

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

---

1 Committee/Subcommittee hearing bill: State Affairs Committee  
2 Representative Caldwell offered the following:

3  
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:  
6 Section 1. Subsection (24) of section 373.019, Florida  
7 Statutes, is amended to read:

8 373.019 Definitions.— When appearing in this chapter or in  
9 any rule, regulation, or order adopted pursuant thereto, the  
10 term:

11 (24) "Water resource development" means the formulation  
12 and implementation of regional water resource management  
13 strategies, including the collection and evaluation of surface  
14 water and groundwater data; structural and nonstructural  
15 programs to protect and manage water resources; the development  
16 of regional water resource implementation programs; the  
17 construction, operation, and maintenance of major public works

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

18 facilities to provide for flood control, surface and underground  
19 water storage, and groundwater recharge augmentation; and  
20 related technical assistance to local governments, ~~and to~~  
21 government-owned and privately owned water utilities, and self-  
22 suppliers.

23 Section 2. Subsection (2) of section 373.0421, Florida  
24 Statutes, is amended, subsection (3) is renumbered as subsection  
25 (5), and new subsections (3) and (4) are added to that section,  
26 to read:

27 373.0421 Establishment and implementation of minimum flows  
28 and levels.—

29 (2) If the existing flow or level in a water body is  
30 below, or is projected to fall within 20 years below, the  
31 applicable minimum flow or level established pursuant to s.  
32 373.042, the department or governing board, concurrent with the  
33 adoption of the minimum flow or level and as part of the  
34 regional water supply plan described in s. 373.709, shall  
35 expeditiously implement a recovery or prevention strategy, which  
36 includes the development of additional water supplies and other  
37 actions, consistent with the authority granted by this chapter,  
38 to:

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

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

43

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

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

54 (3) In order to ensure that sufficient water is available  
55 for all existing and future reasonable-beneficial uses and the  
56 natural systems, the applicable regional water supply plan  
57 prepared pursuant to s. 373.709 shall be amended to include any  
58 water supply development projects and water resource development  
59 projects identified in a recovery or prevention strategy. Such  
60 amendment shall be approved concurrently with relevant portions  
61 of the recovery or prevention strategy.

62 (4) The water management district shall notify the  
63 department if an application for a water use permit is denied  
64 based upon the impact that the use will have on an established  
65 minimum flow or level. Upon receipt of such notice, the  
66 department shall, as soon as practicable and in cooperation with  
67 the water management district, conduct a review of the  
68 applicable regional water supply plan prepared pursuant to s.  
69 373.709. Such review shall include an assessment by the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

70 department of the adequacy of the plan to meet the legislative  
71 intent of s. 373.705(2)(b) that sufficient water be available  
72 for all existing and future reasonable-beneficial uses and the  
73 natural systems and that the adverse effects of competition for  
74 water supplies be avoided. If the department determines, based  
75 upon this review, that the regional water supply plan does not  
76 adequately address the legislative intent of s. 373.705(2)(b),  
77 the water management district shall immediately initiate an  
78 update of the plan consistent with s. 373.709.

79 Section 3. Section 373.0465, Florida Statutes, is created  
80 to read:

81 373.0465 Central Florida Water Initiative.-

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

83 (a) Historically, the Floridan aquifer system has supplied  
84 the vast majority of the water used in the Central Florida  
85 Coordination Area, as defined in s. 373.0363, which includes  
86 southern Lake County and all of Orange, Osceola, Polk, and  
87 Seminole Counties.

88 (b) Because the boundaries of the St. Johns River Water  
89 Management District, the South Florida Water Management  
90 District, and the Southwest Florida Water Management District  
91 meet within the Central Florida Coordination Area, the three  
92 districts and the Department of Environmental Protection have  
93 worked cooperatively to determine that the Floridan aquifer  
94 system is locally approaching the sustainable limits of use and  
95 are exploring the need to develop sources of water to meet the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

96 long-term water needs of the area.

97 (c) The Central Florida Water Initiative, a collaborative  
98 process involving the Department of Environmental Protection,  
99 the St. Johns River Water Management District, the South Florida  
100 Water Management District, the Southwest Florida Water  
101 Management District, the Department of Agriculture and Consumer  
102 Services, regional public water supply utilities, and other  
103 stakeholders, has developed a framework, as set forth in the  
104 Central Florida Water Initiative Guiding Document of June 27,  
105 2014, for a unified process to address the current and long-term  
106 water supply needs of central Florida without causing harm to  
107 the water resources and associated natural systems.

108 (d) In order to ensure that the Central Florida Water  
109 Initiative participants continue to develop and implement an  
110 effective and consistent long-term water resource planning,  
111 development, and management strategy for the central Florida  
112 area an interagency agreement between the Department of  
113 Environmental Protection, the St. Johns River Water Management  
114 District, the South Florida Water Management District, the  
115 Southwest Florida Water Management District, and the Department  
116 of Agriculture and Consumer Services is needed.

117 (e) Developing water sources as an alternative to  
118 continued reliance on the Floridan aquifer will benefit human  
119 and natural systems beyond the boundaries of the Central Florida  
120 Water Initiative.

121 (2) CENTRAL FLORIDA WATER INITIATIVE INTERAGENCY

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

122 AGREEMENT.—

123 (a) As used in this subsection, the term "Central Florida  
124 Water Initiative Area" means all of Orange, Osceola, Polk, and  
125 Seminole Counties, and southern Lake County, as designated by  
126 the Southwest Florida Water Management District, the South  
127 Florida Water Management District, and the St. Johns River Water  
128 Management District.

129 (b) By December 31, 2015, the Department of Environmental  
130 Protection shall complete a Central Florida Water Initiative  
131 interagency agreement pursuant to s. 373.046 with the St. Johns  
132 River Water Management District, the South Florida Water  
133 Management District, the Southwest Florida Water Management  
134 District, and the Department of Agriculture and Consumer  
135 Services. The interagency agreement shall apply only to the  
136 Central Florida Water Initiative Area and shall be adopted  
137 pursuant to chapter 120 in the same manner as a rule.

138 (c) The interagency agreement shall:

139 1. Provide for a continuation of the collaborative process  
140 among the state agencies, affected water management districts,  
141 regional public water supply utilities, and other stakeholders.

142 2. Include the guiding principles and goals set forth in  
143 the Central Florida Water Initiative Guiding Document of June  
144 27, 2014, and build upon the work that has already been  
145 accomplished by the Central Florida Water Initiative  
146 participants in addressing these guiding principles and goals.

147 3. Require, as set forth in the Central Florida Water

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

148 Initiative Guiding Document of June 27, 2014, the development  
149 and implementation of a single multi-district regional water  
150 supply plan, including any needed recovery or prevention  
151 strategies and the approved list of water resource or water  
152 supply development projects, by the affected water management  
153 districts.

154 4. Require uniform rules for regulatory programs that  
155 include:

156 a. A single hydrologic model to assess the availability of  
157 groundwater.

158 b. A single, uniform definition of "harmful to the water  
159 resources" as used in s. 373.219.

160 c. A single reference condition.

161 d. A single process for permit reviews.

162 e. A single, consistent process, as appropriate, to set  
163 minimum flows and levels and reservations.

164 f. A single method for calculating residential per capita  
165 water use.

166 (d) In developing the water supply planning and regulatory  
167 program consistent with the goals set forth in paragraph (c),  
168 the parties to the interagency agreement shall:

169 1. Consider limitations on groundwater use together with  
170 opportunities for new, increased, or redistributed groundwater  
171 uses that are based on environmental constraints.

172 2. Establish a coordinated process for the identification  
173 of new or revised environmental constraints.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

174 3. Consider existing prevention and recovery strategies.

175 4. Include a list of water supply options sufficient to  
176 meet the water needs of all existing and future reasonable-  
177 beneficial uses which avoid environmental harm and are  
178 consistent with the public interest.

179 5. Identify which of the water supply sources are  
180 preferred water supply sources pursuant to s. 373.2234.

181 6. Provide for partnership agreements among the Department  
182 of Environmental Protection, the Department of Agriculture and  
183 Consumer Services, water management districts, and water users.

184 (e) Water management district planning and regulatory  
185 programs developed pursuant to the interagency agreement shall  
186 be approved or adopted as required under this chapter. However,  
187 such planning and regulatory programs may not serve to modify  
188 planning and regulatory programs in areas of the affected  
189 districts that are not within the Central Florida Water  
190 Initiative Area, but may include interregional projects located  
191 outside the Central Florida Water Initiative Area that are  
192 consistent with planning and regulatory programs in the areas in  
193 which they are located.

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

198 373.1501 South Florida Water Management District as local  
199 sponsor.-

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



Amendment No.

200 (4) The district is authorized to act as local sponsor of  
201 the project for those project features within the district as  
202 provided in this subsection and subject to the oversight of the  
203 department as further provided in s. 373.026. The district shall  
204 continue to exercise the authority of the state to allocate  
205 quantities of water within its jurisdiction, including the water  
206 supply in relation to the project, and be responsible for  
207 allocating water and assigning priorities among the other water  
208 uses served by the project pursuant to state law. The district  
209 may:

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

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

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

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

226 Section 5. Section 373.2234, Florida Statutes, is amended  
227 to read:

228 373.2234 Preferred water supply sources.—

229 (1) The governing board of a water management district is  
230 authorized to adopt rules that identify preferred water supply  
231 sources for consumptive uses for which there is sufficient data  
232 to establish that a preferred source will provide a substantial  
233 new water supply to meet the existing and projected reasonable-  
234 beneficial uses of a water supply planning region identified  
235 pursuant to s. 373.709(1), while sustaining existing water  
236 resources and natural systems. At a minimum, such rules must  
237 contain a description of the preferred water supply source and  
238 an assessment of the water the preferred source is projected to  
239 produce.

240 (2) (a) If an applicant proposes to use a preferred water  
241 supply source, that applicant's proposed water use is subject to  
242 s. 373.223(1), except that the proposed use of a preferred water  
243 supply source must be considered by a water management district  
244 when determining whether a permit applicant's proposed use of  
245 water is consistent with the public interest pursuant to s.  
246 373.223(1) (c).

247 (b) The governing board of a water management district  
248 shall give consideration to the identification of preferred  
249 water supply sources for water users for which access to or  
250 development of new water supplies is not technically or  
251 financially feasible.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

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

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

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

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

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

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

274        Section 6. Subsection (2) of section 373.233, Florida  
275 Statutes, is amended to read:

276        373.233 Competing applications.-

277        (2) (a) ~~If In the event that~~ two or more competing

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

278 applications qualify equally under ~~the provisions of~~ subsection  
279 (1), the governing board or the department shall give preference  
280 to a renewal application over an initial application.

281 (b) If two or more competing applications qualify equally  
282 under subsection (1) and none of the competing applications is a  
283 renewal application, the governing board or the department shall  
284 give preference to the use for which an alternate water supply  
285 is not technically and financially feasible.

286 Section 7. Section 373.4591, Florida Statutes, is amended  
287 to read:

288 373.4591 Improvements on private agricultural lands.—

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

294 (a) Store or treat water on private lands for purposes of  
295 hydrologic improvement, water quality, or water supply;

296 (b) Provide critical ground water recharge; or

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

299 (2) (a) When an agreement is entered into between the  
300 department, a water management district, or the Department of  
301 Agriculture and Consumer Services and a private landowner to  
302 establish ~~such~~ a public-private partnership that may create or  
303 impact wetlands or other surface waters, a baseline condition

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

304 determining the extent of wetlands and other surface waters on  
305 the property shall be established and documented in the  
306 agreement before improvements are constructed.

307 (b) When an agreement is entered into between the  
308 Department of Agriculture and Consumer Services and a private  
309 landowner to implement best management practices pursuant to s.  
310 403.067(7)(c), a baseline condition determining the extent of  
311 wetlands and other surface water on the property may be  
312 established at the option and expense of the private landowner  
313 and documented in the agreement before improvements are  
314 constructed. The Department of Agriculture and Consumer Services  
315 shall submit the landowner's proposed baseline condition  
316 documentation to the lead agency for review and approval, and  
317 the agency shall use its best efforts to complete the review  
318 within 45 days.

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

329 Section 8. Paragraph (h) of subsection (1) and subsections

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

330 (2) through (7) of section 373.4595, Florida Statutes, are  
331 amended to read:

332 373.4595 Northern Everglades and Estuaries Protection  
333 Program.—

334 (1) FINDINGS AND INTENT.—

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

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

349 (a) "Best management practice" means a practice or  
350 combination of practices determined by the coordinating  
351 agencies, based on research, field-testing, and expert review,  
352 to be the most effective and practicable on-location means,  
353 including economic and technological considerations, for  
354 improving water quality in agricultural and urban discharges.  
355 Best management practices for agricultural discharges shall

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

356 reflect a balance between water quality improvements and  
357 agricultural productivity.

358 (b) "Biosolids" means the solid, semisolid, or liquid  
359 residue generated during the treatment of domestic wastewater in  
360 a domestic wastewater treatment facility, formerly known as  
361 "domestic wastewater residuals" or "residuals," and includes  
362 products and treated material from biosolids treatment  
363 facilities and septage management facilities regulated by the  
364 department. The term does not include the treated effluent or  
365 reclaimed water from a domestic wastewater treatment facility,  
366 solids removed from pump stations and lift stations, screenings  
367 and grit removed from the preliminary treatment components of  
368 domestic wastewater treatment facilities, or ash generated  
369 during the incineration of biosolids.

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

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

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

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

386        ~~(g) "District's WOD program" means the program implemented  
387 pursuant to rules adopted as authorized by this section and ss.  
388 373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,  
389 373.451, and 373.453, entitled "Works of the District Basin."~~

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

393        (i) "Lake Okeechobee Watershed Protection Plan" means the  
394 Lake Okeechobee Watershed Construction Project and the Lake  
395 Okeechobee Watershed Research and Water Quality Monitoring  
396 Program ~~plan developed pursuant to this section and ss. 373.451-~~  
397 ~~373.459.~~

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

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

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



Amendment No.

408 operational change, resulting from the Restudy, to the Central  
409 and Southern Florida Project as it existed and was operated as  
410 of January 1, 1999.

411 ~~(m)~~ ~~(n)~~ "Restudy" means the Comprehensive Review Study of  
412 the Central and Southern Florida Project, for which federal  
413 participation was authorized by the Federal Water Resources  
414 Development Acts of 1992 and 1996 together with related  
415 Congressional resolutions and for which participation by the  
416 South Florida Water Management District is authorized by s.  
417 373.1501. The term includes all actions undertaken pursuant to  
418 the aforementioned authorizations which will result in  
419 recommendations for modifications or additions to the Central  
420 and Southern Florida Project.

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

434 (p) "St. Lucie River watershed" means the St. Lucie River,  
435 its tributaries, its estuary, and the area within Martin,  
436 Okeechobee, and St. Lucie Counties from which surface water flow  
437 is directed or drains, naturally or by constructed works, to the  
438 river, its tributaries, or its estuary.

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

447 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake  
448 Okeechobee Watershed Protection Program shall consist of the  
449 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee  
450 Basin Management Action Plan adopted pursuant to s. 403.067, the  
451 Lake Okeechobee Exotic Species Control Program, and the Lake  
452 Okeechobee Internal Phosphorus Management Program. The Lake  
453 Okeechobee Basin Management Action Plan adopted pursuant to s.  
454 403.067 shall be the component of the Lake Okeechobee Watershed  
455 Protection ~~A protection Program for Lake Okeechobee that~~  
456 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~  
457 ~~immediately implemented as specified in this subsection.~~ The  
458 Lake Okeechobee Watershed Protection Program shall address the  
459 reduction of phosphorus loading to the lake from both internal

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

460 and external sources. Phosphorus load reductions shall be  
461 achieved through a phased program of implementation. ~~Initial~~  
462 ~~implementation actions shall be technology-based, based upon a~~  
463 ~~consideration of both the availability of appropriate technology~~  
464 ~~and the cost of such technology, and shall include phosphorus~~  
465 ~~reduction measures at both the source and the regional level.~~  
466 ~~The initial phase of phosphorus load reductions shall be based~~  
467 ~~upon the district's Technical Publication 81-2 and the~~  
468 ~~district's WOD program, with subsequent phases of phosphorus~~  
469 ~~load reductions based upon the total maximum daily loads~~  
470 ~~established in accordance with s. 403.067.~~ In the development  
471 and administration of the Lake Okeechobee Watershed Protection  
472 Program, the coordinating agencies shall maximize opportunities  
473 provided by federal cost-sharing programs and opportunities for  
474 partnerships with the private sector.

475 (a) Lake Okeechobee Watershed Protection Plan.—In order to  
476 protect and restore surface water resources, the district, in  
477 cooperation with the other coordinating agencies, shall complete  
478 a Lake Okeechobee Watershed Protection Plan in accordance with  
479 this section and ss. 373.451-373.459. Beginning March 1, 2020,  
480 and every 5 years thereafter, the district shall update the Lake  
481 Okeechobee Watershed Protection Plan to ensure that it is  
482 consistent with the Lake Okeechobee Basin Management Action Plan  
483 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed  
484 Protection Plan shall identify the geographic extent of the  
485 watershed, be coordinated with the plans developed pursuant to

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

486 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee  
487 Watershed Construction Project and the Lake Okeechobee Watershed  
488 Research and Water Quality Monitoring Program ~~contain an~~  
489 ~~implementation schedule for subsequent phases of phosphorus load~~  
490 ~~reduction consistent with the total maximum daily loads~~  
491 ~~established in accordance with s. 403.067. The plan shall~~  
492 ~~consider and build upon a review and analysis of the following:~~  
493       1. ~~the performance of projects constructed during Phase I~~  
494 ~~and Phase II of the Lake Okeechobee Watershed Construction~~  
495 ~~Project, pursuant to subparagraph 1.; ~~paragraph (b)~~.~~  
496       2. ~~relevant information resulting from the Lake Okeechobee~~  
497 ~~Basin Management Action Plan Watershed Phosphorus Control~~  
498 ~~Program, pursuant to paragraph (b); ~~(e)~~.~~  
499       3. ~~relevant information resulting from the Lake Okeechobee~~  
500 ~~Watershed Research and Water Quality Monitoring Program,~~  
501 ~~pursuant to subparagraph 2.; ~~paragraph (d)~~.~~  
502       4. ~~relevant information resulting from the Lake Okeechobee~~  
503 ~~Exotic Species Control Program, pursuant to paragraph (c); and~~  
504 ~~(e).~~  
505       5. ~~relevant information resulting from the Lake Okeechobee~~  
506 ~~Internal Phosphorus Management Program, pursuant to paragraph~~  
507 ~~(d) ~~(f)~~.~~  
508       1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To  
509 improve the hydrology and water quality of Lake Okeechobee and  
510 downstream receiving waters, including the Caloosahatchee and  
511 St. Lucie Rivers and their estuaries, the district, in

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

512 cooperation with the other coordinating agencies, shall design  
513 and construct the Lake Okeechobee Watershed Construction  
514 Project. The project shall include:

515 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed  
516 Construction Project shall consist of a series of project  
517 features consistent with the recommendations of the South  
518 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
519 Action Plan. Priority basins for such projects include S-191, S-  
520 154, and Pools D and E in the Lower Kissimmee River. In order to  
521 obtain phosphorus load reductions to Lake Okeechobee as soon as  
522 possible, the following actions shall be implemented:

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

538        (III)e. The district shall work with the Corps of  
539 Engineers to expedite initiation of the design process for the  
540 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater  
541 Treatment Area, a project component of the Comprehensive  
542 Everglades Restoration Plan. The district shall propose to the  
543 Corps of Engineers that the district take the lead in the design  
544 and construction of the Reservoir Assisted Stormwater Treatment  
545 Area and receive credit towards the local share of the total  
546 cost of the Comprehensive Everglades Restoration Plan.

547        b.2. Phase II technical plan and construction. ~~By February~~  
548 ~~1, 2008,~~ The district, in cooperation with the other  
549 coordinating agencies, shall develop a detailed technical plan  
550 for Phase II of the Lake Okeechobee Watershed Construction  
551 Project which provides the basis for the Lake Okeechobee Basin  
552 Management Action Plan adopted by the department pursuant to s.  
553 403.067. The detailed technical plan shall include measures for  
554 the improvement of the quality, quantity, timing, and  
555 distribution of water in the northern Everglades ecosystem,  
556 including the Lake Okeechobee watershed and the estuaries, and  
557 for facilitating the achievement of water quality standards. Use  
558 of cost-effective biologically based, hybrid wetland/chemical  
559 and other innovative nutrient control technologies shall be  
560 incorporated in the plan where appropriate. The detailed  
561 technical plan shall also include a Process Development and  
562 Engineering component to finalize the detail and design of Phase  
563 II projects and identify additional measures needed to increase

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

564 the certainty that the overall objectives for improving water  
565 quality and quantity can be met. Based on information and  
566 recommendations from the Process Development and Engineering  
567 component, the Phase II detailed technical plan shall be  
568 periodically updated. Phase II shall include construction of  
569 additional facilities in the priority basins identified in sub-  
570 subparagraph 1.a. subparagraph 1., as well as facilities for  
571 other basins in the Lake Okeechobee watershed. ~~This detailed~~  
572 ~~technical plan will require legislative ratification pursuant to~~  
573 ~~paragraph (i).~~ The technical plan shall:

574 (I)a. Identify Lake Okeechobee Watershed Construction  
575 Project facilities designed to contribute to achieving all  
576 applicable total maximum daily loads established pursuant to s.  
577 403.067 within the Lake Okeechobee watershed.

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

580 (III)e. Provide a construction schedule for all such Lake  
581 Okeechobee Watershed Construction Project facilities, including  
582 the sequencing and specific timeframe for construction of each  
583 Lake Okeechobee Watershed Construction Project facility.

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

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

590 impacts on wetlands and state-listed species expected to be  
591 associated with construction of such facilities, including  
592 potential alternatives to minimize and mitigate such impacts, as  
593 appropriate.

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

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

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

611 c.3. Evaluation. ~~Within 5 years after the adoption of the~~  
612 Lake Okeechobee Basin Management Action Plan pursuant to s.  
613 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years  
614 thereafter, the department ~~district~~, in cooperation with the  
615 other coordinating agencies, shall conduct an evaluation of the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



Amendment No.

616 Lake Okeechobee Watershed Construction Project and identify any  
617 further load reductions necessary to achieve compliance with the  
618 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads  
619 established pursuant to s. 403.067. ~~Additionally,~~ The district  
620 shall identify modifications to facilities of the Lake  
621 Okeechobee Watershed Construction Project as appropriate to meet  
622 the total maximum daily loads. Modifications to the Lake  
623 Okeechobee Watershed Construction Project resulting from this  
624 evaluation shall be incorporated into the Lake Okeechobee Basin  
625 Management Action Plan and ~~The evaluation shall be included in~~  
626 the applicable annual progress report submitted pursuant to  
627 subsection (6).

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

637 2. Lake Okeechobee Watershed Research and Water Quality  
638 Monitoring Program.—The coordinating agencies shall implement a  
639 Lake Okeechobee Watershed Research and Water Quality Monitoring  
640 Program. Results from the program shall be used by the  
641 department, in cooperation with the other coordinating agencies,

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

642 to make modifications to the Lake Okeechobee Basin Management  
643 Action Plan adopted pursuant to s. 403.067, as appropriate. The  
644 program shall:

645 a. Evaluate all available existing water quality data  
646 concerning total phosphorus in the Lake Okeechobee watershed,  
647 develop a water quality baseline to represent existing  
648 conditions for total phosphorus, monitor long-term ecological  
649 changes, including water quality for total phosphorus, and  
650 measure compliance with water quality standards for total  
651 phosphorus, including any applicable total maximum daily load  
652 for the Lake Okeechobee watershed as established pursuant to s.  
653 403.067. Beginning March 1, 2020, and every 5 years thereafter,  
654 the department shall reevaluate water quality and quantity data  
655 to ensure that the appropriate projects are being designated and  
656 incorporated into the Lake Okeechobee Basin Management Action  
657 Plan adopted pursuant to s. 403.067. The district shall  
658 implement a total phosphorus monitoring program at appropriate  
659 structures owned or operated by the district and within the Lake  
660 Okeechobee watershed.

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

668 d. Conduct an assessment of the sources of phosphorus from  
669 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their  
670 relative contribution to the water quality of Lake Okeechobee.  
671 The results of this assessment shall be used by the coordinating  
672 agencies as part of the Lake Okeechobee Basin Management Action  
673 Plan adopted pursuant to s. 403.067 to develop interim measures,  
674 best management practices, or regulations, as applicable.

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

681 f. Evaluate the feasibility of alternative nutrient  
682 reduction technologies, including sediment traps, canal and  
683 ditch maintenance, fish production or other aquaculture,  
684 bioenergy conversion processes, and algal or other biological  
685 treatment technologies and include any alternative nutrient  
686 reduction technologies determined to be feasible in the Lake  
687 Okeechobee Basin Management Action Plan adopted pursuant to s.  
688 403.067.

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

693 (b)-(e) Lake Okeechobee Basin Management Action Plan

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

694 ~~Watershed Phosphorus Control Program.~~—The Lake Okeechobee Basin  
695 Management Action Plan adopted pursuant to s. 403.067 shall be  
696 the watershed phosphorus control component for Lake Okeechobee  
697 and shall be ~~Program is~~ designed to be a multifaceted approach  
698 to reducing phosphorus loads by improving the management of  
699 phosphorus sources within the Lake Okeechobee watershed through  
700 implementation of regulations and best management practices,  
701 continued development and continued implementation of improved  
702 best management practices, improvement and restoration of the  
703 hydrologic function of natural and managed systems, and use  
704 ~~utilization~~ of alternative technologies for nutrient reduction.  
705 The plan shall contain an implementation schedule for pollutant  
706 load reductions consistent with the adopted total maximum daily  
707 load. The coordinating agencies shall develop an interagency  
708 agreement pursuant to ss. 373.046 and 373.406 that is consistent  
709 with the department taking the lead on water quality protection  
710 measures through the Lake Okeechobee Basin Management Action  
711 Plan adopted pursuant to s. 403.067; the district taking the  
712 lead on hydrologic improvements pursuant to paragraph (3) (a);  
713 and the Department of Agriculture and Consumer Services taking  
714 the lead on agricultural interim measures, best management  
715 practices, and other measures adopted pursuant to s. 403.067.  
716 The interagency agreement shall specify how best management  
717 practices for nonagricultural nonpoint sources are developed and  
718 how all best management practices are implemented and verified  
719 consistent with s. 403.067 and this section. The interagency

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

720 agreement shall address measures to be taken by the coordinating  
721 agencies during any best management practice reevaluation  
722 performed pursuant to subparagraphs 5. and 10. The department  
723 shall use best professional judgment in making the initial  
724 determination of best management practice effectiveness. The  
725 coordinating agencies may develop an intergovernmental agreement  
726 with local governments to implement nonagricultural nonpoint  
727 source best management practices within their respective  
728 geographic boundaries. The coordinating agencies shall  
729 facilitate the application of federal programs that offer  
730 opportunities for water quality treatment, including  
731 preservation, restoration, or creation of wetlands on  
732 agricultural lands.

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

746 ~~subparagraph d. The department shall use best professional~~  
747 ~~judgment in making the initial determination of best management~~  
748 ~~practice effectiveness.~~

749 2.a. As provided in s. 403.067 ~~403.067(7)(e)~~, the  
750 Department of Agriculture and Consumer Services, in consultation  
751 with the department, the district, and affected parties, shall  
752 initiate rule development for interim measures, best management  
753 practices, conservation plans, nutrient management plans, or  
754 other measures necessary for Lake Okeechobee watershed total  
755 maximum daily load reduction. The rule shall include thresholds  
756 for requiring conservation and nutrient management plans and  
757 criteria for the contents of such plans. Development of  
758 agricultural nonpoint source best management practices shall  
759 initially focus on those priority basins listed in paragraph (a)  
760 ~~subparagraph (b)1~~. The Department of Agriculture and Consumer  
761 Services, in consultation with the department, the district, and  
762 affected parties, shall conduct an ongoing program for  
763 improvement of existing and development of new agricultural  
764 nonpoint source interim measures and ~~or~~ best management  
765 practices. The Department of Agriculture and Consumer Services  
766 shall adopt for the purpose of adoption of such practices by  
767 rule. The Department of Agriculture and Consumer Services shall  
768 work with the University of Florida ~~Florida's~~ Institute of Food  
769 and Agriculture Sciences to review and, where appropriate,  
770 develop revised nutrient application rates for all agricultural  
771 soil amendments in the watershed.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

772        ~~3.b.~~ As provided in s. 403.067, where agricultural  
773 nonpoint source best management practices or interim measures  
774 have been adopted by rule of the Department of Agriculture and  
775 Consumer Services, the owner or operator of an agricultural  
776 nonpoint source addressed by such rule shall either implement  
777 interim measures or best management practices or demonstrate  
778 compliance with state water quality standards addressed by the  
779 Lake Okeechobee Basin Management Action Plan adopted pursuant to  
780 s. 403.067 ~~the district's WOD program~~ by conducting monitoring  
781 prescribed by the department or the district. Owners or  
782 operators of agricultural nonpoint sources who implement interim  
783 measures or best management practices adopted by rule of the  
784 Department of Agriculture and Consumer Services shall be subject  
785 to ~~the provisions of s. 403.067~~ 403.067(7). ~~The Department of~~  
786 ~~Agriculture and Consumer Services, in cooperation with the~~  
787 ~~department and the district, shall provide technical and~~  
788 ~~financial assistance for implementation of agricultural best~~  
789 ~~management practices, subject to the availability of funds.~~

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

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

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

798 ~~institute~~ a reevaluation of the best management practices shall  
799 be conducted pursuant to s. 403.067(7)(c)4~~and make appropriate~~  
800 ~~changes to the rule adopting best management practices.~~

801 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint  
802 source best management practices, developed in accordance with  
803 s. 403.067 and designed to achieve the objectives of the Lake  
804 Okeechobee Watershed Protection Program as part of a phased  
805 approach of management strategies within the Lake Okeechobee  
806 Basin Management Action Plan, shall be implemented on an  
807 expedited basis. ~~The department and the district shall develop~~  
808 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~  
809 ~~that assures the development of best management practices that~~  
810 ~~complement existing regulatory programs and specifies how those~~  
811 ~~best management practices are implemented and verified. The~~  
812 ~~interagency agreement shall address measures to be taken by the~~  
813 ~~department and the district during any best management practice~~  
814 ~~reevaluation performed pursuant to sub-subparagraph d.~~

815 ~~7.a.~~ The department and the district are directed to work  
816 with the University of Florida ~~Florida's~~ Institute of Food and  
817 Agricultural Sciences to develop appropriate nutrient  
818 application rates for all nonagricultural soil amendments in the  
819 watershed. As provided in s. 403.067 ~~403.067(7)(e),~~ the  
820 department, in consultation with the district and affected  
821 parties, shall develop nonagricultural nonpoint source interim  
822 measures, best management practices, or other measures necessary  
823 for Lake Okeechobee watershed total maximum daily load

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

824 reduction. Development of nonagricultural nonpoint source best  
825 management practices shall initially focus on those priority  
826 basins listed in paragraph (a) subparagraph (b)1. The  
827 department, the district, and affected parties shall conduct an  
828 ongoing program for improvement of existing and development of  
829 new interim measures and ~~or~~ best management practices. The  
830 department or the district shall adopt such practices by rule  
831 ~~The district shall adopt technology-based standards under the~~  
832 ~~district's WOD program for nonagricultural nonpoint sources of~~  
833 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~  
834 ~~authority of the department or the district to adopt basin-~~  
835 ~~specific criteria under this part to prevent harm to the water~~  
836 ~~resources of the district.~~

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

846 9.e. As provided in s. 403.067, the district or the  
847 department shall conduct monitoring at representative sites to  
848 verify the effectiveness of nonagricultural nonpoint source best  
849 management practices.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

850 10. Where water quality problems are detected for  
851 nonagricultural nonpoint sources despite the appropriate  
852 implementation of adopted best management practices, ~~the~~  
853 ~~department and the district shall institute~~ a reevaluation of the  
854 best management practices shall be conducted pursuant to s.  
855 403.067(7)(c)4.

856 11.3. This subparagraph does ~~The provisions of~~  
857 ~~subparagraphs 1. and 2. may~~ not preclude the department or the  
858 district from requiring compliance with water quality standards  
859 or with current best management practices requirements set forth  
860 in any applicable regulatory program authorized by law for the  
861 purpose of protecting water quality. This subparagraph is  
862 ~~Additionally, subparagraphs 1. and 2. are~~ applicable only to the  
863 extent that it does ~~they do~~ not conflict with any rules adopted  
864 by the department that are necessary to maintain a federally  
865 delegated or approved program.

866 12. The program of agricultural best management practices  
867 as set forth in chapter 40E-63, Florida Administrative Code,  
868 meets the requirements of this paragraph and s. 403.067(7) for  
869 the Lake Okeechobee watershed. An entity in compliance with best  
870 management practices as set forth in chapter 40E-63, Florida  
871 Administrative Code, may elect to use that permit in lieu of the  
872 requirements of this paragraph. The provisions of s.  
873 373.4595(3)(b)5. apply to this sub-subparagraph.

874 13. The Department of Agriculture and Consumer Services,  
875 in cooperation with the department and the district, shall

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

876 provide technical and financial assistance for implementation of  
877 agricultural best management practices, subject to the  
878 availability of funds. The department and district shall provide  
879 technical and financial assistance for implementation of  
880 nonagricultural nonpoint source best management practices,  
881 subject to the availability of funds.

882 14.4. Projects that reduce the phosphorus load originating  
883 from domestic wastewater systems within the Lake Okeechobee  
884 watershed shall be given funding priority in the department's  
885 revolving loan program under s. 403.1835. The department shall  
886 coordinate and provide assistance to those local governments  
887 seeking financial assistance for such priority projects.

888 15.5. Projects that make use of private lands, or lands  
889 held in trust for Indian tribes, to reduce nutrient loadings or  
890 concentrations within a basin by one or more of the following  
891 methods: restoring the natural hydrology of the basin, restoring  
892 wildlife habitat or impacted wetlands, reducing peak flows after  
893 storm events, increasing aquifer recharge, or protecting range  
894 and timberland from conversion to development, are eligible for  
895 grants available under this section from the coordinating  
896 agencies. For projects of otherwise equal priority, special  
897 funding priority will be given to those projects that make best  
898 use of the methods outlined above that involve public-private  
899 partnerships or that obtain federal match money. Preference  
900 ranking above the special funding priority will be given to  
901 projects located in a rural area of opportunity designated by

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

902 the Governor. Grant applications may be submitted by any person  
903 or tribal entity, and eligible projects may include, but are not  
904 limited to, the purchase of conservation and flowage easements,  
905 hydrologic restoration of wetlands, creating treatment wetlands,  
906 development of a management plan for natural resources, and  
907 financial support to implement a management plan.

908 ~~16.6.a.~~ The department shall require all entities  
909 disposing of domestic wastewater biosolids ~~residuals~~ within the  
910 Lake Okeechobee watershed and the remaining areas of Okeechobee,  
911 Glades, and Hendry Counties to develop and submit to the  
912 department an agricultural use plan that limits applications  
913 based upon phosphorus loading consistent with the Lake  
914 Okeechobee Basin Management Action Plan adopted pursuant to s.  
915 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~  
916 ~~from these application sites may not exceed the limits~~  
917 ~~established in the district's WOD program. After December 31,~~  
918 ~~2007,~~ The department may not authorize the disposal of domestic  
919 wastewater biosolids ~~residuals~~ within the Lake Okeechobee  
920 watershed unless the applicant can affirmatively demonstrate  
921 that the phosphorus in the biosolids ~~residuals~~ will not add to  
922 phosphorus loadings in Lake Okeechobee or its tributaries. This  
923 demonstration shall be based on achieving a net balance between  
924 phosphorus imports relative to exports on the permitted  
925 application site. Exports shall include only phosphorus removed  
926 from the Lake Okeechobee watershed through products generated on  
927 the permitted application site. This prohibition does not apply

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

928 to Class AA biosolids ~~residuals~~ that are marketed and  
929 distributed as fertilizer products in accordance with department  
930 rule.

931 17.b. Private and government-owned utilities within  
932 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,  
933 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties  
934 that dispose of wastewater biosolids ~~residual~~ sludge from  
935 utility operations and septic removal by land spreading in the  
936 Lake Okeechobee watershed may use a line item on local sewer  
937 rates to cover wastewater biosolids ~~residual~~ treatment and  
938 disposal if such disposal and treatment is done by approved  
939 alternative treatment methodology at a facility located within  
940 the areas designated by the Governor as rural areas of  
941 opportunity pursuant to s. 288.0656. This additional line item  
942 is an environmental protection disposal fee above the present  
943 sewer rate and may not be considered a part of the present sewer  
944 rate to customers, notwithstanding provisions to the contrary in  
945 chapter 367. The fee shall be established by the county  
946 commission or its designated assignee in the county in which the  
947 alternative method treatment facility is located. The fee shall  
948 be calculated to be no higher than that necessary to recover the  
949 facility's prudent cost of providing the service. Upon request  
950 by an affected county commission, the Florida Public Service  
951 Commission will provide assistance in establishing the fee.  
952 Further, for utilities and utility authorities that use the  
953 additional line item environmental protection disposal fee, such

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

954 fee may not be considered a rate increase under the rules of the  
955 Public Service Commission and shall be exempt from such rules.  
956 Utilities using ~~the provisions of~~ this section may immediately  
957 include in their sewer invoicing the new environmental  
958 protection disposal fee. Proceeds from this environmental  
959 protection disposal fee shall be used for treatment and disposal  
960 of wastewater biosolids residuals, including any treatment  
961 technology that helps reduce the volume of biosolids residuals  
962 that require final disposal, but such proceeds may not be used  
963 for transportation or shipment costs for disposal or any costs  
964 relating to the land application of biosolids residuals in the  
965 Lake Okeechobee watershed.

966 18.e. No less frequently than once every 3 years, the  
967 Florida Public Service Commission or the county commission  
968 through the services of an independent auditor shall perform a  
969 financial audit of all facilities receiving compensation from an  
970 environmental protection disposal fee. The Florida Public  
971 Service Commission or the county commission through the services  
972 of an independent auditor shall also perform an audit of the  
973 methodology used in establishing the environmental protection  
974 disposal fee. The Florida Public Service Commission or the  
975 county commission shall, within 120 days after completion of an  
976 audit, file the audit report with the President of the Senate  
977 and the Speaker of the House of Representatives and shall  
978 provide copies to the county commissions of the counties set  
979 forth in subparagraph 17 ~~sub-subparagraph b~~. The books and

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

980 records of any facilities receiving compensation from an  
981 environmental protection disposal fee shall be open to the  
982 Florida Public Service Commission and the Auditor General for  
983 review upon request.

984 19.7. The Department of Health shall require all entities  
985 disposing of septage within the Lake Okeechobee watershed to  
986 develop and submit to that agency an agricultural use plan that  
987 limits applications based upon phosphorus loading consistent  
988 with the Lake Okeechobee Basin Management Action Plan adopted  
989 pursuant to s. 403.067. By July 1, 2005, phosphorus  
990 concentrations originating from these application sites may not  
991 exceed the limits established in the district's WOD program.

992 20.8. The Department of Agriculture and Consumer Services  
993 shall initiate rulemaking requiring entities within the Lake  
994 Okeechobee watershed which land-apply animal manure to develop  
995 resource management system level conservation plans, according  
996 to United States Department of Agriculture criteria, which limit  
997 such application. Such rules may include criteria and thresholds  
998 for the requirement to develop a conservation or nutrient  
999 management plan, requirements for plan approval, and  
1000 recordkeeping requirements.

1001 21. The district shall revise chapter 40E-61, Florida  
1002 Administrative Code, to be consistent with this section and s.  
1003 403.067; provide for a monitoring program for nonpoint source  
1004 dischargers required to monitor water quality by s. 403.067; and  
1005 provide for the results of such monitoring to be reported to the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1006 coordinating agencies.

1007 ~~9. The district, the department, or the Department of~~  
1008 ~~Agriculture and Consumer Services, as appropriate, shall~~  
1009 ~~implement those alternative nutrient reduction technologies~~  
1010 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1011 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~  
1012 ~~Monitoring Program. The district, in cooperation with the other~~  
1013 ~~coordinating agencies, shall establish a Lake Okeechobee~~  
1014 ~~Watershed Research and Water Quality Monitoring Program that~~  
1015 ~~builds upon the district's existing Lake Okeechobee research~~  
1016 ~~program. The program shall:~~

1017 ~~1. Evaluate all available existing water quality data~~  
1018 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~  
1019 ~~develop a water quality baseline to represent existing~~  
1020 ~~conditions for total phosphorus, monitor long-term ecological~~  
1021 ~~changes, including water quality for total phosphorus, and~~  
1022 ~~measure compliance with water quality standards for total~~  
1023 ~~phosphorus, including any applicable total maximum daily load~~  
1024 ~~for the Lake Okeechobee watershed as established pursuant to s.~~  
1025 ~~403.067. Every 3 years, the district shall reevaluate water~~  
1026 ~~quality and quantity data to ensure that the appropriate~~  
1027 ~~projects are being designated and implemented to meet the water~~  
1028 ~~quality and storage goals of the plan. The district shall also~~  
1029 ~~implement a total phosphorus monitoring program at appropriate~~  
1030 ~~structures owned or operated by the South Florida Water~~  
1031 ~~Management District and within the Lake Okeechobee watershed.~~

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1032           ~~2. Develop a Lake Okeechobee water quality model that~~  
1033 ~~reasonably represents phosphorus dynamics of the lake and~~  
1034 ~~incorporates an uncertainty analysis associated with model~~  
1035 ~~predictions.~~

1036           ~~3. Determine the relative contribution of phosphorus from~~  
1037 ~~all identifiable sources and all primary and secondary land~~  
1038 ~~uses.~~

1039           ~~4. Conduct an assessment of the sources of phosphorus from~~  
1040 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~  
1041 ~~relative contribution to the water quality of Lake Okeechobee.~~  
1042 ~~The results of this assessment shall be used by the coordinating~~  
1043 ~~agencies to develop interim measures, best management practices,~~  
1044 ~~or regulation, as applicable.~~

1045           ~~5. Assess current water management practices within the~~  
1046 ~~Lake Okeechobee watershed and develop recommendations for~~  
1047 ~~structural and operational improvements. Such recommendations~~  
1048 ~~shall balance water supply, flood control, estuarine salinity,~~  
1049 ~~maintenance of a healthy lake littoral zone, and water quality~~  
1050 ~~considerations.~~

1051           ~~6. Evaluate the feasibility of alternative nutrient~~  
1052 ~~reduction technologies, including sediment traps, canal and~~  
1053 ~~ditch maintenance, fish production or other aquaculture,~~  
1054 ~~bioenergy conversion processes, and algal or other biological~~  
1055 ~~treatment technologies.~~

1056           ~~7. Conduct an assessment of the water volumes and timing~~  
1057 ~~from the Lake Okeechobee watershed and their relative~~

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1058 ~~contribution to the water level changes in Lake Okeechobee and~~  
1059 ~~to the timing and volume of water delivered to the estuaries.~~

1060 (c)~~(e)~~ Lake Okeechobee Exotic Species Control Program.—The  
1061 coordinating agencies shall identify the exotic species that  
1062 threaten the native flora and fauna within the Lake Okeechobee  
1063 watershed and develop and implement measures to protect the  
1064 native flora and fauna.

1065 (d)~~(f)~~ Lake Okeechobee Internal Phosphorus Management  
1066 Program.—The district, in cooperation with the other  
1067 coordinating agencies and interested parties, shall evaluate the  
1068 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus  
1069 load removal projects ~~feasibility study~~. The evaluation  
1070 ~~feasibility study~~ shall be based on technical feasibility, as  
1071 well as economic considerations, and shall consider ~~address~~ all  
1072 reasonable methods of phosphorus removal. If projects ~~methods~~  
1073 are found to be feasible, the district shall immediately pursue  
1074 the design, funding, and permitting for implementing such  
1075 projects ~~methods~~.

1076 (e)~~(g)~~ Lake Okeechobee Watershed Protection Program Plan  
1077 implementation.—The coordinating agencies shall be jointly  
1078 responsible for implementing the Lake Okeechobee Watershed  
1079 Protection Program Plan, consistent with the statutory authority  
1080 and responsibility of each agency. Annual funding priorities  
1081 shall be jointly established, and the highest priority shall be  
1082 assigned to programs and projects that address sources that have  
1083 the highest relative contribution to loading and the greatest

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1084 potential for reductions needed to meet the total maximum daily  
1085 loads. In determining funding priorities, the coordinating  
1086 agencies shall also consider the need for regulatory compliance,  
1087 the extent to which the program or project is ready to proceed,  
1088 and the availability of federal matching funds or other nonstate  
1089 funding, including public-private partnerships. Federal and  
1090 other nonstate funding shall be maximized to the greatest extent  
1091 practicable.

1092 ~~(f)(h)~~ Priorities and implementation schedules.—The  
1093 coordinating agencies are authorized and directed to establish  
1094 priorities and implementation schedules for the achievement of  
1095 total maximum daily loads, compliance with the requirements of  
1096 s. 403.067, and compliance with applicable water quality  
1097 standards within the waters and watersheds subject to this  
1098 section.

1099 ~~(i) Legislative ratification. The coordinating agencies~~  
1100 ~~shall submit the Phase II technical plan developed pursuant to~~  
1101 ~~paragraph (b) to the President of the Senate and the Speaker of~~  
1102 ~~the House of Representatives prior to the 2008 legislative~~  
1103 ~~session for review. If the Legislature takes no action on the~~  
1104 ~~plan during the 2008 legislative session, the plan is deemed~~  
1105 ~~approved and may be implemented.~~

1106 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND  
1107 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection  
1108 program shall be developed and implemented as specified in this  
1109 subsection. In order to protect and restore surface water

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1110 resources, the program shall address the reduction of pollutant  
1111 loadings, restoration of natural hydrology, and compliance with  
1112 applicable state water quality standards. The program shall be  
1113 achieved through a phased program of implementation. In  
1114 addition, pollutant load reductions based upon adopted total  
1115 maximum daily loads established in accordance with s. 403.067  
1116 shall serve as a program objective. In the development and  
1117 administration of the program, the coordinating agencies shall  
1118 maximize opportunities provided by federal and local government  
1119 cost-sharing programs and opportunities for partnerships with  
1120 the private sector and local government. The program plan shall  
1121 include a goal for salinity envelopes and freshwater inflow  
1122 targets for the estuaries based upon existing research and  
1123 documentation. The goal may be revised as new information is  
1124 available. This goal shall seek to reduce the frequency and  
1125 duration of undesirable salinity ranges while meeting the other  
1126 water-related needs of the region, including water supply and  
1127 flood protection, while recognizing the extent to which water  
1128 inflows are within the control and jurisdiction of the district.

1129 (a) Caloosahatchee River Watershed Protection Plan. ~~No~~  
1130 ~~later than January 1, 2009,~~ The district, in cooperation with  
1131 the other coordinating agencies, Lee County, and affected  
1132 counties and municipalities, shall complete a River Watershed  
1133 Protection Plan in accordance with this subsection. The  
1134 Caloosahatchee River Watershed Protection Plan shall identify  
1135 the geographic extent of the watershed, be coordinated as needed

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1136 with the plans developed pursuant to paragraph (3) (a) and  
1137 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~  
1138 ~~implementation schedule for pollutant load reductions consistent~~  
1139 ~~with any adopted total maximum daily loads and compliance with~~  
1140 ~~applicable state water quality standards. The plan shall include~~  
1141 the Caloosahatchee River Watershed Construction Project and the  
1142 Caloosahatchee River Watershed Research and Water Quality  
1143 Monitoring Program.÷

1144 1. Caloosahatchee River Watershed Construction Project.—To  
1145 improve the hydrology, water quality, and aquatic habitats  
1146 within the watershed, the district shall, no later than January  
1147 1, 2012, plan, design, and construct the initial phase of the  
1148 Watershed Construction Project. In doing so, the district shall:

1149 a. Develop and designate the facilities to be constructed  
1150 to achieve stated goals and objectives of the Caloosahatchee  
1151 River Watershed Protection Plan.

1152 b. Conduct scientific studies that are necessary to  
1153 support the design of the Caloosahatchee River Watershed  
1154 Construction Project facilities.

1155 c. Identify the size and location of all such facilities.

1156 d. Provide a construction schedule for all such  
1157 facilities, including the sequencing and specific timeframe for  
1158 construction of each facility.

1159 e. Provide a schedule for the acquisition of lands or  
1160 sufficient interests necessary to achieve the construction  
1161 schedule.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1162 f. Provide a schedule of costs and benefits associated  
1163 with each construction project and identify funding sources.

1164 g. To ensure timely implementation, coordinate the design,  
1165 scheduling, and sequencing of project facilities with the  
1166 coordinating agencies, Lee County, other affected counties and  
1167 municipalities, and other affected parties.

1168 2. Caloosahatchee River Watershed Research and Water  
1169 Quality Monitoring Program.—The district, in cooperation with  
1170 the other coordinating agencies and local governments, shall  
1171 implement a Caloosahatchee River Watershed Research and Water  
1172 Quality Monitoring Program that builds upon the district's  
1173 existing research program and that is sufficient to carry out,  
1174 comply with, or assess the plans, programs, and other  
1175 responsibilities created by this subsection. The program shall  
1176 also conduct an assessment of the water volumes and timing from  
1177 Lake Okeechobee and the Caloosahatchee River watershed and their  
1178 relative contributions to the timing and volume of water  
1179 delivered to the estuary.

1180 (b)2. Caloosahatchee River Watershed Basin Management  
1181 Action Plans ~~Pollutant Control Program~~.—The basin management  
1182 action plans adopted pursuant to s. 403.067 for the  
1183 Caloosahatchee River watershed shall be the Caloosahatchee River  
1184 Watershed Pollutant Control Program. The plans shall be ~~is~~  
1185 designed to be a multifaceted approach to reducing pollutant  
1186 loads by improving the management of pollutant sources within  
1187 the Caloosahatchee River watershed through implementation of

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1188 regulations and best management practices, development and  
1189 implementation of improved best management practices,  
1190 improvement and restoration of the hydrologic function of  
1191 natural and managed systems, and utilization of alternative  
1192 technologies for pollutant reduction, such as cost-effective  
1193 biologically based, hybrid wetland/chemical and other innovative  
1194 nutrient control technologies. The plans shall contain an  
1195 implementation schedule for pollutant load reductions consistent  
1196 with the adopted total maximum daily load. The coordinating  
1197 agencies shall facilitate the use ~~utilization~~ of federal  
1198 programs that offer opportunities for water quality treatment,  
1199 including preservation, restoration, or creation of wetlands on  
1200 agricultural lands.

1201 ~~1.a.~~ Nonpoint source best management practices consistent  
1202 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1203 objectives of the Caloosahatchee River Watershed Protection  
1204 Program, shall be implemented on an expedited basis. The  
1205 coordinating agencies may develop an intergovernmental agreement  
1206 with local governments to implement the nonagricultural,  
1207 nonpoint-source best management practices within their  
1208 respective geographic boundaries.

1209 ~~2.b.~~ This subsection does not preclude the department or  
1210 the district from requiring compliance with water quality  
1211 standards, adopted total maximum daily loads, or current best  
1212 management practices requirements set forth in any applicable  
1213 regulatory program authorized by law for the purpose of

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1214 protecting water quality. This subsection applies only to the  
1215 extent that it does not conflict with any rules adopted by the  
1216 department or district which are necessary to maintain a  
1217 federally delegated or approved program.

1218 ~~3.e.~~ Projects that make use of private lands, or lands  
1219 held in trust for Indian tribes, to reduce pollutant loadings or  
1220 concentrations within a basin, or that reduce the volume of  
1221 harmful discharges by one or more of the following methods:  
1222 restoring the natural hydrology of the basin, restoring wildlife  
1223 habitat or impacted wetlands, reducing peak flows after storm  
1224 events, or increasing aquifer recharge, are eligible for grants  
1225 available under this section from the coordinating agencies.

1226 ~~4.d.~~ The Caloosahatchee River Watershed Basin Management  
1227 Action Plans ~~Pollutant Control Program~~ shall require assessment  
1228 of current water management practices within the watershed and  
1229 shall require development of recommendations for structural,  
1230 nonstructural, and operational improvements. Such  
1231 recommendations shall consider and balance water supply, flood  
1232 control, estuarine salinity, aquatic habitat, and water quality  
1233 considerations.

1234 ~~5.e.~~ ~~After December 31, 2007,~~ The department may not  
1235 authorize the disposal of domestic wastewater biosolids  
1236 ~~residuals~~ within the Caloosahatchee River watershed unless the  
1237 applicant can affirmatively demonstrate that the nutrients in  
1238 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
1239 watershed. This demonstration shall be based on achieving a net

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1240 balance between nutrient imports relative to exports on the  
1241 permitted application site. Exports shall include only nutrients  
1242 removed from the watershed through products generated on the  
1243 permitted application site. This prohibition does not apply to  
1244 Class AA biosolids ~~residuals~~ that are marketed and distributed  
1245 as fertilizer products in accordance with department rule.

1246 ~~6.f.~~ The Department of Health shall require all entities  
1247 disposing of septage within the Caloosahatchee River watershed  
1248 to develop and submit to that agency an agricultural use plan  
1249 that limits applications based upon nutrient loading consistent  
1250 with any basin management action plan adopted pursuant to s.  
1251 403.067. ~~By July 1, 2008, nutrient concentrations originating~~  
1252 ~~from these application sites may not exceed the limits~~  
1253 ~~established in the district's WOD program.~~

1254 ~~7.g.~~ The Department of Agriculture and Consumer Services  
1255 shall require ~~initiate rulemaking requiring~~ entities within the  
1256 Caloosahatchee River watershed which land-apply animal manure to  
1257 develop a resource management system level conservation plan,  
1258 according to United States Department of Agriculture criteria,  
1259 which limit such application. Such rules may include criteria  
1260 and thresholds for the requirement to develop a conservation or  
1261 nutrient management plan, requirements for plan approval, and  
1262 recordkeeping requirements.

1263 ~~3. Caloosahatchee River Watershed Research and Water~~  
1264 ~~Quality Monitoring Program. The district, in cooperation with~~  
1265 ~~the other coordinating agencies and local governments, shall~~

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1266 ~~establish a Caloosahatchee River Watershed Research and Water~~  
1267 ~~Quality Monitoring Program that builds upon the district's~~  
1268 ~~existing research program and that is sufficient to carry out,~~  
1269 ~~comply with, or assess the plans, programs, and other~~  
1270 ~~responsibilities created by this subsection. The program shall~~  
1271 ~~also conduct an assessment of the water volumes and timing from~~  
1272 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~  
1273 ~~their relative contributions to the timing and volume of water~~  
1274 ~~delivered to the estuary.~~

1275 (c) ~~(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~  
1276 ~~than January 1, 2009,~~ The district, in cooperation with the  
1277 other coordinating agencies, Martin County, and affected  
1278 counties and municipalities shall complete a plan in accordance  
1279 with this subsection. The St. Lucie River Watershed Protection  
1280 Plan shall identify the geographic extent of the watershed, be  
1281 coordinated as needed with the plans developed pursuant to  
1282 paragraph (3) (a) and paragraph (a) of this subsection, and  
1283 ~~contain an implementation schedule for pollutant load reductions~~  
1284 ~~consistent with any adopted total maximum daily loads and~~  
1285 ~~compliance with applicable state water quality standards. The~~  
1286 ~~plan shall include the St. Lucie River Watershed Construction~~  
1287 ~~Project and St. Lucie River Watershed Research and Water Quality~~  
1288 ~~Monitoring Program.~~+

1289 1. St. Lucie River Watershed Construction Project.—To  
1290 improve the hydrology, water quality, and aquatic habitats  
1291 within the watershed, the district shall, no later than January

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1292 1, 2012, plan, design, and construct the initial phase of the  
1293 Watershed Construction Project. In doing so, the district shall:

1294 a. Develop and designate the facilities to be constructed  
1295 to achieve stated goals and objectives of the St. Lucie River  
1296 Watershed Protection Plan.

1297 b. Identify the size and location of all such facilities.

1298 c. Provide a construction schedule for all such  
1299 facilities, including the sequencing and specific timeframe for  
1300 construction of each facility.

1301 d. Provide a schedule for the acquisition of lands or  
1302 sufficient interests necessary to achieve the construction  
1303 schedule.

1304 e. Provide a schedule of costs and benefits associated  
1305 with each construction project and identify funding sources.

1306 f. To ensure timely implementation, coordinate the design,  
1307 scheduling, and sequencing of project facilities with the  
1308 coordinating agencies, Martin County, St. Lucie County, other  
1309 interested parties, and other affected local governments.

1310 2. St. Lucie River Watershed Research and Water Quality  
1311 Monitoring Program.—The district, in cooperation with the other  
1312 coordinating agencies and local governments, shall establish a  
1313 St. Lucie River Watershed Research and Water Quality Monitoring  
1314 Program that builds upon the district's existing research  
1315 program and that is sufficient to carry out, comply with, or  
1316 assess the plans, programs, and other responsibilities created  
1317 by this subsection. The program shall also conduct an assessment

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1318 of the water volumes and timing from Lake Okeechobee and the St.  
1319 Lucie River watershed and their relative contributions to the  
1320 timing and volume of water delivered to the estuary.

1321 (d)2. St. Lucie River Watershed Basin Management Action  
1322 Plans Pollutant Control Program.—Basin management action plans  
1323 for the St. Lucie River watershed adopted pursuant to s. 403.067  
1324 shall be the St. Lucie River Watershed Pollutant Control Program  
1325 and shall be is designed to be a multifaceted approach to  
1326 reducing pollutant loads by improving the management of  
1327 pollutant sources within the St. Lucie River watershed through  
1328 implementation of regulations and best management practices,  
1329 development and implementation of improved best management  
1330 practices, improvement and restoration of the hydrologic  
1331 function of natural and managed systems, and use ~~utilization~~ of  
1332 alternative technologies for pollutant reduction, such as cost-  
1333 effective biologically based, hybrid wetland/chemical and other  
1334 innovative nutrient control technologies. The plan shall contain  
1335 an implementation schedule for pollutant load reductions  
1336 consistent with the adopted total maximum daily load. The  
1337 coordinating agencies shall facilitate the use ~~utilization~~ of  
1338 federal programs that offer opportunities for water quality  
1339 treatment, including preservation, restoration, or creation of  
1340 wetlands on agricultural lands.

1341 1.a. Nonpoint source best management practices consistent  
1342 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the  
1343 objectives of the St. Lucie River Watershed Protection Program,

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1344 shall be implemented on an expedited basis. The coordinating  
1345 agencies may develop an intergovernmental agreement with local  
1346 governments to implement the nonagricultural nonpoint source  
1347 best management practices within their respective geographic  
1348 boundaries.

1349 ~~2.b.~~ This subsection does not preclude the department or  
1350 the district from requiring compliance with water quality  
1351 standards, adopted total maximum daily loads, or current best  
1352 management practices requirements set forth in any applicable  
1353 regulatory program authorized by law for the purpose of  
1354 protecting water quality. This subsection applies only to the  
1355 extent that it does not conflict with any rules adopted by the  
1356 department or district which are necessary to maintain a  
1357 federally delegated or approved program.

1358 ~~3.e.~~ Projects that make use of private lands, or lands  
1359 held in trust for Indian tribes, to reduce pollutant loadings or  
1360 concentrations within a basin, or that reduce the volume of  
1361 harmful discharges by one or more of the following methods:  
1362 restoring the natural hydrology of the basin, restoring wildlife  
1363 habitat or impacted wetlands, reducing peak flows after storm  
1364 events, or increasing aquifer recharge, are eligible for grants  
1365 available under this section from the coordinating agencies.

1366 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action  
1367 Plans ~~Pollutant Control Program~~ shall require assessment of  
1368 current water management practices within the watershed and  
1369 shall require development of recommendations for structural,

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1370 nonstructural, and operational improvements. Such  
1371 recommendations shall consider and balance water supply, flood  
1372 control, estuarine salinity, aquatic habitat, and water quality  
1373 considerations.

1374 ~~5.e. After December 31, 2007,~~ The department may not  
1375 authorize the disposal of domestic wastewater biosolids  
1376 ~~residuals~~ within the St. Lucie River watershed unless the  
1377 applicant can affirmatively demonstrate that the nutrients in  
1378 the biosolids ~~residuals~~ will not add to nutrient loadings in the  
1379 watershed. This demonstration shall be based on achieving a net  
1380 balance between nutrient imports relative to exports on the  
1381 permitted application site. Exports shall include only nutrients  
1382 removed from the St. Lucie River watershed through products  
1383 generated on the permitted application site. This prohibition  
1384 does not apply to Class AA biosolids ~~residuals~~ that are marketed  
1385 and distributed as fertilizer products in accordance with  
1386 department rule.

1387 ~~6.f.~~ The Department of Health shall require all entities  
1388 disposing of septage within the St. Lucie River watershed to  
1389 develop and submit to that agency an agricultural use plan that  
1390 limits applications based upon nutrient loading consistent with  
1391 any basin management action plan adopted pursuant to s. 403.067.  
1392 ~~By July 1, 2008, nutrient concentrations originating from these~~  
1393 ~~application sites may not exceed the limits established in the~~  
1394 ~~district's WOD program.~~

1395 ~~7.g.~~ The Department of Agriculture and Consumer Services

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1396 shall initiate rulemaking requiring entities within the St.  
1397 Lucie River watershed which land-apply animal manure to develop  
1398 a resource management system level conservation plan, according  
1399 to United States Department of Agriculture criteria, which limit  
1400 such application. Such rules may include criteria and thresholds  
1401 for the requirement to develop a conservation or nutrient  
1402 management plan, requirements for plan approval, and  
1403 recordkeeping requirements.

1404 ~~3. St. Lucie River Watershed Research and Water Quality~~  
1405 ~~Monitoring Program. The district, in cooperation with the other~~  
1406 ~~coordinating agencies and local governments, shall establish a~~  
1407 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~  
1408 ~~Program that builds upon the district's existing research~~  
1409 ~~program and that is sufficient to carry out, comply with, or~~  
1410 ~~assess the plans, programs, and other responsibilities created~~  
1411 ~~by this subsection. The program shall also conduct an assessment~~  
1412 ~~of the water volumes and timing from the Lake Okeechobee and St.~~  
1413 ~~Lucie River watersheds and their relative contributions to the~~  
1414 ~~timing and volume of water delivered to the estuary.~~

1415 (e) ~~(e)~~ River Watershed Protection Plan implementation.—The  
1416 coordinating agencies shall be jointly responsible for  
1417 implementing the River Watershed Protection Plans, consistent  
1418 with the statutory authority and responsibility of each agency.  
1419 Annual funding priorities shall be jointly established, and the  
1420 highest priority shall be assigned to programs and projects that  
1421 have the greatest potential for achieving the goals and

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1422 objectives of the plans. In determining funding priorities, the  
1423 coordinating agencies shall also consider the need for  
1424 regulatory compliance, the extent to which the program or  
1425 project is ready to proceed, and the availability of federal or  
1426 local government matching funds. Federal and other nonstate  
1427 funding shall be maximized to the greatest extent practicable.

1428 ~~(f)~~ (d) Evaluation.—Beginning By March 1, 2020 2012, and  
1429 every 5 3 years thereafter concurrent with the updates of the  
1430 basin management action plans adopted pursuant to s. 403.067,  
1431 the district, in cooperation with the other coordinating  
1432 agencies, shall conduct an evaluation of any pollutant load  
1433 reduction goals, as well as any other specific objectives and  
1434 goals, as stated in the River Watershed Protection Programs  
1435 Plans. ~~Additionally,~~ The district shall identify modifications  
1436 to facilities of the River Watershed Construction Projects, as  
1437 appropriate, or any other elements of the River Watershed  
1438 Protection Programs ~~Plans~~. The evaluation shall be included in  
1439 the annual progress report submitted pursuant to this section.

1440 (g) ~~(e)~~ Priorities and implementation schedules.—The  
1441 coordinating agencies are authorized and directed to establish  
1442 priorities and implementation schedules for the achievement of  
1443 total maximum daily loads, the requirements of s. 403.067, and  
1444 compliance with applicable water quality standards within the  
1445 waters and watersheds subject to this section.

1446 ~~(f) Legislative ratification. The coordinating agencies~~  
1447 ~~shall submit the River Watershed Protection Plans developed~~

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1448 ~~pursuant to paragraphs (a) and (b) to the President of the~~  
1449 ~~Senate and the Speaker of the House of Representatives prior to~~  
1450 ~~the 2009 legislative session for review. If the Legislature~~  
1451 ~~takes no action on the plan during the 2009 legislative session,~~  
1452 ~~the plan is deemed approved and may be implemented.~~

1453 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
1454 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The  
1455 department is directed to expedite development and adoption of  
1456 total maximum daily loads for the Caloosahatchee River and  
1457 estuary. The department is further directed to, ~~no later than~~  
1458 ~~December 31, 2008,~~ propose for final agency action total maximum  
1459 daily loads for nutrients in the tidal portions of the  
1460 Caloosahatchee River and estuary. The department shall initiate  
1461 development of basin management action plans for Lake  
1462 Okeechobee, the Caloosahatchee River watershed and estuary, and  
1463 the St. Lucie River watershed and estuary as provided in s.  
1464 403.067 ~~403.067(7)(a)~~ as follows:

1465 (a) Basin management action plans shall be developed as  
1466 soon as practicable as determined necessary by the department to  
1467 achieve the total maximum daily loads established for the Lake  
1468 Okeechobee watershed and the estuaries.

1469 (b) The Phase II technical plan development pursuant to  
1470 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection Plans  
1471 developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall  
1472 provide the basis for basin management action plans developed by  
1473 the department.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1474 (c) As determined necessary by the department in order to  
1475 achieve the total maximum daily loads, additional or modified  
1476 projects or programs that complement those in the legislatively  
1477 ratified plans may be included during the development of the  
1478 basin management action plan.

1479 (d) As provided in s. 403.067, management strategies and  
1480 pollution reduction requirements set forth in a basin management  
1481 action plan subject to permitting by the department under  
1482 subsection (7) must be completed pursuant to the schedule set  
1483 forth in the basin management action plan, as amended. The  
1484 implementation schedule may extend beyond the 5-year permit  
1485 term.

1486 (e) As provided in s. 403.067, management strategies and  
1487 pollution reduction requirements set forth in a basin management  
1488 action plan for a specific pollutant of concern are not subject  
1489 to challenge under chapter 120 at the time they are  
1490 incorporated, in an identical form, into a department or  
1491 district issued permit or a permit modification issued in  
1492 accordance with subsection (7).

1493 ~~(d) Development of basin management action plans that~~  
1494 ~~implement the provisions of the legislatively ratified plans~~  
1495 ~~shall be initiated by the department no later than September 30~~  
1496 ~~of the year in which the applicable plan is ratified. Where a~~  
1497 ~~total maximum daily load has not been established at the time of~~  
1498 ~~plan ratification, development of basin management action plans~~  
1499 ~~shall be initiated no later than 90 days following adoption of~~

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1500 ~~the applicable total maximum daily load.~~

1501 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in  
1502 cooperation with the other coordinating agencies, shall report  
1503 on implementation of this section as part of the consolidated  
1504 annual report required in s. 373.036(7). The annual report shall  
1505 include a summary of the conditions of the hydrology, water  
1506 quality, and aquatic habitat in the northern Everglades based on  
1507 the results of the Research and Water Quality Monitoring  
1508 Programs, the status of the Lake Okeechobee Watershed  
1509 Construction Project, the status of the Caloosahatchee River  
1510 Watershed Construction Project, and the status of the St. Lucie  
1511 River Watershed Construction Project. In addition, the report  
1512 shall contain an annual accounting of the expenditure of funds  
1513 from the Save Our Everglades Trust Fund. At a minimum, the  
1514 annual report shall provide detail by program and plan,  
1515 including specific information concerning the amount and use of  
1516 funds from federal, state, or local government sources. In  
1517 detailing the use of these funds, the district shall indicate  
1518 those designated to meet requirements for matching funds. The  
1519 district shall prepare the report in cooperation with the other  
1520 coordinating agencies and affected local governments. The  
1521 department shall report on the status of the Lake Okeechobee  
1522 Basin Management Action Plan, the Caloosahatchee Estuary Basin  
1523 Management Action Plan, and the St. Lucie River and Estuary  
1524 Basin Management Action Plan. The Department of Agriculture and  
1525 Consumer Services shall report on the status of the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1526 implementation of the agricultural nonpoint source best  
1527 management practices.

1528 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

1529 (a) The Legislature finds that the Lake Okeechobee  
1530 Watershed Protection Program will benefit Lake Okeechobee and  
1531 downstream receiving waters and is in ~~consistent with~~ the public  
1532 interest. The Lake Okeechobee Watershed Construction Project,  
1533 and structures discharging into or from Lake Okeechobee shall be  
1534 constructed, operated, and maintained in accordance with this  
1535 section.

1536 (b) Permits obtained pursuant to this section are in lieu  
1537 of all other permits under this chapter or chapter 403, except  
1538 those issued under s. 403.0885, if applicable. ~~No~~ Additional  
1539 permits are not required for the Lake Okeechobee Watershed  
1540 Construction Project, or structures discharging into or from  
1541 Lake Okeechobee, ~~if~~ such projects or structures are permitted  
1542 under this section. Construction activities related to  
1543 implementation of the Lake Okeechobee Watershed Construction  
1544 Project may be initiated before ~~prior to~~ final agency action, or  
1545 notice of intended agency action, on any permit from the  
1546 department under this section.

1547 (c) 1. ~~Within 90 days of completion of the diversion plans~~  
1548 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~  
1549 ~~0706, 91-0705, and RT50-205564,~~ Owners or operators of existing  
1550 structures which discharge into or from Lake Okeechobee that  
1551 were subject to Department Consent Orders 91-0694, 91-0707, 91-

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1552 0706, 91-0705, and RT50-205564 and that are subject to the  
1553 ~~provisions of s. 373.4592(4) (a) do not require a permit under~~  
1554 this section and shall be governed by permits issued under apply  
1555 ~~for a permit from the department to operate and maintain such~~  
1556 ~~structures. By September 1, 2000, owners or operators of all~~  
1557 ~~other existing structures which discharge into or from Lake~~  
1558 ~~Okeechobee shall apply for a permit from the department to~~  
1559 ~~operate and maintain such structures. The department shall issue~~  
1560 ~~one or more such permits for a term of 5 years upon the~~  
1561 ~~demonstration of reasonable assurance that schedules and~~  
1562 ~~strategies to achieve and maintain compliance with water quality~~  
1563 ~~standards have been provided for, to the maximum extent~~  
1564 ~~practicable, and that operation of the structures otherwise~~  
1565 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~  
1566 Okeechobee Basin Management Action Plan adopted pursuant to s.  
1567 403.067.

1568 ~~1. Permits issued under this paragraph shall also contain~~  
1569 ~~reasonable conditions to ensure that discharges of waters~~  
1570 ~~through structures:~~

1571 ~~a. Are adequately and accurately monitored;~~

1572 ~~b. Will not degrade existing Lake Okeechobee water quality~~  
1573 ~~and will result in an overall reduction of phosphorus input into~~  
1574 ~~Lake Okeechobee, as set forth in the district's Technical~~  
1575 ~~Publication 81-2 and the total maximum daily load established in~~  
1576 ~~accordance with s. 403.067, to the maximum extent practicable;~~  
1577 ~~and~~

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1578 ~~e. Do not pose a serious danger to public health, safety,~~  
1579 ~~or welfare.~~

1580 2. For the purposes of this paragraph, owners and  
1581 operators of existing structures which are subject to ~~the~~  
1582 ~~provisions of~~ s. 373.4592(4) (a) and which discharge into or from  
1583 Lake Okeechobee shall be deemed in compliance with this  
1584 paragraph ~~the term "maximum extent practicable"~~ if they are in  
1585 full compliance with the conditions of permits under chapter  
1586 ~~chapters 40E-61 and 40E-63~~, Florida Administrative Code.

1587 3. ~~By January 1, 2004~~, The district shall obtain from  
1588 ~~submit to~~ the department a permit modification to the Lake  
1589 Okeechobee structure permits to incorporate proposed changes  
1590 necessary to ensure that discharges through the structures  
1591 covered by this permit are consistent with the basin management  
1592 action plan adopted pursuant to achieve state water quality  
1593 ~~standards, including the total maximum daily load established in~~  
1594 ~~accordance with~~ s. 403.067. ~~These changes shall be designed to~~  
1595 ~~achieve such compliance with state water quality standards no~~  
1596 ~~later than January 1, 2015.~~

1597 (d) The department shall require permits for district  
1598 regional projects that are part of the Lake Okeechobee Watershed  
1599 Construction Project facilities. However, projects ~~identified in~~  
1600 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to  
1601 s. 373.406 do shall not require ~~need~~ permits under this section.  
1602 Such permits shall be issued for a term of 5 years upon the  
1603 demonstration of reasonable assurances that:

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1604           1. District regional projects that are part of the Lake  
1605 Okeechobee Watershed Construction Project facility, ~~based upon~~  
1606 ~~the conceptual design documents and any subsequent detailed~~  
1607 ~~design documents developed by the district, will~~ shall achieve  
1608 the design objectives for phosphorus required in subparagraph  
1609 (3) (a) 1. (b);

1610           2. For water quality standards other than phosphorus, the  
1611 quality of water discharged from the facility is of equal or  
1612 better quality than the inflows;

1613           3. Discharges from the facility do not pose a serious  
1614 danger to public health, safety, or welfare; and

1615           4. Any impacts on wetlands or state-listed species  
1616 resulting from implementation of that facility of the Lake  
1617 Okeechobee Construction Project are minimized and mitigated, as  
1618 appropriate.

1619           (e) At least 60 days before ~~prior to~~ the expiration of any  
1620 permit issued under this section, the permittee may apply for a  
1621 renewal thereof for a period of 5 years.

1622           (f) Permits issued under this section may include any  
1623 standard conditions provided by department rule which are  
1624 appropriate and consistent with this section.

1625           (g) Permits issued under ~~pursuant to~~ this section may be  
1626 modified, as appropriate, upon review and approval by the  
1627 department.

1628           Section 9. Paragraphs (a) and (b) of subsection (6) of  
1629 section 373.536, Florida Statutes, are amended to read:

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1630 373.536 District budget and hearing thereon.—

1631 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
1632 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1633 (a) Each district must, by the date specified for each  
1634 item, furnish copies of the following documents to the Governor,  
1635 the President of the Senate, the Speaker of the House of  
1636 Representatives, the chairs of all legislative committees and  
1637 subcommittees having substantive or fiscal jurisdiction over the  
1638 districts, as determined by the President of the Senate or the  
1639 Speaker of the House of Representatives as applicable, the  
1640 secretary of the department, and the governing board of each  
1641 county in which the district has jurisdiction or derives any  
1642 funds for the operations of the district:

1643 1. The adopted budget, to be furnished within 10 days  
1644 after its adoption.

1645 2. A financial audit of its accounts and records, to be  
1646 furnished within 10 days after its acceptance by the governing  
1647 board. The audit must be conducted in accordance with s. 11.45  
1648 and the rules adopted thereunder. In addition to the entities  
1649 named above, the district must provide a copy of the audit to  
1650 the Auditor General within 10 days after its acceptance by the  
1651 governing board.

1652 3. A 5-year capital improvements plan, to be included in  
1653 the consolidated annual report required by s. 373.036(7). The  
1654 plan must include expected sources of revenue for planned  
1655 improvements and must be prepared in a manner comparable to the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1656 fixed capital outlay format set forth in s. 216.043.  
1657 4. A 5-year water resource development work program to be  
1658 furnished within 30 days after the adoption of the final budget.  
1659 The program must describe the district's implementation strategy  
1660 and include an annual funding plan for each of the five years  
1661 included in the plan for the water resource, and water supply,  
1662 development components, including and alternative water supply  
1663 development, components of each approved regional water supply  
1664 plan developed or revised under s. 373.709. The work program  
1665 must address all the elements of the water resource development  
1666 component in the district's approved regional water supply  
1667 plans, as well as the water supply projects proposed for  
1668 district funding and assistance. The annual funding plan shall  
1669 identify both anticipated available district funding and  
1670 additional funding needs for the second through fifth years of  
1671 the funding plan. The work program and must identify projects  
1672 in the work program which will provide water; explain how each  
1673 water resource, and water supply, and alternative water supply  
1674 development project will produce additional water available for  
1675 consumptive uses; estimate the quantity of water to be produced  
1676 by each project; and provide an assessment of the contribution  
1677 of the district's regional water supply plans in supporting the  
1678 implementation of minimum flows and levels and reservations; and  
1679 ensure providing sufficient water is available needed to timely  
1680 meet the water supply needs of existing and future reasonable-  
1681 beneficial uses for a 1-in-10-year drought event and to avoid

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1682 | the adverse effects of competition for water supplies.

1683 |       (b) Within 30 days after its submittal, the department  
1684 | shall review the proposed work program and submit its findings,  
1685 | questions, and comments to the district. The review must include  
1686 | a written evaluation of the program's consistency with the  
1687 | furtherance of the district's approved regional water supply  
1688 | plans, and the adequacy of proposed expenditures. As part of the  
1689 | review, the department shall post the work program on its  
1690 | website and give interested parties the opportunity to provide  
1691 | written comments on each district's proposed work program.

1692 | Within 45 days after receipt of the department's evaluation, the  
1693 | governing board shall state in writing to the department which  
1694 | of the changes recommended in the evaluation it will incorporate  
1695 | into its work program submitted as part of the March 1  
1696 | consolidated annual report required by s. 373.036(7) or specify  
1697 | the reasons for not incorporating the changes. The department  
1698 | shall include the district's responses in a final evaluation  
1699 | report and shall submit a copy of the report to the Governor,  
1700 | the President of the Senate, and the Speaker of the House of  
1701 | Representatives.

1702 |       Section 10. Subsection (9) of section 373.703, Florida  
1703 | Statutes, is amended to read:

1704 |       373.703 Water production; general powers and duties.—In  
1705 | the performance of, and in conjunction with, its other powers  
1706 | and duties, the governing board of a water management district  
1707 | existing pursuant to this chapter:

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1708 (9) May join with one or more other water management  
1709 districts, counties, municipalities, special districts, publicly  
1710 owned or privately owned water utilities, multijurisdictional  
1711 water supply entities, regional water supply authorities,  
1712 private landowners, or self-suppliers for the purpose of  
1713 carrying out its powers, and may contract with such other  
1714 entities to finance acquisitions, construction, operation, and  
1715 maintenance, provided that such contracts are consistent with  
1716 the public interest. The contract may provide for contributions  
1717 to be made by each party to the contract for the division and  
1718 apportionment of the expenses of acquisitions, construction,  
1719 operation, and maintenance, and for the division and  
1720 apportionment of resulting benefits, services, and products. The  
1721 contracts may contain other covenants and agreements necessary  
1722 and appropriate to accomplish their purposes.

1723 Section 11. Paragraph (b) of subsection (2), subsection  
1724 (3), and paragraph (b) of subsection (4) of section 373.705,  
1725 Florida Statutes, are amended to read:

1726 373.705 Water resource development; water supply  
1727 development.—

1728 (2) It is the intent of the Legislature that:

1729 (b) Water management districts take the lead in  
1730 identifying and implementing water resource development  
1731 projects, and be responsible for securing necessary funding for  
1732 regionally significant water resource development projects,  
1733 including regionally significant projects that prevent or limit

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1734 adverse water resource impacts, avoid competition among water  
1735 users, or support the provision of new water supplies in order  
1736 to help implement a minimum flow or level or water reservation.

1737 (3) (a) The water management districts shall fund and  
1738 implement water resource development as defined in s. 373.019.  
1739 The water management districts are encouraged to implement water  
1740 resource development as expeditiously as possible in areas  
1741 subject to regional water supply plans.

1742 (b) Each governing board shall include in its annual  
1743 budget submittals required under this chapter:

1744 1. The amount of funds for each project in the annual  
1745 funding plan developed pursuant to s. 373.536(6) (a)4.

1746 2. The total amount needed for the fiscal year to  
1747 implement water resource development projects, as prioritized in  
1748 its regional water supply plans.

1749 (4)

1750 (b) Water supply development projects that meet the  
1751 criteria in paragraph (a) and that meet one or more of the  
1752 following additional criteria shall be given first consideration  
1753 for state or water management district funding assistance:

1754 1. The project brings about replacement of existing  
1755 sources in order to help implement a minimum flow or level; ~~or~~

1756 2. The project implements reuse that assists in the  
1757 elimination of domestic wastewater ocean outfalls as provided in  
1758 s. 403.086(9); or

1759 3. The project reduces or eliminates the adverse effects

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1760 of competition between legal users and the natural system.

1761 Section 12. Paragraph (f) of subsection (3), subsection  
1762 (6), and paragraph (e) of subsection (8) of section 373.707,  
1763 Florida Statutes, are amended to read:

1764 373.707 Alternative water supply development.—

1765 (3) The primary roles of the water management districts in  
1766 water resource development as it relates to supporting  
1767 alternative water supply development are:

1768 (f) The provision of technical and financial assistance to  
1769 local governments, self-suppliers, and publicly owned and  
1770 privately owned water utilities for alternative water supply  
1771 projects.

1772 (6) (a) Where state ~~The statewide~~ funds are provided  
1773 through specific appropriation or pursuant to the Water  
1774 Protection and Sustainability Program, such funds serve to  
1775 supplement existing water management district or basin board  
1776 funding for alternative water supply development assistance and  
1777 should not result in a reduction of such funding. For each  
1778 project identified in the plans prepared pursuant to s.

1779 373.536 (6) (a) 4. ~~Therefore~~, the water management districts shall  
1780 include in the annual tentative and adopted budget submittals  
1781 required under this chapter the amount of funds allocated for  
1782 water resource development that supports alternative water  
1783 supply development and the funds allocated for alternative water  
1784 supply projects ~~selected for inclusion in the Water Protection~~  
1785 ~~and Sustainability Program~~. It shall be the goal of each water

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

1786 management district and basin boards that the combined funds  
1787 allocated annually for these purposes be, at a minimum, the  
1788 equivalent of 100 percent of the state funding provided to the  
1789 water management district for alternative water supply  
1790 development. If this goal is not achieved, the water management  
1791 district shall provide in the budget submittal an explanation of  
1792 the reasons or constraints that prevent this goal from being  
1793 met, an explanation of how the goal will be met in future years,  
1794 and affirmation of match is required during the budget review  
1795 process as established under s. 373.536(5). The Suwannee River  
1796 Water Management District and the Northwest Florida Water  
1797 Management District shall not be required to meet the match  
1798 requirements of this paragraph; however, they shall try to  
1799 achieve the match requirement to the greatest extent  
1800 practicable.

1801 (b) State funds from the Water Protection and  
1802 Sustainability Program created in s. 403.890 shall be made  
1803 available for financial assistance for the project construction  
1804 costs of alternative water supply development projects selected  
1805 by a water management district governing board for inclusion in  
1806 the program.

1807 (8)

1808 (e) Applicants for projects that may receive funding  
1809 assistance pursuant to the Water Protection and Sustainability  
1810 Program shall, at a minimum, be required to pay 60 percent of  
1811 the project's construction costs. The water management districts

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1812 may, at their discretion, totally or partially waive this  
1813 requirement for projects sponsored by:

1814 1. Financially disadvantaged small local governments as  
1815 defined in former s. 403.885(5); or

1816 2. Water users for projects determined by a water  
1817 management district governing board to be in the public interest  
1818 pursuant to paragraph (1)(f), if the projects are not otherwise  
1819 financially feasible.

1820  
1821 The water management districts or basin boards may, at their  
1822 discretion, use ad valorem or federal revenues to assist a  
1823 project applicant in meeting the requirements of this paragraph.

1824 Section 13. Paragraphs (a) and (b) of subsection (2) and  
1825 paragraphs (a) and (e) of subsection (6) of section 373.709,  
1826 Florida Statutes, are amended to read:

1827 373.709 Regional water supply planning.—

1828 (2) Each regional water supply plan must be based on at  
1829 least a 20-year planning period and must include, but need not  
1830 be limited to:

1831 (a) A water supply development component for each water  
1832 supply planning region identified by the district which  
1833 includes:

1834 1. A quantification of the water supply needs for all  
1835 existing and future reasonable-beneficial uses within the  
1836 planning horizon. The level-of-certainty planning goal  
1837 associated with identifying the water supply needs of existing

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1838 and future reasonable-beneficial uses must be based upon meeting  
1839 those needs for a 1-in-10-year drought event.

1840 a. Population projections used for determining public  
1841 water supply needs must be based upon the best available data.  
1842 In determining the best available data, the district shall  
1843 consider the University of Florida ~~Florida's~~ Bureau of Economic  
1844 and Business Research (BEBR) medium population projections and  
1845 population projection data and analysis submitted by a local  
1846 government pursuant to the public workshop described in  
1847 subsection (1) if the data and analysis support the local  
1848 government's comprehensive plan. Any adjustment of or deviation  
1849 from the BEBR projections must be fully described, and the  
1850 original BEBR data must be presented along with the adjusted  
1851 data.

1852 b. Agricultural demand projections used for determining  
1853 the needs of agricultural self-suppliers must be based upon the  
1854 best available data. In determining the best available data for  
1855 agricultural self-supplied water needs, the district shall  
1856 consider the data indicative of future water supply demands  
1857 provided by the Department of Agriculture and Consumer Services  
1858 pursuant to s. 570.93 and agricultural demand projection data  
1859 and analysis submitted by a local government pursuant to the  
1860 public workshop described in subsection (1), if the data and  
1861 analysis support the local government's comprehensive plan. Any  
1862 adjustment of or deviation from the data provided by the  
1863 Department of Agriculture and Consumer Services must be fully

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



Amendment No.

1864 described, and the original data must be presented along with  
1865 the adjusted data.

1866 2. A list of water supply development project options,  
1867 including traditional and alternative water supply project  
1868 options that are technically and financially feasible, from  
1869 which local government, government-owned and privately owned  
1870 utilities, regional water supply authorities,  
1871 multijurisdictional water supply entities, self-suppliers, and  
1872 others may choose for water supply development. In addition to  
1873 projects listed by the district, such users may propose specific  
1874 projects for inclusion in the list of alternative water supply  
1875 projects. If such users propose a project to be listed as an  
1876 alternative water supply project, the district shall determine  
1877 whether it meets the goals of the plan, and, if so, it shall be  
1878 included in the list. The total capacity of the projects  
1879 included in the plan must exceed the needs identified in  
1880 subparagraph 1. and take into account water conservation and  
1881 other demand management measures, as well as water resources  
1882 constraints, including adopted minimum flows and levels and  
1883 water reservations. Where the district determines it is  
1884 appropriate, the plan should specifically identify the need for  
1885 multijurisdictional approaches to project options that, based on  
1886 planning level analysis, are appropriate to supply the intended  
1887 uses and that, based on such analysis, appear to be permissible  
1888 and financially and technically feasible. The list of water  
1889 supply development options must contain provisions that

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1890 recognize that alternative water supply options for agricultural  
1891 self-suppliers are limited.

1892 3. For each project option identified in subparagraph 2.,  
1893 the following must be provided:

1894 a. An estimate of the amount of water to become available  
1895 through the project.

1896 b. The timeframe in which the project option should be  
1897 implemented and the estimated planning-level costs for capital  
1898 investment and operating and maintaining the project.

1899 c. An analysis of funding needs and sources of possible  
1900 funding options. For alternative water supply projects, the  
1901 water management districts shall provide funding assistance  
1902 pursuant to s. 373.707(8).

1903 d. Identification of the entity that should implement each  
1904 project option and the current status of project implementation.

1905 (b) A water resource development component that includes:

1906 1. A listing of those water resource development projects  
1907 that support water supply development.

1908 2. For each water resource development project listed:

1909 a. An estimate of the amount of water to become available  
1910 through the project.

1911 b. The timeframe in which the project option should be  
1912 implemented and the estimated planning-level costs for capital  
1913 investment and for operating and maintaining the project.

1914 c. An analysis of funding needs and sources of possible  
1915 funding options.

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1916 d. Identification of the entity that should implement each  
1917 project option and the current status of project implementation.

1918 (6) Annually and in conjunction with the reporting  
1919 requirements of s. 373.536(6)(a)4., the department shall submit  
1920 to the Governor and the Legislature a report on the status of  
1921 regional water supply planning in each district. The report  
1922 shall include:

1923 (a) A compilation of the estimated costs ~~of~~ and an  
1924 analysis of the sufficiency of potential sources of funding from  
1925 all sources for water resource development and water supply  
1926 development projects as identified in the water management  
1927 district regional water supply plans.

1928 (e) An overall assessment of the progress being made to  
1929 develop water supply in each district, including, but not  
1930 limited to, an explanation of how each project in the 5-year  
1931 water resource development work program in s. 373.536(6)(a)4.,  
1932 either alternative or traditional, will produce, contribute to,  
1933 or account for additional water being made available for  
1934 consumptive uses, minimum flows and levels, or water  
1935 reservations; an estimate of the quantity of water to be  
1936 produced by each project;~~;~~ and an assessment of the contribution  
1937 of the district's regional water supply plan in providing  
1938 sufficient water to meet the needs of existing and future  
1939 reasonable-beneficial uses for a 1-in-10-year drought event, as  
1940 well as the needs of the natural systems.

1941 Section 14. Part VIII of chapter 373, Florida Statutes,

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1942 consisting of ss. 373.801-373.809, is created to read:

1943 PART VIII

1944 FLORIDA SPRINGS AND AQUIFER ACT

1945 373.801 Legislative findings and intent.-

1946 (1) The Legislature finds that:

1947 (a) Springs are a unique part of this state's scenic  
1948 beauty. Springs provide critical habitat for plants and animals,  
1949 including many endangered or threatened species, as well as  
1950 immeasurable natural, recreational, economic, and inherent  
1951 value.

1952 (b) Springs provide recreational opportunities for  
1953 swimming, canoeing, wildlife watching, fishing, cave diving, and  
1954 many other activities. Such recreational opportunities and the  
1955 accompanying tourism benefit state and local economies.

1956 (c) Springs are of great scientific importance in  
1957 understanding the diverse functions of aquatic ecosystems. Water  
1958 quality of springs is an indicator of local conditions of the  
1959 Floridan Aquifer, which is the source of drinking water for many  
1960 residents of this state. Water flows in springs reflect regional  
1961 aquifer conditions.

1962 (2) It is the intent of the Legislature:

1963 (a) That springs basin management action plans for  
1964 Priority Florida Springs are expeditiously developed and  
1965 implemented.

1966 (b) That recovery strategies for Priority Florida Springs  
1967 that are not meeting minimum flows and levels are expeditiously

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1968 developed and implemented.

1969 (c) To prioritize the development of minimum flows and  
1970 levels for Priority Florida Springs and implementation of  
1971 recovery or prevention strategies for Priority Florida Springs  
1972 as applicable.

1973 (d) To prioritize the assessment of all Priority Florida  
1974 Springs for potential nutrient impairment through the Florida  
1975 total maximum daily load program.

1976 (e) To prioritize the adoption of total maximum daily  
1977 loads for impaired Priority Florida Springs.

1978 (f) To prioritize the implementation of basin management  
1979 action plans to restore impaired Priority Florida Springs.

1980 373.802 Definitions.—As used in this part, the term:

1981 (1) "Best management practice" means a practice or  
1982 combination of practices based on research, field-testing, and  
1983 expert review, to be the most effective and practicable on-  
1984 location means, including economic and technological  
1985 considerations, for improving water quality in agricultural and  
1986 urban discharges and improving efficiencies in the use and  
1987 management of water.

1988 (2) "Department" means the Department of Environmental  
1989 Protection, which includes the Florida Geological Survey or its  
1990 successor agency or agencies.

1991 (3) "Priority Florida Springs" includes all first  
1992 magnitude springs in the state and all second magnitude springs  
1993 within state or federally owned lands purchased for conservation

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

1994 | purposes.  
1995 |       373.803 Priority Florida Springs Generally.—  
1996 |       (1) The department, the water management districts, and the  
1997 | Department of Agriculture and Consumer Services shall work  
1998 | together in a coordinated manner to restore and maintain the  
1999 | water quantity and water quality of Priority Florida Springs.  
2000 |       (2) With respect to Florida's springs:  
2001 |       (a) The department has primary responsibility for water  
2002 | quality protection through establishment of basin management  
2003 | action plans and other water quality regulations.  
2004 |       (b) The water management districts have primary  
2005 | responsibility for the hydrologic recovery of spring flow  
2006 | through the establishment of minimum flows and levels and  
2007 | recovery plans.  
2008 |       (c) The Department of Agriculture and Consumer Services  
2009 | has primary responsibility for the development and  
2010 | implementation of best management practices for agricultural  
2011 | nonpoint sources.  
2012 |       (d) Local governments have primary responsibility for  
2013 | providing urban stormwater management and domestic wastewater  
2014 | management.  
2015 |       (3) The department, the water management districts, and  
2016 | the Department of Agriculture and Consumer Services shall  
2017 | prioritize the implementation of financial assistance and  
2018 | community outreach programs for springs protection that support  
2019 | actions to reduce nutrient loading to the environment and

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

2020 prevent or abate nutrient over-enrichment of springs. Such  
2021 actions shall include implementing agricultural best management  
2022 practices and may include connecting centralized sewer systems  
2023 to densely populated areas presently served by onsite treatment  
2024 and disposal systems, stormwater management improvements, and  
2025 supporting implementation of ordinances consistent with the  
2026 department's Model Ordinance for Florida-Friendly Fertilizer Use  
2027 on Urban Landscapes referenced in s. 403.9337.

2028 373.805 Recovery or prevention strategies for Priority  
2029 Florida Springs.-

2030 (1) Recovery or prevention strategies for Priority Florida  
2031 Springs shall be developed as follows:

2032 (a) For any minimum flow or level initially adopted after  
2033 July 1, 2015, if the Priority Florida Spring is below or is  
2034 projected to fall within 20 years below the initial minimum flow  
2035 or level, the water management district shall simultaneously  
2036 approve the recovery or prevention strategy required by s.  
2037 373.0421(2).

2038 (b) When an adopted minimum flow or level is revised, if  
2039 the Priority Florida Spring is below or is projected within 20  
2040 years to fall below the revised minimum flow or level, the water  
2041 management district shall simultaneously approve the recovery or  
2042 prevention strategy required by s. 373.0421(2) or modify an  
2043 existing recovery or prevention strategy.

2044 (c) For Priority Florida Springs with an adopted minimum  
2045 flow or level but without a prevention or recovery strategy as

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

2046 of July 1, 2015, when the water management district determines  
2047 the Priority Florida Spring has fallen below or is projected  
2048 within 20 years to fall below the adopted minimum flow or level,  
2049 the water management district shall expeditiously approve a  
2050 recovery or prevention strategy.

2051 (2) A recovery or prevention strategy for a Priority  
2052 Florida Spring must include, at a minimum:

2053 (a) A prioritized list of specific projects necessary to  
2054 achieve the minimum flow or level.

2055 (b) The capitol cost, operating cost, and measures of  
2056 cost-benefit for each listed project.

2057 (c) The source and amount of financial assistance from the  
2058 water management districts for each project.

2059 (d) Provisions otherwise required by law.

2060 373.807 Protection of water quality in Priority Florida  
2061 Springs.-

2062 (1) As expeditiously as practicable, but no later than  
2063 December 1, 2018, the department, or the department in  
2064 conjunction with a water management district, shall, for  
2065 Priority Florida Springs:

2066 (a) Complete an assessment pursuant to s. 403.067 of  
2067 Priority Florida Springs for which an impairment determination  
2068 has not been made under the numeric nutrient criteria in effect  
2069 for spring vents.

2070 (b) Establish a total maximum daily load for nutrients  
2071 pursuant to s. 403.067 for Priority Florida Springs determined

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



Amendment No.

2072 by the department to be impaired; and

2073 (c) Establish basin management action plans pursuant to s.  
2074 403.067 that include the impaired Priority Florida Springs that  
2075 are subject to a total maximum daily load.

2076 (2) If a Priority Florida Spring is determined to be  
2077 impaired after December 1, 2018, the department shall establish  
2078 a basin management action plan to include the impaired spring  
2079 within two years after the determination of impairment.

2080 (3) Basin management action plans for Priority Florida  
2081 Springs must include, at a minimum:

2082 1. A priority listing of all specific projects identified  
2083 for implementation of the basin management action plan.

2084 2. The capitol cost, operating cost, and measures of cost-  
2085 benefit for each listed project.

2086 3. The source and amount of financial assistance, if any,  
2087 from the water management districts, the department, and the  
2088 Department of Agriculture and Consumer Services for each  
2089 project.

2090 4. Provisions otherwise required by law.

2091 373.809 Agricultural best management practices for  
2092 springs protection.-

2093 (1) Best management practices for agricultural discharges  
2094 shall reflect a balance between water quality improvements in  
2095 Priority Florida Springs and agricultural productivity.

2096 (2) Subject to the availability of funds, the Department  
2097 of Agriculture and Consumer Services, in cooperation with the

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

2098 department and the water management districts, shall provide  
2099 technical and financial assistance for implementation of  
2100 agricultural best management practices pursuant to this section.

2101 (3) The department shall conduct monitoring at  
2102 representative sites to verify the effectiveness of agricultural  
2103 best management practices in accordance with s. 403.067.

2104 (4) Where water quality problems are detected in a  
2105 Priority Florida Spring despite the appropriate implementation  
2106 of adopted agricultural best management practices, a  
2107 reevaluation of the agricultural best management practices shall  
2108 be conducted pursuant to s. 403.067(7)(c)4.

2109 (5) Each person engaged in the occupation of agriculture  
2110 within the geographic area encompassed by a basin management  
2111 action plan that includes a Priority Florida Spring must either  
2112 implement agricultural best management practices in accordance  
2113 with the rules of the Department of Agriculture and Consumer  
2114 Services or conduct water quality monitoring prescribed by the  
2115 department or water management district according to the  
2116 following schedule:

2117 (a) If a basin management action plan that includes a  
2118 Priority Florida Spring was established before July 1, 2015,  
2119 each person engaged in the occupation of agriculture within the  
2120 geographic area encompassed by the basin management action plan  
2121 must, by December 31, 2015, notify the Department of Agriculture  
2122 and Consumer Services of his or her intent to either implement  
2123 agricultural best management practices or conduct water quality

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

2124 monitoring prescribed by the department or water management  
2125 district.

2126 (b) If a basin management action plan that includes a  
2127 Priority Florida Spring is established on or after July 1, 2015,  
2128 each person engaged in the occupation of agriculture within the  
2129 geographic area encompassed by the basin management action plan  
2130 must, within 180 days after establishment of the basin  
2131 management action plan, notify the Department of Agriculture and  
2132 Consumer Services of his or her intent to either implement  
2133 agricultural best management practices or conduct water quality  
2134 monitoring prescribed by the department or water management  
2135 district.

2136 Section 15. Subsection (29) of section 403.061, Florida  
2137 Statutes, is amended to read:

2138 403.061 Department; powers and duties.—The department  
2139 shall have the power and the duty to control and prohibit  
2140 pollution of air and water in accordance with the law and rules  
2141 adopted and promulgated by it and, for this purpose, to:

2142 (29) (a) Adopt by rule special criteria to protect Class II  
2143 and Class III shellfish harvesting waters. Such rules may  
2144 include special criteria for approving docking facilities that  
2145 have 10 or fewer slips if the construction and operation of such  
2146 facilities will not result in the closure of shellfish waters.

2147 (b) Adopt by rule a specific surface water classification  
2148 to protect surface waters used for treated potable water supply.  
2149 These designated surface waters shall have the same water

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

2150 quality criteria protections as waters designated for fish  
2151 consumption, recreation, and the propagation and maintenance of  
2152 a healthy, well-balanced population of fish and wildlife, and  
2153 shall be free from discharged substances at a concentration  
2154 that, alone or in combination with other discharged substances,  
2155 would require significant alteration of permitted treatment  
2156 processes at the permitted treatment facility or that would  
2157 otherwise prevent compliance with applicable state drinking  
2158 water standards in the treated water. Notwithstanding this  
2159 classification, a surface water used for treated potable water  
2160 supply may be reclassified as waters designated for potable  
2161 water supply.

2162

2163 The department shall implement such programs in conjunction with  
2164 its other powers and duties and shall place special emphasis on  
2165 reducing and eliminating contamination that presents a threat to  
2166 humans, animals or plants, or to the environment.

2167 Section 16. Subsection (21) is added to section 403.861,  
2168 Florida Statutes, to read:

2169 403.861 Department; powers and duties.—The department  
2170 shall have the power and the duty to carry out the provisions  
2171 and purposes of this act and, for this purpose, to:

2172 (21) Establish rules in accordance with this subsection  
2173 concerning the use of surface waters for public water supply.

2174 (a) Any permit applicant applying to construct a public  
2175 water system to provide potable public water supply using a

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

Amendment No.

2176 surface water of the state that, at the time of the permit  
2177 application, does not include potable water supply as a  
2178 designated use by the department, shall petition to reclassify  
2179 the surface water to include potable water supplies as a  
2180 designated use or shall certify in the permit application that  
2181 the public water supply utility will provide potable water to  
2182 the public that, at a minimum, meets primary drinking water  
2183 standards adopted in accordance with s. 403.853. An existing  
2184 permittee may elect to file a certification in accordance with  
2185 this paragraph.

2186 (b) Upon receipt of the certification described in  
2187 paragraph (a) from an existing permittee or, in the case of a  
2188 new permittee for surface water that does not include potable  
2189 use at the time of application, upon issuance of the permit, the  
2190 department shall act on the certification by adding treated  
2191 potable water supplies as a designated use of the surface water.

2192 Section 17. This act shall take effect July 1, 2015.

2193

2194

2195

-----  
**T I T L E A M E N D M E N T**

2196

Remove everything before the enacting clause and insert:

2197

An act relating to water resources; amending s.

2198

373.019, F.S.; revising the definition of "water

2199

resource development" to include self-suppliers;

2200

amending s. 373.0421, F.S.; directing the Department

2201

of Environmental Protection and water management

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

2202 district governing boards to implement certain  
2203 recovery or prevention strategies concurrent with the  
2204 adoption of minimum flows and levels; providing  
2205 criteria for such recovery or prevention strategies;  
2206 requiring revisions to regional water supply plans to  
2207 be concurrent with relevant portions of the recovery  
2208 or prevention strategy; directing water management  
2209 districts to notify the department when water use  
2210 permit applications are denied for a specified reason;  
2211 providing for the review and update of regional water  
2212 supply plans in such cases; creating s. 373.0465,  
2213 F.S.; providing legislative intent; defining the term  
2214 "Central Florida Water Initiative Area"; providing for  
2215 an interagency agreement between the Department of  
2216 Environmental Protection, the St. Johns River Water  
2217 Management District, the South Florida Water  
2218 Management District, the Southwest Florida Water  
2219 Management District, and the Department of Agriculture  
2220 and Consumer Services to develop and implement a  
2221 multi-district regional water supply plan; providing  
2222 plan criteria and requirements; providing  
2223 applicability; amending s. 373.1501, F.S.; specifying  
2224 authority of the South Florida Water Management  
2225 District to allocate quantities of, and assign  
2226 priorities for the use of, water within its  
2227 jurisdiction; directing the district to provide

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

2228 recommendations to the United States Army Corps of  
2229 Engineers when developing or implementing certain  
2230 water control plans or regulation schedules; amending  
2231 s. 373.2234, F.S.; directing water management district  
2232 governing boards to give priority consideration to the  
2233 identification of preferred water supply sources for  
2234 certain self-suppliers; amending s. 373.233, F.S.;  
2235 providing conditions under which the department and  
2236 water management district governing boards are  
2237 directed to give preference to certain applications;  
2238 amending s. 373.4591, F.S.; providing priority  
2239 consideration to certain public-private partnerships  
2240 for water storage, groundwater recharge, and water  
2241 quality improvements on private agricultural lands;  
2242 amending s. 373.4595, F.S.; revising and providing  
2243 definitions relating to the Northern Everglades and  
2244 Estuaries Protection Program; clarifying provisions of  
2245 the Lake Okeechobee Watershed Protection Program;  
2246 directing the South Florida Water Management District  
2247 to revise certain rules and provide for a water  
2248 quality monitoring program; revising provisions for  
2249 the Caloosahatchee River Watershed Protection Program  
2250 and the St. Lucie River Watershed Protection Program;  
2251 revising permitting and annual reporting requirements  
2252 relating to the Northern Everglades and Estuaries  
2253 Protection Program; amending s. 373.536, F.S.;

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

2254 requiring water management districts to submit an  
2255 annual funding plan with the water resource  
2256 development work program; amending s. 373.703, F.S.;  
2257 authorizing water management districts to contract  
2258 with private landowners for water production; amending  
2259 s. 373.705, F.S.; providing first consideration for  
2260 funding assistance to certain water supply development  
2261 projects; requiring governing boards to include  
2262 certain information in their annual budget submittals;  
2263 amending s. 373.707, F.S.; authorizing water  
2264 management districts to provide technical and  
2265 financial assistance to self-suppliers and to waive  
2266 certain construction costs of alternative water supply  
2267 development projects by certain water users; amending  
2268 s. 373.709, F.S.; requiring water supply plans to  
2269 include traditional and alternative water supply  
2270 project options that are technically and financially  
2271 feasible; creating part VIII of chapter 373, F.S.,  
2272 relating to the Florida Springs and Aquifer Act;  
2273 providing legislative findings and intent; providing  
2274 criteria and requirements for the development of  
2275 recovery or prevention strategies for Priority Florida  
2276 Springs; requiring the Department of Environmental  
2277 Protection to perform a water quality assessment of  
2278 Priority Florida Springs, establish total maximum  
2279 daily loads for Priority Florida Springs, and

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. PCB SAC 15-01 (2015)

Amendment No.

2280 establish basin management action plans for Priority  
2281 Florida Springs; providing criteria and requirements  
2282 for agricultural best management practices within a  
2283 basin management action plan; amending s. 403.061,  
2284 F.S.; directing the department to adopt by rule a  
2285 specific surface water classification to protect  
2286 surface waters used for treated potable water supply;  
2287 providing criteria for such rule; authorizing the  
2288 reclassification of surface waters used for treated  
2289 potable water supply notwithstanding such rule;  
2290 amending s. 403.861, F.S.; directing the department to  
2291 establish rules concerning the use of surface waters  
2292 for public water supply; requiring permit applicants  
2293 using surface water to provide potable public water  
2294 supply to petition the department to reclassify the  
2295 surface water or to certify that the potable public  
2296 water supply will meet certain drinking water  
2297 standards; directing the department to designate  
2298 treated potable water supplies as a use of surface  
2299 water; providing an effective date.

2300

PCB SAC 15-01 Strike1

Published On: 2/10/2015 12:58:05 PM