lands.
- Forecasts of federal, state, regional, and local government revenues dedicated in current law to maintain conservation lands and the gap between projected expenditures and revenues.
- The total percentage of real property that is publicly owned for conservation purposes.
- A comparison of the cost of acquiring and maintaining conservation lands under fee simple and less than fee ownership.

The assessment must include analyses on a statewide, regional and geographic basis as appropriate and identify analytical challenges in assessing information across the different regions of the state. It must identify overlap in the expenditures for water resources and conservation lands. The bill requires WMDs, DEP, DACS, the Fish and Wildlife Conservation Commission, counties, municipalities, and special districts to provide assistance to EDR related to their respective areas of expertise. In addition, EDR must be given access to all data necessary to complete the assessment, including confidential data.

[188] Section 373.036, F.S., provides for WMD water management plans.
[189] Section 373.709, F.S., provides for regional water supply plans.
[190] Section 259.105, F.S., is the Florida Forever Act.

The bill requires EDR to submit the assessment to the Legislature by January 1, 2017, and by January 1 of each year thereafter.

B. SECTION DIRECTORY:

Section 1 amends s. 259.032, F.S., providing for a database of conservation lands.

Section 2 amends s. 373.019, F.S., revising the definition of "water resource development."

Section 3 amends s. 373.036, F.S., regarding the consolidated WMD annual report.

Section 4 creates s. 373.037, F.S., establishing a pilot program for AWS development in restricted allocation areas.

Section 5 amends s. 373.042, F.S., regarding MFLs and recovery or prevention strategies.

Section 6 amends s. 373.0421, F.S., regarding the establishment and implementation of MFLs.

Section 7 creates s. 373.0465, F.S., regarding the CFWI.

Section 8 amends s. 373.1501, F.S., regarding the SFWMD as local sponsor.

Section 9 amends s. 373.219, F.S., regarding CUPs.

Section 10 amends s. 373.223, F.S., regarding conditions for a CUP.

Section 11 amends s. 373.2234, F.S., regarding preferred water supply sources.

Section 12 amends s. 373.227, F.S., regarding water conservation.

Section 13 amends s. 373.233, F.S., regarding competing CUP applications.

Section 14 amends s. 373.4591, F.S., regarding improvements on private agricultural lands.

Section 15 amends s. 373.4595, F.S., regarding the NEEPP.

Section 16 amends s. 373.467, F.S., regarding the Harris Chain of Lakes Restoration Council.

Section 17 amends s. 373.536, F.S., regarding the 5-year water resource development work program.

Section 18 amends s. 373.703, F.S., regarding water production.

Section 19 amends 373.705, F.S., regarding water resource and water supply development.

Section 20 amends s. 373.707, F.S., regarding AWS development.

Section 21 amends s. 373.709, F.S., regarding regional water supply planning.

Section 22 creates Part VIII of ch. 373, F.S., establishing the Florida Springs and Aquifer Protection Act consisting of ss. 373.801-373.813, F.S.

Section 23 creates s. 373.801, F.S., providing Legislative findings and intent.

Section 24 creates s. 373.802, F.S., providing definitions.

Section 25 creates s. 373.803, F.S., requiring delineation of priority focus areas for an OFS.

Section 26 creates s. 373.805, F.S., regarding MFLs for an OFS.

Section 27 creates s. 373.807, F.S., regarding the protection of water quality in an OFS.

Section 28 creates s. 373.811, F.S., prohibiting certain activities within a priority focus area.

Section 29 creates s. 373.813, F.S., regarding the adoption of rules.

Section 30 amends s. 403.061, F.S., authorizing the adoption, by rule, of a specific surface water classification for treated potable water supply.

Section 31 creates s. 403.0617, F.S., providing for an innovative nutrient and sediment reduction and conservation pilot project program.

Section 32 amends s. 403.0623, F.S., regarding environmental data and quality assurance.

Section 33 amends s. 403.067, F.S., regarding the establishment and implementation of TMDLs.

Section 34 creates s. 403.0675, F.S., requiring progress reports.

Section 35 amends s. 403.861, F.S., regarding the designation of surface waters for public water supply.

Section 36 creates s. 403.928, F.S., requiring an annual assessment of Florida's water resources and conservation lands.

Section 37 requires a feasibility study for creating and maintaining a web-based interactive map and mobile device application for waters of the state.

Section 38 provides declaration of important state interest.

Section 39 provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

   None.

2. Expenditures:

   Department of Environmental Protection[191]

   Section 1

   The bill requires the development and maintenance of a database relating to recreational uses of state conservation lands by July 1, 2017, as well as the creation of a mobile application relating to recreational uses of state conservation lands. The bill also provides that beginning January 1, 2018, to the greatest extent practicable, the database shall include similar information for lands owned by federal and local governmental entities. DEP's estimate below would fund both the state

[191] Email from Amanda Marsh, Legislative Specialist, Department of Environmental Protection, RE: HB 7005 Analysis (Nov. 12, 2015).

lands and federal and local government lands requirements. DEP hasn't provided a breakdown of costs specifically related to the state lands portion. However, it is expected that the funding for the first year's state land costs will be addressed in the House proposed Fiscal Year 2016-17 General Appropriations Act.

Category/Description	FTE	Recurring	Nonrecurring	Total Costs
Salaries and Benefits	2.0	145,000		145,000
Expenses		12,332	7,764	20,096
Contracted Services/System Development and Maintenance for FL-SOLARIS and FORI		45,400	454,400	499,800
Contracted Services – Application Development for Mobile Application		27,700	277,300	305,000
Contracted Services/ FNAI Data		20,000		20,000
Transfer to DMS-HR Services-Statewide Contract		688		688
Total	**2.0**	**251,120**	**739,464**	**990,584**

Sections 4 and 20:

The bill establishes a pilot program for alternative water supply development in restricted allocation areas. The bill also specifies that if state funds are provided through a specific appropriation, the state funds serve to supplement existing water management district funding for alternative water supply development.

DEP has requested $30 million nonrecurring Land Acquisition Trust Fund (LATF) in their Fiscal Year 2016-17 Legislative Budget Request to provide cost-share incentives for the development of regionally significant non-traditional water supply in priority water supply areas. It is expected that funding for this issue will be addressed in the House proposed Fiscal Year 2016-17 General Appropriations Act.

Section 15

According to DEP, the responsible agencies are already heavily invested, in staff time and project funding, in the Northern Everglades and Estuaries Protection Program, including actions associated with water quality assessment and TMDL, BMAP and best management practices development, adoption and implementation.

The impacts of some of the proposed changes, particularly to the relationships among various agency programs, are difficult to assess in advance. The bill would require a new interagency agreement for the Lake Okeechobee watershed, which would involve additional staff time to finalize. There would be an indeterminate increased workload associated with the additional implementation plan requirements for the three Northern Everglades BMAPs, including the need to revise and adopt the revised BMAPs. The increased workload will be absorbed using existing staff resources. It is unclear how potential local project sponsors would respond to the new requirements, particularly in terms of their willingness to make project commitments that would be incorporated into the BMAPs, and thereby, become enforceable.

DEP would also incur additional costs to develop and adopt by rule nonagricultural nonpoint source best management practices for the Lake Okeechobee watershed. All of these activities represent additional staff time. In addition, there are some external costs associated with rulemaking related

to travel, information distribution, meeting logistics, public notices and similar administrative costs. These typically would not exceed $20,000 and will be absorbed with existing resources.

Successful implementation of the Northern Everglades and Estuaries Protection Program would require continued funding of DEP's watershed management program and technical and financial assistance for implementation of agricultural and nonagricultural best management practices.

DEP has requested funding in their Fiscal Year 2016-17 Legislative Budget Request that could be used to support implementation of this section and other sections of the bill: $9.4 million in nonrecurring LATF for total maximum daily loads, $25 million in nonrecurring LATF for basin management action plan restoration projects, and $17 million ($5 million LATF, $12 million Federal Grants Trust Fund) for nonpoint source management planning grants. It is expected that funding of these issues will be addressed in the House proposed Fiscal Year 2016-17 General Appropriations Act.

Sections 22-29

According to DEP, the costs associated with implementing the Florida Springs and Aquifer Protection Act created in the bill cannot accurately be quantified. The DEP requirements in the bill are nominally the same as those already required under Section 403.067, F.S. These requirements include assessment of water quality, adoption of TMDL restoration targets, and adoption of BMAPs. It does not appear that significant additional expenditures would be required beyond those resulting from the requirements in current law.

However, the bill proposes to expedite the pace at which DEP workload investments would have to be made based on the deadlines and timeframes for adopting new BMAPs or revising existing BMAPs for OFS. These deadlines do not exist in Section 403.067, F.S. DEP would absorb the workload with existing staff.

There are also external costs associated with rulemaking related to travel, information distribution, meeting logistics, public notices and similar administrative costs. These typically would not exceed $20,000 and will be absorbed with existing resources.

DEP has requested $49 million in their Fiscal Year 2016-17 Legislative Budget Request that could be used to support implementation of these sections of the bill. The request includes $18.1 million in nonrecurring funds from the Land Acquisition Trust fund for springs restoration. This is in addition to the recurring $31.9 million ($1.9 million General Revenue and $30 million LATF) for springs restoration. It is expected that funding of these issues will be addressed in the House proposed Fiscal Year 2016-17 General Appropriations Act.

Sections 30 and 35

According to DEP, additional expenditures related to surface water classification are not expected in the short term as DEP has already invested staff resources in the background work where reclassification to Class I (potable water use) is required by federal regulations. Those waterbodies are City of Port St. Joe Freshwater Canal, Tampa Bypass Canal, Alafia River, Peace River, Caloosahatchee River, Marco Lakes and Taylor Creek Reservoir. The costs associated with rulemaking to adopt the reclassification would be managed with existing resources, including travel, information distribution, meeting logistics, public notices and similar administrative costs. The extent to which the legislative direction for a new treated potable water classification would require additional workload investments is unknown because future candidates for the new classification cannot be predicted.

Section 37

DEP estimates it will need 2 OPS positions and related expenses for the purposes of developing a comprehensive and accurate feasibility study to encompass the scope of requirements for the web-based, interactive map of all watersheds and water bodies within those watersheds. It is expected that this funding will be addressed in the House proposed Fiscal Year 2016-17 General Appropriations Act. Other costs associated with the feasibility study will be absorbed within existing resources.

Category/Description	OPS	Recurring	Nonrecurring	Total Costs
Other Personal Services	2.0		127,700	127,700
Expense Category (Travel and Computers)			8,000	8,000
Total	**2.0**		**135,700**	**135,700**

Department of Agriculture and Consumer Services[192]

According to DACS, the Office of Agricultural Water Policy within DACS is currently engaged in many of the activities listed in this bill regarding water supply planning and conservation, Northern Everglades and Estuaries Protection, and Springs Protection. DACS has the following Legislative Budget Request issues to support these activities:

1. $655,149 recurring and $257,115 nonrecurring from the Land Acquisition Trust Fund (LATF) for 8 FTE within the Office Agricultural Water Policy to assist with BMP enrollment and compliance monitoring statewide, including the Northern Everglades and springsheds.
2. $7 million recurring funds from the LATF to continue developing and implementing agricultural BMPs statewide, including the Northern Everglades and springsheds.
3. $15 million nonrecurring funds from the LATF for large scale nutrient reduction and water retention projects in the Lake Okeechobee watershed.
4. $1.5 million nonrecurring General Revenue funding to provide important agricultural water use data to the various WMDs for inclusion in their regional water supply plans. Additionally, this funding supports important water conservation efforts, including the statewide mobile irrigation labs.
5. $1.4 million nonrecurring funds from the General Inspection Trust Fund for partnership agreements with the WMDs and soil and water conservation districts for activities and projects that will expedite and facilitate BMP development and implementation.

It is expected that funding of these issues will be addressed in the House proposed Fiscal Year 2016-17 General Appropriations Act.

Costs associated with rulemaking, rule revisions, and interagency cooperation and coordination are expected to be minimal and will be addressed within existing resources.

Office of Economic & Demographic Research

The bill will have a significant negative fiscal impact on EDR because it will require staff to develop the annual assessment of Florida's water resources and conservation lands. It is estimated that EDR will need a recurring $200,000 for the annual assessment. It is expected that this funding will be provided in the House proposed Fiscal Year 2016-17 General Appropriations Act.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

[192] Email from Stormie Knight, Senior Management Analyst, Department of Agriculture and Consumer Services, FDACS Analysis – HB 7005 (Nov. 6, 2015).

2. Expenditures:

The bill appears to have an indeterminate but likely insignificant fiscal impact on the SJRWMD, SFWMD, and SWFWMD by requiring these WMDs to revise their rules to reflect statutory changes being made in the bill.

Section 1

According to DEP, federal and local usage data on conservation lands will have to be derived or acquired. The cost to the local governments to provide the data is indeterminate. The staff workload is likely to increase until the conservation lands owned by local governments are provided.

Section 22-29

According to DEP, the potential local government expenditures associated with the springs elements of the bill are indeterminate.

There are no costs to local governments for the development of MFLs required by Section 26. The costs of local MFL implementation are indeterminate until after MFLs are established and, where necessary, recovery strategies are determined. These strategies would be developed in conjunction with local governments in the areas.

Most costs related to water quality protection and restoration required of local governments in Section 27 are nominally the same as those that would already be required under existing Section 403.067, F.S., implementation of local BMAP restoration plans. However, some additional local investments would be necessary to participate in the preparation of the septic tank remediation plan and implementation of the fertilizer ordinance required in Section 27, to the extent affected local governments are not already addressing these issues. A potential cost, indeterminate until after completion of the septic tank remediation plan, if necessary, would be implementation once the plan is incorporated into a BMAP. The current estimated costs of septic tank systems that could meet the water quality requirements associated with the legislation range from $15,000 - $20,000 each; connection to a central sewer system ranges from $3,000 - $30,000 per connection depending on circumstances (existing infrastructure, proximity, required treatment level, etc.). Total potential costs are indeterminate and would depend on the nature and scale of remediation, the number of affected properties, the difficulty of building collection and transmission systems, availability of wastewater treatment facilities and other factors. No remediation funds are made available through the legislation. Some existing funding sources for such work from agency programs, such as DEP's State Revolving Fund low-interest loan program, are available and the financing (borrowing) market would be available to certain communities. Grant funds—the sources of money local governments seek first—are limited.

Some costs could accrue to local governments because of the prohibitions associated with springs priority focus areas in Section 28. As these are prohibitions on certain new facilities or activities, costs would only be incurred should a local government intend to propose the facilities, an unknown at this point.

With respect to the treated potable water supply classification in sections 30 and 35, less stringent criteria for the surface water supply could require somewhat more expensive treatment by potable water systems using that source water. Whether the need for those expenditures would violate the terms of the legislation would depend on the operational interpretation of a "significant alteration of permitted treatment processes" characterized in Section 30.

The classification "treated potable water supply" would have less stringent criteria than the current "potable water supply classification." This means wastewater discharges to the surface water supply could potentially be treated less rigorously. Since the bill would effectively require reclassification to the less stringent criteria, then potable water systems that withdraw source water

from the reclassified surface water might have to upgrade their treatment to meet drinking water criteria. For existing systems, this would involve an expenditure over and above what they've already invested. For new systems, this would mean an investment over and above what they would previously have had to make.

Section 37

This section requires the EDR to conduct an annual assessment of Florida's water resources and conservation lands. The vast quantity of information required to fulfil this requirement does not exist in any single repository but is widely dispersed. A significant share of information gathering will be performed by local government agencies and special districts, which are required to assist EDR, including by making data accessible. Florida has 67 counties and, according to the Florida League of Cities, 410 municipal governments. According to the Florida Department of Economic Opportunity, there are more than 1,650 special districts, which are generally characterized as structurally most similar to local governments. The workload on any one of these more than 2,100 individual entities is unknown, but, in its first iteration at a minimum would require the involvement of local staff in a variety of departments and involve many hours to accomplish. It is also unclear whether new data systems might have to be built to collect, organize, validate and supply the information on an ongoing annual basis.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Section 2 and 14

The bill appears to have a positive economic impact on the private sector by amending the definition of "water resource development" to include self-suppliers as an entity that may receive technical assistance related to water resource development, as long as such assistance promotes the policies set forth in s. 373.016, F.S. In addition, the bill authorizes public-private partnerships for groundwater recharge on private agricultural lands, which should have a positive fiscal impact on the private sector.

Section 10

The requirement for specified well operators to monitor and report water usage to applicable water management districts could result in a negative fiscal impact to those operators. According to the water management districts[193], cost is variable based on well size and whether any modifications to the piping needs to occur to get an accurate meter reading due to horizontal vs turbulent flow conditions in the piping. Monitoring costs will also vary by site, number of wells, and whether the pump is run by diesel or three phased power and the type of monitoring device used. The estimated cost of equipment installation could cost between $500 and $3,000 per well. The cost of monitoring could range between $500 and $1,000 per well, per year.

Sections 22-29

The costs associated with the springs elements of the bill are indeterminate. There are no costs to the private sector for the development of MFLs. The costs of local MFL implementation are indeterminate until after MFLs are established and, where necessary, recovery or prevention strategies are determined. These strategies would be developed in conjunction with local stakeholders in the areas.

Most costs related to water quality protection and restoration required of the private sector, including the agricultural industry, are nominally the same as those that would be required under existing Section 403.067, F.S., regarding the implementation of local BMAP restoration strategies. The fiscal impact to homeowners for tanks remediation is indeterminate. However, homeowners that need to upgrade septic tanks would likely see a negative fiscal impact. Homeowners that are currently using septic tanks that are switched to sewer will have to start paying utility fees for that service (See Fiscal Impact on Local Governments, Expenditures, Sections 22-29 for more details).

[193] Email from Jack Furney, Deputy Director – Office of Water Policy, Department of Environmental Protection, RE: Water Use Monitoring (Nov. 16, 2015).

The bill appears to have an indeterminate negative economic impact on the private sector by prohibiting certain activities within a priority focus area of an OFS.

Sections 30 and 35

Indeterminate, unpredictable costs could accrue to certain privately owned drinking water systems in the future if they propose to withdraw source water from a surface water that is not classified as a potable water supply and which, by definition, would then have to be classified as a "treated potable water supply," with less stringent criteria than a "potable water supply." While not likely given current water quality conditions, less stringent criteria could require somewhat more expensive treatment, depending on the operational interpretation of a "significant" alteration of permitted treatment processes.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18, of the Florida Constitution may apply because this bill may require local governments to spend money related to environmental resources. An exemption may apply if the bill results in an insignificant fiscal impact to local governments. An exception also may apply because similarly situated persons are all required to comply and the bill articulates a threshold finding of serving an important state interest.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DEP, WMDs, and DACS to adopt rules to implement the act.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

A bill to be entitled

An act relating to environmental resources; amending s. 259.032, F.S.; requiring the Department of Environmental Protection to publish, update, and maintain a database of conservation lands; requiring the department to submit a report by a certain date each year to the Governor and the Legislature identifying the percentage of such lands which the public has access to and the efforts the department has undertaken to increase public access; amending s. 373.019, F.S.; revising the definition of the term "water resource development" to include technical assistance to self-suppliers under certain circumstances; amending s. 373.036, F.S.; requiring certain information to be included in the consolidated annual report for certain projects related to water quality or water quantity; creating s. 373.037, F.S.; defining terms; providing legislative findings; authorizing certain water management districts to designate and implement pilot projects; providing powers and limitations for the governing boards of such water management districts; requiring a participating water management district to submit a report to the Governor and the Legislature on the effectiveness of its pilot project by a certain date; amending s. 373.042, F.S.; requiring the department or

the governing board of a water management district to adopt a minimum flow or minimum water level for an Outstanding Florida Spring using emergency rulemaking authority under certain circumstances; requiring collaboration in the development and implementation of recovery or prevention strategies under certain circumstances; revising the rulemaking authority of the department; amending s. 373.0421, F.S.; directing the department or the water management district governing boards to adopt and implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and minimum water levels; providing criteria for such recovery or prevention strategies; requiring certain amendments to regional water supply plans to be concurrent with relevant portions of the recovery or prevention strategy; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; requiring the department, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department

of Agriculture and Consumer Services to develop and implement a multidistrict regional water supply plan; providing plan criteria and requirements; providing applicability; requiring the department to adopt rules; amending s. 373.1501, F.S.; specifying authority of the South Florida Water Management District to allocate quantities of, and assign priorities for the use of, water within its jurisdiction; directing the district to provide recommendations to the United States Army Corps of Engineers when developing or implementing certain water control plans or regulation schedules; amending s. 373.219, F.S.; requiring the department to adopt certain uniform rules; amending s. 373.223, F.S.; requiring consumptive use permits authorizing over a certain amount to be monitored on a specified basis; amending s. 373.2234, F.S.; directing water management district governing boards to consider the identification of preferred water supply sources for certain water users; amending s. 373.227, F.S.; prohibiting water management districts from modifying permitted allocation amounts under certain circumstances; requiring the water management districts to adopt rules to promote water conservation incentives; amending s. 373.233, F.S.; providing conditions under which the department and water

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

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

defining terms; creating s. 373.803, F.S.; requiring the department to delineate a priority focus area for each Outstanding Florida Spring by a certain date; creating s. 373.805, F.S.; requiring a water management district or the department to adopt or revise various recovery or prevention strategies under certain circumstances; providing minimum requirements for recovery or prevention strategies for Outstanding Florida Springs; authorizing local governments to apply for an extension for projects in an adopted recovery or prevention strategy; creating s. 373.807, F.S.; requiring the department to initiate assessments of Outstanding Florida Springs by a certain date; requiring the department to develop basin management action plans; authorizing local governments to apply for an extension for projects in an adopted basin management action plan; requiring certain local governments to develop, enact, and implement an urban fertilizer ordinance by a certain date; requiring the Department of Environmental Protection, the Department of Health, and relevant local governments and utilities to develop onsite sewage treatment and disposal system remediation plans under certain circumstances; requiring the Department of Environmental Protection to be the lead agency; creating s. 373.811, F.S.; specifying prohibited

activities within a priority focus area of an Outstanding Florida Spring; creating s. 373.813, F.S.; providing rulemaking authority; amending s. 403.061, F.S.; directing the department to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply; providing criteria for such rule; authorizing the reclassification of surface waters used for treated potable water supply notwithstanding such rule; creating s. 403.0617, F.S.; authorizing the department to fund nutrient and sediment reduction and conservation pilot projects under certain circumstances; requiring the department to initiate rulemaking by a certain date; amending s. 403.0623, F.S.; requiring the department to establish certain standards; requiring state agencies and water management districts to show that they followed the department's standards in order to receive certain funding; amending s. 403.067, F.S.; providing requirements for new or revised basin management action plans; requiring the department to adopt rules relating to the enforcement and verification of best management action plans and management strategies; creating s. 403.0675, F.S.; requiring the department and the Department of Agriculture and Consumer Services to post annual progress reports on their

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

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

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

259.032 Conservation and recreation lands.—

(9)

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

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

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

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

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

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

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

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

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

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

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

373.036 Florida water plan; district water management plans.—

(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

c. The estimated cost for each listed project;

d. The estimated completion date for each listed project;

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

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

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

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

373.037 Pilot program for alternative water supply development in restricted allocation areas.—

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

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

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

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

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

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

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

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

(2) The Legislature finds that:

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

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

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

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

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

subject to the following restrictions in implementing the pilot project:

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

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

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

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

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

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

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

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

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

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

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

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

373.042 Minimum flows and minimum water levels.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ESTABLISHMENT.—

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

(b) Exclusions.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 7. Section 373.0465, Florida Statutes, is created

to read:

373.0465 Central Florida Water Initiative.-

(1) The Legislature finds that:

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

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

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

associated natural systems.

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

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

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

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

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

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

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

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

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

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

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

3. Consider existing recovery or prevention strategies;

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

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

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

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

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

3. A single process for permit reviews;

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

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

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

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

(e) The department shall initiate rulemaking for the

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

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

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

373.1501 South Florida Water Management District as local sponsor.—

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

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

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

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

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

(d) Act as local sponsor for project components.

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

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

373.219 Permits required.—

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

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

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

373.223 Conditions for a permit.—

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

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

373.2234 Preferred water supply sources.—

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

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

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

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

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

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

~~construed to~~

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

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

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

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

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

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

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

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

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

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

373.233 Competing applications.—

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

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

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

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

373.4591 Improvements on private agricultural lands.—

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

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

(b) Provide critical groundwater recharge; or

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

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

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

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

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

373.4595 Northern Everglades and Estuaries Protection

Program.—

(1) FINDINGS AND INTENT.—

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

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

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

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

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

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

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

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

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

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

District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~4.~~ relevant information resulting from the Lake Okeechobee Exotic Species Control Program, pursuant to paragraph (c); and ~~(e).~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

appropriate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.~~d.~~ Where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted best management practices, ~~the Department of Agriculture and Consumer Services, in consultation with the other coordinating agencies and affected parties, shall institute~~ a reevaluation of the best management practices shall

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

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

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

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

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

9.~~c.~~ As provided in s. 403.067, the district or the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) ~~2.~~ Caloosahatchee River Watershed Basin Management

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

funding shall be maximized to the greatest extent practicable.

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

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

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

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

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

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

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

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

basin management action plan.

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

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

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

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

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

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

(7) LAKE OKEECHOBEE PROTECTION PERMITS.—

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

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

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

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

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

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

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

~~c. Do not pose a serious danger to public health, safety, or welfare.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373.536 District budget and hearing thereon.—

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

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

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

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

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

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

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

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

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

House of Representatives.

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

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

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

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

373.705 Water resource development; water supply development.—

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

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

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

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

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

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

(4)

(b) Water supply development projects that meet the

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

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

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

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

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

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

373.707 Alternative water supply development.—

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

(f) The provision of technical and financial assistance to

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

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

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

(8)

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

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

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

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

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

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

373.709 Regional water supply planning.—

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

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

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

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

data.

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

2. A list of water supply development project options, including traditional and alternative water supply project options <u>that are technically and financially feasible</u>, from which local government, government-owned and privately owned utilities, regional water supply authorities, multijurisdictional water supply entities, self-suppliers, and others may choose for water supply development. In addition to projects listed by the district, such users may propose specific projects for inclusion in the list of alternative water supply projects. If such users propose a project to be listed as an alternative water supply project, the district shall determine

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

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

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

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

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

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

(b) A water resource development component that includes:

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

2. For each water resource development project listed:

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

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

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

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

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

(d) A funding strategy for water resource development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373.801 Legislative findings and intent.—

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

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

(3) The Legislature recognizes that:

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) De Leon Springs;

(b) Peacock Springs;

(c) Poe Springs;

(d) Rock Springs;

(e) Wekiwa Springs; and

(f) Gemini Springs.

The term does not include submarine springs or river rises.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A priority listing of each project;

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

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

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

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

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

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

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

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

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

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

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

initiation and must include, at a minimum:

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

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

3. A priority rank for each listed project;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

373.811 Prohibited activities within a priority focus

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

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

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

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

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

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

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

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

373.813 Rules.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

take to complete relative to its expected benefits.

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

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

403.0623 Environmental data; quality assurance.—

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

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

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

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

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

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

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

403.067 Establishment and implementation of total maximum daily loads.—

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

(a) Basin management action plans.—

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

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

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

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

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

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

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

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

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

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

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

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

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

subparagraph 5.~~4~~.

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

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

(b) Total maximum daily load implementation.—

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

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

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

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

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

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

e. Public works including capital facilities; or

f. Land acquisition.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Best management practices.—

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

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

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

3. Where interim measures, best management practices, or

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

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

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

5. Agricultural records relating to processes or methods

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

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

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

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Water supply and demand; and

2. Water quality protection and restoration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

including any confidential data.

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

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

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

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

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

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

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

(f) The impairment status of each water body;

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

anticipated adoption date;

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

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

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

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

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

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

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

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

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

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Agriculture & Natural Resources Appropriations Subcommittee

Representative Caldwell offered the following:

Amendment

Remove lines 385-386 and insert:

be used within the boundaries of the water management district that designated the alternative water supply project.

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION	
ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Agriculture & Natural Resources Appropriations Subcommittee
Representative Caldwell offered the following:

Amendment (with title amendment)

Remove lines 672-681 and insert:

(2) If, at the time a minimum flow or minimum water level is initially established for a water body pursuant to s. 373.042 or is revised, the existing flow or water level in the ~~a~~ water body is below, or is projected to fall within 20 years below, the applicable minimum flow or minimum water level ~~established pursuant to s. 373.042~~, the department or governing board, as part of the regional water supply plan described in s. 373.709, shall concurrently adopt or modify and ~~expeditiously~~ implement a recovery or prevention strategy. If a minimum flow or minimum water level has been established for a water body pursuant to s. 373.042, and the existing flow or water level in the water body

falls below, or is projected to fall within 20 years below, the applicable minimum flow or minimum water level, the department or governing board shall expeditiously adopt a recovery or prevention strategy. A recovery or prevention strategy shall include~~, which includes~~ the development of additional water supplies and other actions, consistent with the authority granted by this chapter, to:

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

Remove lines 36-38 and insert:

governing boards to adopt or modify recovery or prevention strategies concurrently with the initial adoption or revision of certain minimum flows and minimum water levels; directing the department or the water management district governing boards to expeditiously adopt a recovery or prevention strategy under certain circumstances;

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	__ (Y/N)
ADOPTED AS AMENDED	__ (Y/N)
ADOPTED W/O OBJECTION	__ (Y/N)
FAILED TO ADOPT	__ (Y/N)
WITHDRAWN	__ (Y/N)
OTHER	_____

Committee/Subcommittee hearing bill: Agriculture & Natural Resources Appropriations Subcommittee

Representative Caldwell offered the following:

Amendment (with title amendment)

Remove line 904 and insert:

districts may adopt rules to implement this subsection. In lieu of the requirements of this subsection, a water management district may enforce rules that govern water usage monitoring in effect on July 1, 2016, or may adopt rules that are more stringent than this subsection.

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

Remove line 68 and insert:

certain amount to be monitored on a specified basis; providing an exception;