

PCB SAC 16-01

2016

1 A bill to be entitled
2 An act relating to environmental resources; amending
3 s. 259.032, F.S.; requiring the Department of
4 Environmental Protection to publish, update, and
5 maintain a database of conservation lands; requiring
6 the department to submit a report by a certain date
7 each year to the Governor and the Legislature
8 identifying the percentage of such lands which the
9 public has access to and the efforts the department
10 has undertaken to increase public access; amending s.
11 373.019, F.S.; revising the definition of the term
12 "water resource development" to include technical
13 assistance to self-suppliers under certain
14 circumstances; amending s. 373.036, F.S.; requiring
15 certain information to be included in the consolidated
16 annual report for certain projects related to water
17 quality or water quantity; creating s. 373.037, F.S.;
18 defining terms; providing legislative findings;
19 authorizing certain water management districts to
20 designate and implement pilot projects; providing
21 powers and limitations for the governing boards of
22 such water management districts; requiring a
23 participating water management district to submit a
24 report to the Governor and the Legislature on the
25 effectiveness of its pilot project by a certain date;
26 amending s. 373.042, F.S.; requiring the department or

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

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

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

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

131 findings and intent; creating s. 373.802, F.S.;

132 defining terms; creating s. 373.803, F.S.; requiring

133 the department to delineate a priority focus area for

134 each Outstanding Florida Spring by a certain date;

135 creating s. 373.805, F.S.; requiring a water

136 management district or the department to adopt or

137 revise various recovery or prevention strategies under

138 certain circumstances; providing minimum requirements

139 for recovery or prevention strategies for Outstanding

140 Florida Springs; authorizing local governments to

141 apply for an extension for projects in an adopted

142 recovery or prevention strategy; creating s. 373.807,

143 F.S.; requiring the department to initiate assessments

144 of Outstanding Florida Springs by a certain date;

145 requiring the department to develop basin management

146 action plans; authorizing local governments to apply

147 for an extension for projects in an adopted basin

148 management action plan; requiring certain local

149 governments to develop, enact, and implement an urban

150 fertilizer ordinance by a certain date; requiring the

151 Department of Environmental Protection, the Department

152 of Health, and relevant local governments and

153 utilities to develop onsite sewage treatment and

154 disposal system remediation plans under certain

155 circumstances; requiring the Department of

156 Environmental Protection to be the lead agency;

157 | creating s. 373.811, F.S.; specifying prohibited
 158 | activities within a priority focus area of an
 159 | Outstanding Florida Spring; creating s. 373.813, F.S.;
 160 | providing rulemaking authority; amending s. 403.061,
 161 | F.S.; directing the department to adopt by rule a
 162 | specific surface water classification to protect
 163 | surface waters used for treated potable water supply;
 164 | providing criteria for such rule; authorizing the
 165 | reclassification of surface waters used for treated
 166 | potable water supply notwithstanding such rule;
 167 | creating s. 403.0617, F.S.; authorizing the department
 168 | to fund nutrient and sediment reduction and
 169 | conservation pilot projects under certain
 170 | circumstances; requiring the department to initiate
 171 | rulemaking by a certain date; amending s. 403.0623,
 172 | F.S.; requiring the department to establish certain
 173 | standards; requiring state agencies and water
 174 | management districts to show that they followed the
 175 | department's standards in order to receive certain
 176 | funding; amending s. 403.067, F.S.; providing
 177 | requirements for new or revised basin management
 178 | action plans; requiring the department to adopt rules
 179 | relating to the enforcement and verification of best
 180 | management action plans and management strategies;
 181 | creating s. 403.0675, F.S.; requiring the department
 182 | and the Department of Agriculture and Consumer

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

201

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

203

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

206 259.032 Conservation and recreation lands.—

207 (9)

208 (f) To ensure that the public has knowledge of and access

209 to conservation lands, as defined in s. 253.034(2)(c), the
 210 department shall publish, update, and maintain a database of
 211 such lands where public access is compatible with conservation
 212 and recreation purposes.

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

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

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

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

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

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

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

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

257 Section 3. Paragraph (b) of subsection (7) of section
 258 373.036, Florida Statutes, is amended to read:

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

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

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

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

267 2. The department-approved minimum flows and minimum water
 268 levels annual priority list and schedule required by s.
 269 373.042(3) ~~s. 373.042(2)~~.

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

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

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

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

278 7. The mitigation donation annual report required by s.
 279 373.414(1)(b)2.

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

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

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

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

290 c. The estimated cost for each listed project;

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

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

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

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

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

306 373.037 Pilot program for alternative water supply
 307 development in restricted allocation areas.—

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

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

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

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

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

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

347 (2) The Legislature finds that:

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

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

365 supply development project.

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

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

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

391 section, its governing board has the following powers and is
 392 subject to the following restrictions in implementing the pilot
 393 project:

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

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

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

417 necessary and appropriate to accomplish their purposes.

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

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

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

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

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

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

442 (e) The benefits to the district's water resources and

443 natural systems from implementation of the pilot project.

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

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

452 373.042 Minimum flows and minimum water levels.-

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

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

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

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

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

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

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

491 (c) The Legislature finds as provided in s. 373.801(3) (b)
 492 that the adoption of minimum flows and minimum water levels or
 493 recovery or prevention strategies for Outstanding Florida
 494 Springs requires immediate action. The department and the

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

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

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

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

546 ~~(4)(3)~~ Minimum flows or minimum water levels for priority

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

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

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

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

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

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

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

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

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

625 after the filing of the petition. The time limit for rendering
 626 the order shall not be extended except by agreement of all the
 627 parties. To the extent that the parties agree to the findings of
 628 the peer review, they may stipulate that those findings be
 629 incorporated as findings of fact in the final order.

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

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

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

636 (1) ESTABLISHMENT.—

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

646 (b) *Exclusions.*—

647 1. The Legislature recognizes that certain water bodies no
 648 longer serve their historical hydrologic functions. The
 649 Legislature also recognizes that recovery of these water bodies
 650 to historical hydrologic conditions may not be economically or

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

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

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

670

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

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

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

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

687
 688 The recovery or prevention strategy must ~~shall~~ include a phased-
 689 in approach ~~phasing~~ or a timetable which will allow for the
 690 provision of sufficient water supplies for all existing and
 691 projected reasonable-beneficial uses, including development of
 692 additional water supplies and implementation of conservation and
 693 other efficiency measures concurrent with and, to the maximum
 694 extent practical, ~~and~~ to offset, reductions in permitted
 695 withdrawals, consistent with ~~the provisions of~~ this chapter. The
 696 recovery or prevention strategy may not depend solely on water
 697 shortage restrictions declared pursuant to s. 373.175 or s.
 698 373.246.

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

703 supply development project or water resource development project
 704 identified in a recovery or prevention strategy. Such amendment
 705 shall be approved concurrently with relevant portions of the
 706 recovery or prevention strategy.

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

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

729 Section 7. Section 373.0465, Florida Statutes, is created
 730 to read:

731 373.0465 Central Florida Water Initiative.-

732 (1) The Legislature finds that:

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

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

745 (c) The Central Florida Water Initiative is a
 746 collaborative process involving the Department of Environmental
 747 Protection, the St. Johns River Water Management District, the
 748 South Florida Water Management District, the Southwest Florida
 749 Water Management District, the Department of Agriculture and
 750 Consumer Services, regional public water supply utilities, and
 751 other stakeholders. As set forth in the Central Florida Water
 752 Initiative Guiding Document of January 30, 2015, the initiative
 753 has developed an initial framework for a unified process to
 754 address the current and long-term water supply needs of Central

755 Florida without causing harm to the water resources and
 756 associated natural systems.

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

761 (2) (a) As used in this section, the term "Central Florida
 762 Water Initiative Area" means all of Orange, Osceola, Polk, and
 763 Seminole Counties, and southern Lake County, as designated by
 764 the Central Florida Water Initiative Guiding Document of January
 765 30, 2015.

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

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

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

779 3. Develop and implement, as set forth in the Central
 780 Florida Water Initiative Guiding Document of January 30, 2015, a

781 single multidistrict regional water supply plan, including any
 782 needed recovery or prevention strategies and a list of water
 783 supply development projects or water resource projects; and

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

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

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

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

800 3. Consider existing recovery or prevention strategies;

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

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

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807 373.2234.

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

814 1. A single, uniform definition of the term "harmful to
815 the water resources" consistent with the term's usage in s.
816 373.219;

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

819 3. A single process for permit reviews;

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

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

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

826

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

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

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

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

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

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

859 department as further provided in s. 373.026. The district shall
 860 exercise the authority of the state to allocate quantities of
 861 water within its jurisdiction, including the water supply in
 862 relation to the project, and be responsible for allocating water
 863 and assigning priorities among the other water uses served by
 864 the project pursuant to state law. The district may:

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

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

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

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

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

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

883 373.219 Permits required.—

884 (3) For Outstanding Florida Springs, the department shall

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

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

896 373.223 Conditions for a permit.—

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

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

908 373.2234 Preferred water supply sources.—

909 (1) The governing board of a water management district is
 910 authorized to adopt rules that identify preferred water supply

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

920 (2) (a) If an applicant proposes to use a preferred water
921 supply source, that applicant's proposed water use is subject to
922 s. 373.223(1), except that the proposed use of a preferred water
923 supply source must be considered by a water management district
924 when determining whether a permit applicant's proposed use of
925 water is consistent with the public interest pursuant to s.
926 373.223(1) (c).

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

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

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

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

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

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

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

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

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

962 (5) To incentivize water conservation, if actual water use

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

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

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

983 373.233 Competing applications.—

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

988 (b) If two or more competing applications qualify equally

989 under subsection (1) and none of the competing applications is a
 990 renewal application, the governing board or the department shall
 991 give preference to the application for the use where the source
 992 is nearest to the area of use or application consistent with s.
 993 373.016(4)(a).

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

996 373.4591 Improvements on private agricultural lands.—

997 (1) The Legislature encourages public-private partnerships
 998 to accomplish water storage, groundwater recharge, and water
 999 quality improvements on private agricultural lands. Priority
 1000 consideration shall be given to public-private partnerships
 1001 that:

1002 (a) Store or treat water on private lands for purposes of
 1003 enhancing hydrologic improvement, improving water quality, or
 1004 assisting in water supply;

1005 (b) Provide critical groundwater recharge; or

1006 (c) Provide for changes in land use to activities that
 1007 minimize nutrient loads and maximize water conservation.

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

1015 agreement before improvements are constructed.

1016 (b) When an agreement is entered into between the
 1017 Department of Agriculture and Consumer Services and a private
 1018 landowner to implement best management practices pursuant to s.
 1019 403.067(7)(c), a baseline condition determining the extent of
 1020 wetlands and other surface water on the property may be
 1021 established at the option and expense of the private landowner
 1022 and documented in the agreement before improvements are
 1023 constructed. The Department of Agriculture and Consumer Services
 1024 shall submit the landowner's proposed baseline condition
 1025 documentation to the lead agency for review and approval, and
 1026 the agency shall use its best efforts to complete the review
 1027 within 45 days.

1028 (3) The Department of Agriculture and Consumer Services,
 1029 the department, and the water management districts shall provide
 1030 a process for reviewing these requests in the timeframe
 1031 specified. The determination of a baseline condition shall be
 1032 conducted using the methods set forth in the rules adopted
 1033 pursuant to s. 373.421. The baseline condition documented in an
 1034 agreement shall be considered the extent of wetlands and other
 1035 surface waters on the property for the purpose of regulation
 1036 under this chapter for the duration of the agreement and after
 1037 its expiration.

1038 Section 15. Paragraph (h) of subsection (1) and
 1039 subsections (2) through (7) of section 373.4595, Florida
 1040 Statutes, are amended to read:

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1041 | 373.4595 Northern Everglades and Estuaries Protection
 1042 | Program.—
 1043 | (1) FINDINGS AND INTENT.—
 1044 | (h) The Legislature finds that the expeditious
 1045 | implementation of the Lake Okeechobee Watershed Protection
 1046 | Program, the Caloosahatchee River Watershed Protection Program,
 1047 | ~~Plan~~ and the St. Lucie River Watershed Protection Program Plans
 1048 | is needed to improve the quality, quantity, timing, and
 1049 | distribution of water in the northern Everglades ecosystem and
 1050 | that this section, in conjunction with s. 403.067, including the
 1051 | implementation of the plans developed and approved pursuant to
 1052 | subsections (3) and (4), and any related basin management action
 1053 | plan developed and implemented pursuant to s. 403.067(7)(a),
 1054 | provide a reasonable means of achieving the total maximum daily
 1055 | load requirements and achieving and maintaining compliance with
 1056 | state water quality standards.
 1057 | (2) DEFINITIONS.—As used in this section, the term:
 1058 | (a) "Best management practice" means a practice or
 1059 | combination of practices determined by the coordinating
 1060 | agencies, based on research, field-testing, and expert review,
 1061 | to be the most effective and practicable on-location means,
 1062 | including economic and technological considerations, for
 1063 | improving water quality in agricultural and urban discharges.
 1064 | Best management practices for agricultural discharges shall
 1065 | reflect a balance between water quality improvements and
 1066 | agricultural productivity.

1067 (b) "Biosolids" means the solid, semisolid, or liquid
 1068 residue generated during the treatment of domestic wastewater in
 1069 a domestic wastewater treatment facility, formerly known as
 1070 "domestic wastewater residuals" or "residuals," and includes
 1071 products and treated material from biosolids treatment
 1072 facilities and septage management facilities regulated by the
 1073 department. The term does not include the treated effluent or
 1074 reclaimed water from a domestic wastewater treatment facility,
 1075 solids removed from pump stations and lift stations, screenings
 1076 and grit removed from the preliminary treatment components of
 1077 domestic wastewater treatment facilities, or ash generated
 1078 during the incineration of biosolids.

1079 (c) ~~(b)~~ "Caloosahatchee River watershed" means the
 1080 Caloosahatchee River, its tributaries, its estuary, and the area
 1081 within Charlotte, Glades, Hendry, and Lee Counties from which
 1082 surface water flow is directed or drains, naturally or by
 1083 constructed works, to the river, its tributaries, or its
 1084 estuary.

1085 (d) ~~(e)~~ "Coordinating agencies" means the Department of
 1086 Agriculture and Consumer Services, the Department of
 1087 Environmental Protection, and the South Florida Water Management
 1088 District.

1089 (e) ~~(d)~~ "Corps of Engineers" means the United States Army
 1090 Corps of Engineers.

1091 (f) ~~(e)~~ "Department" means the Department of Environmental
 1092 Protection.

1093 (g)~~(f)~~ "District" means the South Florida Water Management
 1094 District.

1095 ~~(g) "District's WOD program" means the program implemented
 1096 pursuant to rules adopted as authorized by this section and ss.
 1097 373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,
 1098 373.451, and 373.453, entitled "Works of the District Basin."~~

1099 (h) "Lake Okeechobee Watershed Construction Project" means
 1100 the construction project developed pursuant to this section
 1101 ~~paragraph (3)(b).~~

1102 (i) "Lake Okeechobee Watershed Protection Plan" means the
 1103 Lake Okeechobee Watershed Construction Project and the Lake
 1104 Okeechobee Watershed Research and Water Quality Monitoring
 1105 Program ~~plan developed pursuant to this section and ss. 373.451-~~
 1106 ~~373.459.~~

1107 (j) "Lake Okeechobee watershed" means Lake Okeechobee, its
 1108 tributaries, and the area within which surface water flow is
 1109 directed or drains, naturally or by constructed works, to the
 1110 lake or its tributaries.

1111 ~~(k) "Lake Okeechobee Watershed Phosphorus Control Program"~~
 1112 ~~means the program developed pursuant to paragraph (3)(c).~~

1113 (k)~~(l)~~ "Northern Everglades" means the Lake Okeechobee
 1114 watershed, the Caloosahatchee River watershed, and the St. Lucie
 1115 River watershed.

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

1119 of January 1, 1999.

1120 (m)~~(n)~~ "Restudy" means the Comprehensive Review Study of
 1121 the Central and Southern Florida Project, for which federal
 1122 participation was authorized by the Federal Water Resources
 1123 Development Acts of 1992 and 1996 together with related
 1124 Congressional resolutions and for which participation by the
 1125 South Florida Water Management District is authorized by s.
 1126 373.1501. The term includes all actions undertaken pursuant to
 1127 the aforementioned authorizations which will result in
 1128 recommendations for modifications or additions to the Central
 1129 and Southern Florida Project.

1130 (n)~~(o)~~ "River Watershed Protection Plans" means the
 1131 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 1132 River Watershed Protection Plan developed pursuant to this
 1133 section.

1134 (o) "Soil amendment" means any substance or mixture of
 1135 substances sold or offered for sale for soil enriching or
 1136 corrective purposes, intended or claimed to be effective in
 1137 promoting or stimulating plant growth, increasing soil or plant
 1138 productivity, improving the quality of crops, or producing any
 1139 chemical or physical change in the soil, except amendments,
 1140 conditioners, additives, and related products that are derived
 1141 solely from inorganic sources and that contain no recognized
 1142 plant nutrients.

1143 (p) "St. Lucie River watershed" means the St. Lucie River,
 1144 its tributaries, its estuary, and the area within Martin,

1145 Okeechobee, and St. Lucie Counties from which surface water flow
 1146 is directed or drains, naturally or by constructed works, to the
 1147 river, its tributaries, or its estuary.

1148 (q) "Total maximum daily load" means the sum of the
 1149 individual wasteload allocations for point sources and the load
 1150 allocations for nonpoint sources and natural background adopted
 1151 pursuant to s. 403.067. Before ~~Prior to~~ determining individual
 1152 wasteload allocations and load allocations, the maximum amount
 1153 of a pollutant that a water body or water segment can assimilate
 1154 from all sources without exceeding water quality standards must
 1155 first be calculated.

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

1171 ~~implementation actions shall be technology-based, based upon a~~
 1172 ~~consideration of both the availability of appropriate technology~~
 1173 ~~and the cost of such technology, and shall include phosphorus~~
 1174 ~~reduction measures at both the source and the regional level.~~
 1175 ~~The initial phase of phosphorus load reductions shall be based~~
 1176 ~~upon the district's Technical Publication 81-2 and the~~
 1177 ~~district's WOD program, with subsequent phases of phosphorus~~
 1178 ~~load reductions based upon the total maximum daily loads~~
 1179 ~~established in accordance with s. 403.067.~~ In the development
 1180 and administration of the Lake Okeechobee Watershed Protection
 1181 Program, the coordinating agencies shall maximize opportunities
 1182 provided by federal cost-sharing programs and opportunities for
 1183 partnerships with the private sector.

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

1197 Research and Water Quality Monitoring Program ~~contain an~~
 1198 ~~implementation schedule for subsequent phases of phosphorus load~~
 1199 ~~reduction consistent with the total maximum daily loads~~
 1200 ~~established in accordance with s. 403.067. The plan shall~~
 1201 ~~consider and build upon a review and analysis of the following:~~
 1202 ~~1.~~ the performance of projects constructed during Phase I
 1203 and Phase II of the Lake Okeechobee Watershed Construction
 1204 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~
 1205 ~~2.~~ relevant information resulting from the Lake Okeechobee
 1206 Basin Management Action Plan Watershed Phosphorus Control
 1207 Program, pursuant to paragraph (b); ~~(e).~~
 1208 ~~3.~~ relevant information resulting from the Lake Okeechobee
 1209 Watershed Research and Water Quality Monitoring Program,
 1210 pursuant to subparagraph 2.; ~~paragraph (d).~~
 1211 ~~4.~~ relevant information resulting from the Lake Okeechobee
 1212 Exotic Species Control Program, pursuant to paragraph (c); and
 1213 ~~(e).~~
 1214 ~~5.~~ relevant information resulting from the Lake Okeechobee
 1215 Internal Phosphorus Management Program, pursuant to paragraph
 1216 (d) ~~(f).~~
 1217 ~~1.(b)~~ Lake Okeechobee Watershed Construction Project.—To
 1218 improve the hydrology and water quality of Lake Okeechobee and
 1219 downstream receiving waters, including the Caloosahatchee and
 1220 St. Lucie Rivers and their estuaries, the district, in
 1221 cooperation with the other coordinating agencies, shall design
 1222 and construct the Lake Okeechobee Watershed Construction

1223 Project. The project shall include:

1224 a.1. Phase I.—Phase I of the Lake Okeechobee Watershed
 1225 Construction Project shall consist of a series of project
 1226 features consistent with the recommendations of the South
 1227 Florida Ecosystem Restoration Working Group's Lake Okeechobee
 1228 Action Plan. Priority basins for such projects include S-191, S-
 1229 154, and Pools D and E in the Lower Kissimmee River. ~~In order~~ To
 1230 obtain phosphorus load reductions to Lake Okeechobee as soon as
 1231 possible, the following actions shall be implemented:

1232 (I)a. The district shall serve as a full partner with the
 1233 Corps of Engineers in the design and construction of the Grassy
 1234 Island Ranch and New Palm Dairy stormwater treatment facilities
 1235 as components of the Lake Okeechobee Water Retention/Phosphorus
 1236 Removal Critical Project. The Corps of Engineers shall have the
 1237 lead in design and construction of these facilities. Should
 1238 delays be encountered in the implementation of either of these
 1239 facilities, the district shall notify the department and
 1240 recommend corrective actions.

1241 (II)b. The district shall obtain permits and complete
 1242 construction of two of the isolated wetland restoration projects
 1243 that are part of the Lake Okeechobee Water Retention/Phosphorus
 1244 Removal Critical Project. The additional isolated wetland
 1245 projects included in this critical project shall further reduce
 1246 phosphorus loading to Lake Okeechobee.

1247 (III)e. The district shall work with the Corps of
 1248 Engineers to expedite initiation of the design process for the

1249 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater
 1250 Treatment Area, a project component of the Comprehensive
 1251 Everglades Restoration Plan. The district shall propose to the
 1252 Corps of Engineers that the district take the lead in the design
 1253 and construction of the Reservoir Assisted Stormwater Treatment
 1254 Area and receive credit towards the local share of the total
 1255 cost of the Comprehensive Everglades Restoration Plan.

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

1275 recommendations from the Process Development and Engineering
 1276 component, the Phase II detailed technical plan shall be
 1277 periodically updated. Phase II shall include construction of
 1278 additional facilities in the priority basins identified in sub-
 1279 subparagraph a. ~~subparagraph 1.~~, as well as facilities for other
 1280 basins in the Lake Okeechobee watershed. ~~This detailed technical~~
 1281 ~~plan will require legislative ratification pursuant to paragraph~~
 1282 ~~(i).~~ The technical plan shall:

1283 (I)a. Identify Lake Okeechobee Watershed Construction
 1284 Project facilities designed to contribute to achieving all
 1285 applicable total maximum daily loads established pursuant to s.
 1286 403.067 within the Lake Okeechobee watershed.

1287 (II)b. Identify the size and location of all such Lake
 1288 Okeechobee Watershed Construction Project facilities.

1289 (III)e. Provide a construction schedule for all such Lake
 1290 Okeechobee Watershed Construction Project facilities, including
 1291 the sequencing and specific timeframe for construction of each
 1292 Lake Okeechobee Watershed Construction Project facility.

1293 (IV)d. Provide a schedule for the acquisition of lands or
 1294 sufficient interests necessary to achieve the construction
 1295 schedule.

1296 (V)e. Provide a detailed schedule of costs associated with
 1297 the construction schedule.

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

1301 potential alternatives to minimize and mitigate such impacts, as
 1302 appropriate.

1303 (VII)~~g.~~ Provide for additional measures, including
 1304 voluntary water storage and quality improvements on private
 1305 land, to increase water storage and reduce excess water levels
 1306 in Lake Okeechobee and to reduce excess discharges to the
 1307 estuaries.

1308 (VIII) ~~The technical plan shall also~~ Develop the
 1309 appropriate water quantity storage goal to achieve the desired
 1310 Lake Okeechobee range of lake levels and inflow volumes to the
 1311 Caloosahatchee and St. Lucie estuaries while meeting the other
 1312 water-related needs of the region, including water supply and
 1313 flood protection.

1314 (IX)~~h.~~ Provide for additional source controls needed to
 1315 enhance performance of the Lake Okeechobee Watershed
 1316 Construction Project facilities. Such additional source controls
 1317 shall be incorporated into the Lake Okeechobee Basin Management
 1318 Action Plan ~~Watershed Phosphorous Control Program~~ pursuant to
 1319 paragraph (b) ~~(e)~~.

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

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1327 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
 1328 established pursuant to s. 403.067. ~~Additionally,~~ The district
 1329 shall identify modifications to facilities of the Lake
 1330 Okeechobee Watershed Construction Project as appropriate to meet
 1331 the total maximum daily loads. Modifications to the Lake
 1332 Okeechobee Watershed Construction Project resulting from this
 1333 evaluation shall be incorporated into the Lake Okeechobee Basin
 1334 Management Action Plan and ~~The evaluation shall be included in~~
 1335 the applicable annual progress report submitted pursuant to
 1336 subsection (6).

1337 ~~d.4.~~ Coordination and review.—To ensure the timely
 1338 implementation of the Lake Okeechobee Watershed Construction
 1339 Project, the design of project facilities shall be coordinated
 1340 with the department and other interested parties, including
 1341 affected local governments, to the maximum extent practicable.
 1342 Lake Okeechobee Watershed Construction Project facilities shall
 1343 be reviewed and commented upon by the department before ~~prior to~~
 1344 the execution of a construction contract by the district for
 1345 that facility.

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

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1353 program shall:

1354 a. Evaluate all available existing water quality data

1355 concerning total phosphorus in the Lake Okeechobee watershed,

1356 develop a water quality baseline to represent existing

1357 conditions for total phosphorus, monitor long-term ecological

1358 changes, including water quality for total phosphorus, and

1359 measure compliance with water quality standards for total

1360 phosphorus, including any applicable total maximum daily load

1361 for the Lake Okeechobee watershed as established pursuant to s.

1362 403.067. Beginning March 1, 2020, and every 5 years thereafter,

1363 the department shall reevaluate water quality and quantity data

1364 to ensure that the appropriate projects are being designated and

1365 incorporated into the Lake Okeechobee Basin Management Action

1366 Plan adopted pursuant to s. 403.067. The district shall

1367 implement a total phosphorus monitoring program at appropriate

1368 structures owned or operated by the district and within the Lake

1369 Okeechobee watershed.

1370 b. Develop a Lake Okeechobee water quality model that

1371 reasonably represents the phosphorus dynamics of Lake Okeechobee

1372 and incorporates an uncertainty analysis associated with model

1373 predictions.

1374 c. Determine the relative contribution of phosphorus from

1375 all identifiable sources and all primary and secondary land

1376 uses.

1377 d. Conduct an assessment of the sources of phosphorus from

1378 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their

1379 relative contribution to the water quality of Lake Okeechobee.
 1380 The results of this assessment shall be used by the coordinating
 1381 agencies as part of the Lake Okeechobee Basin Management Action
 1382 Plan adopted pursuant to s. 403.067 to develop interim measures,
 1383 best management practices, or regulations, as applicable.

1384 e. Assess current water management practices within the
 1385 Lake Okeechobee watershed and develop recommendations for
 1386 structural and operational improvements. Such recommendations
 1387 shall balance water supply, flood control, estuarine salinity,
 1388 maintenance of a healthy lake littoral zone, and water quality
 1389 considerations.

1390 f. Evaluate the feasibility of alternative nutrient
 1391 reduction technologies, including sediment traps, canal and
 1392 ditch maintenance, fish production or other aquaculture,
 1393 bioenergy conversion processes, and algal or other biological
 1394 treatment technologies and include any alternative nutrient
 1395 reduction technologies determined to be feasible in the Lake
 1396 Okeechobee Basin Management Action Plan adopted pursuant to s.
 1397 403.067.

1398 g. Conduct an assessment of the water volumes and timing
 1399 from the Lake Okeechobee watershed and their relative
 1400 contribution to the water level changes in Lake Okeechobee and
 1401 to the timing and volume of water delivered to the estuaries.

1402 (b)(e) Lake Okeechobee Basin Management Action Plan
 1403 ~~Watershed Phosphorus Control Program.~~—The Lake Okeechobee Basin
 1404 Management Action Plan adopted pursuant to s. 403.067 shall be

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

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1431 403.067(7)(a)5. The department shall develop an implementation
 1432 schedule establishing 5-year, 10-year, and 15-year measurable
 1433 milestones and targets to achieve the total maximum daily load
 1434 no more than 20 years after adoption of the plan. The initial
 1435 implementation schedule shall be used to provide guidance for
 1436 planning and funding purposes and is exempt from chapter 120.
 1437 Upon the first 5-year review, the implementation schedule shall
 1438 be adopted as part of the plan. If achieving the total maximum
 1439 daily load within 20 years is not practicable, the
 1440 implementation schedule must contain an explanation of the
 1441 constraints that prevent achievement of the total maximum daily
 1442 load within 20 years, an estimate of the time needed to achieve
 1443 the total maximum daily load, and additional 5-year measurable
 1444 milestones, as necessary. The coordinating agencies shall
 1445 develop an interagency agreement pursuant to ss. 373.046 and
 1446 373.406(5) which is consistent with the department taking the
 1447 lead on water quality protection measures through the Lake
 1448 Okeechobee Basin Management Action Plan adopted pursuant to s.
 1449 403.067; the district taking the lead on hydrologic improvements
 1450 pursuant to paragraph (a); and the Department of Agriculture and
 1451 Consumer Services taking the lead on agricultural interim
 1452 measures, best management practices, and other measures adopted
 1453 pursuant to s. 403.067. The interagency agreement must specify
 1454 how best management practices for nonagricultural nonpoint
 1455 sources are developed and how all best management practices are
 1456 implemented and verified consistent with s. 403.067 and this

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1457 section and must address measures to be taken by the
 1458 coordinating agencies during any best management practice
 1459 reevaluation performed pursuant to subparagraphs 5. and 10. The
 1460 department shall use best professional judgment in making the
 1461 initial determination of best management practice effectiveness.
 1462 The coordinating agencies may develop an intergovernmental
 1463 agreement with local governments to implement nonagricultural
 1464 nonpoint source best management practices within their
 1465 respective geographic boundaries. The coordinating agencies
 1466 shall facilitate the application of federal programs that offer
 1467 opportunities for water quality treatment, including
 1468 preservation, restoration, or creation of wetlands on
 1469 agricultural lands.

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

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1483 ~~subparagraph d. The department shall use best professional~~
 1484 ~~judgment in making the initial determination of best management~~
 1485 ~~practice effectiveness.~~

1486 2.a. As provided in s. 403.067(7)(e), the Department of
 1487 Agriculture and Consumer Services, in consultation with the
 1488 department, the district, and affected parties, shall initiate
 1489 rule development for interim measures, best management
 1490 practices, conservation plans, nutrient management plans, or
 1491 other measures necessary for Lake Okeechobee watershed total
 1492 maximum daily load reduction. The rule shall include thresholds
 1493 for requiring conservation and nutrient management plans and
 1494 criteria for the contents of such plans. Development of
 1495 agricultural nonpoint source best management practices shall
 1496 initially focus on those priority basins listed in sub-
 1497 subparagraph (a)1.a. ~~subparagraph (b)1.~~ The Department of
 1498 Agriculture and Consumer Services, in consultation with the
 1499 department, the district, and affected parties, shall conduct an
 1500 ongoing program for improvement of existing and development of
 1501 new agricultural nonpoint source interim measures and ~~or~~ best
 1502 management practices. The Department of Agriculture and Consumer
 1503 Services shall adopt ~~for the purpose of adoption of~~ such
 1504 practices by rule. The Department of Agriculture and Consumer
 1505 Services shall work with the University of Florida ~~Florida's~~
 1506 Institute of Food and Agriculture Sciences to review and, where
 1507 appropriate, develop revised nutrient application rates for all
 1508 agricultural soil amendments in the watershed.

1509 3.b. As provided in s. 403.067, where agricultural
 1510 nonpoint source best management practices or interim measures
 1511 have been adopted by rule of the Department of Agriculture and
 1512 Consumer Services, the owner or operator of an agricultural
 1513 nonpoint source addressed by such rule shall either implement
 1514 interim measures or best management practices or demonstrate
 1515 compliance with state water quality standards addressed by the
 1516 Lake Okeechobee Basin Management Action Plan adopted pursuant to
 1517 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
 1518 prescribed by the department or the district. Owners or
 1519 operators of agricultural nonpoint sources who implement interim
 1520 measures or best management practices adopted by rule of the
 1521 Department of Agriculture and Consumer Services shall be subject
 1522 to ~~the provisions of s. 403.067(7). The Department of~~
 1523 ~~Agriculture and Consumer Services, in cooperation with the~~
 1524 ~~department and the district, shall provide technical and~~
 1525 ~~financial assistance for implementation of agricultural best~~
 1526 ~~management practices, subject to the availability of funds.~~

1527 4.e. The district or department shall conduct monitoring
 1528 at representative sites to verify the effectiveness of
 1529 agricultural nonpoint source best management practices.

1530 5.d. Where water quality problems are detected for
 1531 agricultural nonpoint sources despite the appropriate
 1532 implementation of adopted best management practices, ~~the~~
 1533 ~~Department of Agriculture and Consumer Services, in consultation~~
 1534 ~~with the other coordinating agencies and affected parties, shall~~

1535 ~~institute~~ a reevaluation of the best management practices shall
 1536 be conducted pursuant to s. 403.067(7)(c)4. If the reevaluation
 1537 determines that the best management practices or other measures
 1538 require modification, the rule shall be revised to require
 1539 implementation of the modified practice within a reasonable
 1540 period as specified in the rule ~~and make appropriate changes to~~
 1541 ~~the rule adopting best management practices.~~

1542 ~~6.2.~~ As provided in s. 403.067, nonagricultural nonpoint
 1543 source best management practices, developed in accordance with
 1544 s. 403.067 and designed to achieve the objectives of the Lake
 1545 Okeechobee Watershed Protection Program as part of a phased
 1546 approach of management strategies within the Lake Okeechobee
 1547 Basin Management Action Plan, shall be implemented on an
 1548 expedited basis. ~~The department and the district shall develop~~
 1549 ~~an interagency agreement pursuant to ss. 373.046 and 373.406(5)~~
 1550 ~~that assures the development of best management practices that~~
 1551 ~~complement existing regulatory programs and specifies how those~~
 1552 ~~best management practices are implemented and verified. The~~
 1553 ~~interagency agreement shall address measures to be taken by the~~
 1554 ~~department and the district during any best management practice~~
 1555 ~~reevaluation performed pursuant to sub-subparagraph d.~~

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

1561 department, in consultation with the district and affected
 1562 parties, shall develop nonagricultural nonpoint source interim
 1563 measures, best management practices, or other measures necessary
 1564 for Lake Okeechobee watershed total maximum daily load
 1565 reduction. Development of nonagricultural nonpoint source best
 1566 management practices shall initially focus on those priority
 1567 basins listed in sub-subparagraph (a)1.a. ~~subparagraph (b)1.~~ The
 1568 department, the district, and affected parties shall conduct an
 1569 ongoing program for improvement of existing and development of
 1570 new interim measures and ~~or~~ best management practices. The
 1571 department or the district shall adopt such practices by rule
 1572 ~~The district shall adopt technology-based standards under the~~
 1573 ~~district's WOD program for nonagricultural nonpoint sources of~~
 1574 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
 1575 ~~authority of the department or the district to adopt basin-~~
 1576 ~~specific criteria under this part to prevent harm to the water~~
 1577 ~~resources of the district.~~

1578 8.b. Where nonagricultural nonpoint source best management
 1579 practices or interim measures have been developed by the
 1580 department and adopted by the district, the owner or operator of
 1581 a nonagricultural nonpoint source shall implement interim
 1582 measures or best management practices and be subject to ~~the~~
 1583 ~~provisions of s. 403.067(7).~~ ~~The department and district shall~~
 1584 ~~provide technical and financial assistance for implementation of~~
 1585 ~~nonagricultural nonpoint source best management practices,~~
 1586 ~~subject to the availability of funds.~~

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1587 9.e. As provided in s. 403.067, the district or the
 1588 department shall conduct monitoring at representative sites to
 1589 verify the effectiveness of nonagricultural nonpoint source best
 1590 management practices.

1591 10.d. Where water quality problems are detected for
 1592 nonagricultural nonpoint sources despite the appropriate
 1593 implementation of adopted best management practices, ~~the~~
 1594 ~~department and the district shall institute a reevaluation of~~
 1595 the best management practices shall be conducted pursuant to s.
 1596 403.067(7)(c)4. If the reevaluation determines that the best
 1597 management practices or other measures require modification, the
 1598 rule shall be revised to require implementation of the modified
 1599 practice within a reasonable time period as specified in the
 1600 rule.

1601 11.3. ~~The provisions of Subparagraphs 1. and 2. and 7. do~~
 1602 ~~may~~ not preclude the department or the district from requiring
 1603 compliance with water quality standards or with current best
 1604 management practices requirements set forth in any applicable
 1605 regulatory program authorized by law for the purpose of
 1606 protecting water quality. ~~Additionally,~~ Subparagraphs ~~1. and 2.~~
 1607 and 7. are applicable only to the extent that they do not
 1608 conflict with any rules adopted by the department that are
 1609 necessary to maintain a federally delegated or approved program.

1610 12. The program of agricultural best management practices
 1611 set forth in the Everglades Program of the district, meets the
 1612 requirements of this paragraph and s. 403.067(7) for the Lake

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1613 Okeechobee watershed. An entity in compliance with best
 1614 management practices set forth in the Everglades Program of the
 1615 district, may elect to use that permit in lieu of the
 1616 requirements of this paragraph. The provisions of subparagraph
 1617 5. apply to this subparagraph. This subparagraph does not alter
 1618 any requirement of s. 373.4592.

1619 13. The Department of Agriculture and Consumer Services,
 1620 in cooperation with the department and the district, shall
 1621 provide technical and financial assistance for implementation of
 1622 agricultural best management practices, subject to the
 1623 availability of funds. The department and district shall provide
 1624 technical and financial assistance for implementation of
 1625 nonagricultural nonpoint source best management practices,
 1626 subject to the availability of funds.

1627 14.4. Projects that reduce the phosphorus load originating
 1628 from domestic wastewater systems within the Lake Okeechobee
 1629 watershed shall be given funding priority in the department's
 1630 revolving loan program under s. 403.1835. The department shall
 1631 coordinate and provide assistance to those local governments
 1632 seeking financial assistance for such priority projects.

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

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1639 and timberland from conversion to development, are eligible for
 1640 grants available under this section from the coordinating
 1641 agencies. For projects of otherwise equal priority, special
 1642 funding priority will be given to those projects that make best
 1643 use of the methods outlined above that involve public-private
 1644 partnerships or that obtain federal match money. Preference
 1645 ranking above the special funding priority will be given to
 1646 projects located in a rural area of opportunity designated by
 1647 the Governor. Grant applications may be submitted by any person
 1648 or tribal entity, and eligible projects may include, but are not
 1649 limited to, the purchase of conservation and flowage easements,
 1650 hydrologic restoration of wetlands, creating treatment wetlands,
 1651 development of a management plan for natural resources, and
 1652 financial support to implement a management plan.

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1665 watershed unless the applicant can affirmatively demonstrate
 1666 that the phosphorus in the biosolids ~~residuals~~ will not add to
 1667 phosphorus loadings in Lake Okeechobee or its tributaries. This
 1668 demonstration shall be based on achieving a net balance between
 1669 phosphorus imports relative to exports on the permitted
 1670 application site. Exports shall include only phosphorus removed
 1671 from the Lake Okeechobee watershed through products generated on
 1672 the permitted application site. This prohibition does not apply
 1673 to Class AA biosolids ~~residuals~~ that are marketed and
 1674 distributed as fertilizer products in accordance with department
 1675 rule.

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

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1691 commission or its designated assignee in the county in which the
 1692 alternative method treatment facility is located. The fee shall
 1693 be calculated to be no higher than that necessary to recover the
 1694 facility's prudent cost of providing the service. Upon request
 1695 by an affected county commission, the Florida Public Service
 1696 Commission will provide assistance in establishing the fee.
 1697 Further, for utilities and utility authorities that use the
 1698 additional line item environmental protection disposal fee, such
 1699 fee may not be considered a rate increase under the rules of the
 1700 Public Service Commission and shall be exempt from such rules.
 1701 Utilities using ~~the provisions of~~ this section may immediately
 1702 include in their sewer invoicing the new environmental
 1703 protection disposal fee. Proceeds from this environmental
 1704 protection disposal fee shall be used for treatment and disposal
 1705 of wastewater biosolids residuals, including any treatment
 1706 technology that helps reduce the volume of biosolids residuals
 1707 that require final disposal, but such proceeds may not be used
 1708 for transportation or shipment costs for disposal or any costs
 1709 relating to the land application of biosolids residuals in the
 1710 Lake Okeechobee watershed.

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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1717 of an independent auditor shall also perform an audit of the
 1718 methodology used in establishing the environmental protection
 1719 disposal fee. The Florida Public Service Commission or the
 1720 county commission shall, within 120 days after completion of an
 1721 audit, file the audit report with the President of the Senate
 1722 and the Speaker of the House of Representatives and shall
 1723 provide copies to the county commissions of the counties set
 1724 forth in subparagraph 17. ~~sub-subparagraph b.~~ The books and
 1725 records of any facilities receiving compensation from an
 1726 environmental protection disposal fee shall be open to the
 1727 Florida Public Service Commission and the Auditor General for
 1728 review upon request.

1729 19.7. The Department of Health shall require all entities
 1730 disposing of septage within the Lake Okeechobee watershed to
 1731 develop and submit to that agency an agricultural use plan that
 1732 limits applications based upon phosphorus loading consistent
 1733 with the Lake Okeechobee Basin Management Action Plan adopted
 1734 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
 1735 ~~concentrations originating from these application sites may not~~
 1736 ~~exceed the limits established in the district's WOD program.~~

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

1743 thresholds for the requirement to develop a conservation or
 1744 nutrient management plan, requirements for plan approval, site
 1745 inspection requirements, and recordkeeping requirements.

1746 21. The district shall revise chapter 40E-61, Florida
 1747 Administrative Code, to be consistent with this section and s.
 1748 403.067; provide for a monitoring program for nonpoint source
 1749 dischargers required to monitor water quality by s. 403.067; and
 1750 provide for the results of such monitoring to be reported to the
 1751 coordinating agencies.

1752 ~~9. The district, the department, or the Department of~~
 1753 ~~Agriculture and Consumer Services, as appropriate, shall~~
 1754 ~~implement those alternative nutrient reduction technologies~~
 1755 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1756 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
 1757 ~~Monitoring Program. The district, in cooperation with the other~~
 1758 ~~coordinating agencies, shall establish a Lake Okeechobee~~
 1759 ~~Watershed Research and Water Quality Monitoring Program that~~
 1760 ~~builds upon the district's existing Lake Okeechobee research~~
 1761 ~~program. The program shall:~~

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

1769 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
 1770 ~~403.067. Every 3 years, the district shall reevaluate water~~
 1771 ~~quality and quantity data to ensure that the appropriate~~
 1772 ~~projects are being designated and implemented to meet the water~~
 1773 ~~quality and storage goals of the plan. The district shall also~~
 1774 ~~implement a total phosphorus monitoring program at appropriate~~
 1775 ~~structures owned or operated by the South Florida Water~~
 1776 ~~Management District and within the Lake Okeechobee watershed.~~

1777 ~~2. Develop a Lake Okeechobee water quality model that~~
 1778 ~~reasonably represents phosphorus dynamics of the lake and~~
 1779 ~~incorporates an uncertainty analysis associated with model~~
 1780 ~~predictions.~~

1781 ~~3. Determine the relative contribution of phosphorus from~~
 1782 ~~all identifiable sources and all primary and secondary land~~
 1783 ~~uses.~~

1784 ~~4. Conduct an assessment of the sources of phosphorus from~~
 1785 ~~the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their~~
 1786 ~~relative contribution to the water quality of Lake Okeechobee.~~
 1787 ~~The results of this assessment shall be used by the coordinating~~
 1788 ~~agencies to develop interim measures, best management practices,~~
 1789 ~~or regulation, as applicable.~~

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

1795 | ~~considerations.~~

1796 | ~~6. Evaluate the feasibility of alternative nutrient~~
 1797 | ~~reduction technologies, including sediment traps, canal and~~
 1798 | ~~ditch maintenance, fish production or other aquaculture,~~
 1799 | ~~bioenergy conversion processes, and algal or other biological~~
 1800 | ~~treatment technologies.~~

1801 | ~~7. Conduct an assessment of the water volumes and timing~~
 1802 | ~~from the Lake Okeechobee watershed and their relative~~
 1803 | ~~contribution to the water level changes in Lake Okeechobee and~~
 1804 | ~~to the timing and volume of water delivered to the estuaries.~~

1805 | ~~(c)(e)~~ *Lake Okeechobee Exotic Species Control Program.*—The
 1806 | coordinating agencies shall identify the exotic species that
 1807 | threaten the native flora and fauna within the Lake Okeechobee
 1808 | watershed and develop and implement measures to protect the
 1809 | native flora and fauna.

1810 | ~~(d)(f)~~ *Lake Okeechobee Internal Phosphorus Management*
 1811 | *Program.*—The district, in cooperation with the other
 1812 | coordinating agencies and interested parties, shall evaluate the
 1813 | feasibility of ~~complete a~~ Lake Okeechobee internal phosphorus
 1814 | load removal projects ~~feasibility study~~. The evaluation
 1815 | ~~feasibility study~~ shall be based on technical feasibility, as
 1816 | well as economic considerations, and shall consider ~~address~~ all
 1817 | reasonable methods of phosphorus removal. If projects ~~methods~~
 1818 | are found to be feasible, the district shall immediately pursue
 1819 | the design, funding, and permitting for implementing such
 1820 | projects ~~methods~~.

1821 (e)~~(g)~~ *Lake Okeechobee Watershed Protection Program Plan*
 1822 *implementation.*—The coordinating agencies shall be jointly
 1823 responsible for implementing the Lake Okeechobee Watershed
 1824 Protection Program Plan, consistent with the statutory authority
 1825 and responsibility of each agency. Annual funding priorities
 1826 shall be jointly established, and the highest priority shall be
 1827 assigned to programs and projects that address sources that have
 1828 the highest relative contribution to loading and the greatest
 1829 potential for reductions needed to meet the total maximum daily
 1830 loads. In determining funding priorities, the coordinating
 1831 agencies shall also consider the need for regulatory compliance,
 1832 the extent to which the program or project is ready to proceed,
 1833 and the availability of federal matching funds or other nonstate
 1834 funding, including public-private partnerships. Federal and
 1835 other nonstate funding shall be maximized to the greatest extent
 1836 practicable.

1837 (f)~~(h)~~ *Priorities and implementation schedules.*—The
 1838 coordinating agencies are authorized and directed to establish
 1839 priorities and implementation schedules for the achievement of
 1840 total maximum daily loads, compliance with the requirements of
 1841 s. 403.067, and compliance with applicable water quality
 1842 standards within the waters and watersheds subject to this
 1843 section.

1844 ~~(i) *Legislative ratification.*—The coordinating agencies~~
 1845 ~~shall submit the Phase II technical plan developed pursuant to~~
 1846 ~~paragraph (b) to the President of the Senate and the Speaker of~~

1847 ~~the House of Representatives prior to the 2008 legislative~~
 1848 ~~session for review. If the Legislature takes no action on the~~
 1849 ~~plan during the 2008 legislative session, the plan is deemed~~
 1850 ~~approved and may be implemented.~~

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

1873 inflows are within the control and jurisdiction of the district.

1874 (a) *Caloosahatchee River Watershed Protection Plan.*~~No~~
 1875 ~~later than January 1, 2009,~~ The district, in cooperation with
 1876 the other coordinating agencies, Lee County, and affected
 1877 counties and municipalities, shall complete a River Watershed
 1878 Protection Plan in accordance with this subsection. The
 1879 Caloosahatchee River Watershed Protection Plan shall identify
 1880 the geographic extent of the watershed, be coordinated as needed
 1881 with the plans developed pursuant to paragraph (3) (a) and
 1882 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
 1883 ~~implementation schedule for pollutant load reductions consistent~~
 1884 ~~with any adopted total maximum daily loads and compliance with~~
 1885 ~~applicable state water quality standards. The plan shall include~~
 1886 the Caloosahatchee River Watershed Construction Project and the
 1887 Caloosahatchee River Watershed Research and Water Quality
 1888 Monitoring Program.÷

1889 1. Caloosahatchee River Watershed Construction Project.—To
 1890 improve the hydrology, water quality, and aquatic habitats
 1891 within the watershed, the district shall, no later than January
 1892 1, 2012, plan, design, and construct the initial phase of the
 1893 Watershed Construction Project. In doing so, the district shall:

1894 a. Develop and designate the facilities to be constructed
 1895 to achieve stated goals and objectives of the Caloosahatchee
 1896 River Watershed Protection Plan.

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

1899 Construction Project facilities.

1900 c. Identify the size and location of all such facilities.

1901 d. Provide a construction schedule for all such

1902 facilities, including the sequencing and specific timeframe for

1903 construction of each facility.

1904 e. Provide a schedule for the acquisition of lands or

1905 sufficient interests necessary to achieve the construction

1906 schedule.

1907 f. Provide a schedule of costs and benefits associated

1908 with each construction project and identify funding sources.

1909 g. To ensure timely implementation, coordinate the design,

1910 scheduling, and sequencing of project facilities with the

1911 coordinating agencies, Lee County, other affected counties and

1912 municipalities, and other affected parties.

1913 2. Caloosahatchee River Watershed Research and Water

1914 Quality Monitoring Program.—The district, in cooperation with

1915 the other coordinating agencies and local governments, shall

1916 implement a Caloosahatchee River Watershed Research and Water

1917 Quality Monitoring Program that builds upon the district's

1918 existing research program and that is sufficient to carry out,

1919 comply with, or assess the plans, programs, and other

1920 responsibilities created by this subsection. The program shall

1921 also conduct an assessment of the water volumes and timing from

1922 Lake Okeechobee and the Caloosahatchee River watershed and their

1923 relative contributions to the timing and volume of water

1924 delivered to the estuary.

1925 (b)2. Caloosahatchee River Watershed Basin Management
 1926 Action Plans Pollutant Control Program.—The basin management
 1927 action plans adopted pursuant to s. 403.067 for the
 1928 Caloosahatchee River watershed shall be the Caloosahatchee River
 1929 Watershed Pollutant Control Program. The plans shall be ~~is~~
 1930 designed to be a multifaceted approach to reducing pollutant
 1931 loads by improving the management of pollutant sources within
 1932 the Caloosahatchee River watershed through implementation of
 1933 regulations and best management practices, development and
 1934 implementation of improved best management practices,
 1935 improvement and restoration of the hydrologic function of
 1936 natural and managed systems, and utilization of alternative
 1937 technologies for pollutant reduction, such as cost-effective
 1938 biologically based, hybrid wetland/chemical and other innovative
 1939 nutrient control technologies. As provided in s.
 1940 403.067(7)(a)6., the Caloosahatchee River Watershed Basin
 1941 Management Action Plans must include milestones for
 1942 implementation and water quality improvement, and an associated
 1943 water quality monitoring component sufficient to evaluate
 1944 whether reasonable progress in pollutant load reductions is
 1945 being achieved over time. An assessment of progress toward these
 1946 milestones shall be conducted every 5 years and shall be
 1947 provided to the Governor, the President of the Senate, and the
 1948 Speaker of the House of Representatives. Revisions to the plans
 1949 shall be made, as appropriate, as a result of each 5-year
 1950 review. Revisions to the basin management action plans shall be

1951 made by the department in cooperation with the basin
 1952 stakeholders. Revisions to best management practices or other
 1953 measures must follow the procedures set forth in s.
 1954 403.067(7)(c)4. Revised basin management action plans must be
 1955 adopted pursuant to s. 403.067(7)(a)5. The department shall
 1956 develop an implementation schedule establishing 5-year, 10-year,
 1957 and 15-year measurable milestones and targets to achieve the
 1958 total maximum daily load no more than 20 years after adoption of
 1959 the plan. The initial implementation schedule shall be used to
 1960 provide guidance for planning and funding purposes and is exempt
 1961 from chapter 120. Upon the first 5-year review, the
 1962 implementation schedule shall be adopted as part of the plans.
 1963 If achieving the total maximum daily load within 20 years is not
 1964 practicable, the implementation schedule must contain an
 1965 explanation of the constraints that prevent achievement of the
 1966 total maximum daily load within 20 years, an estimate of the
 1967 time needed to achieve the total maximum daily load, and
 1968 additional 5-year measurable milestones, as necessary. The
 1969 coordinating agencies shall facilitate the use ~~utilization~~ of
 1970 federal programs that offer opportunities for water quality
 1971 treatment, including preservation, restoration, or creation of
 1972 wetlands on agricultural lands.

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

1977 | coordinating agencies may develop an intergovernmental agreement
 1978 | with local governments to implement the nonagricultural,
 1979 | nonpoint-source best management practices within their
 1980 | respective geographic boundaries.

1981 | 2.b. This subsection does not preclude the department or
 1982 | the district from requiring compliance with water quality
 1983 | standards, adopted total maximum daily loads, or current best
 1984 | management practices requirements set forth in any applicable
 1985 | regulatory program authorized by law for the purpose of
 1986 | protecting water quality. This subsection applies only to the
 1987 | extent that it does not conflict with any rules adopted by the
 1988 | department or district which are necessary to maintain a
 1989 | federally delegated or approved program.

1990 | 3.e. Projects that make use of private lands, or lands
 1991 | held in trust for Indian tribes, to reduce pollutant loadings or
 1992 | concentrations within a basin, or that reduce the volume of
 1993 | harmful discharges by one or more of the following methods:
 1994 | restoring the natural hydrology of the basin, restoring wildlife
 1995 | habitat or impacted wetlands, reducing peak flows after storm
 1996 | events, or increasing aquifer recharge, are eligible for grants
 1997 | available under this section from the coordinating agencies.

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

2003 | recommendations shall consider and balance water supply, flood
 2004 | control, estuarine salinity, aquatic habitat, and water quality
 2005 | considerations.

2006 | ~~5.e.~~ After ~~December 31, 2007,~~ The department may not
 2007 | authorize the disposal of domestic wastewater biosolids
 2008 | ~~residuals~~ within the Caloosahatchee River watershed unless the
 2009 | applicant can affirmatively demonstrate that the nutrients in
 2010 | the biosolids ~~residuals~~ will not add to nutrient loadings in the
 2011 | watershed. This demonstration shall be based on achieving a net
 2012 | balance between nutrient imports relative to exports on the
 2013 | permitted application site. Exports shall include only nutrients
 2014 | removed from the watershed through products generated on the
 2015 | permitted application site. This prohibition does not apply to
 2016 | Class AA biosolids ~~residuals~~ that are marketed and distributed
 2017 | as fertilizer products in accordance with department rule.

2018 | ~~6.f.~~ The Department of Health shall require all entities
 2019 | disposing of septage within the Caloosahatchee River watershed
 2020 | to develop and submit to that agency an agricultural use plan
 2021 | that limits applications based upon nutrient loading consistent
 2022 | with any basin management action plan adopted pursuant to s.
 2023 | 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
 2024 | ~~from these application sites may not exceed the limits~~
 2025 | ~~established in the district's WOD program.~~

2026 | ~~7.g.~~ The Department of Agriculture and Consumer Services
 2027 | shall require ~~initiate rulemaking requiring~~ entities within the
 2028 | Caloosahatchee River watershed which land-apply animal manure to

2029 develop a resource management system level conservation plan,
 2030 according to United States Department of Agriculture criteria,
 2031 which limit such application. Such rules shall ~~may~~ include
 2032 criteria and thresholds for the requirement to develop a
 2033 conservation or nutrient management plan, requirements for plan
 2034 approval, site inspection requirements, and recordkeeping
 2035 requirements.

2036 8. The district shall initiate rulemaking to provide for a
 2037 monitoring program for nonpoint source dischargers required to
 2038 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
 2039 403.067(7)(c)3. The results of such monitoring must be reported
 2040 to the coordinating agencies.

2041 ~~3. Caloosahatchee River Watershed Research and Water~~
 2042 ~~Quality Monitoring Program. The district, in cooperation with~~
 2043 ~~the other coordinating agencies and local governments, shall~~
 2044 ~~establish a Caloosahatchee River Watershed Research and Water~~
 2045 ~~Quality Monitoring Program that builds upon the district's~~
 2046 ~~existing research program and that is sufficient to carry out,~~
 2047 ~~comply with, or assess the plans, programs, and other~~
 2048 ~~responsibilities created by this subsection. The program shall~~
 2049 ~~also conduct an assessment of the water volumes and timing from~~
 2050 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
 2051 ~~their relative contributions to the timing and volume of water~~
 2052 ~~delivered to the estuary.~~

2053 ~~(c)(b) St. Lucie River Watershed Protection Plan. No later~~
 2054 ~~than January 1, 2009,~~ The district, in cooperation with the

2055 other coordinating agencies, Martin County, and affected
 2056 counties and municipalities shall complete a plan in accordance
 2057 with this subsection. The St. Lucie River Watershed Protection
 2058 Plan shall identify the geographic extent of the watershed, be
 2059 coordinated as needed with the plans developed pursuant to
 2060 paragraph (3)(a) and paragraph (a) of this subsection, and
 2061 ~~contain an implementation schedule for pollutant load reductions~~
 2062 ~~consistent with any adopted total maximum daily loads and~~
 2063 ~~compliance with applicable state water quality standards. The~~
 2064 ~~plan shall~~ include the St. Lucie River Watershed Construction
 2065 Project and St. Lucie River Watershed Research and Water Quality
 2066 Monitoring Program.†

2067 1. St. Lucie River Watershed Construction Project.—To
 2068 improve the hydrology, water quality, and aquatic habitats
 2069 within the watershed, the district shall, no later than January
 2070 1, 2012, plan, design, and construct the initial phase of the
 2071 Watershed Construction Project. In doing so, the district shall:

2072 a. Develop and designate the facilities to be constructed
 2073 to achieve stated goals and objectives of the St. Lucie River
 2074 Watershed Protection Plan.

2075 b. Identify the size and location of all such facilities.

2076 c. Provide a construction schedule for all such
 2077 facilities, including the sequencing and specific timeframe for
 2078 construction of each facility.

2079 d. Provide a schedule for the acquisition of lands or
 2080 sufficient interests necessary to achieve the construction

2081 | schedule.

2082 | e. Provide a schedule of costs and benefits associated
 2083 | with each construction project and identify funding sources.

2084 | f. To ensure timely implementation, coordinate the design,
 2085 | scheduling, and sequencing of project facilities with the
 2086 | coordinating agencies, Martin County, St. Lucie County, other
 2087 | interested parties, and other affected local governments.

2088 | 2. St. Lucie River Watershed Research and Water Quality
 2089 | Monitoring Program.—The district, in cooperation with the other
 2090 | coordinating agencies and local governments, shall establish a
 2091 | St. Lucie River Watershed Research and Water Quality Monitoring
 2092 | Program that builds upon the district's existing research
 2093 | program and that is sufficient to carry out, comply with, or
 2094 | assess the plans, programs, and other responsibilities created
 2095 | by this subsection. The district shall also conduct an
 2096 | assessment of the water volumes and timing from Lake Okeechobee
 2097 | and the St. Lucie River watershed and their relative
 2098 | contributions to the timing and volume of water delivered to the
 2099 | estuary.

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

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

2133 implementation schedule shall be used to provide guidance for
 2134 planning and funding purposes and is exempt from chapter 120.
 2135 Upon the first 5-year review, the implementation schedule shall
 2136 be adopted as part of the plan. If achieving the total maximum
 2137 daily load within 20 years is not practicable, the
 2138 implementation schedule must contain an explanation of the
 2139 constraints that prevent achievement of the total maximum daily
 2140 load within 20 years, an estimate of the time needed to achieve
 2141 the total maximum daily load, and additional 5-year measurable
 2142 milestones, as necessary. The coordinating agencies shall
 2143 facilitate the use ~~utilization~~ of federal programs that offer
 2144 opportunities for water quality treatment, including
 2145 preservation, restoration, or creation of wetlands on
 2146 agricultural lands.

2147 ~~1.a.~~ Nonpoint source best management practices consistent
 2148 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
 2149 objectives of the St. Lucie River Watershed Protection Program,
 2150 shall be implemented on an expedited basis. The coordinating
 2151 agencies may develop an intergovernmental agreement with local
 2152 governments to implement the nonagricultural nonpoint source
 2153 best management practices within their respective geographic
 2154 boundaries.

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

2159 regulatory program authorized by law for the purpose of
 2160 protecting water quality. This subsection applies only to the
 2161 extent that it does not conflict with any rules adopted by the
 2162 department or district which are necessary to maintain a
 2163 federally delegated or approved program.

2164 3.e. Projects that make use of private lands, or lands
 2165 held in trust for Indian tribes, to reduce pollutant loadings or
 2166 concentrations within a basin, or that reduce the volume of
 2167 harmful discharges by one or more of the following methods:
 2168 restoring the natural hydrology of the basin, restoring wildlife
 2169 habitat or impacted wetlands, reducing peak flows after storm
 2170 events, or increasing aquifer recharge, are eligible for grants
 2171 available under this section from the coordinating agencies.

2172 4.d. The St. Lucie River Watershed Basin Management Action
 2173 Plan ~~Pollutant Control Program~~ shall require assessment of
 2174 current water management practices within the watershed and
 2175 shall require development of recommendations for structural,
 2176 nonstructural, and operational improvements. Such
 2177 recommendations shall consider and balance water supply, flood
 2178 control, estuarine salinity, aquatic habitat, and water quality
 2179 considerations.

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

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2185 watershed. This demonstration shall be based on achieving a net
 2186 balance between nutrient imports relative to exports on the
 2187 permitted application site. Exports shall include only nutrients
 2188 removed from the St. Lucie River watershed through products
 2189 generated on the permitted application site. This prohibition
 2190 does not apply to Class AA biosolids ~~residuals~~ that are marketed
 2191 and distributed as fertilizer products in accordance with
 2192 department rule.

2193 ~~6.f.~~ The Department of Health shall require all entities
 2194 disposing of septage within the St. Lucie River watershed to
 2195 develop and submit to that agency an agricultural use plan that
 2196 limits applications based upon nutrient loading consistent with
 2197 any basin management action plan adopted pursuant to s. 403.067.
 2198 ~~By July 1, 2008, nutrient concentrations originating from these~~
 2199 ~~application sites may not exceed the limits established in the~~
 2200 ~~district's WOD program.~~

2201 ~~7.g.~~ The Department of Agriculture and Consumer Services
 2202 shall initiate rulemaking requiring entities within the St.
 2203 Lucie River watershed which land-apply animal manure to develop
 2204 a resource management system level conservation plan, according
 2205 to United States Department of Agriculture criteria, which limit
 2206 such application. Such rules shall ~~may~~ include criteria and
 2207 thresholds for the requirement to develop a conservation or
 2208 nutrient management plan, requirements for plan approval, site
 2209 inspection requirements, and recordkeeping requirements.

2210 8. The district shall initiate rulemaking to provide for a

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2211 monitoring program for nonpoint source dischargers required to
 2212 monitor water quality pursuant to s. 403.067(7)(b)2.g. or s.
 2213 403.067(7)(c)3. The results of such monitoring must be reported
 2214 to the coordinating agencies.

2215 ~~3. St. Lucie River Watershed Research and Water Quality~~
 2216 ~~Monitoring Program. The district, in cooperation with the other~~
 2217 ~~coordinating agencies and local governments, shall establish a~~
 2218 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
 2219 ~~Program that builds upon the district's existing research~~
 2220 ~~program and that is sufficient to carry out, comply with, or~~
 2221 ~~assess the plans, programs, and other responsibilities created~~
 2222 ~~by this subsection. The program shall also conduct an assessment~~
 2223 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
 2224 ~~Lucie River watersheds and their relative contributions to the~~
 2225 ~~timing and volume of water delivered to the estuary.~~

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

2237 local government matching funds. Federal and other nonstate
 2238 funding shall be maximized to the greatest extent practicable.

2239 (f)~~(d)~~ *Evaluation.*—Beginning ~~By~~ March 1, 2020 ~~2012~~, and
 2240 every 5 ~~3~~ years thereafter, concurrent with the updates of the
 2241 basin management action plans adopted pursuant to s. 403.067,
 2242 the department, district in cooperation with the other
 2243 coordinating agencies, shall conduct an evaluation of any
 2244 pollutant load reduction goals, as well as any other specific
 2245 objectives and goals, as stated in the River Watershed
 2246 Protection Programs Plans. ~~Additionally,~~ The district shall
 2247 identify modifications to facilities of the River Watershed
 2248 Construction Projects, as appropriate, or any other elements of
 2249 the River Watershed Protection Programs Plans. The evaluation
 2250 shall be included in the annual progress report submitted
 2251 pursuant to this section.

2252 (g)~~(e)~~ *Priorities and implementation schedules.*—The
 2253 coordinating agencies are authorized and directed to establish
 2254 priorities and implementation schedules for the achievement of
 2255 total maximum daily loads, the requirements of s. 403.067, and
 2256 compliance with applicable water quality standards within the
 2257 waters and watersheds subject to this section.

2258 ~~(f) Legislative ratification.~~ ~~The coordinating agencies~~
 2259 ~~shall submit the River Watershed Protection Plans developed~~
 2260 ~~pursuant to paragraphs (a) and (b) to the President of the~~
 2261 ~~Senate and the Speaker of the House of Representatives prior to~~
 2262 ~~the 2009 legislative session for review. If the Legislature~~

2263 ~~takes no action on the plan during the 2009 legislative session,~~
 2264 ~~the plan is deemed approved and may be implemented.~~

2265 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 2266 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
 2267 department is directed to expedite development and adoption of
 2268 total maximum daily loads for the Caloosahatchee River and
 2269 estuary. The department is further directed to, ~~no later than~~
 2270 ~~December 31, 2008,~~ propose for final agency action total maximum
 2271 daily loads for nutrients in the tidal portions of the
 2272 Caloosahatchee River and estuary. The department shall initiate
 2273 development of basin management action plans for Lake
 2274 Okeechobee, the Caloosahatchee River watershed and estuary, and
 2275 the St. Lucie River watershed and estuary as provided in s.
 2276 403.067 ~~s. 403.067(7)(a)~~ as follows:

2277 (a) Basin management action plans shall be developed as
 2278 soon as practicable as determined necessary by the department to
 2279 achieve the total maximum daily loads established for the Lake
 2280 Okeechobee watershed and the estuaries.

2281 (b) The Phase II technical plan development pursuant to
 2282 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection
 2283 Plans developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
 2284 provide the basis for basin management action plans developed by
 2285 the department.

2286 (c) As determined necessary by the department ~~in order~~ to
 2287 achieve the total maximum daily loads, additional or modified
 2288 projects or programs that complement those in the legislatively

2289 ratified plans may be included during the development of the
 2290 basin management action plan.

2291 (d) As provided in s. 403.067, management strategies and
 2292 pollution reduction requirements set forth in a basin management
 2293 action plan subject to permitting by the department under
 2294 subsection (7) must be completed pursuant to the schedule set
 2295 forth in the basin management action plan, as amended. The
 2296 implementation schedule may extend beyond the 5-year permit
 2297 term.

2298 (e) As provided in s. 403.067, management strategies and
 2299 pollution reduction requirements set forth in a basin management
 2300 action plan for a specific pollutant of concern are not subject
 2301 to challenge under chapter 120 at the time they are
 2302 incorporated, in an identical form, into a department or
 2303 district issued permit or a permit modification issued in
 2304 accordance with subsection (7).

2305 ~~(d) Development of basin management action plans that~~
 2306 ~~implement the provisions of the legislatively ratified plans~~
 2307 ~~shall be initiated by the department no later than September 30~~
 2308 ~~of the year in which the applicable plan is ratified. Where a~~
 2309 ~~total maximum daily load has not been established at the time of~~
 2310 ~~plan ratification, development of basin management action plans~~
 2311 ~~shall be initiated no later than 90 days following adoption of~~
 2312 ~~the applicable total maximum daily load.~~

2313 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
 2314 cooperation with the other coordinating agencies, shall report

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

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2341 inspections, and other methods used to verify implementation of
 2342 and compliance with best management practices in the Lake
 2343 Okeechobee, Caloosahatchee River and St. Lucie River watersheds.

2344 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

2345 (a) The Legislature finds that the Lake Okeechobee
 2346 Watershed Protection Program will benefit Lake Okeechobee and
 2347 downstream receiving waters and is in ~~consistent with~~ the public
 2348 interest. The Lake Okeechobee Watershed Construction Project and
 2349 structures discharging into or from Lake Okeechobee shall be
 2350 constructed, operated, and maintained in accordance with this
 2351 section.

2352 (b) Permits obtained pursuant to this section are in lieu
 2353 of all other permits under this chapter or chapter 403, except
 2354 those issued under s. 403.0885, if applicable. ~~No~~ Additional
 2355 permits are not required for the Lake Okeechobee Watershed
 2356 Construction Project, or structures discharging into or from
 2357 Lake Okeechobee, if such project or structures are permitted
 2358 under this section. Construction activities related to
 2359 implementation of the Lake Okeechobee Watershed Construction
 2360 Project may be initiated before ~~prior to~~ final agency action, or
 2361 notice of intended agency action, on any permit from the
 2362 department under this section.

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

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2367 were subject to Department Consent Orders 91-0694, 91-0705, 91-
 2368 0706, 91-0707, and RT50-205564 and that are subject to the
 2369 provisions of s. 373.4592(4) (a) do not require a permit under
 2370 this section and shall be governed by permits issued under apply
 2371 for a permit from the department to operate and maintain such
 2372 structures. By September 1, 2000, owners or operators of all
 2373 other existing structures which discharge into or from Lake
 2374 Okeechobee shall apply for a permit from the department to
 2375 operate and maintain such structures. The department shall issue
 2376 one or more such permits for a term of 5 years upon the
 2377 demonstration of reasonable assurance that schedules and
 2378 strategies to achieve and maintain compliance with water quality
 2379 standards have been provided for, to the maximum extent
 2380 practicable, and that operation of the structures otherwise
 2381 complies with provisions of ss. 373.413 and 373.416 and the Lake
 2382 Okeechobee Basin Management Action Plan adopted pursuant to s.
 2383 403.067.

- 2384 1. ~~Permits issued under this paragraph shall also contain~~
 2385 ~~reasonable conditions to ensure that discharges of waters~~
 2386 ~~through structures:~~
- 2387 a. ~~Are adequately and accurately monitored;~~
 - 2388 b. ~~Will not degrade existing Lake Okeechobee water quality~~
 2389 ~~and will result in an overall reduction of phosphorus input into~~
 2390 ~~Lake Okeechobee, as set forth in the district's Technical~~
 2391 ~~Publication 81-2 and the total maximum daily load established in~~
 2392 ~~accordance with s. 403.067, to the maximum extent practicable;~~

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2393 and
 2394 ~~e. Do not pose a serious danger to public health, safety,~~
 2395 ~~or welfare.~~
 2396 2. For the purposes of this paragraph, owners and
 2397 operators of existing structures which are subject to ~~the~~
 2398 ~~provisions of s. 373.4592(4) (a) and which discharge into or from~~
 2399 Lake Okeechobee shall be deemed in compliance with this
 2400 paragraph ~~the term "maximum extent practicable"~~ if they are in
 2401 full compliance with the conditions of permits under chapter
 2402 ~~chapters 40E-61 and 40E-63, Florida Administrative Code.~~
 2403 3. By January 1, 2017 ~~2004~~, the district shall submit to
 2404 the department a complete application for a permit modification
 2405 to the Lake Okeechobee structure permits to incorporate proposed
 2406 changes necessary to ensure that discharges through the
 2407 structures covered by this permit are consistent with the basin
 2408 management action plan adopted pursuant to achieve state water
 2409 ~~quality standards, including the total maximum daily load~~
 2410 ~~established in accordance with s. 403.067. These changes shall~~
 2411 ~~be designed to achieve such compliance with state water quality~~
 2412 ~~standards no later than January 1, 2015.~~
 2413 (d) The department shall require permits for district
 2414 regional projects that are part of the Lake Okeechobee Watershed
 2415 Construction Project facilities. However, projects ~~identified in~~
 2416 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
 2417 s. 373.406 do shall not require need permits under this section.
 2418 Such permits shall be issued for a term of 5 years upon the

2419 demonstration of reasonable assurances that:

2420 1. District regional projects that are part of the Lake
 2421 Okeechobee Watershed Construction Project shall facility, based
 2422 upon the conceptual design documents and any subsequent detailed
 2423 design documents developed by the district, will achieve the
 2424 design objectives for phosphorus required in subparagraph
 2425 (3) (a) 1. paragraph (3) (b);

2426 2. For water quality standards other than phosphorus, the
 2427 quality of water discharged from the facility is of equal or
 2428 better quality than the inflows;

2429 3. Discharges from the facility do not pose a serious
 2430 danger to public health, safety, or welfare; and

2431 4. Any impacts on wetlands or state-listed species
 2432 resulting from implementation of that facility of the Lake
 2433 Okeechobee Construction Project are minimized and mitigated, as
 2434 appropriate.

2435 (e) At least 60 days before ~~prior to~~ the expiration of any
 2436 permit issued under this section, the permittee may apply for a
 2437 renewal thereof for a period of 5 years.

2438 (f) Permits issued under this section may include any
 2439 standard conditions provided by department rule which are
 2440 appropriate and consistent with this section.

2441 (g) Permits issued under ~~pursuant to~~ this section may be
 2442 modified, as appropriate, upon review and approval by the
 2443 department.

2444 Section 16. Paragraph (a) of subsection (1) and subsection

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2445 (3) of section 373.467, Florida Statutes, are amended, to read:
 2446 373.467 The Harris Chain of Lakes Restoration Council.—
 2447 There is created within the St. Johns River Water Management
 2448 District, with assistance from the Fish and Wildlife
 2449 Conservation Commission and the Lake County Water Authority, the
 2450 Harris Chain of Lakes Restoration Council.

2451 (1) (a) The council shall consist of nine voting members,
 2452 which shall include: a representative of waterfront property
 2453 owners, a representative of the sport fishing industry, a person
 2454 with experience in an environmental science or regulation
 2455 engineer, a person with training in biology or another
 2456 scientific discipline, ~~a person with training as an attorney, a~~
 2457 ~~physician, a person with training as an engineer,~~ and two
 2458 residents of the county who are ~~de~~ not required to meet any
 2459 additional ~~of the other~~ qualifications for membership ~~enumerated~~
 2460 ~~in this paragraph~~, each to be appointed by the Lake County
 2461 legislative delegation. The Lake County legislative delegation
 2462 may waive the qualifications for membership on a case-by-case
 2463 basis if good cause is shown. ~~A~~ ~~No~~ person serving on the council
 2464 may not be appointed to a council, board, or commission of any
 2465 council advisory group agency. The council members shall serve
 2466 as advisors to the governing board of the St. Johns River Water
 2467 Management District. The council is subject to ~~the provisions of~~
 2468 chapters 119 and 120.

2469 (3) The council shall meet at the call of its chair, at
 2470 the request of six of its members, or at the request of the

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2471 chair of the governing board of the St. Johns River Water
 2472 Management District. Resignation by a council member, or failure
 2473 by a council member to attend three consecutive meetings without
 2474 an excuse approved by the chair, results in a vacancy on the
 2475 council.

2476 Section 17. Paragraphs (a) and (b) of subsection (6) of
 2477 section 373.536, Florida Statutes, are amended to read:

2478 373.536 District budget and hearing thereon.—

2479 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 2480 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2481 (a) Each district must, by the date specified for each
 2482 item, furnish copies of the following documents to the Governor,
 2483 the President of the Senate, the Speaker of the House of
 2484 Representatives, the chairs of all legislative committees and
 2485 subcommittees having substantive or fiscal jurisdiction over the
 2486 districts, as determined by the President of the Senate or the
 2487 Speaker of the House of Representatives as applicable, the
 2488 secretary of the department, and the governing board of each
 2489 county in which the district has jurisdiction or derives any
 2490 funds for the operations of the district:

2491 1. The adopted budget, to be furnished within 10 days
 2492 after its adoption.

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

2497 | named above, the district must provide a copy of the audit to
 2498 | the Auditor General within 10 days after its acceptance by the
 2499 | governing board.

2500 | 3. A 5-year capital improvements plan, to be included in
 2501 | the consolidated annual report required by s. 373.036(7). The
 2502 | plan must include expected sources of revenue for planned
 2503 | improvements and must be prepared in a manner comparable to the
 2504 | fixed capital outlay format set forth in s. 216.043.

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

2523 consumptive uses; estimate the quantity of water to be produced
 2524 by each project; ~~and~~ provide an assessment of the contribution
 2525 of the district's regional water supply plans in supporting the
 2526 implementation of minimum flows and minimum water levels and
 2527 water reservations; and ensure ~~providing~~ sufficient water is
 2528 available ~~needed~~ to timely meet the water supply needs of
 2529 existing and future reasonable-beneficial uses for a 1-in-10-
 2530 year drought event and to avoid the adverse effects of
 2531 competition for water supplies.

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

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2549 Governor, the President of the Senate, and the Speaker of the
 2550 House of Representatives.

2551 Section 18. Subsection (9) of section 373.703, Florida
 2552 Statutes, is amended to read:

2553 373.703 Water production; general powers and duties.—In
 2554 the performance of, and in conjunction with, its other powers
 2555 and duties, the governing board of a water management district
 2556 existing pursuant to this chapter:

2557 (9) May join with one or more other water management
 2558 districts, counties, municipalities, special districts, publicly
 2559 owned or privately owned water utilities, multijurisdictional
 2560 water supply entities, regional water supply authorities,
 2561 private landowners, or self-suppliers for the purpose of
 2562 carrying out its powers, and may contract with such other
 2563 entities to finance acquisitions, construction, operation, and
 2564 maintenance, provided that such contracts are consistent with
 2565 the public interest. The contract may provide for contributions
 2566 to be made by each party to the contract for the division and
 2567 apportionment of the expenses of acquisitions, construction,
 2568 operation, and maintenance, and for the division and
 2569 apportionment of resulting benefits, services, and products. The
 2570 contracts may contain other covenants and agreements necessary
 2571 and appropriate to accomplish their purposes.

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

2575 that section, to read:

2576 373.705 Water resource development; water supply
2577 development.—

2578 (2) It is the intent of the Legislature that:

2579 (b) Water management districts take the lead in
2580 identifying and implementing water resource development
2581 projects, and be responsible for securing necessary funding for
2582 regionally significant water resource development projects,
2583 including regionally significant projects that prevent or limit
2584 adverse water resource impacts, avoid competition among water
2585 users, or support the provision of new water supplies in order
2586 to meet a minimum flow or minimum water level or to implement a
2587 recovery or prevention strategy or water reservation.

2588 (3) (a) The water management districts shall fund and
2589 implement water resource development as defined in s. 373.019.
2590 The water management districts are encouraged to implement water
2591 resource development as expeditiously as possible in areas
2592 subject to regional water supply plans.

2593 (b) Each governing board shall include in its annual
2594 budget submittals required under this chapter:

2595 1. The amount of funds for each project in the annual
2596 funding plan developed pursuant to s. 373.536(6)(a)4.; and

2597 2. The total amount needed for the fiscal year to
2598 implement water resource development projects, as prioritized in
2599 its regional water supply plans.

2600 (4)

2601 (b) Water supply development projects that meet the
 2602 criteria in paragraph (a) and that meet one or more of the
 2603 following additional criteria shall be given first consideration
 2604 for state or water management district funding assistance:

2605 1. The project brings about replacement of existing
 2606 sources in order to help implement a minimum flow or minimum
 2607 water level; ~~or~~

2608 2. The project implements reuse that assists in the
 2609 elimination of domestic wastewater ocean outfalls as provided in
 2610 s. 403.086(9); or

2611 3. The project reduces or eliminates the adverse effects
 2612 of competition between legal users and the natural system.

2613 (5) The water management districts shall promote expanded
 2614 cost-share criteria for additional conservation practices, such
 2615 as soil and moisture sensors and other irrigation improvements,
 2616 water-saving equipment, and water-saving household fixtures, and
 2617 software technologies that can achieve verifiable water
 2618 conservation by providing water use information to utility
 2619 customers.

2620 Section 20. Paragraph (f) of subsection (3), paragraph (a)
 2621 of subsection (6), and paragraph (e) of subsection (8) of
 2622 section 373.707, Florida Statutes, are amended to read:

2623 373.707 Alternative water supply development.—

2624 (3) The primary roles of the water management districts in
 2625 water resource development as it relates to supporting
 2626 alternative water supply development are:

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2627 (f) The provision of technical and financial assistance to
 2628 local governments and publicly owned and privately owned water
 2629 utilities for alternative water supply projects and to self-
 2630 suppliers for alternative water supply projects to the extent
 2631 that such assistance to self-suppliers promotes the policies in
 2632 paragraph (1)(f).

2633 (6) (a) If state ~~The statewide~~ funds are provided through
 2634 specific appropriation or pursuant to the Water Protection and
 2635 Sustainability Program, such funds serve to supplement existing
 2636 water management district or basin board funding for alternative
 2637 water supply development assistance and should not result in a
 2638 reduction of such funding. For each project identified in the
 2639 annual funding plans prepared pursuant to s. 373.536(6)(a)4.
 2640 ~~Therefore,~~ the water management districts shall include in the
 2641 annual tentative and adopted budget submittals required under
 2642 this chapter the amount of funds allocated for water resource
 2643 development that supports alternative water supply development
 2644 and the funds allocated for alternative water supply projects
 2645 ~~selected for inclusion in the Water Protection and~~
 2646 ~~Sustainability Program.~~ It shall be the goal of each water
 2647 management district and basin boards that the combined funds
 2648 allocated annually for these purposes be, at a minimum, the
 2649 equivalent of 100 percent of the state funding provided to the
 2650 water management district for alternative water supply
 2651 development. If this goal is not achieved, the water management
 2652 district shall provide in the budget submittal an explanation of

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2653 the reasons or constraints that prevent this goal from being
 2654 met, an explanation of how the goal will be met in future years,
 2655 and affirmation of match is required during the budget review
 2656 process as established under s. 373.536(5). The Suwannee River
 2657 Water Management District and the Northwest Florida Water
 2658 Management District shall not be required to meet the match
 2659 requirements of this paragraph; however, they shall try to
 2660 achieve the match requirement to the greatest extent
 2661 practicable.

2662 (8)

2663 (e) Applicants for projects that may receive funding
 2664 assistance pursuant to the Water Protection and Sustainability
 2665 Program shall, at a minimum, be required to pay 60 percent of
 2666 the project's construction costs. The water management districts
 2667 may, at their discretion, totally or partially waive this
 2668 requirement for projects sponsored by:

2669 1. Financially disadvantaged small local governments as
 2670 defined in former s. 403.885(5); or

2671 2. Water users for projects determined by a water
 2672 management district governing board to be in the public interest
 2673 pursuant to paragraph (1)(f), if the projects are not otherwise
 2674 financially feasible.

2675
 2676 The water management districts or basin boards may, at their
 2677 discretion, use ad valorem or federal revenues to assist a
 2678 project applicant in meeting the requirements of this paragraph.

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2679 Section 21. Subsection (2) and paragraphs (a) and (e) of
 2680 subsection (6) of section 373.709, Florida Statutes, are amended
 2681 to read:

2682 373.709 Regional water supply planning.—

2683 (2) Each regional water supply plan must be based on at
 2684 least a 20-year planning period and must include, but need not
 2685 be limited to:

2686 (a) A water supply development component for each water
 2687 supply planning region identified by the district which
 2688 includes:

2689 1. A quantification of the water supply needs for all
 2690 existing and future reasonable-beneficial uses within the
 2691 planning horizon. The level-of-certainty planning goal
 2692 associated with identifying the water supply needs of existing
 2693 and future reasonable-beneficial uses must be based upon meeting
 2694 those needs for a 1-in-10-year drought event.

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

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2705 original BEBR data must be presented along with the adjusted
 2706 data.

2707 b. Agricultural demand projections used for determining
 2708 the needs of agricultural self-suppliers must be based upon the
 2709 best available data. In determining the best available data for
 2710 agricultural self-supplied water needs, the district shall
 2711 consider the data indicative of future water supply demands
 2712 provided by the Department of Agriculture and Consumer Services
 2713 pursuant to s. 570.93 and agricultural demand projection data
 2714 and analysis submitted by a local government pursuant to the
 2715 public workshop described in subsection (1), if the data and
 2716 analysis support the local government's comprehensive plan. Any
 2717 adjustment of or deviation from the data provided by the
 2718 Department of Agriculture and Consumer Services must be fully
 2719 described, and the original data must be presented along with
 2720 the adjusted data.

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

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2731 alternative water supply project, the district shall determine
2732 whether it meets the goals of the plan, and, if so, it shall be
2733 included in the list. The total capacity of the projects
2734 included in the plan must exceed the needs identified in
2735 subparagraph 1. and take into account water conservation and
2736 other demand management measures, as well as water resources
2737 constraints, including adopted minimum flows and minimum water
2738 levels and water reservations. Where the district determines it
2739 is appropriate, the plan should specifically identify the need
2740 for multijurisdictional approaches to project options that,
2741 based on planning level analysis, are appropriate to supply the
2742 intended uses and that, based on such analysis, appear to be
2743 permittable and financially and technically feasible. The list
2744 of water supply development options must contain provisions that
2745 recognize that alternative water supply options for agricultural
2746 self-suppliers are limited.

2747 3. For each project option identified in subparagraph 2.,
2748 the following must be provided:

2749 a. An estimate of the amount of water to become available
2750 through the project.

2751 b. The timeframe in which the project option should be
2752 implemented and the estimated planning-level costs for capital
2753 investment and operating and maintaining the project.

2754 c. An analysis of funding needs and sources of possible
2755 funding options. For alternative water supply projects, the
2756 water management districts shall provide funding assistance

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2757 | pursuant to s. 373.707(8).

2758 | d. Identification of the entity that should implement each

2759 | project option and the current status of project implementation.

2760 | (b) A water resource development component that includes:

2761 | 1. A listing of those water resource development projects

2762 | that support water supply development for all existing and

2763 | future reasonable-beneficial uses as described in paragraph

2764 | (2) (a) and for the natural systems as identified in the recovery

2765 | or prevention strategies for adopted minimum flows and minimum

2766 | water levels or water reservations.

2767 | 2. For each water resource development project listed:

2768 | a. An estimate of the amount of water to become available

2769 | through the project for all existing and future reasonable-

2770 | beneficial uses as described in paragraph (2) (a) and for the

2771 | natural systems as identified in the recovery or prevention

2772 | strategies for adopted minimum flows and minimum water levels or

2773 | water reservations.

2774 | b. The timeframe in which the project option should be

2775 | implemented and the estimated planning-level costs for capital

2776 | investment and for operating and maintaining the project.

2777 | c. An analysis of funding needs and sources of possible

2778 | funding options.

2779 | d. Identification of the entity that should implement each

2780 | project option and the current status of project implementation.

2781 | (c) The recovery and prevention strategy described in s.

2782 | 373.0421(2).

2783 (d) A funding strategy for water resource development
 2784 projects, which shall be reasonable and sufficient to pay the
 2785 cost of constructing or implementing all of the listed projects.

2786 (e) Consideration of how the project options addressed in
 2787 paragraph (a) serve the public interest or save costs overall by
 2788 preventing the loss of natural resources or avoiding greater
 2789 future expenditures for water resource development or water
 2790 supply development. However, unless adopted by rule, these
 2791 considerations do not constitute final agency action.

2792 (f) The technical data and information applicable to each
 2793 planning region which are necessary to support the regional
 2794 water supply plan.

2795 (g) The minimum flows and minimum water levels established
 2796 for water resources within each planning region.

2797 (h) Reservations of water adopted by rule pursuant to s.
 2798 373.223(4) within each planning region.

2799 (i) Identification of surface waters or aquifers for which
 2800 minimum flows and minimum water levels are scheduled to be
 2801 adopted.

2802 (j) An analysis, developed in cooperation with the
 2803 department, of areas or instances in which the variance
 2804 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
 2805 create water supply development or water resource development
 2806 projects.

2807 (k) An assessment of how the regional water supply plan
 2808 and the projects identified in the funding plans prepared

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2809 pursuant to sub-subparagraphs (a)3.c. and (b)2.c. support the
 2810 recovery or prevention strategies for implementation of adopted
 2811 minimum flows and minimum water levels or water reservations,
 2812 including minimum flows and minimum water levels for Outstanding
 2813 Florida Springs adopted pursuant to s. 373.805; while ensuring
 2814 that sufficient water will be available for all existing and
 2815 future reasonable-beneficial uses and the natural systems
 2816 identified herein; and that the adverse effects of competition
 2817 for water supplies will be avoided.

2818 (6) Annually and in conjunction with the reporting
 2819 requirements of s. 373.536(6) (a)4., the department shall submit
 2820 to the Governor and the Legislature a report on the status of
 2821 regional water supply planning in each district. The report
 2822 shall include:

2823 (a) A compilation of the estimated costs ~~of~~ and an
 2824 analysis of the sufficiency of potential sources of funding from
 2825 all sources for water resource development and water supply
 2826 development projects as identified in the water management
 2827 district regional water supply plans.

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

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2835 water levels, or water reservations; an estimate of the quantity
 2836 of water to be produced by each project;~~;~~ and an assessment of
 2837 the contribution of the district's regional water supply plan in
 2838 providing sufficient water to meet the needs of existing and
 2839 future reasonable-beneficial uses for a 1-in-10-year drought
 2840 event, as well as the needs of the natural systems.

2841 Section 22. Part VIII of chapter 373, Florida Statutes,
 2842 consisting of ss. 373.801-373.813, Florida Statutes, is created
 2843 and entitled the "Florida Springs and Aquifer Protection Act."

2844 Section 23. Section 373.801, Florida Statutes, is created
 2845 to read:

2846 373.801 Legislative findings and intent.—

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

2861 economies and the economy of the state as a whole.

2862 (2) The Legislature finds that the water quantity and
 2863 water quality in springs may be related. For regulatory
 2864 purposes, the department has primary responsibility for water
 2865 quality; the water management districts have primary
 2866 responsibility for water quantity; and the Department of
 2867 Agriculture and Consumer Services has primary responsibility for
 2868 the development and implementation of agricultural best
 2869 management practices. Local governments have primary
 2870 responsibility for providing domestic wastewater collection and
 2871 treatment services and stormwater management. The foregoing
 2872 responsible entities must coordinate to restore and maintain the
 2873 water quantity and water quality of the Outstanding Florida
 2874 Springs.

2875 (3) The Legislature recognizes that:

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

2887 Floridan Aquifer.

2888 (b) Springs, whether found in urban or rural settings, or
 2889 on public or private lands, may be threatened by actual or
 2890 potential flow reductions and declining water quality. Many of
 2891 this state's springs are demonstrating signs of significant
 2892 ecological imbalance, increased nutrient loading, and declining
 2893 flow. Without effective remedial action, further declines in
 2894 water quality and water quantity may occur.

2895 (c) Springshed boundaries and areas of high vulnerability
 2896 within a springshed need to be identified and delineated using
 2897 the best available data.

2898 (d) Springsheds typically cross water management district
 2899 boundaries and local government jurisdictional boundaries, so a
 2900 coordinated statewide springs protection plan is needed.

2901 (e) The aquifers and springs of this state are complex
 2902 systems affected by many variables and influences.

2903 (4) The Legislature recognizes that action is urgently
 2904 needed and, as additional data is acquired, action must be
 2905 modified.

2906 Section 24. Section 373.802, Florida Statutes, is created
 2907 to read:

2908 373.802 Definitions.—As used in this part, the term:

2909 (1) "Department" means the Department of Environmental
 2910 Protection, which includes the Florida Geological Survey or its
 2911 successor agencies.

2912 (2) "Local government" means a county or municipal

2913 government the jurisdictional boundaries of which include an
 2914 Outstanding Florida Spring or any part of a springshed or
 2915 delineated priority focus area of an Outstanding Florida Spring.

2916 (3) "Onsite sewage treatment and disposal system" means a
 2917 system that contains a standard subsurface, filled, or mound
 2918 drainfield system; an aerobic treatment unit; a graywater system
 2919 tank; a laundry wastewater system tank; a septic tank; a grease
 2920 interceptor; a pump tank; a solids or effluent pump; a
 2921 waterless, incinerating, or organic waste-composting toilet; or
 2922 a sanitary pit privy that is installed or proposed to be
 2923 installed beyond the building sewer on land of the owner or on
 2924 other land on which the owner has the legal right to install
 2925 such system. The term includes any item placed within, or
 2926 intended to be used as a part of or in conjunction with, the
 2927 system. The term does not include package sewage treatment
 2928 facilities and other treatment works regulated under chapter
 2929 403.

2930 (4) "Outstanding Florida Spring" includes all historic
 2931 first magnitude springs, including their associated spring runs,
 2932 as determined by the department using the most recent Florida
 2933 Geological Survey springs bulletin, and the following additional
 2934 springs, including their associated spring runs:

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

- 2939 (e) Wekiwa Springs; and
 2940 (f) Gemini Springs.

2941
 2942 The term does not include submarine springs or river rises.

2943 (5) "Priority focus area" means the area or areas of a
 2944 basin where the Floridan Aquifer is generally most vulnerable to
 2945 pollutant inputs where there is a known connectivity between
 2946 groundwater pathways and an Outstanding Florida Spring, as
 2947 determined by the department in consultation with the
 2948 appropriate water management districts, and delineated in a
 2949 basin management action plan.

2950 (6) "Springshed" means the areas within the groundwater
 2951 and surface water basins which contribute, based upon all
 2952 relevant facts, circumstances, and data, to the discharge of a
 2953 spring as defined by potentiometric surface maps and surface
 2954 watershed boundaries.

2955 (7) "Spring run" means a body of flowing water that
 2956 originates from a spring or whose primary source of water is a
 2957 spring or springs under average rainfall conditions.

2958 (8) "Spring vent" means a location where groundwater flows
 2959 out of a natural, discernible opening in the ground onto the
 2960 land surface or into a predominantly fresh surface water body.

2961 Section 25. Section 373.803, Florida Statutes, is created
 2962 to read:

2963 373.803 Delineation of priority focus areas for
 2964 Outstanding Florida Springs.—Using the best data available from

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2965 the water management districts and other credible sources, the
 2966 department, in coordination with the water management districts,
 2967 shall delineate priority focus areas for each Outstanding
 2968 Florida Spring or group of springs that contains one or more
 2969 Outstanding Florida Springs and is identified as impaired in
 2970 accordance with s. 373.807. In delineating priority focus areas,
 2971 the department shall consider groundwater travel time to the
 2972 spring, hydrogeology, nutrient load, and any other factors that
 2973 may lead to degradation of an Outstanding Florida Spring. The
 2974 delineation of priority focus areas must be completed by July 1,
 2975 2018, shall use understood and identifiable boundaries such as
 2976 roads or political jurisdictions for ease of implementation, and
 2977 is effective upon incorporation in a basin management action
 2978 plan.

2979 Section 26. Section 373.805, Florida Statutes, is created
 2980 to read:

2981 373.805 Minimum flows and minimum water levels for
 2982 Outstanding Florida Springs.—

2983 (1) At the time a minimum flow or minimum water level is
 2984 adopted pursuant to s. 373.042 for an Outstanding Florida
 2985 Spring, if the spring is below or is projected within 20 years
 2986 to fall below the minimum flow or minimum water level, a water
 2987 management district or the department shall concurrently adopt a
 2988 recovery or prevention strategy.

2989 (2) When a minimum flow or minimum water level for an
 2990 Outstanding Florida Spring is revised pursuant to s.

2991 | 373.0421(3), if the spring is below or is projected within 20
 2992 | years to fall below the minimum flow or minimum water level, a
 2993 | water management district or the department shall concurrently
 2994 | adopt a recovery or prevention strategy or modify an existing
 2995 | recovery or prevention strategy. A district or the department
 2996 | may adopt the revised minimum flow or minimum water level before
 2997 | the adoption of a recovery or prevention strategy if the revised
 2998 | minimum flow or minimum water level is less constraining on
 2999 | existing or projected future consumptive uses.

3000 | (3) For an Outstanding Florida Spring without an adopted
 3001 | recovery or prevention strategy, if a district or the department
 3002 | determines the spring has fallen below, or is projected within
 3003 | 20 years to fall below, the adopted minimum flow or minimum
 3004 | water level, a water management district or the department shall
 3005 | expeditiously adopt a recovery or prevention strategy.

3006 | (4) The recovery or prevention strategy for each
 3007 | Outstanding Florida Spring must, at a minimum, include:

3008 | (a) A listing of all specific projects identified for
 3009 | implementation of the plan;

3010 | (b) A priority listing of each project;

3011 | (c) For each listed project, the estimated cost of and the
 3012 | estimated date of completion;

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

3017 identified which will provide more than 75 percent of the total
 3018 project cost. The Northwest Florida Water Management District
 3019 and the Suwannee River Water Management District are not
 3020 required to meet the minimum requirement to receive financial
 3021 assistance pursuant to this paragraph;

3022 (e) An estimate of each listed project's benefit to an
 3023 Outstanding Florida Spring; and

3024 (f) An implementation plan designed with a target to
 3025 achieve the adopted minimum flow or minimum water level no more
 3026 than 20 years after the adoption of a recovery or prevention
 3027 strategy.

3028
 3029 The water management district or the department shall develop a
 3030 schedule establishing 5-year, 10-year, and 15-year targets for
 3031 achieving the adopted minimum flows or minimum water levels. The
 3032 schedule shall be used to provide guidance for planning and
 3033 funding purposes and is exempt from chapter 120.

3034 (5) A local government may apply to the department for a
 3035 single extension of up to 5 years for any project in an adopted
 3036 recovery or prevention strategy. The department may grant the
 3037 extension if the local government provides to the department
 3038 sufficient evidence that an extension is in the best interest of
 3039 the public. For a local government in a rural area of
 3040 opportunity, as defined in s. 288.0656, the department may grant
 3041 a single extension of up to 10 years.

3042 Section 27. Section 373.807, Florida Statutes, is created

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3043 to read:

3044 373.807 Protection of water quality in Outstanding Florida
3045 Springs.—By July 1, 2016, the department shall initiate
3046 assessment, pursuant to s. 403.067(3), of Outstanding Florida
3047 Springs or spring systems for which an impairment determination
3048 has not been made under the numeric nutrient standards in effect
3049 for spring vents. Assessments must be completed by July 1, 2018.

3050 (1) (a) Concurrent with the adoption of a nutrient total
3051 maximum daily load for an Outstanding Florida Spring, the
3052 department, or the department in conjunction with a water
3053 management district, shall initiate development of a basin
3054 management action plan, as specified in s. 403.067. For an
3055 Outstanding Florida Spring with a nutrient total maximum daily
3056 load adopted before July 1, 2016, the department, or the
3057 department in conjunction with a water management district,
3058 shall initiate development of a basin management action plan by
3059 July 1, 2016. During the development of a basin management
3060 action plan, if the department identifies onsite sewage
3061 treatment and disposal systems as contributors of at least 20
3062 percent of nonpoint source nitrogen pollution or if the
3063 department determines remediation is necessary to achieve the
3064 total maximum daily load, the basin management action plan shall
3065 include an onsite sewage treatment and disposal system
3066 remediation plan pursuant to subsection (3) for those systems
3067 identified as requiring remediation.

3068 (b) A basin management action plan for an Outstanding

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3069 Florida Spring shall be adopted within 2 years after its
 3070 initiation and must include, at a minimum:
 3071 1. A list of all specific projects and programs identified
 3072 to implement a nutrient total maximum daily load;
 3073 2. A list of all specific projects identified in any
 3074 incorporated onsite sewage treatment and disposal system
 3075 remediation plan, if applicable;
 3076 3. A priority rank for each listed project;
 3077 4. For each listed project, a planning level cost estimate
 3078 and the estimated date of completion;
 3079 5. The source and amount of financial assistance to be
 3080 made available by the department, a water management district,
 3081 or other entity for each listed project;
 3082 6. An estimate of each listed project's nutrient load
 3083 reduction;
 3084 7. Identification of each point source or category of
 3085 nonpoint sources, including, but not limited to, urban turf
 3086 fertilizer, sports turf fertilizer, agricultural fertilizer,
 3087 onsite sewage treatment and disposal systems, wastewater
 3088 treatment facilities, animal wastes, and stormwater facilities.
 3089 An estimated allocation of the pollutant load must be provided
 3090 for each point source or category of nonpoint sources; and
 3091 8. An implementation plan designed with a target to
 3092 achieve the nutrient total maximum daily load no more than 20
 3093 years after the adoption of a basin management action plan.
 3094

3095 The department shall develop a schedule establishing 5-year, 10-
 3096 year, and 15-year targets for achieving the nutrient total
 3097 maximum daily load. The schedule shall be used to provide
 3098 guidance for planning and funding purposes and is exempt from
 3099 chapter 120.

3100 (c) For a basin management action plan adopted before July
 3101 1, 2016, which addresses an Outstanding Florida Spring, the
 3102 department or the department in conjunction with a water
 3103 management district must revise the plan if necessary to comply
 3104 with this section by July 1, 2018.

3105 (d) A local government may apply to the department for a
 3106 single extension of up to 5 years for any project in an adopted
 3107 basin management action plan. A local government in a rural area
 3108 of opportunity, as defined in s. 288.0656, may apply for a
 3109 single extension of up to 10 years for such a project. The
 3110 department may grant the extension if the local government
 3111 provides to the department sufficient evidence that an extension
 3112 is in the best interest of the public.

3113 (2) By July 1, 2017, each local government, as defined in
 3114 s. 373.802(2), that has not adopted an ordinance pursuant to s.
 3115 403.9337, shall develop, enact, and implement an ordinance
 3116 pursuant to that section. It is the intent of the Legislature
 3117 that ordinances required to be adopted under this subsection
 3118 reflect the latest scientific information, advancements, and
 3119 technological improvements in the industry.

3120 (3) As part of a basin management action plan that

3121 includes an Outstanding Florida Spring, the department, the
 3122 Department of Health, relevant local governments, and relevant
 3123 local public and private wastewater utilities, shall develop an
 3124 onsite sewage treatment and disposal system remediation plan for
 3125 a spring if the department determines onsite sewage treatment
 3126 and disposal systems within a priority focus area contribute at
 3127 least 20 percent of nonpoint source nitrogen pollution or if the
 3128 department determines remediation is necessary to achieve the
 3129 total daily maximum load. The plan shall identify cost-effective
 3130 and financially feasible projects necessary to reduce the
 3131 nutrient impacts from onsite sewage treatment and disposal
 3132 systems and shall be completed and adopted as part of the basin
 3133 management action plan no later than the first 5-year milestone
 3134 required by subparagraph (1)(b)8. The department is the lead
 3135 agency in coordinating the preparation of and the adoption of
 3136 the plan. The department shall:

3137 (a) Collect and evaluate credible scientific information
 3138 on the effect of nutrients, particularly forms of nitrogen, on
 3139 springs and springs systems; and

3140 (b) Develop a public education plan to provide area
 3141 residents with reliable, understandable information about onsite
 3142 sewage treatment and disposal systems and springs.

3143
 3144 In addition to the requirements in s. 403.067, the plan shall
 3145 include options for repair, upgrade, replacement, drainfield
 3146 modification, addition of effective nitrogen reducing features,

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3147 connection to a central sewerage system, or other action for an
 3148 onsite sewage treatment and disposal system or group of systems
 3149 within a priority focus area that contribute at least 20 percent
 3150 of nonpoint source nitrogen pollution or if the department
 3151 determines remediation is necessary to achieve a total maximum
 3152 daily load. For these systems, the department shall include in
 3153 the plan a priority ranking for each system or group of systems
 3154 that requires remediation and shall award funds to implement the
 3155 remediation projects contingent on an appropriation in the
 3156 General Appropriations Act, which may include all or part of the
 3157 costs necessary for repair, upgrade, replacement, drainfield
 3158 modification, addition of effective nitrogen reducing features,
 3159 initial connection to a central sewerage system, or other
 3160 action. In awarding funds, the department may consider expected
 3161 nutrient reduction benefit per unit cost, size and scope of
 3162 project, relative local financial contribution to the project,
 3163 financial impact on property owners and the community. The
 3164 department may waive matching funding requirements for proposed
 3165 projects within an area designated as a rural area of
 3166 opportunity under s. 288.0656.

3167 (4) The department shall provide notice to a local
 3168 government of all permit applicants under s. 403.814(12) in a
 3169 priority focus area of an Outstanding Florida Spring over which
 3170 the local government has full or partial jurisdiction.

3171 Section 28. Section 373.811, Florida Statutes, is created
 3172 to read:

3173 373.811 Prohibited activities within a priority focus
 3174 area.—The following activities are prohibited within a priority
 3175 focus area in effect for an Outstanding Florida Spring:

3176 (1) New domestic wastewater disposal facilities, including
 3177 rapid infiltration basins, with permitted capacities of 100,000
 3178 gallons per day or more, except for those facilities that meet
 3179 an advanced wastewater treatment standard of no more than 3 mg/l
 3180 total nitrogen, expressed as N, on an annual permitted basis, or
 3181 a more stringent treatment standard if the department determines
 3182 the more stringent standard is necessary to attain a total
 3183 maximum daily load for the Outstanding Florida Spring.

3184 (2) New onsite sewage treatment and disposal systems on
 3185 lots of less than 1 acre, if the addition of the specific
 3186 systems conflicts with an onsite treatment and disposal system
 3187 remediation plan incorporated into a basin management action
 3188 plan in accordance with s. 373.807(3).

3189 (3) New facilities for the disposal of hazardous waste.

3190 (4) The land application of Class A or Class B domestic
 3191 wastewater biosolids not in accordance with a department
 3192 approved nutrient management plan establishing the rate at which
 3193 all biosolids, soil amendments, and sources of nutrients at the
 3194 land application site can be applied to the land for crop
 3195 production while minimizing the amount of pollutants and
 3196 nutrients discharged to groundwater or waters of the state.

3197 (5) New agriculture operations that do not implement best
 3198 management practices, measures necessary to achieve pollution

3199 reduction levels established by the department, or groundwater
 3200 monitoring plans approved by a water management district or the
 3201 department.

3202 Section 29. Section 373.813, Florida Statutes, is created
 3203 to read:

3204 373.813 Rules.—

3205 (1) The department shall adopt rules to improve water
 3206 quantity and water quality to administer this part, as
 3207 applicable.

3208 (2) (a) The Department of Agriculture and Consumer Services
 3209 is the lead agency coordinating the reduction of agricultural
 3210 nonpoint sources of pollution for the protection of Outstanding
 3211 Florida Springs. The Department of Agriculture and Consumer
 3212 Services and the department, pursuant to s. 403.067(7)(c)4.,
 3213 shall study new or revised agricultural best management
 3214 practices for improving and protecting Outstanding Florida
 3215 Springs and, if necessary, in cooperation with applicable local
 3216 governments and stakeholders, initiate rulemaking to require the
 3217 implementation of such practices within a reasonable period.

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

3225 management practices program. The development of such tools must
 3226 reflect a balance between water quality improvement and
 3227 agricultural productivity and, if applicable, must be
 3228 incorporated into the revised agricultural best management
 3229 practices adopted by rule by the Department of Agriculture and
 3230 Consumer Services.

3231 Section 30. Subsection (29) of section 403.061, Florida
 3232 Statutes, is amended to read:

3233 403.061 Department; powers and duties.—The department
 3234 shall have the power and the duty to control and prohibit
 3235 pollution of air and water in accordance with the law and rules
 3236 adopted and promulgated by it and, for this purpose, to:

3237 (29) (a) Adopt by rule special criteria to protect Class II
 3238 and Class III shellfish harvesting waters. Such rules may
 3239 include special criteria for approving docking facilities that
 3240 have 10 or fewer slips if the construction and operation of such
 3241 facilities will not result in the closure of shellfish waters.

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

3251 processes at the permitted treatment facility or that would
 3252 otherwise prevent compliance with applicable state drinking
 3253 water standards in the treated water. Notwithstanding this
 3254 classification or the inclusion of treated water supply as a
 3255 designated use of a surface water, a surface water used for
 3256 treated potable water supply may be reclassified to the potable
 3257 water supply classification.

3258
 3259 The department shall implement such programs in conjunction with
 3260 its other powers and duties and shall place special emphasis on
 3261 reducing and eliminating contamination that presents a threat to
 3262 humans, animals or plants, or to the environment.

3263 Section 31. Section 403.0617, Florida Statutes, is created
 3264 to read:

3265 403.0617 Innovative nutrient and sediment reduction and
 3266 conservation pilot project program.—

3267 (1) Contingent upon a specific appropriation in the
 3268 General Appropriation Act, the department may fund innovative
 3269 nutrient and sediment reduction and conservation pilot projects
 3270 selected pursuant to this section. These pilot projects are
 3271 intended to test the effectiveness of innovative or existing
 3272 nutrient reduction or water conservation technologies, programs
 3273 or practices designed to minimize nutrient pollution or restore
 3274 flows in the water bodies of the state.

3275 (2) By October 1, 2016, the department shall initiate
 3276 rulemaking to establish criteria by which the department will

3277 evaluate and rank pilot projects for funding. The criteria must
3278 include a determination by the department that the pilot project
3279 will not be harmful to the ecological resources in the study
3280 area. The criteria must give preference to projects that will
3281 result in the greatest improvement to water quality and water
3282 quantity for the dollars to be expended for the project. At a
3283 minimum, the department shall consider all of the following:

3284 (a) The level of nutrient impairment of the waterbody,
3285 watershed, or water segment in which the project is located.

3286 (b) The quantity of nutrients the project is estimated to
3287 remove from a water body, watershed, or water segment with a
3288 nutrient total maximum daily load.

3289 (c) The potential for the project to provide a cost-
3290 effective solution to pollution, including pollution caused by
3291 onsite sewage treatment and disposal systems.

3292 (d) The anticipated impact the project will have on
3293 restoring or increasing flow or water level.

3294 (e) The amount of matching funds for the project which
3295 will be provided by the entities responsible for implementing
3296 the project.

3297 (f) Whether the project is located in a rural area of
3298 opportunity, as defined in s. 288.0656, with preference given to
3299 the local government responsible for implementing the project.

3300 (g) For multiple-year projects, whether the project has
3301 funding sources that are identified and assured through the
3302 expected completion date of the project.

3303 (h) The cost of the project and the length of time it will
 3304 take to complete relative to its expected benefits.

3305 (i) Whether the entities responsible for implementing the
 3306 project have used their own funds for projects to improve water
 3307 quality or conserve water use with preference given to those
 3308 entities that have expended such funds.

3309 Section 32. Section 403.0623, Florida Statutes, is amended
 3310 to read:

3311 403.0623 Environmental data; quality assurance.—

3312 (1) The department must establish, by rule, appropriate
 3313 quality assurance requirements for environmental data submitted
 3314 to the department and the criteria by which environmental data
 3315 may be rejected by the department. The department may adopt and
 3316 enforce rules to establish data quality objectives and specify
 3317 requirements for training of laboratory and field staff, sample
 3318 collection methodology, proficiency testing, and audits of
 3319 laboratory and field sampling activities. Such rules may be in
 3320 addition to any laboratory certification provisions under ss.
 3321 403.0625 and 403.863.

3322 (2) (a) The department, in coordination with the water
 3323 management districts, regional water supply authorities, and the
 3324 Department of Agriculture and Consumer Services shall establish
 3325 standards for the collection and analysis of water quantity,
 3326 water quality, and related data to ensure quality, reliability,
 3327 and validity of the data and testing results.

3328 (b) To the extent practicable, the department shall

3329 coordinate with federal agencies to ensure that its collection
 3330 and analysis of water quality, water quantity, and related data,
 3331 which may be used by any state agency, water management
 3332 district, or local government, is consistent with this
 3333 subsection.

3334 (c) To receive state funds for the acquisition of land or
 3335 the financing of a water resource project, state agencies and
 3336 water management districts must show that they followed the
 3337 department's collection and analysis standards, if available, as
 3338 a prerequisite for any such request for funding.

3339 (d) The department and the water management districts may
 3340 adopt rules to implement this subsection.

3341 Section 33. Subsection (7) of section 403.067, Florida
 3342 Statutes, is amended to read:

3343 403.067 Establishment and implementation of total maximum
 3344 daily loads.—

3345 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
 3346 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

3347 (a) *Basin management action plans.*—

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

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3355 | to achieve the total maximum daily loads and may provide for
3356 | phased implementation of these management strategies to promote
3357 | timely, cost-effective actions as provided for in s. 403.151.
3358 | The plan must establish a schedule implementing the management
3359 | strategies, establish a basis for evaluating the plan's
3360 | effectiveness, and identify feasible funding strategies for
3361 | implementing the plan's management strategies. The management
3362 | strategies may include regional treatment systems or other
3363 | public works, where appropriate, and voluntary trading of water
3364 | quality credits to achieve the needed pollutant load reductions.

3365 | 2. A basin management action plan must equitably allocate,
3366 | pursuant to paragraph (6) (b), pollutant reductions to individual
3367 | basins, as a whole to all basins, or to each identified point
3368 | source or category of nonpoint sources, as appropriate. For
3369 | nonpoint sources for which best management practices have been
3370 | adopted, the initial requirement specified by the plan must be
3371 | those practices developed pursuant to paragraph (c). Where
3372 | appropriate, the plan may take into account the benefits of
3373 | pollutant load reduction achieved by point or nonpoint sources
3374 | that have implemented management strategies to reduce pollutant
3375 | loads, including best management practices, before the
3376 | development of the basin management action plan. The plan must
3377 | also identify the mechanisms that will address potential future
3378 | increases in pollutant loading.

3379 | 3. The basin management action planning process is
3380 | intended to involve the broadest possible range of interested

3381 parties, with the objective of encouraging the greatest amount
 3382 of cooperation and consensus possible. In developing a basin
 3383 management action plan, the department shall assure that key
 3384 stakeholders, including, but not limited to, applicable local
 3385 governments, water management districts, the Department of
 3386 Agriculture and Consumer Services, other appropriate state
 3387 agencies, local soil and water conservation districts,
 3388 environmental groups, regulated interests, and affected
 3389 pollution sources, are invited to participate in the process.
 3390 The department shall hold at least one public meeting in the
 3391 vicinity of the watershed or basin to discuss and receive
 3392 comments during the planning process and shall otherwise
 3393 encourage public participation to the greatest practicable
 3394 extent. Notice of the public meeting must be published in a
 3395 newspaper of general circulation in each county in which the
 3396 watershed or basin lies not less than 5 days nor more than 15
 3397 days before the public meeting. A basin management action plan
 3398 does not supplant or otherwise alter any assessment made under
 3399 subsection (3) or subsection (4) or any calculation or initial
 3400 allocation.

3401 4. Each new or revised basin management action plan shall
 3402 include:

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

3407 | 403.151;
 3408 | b. A description of best management practices adopted by
 3409 | rule;
 3410 | c. A list of projects in priority ranking with a planning-
 3411 | level cost estimate and estimated date of completion for each
 3412 | listed project;
 3413 | d. The source and amount of financial assistance to be
 3414 | made available by the department, a water management district,
 3415 | or other entity for each listed project, if applicable; and
 3416 | e. A planning-level estimate of each listed project's
 3417 | expected load reduction, if applicable.
 3418 | ~~5.4.~~ The department shall adopt all or any part of a basin
 3419 | management action plan and any amendment to such plan by
 3420 | secretarial order pursuant to chapter 120 to implement the
 3421 | provisions of this section.
 3422 | ~~6.5.~~ The basin management action plan must include
 3423 | milestones for implementation and water quality improvement, and
 3424 | an associated water quality monitoring component sufficient to
 3425 | evaluate whether reasonable progress in pollutant load
 3426 | reductions is being achieved over time. An assessment of
 3427 | progress toward these milestones shall be conducted every 5
 3428 | years, and revisions to the plan shall be made as appropriate.
 3429 | Revisions to the basin management action plan shall be made by
 3430 | the department in cooperation with basin stakeholders. Revisions
 3431 | to the management strategies required for nonpoint sources must
 3432 | follow the procedures set forth in subparagraph (c)4. Revised

3433 basin management action plans must be adopted pursuant to
 3434 subparagraph 5. 4.

3435 ~~7.6.~~ In accordance with procedures adopted by rule under
 3436 paragraph (9) (c), basin management action plans, and other
 3437 pollution control programs under local, state, or federal
 3438 authority as provided in subsection (4), may allow point or
 3439 nonpoint sources that will achieve greater pollutant reductions
 3440 than required by an adopted total maximum load or wasteload
 3441 allocation to generate, register, and trade water quality
 3442 credits for the excess reductions to enable other sources to
 3443 achieve their allocation; however, the generation of water
 3444 quality credits does not remove the obligation of a source or
 3445 activity to meet applicable technology requirements or adopted
 3446 best management practices. Such plans must allow trading between
 3447 NPDES permittees, and trading that may or may not involve NPDES
 3448 permittees, where the generation or use of the credits involve
 3449 an entity or activity not subject to department water discharge
 3450 permits whose owner voluntarily elects to obtain department
 3451 authorization for the generation and sale of credits.

3452 ~~8.7.~~ The provisions of the department's rule relating to
 3453 the equitable abatement of pollutants into surface waters do not
 3454 apply to water bodies or water body segments for which a basin
 3455 management plan that takes into account future new or expanded
 3456 activities or discharges has been adopted under this section.

3457 (b) *Total maximum daily load implementation.*—

3458 1. The department shall be the lead agency in coordinating

3459 | the implementation of the total maximum daily loads through
 3460 | existing water quality protection programs. Application of a
 3461 | total maximum daily load by a water management district must be
 3462 | consistent with this section and does not require the issuance
 3463 | of an order or a separate action pursuant to s. 120.536(1) or s.
 3464 | 120.54 for the adoption of the calculation and allocation
 3465 | previously established by the department. Such programs may
 3466 | include, but are not limited to:

3467 | a. Permitting and other existing regulatory programs,
 3468 | including water-quality-based effluent limitations;

3469 | b. Nonregulatory and incentive-based programs, including
 3470 | best management practices, cost sharing, waste minimization,
 3471 | pollution prevention, agreements established pursuant to s.
 3472 | 403.061(21), and public education;

3473 | c. Other water quality management and restoration
 3474 | activities, for example surface water improvement and management
 3475 | plans approved by water management districts or basin management
 3476 | action plans developed pursuant to this subsection;

3477 | d. Trading of water quality credits or other equitable
 3478 | economically based agreements;

3479 | e. Public works including capital facilities; or

3480 | f. Land acquisition.

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

3485 limits set forth for a discharger subject to NPDES permitting,
 3486 if any, must be included in a timely manner in subsequent NPDES
 3487 permits or permit modifications for that discharger. The
 3488 department may not impose limits or conditions implementing an
 3489 adopted total maximum daily load in an NPDES permit until the
 3490 permit expires, the discharge is modified, or the permit is
 3491 reopened pursuant to an adopted basin management action plan.

3492 a. Absent a detailed allocation, total maximum daily loads
 3493 must be implemented through NPDES permit conditions that provide
 3494 for a compliance schedule. In such instances, a facility's NPDES
 3495 permit must allow time for the issuance of an order adopting the
 3496 basin management action plan. The time allowed for the issuance
 3497 of an order adopting the plan may not exceed 5 years. Upon
 3498 issuance of an order adopting the plan, the permit must be
 3499 reopened or renewed, as necessary, and permit conditions
 3500 consistent with the plan must be established. Notwithstanding
 3501 the other provisions of this subparagraph, upon request by an
 3502 NPDES permittee, the department as part of a permit issuance,
 3503 renewal, or modification may establish individual allocations
 3504 before the adoption of a basin management action plan.

3505 b. For holders of NPDES municipal separate storm sewer
 3506 system permits and other stormwater sources, implementation of a
 3507 total maximum daily load or basin management action plan must be
 3508 achieved, to the maximum extent practicable, through the use of
 3509 best management practices or other management measures.

3510 c. The basin management action plan does not relieve the

3511 discharger from any requirement to obtain, renew, or modify an
 3512 NPDES permit or to abide by other requirements of the permit.

3513 d. Management strategies set forth in a basin management
 3514 action plan to be implemented by a discharger subject to
 3515 permitting by the department must be completed pursuant to the
 3516 schedule set forth in the basin management action plan. This
 3517 implementation schedule may extend beyond the 5-year term of an
 3518 NPDES permit.

3519 e. Management strategies and pollution reduction
 3520 requirements set forth in a basin management action plan for a
 3521 specific pollutant of concern are not subject to challenge under
 3522 chapter 120 at the time they are incorporated, in an identical
 3523 form, into a subsequent NPDES permit or permit modification.

3524 f. For nonagricultural pollutant sources not subject to
 3525 NPDES permitting but permitted pursuant to other state,
 3526 regional, or local water quality programs, the pollutant
 3527 reduction actions adopted in a basin management action plan must
 3528 be implemented to the maximum extent practicable as part of
 3529 those permitting programs.

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

3537 accordance with department rules, supplement the implementation
 3538 of best management practices with water quality credit trades in
 3539 order to demonstrate compliance with the pollutant reductions
 3540 established under subsection (6).

3541 h. A nonpoint source discharger included in a basin
 3542 management action plan may be subject to enforcement action by
 3543 the department or a water management district based upon a
 3544 failure to implement the responsibilities set forth in sub-
 3545 subparagraph g.

3546 i. A landowner, discharger, or other responsible person
 3547 who is implementing applicable management strategies specified
 3548 in an adopted basin management action plan may not be required
 3549 by permit, enforcement action, or otherwise to implement
 3550 additional management strategies, including water quality credit
 3551 trading, to reduce pollutant loads to attain the pollutant
 3552 reductions established pursuant to subsection (6) and shall be
 3553 deemed to be in compliance with this section. This subparagraph
 3554 does not limit the authority of the department to amend a basin
 3555 management action plan as specified in subparagraph (a) 6. ~~(a) 5.~~

3556 (c) *Best management practices.*—

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

3563 developed pursuant to subsection (6) and this subsection. These
 3564 practices and measures may be adopted by rule by the department
 3565 and the water management districts and, where adopted by rule,
 3566 shall be implemented by those parties responsible for
 3567 nonagricultural nonpoint source pollution.

3568 2. The Department of Agriculture and Consumer Services may
 3569 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
 3570 suitable interim measures, best management practices, or other
 3571 measures necessary to achieve the level of pollution reduction
 3572 established by the department for agricultural pollutant sources
 3573 in allocations developed pursuant to subsection (6) and this
 3574 subsection or for programs implemented pursuant to paragraph
 3575 (12) (b). These practices and measures may be implemented by
 3576 those parties responsible for agricultural pollutant sources and
 3577 the department, the water management districts, and the
 3578 Department of Agriculture and Consumer Services shall assist
 3579 with implementation. In the process of developing and adopting
 3580 rules for interim measures, best management practices, or other
 3581 measures, the Department of Agriculture and Consumer Services
 3582 shall consult with the department, the Department of Health, the
 3583 water management districts, representatives from affected
 3584 farming groups, and environmental group representatives. Such
 3585 rules must also incorporate provisions for a notice of intent to
 3586 implement the practices and a system to assure the
 3587 implementation of the practices, including site inspection and
 3588 recordkeeping requirements.

3589 3. Where interim measures, best management practices, or
 3590 other measures are adopted by rule, the effectiveness of such
 3591 practices in achieving the levels of pollution reduction
 3592 established in allocations developed by the department pursuant
 3593 to subsection (6) and this subsection or in programs implemented
 3594 pursuant to paragraph (12)(b) must be verified at representative
 3595 sites by the department. The department shall use best
 3596 professional judgment in making the initial verification that
 3597 the best management practices are reasonably expected to be
 3598 effective and, where applicable, must notify the appropriate
 3599 water management district or the Department of Agriculture and
 3600 Consumer Services of its initial verification before the
 3601 adoption of a rule proposed pursuant to this paragraph.
 3602 Implementation, in accordance with rules adopted under this
 3603 paragraph, of practices that have been initially verified to be
 3604 effective, or verified to be effective by monitoring at
 3605 representative sites, by the department, shall provide a
 3606 presumption of compliance with state water quality standards and
 3607 release from the provisions of s. 376.307(5) for those
 3608 pollutants addressed by the practices, and the department is not
 3609 authorized to institute proceedings against the owner of the
 3610 source of pollution to recover costs or damages associated with
 3611 the contamination of surface water or groundwater caused by
 3612 those pollutants. Research projects funded by the department, a
 3613 water management district, or the Department of Agriculture and
 3614 Consumer Services to develop or demonstrate interim measures or

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3615 best management practices shall be granted a presumption of
3616 compliance with state water quality standards and a release from
3617 the provisions of s. 376.307(5). The presumption of compliance
3618 and release is limited to the research site and only for those
3619 pollutants addressed by the interim measures or best management
3620 practices. Eligibility for the presumption of compliance and
3621 release is limited to research projects on sites where the owner
3622 or operator of the research site and the department, a water
3623 management district, or the Department of Agriculture and
3624 Consumer Services have entered into a contract or other
3625 agreement that, at a minimum, specifies the research objectives,
3626 the cost-share responsibilities of the parties, and a schedule
3627 that details the beginning and ending dates of the project.

3628 4. Where water quality problems are demonstrated, despite
3629 the appropriate implementation, operation, and maintenance of
3630 best management practices and other measures required by rules
3631 adopted under this paragraph, the department, a water management
3632 district, or the Department of Agriculture and Consumer
3633 Services, in consultation with the department, shall institute a
3634 reevaluation of the best management practice or other measure.
3635 Should the reevaluation determine that the best management
3636 practice or other measure requires modification, the department,
3637 a water management district, or the Department of Agriculture
3638 and Consumer Services, as appropriate, shall revise the rule to
3639 require implementation of the modified practice within a
3640 reasonable time period as specified in the rule.

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3641 5. Agricultural records relating to processes or methods
 3642 of production, costs of production, profits, or other financial
 3643 information held by the Department of Agriculture and Consumer
 3644 Services pursuant to subparagraphs 3. and 4. or pursuant to any
 3645 rule adopted pursuant to subparagraph 2. are confidential and
 3646 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 3647 Constitution. Upon request, records made confidential and exempt
 3648 pursuant to this subparagraph shall be released to the
 3649 department or any water management district provided that the
 3650 confidentiality specified by this subparagraph for such records
 3651 is maintained.

3652 6. The provisions of subparagraphs 1. and 2. do not
 3653 preclude the department or water management district from
 3654 requiring compliance with water quality standards or with
 3655 current best management practice requirements set forth in any
 3656 applicable regulatory program authorized by law for the purpose
 3657 of protecting water quality. Additionally, subparagraphs 1. and
 3658 2. are applicable only to the extent that they do not conflict
 3659 with any rules adopted by the department that are necessary to
 3660 maintain a federally delegated or approved program.

3661 (d) Enforcement and verification of basin management
 3662 action plans and management strategies.—

3663 1. Basin management action plans are enforceable pursuant
 3664 to this section and ss. 403.121, 403.141, and 403.161.
 3665 Management strategies, including best management practices and
 3666 water quality monitoring, are enforceable under this chapter.

3667 2. No later than January 1, 2017:

3668 a. The department, in consultation with the water

3669 management districts and the Department of Agriculture and

3670 Consumer Services, shall initiate rulemaking to adopt procedures

3671 to verify implementation of water quality monitoring required in

3672 lieu of implementation of best management practices or other

3673 measures pursuant to s. 403.067(7)(b)2.g.;

3674 b. The department, in consultation with the water

3675 management districts and the Department of Agriculture and

3676 Consumer Services, shall initiate rulemaking to adopt procedures

3677 to verify implementation of nonagricultural interim measures,

3678 best management practices, or other measures adopted by rule

3679 pursuant to s. 403.067(7)(c)1.; and

3680 c. The Department of Agriculture and Consumer Services, in

3681 consultation with the water management districts and the

3682 department, shall initiate rulemaking to adopt procedures to

3683 verify implementation of agricultural interim measures, best

3684 management practices, or other measures adopted by rule pursuant

3685 to s. 403.067(7)(c)2.

3686

3687 The rules required under this subparagraph shall include

3688 enforcement procedures applicable to the landowner, discharger,

3689 or other responsible person required to implement applicable

3690 management strategies, including best management practices or

3691 water quality monitoring as a result of noncompliance.

3692 Section 34. Section 403.0675, Florida Statutes, is created

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3693 to read:

3694 403.0675 Progress reports.—On or before July 1 of each
3695 year, beginning in 2018:

3696 (1) The department, in conjunction with the water
3697 management districts, shall post on its website and submit
3698 electronically an annual progress report to the Governor, the
3699 President of the Senate, and the Speaker of the House of
3700 Representatives on the status of each total maximum daily load,
3701 basin management action plan, minimum flow or minimum water
3702 level, and recovery or prevention strategy adopted pursuant to
3703 s. 403.067 or parts I and VIII of chapter 373. The report must
3704 include the status of each project identified to achieve a total
3705 maximum daily load or an adopted minimum flow or minimum water
3706 level, as applicable. If a report indicates that any of the 5-
3707 year, 10-year, or 15-year milestones, or the 20-year target
3708 date, if applicable, for achieving a total maximum daily load or
3709 a minimum flow or minimum water level will not be met, the
3710 report must include an explanation of the possible causes and
3711 potential solutions. If applicable, the report must include
3712 project descriptions, estimated costs, proposed priority ranking
3713 for project implementation, and funding needed to achieve the
3714 total maximum daily load or the minimum flow or minimum water
3715 level by the target date. Each water management district shall
3716 post the department's report on its website.

3717 (2) The Department of Agriculture and Consumer Services
3718 shall post on its website and submit electronically an annual

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3719 progress report to the Governor, the President of the Senate,
 3720 and the Speaker of the House of Representatives on the status of
 3721 the implementation of the agricultural nonpoint source best
 3722 management practices, including an implementation assurance
 3723 report summarizing survey responses and response rates, site
 3724 inspections, and other methods used to verify implementation of
 3725 and compliance with best management practices pursuant to basin
 3726 management action plans.

3727 Section 35. Subsection (21) is added to section 403.861,
 3728 Florida Statutes, to read:

3729 403.861 Department; powers and duties.—The department
 3730 shall have the power and the duty to carry out the provisions
 3731 and purposes of this act and, for this purpose, to:

3732 (21) (a) Upon issuance of a construction permit to
 3733 construct a new public water system drinking water treatment
 3734 facility to provide potable water supply using a surface water
 3735 that, at the time of the permit application, is not being used
 3736 as a potable water supply, and the classification of which does
 3737 not include potable water supply as a designated use, the
 3738 department shall add treated potable water supply as a
 3739 designated use of the surface water segment in accordance with
 3740 s. 403.061(29) (b).

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

3745 department shall add treated potable water supply as a
 3746 designated use of the surface water segment in accordance with
 3747 s. 403.061(29)(b).

3748 Section 36. Section 403.928, Florida Statutes, is created
 3749 to read:

3750 403.928 Assessment of water resources and conservation
 3751 lands.—The Office of Economic and Demographic Research shall
 3752 conduct an annual assessment of Florida's water resources and
 3753 conservation lands.

3754 (1) WATER RESOURCES.—The assessment must include all of
 3755 the following:

3756 (a) Historical and current expenditures and projections of
 3757 future expenditures by federal, state, regional, and local
 3758 governments and public and private utilities based upon
 3759 historical trends and ongoing projects or initiatives associated
 3760 with:

- 3761 1. Water supply and demand; and
- 3762 2. Water quality protection and restoration.

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

3771 future reasonable-beneficial uses and the natural systems, and
 3772 that adverse effects of competition for water supplies be
 3773 avoided. The assessment must include a compilation of projected
 3774 water supply and demand data developed by each water management
 3775 district pursuant to ss. 373.036 and 373.709, with notations
 3776 regarding any significant differences between the methods used
 3777 by the districts to calculate the data.

3778 (c) Forecasts of federal, state, regional, and local
 3779 government revenues dedicated in current law for the purposes
 3780 specified in subparagraphs (a)1. and (a)2. or that have been
 3781 historically allocated for these purposes, as well as public and
 3782 private utility revenues.

3783 (d) An identification of gaps between projected revenues
 3784 and projected and estimated expenditures.

3785 (2) CONSERVATION LANDS.—The assessment must include all of
 3786 the following:

3787 (a) Historical and current expenditures and projections of
 3788 future expenditures by federal, state, regional, and local
 3789 governments based upon historical trends and ongoing projects or
 3790 initiatives associated with real property interests eligible for
 3791 funding under s. 259.105.

3792 (b) An analysis and estimates of future expenditures by
 3793 federal, state, regional, and local governments necessary to
 3794 purchase lands identified in plans set forth by state agencies
 3795 or water management districts.

3796 (c) An analysis of the ad valorem tax impacts, by county,

3797 resulting from public ownership of conservation lands.

3798 (d) Forecasts of federal, state, regional, and local
 3799 government revenues dedicated in current law to maintain
 3800 conservation lands and the gap between projected expenditures
 3801 and revenues.

3802 (e) The total percentage of Florida real property that is
 3803 publicly owned for conservation purposes

3804 (f) A comparison of the cost of acquiring and maintaining
 3805 conservation lands under fee simple or less than fee simple
 3806 ownership.

3807 (3) The assessment shall include analyses on a statewide,
 3808 regional, or geographic basis, as appropriate, and shall
 3809 identify analytical challenges in assessing information across
 3810 the different regions of the state.

3811 (4) The assessment must identify any overlap in the
 3812 expenditures for water resources and conservation lands.

3813 (5) The water management districts, the Department of
 3814 Environmental Protection, the Department of Agriculture and
 3815 Consumer Services, the Fish and Wildlife Conservation
 3816 Commission, counties, municipalities, and special districts
 3817 shall provide assistance to the Office of Economic and
 3818 Demographic Research related to their respective areas of
 3819 expertise.

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

3823 considers the data necessary to complete the assessment,
 3824 including any confidential data.

3825 (7) The assessment shall be submitted to the President of
 3826 the Senate and the Speaker of the House of Representatives by
 3827 January 1, 2017, and by January 1 of each year thereafter.

3828 Section 37. (1) The Department of Environmental
 3829 Protection shall evaluate the feasibility and cost of creating
 3830 and maintaining a web-based, interactive map that includes, at a
 3831 minimum:

3832 (a) All watersheds and each water body within those
 3833 watersheds;

3834 (b) The county or counties in which the watershed or water
 3835 body is located;

3836 (c) The water management district or districts in which
 3837 the watershed or water body is located;

3838 (d) Whether, if applicable, a minimum flow or minimum
 3839 water level has been adopted for the water body and if such
 3840 minimum flow or minimum water level has not been adopted, the
 3841 anticipated adoption date;

3842 (e) Whether, if applicable, a recovery or prevention
 3843 strategy has been adopted for the watershed or water body and,
 3844 if such a plan has not been adopted, the anticipated adoption
 3845 date;

3846 (f) The impairment status of each water body;

3847 (g) Whether, if applicable, a total maximum daily load has
 3848 been adopted if the water body is listed as impaired and, if

3849 such total maximum daily load has not been adopted, the
 3850 anticipated adoption date;

3851 (h) Whether, if applicable, a basin management action plan
 3852 has been adopted for the watershed and, if such a plan has not
 3853 been adopted, the anticipated adoption date;

3854 (i) Each project listed on the 5-year water resource
 3855 development work program developed pursuant to s.
 3856 373.536(6)(a)4.;

3857 (j) The agency or agencies and local sponsor, if any,
 3858 responsible for overseeing the project;

3859 (k) The total or estimated cost and completion date of
 3860 each project and the financial contribution of each entity;

3861 (l) The estimated quantitative benefit to the watershed or
 3862 water body; and

3863 (m) The water projects completed within the last 5 years
 3864 within the watershed or water body.

3865 (2) On or before January 1, 2017, the department must
 3866 submit a report containing the findings on the feasibility study
 3867 to the President of the Senate and the Speaker of the House of
 3868 Representatives.

3869 Section 38. The Legislature finds that a proper and
 3870 legitimate state purpose is served when protecting the
 3871 environmental resources of this state. Therefore, the
 3872 Legislature determines and declares that this act fulfills an
 3873 important state interest.

3874 Section 39. This act shall take effect July 1, 2016.