

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 373.019, F.S.; revising the definition of "water
4 resource development" to include self-suppliers;
5 amending s. 373.0421, F.S.; directing the Department
6 of Environmental Protection and water management
7 district governing boards to implement certain
8 recovery or prevention strategies concurrent with the
9 adoption of minimum flows and levels; providing
10 criteria for such recovery or prevention strategies;
11 requiring revisions to regional water supply plans to
12 be concurrent with the adoption of minimum flows or
13 levels and implementation of recovery and prevention
14 strategies; directing water management districts to
15 notify the department when water use permit
16 applications are denied for a specified reason;
17 providing for the review and update of regional water
18 supply plans in such cases; creating s. 373.0465,
19 F.S.; providing legislative intent; defining the term
20 "Central Florida Water Initiative Area"; providing for
21 an interagency agreement between the Department of
22 Environmental Protection, the St. Johns River Water
23 Management District, the South Florida Water
24 Management District, the Southwest Florida Water
25 Management District, and the Department of Agriculture
26 and Consumer Services to develop and implement a

27 multi-district regional water supply plan; providing
28 plan criteria and requirements; providing
29 applicability; amending s. 373.1501, F.S.; specifying
30 authority of the South Florida Water Management
31 District to allocate quantities of, and assign
32 priorities for the use of, water within its
33 jurisdiction; directing the district to provide
34 recommendations to the United States Army Corps of
35 Engineers when developing or implementing certain
36 water control plans or regulation schedules; amending
37 s. 373.2234, F.S.; directing water management district
38 governing boards to give priority consideration to the
39 identification of preferred water supply sources for
40 certain self-suppliers; amending s. 373.233, F.S.;;
41 providing conditions under which the department and
42 water management district governing boards are
43 directed to give preference to certain applications;
44 amending s. 373.4591, F.S.; providing priority
45 consideration to certain public-private partnerships
46 for water storage, groundwater recharge, and water
47 quality improvements on private agricultural lands;
48 amending s. 373.4595, F.S.; revising and providing
49 definitions relating to the Northern Everglades and
50 Estuaries Protection Program; clarifying provisions of
51 the Lake Okeechobee Watershed Protection Program;
52 directing the South Florida Water Management District

53 to revise certain rules and provide for a water
54 quality monitoring program; revising provisions for
55 the Caloosahatchee River Watershed Protection Program
56 and the St. Lucie River Watershed Protection Program;
57 revising permitting and annual reporting requirements
58 relating to the Northern Everglades and Estuaries
59 Protection Program; amending s. 373.703, F.S.;
60 authorizing water management districts to contract
61 with private landowners for water production; amending
62 s. 373.705, F.S.; providing first consideration for
63 funding assistance to certain water supply development
64 projects; requiring governing boards to include
65 certain information in their annual budget submittals;
66 amending s. 373.707, F.S.; authorizing water
67 management districts to provide technical and
68 financial assistance to self-suppliers and to waive
69 certain construction costs of alternative water supply
70 development projects by certain self-suppliers;
71 amending s. 373.709, F.S.; requiring water supply
72 plans to include traditional and alternative water
73 supply project options that are technically and
74 financially feasible; creating part VIII of chapter
75 373, F.S., relating to the Florida Springs and Aquifer
76 Act; providing legislative findings and intent;
77 providing criteria and requirements for the
78 delineation of spring protection zones for Priority

79 Florida Springs; providing criteria and requirements
80 for the development of recovery and prevention
81 strategies for Priority Florida Springs; providing
82 criteria and requirements for the determination of
83 total maximum daily loads and development of basin
84 management action plans for Priority Florida Springs;
85 providing criteria and requirements for agricultural
86 best management practices within spring protection
87 zones; amending s. 403.061, F.S.; directing the
88 department to adopt by rule a specific surface water
89 classification to protect surface waters used for
90 treated potable water supply; providing criteria for
91 such rule; authorizing the reclassification of surface
92 waters used for treated potable water supply
93 notwithstanding such rule; amending s. 403.861, F.S.;
94 directing the department to establish rules concerning
95 the use of surface waters for public water supply;
96 requiring permit applicants using surface water to
97 provide potable public water supply to petition the
98 department to reclassify the surface water or to
99 certify that the potable public water supply will meet
100 certain drinking water standards; directing the
101 department to designate treated potable water supplies
102 as a use of surface water; providing an effective
103 date.

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

106

107 Section 1. Subsection (24) of section 373.019, Florida
 108 Statutes, is amended to read:

109 373.019 Definitions.—When appearing in this chapter or in
 110 any rule, regulation, or order adopted pursuant thereto, the
 111 term:

112 (24) "Water resource development" means the formulation
 113 and implementation of regional water resource management
 114 strategies, including the collection and evaluation of surface
 115 water and groundwater data; structural and nonstructural
 116 programs to protect and manage water resources; the development
 117 of regional water resource implementation programs; the
 118 construction, operation, and maintenance of major public works
 119 facilities to provide for flood control, surface and underground
 120 water storage, and groundwater recharge augmentation; and
 121 related technical assistance to local governments, ~~and to~~
 122 government-owned and privately owned water utilities, and self-
 123 suppliers.

124 Section 2. Subsection (2) of section 373.0421, Florida
 125 Statutes, is amended, subsection (3) is renumbered as subsection
 126 (5), and new subsections (3) and (4) are added to that section,
 127 to read:

128 373.0421 Establishment and implementation of minimum flows
 129 and levels.—

130 (2) If the existing flow or level in a water body is

131 below, or is projected to fall within 20 years below, the
 132 applicable minimum flow or level established pursuant to s.
 133 373.042, the department or governing board, concurrent with the
 134 adoption of the minimum flow or level and as part of the
 135 regional water supply plan described in s. 373.709, shall
 136 expeditiously implement a recovery or prevention strategy, which
 137 includes the development of additional water supplies and other
 138 actions, consistent with the authority granted by this chapter,
 139 to:

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

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

144
 145 The recovery or prevention strategy shall include phasing or a
 146 timetable which will allow for the provision of sufficient water
 147 supplies for all existing and projected reasonable-beneficial
 148 uses, including development of additional water supplies and
 149 implementation of conservation and other efficiency measures
 150 concurrent with, to the maximum extent practical, and to offset,
 151 reductions in permitted withdrawals, consistent with ~~the~~
 152 provisions of this chapter. The recovery or prevention strategy
 153 may not depend on water shortage restrictions declared pursuant
 154 to s. 373.175 or s. 373.246.

155 (3) In order to ensure that sufficient water is available
 156 for all existing and future reasonable-beneficial uses and the

157 natural systems, the applicable regional water supply plan
 158 prepared pursuant to s. 373.709 shall be revised as needed
 159 concurrent with the adoption of a minimum flow or level and the
 160 implementation of the recovery and prevention strategy.

161 (4) The water management district shall notify the
 162 department if an application for a water use permit which
 163 otherwise meets the requirements of s. 373.223 is denied based
 164 upon the impact that the use will have on an established minimum
 165 flow or level. Upon receipt of such notice, the department
 166 shall, as soon as practicable and in cooperation with the water
 167 management district, conduct a review of the applicable regional
 168 water supply plan prepared pursuant to s. 373.709. Such review
 169 shall include an assessment by the department of the adequacy of
 170 the plan to meet the legislative intent of s. 373.705(2)(b) that
 171 sufficient water be available for all existing and future
 172 reasonable-beneficial uses and the natural systems and that the
 173 adverse effects of competition for water supplies be avoided. If
 174 the department determines, based upon this review, that the
 175 regional water supply plan does not adequately address the
 176 legislative intent of s. 373.705(2)(b), the water management
 177 district shall immediately initiate an update of the plan
 178 consistent with s. 373.709.

179 Section 3. Section 373.0465, Florida Statutes, is created
 180 to read:

181 373.0465 Central Florida Water Initiative.-

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

183 (a) Historically, the Floridan aquifer system has supplied
 184 the vast majority of the water used in the Central Florida
 185 Coordination Area, as defined in s. 373.0363, which includes
 186 southern Lake County and all of Orange, Osceola, Polk, and
 187 Seminole Counties.

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

197 (c) The Central Florida Water Initiative, a collaborative
 198 process involving the Department of Environmental Protection,
 199 the St. Johns River Water Management District, the South Florida
 200 Water Management District, the Southwest Florida Water
 201 Management District, the Department of Agriculture and Consumer
 202 Services, regional public water supply utilities, and other
 203 stakeholders, has developed a framework, as set forth in the
 204 Central Florida Water Initiative Guiding Document of June 27,
 205 2014, for a unified process to address the current and long-term
 206 water supply needs of central Florida without causing harm to
 207 the water resources and associated natural systems.

208 (d) In order to ensure that the Central Florida Water

209 Initiative participants continue to develop and implement an
 210 effective and consistent long-term water resource planning,
 211 development, and management strategy for the central Florida
 212 area an interagency agreement between the Department of
 213 Environmental Protection, the St. Johns River Water Management
 214 District, the South Florida Water Management District, the
 215 Southwest Florida Water Management District, and the Department
 216 of Agriculture and Consumer Services is needed.

217 (e) Developing water sources as an alternative to
 218 continued reliance on the Floridan aquifer will benefit human
 219 and natural systems beyond the boundaries of the Central Florida
 220 Water Initiative.

221 (2) CENTRAL FLORIDA WATER INITIATIVE INTERAGENCY
 222 AGREEMENT.—

223 (a) As used in this subsection, the term "Central Florida
 224 Water Initiative Area" means all of Orange, Osceola, Polk, and
 225 Seminole Counties, and southern Lake County, as designated by
 226 the Southwest Florida Water Management District, the South
 227 Florida Water Management District, and the St. Johns River Water
 228 Management District.

229 (b) By December 31, 2015, the Department of Environmental
 230 Protection shall complete a Central Florida Water Initiative
 231 interagency agreement pursuant to s. 373.046 with the St. Johns
 232 River Water Management District, the South Florida Water
 233 Management District, the Southwest Florida Water Management
 234 District, and the Department of Agriculture and Consumer

235 Services. The interagency agreement shall apply only to the
 236 Central Florida Water Initiative Area and shall be adopted
 237 pursuant to chapter 120 in the same manner as a rule.

238 (c) The interagency agreement shall:

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

242 2. Include the guiding principles and goals set forth in
 243 the Central Florida Water Initiative Guiding Document of June
 244 27, 2014, and build upon the work that has already been
 245 accomplished by the Central Florida Water Initiative
 246 participants in addressing these guiding principles and goals.

247 3. Require, as set forth in the Central Florida Water
 248 Initiative Guiding Document of June 27, 2014, the development
 249 and implementation of a single multi-district regional water
 250 supply plan, including any needed recovery and prevention
 251 strategies and the approved list of water resource or water
 252 supply development projects, by the affected water management
 253 districts.

254 4. Require uniform rules for regulatory programs that
 255 include:

256 a. A single hydrologic model to assess the availability of
 257 groundwater.

258 b. A single, uniform definition of harm.

259 c. A single reference condition.

260 d. A single process for permit reviews.

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

263 f. A single method for calculating residential per capita
264 water use.

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

268 1. Consider limitations on groundwater use together with
269 opportunities for new, increased, or redistributed groundwater
270 uses that are based on environmental constraints.

271 2. Establish a coordinated process for the identification
272 of new or revised environmental constraints.

273 3. Consider existing prevention and recovery strategies.

274 4. Include a list of water supply options sufficient to
275 meet the water needs of all existing and future reasonable-
276 beneficial uses which avoid environmental harm and are
277 consistent with the public interest.

278 5. Identify which of the water supply sources are
279 preferred water supply sources pursuant to s. 373.2234.

280 6. Provide for partnership agreements among the Department
281 of Environmental Protection, the Department of Agriculture and
282 Consumer Services, water management districts, and water users.

283 (e) Water management district planning and regulatory
284 programs developed pursuant to the interagency agreement shall
285 be approved or adopted as required under this chapter. However,
286 such planning and regulatory programs may not serve to modify

287 planning and regulatory programs in areas of the affected
 288 districts that are not within the Central Florida Water
 289 Initiative Area, but may include interregional projects located
 290 outside the Central Florida Water Initiative Area that are
 291 consistent with planning and regulatory programs in the areas in
 292 which they are located.

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

297 373.1501 South Florida Water Management District as local
 298 sponsor.—

299 (4) The district is authorized to act as local sponsor of
 300 the project for those project features within the district as
 301 provided in this subsection and subject to the oversight of the
 302 department as further provided in s. 373.026. The district shall
 303 continue to exercise the authority of the state to allocate
 304 quantities of water within its jurisdiction, including the water
 305 supply in relation to the project, and be responsible for
 306 allocating water and assigning priorities among the other water
 307 uses served by the project pursuant to state law. The district
 308 may:

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

311 (b) Continue data gathering, analysis, research, and
 312 design of project components, participate in preconstruction

313 engineering and design documents for project components, and
 314 further refine the Comprehensive Plan of the restudy as a guide
 315 and framework for identifying other project components.~~†~~

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

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

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

325 Section 5. Section 373.2234, Florida Statutes, is amended
 326 to read:

327 373.2234 Preferred water supply sources.-

328 (1) The governing board of a water management district is
 329 authorized to adopt rules that identify preferred water supply
 330 sources for consumptive uses for which there is sufficient data
 331 to establish that a preferred source will provide a substantial
 332 new water supply to meet the existing and projected reasonable-
 333 beneficial uses of a water supply planning region identified
 334 pursuant to s. 373.709(1), while sustaining existing water
 335 resources and natural systems. At a minimum, such rules must
 336 contain a description of the preferred water supply source and
 337 an assessment of the water the preferred source is projected to
 338 produce.

339 (2) (a) If an applicant proposes to use a preferred water
 340 supply source, that applicant's proposed water use is subject to
 341 s. 373.223(1), except that the proposed use of a preferred water
 342 supply source must be considered by a water management district
 343 when determining whether a permit applicant's proposed use of
 344 water is consistent with the public interest pursuant to s.
 345 373.223(1) (c) .

346 (b) The governing board of a water management district
 347 shall give priority consideration to the identification of
 348 preferred water supply sources for self-suppliers for which
 349 access to or development of new water supplies is not
 350 technically or financially feasible.

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

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

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

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

364 3. ~~Additionally, nothing in this section shall be~~

365 ~~interpreted to~~ Require the use of a preferred water supply
 366 source or to restrict or prohibit the use of a nonpreferred
 367 water supply source.

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

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

375 373.233 Competing applications.—

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

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

385 Section 7. Section 373.4591, Florida Statutes, is amended
 386 to read:

387 373.4591 Improvements on private agricultural lands.—

388 (1) The Legislature encourages public-private partnerships
 389 to accomplish water storage, groundwater recharge, and water
 390 quality improvements on private agricultural lands. Priority

391 consideration shall be given to public-private partnerships
 392 that:

393 (a) Store water on private lands for purposes of
 394 hydrologic improvement, water quality, or water supply;

395 (b) Provide critical ground water recharge; or

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

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

406 (b) When an agreement is entered into between the
 407 Department of Agriculture and Consumer Services and a private
 408 landowner to implement best management practices pursuant to s.
 409 403.067(7)(c), a baseline condition determining the extent of
 410 wetlands and other surface water on the property may be
 411 established at the option and expense of the private landowner
 412 and documented in the agreement before improvements are
 413 constructed. The Department of Agriculture and Consumer Services
 414 shall submit the landowner's proposed baseline condition
 415 documentation to the lead agency for review and approval, and
 416 the agency shall use its best efforts to complete the review

417 within 45 days.

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

428 Section 8. Paragraph (h) of subsection (1) and subsections
 429 (2) through (7) of section 373.4595, Florida Statutes, are
 430 amended to read:

431 373.4595 Northern Everglades and Estuaries Protection
 432 Program.—

433 (1) FINDINGS AND INTENT.—

434 (h) The Legislature finds that the expeditious
 435 implementation of the Lake Okeechobee Watershed Protection
 436 Program, the Caloosahatchee River Watershed Protection Program,
 437 ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans
 438 is needed to improve the quality, quantity, timing, and
 439 distribution of water in the northern Everglades ecosystem and
 440 that this section, in conjunction with s. 403.067, including the
 441 implementation of the plans developed and approved pursuant to
 442 subsections (3) and (4), and any related basin management action

443 | plan developed and implemented pursuant to s. 403.067(7)(a),
 444 | provide a reasonable means of achieving the total maximum daily
 445 | load requirements and achieving and maintaining compliance with
 446 | state water quality standards.

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

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

457 | (b) "Biosolids" means the solid, semisolid, or liquid
 458 | residue generated during the treatment of domestic wastewater in
 459 | a domestic wastewater treatment facility, formerly known as
 460 | "domestic wastewater residuals" or "residuals," and includes
 461 | products and treated material from biosolids treatment
 462 | facilities and septage management facilities regulated by the
 463 | department. The term does not include the treated effluent or
 464 | reclaimed water from a domestic wastewater treatment facility,
 465 | solids removed from pump stations and lift stations, screenings
 466 | and grit removed from the preliminary treatment components of
 467 | domestic wastewater treatment facilities, or ash generated
 468 | during the incineration of biosolids.

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

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

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

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

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

485 ~~(g) "District's WOD program" means the program implemented~~
 486 ~~pursuant to rules adopted as authorized by this section and ss.~~
 487 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
 488 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

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

492 (i) "Lake Okeechobee Watershed Protection Plan" means the
 493 Lake Okeechobee Watershed Construction Project and the Lake
 494 Okeechobee Watershed Research and Water Quality Monitoring

495 ~~Program plan developed pursuant to this section and ss. 373.451-~~
 496 ~~373.459.~~

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

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

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

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

510 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
 511 the Central and Southern Florida Project, for which federal
 512 participation was authorized by the Federal Water Resources
 513 Development Acts of 1992 and 1996 together with related
 514 Congressional resolutions and for which participation by the
 515 South Florida Water Management District is authorized by s.
 516 373.1501. The term includes all actions undertaken pursuant to
 517 the aforementioned authorizations which will result in
 518 recommendations for modifications or additions to the Central
 519 and Southern Florida Project.

520 (n)~~(o)~~ "River Watershed Protection Plans" means the

521 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 522 River Watershed Protection Plan developed pursuant to this
 523 section.

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

533 (p) "St. Lucie River watershed" means the St. Lucie River,
 534 its tributaries, its estuary, and the area within Martin,
 535 Okeechobee, and St. Lucie Counties from which surface water flow
 536 is directed or drains, naturally or by constructed works, to the
 537 river, its tributaries, or its estuary.

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

546 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake

547 Okeechobee Watershed Protection Program shall consist of the
 548 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
 549 Basin Management Action Plan adopted pursuant to s. 403.067, the
 550 Lake Okeechobee Exotic Species Control Program, and the Lake
 551 Okeechobee Internal Phosphorus Management Program. The Lake
 552 Okeechobee Basin Management Action Plan adopted pursuant to s.
 553 403.067 shall be the component of the Lake Okeechobee Watershed
 554 Protection ~~A protection Program for Lake Okeechobee that~~
 555 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
 556 ~~immediately implemented as specified in this subsection.~~ The
 557 Lake Okeechobee Watershed Protection Program shall address the
 558 reduction of phosphorus loading to the lake from both internal
 559 and external sources. Phosphorus load reductions shall be
 560 achieved through a phased program of implementation. ~~Initial~~
 561 ~~implementation actions shall be technology-based, based upon a~~
 562 ~~consideration of both the availability of appropriate technology~~
 563 ~~and the cost of such technology, and shall include phosphorus~~
 564 ~~reduction measures at both the source and the regional level.~~
 565 ~~The initial phase of phosphorus load reductions shall be based~~
 566 ~~upon the district's Technical Publication 81-2 and the~~
 567 ~~district's WOD program, with subsequent phases of phosphorus~~
 568 ~~load reductions based upon the total maximum daily loads~~
 569 ~~established in accordance with s. 403.067.~~ In the development
 570 and administration of the Lake Okeechobee Watershed Protection
 571 Program, the coordinating agencies shall maximize opportunities
 572 provided by federal cost-sharing programs and opportunities for

573 | partnerships with the private sector.

574 | (a) Lake Okeechobee Watershed Protection Plan.—In order to
 575 | protect and restore surface water resources, the district, in
 576 | cooperation with the other coordinating agencies, shall complete
 577 | a Lake Okeechobee Watershed Protection Plan in accordance with
 578 | this section and ss. 373.451-373.459. Beginning March 1, 2020,
 579 | and every 5 years thereafter, the district shall update the Lake
 580 | Okeechobee Watershed Protection Plan to ensure that it is
 581 | consistent with the Lake Okeechobee Basin Management Action Plan
 582 | adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
 583 | Protection Plan shall identify the geographic extent of the
 584 | watershed, be coordinated with the plans developed pursuant to
 585 | paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
 586 | Watershed Construction Project and the Lake Okeechobee Watershed
 587 | Research and Water Quality Monitoring Program ~~contain an~~
 588 | implementation schedule for subsequent phases of phosphorus load
 589 | reduction consistent with the total maximum daily loads
 590 | established in accordance with s. 403.067. The plan shall
 591 | consider and build upon a review and analysis of ~~the following:~~

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

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

598 | 3. relevant information resulting from the Lake Okeechobee

599 Watershed Research and Water Quality Monitoring Program,
 600 pursuant to subparagraph 2.; ~~paragraph (d).~~

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

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

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

614 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
 615 Construction Project shall consist of a series of project
 616 features consistent with the recommendations of the South
 617 Florida Ecosystem Restoration Working Group's Lake Okeechobee
 618 Action Plan. Priority basins for such projects include S-191, S-
 619 154, and Pools D and E in the Lower Kissimmee River. In order to
 620 obtain phosphorus load reductions to Lake Okeechobee as soon as
 621 possible, the following actions shall be implemented:

622 (I)a. The district shall serve as a full partner with the
 623 Corps of Engineers in the design and construction of the Grassy
 624 Island Ranch and New Palm Dairy stormwater treatment facilities

625 as components of the Lake Okeechobee Water Retention/Phosphorus
 626 Removal Critical Project. The Corps of Engineers shall have the
 627 lead in design and construction of these facilities. Should
 628 delays be encountered in the implementation of either of these
 629 facilities, the district shall notify the department and
 630 recommend corrective actions.

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

637 (III)~~e.~~ The district shall work with the Corps of
 638 Engineers to expedite initiation of the design process for the
 639 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater
 640 Treatment Area, a project component of the Comprehensive
 641 Everglades Restoration Plan. The district shall propose to the
 642 Corps of Engineers that the district take the lead in the design
 643 and construction of the Reservoir Assisted Stormwater Treatment
 644 Area and receive credit towards the local share of the total
 645 cost of the Comprehensive Everglades Restoration Plan.

646 b.2. Phase II technical plan and construction. ~~By February~~
 647 ~~1, 2008,~~ The district, in cooperation with the other
 648 coordinating agencies, shall develop a detailed technical plan
 649 for Phase II of the Lake Okeechobee Watershed Construction
 650 Project which provides the basis for the Lake Okeechobee Basin

PCB SAC 15-01

2015

651 Management Action Plan adopted by the department pursuant to s.
652 403.067. The detailed technical plan shall include measures for
653 the improvement of the quality, quantity, timing, and
654 distribution of water in the northern Everglades ecosystem,
655 including the Lake Okeechobee watershed and the estuaries, and
656 for facilitating the achievement of water quality standards. Use
657 of cost-effective biologically based, hybrid wetland/chemical
658 and other innovative nutrient control technologies shall be
659 incorporated in the plan where appropriate. The detailed
660 technical plan shall also include a Process Development and
661 Engineering component to finalize the detail and design of Phase
662 II projects and identify additional measures needed to increase
663 the certainty that the overall objectives for improving water
664 quality and quantity can be met. Based on information and
665 recommendations from the Process Development and Engineering
666 component, the Phase II detailed technical plan shall be
667 periodically updated. Phase II shall include construction of
668 additional facilities in the priority basins identified in sub-
669 subparagraph 1.a. ~~subparagraph 1.~~, as well as facilities for
670 other basins in the Lake Okeechobee watershed. ~~This detailed~~
671 ~~technical plan will require legislative ratification pursuant to~~
672 ~~paragraph (i).~~ The technical plan shall:
673 (I)a. Identify Lake Okeechobee Watershed Construction
674 Project facilities designed to contribute to achieving all
675 applicable total maximum daily loads established pursuant to s.
676 403.067 within the Lake Okeechobee watershed.

Page 26 of 87

PCB SAC 15-01.docx

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2015

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

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

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

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

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

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

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

Page 27 of 87

PCB SAC 15-01.docx

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703 flood protection.

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

710 ~~c.3.~~ Evaluation. ~~Within 5 years after the adoption of the~~
 711 Lake Okeechobee Basin Management Action Plan pursuant to s.
 712 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
 713 thereafter, the department ~~district~~, in cooperation with the
 714 other coordinating agencies, shall conduct an evaluation of the
 715 Lake Okeechobee Watershed Construction Project and identify any
 716 further load reductions necessary to achieve compliance with the
 717 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
 718 established pursuant to s. 403.067. ~~Additionally,~~ The district
 719 shall identify modifications to facilities of the Lake
 720 Okeechobee Watershed Construction Project as appropriate to meet
 721 the total maximum daily loads. Modifications to the Lake
 722 Okeechobee Watershed Construction Project resulting from this
 723 evaluation shall be incorporated into the Lake Okeechobee Basin
 724 Management Action Plan and ~~The evaluation shall be included in~~
 725 the applicable annual progress report submitted pursuant to
 726 subsection (6).

727 ~~d.4.~~ Coordination and review. ~~To ensure the timely~~
 728 implementation of the Lake Okeechobee Watershed Construction

729 Project, the design of project facilities shall be coordinated
 730 with the department and other interested parties, including
 731 affected local governments, to the maximum extent practicable.
 732 Lake Okeechobee Watershed Construction Project facilities shall
 733 be reviewed and commented upon by the department before ~~prior to~~
 734 the execution of a construction contract by the district for
 735 that facility.

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

744 a. Evaluate all available existing water quality data
 745 concerning total phosphorus in the Lake Okeechobee watershed,
 746 develop a water quality baseline to represent existing
 747 conditions for total phosphorus, monitor long-term ecological
 748 changes, including water quality for total phosphorus, and
 749 measure compliance with water quality standards for total
 750 phosphorus, including any applicable total maximum daily load
 751 for the Lake Okeechobee watershed as established pursuant to s.
 752 403.067. Beginning March 1, 2020, and every 5 years thereafter,
 753 the department shall reevaluate water quality and quantity data
 754 to ensure that the appropriate projects are being designated and

755 incorporated into the Lake Okeechobee Basin Management Action
756 Plan adopted pursuant to s. 403.067. The district shall
757 implement a total phosphorus monitoring program at appropriate
758 structures owned or operated by the district and within the Lake
759 Okeechobee watershed.

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

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

767 d. Conduct an assessment of the sources of phosphorus from
768 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
769 relative contribution to the water quality of Lake Okeechobee.
770 The results of this assessment shall be used by the coordinating
771 agencies as part of the Lake Okeechobee Basin Management Action
772 Plan adopted pursuant to s. 403.067 to develop interim measures,
773 best management practices, or regulations, as applicable.

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

780 f. Evaluate the feasibility of alternative nutrient

781 reduction technologies, including sediment traps, canal and
 782 ditch maintenance, fish production or other aquaculture,
 783 bioenergy conversion processes, and algal or other biological
 784 treatment technologies and include any alternative nutrient
 785 reduction technologies determined to be feasible in the Lake
 786 Okeechobee Basin Management Action Plan adopted pursuant to s.
 787 403.067.

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

792 (b)(e) Lake Okeechobee Basin Management Action Plan
 793 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
 794 Management Action Plan adopted pursuant to s. 403.067 shall be
 795 the watershed phosphorus control component for Lake Okeechobee
 796 and shall be ~~Program is~~ designed to be a multifaceted approach
 797 to reducing phosphorus loads by improving the management of
 798 phosphorus sources within the Lake Okeechobee watershed through
 799 implementation of regulations and best management practices,
 800 continued development and continued implementation of improved
 801 best management practices, improvement and restoration of the
 802 hydrologic function of natural and managed systems, and use
 803 utilization ~~of alternative technologies for nutrient reduction.~~
 804 The plan shall contain an implementation schedule for pollutant
 805 load reductions consistent with the adopted total maximum daily
 806 load. The coordinating agencies shall develop an interagency

PCB SAC 15-01

2015

807 agreement pursuant to ss. 373.046 and 373.406 that is consistent
808 with the department taking the lead on water quality protection
809 measures through the Lake Okeechobee Basin Management Action
810 Plan adopted pursuant to s. 403.067; the district taking the
811 lead on hydrologic improvements pursuant to paragraph (3) (a);
812 and the Department of Agriculture and Consumer Services taking
813 the lead on agricultural interim measures, best management
814 practices, and other measures adopted pursuant to s. 403.067.
815 The interagency agreement shall specify how best management
816 practices for nonagricultural nonpoint sources are developed and
817 how all best management practices are implemented and verified
818 consistent with s. 403.067 and this section. The interagency
819 agreement shall address measures to be taken by the coordinating
820 agencies during any best management practice reevaluation
821 performed pursuant to subparagraphs 5. and 10. The department
822 shall use best professional judgment in making the initial
823 determination of best management practice effectiveness. The
824 coordinating agencies may develop an intergovernmental agreement
825 with local governments to implement nonagricultural nonpoint
826 source best management practices within their respective
827 geographic boundaries. The coordinating agencies shall
828 facilitate the application of federal programs that offer
829 opportunities for water quality treatment, including
830 preservation, restoration, or creation of wetlands on
831 agricultural lands.

832 1. Agricultural nonpoint source best management practices,

Page 32 of 87

PCB SAC 15-01.docx

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833 developed in accordance with s. 403.067 and designed to achieve
 834 the objectives of the Lake Okeechobee Watershed Protection
 835 Program as part of a phased approach of management strategies
 836 within the Lake Okeechobee Basin Management Action Plan, shall
 837 be implemented on an expedited basis. ~~The coordinating agencies~~
 838 ~~shall develop an interagency agreement pursuant to ss. 373.046~~
 839 ~~and 373.406(5) that assures the development of best management~~
 840 ~~practices that complement existing regulatory programs and~~
 841 ~~specifies how those best management practices are implemented~~
 842 ~~and verified. The interagency agreement shall address measures~~
 843 ~~to be taken by the coordinating agencies during any best~~
 844 ~~management practice reevaluation performed pursuant to sub-~~
 845 ~~paragraph d. The department shall use best professional~~
 846 ~~judgment in making the initial determination of best management~~
 847 ~~practice effectiveness.~~

848 2.a. As provided in s. 403.067 ~~403.067(7)(e)~~, the
 849 Department of Agriculture and Consumer Services, in consultation
 850 with the department, the district, and affected parties, shall
 851 initiate rule development for interim measures, best management
 852 practices, conservation plans, nutrient management plans, or
 853 other measures necessary for Lake Okeechobee watershed total
 854 maximum daily load reduction. The rule shall include thresholds
 855 for requiring conservation and nutrient management plans and
 856 criteria for the contents of such plans. Development of
 857 agricultural nonpoint source best management practices shall
 858 initially focus on those priority basins listed in paragraph (a)

859 ~~subparagraph (b)1.~~ The Department of Agriculture and Consumer
 860 Services, in consultation with the department, the district, and
 861 affected parties, shall conduct an ongoing program for
 862 improvement of existing and development of new agricultural
 863 nonpoint source interim measures and ~~or~~ best management
 864 practices. The Department of Agriculture and Consumer Services
 865 shall adopt ~~for the purpose of adoption of~~ such practices by
 866 rule. The Department of Agriculture and Consumer Services shall
 867 work with the University of Florida ~~Florida's~~ Institute of Food
 868 and Agriculture Sciences to review and, where appropriate,
 869 develop revised nutrient application rates for all agricultural
 870 soil amendments in the watershed.

871 ~~3.b.~~ As provided in s. 403.067, where agricultural
 872 nonpoint source best management practices or interim measures
 873 have been adopted by rule of the Department of Agriculture and
 874 Consumer Services, the owner or operator of an agricultural
 875 nonpoint source addressed by such rule shall either implement
 876 interim measures or best management practices or demonstrate
 877 compliance with state water quality standards addressed by the
 878 Lake Okeechobee Basin Management Action Plan adopted pursuant to
 879 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
 880 prescribed by the department or the district. Owners or
 881 operators of agricultural nonpoint sources who implement interim
 882 measures or best management practices adopted by rule of the
 883 Department of Agriculture and Consumer Services shall be subject
 884 to ~~the provisions of s. 403.067~~ 403.067(7). ~~The Department of~~

PCB SAC 15-01

2015

885 ~~Agriculture and Consumer Services, in cooperation with the~~
886 ~~department and the district, shall provide technical and~~
887 ~~financial assistance for implementation of agricultural best~~
888 ~~management practices, subject to the availability of funds.~~

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

892 ~~5.d.~~ As provided in s. 403.067, where water quality
893 problems are detected for agricultural nonpoint sources despite
894 the appropriate implementation of adopted best management
895 practices, the Department of Agriculture and Consumer Services,
896 in consultation with the other coordinating agencies and
897 affected parties, shall institute a reevaluation of the best
898 management practices and make appropriate changes to the rule
899 adopting best management practices.

900 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
901 source best management practices, developed in accordance with
902 s. 403.067 and designed to achieve the objectives of the Lake
903 Okeechobee Watershed Protection Program as part of a phased
904 approach of management strategies within the Lake Okeechobee
905 Basin Management Action Plan, shall be implemented on an
906 expedited basis. ~~The department and the district shall develop~~
907 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
908 ~~that assures the development of best management practices that~~
909 ~~complement existing regulatory programs and specifies how those~~
910 ~~best management practices are implemented and verified. The~~

Page 35 of 87

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2015

911 ~~interagency agreement shall address measures to be taken by the~~
912 ~~department and the district during any best management practice~~
913 ~~reevaluation performed pursuant to sub-subparagraph d.~~

914 7.a. The department and the district are directed to work
915 with the University of Florida ~~Florida's~~ Institute of Food and
916 Agricultural Sciences to develop appropriate nutrient
917 application rates for all nonagricultural soil amendments in the
918 watershed. As provided in s. 403.067 ~~403.067(7)(c)~~, the
919 department, in consultation with the district and affected
920 parties, shall develop nonagricultural nonpoint source interim
921 measures, best management practices, or other measures necessary
922 for Lake Okeechobee watershed total maximum daily load
923 reduction. Development of nonagricultural nonpoint source best
924 management practices shall initially focus on those priority
925 basins listed in paragraph (a) ~~subparagraph (b)~~¹. The
926 department, the district, and affected parties shall conduct an
927 ongoing program for improvement of existing and development of
928 new interim measures and ~~or~~ best management practices. The
929 department or the district shall adopt such practices by rule
930 ~~The district shall adopt technology-based standards under the~~
931 ~~district's WOD program for nonagricultural nonpoint sources of~~
932 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
933 ~~authority of the department or the district to adopt basin-~~
934 ~~specific criteria under this part to prevent harm to the water~~
935 ~~resources of the district.~~

936 8.b. Where nonagricultural nonpoint source best management

Page 36 of 87

PCB SAC 15-01.docx

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2015

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

945 9.e. As provided in s. 403.067, the district or the
946 department shall conduct monitoring at representative sites to
947 verify the effectiveness of nonagricultural nonpoint source best
948 management practices.

949 10.d. Where water quality problems are detected for
950 nonagricultural nonpoint sources despite the appropriate
951 implementation of adopted best management practices, the
952 department, in consultation with the other coordinating agencies
953 and affected parties, ~~and the district~~ shall institute a
954 reevaluation of the best management practices and make
955 appropriate changes to the rule adopting best management
956 practices.

957 11.3. This subparagraph does ~~The provisions of~~
958 ~~subparagraphs 1. and 2. may~~ not preclude the department or the
959 district from requiring compliance with water quality standards
960 or with current best management practices requirements set forth
961 in any applicable regulatory program authorized by law for the
962 purpose of protecting water quality. This subparagraph is

Page 37 of 87

PCB SAC 15-01.docx

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963 ~~Additionally, subparagraphs 1. and 2. are~~ applicable only to the
 964 extent that it does ~~they do~~ not conflict with any rules adopted
 965 by the department that are necessary to maintain a federally
 966 delegated or approved program.

967 12. A permit holder in compliance with best management
 968 practices as set forth in chapter 40E-63, Florida Administrative
 969 Code, may elect to use that permit in lieu of the requirements
 970 of this paragraph, and implementation of such best management
 971 practices in accordance with chapter 40E-63, Florida
 972 Administrative Code, shall provide a presumption of compliance
 973 for phosphorus pursuant to s. 403.067.

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

982 ~~14.4.~~ Projects that reduce the phosphorus load originating
 983 from domestic wastewater systems within the Lake Okeechobee
 984 watershed shall be given funding priority in the department's
 985 revolving loan program under s. 403.1835. The department shall
 986 coordinate and provide assistance to those local governments
 987 seeking financial assistance for such priority projects.

988 ~~15.5.~~ Projects that make use of private lands, or lands

989 held in trust for Indian tribes, to reduce nutrient loadings or
 990 concentrations within a basin by one or more of the following
 991 methods: restoring the natural hydrology of the basin, restoring
 992 wildlife habitat or impacted wetlands, reducing peak flows after
 993 storm events, increasing aquifer recharge, or protecting range
 994 and timberland from conversion to development, are eligible for
 995 grants available under this section from the coordinating
 996 agencies. For projects of otherwise equal priority, special
 997 funding priority will be given to those projects that make best
 998 use of the methods outlined above that involve public-private
 999 partnerships or that obtain federal match money. Preference
 1000 ranking above the special funding priority will be given to
 1001 projects located in a rural area of opportunity designated by
 1002 the Governor. Grant applications may be submitted by any person
 1003 or tribal entity, and eligible projects may include, but are not
 1004 limited to, the purchase of conservation and flowage easements,
 1005 hydrologic restoration of wetlands, creating treatment wetlands,
 1006 development of a management plan for natural resources, and
 1007 financial support to implement a management plan.

1008 16.6.a. The department shall require all entities
 1009 disposing of domestic wastewater biosolids ~~residuals~~ within the
 1010 Lake Okeechobee watershed and the remaining areas of Okeechobee,
 1011 Glades, and Hendry Counties to develop and submit to the
 1012 department an agricultural use plan that limits applications
 1013 based upon phosphorus loading. ~~By July 1, 2005, phosphorus~~
 1014 ~~concentrations originating from these application sites may not~~

1015 ~~exceed the limits established in the district's WOD program.~~
 1016 ~~After December 31, 2007,~~ The department may not authorize the
 1017 disposal of domestic wastewater biosolids ~~residuals~~ within the
 1018 Lake Okeechobee watershed unless the applicant can affirmatively
 1019 demonstrate that the phosphorus in the biosolids ~~residuals~~ will
 1020 not add to phosphorus loadings in Lake Okeechobee or its
 1021 tributaries. This demonstration shall be based on achieving a
 1022 net balance between phosphorus imports relative to exports on
 1023 the permitted application site. Exports shall include only
 1024 phosphorus removed from the Lake Okeechobee watershed through
 1025 products generated on the permitted application site. This
 1026 prohibition does not apply to Class AA biosolids ~~residuals~~ that
 1027 are marketed and distributed as fertilizer products in
 1028 accordance with department rule.

1029 17.b. Private and government-owned utilities within
 1030 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,
 1031 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties
 1032 that dispose of wastewater biosolids ~~residual~~ sludge from
 1033 utility operations and septic removal by land spreading in the
 1034 Lake Okeechobee watershed may use a line item on local sewer
 1035 rates to cover wastewater biosolids ~~residual~~ treatment and
 1036 disposal if such disposal and treatment is done by approved
 1037 alternative treatment methodology at a facility located within
 1038 the areas designated by the Governor as rural areas of
 1039 opportunity pursuant to s. 288.0656. This additional line item
 1040 is an environmental protection disposal fee above the present

1041 sewer rate and may not be considered a part of the present sewer
 1042 rate to customers, notwithstanding provisions to the contrary in
 1043 chapter 367. The fee shall be established by the county
 1044 commission or its designated assignee in the county in which the
 1045 alternative method treatment facility is located. The fee shall
 1046 be calculated to be no higher than that necessary to recover the
 1047 facility's prudent cost of providing the service. Upon request
 1048 by an affected county commission, the Florida Public Service
 1049 Commission will provide assistance in establishing the fee.
 1050 Further, for utilities and utility authorities that use the
 1051 additional line item environmental protection disposal fee, such
 1052 fee may not be considered a rate increase under the rules of the
 1053 Public Service Commission and shall be exempt from such rules.
 1054 Utilities using ~~the provisions of~~ this section may immediately
 1055 include in their sewer invoicing the new environmental
 1056 protection disposal fee. Proceeds from this environmental
 1057 protection disposal fee shall be used for treatment and disposal
 1058 of wastewater biosolids ~~residuals~~, including any treatment
 1059 technology that helps reduce the volume of biosolids ~~residuals~~
 1060 that require final disposal, but such proceeds may not be used
 1061 for transportation or shipment costs for disposal or any costs
 1062 relating to the land application of biosolids ~~residuals~~ in the
 1063 Lake Okeechobee watershed.

1064 18.e. No less frequently than once every 3 years, the
 1065 Florida Public Service Commission or the county commission
 1066 through the services of an independent auditor shall perform a

PCB SAC 15-01

2015

1067 financial audit of all facilities receiving compensation from an
1068 environmental protection disposal fee. The Florida Public
1069 Service Commission or the county commission through the services
1070 of an independent auditor shall also perform an audit of the
1071 methodology used in establishing the environmental protection
1072 disposal fee. The Florida Public Service Commission or the
1073 county commission shall, within 120 days after completion of an
1074 audit, file the audit report with the President of the Senate
1075 and the Speaker of the House of Representatives and shall
1076 provide copies to the county commissions of the counties set
1077 forth in subparagraph 17 ~~sub-subparagraph b~~. The books and
1078 records of any facilities receiving compensation from an
1079 environmental protection disposal fee shall be open to the
1080 Florida Public Service Commission and the Auditor General for
1081 review upon request.

1082 19.7. The Department of Health shall require all entities
1083 disposing of septage within the Lake Okeechobee watershed to
1084 develop and submit to that agency an agricultural use plan that
1085 limits applications based upon phosphorus loading consistent
1086 with the Lake Okeechobee Basin Management Action Plan adopted
1087 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
1088 ~~concentrations originating from these application sites may not~~
1089 ~~exceed the limits established in the district's WOD program.~~

1090 20.8. The Department of Agriculture and Consumer Services
1091 shall initiate rulemaking requiring entities within the Lake
1092 Okeechobee watershed which land-apply animal manure to develop

Page 42 of 87

PCB SAC 15-01.docx

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1093 resource management system level conservation plans, according
 1094 to United States Department of Agriculture criteria, which limit
 1095 such application. Such rules may include criteria and thresholds
 1096 for the requirement to develop a conservation or nutrient
 1097 management plan, requirements for plan approval, and
 1098 recordkeeping requirements.

1099 21. The district shall revise chapter 40E-61, Florida
 1100 Administrative Code, to be consistent with this section and s.
 1101 403.067; provide for a monitoring program for nonpoint source
 1102 dischargers required to monitor water quality by s. 403.067; and
 1103 provide for the results of such monitoring to be reported to the
 1104 coordinating agencies.

1105 ~~9. The district, the department, or the Department of~~
 1106 ~~Agriculture and Consumer Services, as appropriate, shall~~
 1107 ~~implement those alternative nutrient reduction technologies~~
 1108 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1109 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
 1110 ~~Monitoring Program. The district, in cooperation with the other~~
 1111 ~~coordinating agencies, shall establish a Lake Okeechobee~~
 1112 ~~Watershed Research and Water Quality Monitoring Program that~~
 1113 ~~builds upon the district's existing Lake Okeechobee research~~
 1114 ~~program. The program shall:~~

1115 ~~1. Evaluate all available existing water quality data~~
 1116 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
 1117 ~~develop a water quality baseline to represent existing~~
 1118 ~~conditions for total phosphorus, monitor long-term ecological~~

1119 ~~changes, including water quality for total phosphorus, and~~
 1120 ~~measure compliance with water quality standards for total~~
 1121 ~~phosphorus, including any applicable total maximum daily load~~
 1122 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
 1123 ~~403.067. Every 3 years, the district shall reevaluate water~~
 1124 ~~quality and quantity data to ensure that the appropriate~~
 1125 ~~projects are being designated and implemented to meet the water~~
 1126 ~~quality and storage goals of the plan. The district shall also~~
 1127 ~~implement a total phosphorus monitoring program at appropriate~~
 1128 ~~structures owned or operated by the South Florida Water~~
 1129 ~~Management District and within the Lake Okeechobee watershed.~~

1130 ~~2. Develop a Lake Okeechobee water quality model that~~
 1131 ~~reasonably represents phosphorus dynamics of the lake and~~
 1132 ~~incorporates an uncertainty analysis associated with model~~
 1133 ~~predictions.~~

1134 ~~3. Determine the relative contribution of phosphorus from~~
 1135 ~~all identifiable sources and all primary and secondary land~~
 1136 ~~uses.~~

1137 ~~4. Conduct an assessment of the sources of phosphorus from~~
 1138 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
 1139 ~~relative contribution to the water quality of Lake Okeechobee.~~
 1140 ~~The results of this assessment shall be used by the coordinating~~
 1141 ~~agencies to develop interim measures, best management practices,~~
 1142 ~~or regulation, as applicable.~~

1143 ~~5. Assess current water management practices within the~~
 1144 ~~Lake Okeechobee watershed and develop recommendations for~~

1145 ~~structural and operational improvements. Such recommendations~~
1146 ~~shall balance water supply, flood control, estuarine salinity,~~
1147 ~~maintenance of a healthy lake littoral zone, and water quality~~
1148 ~~considerations.~~

1149 ~~6. Evaluate the feasibility of alternative nutrient~~
1150 ~~reduction technologies, including sediment traps, canal and~~
1151 ~~ditch maintenance, fish production or other aquaculture,~~
1152 ~~bioenergy conversion processes, and algal or other biological~~
1153 ~~treatment technologies.~~

1154 ~~7. Conduct an assessment of the water volumes and timing~~
1155 ~~from the Lake Okeechobee watershed and their relative~~
1156 ~~contribution to the water level changes in Lake Okeechobee and~~
1157 ~~to the timing and volume of water delivered to the estuaries.~~

1158 ~~(c)(e)~~ Lake Okeechobee Exotic Species Control Program.—The
1159 coordinating agencies shall identify the exotic species that
1160 threaten the native flora and fauna within the Lake Okeechobee
1161 watershed and develop and implement measures to protect the
1162 native flora and fauna.

1163 ~~(d)(f)~~ Lake Okeechobee Internal Phosphorus Management
1164 Program.—The district, in cooperation with the other
1165 coordinating agencies and interested parties, shall evaluate the
1166 feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
1167 load removal projects ~~feasibility study~~. The evaluation
1168 ~~feasibility study~~ shall be based on technical feasibility, as
1169 well as economic considerations, and shall consider ~~address~~ all
1170 reasonable methods of phosphorus removal. If projects ~~methods~~

1171 are found to be feasible, the district shall immediately pursue
 1172 the design, funding, and permitting for implementing such
 1173 projects ~~methods~~.

1174 (e) ~~(g)~~ Lake Okeechobee Watershed Protection Program Plan
 1175 implementation.—The coordinating agencies shall be jointly
 1176 responsible for implementing the Lake Okeechobee Watershed
 1177 Protection Program Plan, consistent with the statutory authority
 1178 and responsibility of each agency. Annual funding priorities
 1179 shall be jointly established, and the highest priority shall be
 1180 assigned to programs and projects that address sources that have
 1181 the highest relative contribution to loading and the greatest
 1182 potential for reductions needed to meet the total maximum daily
 1183 loads. In determining funding priorities, the coordinating
 1184 agencies shall also consider the need for regulatory compliance,
 1185 the extent to which the program or project is ready to proceed,
 1186 and the availability of federal matching funds or other nonstate
 1187 funding, including public-private partnerships. Federal and
 1188 other nonstate funding shall be maximized to the greatest extent
 1189 practicable.

1190 (f) ~~(h)~~ Priorities and implementation schedules.—The
 1191 coordinating agencies are authorized and directed to establish
 1192 priorities and implementation schedules for the achievement of
 1193 total maximum daily loads, compliance with the requirements of
 1194 s. 403.067, and compliance with applicable water quality
 1195 standards within the waters and watersheds subject to this
 1196 section.

1197 ~~(i) Legislative ratification. The coordinating agencies~~
 1198 ~~shall submit the Phase II technical plan developed pursuant to~~
 1199 ~~paragraph (b) to the President of the Senate and the Speaker of~~
 1200 ~~the House of Representatives prior to the 2008 legislative~~
 1201 ~~session for review. If the Legislature takes no action on the~~
 1202 ~~plan during the 2008 legislative session, the plan is deemed~~
 1203 ~~approved and may be implemented.~~

1204 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
 1205 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
 1206 program shall be developed and implemented as specified in this
 1207 subsection. In order to protect and restore surface water
 1208 resources, the program shall address the reduction of pollutant
 1209 loadings, restoration of natural hydrology, and compliance with
 1210 applicable state water quality standards. The program shall be
 1211 achieved through a phased program of implementation. In
 1212 addition, pollutant load reductions based upon adopted total
 1213 maximum daily loads established in accordance with s. 403.067
 1214 shall serve as a program objective. In the development and
 1215 administration of the program, the coordinating agencies shall
 1216 maximize opportunities provided by federal and local government
 1217 cost-sharing programs and opportunities for partnerships with
 1218 the private sector and local government. The program plan shall
 1219 include a goal for salinity envelopes and freshwater inflow
 1220 targets for the estuaries based upon existing research and
 1221 documentation. The goal may be revised as new information is
 1222 available. This goal shall seek to reduce the frequency and

1223 duration of undesirable salinity ranges while meeting the other
 1224 water-related needs of the region, including water supply and
 1225 flood protection, while recognizing the extent to which water
 1226 inflows are within the control and jurisdiction of the district.

1227 (a) Caloosahatchee River Watershed Protection Plan. ~~No~~
 1228 ~~later than January 1, 2009,~~ The district, in cooperation with
 1229 the other coordinating agencies, Lee County, and affected
 1230 counties and municipalities, shall complete a River Watershed
 1231 Protection Plan in accordance with this subsection. The
 1232 Caloosahatchee River Watershed Protection Plan shall identify
 1233 the geographic extent of the watershed, be coordinated as needed
 1234 with the plans developed pursuant to paragraph (3) (a) and
 1235 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
 1236 ~~implementation schedule for pollutant load reductions consistent~~
 1237 ~~with any adopted total maximum daily loads and compliance with~~
 1238 ~~applicable state water quality standards. The plan shall include~~
 1239 the Caloosahatchee River Watershed Construction Project and the
 1240 Caloosahatchee River Watershed Research and Water Quality
 1241 Monitoring Program.÷

1242 1. Caloosahatchee River Watershed Construction Project.—To
 1243 improve the hydrology, water quality, and aquatic habitats
 1244 within the watershed, the district shall, no later than January
 1245 1, 2012, plan, design, and construct the initial phase of the
 1246 Watershed Construction Project. In doing so, the district shall:

1247 a. Develop and designate the facilities to be constructed
 1248 to achieve stated goals and objectives of the Caloosahatchee

1249 River Watershed Protection Plan.

1250 b. Conduct scientific studies that are necessary to

1251 support the design of the Caloosahatchee River Watershed

1252 Construction Project facilities.

1253 c. Identify the size and location of all such facilities.

1254 d. Provide a construction schedule for all such

1255 facilities, including the sequencing and specific timeframe for

1256 construction of each facility.

1257 e. Provide a schedule for the acquisition of lands or

1258 sufficient interests necessary to achieve the construction

1259 schedule.

1260 f. Provide a schedule of costs and benefits associated

1261 with each construction project and identify funding sources.

1262 g. To ensure timely implementation, coordinate the design,

1263 scheduling, and sequencing of project facilities with the

1264 coordinating agencies, Lee County, other affected counties and

1265 municipalities, and other affected parties.

1266 2. Caloosahatchee River Watershed Research and Water

1267 Quality Monitoring Program.—The district, in cooperation with

1268 the other coordinating agencies and local governments, shall

1269 implement a Caloosahatchee River Watershed Research and Water

1270 Quality Monitoring Program that builds upon the district's

1271 existing research program and that is sufficient to carry out,

1272 comply with, or assess the plans, programs, and other

1273 responsibilities created by this subsection. The program shall

1274 also conduct an assessment of the water volumes and timing from

1275 Lake Okeechobee and the Caloosahatchee River watershed and their
 1276 relative contributions to the timing and volume of water
 1277 delivered to the estuary.

1278 (b)2. Caloosahatchee River Watershed Basin Management
 1279 Action Plans Pollutant Control Program. ~~The basin management~~
 1280 action plans adopted pursuant to s. 403.067 for the
 1281 Caloosahatchee River watershed shall be the Caloosahatchee River
 1282 Watershed Pollutant Control Program. The plans shall be ~~is~~
 1283 designed to be a multifaceted approach to reducing pollutant
 1284 loads by improving the management of pollutant sources within
 1285 the Caloosahatchee River watershed through implementation of
 1286 regulations and best management practices, development and
 1287 implementation of improved best management practices,
 1288 improvement and restoration of the hydrologic function of
 1289 natural and managed systems, and utilization of alternative
 1290 technologies for pollutant reduction, such as cost-effective
 1291 biologically based, hybrid wetland/chemical and other innovative
 1292 nutrient control technologies. The plans shall contain an
 1293 implementation schedule for pollutant load reductions consistent
 1294 with the adopted total maximum daily load. The coordinating
 1295 agencies shall facilitate the use ~~utilization~~ of federal
 1296 programs that offer opportunities for water quality treatment,
 1297 including preservation, restoration, or creation of wetlands on
 1298 agricultural lands.

1299 1.a. Nonpoint source best management practices consistent
 1300 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the

1301 objectives of the Caloosahatchee River Watershed Protection
 1302 Program, shall be implemented on an expedited basis. The
 1303 coordinating agencies may develop an intergovernmental agreement
 1304 with local governments to implement the nonagricultural,
 1305 nonpoint-source best management practices within their
 1306 respective geographic boundaries.

1307 2.b. This subsection does not preclude the department or
 1308 the district from requiring compliance with water quality
 1309 standards, adopted total maximum daily loads, or current best
 1310 management practices requirements set forth in any applicable
 1311 regulatory program authorized by law for the purpose of
 1312 protecting water quality. This subsection applies only to the
 1313 extent that it does not conflict with any rules adopted by the
 1314 department or district which are necessary to maintain a
 1315 federally delegated or approved program.

1316 3.e. Projects that make use of private lands, or lands
 1317 held in trust for Indian tribes, to reduce pollutant loadings or
 1318 concentrations within a basin, or that reduce the volume of
 1319 harmful discharges by one or more of the following methods:
 1320 restoring the natural hydrology of the basin, restoring wildlife
 1321 habitat or impacted wetlands, reducing peak flows after storm
 1322 events, or increasing aquifer recharge, are eligible for grants
 1323 available under this section from the coordinating agencies.

1324 4.d. The Caloosahatchee River Watershed Basin Management
 1325 Action Plans ~~Pollutant Control Program~~ shall require assessment
 1326 of current water management practices within the watershed and

1327 shall require development of recommendations for structural,
 1328 nonstructural, and operational improvements. Such
 1329 recommendations shall consider and balance water supply, flood
 1330 control, estuarine salinity, aquatic habitat, and water quality
 1331 considerations.

1332 5.e. ~~After December 31, 2007,~~ The department may not
 1333 authorize the disposal of domestic wastewater biosolids
 1334 ~~residuals~~ within the Caloosahatchee River watershed unless the
 1335 applicant can affirmatively demonstrate that the nutrients in
 1336 the biosolids ~~residuals~~ will not add to nutrient loadings in the
 1337 watershed. This demonstration shall be based on achieving a net
 1338 balance between nutrient imports relative to exports on the
 1339 permitted application site. Exports shall include only nutrients
 1340 removed from the watershed through products generated on the
 1341 permitted application site. This prohibition does not apply to
 1342 Class AA biosolids ~~residuals~~ that are marketed and distributed
 1343 as fertilizer products in accordance with department rule.

1344 6.f. The Department of Health shall require all entities
 1345 disposing of septage within the Caloosahatchee River watershed
 1346 to develop and submit to that agency an agricultural use plan
 1347 that limits applications based upon nutrient loading consistent
 1348 with any basin management action plan adopted pursuant to s.
 1349 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
 1350 ~~from these application sites may not exceed the limits~~
 1351 ~~established in the district's WOD program.~~

1352 7.g. The Department of Agriculture and Consumer Services

1353 shall require ~~initiate rulemaking requiring~~ entities within the
 1354 Caloosahatchee River watershed which land-apply animal manure to
 1355 develop a resource management system level conservation plan,
 1356 according to United States Department of Agriculture criteria,
 1357 which limit such application. Such rules may include criteria
 1358 and thresholds for the requirement to develop a conservation or
 1359 nutrient management plan, requirements for plan approval, and
 1360 recordkeeping requirements.

1361 ~~3. Caloosahatchee River Watershed Research and Water~~
 1362 ~~Quality Monitoring Program. The district, in cooperation with~~
 1363 ~~the other coordinating agencies and local governments, shall~~
 1364 ~~establish a Caloosahatchee River Watershed Research and Water~~
 1365 ~~Quality Monitoring Program that builds upon the district's~~
 1366 ~~existing research program and that is sufficient to carry out,~~
 1367 ~~comply with, or assess the plans, programs, and other~~
 1368 ~~responsibilities created by this subsection. The program shall~~
 1369 ~~also conduct an assessment of the water volumes and timing from~~
 1370 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
 1371 ~~their relative contributions to the timing and volume of water~~
 1372 ~~delivered to the estuary.~~

1373 ~~(c) (b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
 1374 ~~than January 1, 2009,~~ The district, in cooperation with the
 1375 other coordinating agencies, Martin County, and affected
 1376 counties and municipalities shall complete a plan in accordance
 1377 with this subsection. The St. Lucie River Watershed Protection
 1378 Plan shall identify the geographic extent of the watershed, be

1379 coordinated as needed with the plans developed pursuant to
 1380 paragraph (3)(a) and paragraph (a) of this subsection, and
 1381 ~~contain an implementation schedule for pollutant load reductions~~
 1382 ~~consistent with any adopted total maximum daily loads and~~
 1383 ~~compliance with applicable state water quality standards. The~~
 1384 ~~plan shall~~ include the St. Lucie River Watershed Construction
 1385 Project and St. Lucie River Watershed Research and Water Quality
 1386 Monitoring Program.÷

1387 1. St. Lucie River Watershed Construction Project.—To
 1388 improve the hydrology, water quality, and aquatic habitats
 1389 within the watershed, the district shall, no later than January
 1390 1, 2012, plan, design, and construct the initial phase of the
 1391 Watershed Construction Project. In doing so, the district shall:

1392 a. Develop and designate the facilities to be constructed
 1393 to achieve stated goals and objectives of the St. Lucie River
 1394 Watershed Protection Plan.

1395 b. Identify the size and location of all such facilities.

1396 c. Provide a construction schedule for all such
 1397 facilities, including the sequencing and specific timeframe for
 1398 construction of each facility.

1399 d. Provide a schedule for the acquisition of lands or
 1400 sufficient interests necessary to achieve the construction
 1401 schedule.

1402 e. Provide a schedule of costs and benefits associated
 1403 with each construction project and identify funding sources.

1404 f. To ensure timely implementation, coordinate the design,

1405 scheduling, and sequencing of project facilities with the
1406 coordinating agencies, Martin County, St. Lucie County, other
1407 interested parties, and other affected local governments.

1408 2. St. Lucie River Watershed Research and Water Quality
1409 Monitoring Program.—The district, in cooperation with the other
1410 coordinating agencies and local governments, shall establish a
1411 St. Lucie River Watershed Research and Water Quality Monitoring
1412 Program that builds upon the district's existing research
1413 program and that is sufficient to carry out, comply with, or
1414 assess the plans, programs, and other responsibilities created
1415 by this subsection. The program shall also conduct an assessment
1416 of the water volumes and timing from Lake Okeechobee and the St.
1417 Lucie River watershed and their relative contributions to the
1418 timing and volume of water delivered to the estuary.

1419 (d)2. St. Lucie River Watershed Basin Management Action
1420 Plans Pollutant Control Program.—Basin management action plans
1421 for the St. Lucie River watershed adopted pursuant to s. 403.067
1422 shall be the St. Lucie River Watershed Pollutant Control Program
1423 and shall be is designed to be a multifaceted approach to
1424 reducing pollutant loads by improving the management of
1425 pollutant sources within the St. Lucie River watershed through
1426 implementation of regulations and best management practices,
1427 development and implementation of improved best management
1428 practices, improvement and restoration of the hydrologic
1429 function of natural and managed systems, and use utilization of
1430 alternative technologies for pollutant reduction, such as cost-

1431 effective biologically based, hybrid wetland/chemical and other
 1432 innovative nutrient control technologies. The plan shall contain
 1433 an implementation schedule for pollutant load reductions
 1434 consistent with the adopted total maximum daily load. The
 1435 coordinating agencies shall facilitate the use ~~utilization~~ of
 1436 federal programs that offer opportunities for water quality
 1437 treatment, including preservation, restoration, or creation of
 1438 wetlands on agricultural lands.

1439 1.a. Nonpoint source best management practices consistent
 1440 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
 1441 objectives of the St. Lucie River Watershed Protection Program,
 1442 shall be implemented on an expedited basis. The coordinating
 1443 agencies may develop an intergovernmental agreement with local
 1444 governments to implement the nonagricultural nonpoint source
 1445 best management practices within their respective geographic
 1446 boundaries.

1447 2.b. This subsection does not preclude the department or
 1448 the district from requiring compliance with water quality
 1449 standards, adopted total maximum daily loads, or current best
 1450 management practices requirements set forth in any applicable
 1451 regulatory program authorized by law for the purpose of
 1452 protecting water quality. This subsection applies only to the
 1453 extent that it does not conflict with any rules adopted by the
 1454 department or district which are necessary to maintain a
 1455 federally delegated or approved program.

1456 3.c. Projects that make use of private lands, or lands

1457 held in trust for Indian tribes, to reduce pollutant loadings or
 1458 concentrations within a basin, or that reduce the volume of
 1459 harmful discharges by one or more of the following methods:
 1460 restoring the natural hydrology of the basin, restoring wildlife
 1461 habitat or impacted wetlands, reducing peak flows after storm
 1462 events, or increasing aquifer recharge, are eligible for grants
 1463 available under this section from the coordinating agencies.

1464 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
 1465 Plans ~~Pollutant Control Program~~ shall require assessment of
 1466 current water management practices within the watershed and
 1467 shall require development of recommendations for structural,
 1468 nonstructural, and operational improvements. Such
 1469 recommendations shall consider and balance water supply, flood
 1470 control, estuarine salinity, aquatic habitat, and water quality
 1471 considerations.

1472 ~~5.e. After December 31, 2007,~~ The department may not
 1473 authorize the disposal of domestic wastewater biosolids
 1474 ~~residuals~~ within the St. Lucie River watershed unless the
 1475 applicant can affirmatively demonstrate that the nutrients in
 1476 the biosolids ~~residuals~~ will not add to nutrient loadings in the
 1477 watershed. This demonstration shall be based on achieving a net
 1478 balance between nutrient imports relative to exports on the
 1479 permitted application site. Exports shall include only nutrients
 1480 removed from the St. Lucie River watershed through products
 1481 generated on the permitted application site. This prohibition
 1482 does not apply to Class AA biosolids ~~residuals~~ that are marketed

1483 and distributed as fertilizer products in accordance with
 1484 department rule.

1485 ~~6.f.~~ The Department of Health shall require all entities
 1486 disposing of septage within the St. Lucie River watershed to
 1487 develop and submit to that agency an agricultural use plan that
 1488 limits applications based upon nutrient loading consistent with
 1489 any basin management action plan adopted pursuant to s. 403.067.
 1490 ~~By July 1, 2008, nutrient concentrations originating from these~~
 1491 ~~application sites may not exceed the limits established in the~~
 1492 ~~district's WOD program.~~

1493 ~~7.g.~~ The Department of Agriculture and Consumer Services
 1494 shall initiate rulemaking requiring entities within the St.
 1495 Lucie River watershed which land-apply animal manure to develop
 1496 a resource management system level conservation plan, according
 1497 to United States Department of Agriculture criteria, which limit
 1498 such application. Such rules may include criteria and thresholds
 1499 for the requirement to develop a conservation or nutrient
 1500 management plan, requirements for plan approval, and
 1501 recordkeeping requirements.

1502 ~~3.— St. Lucie River Watershed Research and Water Quality~~
 1503 ~~Monitoring Program. The district, in cooperation with the other~~
 1504 ~~coordinating agencies and local governments, shall establish a~~
 1505 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
 1506 ~~Program that builds upon the district's existing research~~
 1507 ~~program and that is sufficient to carry out, comply with, or~~
 1508 ~~assess the plans, programs, and other responsibilities created~~

1509 ~~by this subsection. The program shall also conduct an assessment~~
 1510 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
 1511 ~~Lucie River watersheds and their relative contributions to the~~
 1512 ~~timing and volume of water delivered to the estuary.~~

1513 (e)~~(e)~~ River Watershed Protection Plan implementation.—The
 1514 coordinating agencies shall be jointly responsible for
 1515 implementing the River Watershed Protection Plans, consistent
 1516 with the statutory authority and responsibility of each agency.
 1517 Annual funding priorities shall be jointly established, and the
 1518 highest priority shall be assigned to programs and projects that
 1519 have the greatest potential for achieving the goals and
 1520 objectives of the plans. In determining funding priorities, the
 1521 coordinating agencies shall also consider the need for
 1522 regulatory compliance, the extent to which the program or
 1523 project is ready to proceed, and the availability of federal or
 1524 local government matching funds. Federal and other nonstate
 1525 funding shall be maximized to the greatest extent practicable.

1526 (f)~~(d)~~ Evaluation.—Beginning ~~By~~ March 1, 2020 ~~2012~~, and
 1527 every 5 ~~3~~ years thereafter concurrent with the updates of the
 1528 basin management action plans adopted pursuant to s. 403.067,
 1529 the district, in cooperation with the other coordinating
 1530 agencies, shall conduct an evaluation of any pollutant load
 1531 reduction goals, as well as any other specific objectives and
 1532 goals, as stated in the River Watershed Protection Programs
 1533 ~~Plans. Additionally,~~ The district shall identify modifications
 1534 to facilities of the River Watershed Construction Projects, as

1535 appropriate, or any other elements of the River Watershed
 1536 Protection Programs ~~Plans~~. The evaluation shall be included in
 1537 the annual progress report submitted pursuant to this section.

1538 (g) ~~(e)~~ Priorities and implementation schedules.—The
 1539 coordinating agencies are authorized and directed to establish
 1540 priorities and implementation schedules for the achievement of
 1541 total maximum daily loads, the requirements of s. 403.067, and
 1542 compliance with applicable water quality standards within the
 1543 waters and watersheds subject to this section.

1544 ~~(f) Legislative ratification.—The coordinating agencies~~
 1545 ~~shall submit the River Watershed Protection Plans developed~~
 1546 ~~pursuant to paragraphs (a) and (b) to the President of the~~
 1547 ~~Senate and the Speaker of the House of Representatives prior to~~
 1548 ~~the 2009 legislative session for review. If the Legislature~~
 1549 ~~takes no action on the plan during the 2009 legislative session,~~
 1550 ~~the plan is deemed approved and may be implemented.~~

1551 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 1552 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
 1553 department is directed to expedite development and adoption of
 1554 total maximum daily loads for the Caloosahatchee River and
 1555 estuary. The department is further directed to, ~~no later than~~
 1556 ~~December 31, 2008,~~ propose for final agency action total maximum
 1557 daily loads for nutrients in the tidal portions of the
 1558 Caloosahatchee River and estuary. The department shall initiate
 1559 development of basin management action plans for Lake
 1560 Okeechobee, the Caloosahatchee River watershed and estuary, and

1561 the St. Lucie River watershed and estuary as provided in s.
 1562 403.067 ~~403.067(7)(a)~~ as follows:

1563 (a) Basin management action plans shall be developed as
 1564 soon as practicable as determined necessary by the department to
 1565 achieve the total maximum daily loads established for the Lake
 1566 Okeechobee watershed and the estuaries.

1567 (b) The Phase II technical plan development pursuant to
 1568 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection Plans
 1569 developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
 1570 provide the basis for basin management action plans developed by
 1571 the department.

1572 (c) As determined necessary by the department in order to
 1573 achieve the total maximum daily loads, additional or modified
 1574 projects or programs that complement those in the legislatively
 1575 ratified plans may be included during the development of the
 1576 basin management action plan.

1577 (d) As provided in s. 403.067, management strategies and
 1578 pollution reduction requirements set forth in a basin management
 1579 action plan subject to permitting by the department under
 1580 subsection (7) must be completed pursuant to the schedule set
 1581 forth in the basin management action plan, as amended. The
 1582 implementation schedule may extend beyond the 5-year permit
 1583 term.

1584 (e) As provided in s. 403.067, management strategies and
 1585 pollution reduction requirements set forth in a basin management
 1586 action plan for a specific pollutant of concern are not subject

PCB SAC 15-01

2015

1587 to challenge under chapter 120 at the time they are
1588 incorporated, in an identical form, into a department or
1589 district issued permit or a permit modification issued in
1590 accordance with subsection (7).

1591 ~~(d) Development of basin management action plans that~~
1592 ~~implement the provisions of the legislatively ratified plans~~
1593 ~~shall be initiated by the department no later than September 30~~
1594 ~~of the year in which the applicable plan is ratified. Where a~~
1595 ~~total maximum daily load has not been established at the time of~~
1596 ~~plan ratification, development of basin management action plans~~
1597 ~~shall be initiated no later than 90 days following adoption of~~
1598 ~~the applicable total maximum daily load.~~

1599 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
1600 cooperation with the other coordinating agencies, shall report
1601 on implementation of this section as part of the consolidated
1602 annual report required in s. 373.036(7). The annual report shall
1603 include a summary of the conditions of the hydrology, water
1604 quality, and aquatic habitat in the northern Everglades based on
1605 the results of the Research and Water Quality Monitoring
1606 Programs, the status of the Lake Okeechobee Watershed
1607 Construction Project, the status of the Caloosahatchee River
1608 Watershed Construction Project, and the status of the St. Lucie
1609 River Watershed Construction Project. In addition, the report
1610 shall contain an annual accounting of the expenditure of funds
1611 from the Save Our Everglades Trust Fund. At a minimum, the
1612 annual report shall provide detail by program and plan,

Page 62 of 87

PCB SAC 15-01.docx

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1613 including specific information concerning the amount and use of
 1614 funds from federal, state, or local government sources. In
 1615 detailing the use of these funds, the district shall indicate
 1616 those designated to meet requirements for matching funds. The
 1617 district shall prepare the report in cooperation with the other
 1618 coordinating agencies and affected local governments. The
 1619 department shall report on the status of the Lake Okeechobee
 1620 Basin Management Action Plan, the Caloosahatchee Estuary Basin
 1621 Management Action Plan, and the St. Lucie River and Estuary
 1622 Basin Management Action Plan. The Department of Agriculture and
 1623 Consumer Services shall report on the status of the
 1624 implementation of the agricultural nonpoint source best
 1625 management practices.

1626 (7) NORTHERN EVERGLADES ~~LAKE OKEECHOBEE~~ PROTECTION
 1627 PERMITS.—

1628 (a) The Legislature finds that the Lake Okeechobee
 1629 Watershed Protection Program will benefit Lake Okeechobee and
 1630 downstream receiving waters and is in ~~consistent with~~ the public
 1631 interest. The Legislature also finds that the Caloosahatchee
 1632 River Watershed Protection Program and the St. Lucie River
 1633 Watershed Protection Program will benefit the respective rivers
 1634 and estuaries and are in the public interest. District regional
 1635 projects that are part of the Caloosahatchee River Watershed
 1636 Construction Project, the St. Lucie River Watershed Construction
 1637 Project, the Lake Okeechobee Watershed Construction Project, and
 1638 structures discharging into or from Lake Okeechobee shall be

1639 constructed, operated, and maintained in accordance with this
 1640 section.

1641 (b) Permits obtained pursuant to this section are in lieu
 1642 of all other permits under this chapter or chapter 403, except
 1643 those issued under s. 403.0885, if applicable. ~~No~~ Additional
 1644 permits are not required for the Caloosahatchee River Watershed
 1645 Construction Project, the St. Lucie River Watershed Construction
 1646 Project, the Lake Okeechobee Watershed Construction Project, or
 1647 structures discharging into or from Lake Okeechobee, if such
 1648 projects or structures are permitted under this section.

1649 Construction activities related to implementation of the
 1650 Caloosahatchee River Watershed Construction Project, the St.
 1651 Lucie River Watershed Construction Project, or the Lake
 1652 Okeechobee Watershed Construction Project may be initiated
 1653 before ~~prior to~~ final agency action, or notice of intended
 1654 agency action, on any permit from the department under this
 1655 section.

1656 (c) 1. ~~Within 90 days of completion of the diversion plans~~
 1657 ~~set forth in Department Consent Orders 91-0694, 91-0707, 91-~~
 1658 ~~0706, 91-0705, and RT50-205564,~~ Owners or operators of existing
 1659 structures which discharge into or from Lake Okeechobee that
 1660 were subject to Department Consent Orders 91-0694, 91-0707, 91-
 1661 0706, 91-0705, and RT50-205564 and that are subject to the
 1662 provisions of s. 373.4592(4) (a) do not require a permit under
 1663 this section and shall be governed by permits issued under ~~apply~~
 1664 ~~for a permit from the department to operate and maintain such~~

1665 ~~structures. By September 1, 2000, owners or operators of all~~
 1666 ~~other existing structures which discharge into or from Lake~~
 1667 ~~Okeechobee shall apply for a permit from the department to~~
 1668 ~~operate and maintain such structures. The department shall issue~~
 1669 ~~one or more such permits for a term of 5 years upon the~~
 1670 ~~demonstration of reasonable assurance that schedules and~~
 1671 ~~strategies to achieve and maintain compliance with water quality~~
 1672 ~~standards have been provided for, to the maximum extent~~
 1673 ~~practicable, and that operation of the structures otherwise~~
 1674 ~~complies with provisions of ss. 373.413 and 373.416 and the Lake~~
 1675 ~~Okeechobee Basin Management Action Plan adopted pursuant to s.~~
 1676 ~~403.067.~~

1677 ~~1. Permits issued under this paragraph shall also contain~~
 1678 ~~reasonable conditions to ensure that discharges of waters~~
 1679 ~~through structures:~~

- 1680 ~~a. Are adequately and accurately monitored;~~
- 1681 ~~b. Will not degrade existing Lake Okeechobee water quality~~
 1682 ~~and will result in an overall reduction of phosphorus input into~~
 1683 ~~Lake Okeechobee, as set forth in the district's Technical~~
 1684 ~~Publication 81-2 and the total maximum daily load established in~~
 1685 ~~accordance with s. 403.067, to the maximum extent practicable;~~
 1686 ~~and~~
- 1687 ~~e. Do not pose a serious danger to public health, safety,~~
 1688 ~~or welfare.~~

1689 ~~2. For the purposes of this paragraph, owners and~~
 1690 ~~operators of existing structures which are subject to the~~

1691 ~~provisions of~~ s. 373.4592(4) (a) and which discharge into or from
 1692 Lake Okeechobee shall be deemed in compliance with this
 1693 paragraph ~~the term "maximum extent practicable"~~ if they are in
 1694 full compliance with the conditions of permits under chapter
 1695 ~~chapters 40E-61 and 40E-63,~~ Florida Administrative Code.

1696 3. ~~By January 1, 2004,~~ The district shall obtain from
 1697 ~~submit to~~ the department a permit modification to the Lake
 1698 Okeechobee structure permits to incorporate proposed changes
 1699 necessary to ensure that discharges through the structures
 1700 covered by this permit are consistent with the basin management
 1701 action plan adopted pursuant to ~~achieve state water quality~~
 1702 ~~standards, including the total maximum daily load established in~~
 1703 ~~accordance with s. 403.067. These changes shall be designed to~~
 1704 ~~achieve such compliance with state water quality standards no~~
 1705 ~~later than January 1, 2015.~~

1706 (d) The department shall require permits for district
 1707 regional projects that are part of the Caloosahatchee River
 1708 Watershed Construction Project, the St. Lucie River Watershed
 1709 Construction Project, and the Lake Okeechobee Watershed
 1710 Construction Project facilities. However, projects ~~identified in~~
 1711 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
 1712 s. 373.406 do shall not require need permits under this section.
 1713 Such permits shall be issued for a term of 5 years upon the
 1714 demonstration of reasonable assurances that:

1715 1. District regional projects that are part of the
 1716 Caloosahatchee River Watershed Construction Project, the St.

1717 Lucie River Watershed Construction Project, and the Lake
 1718 Okeechobee Watershed Construction Project ~~facility, based upon~~
 1719 ~~the conceptual design documents and any subsequent detailed~~
 1720 ~~design documents developed by the district, will~~ shall achieve
 1721 the design objectives for phosphorus required in subparagraphs
 1722 (3) (a)1., (4) (a)1., and (4) (c)1. ~~paragraph (3) (b);~~

1723 2. For water quality standards other than phosphorus, the
 1724 quality of water discharged from the facility is of equal or
 1725 better quality than the inflows;

1726 3. Discharges from the facility do not pose a serious
 1727 danger to public health, safety, or welfare; and

1728 4. Any impacts on wetlands or state-listed species
 1729 resulting from implementation of that facility of the Lake
 1730 Okeechobee Construction Project are minimized and mitigated, as
 1731 appropriate.

1732 (e) At least 60 days before ~~prior to~~ the expiration of any
 1733 permit issued under this section, the permittee may apply for a
 1734 renewal thereof for a period of 5 years.

1735 (f) Permits issued under this section may include any
 1736 standard conditions provided by department rule which are
 1737 appropriate and consistent with this section.

1738 (g) Permits issued under ~~pursuant to~~ this section may be
 1739 modified, as appropriate, upon review and approval by the
 1740 department.

1741 Section 9. Subsection (9) of section 373.703, Florida
 1742 Statutes, is amended to read:

1743 373.703 Water production; general powers and duties.—In
 1744 the performance of, and in conjunction with, its other powers
 1745 and duties, the governing board of a water management district
 1746 existing pursuant to this chapter:

1747 (9) May join with one or more other water management
 1748 districts, counties, municipalities, special districts, publicly
 1749 owned or privately owned water utilities, multijurisdictional
 1750 water supply entities, regional water supply authorities,
 1751 private landowners, or self-suppliers for the purpose of
 1752 carrying out its powers, and may contract with such other
 1753 entities to finance acquisitions, construction, operation, and
 1754 maintenance, provided that such contracts are consistent with
 1755 the public interest. The contract may provide for contributions
 1756 to be made by each party to the contract for the division and
 1757 apportionment of the expenses of acquisitions, construction,
 1758 operation, and maintenance, and for the division and
 1759 apportionment of resulting benefits, services, and products. The
 1760 contracts may contain other covenants and agreements necessary
 1761 and appropriate to accomplish their purposes.

1762 Section 10. Paragraph (b) of subsection (2), subsection
 1763 (3), and paragraph (b) of subsection (4) of section 373.705,
 1764 Florida Statutes, are amended to read:

1765 373.705 Water resource development; water supply
 1766 development.—

1767 (2) It is the intent of the Legislature that:

1768 (b) Water management districts take the lead in

1769 identifying and implementing water resource development
 1770 projects, and be responsible for securing necessary funding for
 1771 regionally significant water resource development projects,
 1772 including regionally significant projects that prevent or limit
 1773 adverse water resource impacts, avoid competition among water
 1774 users, or support the provision of new water supplies in order
 1775 to help implement a minimum flow or level or water reservation.

1776 (3) (a) The water management districts shall fund and
 1777 implement water resource development as defined in s. 373.019.
 1778 The water management districts are encouraged to implement water
 1779 resource development as expeditiously as possible in areas
 1780 subject to regional water supply plans.

1781 (b) Each governing board shall include in its annual
 1782 budget submittals required under this chapter:

1783 1. The amount of funds for each project in the annual
 1784 funding plan developed pursuant to s. 373.709(2) (b)2.c.

1785 2. The total amount needed for the fiscal year to
 1786 implement water resource development projects, as prioritized in
 1787 its regional water supply plans.

1788 (4)

1789 (b) Water supply development projects that meet the
 1790 criteria in paragraph (a) and that meet one or more of the
 1791 following additional criteria shall be given first consideration
 1792 for state or water management district funding assistance:

1793 1. The project brings about replacement of existing
 1794 sources in order to help implement a minimum flow or level; ~~or~~

1795 2. The project implements reuse that assists in the
 1796 elimination of domestic wastewater ocean outfalls as provided in
 1797 s. 403.086(9); or

1798 3. The project reduces or eliminates the adverse effects
 1799 of competition between legal users and the natural system.

1800 Section 11. Paragraph (f) of subsection (3), subsection
 1801 (6), and paragraph (e) of subsection (8) of section 373.707,
 1802 Florida Statutes, are amended to read:

1803 373.707 Alternative water supply development.—

1804 (3) The primary roles of the water management districts in
 1805 water resource development as it relates to supporting
 1806 alternative water supply development are:

1807 (f) The provision of technical and financial assistance to
 1808 local governments, self-suppliers, and publicly owned and
 1809 privately owned water utilities for alternative water supply
 1810 projects.

1811 (6) (a) Where state ~~The statewide~~ funds are provided
 1812 through specific appropriation or pursuant to the Water
 1813 Protection and Sustainability Program, such funds serve to
 1814 supplement existing water management district or basin board
 1815 funding for alternative water supply development assistance and
 1816 should not result in a reduction of such funding. For each
 1817 project identified in the plans prepared pursuant to s.
 1818 373.709(2)(a) and (b) ~~Therefore~~, the water management districts
 1819 shall include in the annual tentative and adopted budget
 1820 submittals required under this chapter the amount of funds

PCB SAC 15-01

2015

1821 allocated for water resource development that supports
1822 alternative water supply development and the funds allocated for
1823 alternative water supply projects ~~selected for inclusion in the~~
1824 ~~Water Protection and Sustainability Program~~. It shall be the
1825 goal of each water management district and basin boards that the
1826 combined funds allocated annually for these purposes be, at a
1827 minimum, the equivalent of 100 percent of the state funding
1828 provided to the water management district for alternative water
1829 supply development. If this goal is not achieved, the water
1830 management district shall provide in the budget submittal an
1831 explanation of the reasons or constraints that prevent this goal
1832 from being met, an explanation of how the goal will be met in
1833 future years, and affirmation of match is required during the
1834 budget review process as established under s. 373.536(5). The
1835 Suwannee River Water Management District and the Northwest
1836 Florida Water Management District shall not be required to meet
1837 the match requirements of this paragraph; however, they shall
1838 try to achieve the match requirement to the greatest extent
1839 practicable.

1840 (b) State funds from the Water Protection and
1841 Sustainability Program created in s. 403.890 or from other state
1842 funding shall be made available for financial assistance for the
1843 project construction costs of alternative water supply
1844 development projects selected by a water management district
1845 governing board for inclusion in the program.

1846 (8)

Page 71 of 87

PCB SAC 15-01.docx

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V

1847 (e) Applicants for projects that may receive funding
 1848 assistance pursuant to the Water Protection and Sustainability
 1849 Program or receive other state funding shall, at a minimum, be
 1850 required to pay 60 percent of the project's construction costs.
 1851 The water management districts may, at their discretion, totally
 1852 or partially waive this requirement for projects sponsored by:
 1853 1. Financially disadvantaged small local governments as
 1854 defined in former s. 403.885(5); or
 1855 2. Self-suppliers for projects determined by a water
 1856 management district governing board to be in the public interest
 1857 pursuant to paragraph (1)(f), if the projects are not otherwise
 1858 financially feasible.

1859
 1860 The water management districts or basin boards may, at their
 1861 discretion, use ad valorem or federal revenues to assist a
 1862 project applicant in meeting the requirements of this paragraph.

1863 Section 12. Paragraphs (a) and (b) of subsection (2) and
 1864 paragraphs (a) and (e) of subsection (6) of section 373.709,
 1865 Florida Statutes, are amended, and paragraph (k) is added to
 1866 subsection (2) of that section, to read:

1867 373.709 Regional water supply planning.—

1868 (2) Each regional water supply plan must be based on at
 1869 least a 20-year planning period and must include, but need not
 1870 be limited to:

1871 (a) A water supply development component for each water
 1872 supply planning region identified by the district which

1873 includes:

1874 1. A quantification of the water supply needs for all
 1875 existing and future reasonable-beneficial uses within the
 1876 planning horizon. The level-of-certainty planning goal
 1877 associated with identifying the water supply needs of existing
 1878 and future reasonable-beneficial uses must be based upon meeting
 1879 those needs for a 1-in-10-year drought event.

1880 a. Population projections used for determining public
 1881 water supply needs must be based upon the best available data.
 1882 In determining the best available data, the district shall
 1883 consider the University of Florida ~~Florida's~~ Bureau of Economic
 1884 and Business Research (BEBR) medium population projections and
 1885 population projection data and analysis submitted by a local
 1886 government pursuant to the public workshop described in
 1887 subsection (1) if the data and analysis support the local
 1888 government's comprehensive plan. Any adjustment of or deviation
 1889 from the BEBR projections must be fully described, and the
 1890 original BEBR data must be presented along with the adjusted
 1891 data.

1892 b. Agricultural demand projections used for determining
 1893 the needs of agricultural self-suppliers must be based upon the
 1894 best available data. In determining the best available data for
 1895 agricultural self-supplied water needs, the district shall
 1896 consider the data indicative of future water supply demands
 1897 provided by the Department of Agriculture and Consumer Services
 1898 pursuant to s. 570.93 and agricultural demand projection data

1899 and analysis submitted by a local government pursuant to the
 1900 public workshop described in subsection (1), if the data and
 1901 analysis support the local government's comprehensive plan. Any
 1902 adjustment of or deviation from the data provided by the
 1903 Department of Agriculture and Consumer Services must be fully
 1904 described, and the original data must be presented along with
 1905 the adjusted data.

1906 2. A list of water supply development project options,
 1907 including traditional and alternative water supply project
 1908 options that are technically and financially feasible, from
 1909 which local government, government-owned and privately owned
 1910 utilities, regional water supply authorities,
 1911 multijurisdictional water supply entities, self-suppliers, and
 1912 others may choose for water supply development. In addition to
 1913 projects listed by the district, such users may propose specific
 1914 projects for inclusion in the list of alternative water supply
 1915 projects. If such users propose a project to be listed as an
 1916 alternative water supply project, the district shall determine
 1917 whether it meets the goals of the plan, and, if so, it shall be
 1918 included in the list. The total capacity of the projects
 1919 included in the plan must exceed the needs identified in
 1920 subparagraph 1. and take into account water conservation and
 1921 other demand management measures, as well as water resources
 1922 constraints, including adopted minimum flows and levels and
 1923 water reservations. Where the district determines it is
 1924 appropriate, the plan should specifically identify the need for

1925 | multijurisdictional approaches to project options that, based on
 1926 | planning level analysis, are appropriate to supply the intended
 1927 | uses and that, based on such analysis, appear to be permissible
 1928 | and financially and technically feasible. The list of water
 1929 | supply development options must contain provisions that
 1930 | recognize that alternative water supply options for agricultural
 1931 | self-suppliers are limited.

1932 | 3. For each project option identified in subparagraph 2.,
 1933 | the following must be provided:

1934 | a. An estimate of the amount of water to become available
 1935 | through the project.

1936 | b. The timeframe in which the project option should be
 1937 | implemented and the estimated planning-level costs for capital
 1938 | investment and operating and maintaining the project.

1939 | c. An analysis of funding needs, and ~~and~~ sources of possible
 1940 | funding options, and an annual funding plan that identifies the
 1941 | district funding contribution needed for each water supply
 1942 | project meeting the requirements of s. 373.705(4). For
 1943 | alternative water supply projects, the annual funding plan shall
 1944 | identify the amount of funding assistance to be provided for
 1945 | each project by the water management districts ~~shall provide~~
 1946 | ~~funding assistance~~ pursuant to s. 373.707(8).

1947 | d. Identification of the entity that should implement each
 1948 | project option and the current status of project implementation.

1949 | (b) A water resource development component that includes:

1950 | 1. A listing of those water resource development projects

1951 that support water supply development.

1952 2. For each water resource development project listed:

1953 a. An estimate of the amount of water to become available

1954 through the project.

1955 b. The timeframe in which the project option should be

1956 implemented and the estimated planning-level costs for capital

1957 investment and for operating and maintaining the project.

1958 c. An analysis of funding needs, ~~and~~ sources of possible

1959 funding options, and an annual funding plan that identifies for

1960 each water resource development project the district funding

1961 contribution required by s. 373.705(3).

1962 d. Identification of the entity that should implement each

1963 project option and the current status of project implementation.

1964 (k) An assessment of how the regional water supply plan

1965 and the projects identified in the funding plans prepared

1966 pursuant to sub-subparagraphs (a)3.c. and (b)2.c. support the

1967 implementation of proposed or adopted minimum flows and levels

1968 and water reservations while ensuring that sufficient water will

1969 be available for all existing and future reasonable-beneficial

1970 uses and the natural systems and that the adverse effects of

1971 competition for water supplies will be avoided.

1972 (6) Annually and in conjunction with the reporting

1973 requirements of s. 373.536(6) (a)4., the department shall submit

1974 to the Governor and the Legislature a report on the status of

1975 regional water supply planning in each district. The report

1976 shall include:

1977 (a) A compilation of the estimated costs ~~of~~ and an
 1978 analysis of the sufficiency of potential sources of funding from
 1979 all sources for water resource development and water supply
 1980 development projects as identified in the water management
 1981 district regional water supply plans.

1982 (e) An overall assessment of the progress being made to
 1983 develop water supply in each district, including, but not
 1984 limited to, an explanation of how each project, either
 1985 alternative or traditional, will produce, contribute to, or
 1986 account for additional water being made available for
 1987 consumptive uses, minimum flows and levels, or water
 1988 reservations; an estimate of the quantity of water to be
 1989 produced by each project;r and an assessment of the contribution
 1990 of the district's regional water supply plan in providing
 1991 sufficient water to meet the needs of existing and future
 1992 reasonable-beneficial uses for a 1-in-10-year drought event, as
 1993 well as the needs of the natural systems.

1994 Section 13. Part VIII of chapter 373, Florida Statutes,
 1995 consisting of ss. 373.801-373.809, is created to read:

1996 PART VIII

1997 FLORIDA SPRINGS AND AQUIFER ACT

1998 373.801 Legislative findings and intent.-

1999 (1) The Legislature finds that:

2000 (a) Springs are a unique part of this state's scenic
 2001 beauty. Springs provide critical habitat for plants and animals,
 2002 including many endangered or threatened species, as well as

2003 immeasurable natural, recreational, economic, and inherent
 2004 value.

2005 (b) Springs provide recreational opportunities for
 2006 swimming, canoeing, wildlife watching, fishing, cave diving, and
 2007 many other activities. Such recreational opportunities and the
 2008 accompanying tourism benefit state and local economies.

2009 (c) Springs are of great scientific importance in
 2010 understanding the diverse functions of aquatic ecosystems. Water
 2011 quality and flow in springs are indicators of local conditions
 2012 of the Floridan Aquifer, which is the source of drinking water
 2013 for many residents of this state.

2014 (d) The expeditious implementation of the state's minimum
 2015 flows and levels program through recovery or prevention
 2016 strategies is the most effective means for protecting spring
 2017 flows because the program uses the best scientific information
 2018 available to identify and address springs that are either not
 2019 meeting minimum flows or levels or are projected to not meet
 2020 minimum flows or levels within 20 years.

2021 (e) The expeditious implementation of total maximum daily
 2022 loads through the basin management action plan program is the
 2023 most effective means for restoring Florida springs that are
 2024 impaired by nutrient pollution because the program uses the best
 2025 scientific information available to identify and address the
 2026 sources of nutrient pollution causing or contributing to the
 2027 impairment of each particular spring or group of springs.
 2028 Sources of nutrients vary between springs and may include

2029 wastewater collection and treatment facilities, onsite treatment
 2030 and disposal systems, agricultural operations, stormwater
 2031 discharges, and other contributing sources. The basin management
 2032 action plan program allows efforts and funds to be targeted to
 2033 address the nutrient sources for each spring or group of
 2034 springs.

2035 (2) It is the intent of the Legislature:

2036 (a) That springs basin management action plans and springs
 2037 recovery and prevention strategies for minimum flows and levels
 2038 are expeditiously developed and implemented.

2039 (b) To prioritize the development of minimum flows and
 2040 levels for Priority Florida Springs and implementation of
 2041 recovery or prevention strategies for springs as applicable.

2042 (c) To prioritize the assessment of all Priority Florida
 2043 Springs for potential nutrient impairment through the Florida
 2044 total maximum daily load program.

2045 (d) To prioritize the adoption of total maximum daily
 2046 loads for impaired springs.

2047 (e) To prioritize the implementation of basin management
 2048 action plans to restore impaired springs.

2049 373.802 Definitions.—As used in this part, the term:

2050 (1) "Best management practice" means a practice or
 2051 combination of practices based on research, field-testing, and
 2052 expert review, to be the most effective and practicable on-
 2053 location means, including economic and technological
 2054 considerations, for improving water quality in agricultural and

2055 urban discharges and improving efficiencies in the use and
 2056 management of water.

2057 (2) "Department" means the Department of Environmental
 2058 Protection, which includes the Florida Geological Survey or its
 2059 successor agency or agencies.

2060 (3) "Priority Florida Springs" includes all first
 2061 magnitude springs, as determined by the department.

2062 (4) "Spring protection zone" means the area or the areas
 2063 of a springshed where, based on proximity and travel times of
 2064 nutrients to the spring, nutrients are reasonably likely to move
 2065 toward and reach the spring through groundwater or surface water
 2066 at levels that would cause impairment as determined by the
 2067 department in consultation with the appropriate water management
 2068 districts.

2069 373.803 Spring protection zones for Priority Florida
 2070 Springs.—

2071 (1) (a) The department, the water management districts, and
 2072 the Department of Agriculture and Consumer Services shall work
 2073 together in a coordinated manner to restore and maintain the
 2074 water quantity and water quality for Priority Florida Springs.

2075 (b) Using the best data available from the water
 2076 management districts and other credible sources, the department,
 2077 in consultation with the water management districts, shall
 2078 delineate a spring protection zone for each Priority Florida
 2079 Spring. By July 1, 2016, the delineation of each spring
 2080 protection zone must be completed and formally noticed for

2081 adoption as a rule pursuant to chapter 120.
 2082 (2) Within spring protection zones:
 2083 (a) The department has primary responsibility for water
 2084 quality regulation.
 2085 (b) The water management districts have primary
 2086 responsibility for setting minimum flows and levels.
 2087 (c) The Department of Agriculture and Consumer Services
 2088 has primary responsibility for the development and
 2089 implementation of best management practices for agricultural
 2090 nonpoint sources.
 2091 (d) Local governments have primary responsibility for
 2092 providing wastewater and urban stormwater management.
 2093 (3) The department, the water management districts, and
 2094 the Department of Agriculture and Consumer Services shall
 2095 prioritize the implementation of financial assistance and
 2096 community outreach programs within spring protection zones that
 2097 support actions to reduce nutrient loading to the environment
 2098 and prevent or abate nutrient over-enrichment of springs. Such
 2099 actions shall include implementing agricultural best management
 2100 practices and may include connecting centralized sewer systems
 2101 to densely populated areas presently served by onsite treatment
 2102 and disposal systems, stormwater management improvements, and
 2103 supporting implementation of ordinances consistent with the
 2104 department's Model Ordinance for Florida-Friendly Fertilizer Use
 2105 on Urban Landscapes referenced in s. 403.9337.
 2106 373.805 Recovery and prevention strategies for Priority

2107 Florida Springs.—

2108 (1) Recovery and prevention strategies for Priority
 2109 Florida Springs shall be developed as follows:

2110 (a) For any minimum flow or level initially adopted after
 2111 July 1, 2015, if the Priority Florida Spring is below or is
 2112 projected to fall within 20 years below the initial minimum flow
 2113 or level, the water management district shall simultaneously
 2114 approve the recovery or prevention strategy required by s.
 2115 373.0421(2).

2116 (b) When an adopted minimum flow or level is revised, if
 2117 the Priority Florida Spring is below or is projected within 20
 2118 years to fall below the revised minimum flow or level, the water
 2119 management district shall simultaneously approve the recovery or
 2120 prevention strategy required by s. 373.0421(2) or modify an
 2121 existing recovery or prevention strategy.

2122 (c) For Priority Florida Springs with an adopted minimum
 2123 flow or level but without a prevention or recovery strategy as
 2124 of July 1, 2015, when the water management district determines
 2125 the Priority Florida Spring has fallen below or is projected
 2126 within 20 years to fall below the adopted minimum flow or level,
 2127 the water management district shall expeditiously approve a
 2128 recovery or prevention strategy.

2129 (2) A recovery and prevention strategy for a Priority
 2130 Florida Spring must include, at a minimum:

2131 (a) A prioritized list of specific projects necessary to
 2132 achieve the minimum flow or level.

2133 (b) The estimated cost for each listed project.

2134 (c) The source and amount of financial assistance from the
 2135 water management districts for each project.

2136 (d) Provisions otherwise required by law.

2137 373.807 Protection of water quality in Priority Florida
 2138 Springs.-

2139 (1) NUTRIENT TOTAL MAXIMUM DAILY LOADS.-

2140 (a) By July 1, 2016, the department shall initiate an
 2141 assessment pursuant to s. 403.067 of each Priority Florida
 2142 Spring for which an impairment determination has not been made
 2143 under the numeric nutrient criteria in effect for spring vents.
 2144 Such assessments must be completed by July 1, 2018.

2145 (b) As required in s. 403.067, the department shall
 2146 establish a total maximum daily load for each Priority Florida
 2147 Spring for which the department determines, based on the total
 2148 maximum daily load assessment, that numeric nutrient criteria
 2149 are not being achieved.

2150 (2) BASIN MANAGEMENT ACTION PLANS.-

2151 (a) The department, or the department in conjunction with
 2152 a water management district, shall establish basin management
 2153 action plans pursuant to s. 403.067 to include each Priority
 2154 Florida Spring subject to a total maximum daily load for
 2155 nutrients. The department shall initiate development of the
 2156 basin management action plans within 1 year after adoption of
 2157 the total maximum daily load. For Priority Florida Springs with
 2158 a nutrient total maximum daily load adopted before July 1, 2015,

2159 the department shall initiate development of the basin
 2160 management action plans by July 1, 2016.

2161 (b) Basin management action plans for Priority Florida
 2162 Springs must include, at a minimum:

2163 1. The spring protection zones adopted pursuant to s.
 2164 373.803(2).

2165 2. A priority listing of all specific projects identified
 2166 for implementation of the basin management action plan.

2167 3. The estimated cost for each listed project.

2168 4. The source and amount of financial assistance, if any,
 2169 from the water management districts, the department, and the
 2170 Department of Agriculture and Consumer Services for each
 2171 project.

2172 5. Provisions otherwise required by law.

2173 373.809 Agricultural best management practices within
 2174 spring protection zones.-

2175 (1) Within spring protection zones, each person engaged in
 2176 the occupation of agriculture shall either implement
 2177 agricultural best management practices adopted by rule of the
 2178 Department of Agriculture and Consumer Services or conduct water
 2179 quality monitoring prescribed by the department or water
 2180 management districts. Best management practices for agricultural
 2181 discharges shall reflect a balance between water quality
 2182 improvements and agricultural productivity.

2183 (2) The Department of Agriculture and Consumer Services,
 2184 in cooperation with the department and the water management

2185 districts, shall provide technical and financial assistance for
 2186 implementation of agricultural best management practices subject
 2187 to the availability of funds.

2188 (3) The department shall conduct monitoring at
 2189 representative sites to verify the effectiveness of agricultural
 2190 best management practices in accordance with s. 403.067.

2191 (4) Where water quality problems are detected despite the
 2192 appropriate implementation of adopted agricultural best
 2193 management practices, the Department of Agriculture and Consumer
 2194 Services, in consultation with the department and affected
 2195 parties, shall institute a reevaluation of the agricultural best
 2196 management practices.

2197 (5) Within 180 days after adoption of a spring protection
 2198 zone, each person engaged in the occupation of agriculture
 2199 within the spring protection zone must notify the Department of
 2200 Agriculture and Consumer Services of his or her intent to either
 2201 implement agricultural best management practices or conduct
 2202 water quality monitoring prescribed by the department or water
 2203 management district.

2204 Section 14. Subsection (29) of section 403.061, Florida
 2205 Statutes, is amended to read:

2206 403.061 Department; powers and duties.—The department
 2207 shall have the power and the duty to control and prohibit
 2208 pollution of air and water in accordance with the law and rules
 2209 adopted and promulgated by it and, for this purpose, to:

2210 (29) (a) Adopt by rule special criteria to protect Class II

2211 and Class III shellfish harvesting waters. Such rules may
 2212 include special criteria for approving docking facilities that
 2213 have 10 or fewer slips if the construction and operation of such
 2214 facilities will not result in the closure of shellfish waters.

2215 (b) Adopt by rule a specific surface water classification
 2216 to protect surface waters used for treated potable water supply.
 2217 These designated surface waters shall have the same water
 2218 quality criteria protections as waters designated for fish
 2219 consumption, recreation, and the propagation and maintenance of
 2220 a healthy, well-balanced population of fish and wildlife, and
 2221 shall be free from discharged substances at a concentration
 2222 that, alone or in combination with other discharged substances,
 2223 would require significant alteration of permitted treatment
 2224 processes at the permitted treatment facility or that would
 2225 otherwise prevent compliance with applicable state drinking
 2226 water standards in the treated water. Notwithstanding this
 2227 classification, a surface water used for treated potable water
 2228 supply may be reclassified as waters designated for potable
 2229 water supply.

2230
 2231 The department shall implement such programs in conjunction with
 2232 its other powers and duties and shall place special emphasis on
 2233 reducing and eliminating contamination that presents a threat to
 2234 humans, animals or plants, or to the environment.

2235 Section 15. Subsection (21) is added to section 403.861,
 2236 Florida Statutes, to read:

2237 403.861 Department; powers and duties.—The department
 2238 shall have the power and the duty to carry out the provisions
 2239 and purposes of this act and, for this purpose, to:

2240 (21) Establish rules in accordance with this subsection
 2241 concerning the use of surface waters for public water supply.

2242 (a) Any permit applicant applying to construct a public
 2243 water system to provide potable public water supply using a
 2244 surface water of the state that, at the time of the permit
 2245 application, does not include potable water supply as a
 2246 designated use by the department, shall petition to reclassify
 2247 the surface water to include potable water supplies as a
 2248 designated use or shall certify in the permit application that
 2249 the public water supply utility will provide potable water to
 2250 the public that, at a minimum, meets primary drinking water
 2251 standards adopted in accordance with s. 403.853. An existing
 2252 permittee may elect to file a certification in accordance with
 2253 this paragraph.

2254 (b) Upon receipt of the certification described in
 2255 paragraph (a) from an existing permittee or, in the case of a
 2256 new permittee for surface water that does not include potable
 2257 use at the time of application, upon issuance of the permit, the
 2258 department shall act on the certification by adding treated
 2259 potable water supplies as a designated use of the surface water.

2260 Section 16. This act shall take effect July 1, 2015.