

State Affairs Committee

Wednesday, February 11, 2015

9:00 AM

Morris Hall (17 HOB)

MEETING PACKET

Steve Crisafulli
Speaker

Matt Caldwell
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

State Affairs Committee

Start Date and Time: Wednesday, February 11, 2015 09:00 am
End Date and Time: Wednesday, February 11, 2015 12:00 pm
Location: Morris Hall (17 HOB)
Duration: 3.00 hrs


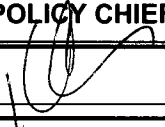
Consideration of the following proposed committee bill(s):

PCB SAC 15-01 -- Water Resources

NOTICE FINALIZED on 02/04/2015 16:15 by Love.John

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SAC 15-01 Water Resources
SPONSOR(S): State Affairs Committee
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Affairs Committee		Moore, R. 	Camechis 

SUMMARY ANALYSIS

The bill contains various revisions to Florida's water policy including, but not limited to:

- Designating all first magnitude springs as Priority Florida Springs (PFS), requiring the establishment of a spring protection zone for each, and requiring agricultural operations within each spring protection zone to implement agricultural best management practices (BMPs) or conduct water quality monitoring.
- Requiring water management districts (WMDs) to develop new or revise existing recovery and prevention strategies concurrently with the establishment or re-evaluation of minimum flows and levels (MFLs) for all PFS.
- Requiring Department of Environmental Protection (DEP) to complete an assessment of water quality for each PFS, subsequently adopt total maximum daily loads (TMDLs) for all PFS deemed to be impaired, and initiate the development of a basin management action plan (BMAP) within one year after adoption of a TMDL.
- Requiring the DEP to establish an Interagency Agreement with the St. Johns River Water Management District (SJRWMD), the South Florida water Management District (SFWMD), the Southwest Florida Water Management District (SWFWMD), and the Department of Agriculture and Consumer Services (DACS) to develop and implement uniform water supply planning, consumptive water use permitting, and resource protection programs for the area encompassed by the Central Florida Water Initiative (CFWI).
- Providing additional considerations in the development of water resource and water supply options, regional water supply planning, and the water use permitting process to account for circumstances faced by self-suppliers.
- Establishing a direct link between the water supply planning process and the development of WMD annual funding plans for water resource and water supply projects, including an assessment of the sufficiency of funding to implement regional water supply plans (RWSP).
- Requiring RWSP to be updated concurrent with the adoption of MFLs and implementation of recovery and prevention strategies.
- Requiring the SFWMD to continue exercising the state's authority to allocate water and assign priorities among other water uses served by the Central and Southern Florida Project (Project) and to provide recommendations to the U.S. Army Corp of Engineers that are consistent with all SFWMD programs and plans when developing or implementing joint water control plans or regulation schedules required for the Project.
- Updating and restructuring the Northern Everglades and Estuaries Act to reflect and build upon DEP's completion of BMAPs for Lake Okeechobee, the Caloosahatchee Estuary, and the St. Lucie River and Estuary; DEP's continuing development of a BMAP for the inland portion of the Caloosahatchee River watershed; and DACS' implementation of BMPs in the three basins.
- Designating the Lake Okeechobee BMAP as the phosphorus control element of the Lake Okeechobee Watershed Protection Program, designating BMAPs adopted for the Caloosahatchee River and the St. Lucie River watersheds as the pollutant control programs for those watersheds, and requiring the BMAPs to contain an implementation schedule for pollutant load reductions consistent with adopted TMDLs.
- Requiring periodic updates of BMAPs and projects within the Northern Everglades to ensure consistency, and identifying further phosphorus load reductions necessary to achieve compliance with TMDLs.
- Directing the SFWMD to revise its Works of the District Rule to be consistent with the Lake Okeechobee BMAP and report to the coordinating agencies the results of water quality monitoring conducted by landowners outside of the Everglades Agricultural Area who do not choose to participate in the DACS' BMP program.
- Eliminating duplicative permits by relying on the BMAPs as the basis for water quality regulation in the Lake Okeechobee, the Caloosahatchee River, and the St. Lucie River watersheds.
- Authorizes DEP to adopt by rule a specific surface water classification for certain waterbodies used as a source of drinking water.

The bill appears to have an indeterminate negative fiscal impact on state and local governments. (See Fiscal Comments Section.)

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb01.SAC

DATE: 2/4/2015

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Water Quantity

Consumptive Use Permitting

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

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

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

Minimum Flows and Levels

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

Recovery and Prevention Strategies

For a waterbody that is below an MFL or is projected to fall below it within 20 years, the WMD is required to implement a recovery or prevention strategy. A recovery or prevention strategy may include implementing conservation measures, developing additional water supplies, and reducing permitted

¹ Section 373.219, F.S.

² Section 373.019(16), F.S.

³ Section 373.223(1), F.S.

⁴ Id.

⁵ Section 373.233(2), F.S.

⁶ Section 373.042(1), F.S.

⁷ Id.

⁸ Id.

⁹ Section 373.042(2), F.S.

¹⁰ Section 373.042(1), F.S.

allocations to achieve recovery of a waterbody to the established MFL or prevent a waterbody from falling below the established MFL.¹¹

Water Quality

Nutrient Pollution and Sources of Pollution

Nutrient pollution is a primary cause of water quality problems in the United States. It occurs when there are too many nutrients, mainly nitrogen and phosphorus, in a waterbody. Excess nutrients cause algae in the water to grow and can result in an algal bloom. Algal blooms are thick, floating mats of algae that can be toxic to humans, deplete oxygen levels necessary for fish and shellfish survival, and reduce water clarity. Algal blooms affect the quality of life for Floridians by causing human health issues, reductions in property values, and lost tourism. Contributors of nutrient pollution are septic systems, stormwater runoff, industrial and domestic wastewater discharges, livestock manure, commercial and residential fertilization application, and car and power plant air emissions.¹²

Clean Water Act and Water Quality Standards

The Clean Water Act (CWA) was enacted by Congress in 1972 to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.”¹³ The CWA requires states to adopt water quality standards (WQS) for their navigable waters, and to review and update those standards at least every three years. WQS must include:

- Designation of a waterbody’s beneficial uses, such as public water supply, recreation, fish propagation, and navigation;
- Water quality criteria that define the amounts of pollutants, in either numeric or narrative form, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.¹⁴

The Environmental Protection Agency (EPA) reviews state WQS to ensure compliance with the requirements of the CWA. If the EPA determines that a WQS, either revised or new, is inconsistent with the CWA, then the EPA will notify the state of the changes needed to meet the requirements of the CWA. If the state does not make the changes, EPA will set the WQS.¹⁵

Numeric Nutrient Criteria

To protect the beneficial uses of a waterbody, water quality criteria are created. Water quality criteria are based on data and scientific judgments about pollutant concentrations and their effects on a waterbody. There are two types of water quality criteria: numeric and narrative. Numeric criteria establish the maximum allowable concentration of a pollutant in a waterbody. Narrative criteria describe the types of organisms expected to be found in a healthy waterbody and the desired conditions for a waterbody, such as being free from excessive algal blooms.¹⁶ Until recently, Florida employed a narrative criteria for nutrient pollution.

In July 2008, the Florida Wildlife Federation and other environmental groups sued EPA in an attempt to compel EPA to adopt numeric nutrient criteria for Florida’s waterbodies. In January 2009, EPA determined that numeric nutrient water quality criteria for Florida’s waterbodies are necessary to meet the requirements of the CWA. EPA determined that Florida’s narrative nutrient criteria alone were insufficient to ensure protection of applicable designated uses, but also recognized the ongoing efforts

¹¹ Section 373.0421(2), F.S.

¹² *The Facts about Nutrient Pollution*, available at http://water.epa.gov/polwaste/upload/nutrient_pollution_factsheet.pdf.

¹³ 33 U.S.C. §1251

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

¹⁵ 33 U.S.C. §1313(c) (3)-(4).

¹⁶ EPA Factsheet, *Water Quality Standards: Protecting Human Health and Aquatic Life* (Feb. 2011), available at http://water.epa.gov/scitech/swguidance/standards/upload/WQS_basic_factsheet.pdf.

by the Department of Environmental Protection (DEP) in developing a numeric nutrient criteria for Florida's waterbodies. EPA noted that, "in the event that Florida adopts and EPA approves new or revised water quality standards that sufficiently address this determination before EPA promulgates federal water quality standards, EPA would no longer be obligated to promulgate federal water quality standards."

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

Also in December 2010, Florida filed a lawsuit in federal district court against EPA over the agency's intrusion into Florida's previously approved clean water program.¹⁷ The lawsuit alleged that EPA's action was inconsistent with the intent of Congress when it based the CWA on the idea of cooperative federalism whereby the states would be responsible for the control of water quality with oversight by EPA. Control of nutrient loading from predominantly nonpoint sources involves traditional states' rights and responsibilities for water and land resource management which Congress expressly intended to preserve in the CWA. The lawsuit specifically alleged that EPA's rules and January 2009 necessity determination for promulgating numeric nutrient criteria for Florida's waters are arbitrary, capricious, and an abuse of discretion, and requested the court to enjoin EPA's Administrator from implementing its numeric nutrient criteria rules in Florida.

On February 18, 2012, the United States District Court for the Northern District of Florida found against the state, holding that EPA's determination that Florida's narrative nutrient criteria are inadequate and that numeric criteria are necessary was not arbitrary and capricious.¹⁸ The court also held, however, that EPA's rule setting numeric nutrient criteria for Florida was not arbitrary and capricious save for two exceptions: EPA's stream criteria were found to be arbitrary and capricious (at least without further explanation, according to the court), as were the default downstream protection values for unimpaired lakes. In accordance with the court's ruling, the 2009 Consent Decree was to remain in effect, with the modification that EPA was required to remedy the numeric nutrient criteria for streams and downstream protection values by May 21, 2012.

In response to EPA promulgating rules to establish federal numeric nutrient criteria for Florida's waterways, DEP began rulemaking and adopted state numeric nutrient criteria for streams, rivers, lakes, and south Florida estuaries, which it then submitted to EPA for approval pursuant to the CWA. However, several environmental groups filed a petition with the Division of Administrative Hearings challenging DEP's rules, but an Administrative Law Judge upheld the rules in June of 2012, finding that DEP acted within its authority in promulgating numeric nutrient criteria for the state. The decision was affirmed by the First District Court of Appeal in February of 2013.¹⁹

On June 27, 2013, the EPA formally approved the Department's document titled "Implementation of Florida's Numeric Nutrient Standards," dated April, 2013. On June 28, 2013, EPA made a revised determination regarding Florida numeric nutrient standards that removed all fresh waters from the previous determination and filed a motion to modify the Consent Decree. On January 7, 2014, EPA's motion was granted.²⁰ The ruling on the motion was appealed and is set for oral argument on January 29, 2015.

¹⁷ *State of Florida v. Jackson*, Case 3:10-cv-00503-RV-MD (N.D. Fla. 2010).

¹⁸ *State of Florida v. Jackson*, 853 F.Supp.2d 1138 (N.D. Fla. 2012).

¹⁹ *Florida Wildlife Federation, et. al. v. Department of Environmental Protection*, Case No. ID12-320 (Feb. 2013).

²⁰ *Order Modifying the Consent Decree*, available at

http://www.dep.state.fl.us/secretary/news/2014/01/Order_Modifying_Consent_Decree.pdf

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Today, the vast majority of Florida's freshwater streams, lakes, springs, and estuaries are covered by numeric interpretations of the nutrient criterion.

Total Maximum Daily Loads

Pursuant to the CWA, states are required to develop lists of waterbodies that do not meet WQS (impaired waters). For impaired waters, the state is charged with developing a total maximum daily load (TMDL) for the waterbody. A TMDL calculates the maximum allowable amount of a pollutant that the waterbody can receive, while implementing the WQS.²¹ A waterbody may have several TMDLs, one for each pollutant that exceeds the waterbody's capacity to absorb it safely.

Basin Management Action Plans

When a TMDL has been established for an impaired water, a Basin Management Action Plan (BMAP) may be developed by DEP.²² BMAPs implement comprehensive regulatory, non-regulatory, and incentive based strategies to reduce pollutant loadings.²³ Regulatory actions may include the issuance or revision of permits for environmental resources, wastewater, and stormwater.²⁴ Non-regulatory and incentive based actions may include habitat preservation or restoration, and the development and implementation of Best Management Practices (BMPs).²⁵

BMAP development involves collaboration with local stakeholders, local government agencies, and state agencies, including the applicable WMD and the Department of Agriculture and Consumer Services (DACS).²⁶ The BMAP is adopted by order of the Secretary of the DEP.²⁷

Best Management Practices

Nutrient pollution may enter a waterbody through nonpoint sources, such as septic tanks, stormwater runoff, and golf courses (nonagricultural nonpoint sources), from agricultural operations (agricultural nonpoint sources), and from point sources, such as a pipe or culvert discharge from a facility. Point sources of pollution are controlled by National Pollution Discharge Elimination System (NPDES) permits issued for the operation involved. Nonpoint sources of pollution are controlled through the implementation of BMPs.²⁸ DEP, in cooperation with the WMDs, establishes BMPs for nonagricultural nonpoint sources and DACS establishes BMPs for agricultural nonpoint sources.²⁹

DACS has created two types of BMPs: management and structural. Management BMPs involve nutrient and irrigation management. Structural BMPs involve changes to the land or installation of structures, for example tailwater recovery ponds and fences.³⁰

Water Supply Planning and Development

Present Situation

Role of WMDs in Water Supply and Water Resource Development

Current law states that it is the intent of the Legislature that sufficient water be available for all existing and future reasonable-beneficial uses and the natural systems, and that the adverse effects of

²¹ 33 U.S.C. §1313 (d) (1)(A).

²² Section 403.067(7), F.S.

²³ Section 403.067(7)(b)1., F.S.

²⁴ Id.

²⁵ Id.

²⁶ Section 403.067(7)(a)3., F.S.

²⁷ Section 403.067(7)(a)4., F.S.

²⁸ Section 403.067(7)(c), F.S.

²⁹ Id.

³⁰ *Agricultural and Water Quality*, available at

http://www.freshfromflorida.com/content/download/33106/813038/BMP_Backgrounder.pdf.

competition for water supplies be avoided.³¹ The Legislature has divided the responsibility for water resource development and water supply development between the WMDs and local governments, regional water supply authorities, and publically and privately owned water utilities.³² Water resource development is the formulation and implementation of regional water resource management strategies, including the collection and evaluation of surface water and groundwater data; structural and nonstructural programs to protect and manage water resources; the development of regional water resource implementation programs; the construction, operation, and maintenance of major public works facilities to provide for flood control, surface and underground water storage, and groundwater recharge augmentation; and related technical assistance to local governments and to government-owned and privately owned water utilities.³³ Water supply development is the planning, design, construction, operation, and maintenance of public or private facilities for water collection, production, treatment, transmission, or distribution for sale, resale, or end use.³⁴

WMDs are to be lead in water supply planning and in identifying and implementing water resource development projects, and to secure the necessary funding for regionally significant water resource development projects.³⁵ Local governments, regional water supply authorities, and water utilities, both private and public, are to take the lead in securing funding for and implementing water supply development projects.³⁶

WMDs are required to fund and expeditiously implement water resource development projects in areas subject to regional water supply plans (RWSP).³⁷ Water supply development projects that are consistent with RWSPs are to receive priority funding assistance, from the state or WMD, if the project:

- Supports a dependable, sustainable supply of water that is not financially feasible;
- Provides substantial environmental benefits, but requires assistance to be economically competitive; or
- Significantly implements reuse, storage, recharge, or conservation of water that contributes to the sustainability of regional water sources.³⁸

Additionally, if a water supply development project meets one of the above criteria and either brings about replacement of existing sources aiding in the implementation of an MFL, or implements reuse assisting in the elimination of a domestic wastewater ocean outfall, the project will be given first consideration for state or WMD funding assistance.³⁹

As part of the water supply planning role, each WMD is charged with developing a water management plan for the water resources within its district.⁴⁰ This plan assesses existing and future water supply needs, evaluates the adequacy of existing and potential water sources to meet future needs, and ensures the sustainability of water resources and the related natural systems.⁴¹ The plan is based on a 20 year projection and is updated at least every five years.⁴² The plan must include scientific methodologies for establishing MFLs and any established MFL, identification of water supply planning regions that encompass the entire district, a districtwide water supply assessment, and any completed RWSP.⁴³

³¹ Section 373.705(2)(a), F.S.

³² Sections 373.705(1)(a)-(b), F.S.

³³ Section 373.019(24), F.S.

³⁴ Section 373.019(26), F.S.

³⁵ Sections 373.705(2)(b) and (3), F.S.

³⁶ Section 373.705(2)(c), F.S.

³⁷ Section 373.705(3), F.S.

³⁸ Section 373.705(4)(a), F.S.

³⁹ Section 373.705(4)(b), F.S.

⁴⁰ Section 373.036(1)(a), F.S.

⁴¹ Section 373.036(2)(b)4., F.S.

⁴² Section 373.036(1)(a), F.S.

⁴³ Section 373.036(2)(b), F.S.

WMD Water Supply Assessments

As part of the WMDs' water management plan, a districtwide water supply assessment is conducted to determine whether water supplies will be adequate to satisfy water demands and maintain healthy conditions of the natural systems.⁴⁴ If a water supply assessment reveals that existing sources of water are inadequate to supply water for all existing and future reasonable beneficial uses and to sustain the water resources and related natural systems for the 20 year planning period, the WMD must develop a RWSP.⁴⁵

Development of Regional Water Supply Plans

A RWSP is based on at least a 20-year projection.⁴⁶ The plan must include:

- A water supply development component;
- A water resource development component;
- A recovery and prevention strategy;
- A funding strategy for water resource development projects;
- Consideration of how water supply development projects serve the public interest or save costs by preventing the loss of natural resources or avoid greater future costs for water resource or development;
- Technical data and information necessary to support the RWSP;
- MFLs established within each planning region;
- Reservations of water adopted within each planning region;
- Identification of surface waters or aquifers for which MFLs are scheduled for adoption; and
- An analysis of areas where variances may be used to create water supply or resource development projects.⁴⁷

The water supply development component of the RWSP must include:

- A quantification of water supply needs for all existing and future reasonable beneficial uses projected through the 20 year planning period based on best available data;
- A list of water supply development project options for local governments, utilities, regional water supply authorities, self-suppliers, and others to choose from for water supply development; and
- For each water supply development project listed there must be:
 - An estimated amount of water to be made available through the project;
 - The timeframe for implementation of the project, and the estimated costs for the project, including operation and maintenance;
 - An analysis of funding needs and sources of possible funding options; and
 - Identification of who should implement the project, as well as the current status of implementation.⁴⁸

⁴⁴ Section 373.036(2)(b)4., F.S.

⁴⁵ Section 373.709(1), F.S.

⁴⁶ Section 373.709(2), F.S.

⁴⁷ Section 373.709(2)(a)-(j), F.S.

⁴⁸ Section 373.709(2)(a), F.S.

The water resource development component of the RWSP must include:

- A list of water resource development projects that support water supply development; and
- For each water resource development project listed there must be:
 - An estimated amount of water to be made available through the project;
 - The timeframe for implementation of the project, and the estimated costs for the project, including operation and maintenance;
 - An analysis of funding needs and possible sources of funding; and
 - Identification of who should implement the project, as well as the current status of implementation.⁴⁹

WMDs are required to annually report the status of water resource and water supply development projects identified in their RWSPs.⁵⁰ The annual report must include estimated costs and potential sources of funding for the projects, percentage and amount of WMD funds for the development of alternative water supplies, a description of the WMDs' progress in achieving water resource development objectives, including implementation of its five year water resource development work program, and an overall assessment of progress on water supply development.⁵¹

Alternative Water Supply Development

One of the ways water demands can be met is through the development of alternative water supplies.⁵² Alternative water supplies means:

- Salt water;
- Brackish surface and groundwater;
- Surface water captured predominately during wet-weather flows;
- Sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses;
- The downstream augmentation of water bodies with reclaimed water;
- Stormwater; and
- Any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.⁵³

Funding for the development of alternative water supplies is a shared responsibility between water suppliers and users, the state, and WMDs.⁵⁴ Water suppliers and users have the primary responsibility for providing funding, while the state and WMDs have the responsibility to provide funding assistance.⁵⁵

Alternative water supply development projects may receive state funding through specific appropriation and the Water Protection and Sustainability Program (WPSP).⁵⁶ Applicants for projects that receive funding through the WPSP are required to pay at least 60% of the project's construction costs.⁵⁷ A WMD may waive this requirement for projects developed by financially disadvantaged small local governments. Additionally, a WMD may, at its discretion, use ad valorem or federal revenues to assist a project applicant in meeting the match requirement.⁵⁸

Funding from the WPSP must be used for construction costs of alternative water supply projects, and should not result in a reduction of existing funding assistance from a WMD or basin board. Therefore,

⁴⁹ Section 373.709(2)(b), F.S.

⁵⁰ Section 373.709(6), F.S.

⁵¹ Id.

⁵² Sections 373.707(1)(a)-(b), and 373.1961(2)(a), F.S.

⁵³ Section 373.019(1), F.S.

⁵⁴ Section 373.707(2)(c), F.S.

⁵⁵ Id.

⁵⁶ Sections 373.707(1)(d), and (6), F.S.

⁵⁷ Section 373.707(8)(e), F.S.

⁵⁸ Id.

each WMD is required to include in its annual tentative and adopted budget submittals the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects selected for inclusion in the WPSP. The goal of each WMD and basin board must be that the combined funds allocated annually for these purposes be, at a minimum, the equivalent of 100% of the state funding provided to the WMD for alternative water supply development. If this goal is not achieved, the WMD must provide in its budget submittal an explanation of the reasons or constraints that prevent this goal from being met and an explanation of how the goal will be met in future years. The St. Johns River Water Management District and the Northwest Florida Water Management District are not required to meet the match requirements, but they must try to achieve the match requirement to the greatest extent practicable.⁵⁹

The Legislature has not provided funding for alternative water supply projects through the WPSP since fiscal year 2008-2009.

Improvements on Private Agricultural Lands

An additional mechanism to promote water resource development, as well as improve water quality, is the public-private partnership.⁶⁰ A public-private partnership is a collaborative effort between a WMD, DEP, or DACS and a private landowner.⁶¹ The public-private partnership is formalized in an agreement between the parties.⁶² If the public-private partnership agreement is between a private landowner and a WMD or DEP, the agreement must contain a baseline condition.⁶³ A baseline condition determines the extent of wetlands and other surface waters on the property, and will be used for the regulation of such water, even after expiration of the agreement.⁶⁴ Establishing a baseline condition is optional for a public-private partnership agreement between a private landowner and DACS, when used to implement BMPs.⁶⁵

Public-private partnerships that facilitate nutrient reductions, consistent with TMDLs, within the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed are highly encouraged.⁶⁶ Public-private partnerships within the Lake Okeechobee watershed are eligible for state grants and otherwise receive special funding priority.⁶⁷

Effect of Proposed Changes

The bill amends the definition of “water resource development” in s. 373.019(24), F.S., to include self-suppliers as a type of entity that may receive technical assistance related to water resource development.

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

- Requires DEP or the WMD to adopt recovery or prevention strategies concurrent with the adoption of an MFL.
- Provides that a recovery or prevention strategy may not depend on water shortage restrictions declared pursuant to s. 373.175, F.S., or s. 373.246, F.S.⁶⁸
- Requires a RWSP prepared pursuant to s. 373.709, F.S.,⁶⁹ to be revised as needed concurrent with the adoption of an MFL and implementation of the recovery and prevention strategy.

⁵⁹ Section 373.707(6), F.S.

⁶⁰ Section 373.085(1)(a), F.S.

⁶¹ Section 373.4591, F.S.

⁶² Id.

⁶³ Id.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ Section 373.4595(1)(n), F.S.

⁶⁷ Sections 373.4595(3)(c)5. and (g), F.S.

⁶⁸ Sections 373.175, F.S., and 373.246, F.S., provide for the declaration of a water shortage.

⁶⁹ Section 373.709, F.S. establishes the requirements to be included in a RWSP.

- Requires a WMD to notify DEP when an application for a CUP, which otherwise meets the requirement of s. 373.223, F.S.,⁷⁰ is denied based upon the impact that the use will have on an established MFL. Upon receiving such notice, and in cooperation with the WMD, DEP must review the applicable RWSP. The review must include an assessment by DEP of the adequacy of the plan in meeting the intent of the Legislature that there be sufficient water available for all existing and future reasonable-beneficial uses and the natural systems, and the adverse effects of competition for water supplies be avoided. Based on this review, if DEP determines the RWSP does not adequately address this legislative intent, then the WMD must immediately initiate an update of the plan.

Section 373.2234, F.S., regarding preferred water supply sources,⁷¹ is amended to require a WMD to give priority consideration to the identification of preferred water supply sources for self-suppliers for which access to or development of new water supplies is not technically or financially feasible.

Section 373.233, F.S., regarding competing CUP applications, is amended to require that if two or more competing applications qualify equally, and are not renewal applications, then the WMD or DEP must give preference to the use for which an alternative water supply is not technically and financially feasible.

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

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

The bill also amends s. 373.703(9), F.S., regarding water production, to include private landowners on the list of entities that a WMD is authorized to join with in carrying out its duties and contract with to finance acquisitions, construction, operation, and maintenance if it is in the public interest.

In addition, the bill amends the legislative intent contained in s. 373.705(2), F.S., regarding water resource development and water supply development, to specify that regionally significant water resource development projects that a WMD should secure funding for include projects that:

- Prevent or limit adverse water resource impacts;
- Avoid competition among water users; or
- Support new water supplies to help implement an MFL or water reservation.

The bill also amends ss. 373.705(3) and (4), F.S., to:

- Require each WMD to include in its annual budget submittals the amount of funds needed for each water resource development project as prioritized in its RWSPs, along with the total amount needed to implement the projects; and
- Include water supply development projects that reduce or eliminate adverse effects of competition between legal users and the natural system on the list of projects that receive first consideration for state or WMD funding assistance.

⁷⁰ Section 373.223, F.S., establishes the requirements for issuance of a CUP.

⁷¹ Section 373.2234, F.S., provides that a "preferred water source" is a water supply source identified by a WMD for consumptive uses for which there is sufficient data to establish that a preferred source will provide a substantial new water supply to meet the existing and projected reasonable-beneficial uses of a water supply planning region while sustaining existing water resources and natural systems.

The bill amends s. 373.707, F.S., regarding alternative water supply development, to:

- Include self-suppliers as a type of entity that may receive technical and financial assistance from a WMD for alternative water supply projects.
- Specify that state funding made available to a WMD through a specific appropriation should not result in a reduction in WMD or basin board funding for alternative water supply development assistance.
- Require that for each alternative water supply project identified in a WMD's RWSP, the WMD must include in its annual budget submittals the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects.
- Require other state funding to be made available as financial assistance, in addition to funding through the WPSP, for construction costs of alternative water supply development projects.
- Authorize a WMD to totally or partially waive the requirement that 60% of the construction costs of an alternative water supply project be paid by an applicant for projects sponsored by self-suppliers where the projects are determined by the WMD to be in the public interest and are not otherwise financially feasible.

Section 373.709, F.S., regarding regional water supply planning, is amended to:

- Require that water supply development project options in a WMD's RWSP be technically and financially feasible.
- Require each WMD to include in its water supply and water resource development project option identified in the RWSP, an annual funding plan that:
 - Identifies the WMD's funding contribution needed for each water supply development project meeting the requirements of s. 373.705(4), F.S.,⁷² and the amount of funding assistance to be provided for each alternative water supply project.
 - Identifies the WMD's funding contribution required by s. 373.705(3), F.S.,⁷³ for water resource development projects.
- Require each WMD to provide in its RWSP, an assessment of how the RWSP and projects identified in the annual funding plans support the implementation of proposed or adopted MFLs and water reservations while ensuring that sufficient water will be available for all existing and future beneficial uses and the natural systems and avoiding the adverse effects of competition for water supplies.
- Require DEP to include in its annual status report to the Governor and Legislature an analysis of the sufficiency of potential funding from all sources for water resource development and water supply development projects identified in each of the WMDs' RWSPs, and an explanation of how each project identified in the RWSPs will contribute to additional water for MFLs or water reservations.

Central Florida Water Initiative

Present Situation

Introduction

Historically, the Floridan aquifer system has supplied the vast majority of the water used in the central Florida area.⁷⁴ Three WMDs that serve the central Florida area are the St. Johns River Water Management District (SJRWMD), the South Florida Water Management District (SFWMD), and the Southwest Florida Water Management District (SWFWMD).

⁷² Section 373.705(4), F.S., identifies water supply development projects that are to receive priority in funding assistance.

⁷³ Section 373.705(3), F.S., provides for WMDs to assist in developing multijurisdictional approaches to water supply project development with affected water utilities, special districts, self-suppliers, and local governments.

⁷⁴ Central Florida Water Initiative, *Regional Water Supply Plan* (April 2014).

In the past, the three WMDs worked independently to resolve water resource issues, but the decisions of one district can affect the water resources of another. Today, the WMDs are working collaboratively with other agencies and stakeholders to implement effective and consistent water resource planning, development and management through the Central Florida Water Initiative (CFWI). However, each WMD currently relies on their own existing criteria to review CUP applications, which leads to inconsistencies and confusion as it relates to permit applicants whose property or projects overlaps multiple WMD boundaries.⁷⁵

The CFWI builds on the prior work of the Central Florida Coordination Area (CFCA). Both efforts focus on an area that includes all of Orange, Osceola, Seminole, and Polk counties, and southern Lake county. The three WMDs, along with DEP, DACS, regional public water supply utilities, and other stakeholders are collaborating to develop a unified process to address central Florida's current and long-term water supply needs.

History

The three WMDs agreed in 2006 to a CFCA Action Plan to address the short-term and long-term development of water supplies in the central Florida area. The CFCA Action Plan consisted of two phases. In Phase I, a framework was established to address short-term water resource issues. Phase I concluded in 2008, with interim water use regulations limiting groundwater withdrawals to projected 2013 demands and requiring development of alternative water supplies to meet future needs. Because the SWFWMD had already adopted rules for its Southern Water Use Caution Area (SWUCA) that were as restrictive, if not more restrictive, than the CFCA rules, and Polk County has portions in both areas, only the portion of Polk County that is outside the SWUCA was subject to the CFCA rules. The interim CFCA rules sunsetted on December 31, 2012.⁷⁶

Phase II of the CFCA Action Plan began in 2009 with the primary objectives of establishing new rules prior to the sunset date and implementing a long-term approach to water resource management in central Florida. This phase involved coordinated activities on a variety of issues including regional water supply planning; investigation and development of traditional and alternative water supply projects; assessment of environmental impacts and groundwater sustainability; and development of water use rules and permitting criteria. The CFWI was created, in part, to incorporate the CFCA Phase II process and broaden membership to include local government, agriculture, and commercial interests and further emphasize public input.

A primary focus of the CFCA Phase II process was the development and calibration of a hydrologic groundwater flow model to determine the sustainability of groundwater supplies. Because of the complexity of the water resources assessment in the area, the need for additional data, and the desire to build a consensus among the three WMDs, DEP, DACS, utility companies, local governments, and agricultural industry representatives from the area, the analysis was not completed prior to the sunseting of the interim CFCA rule.

To address the limitations of the 2006 CFCA Action Plan schedule and fulfill the overarching objectives outlined in that plan, the CFWI was created in 2011. The CFWI is a collaborative effort among the WMDs, along with other agencies and stakeholders, to implement effective and consistent water resource planning, development, and management. The CFWI Planning Area is located in central Florida and consists of all of Orange, Osceola, Seminole, and Polk counties and southern Lake County (Figure 1), covering approximately 5,300 square miles. The CFWI Planning Area was based on the utility service areas in the central Florida region where the boundaries of the three WMDs converge.⁷⁷ The area is characterized by 43 local and county governments with a growing population and substantial urban sector. The City of Orlando has the largest population in the CFWI Planning Area.

⁷⁵ CENTRAL FLORIDA WATER INITIATIVE (2014), available at http://cfwiwater.com/pdfs/CFWI_Guiding_Document_06-27-2014.pdf.

⁷⁶ Id.

⁷⁷ Id.

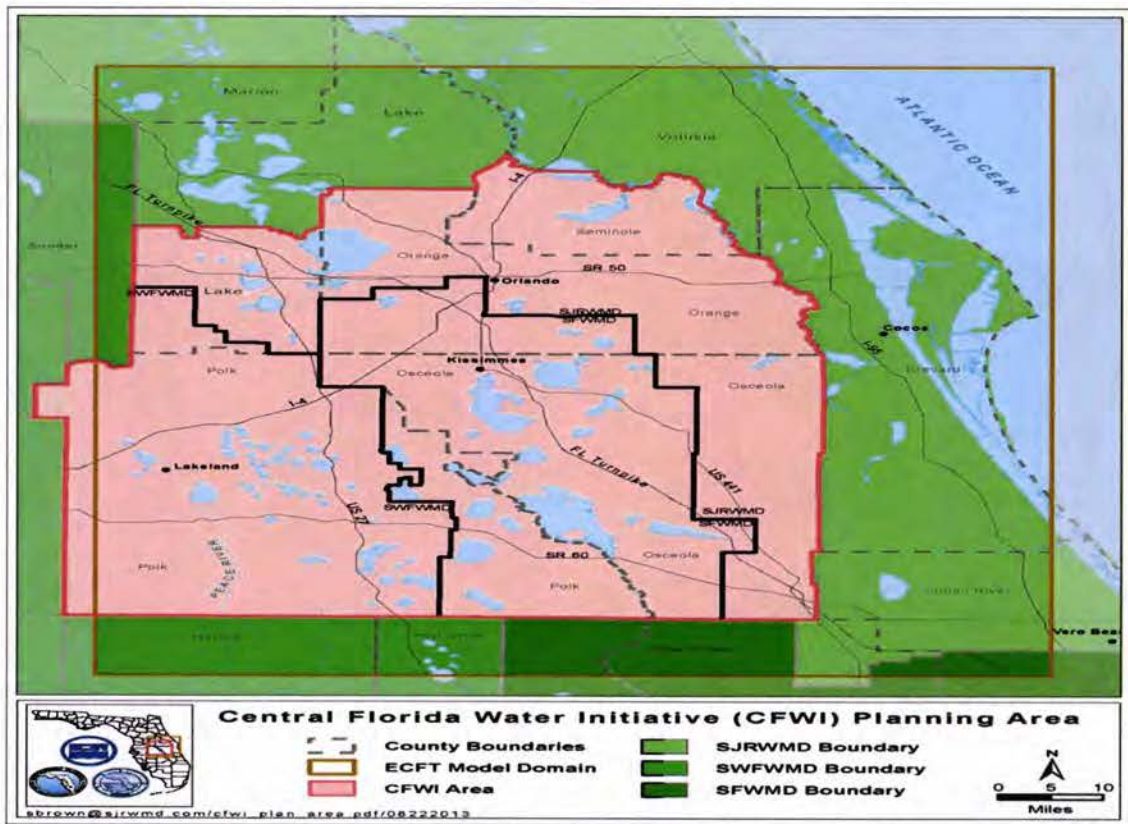
However, the residential areas with the largest growth rates are north and south of Orlando along the I-4 corridor and other major transportation routes. This area supports a large tourist industry and a growing industrial and commercial sector. Agricultural acreage is decreasing in the CFWI urban area. However, agricultural industry trends indicate a shift toward crop intensification on fewer acres, which could result in similar water demands rather than reductions.⁷⁸

Overall, the water demand for all use categories in the CFWI Planning Area is expected to increase by approximately 40% from 800 million gallons per day (mgd) in 2010 to 1,100 mgd in 2035 for average rainfall conditions. The total population in CFWI Planning Area is projected to increase by approximately 49% from 2.7 million in 2010 to more than 4.1 million in 2035.⁷⁹

The CFWI builds on the previous work of the CFCA. As a result of the CFWI, the previous CFCA implementation schedule and goals were revised to accommodate additional investigative and collaborative efforts. An executive level Steering Committee was formed to direct the coordinated efforts of the CFWI.⁸⁰ The Steering Committee is comprised of the following:

- One DACS representative;
- One DEP representative;
- One representative from the public water utilities; and
- One designated governing board member from each of the three WMDs.

Figure 1: CFWI Planning Area



CFWI Guiding Document

The CFWI Guiding Document is intended to describe the collaborative process being implemented in Central Florida, and contains the following goals of the CFWI:

⁷⁸ Id.

⁷⁹ Id.

⁸⁰ Id.

- One model;
- One uniform definition of harm;
- One reference condition;
- One process for permit reviews;
- One consistent process, where appropriate, to set MFLs and reservations; and
- One coordinated RWSP, including any needed recovery and prevention strategies.⁸¹

The CFWI Guiding Document also contains the following guiding principles:

- Identify the sustainable quantities of traditional groundwater sources available for water supply that can be used without causing unacceptable harm to the water resources and associated natural systems.
- Develop strategies to meet water demands that are in excess of the sustainable yield of existing traditional groundwater sources. Strategies should include optimizing the use of existing groundwater sources, implementing demand management, and identifying alternative water supplies that can be permitted and will be implemented as demands approach the sustainable yield of existing sources.
- Establish consistent rules and regulations for the three WMDs that meet the goals and implement the results of the CFWI. Adoption of some rules and regulations are expected to require coordination with DEP's statewide Consumptive Use Permitting Consistency initiative and the state's five WMDs.⁸²

CFWI Regional Water Supply Plan

The three WMDs, with input from stakeholders and state agencies, developed a draft RWSP in 2014.⁸³ The final draft RWSP found that, fresh groundwater resources alone cannot meet future water demands in the CFWI Planning Area without resulting in unacceptable impacts to water resources and related natural systems. Overall, the results of the modeling estimate that the sustainable groundwater withdrawal limit is 850 mgd. This results in a deficit of 250 mgd by the end of the planning horizon. Because existing sources are insufficient to meet projected demands, WMDs need to "optimize ground withdrawals, and identify and implement a combination of water conservation and alternative water supply project options to adequately address the projected 2035 water demands."⁸⁴

Effect of Proposed Changes

The bill creates s. 373.0465, F.S., to codify in statute the CFWI.

Section 373.0465(1), F.S., contains the following legislative findings:

- The Floridan aquifer has historically supplied the majority of water for southern Lake County, and all of Orange, Osceola, Polk, and Seminole Counties.
- The Floridan aquifer in this area is reaching sustainable limits, and, because the boundaries of the SJRWMD, the SFWMD and the SWFWMD converge in this area, the three WMDs and DEP have worked collectively to determine the sustainability of the aquifer and explore other sources of water to meet projected needs.
- DEP, the three WMDs, DACS, utilities, and stakeholders have formed the CFWI and developed a framework for a unified process to address the current and long-term water supply needs of the area, as set forth in the CFWI's Guiding Document, dated June 27, 2014.
- An interagency agreement between DEP, the three WMDs, and DACS is needed to ensure the CFWI participants continue to develop and implement an effective and consistent long-term water resource planning, development, and management strategy for the central Florida area.

⁸¹ Id.

⁸² Id.

⁸³ See CFWI final draft RWSP.

⁸⁴ Id.

- The development of water sources in lieu of continued reliance on the Floridan aquifer will benefit human and natural systems beyond the boundaries of the CFWI.

Section 373.0465(2), F.S., defines the term “Central Florida Water Initiative Area,” to mean the area designated by the three WMDs that encompass all of Orange, Osceola, Polk and Seminole Counties, and southern Lake County, and requires DEP to complete, by December 31, 2015, a CFWI interagency agreement with the three WMDs and DACS. The interagency agreement only applies to the CFWI area and must be adopted in the same manner as a rule, pursuant to chapter 120, F.S. The interagency agreement must:

- Provide for continued collaboration between DEP, the three WMDs, DACS, regional public water supply utilities, and other stakeholders.
- Include the guiding principles and goals established in the CFWI Guidance Document and build upon the accomplishments of the CFWI in addressing these principles and goals.
- Require the development and implementation of a single multi-district RWSP by the three WMDs, including any needed recovery and prevention strategies and the approved list of water resource or water supply development projects.
- Require uniform rules for regulatory programs that include:
 - A single hydrologic model to assess groundwater availability.
 - A single definition of harm.
 - A single reference condition.
 - A single permit review process.
 - A single process for setting MFLs and reservations.
 - A single method for calculating residential per capita water use.

In addition, the parties to the interagency agreement must, in developing the water supply planning program and the regulatory program:

- Consider limitations on groundwater use together with opportunities for new, increased, or redistributed groundwater uses that are based on environmental constraints.
- Establish a coordinated process to identify new or revised environmental constraints.
- Consider existing prevention and recovery strategies.
- Include a list of water supply options to meet the needs of all existing and future reasonable-beneficial uses which avoid environmental harm and are consistent with public interest.
- Identify preferred water supply sources pursuant to s. 373.2234, F.S.⁸⁵
- Provide for partnership agreements among DEP, DACS, WMDs, and water users.

Lastly, the planning and regulatory programs developed pursuant to the interagency agreement must be approved or adopted pursuant to chapter 373, F.S. However, planning and regulatory programs developed pursuant to the interagency agreement cannot modify planning and regulatory programs in areas of the WMDs that are not within the CFWI area, but may include interregional projects located outside of the CFWI area if they are consistent with the planning and regulatory programs in the areas in which they are located.

Central and Southern Florida Project

Present Situation

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

⁸⁵Section 373.2234, F.S., provides requirements for identifying preferred water supply sources.

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

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

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

Effect of Proposed Changes

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

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

Lake Okeechobee Watershed and the Northern Everglades and Estuaries Protection Program

Present Situation

Lake Okeechobee Watershed Protection Program

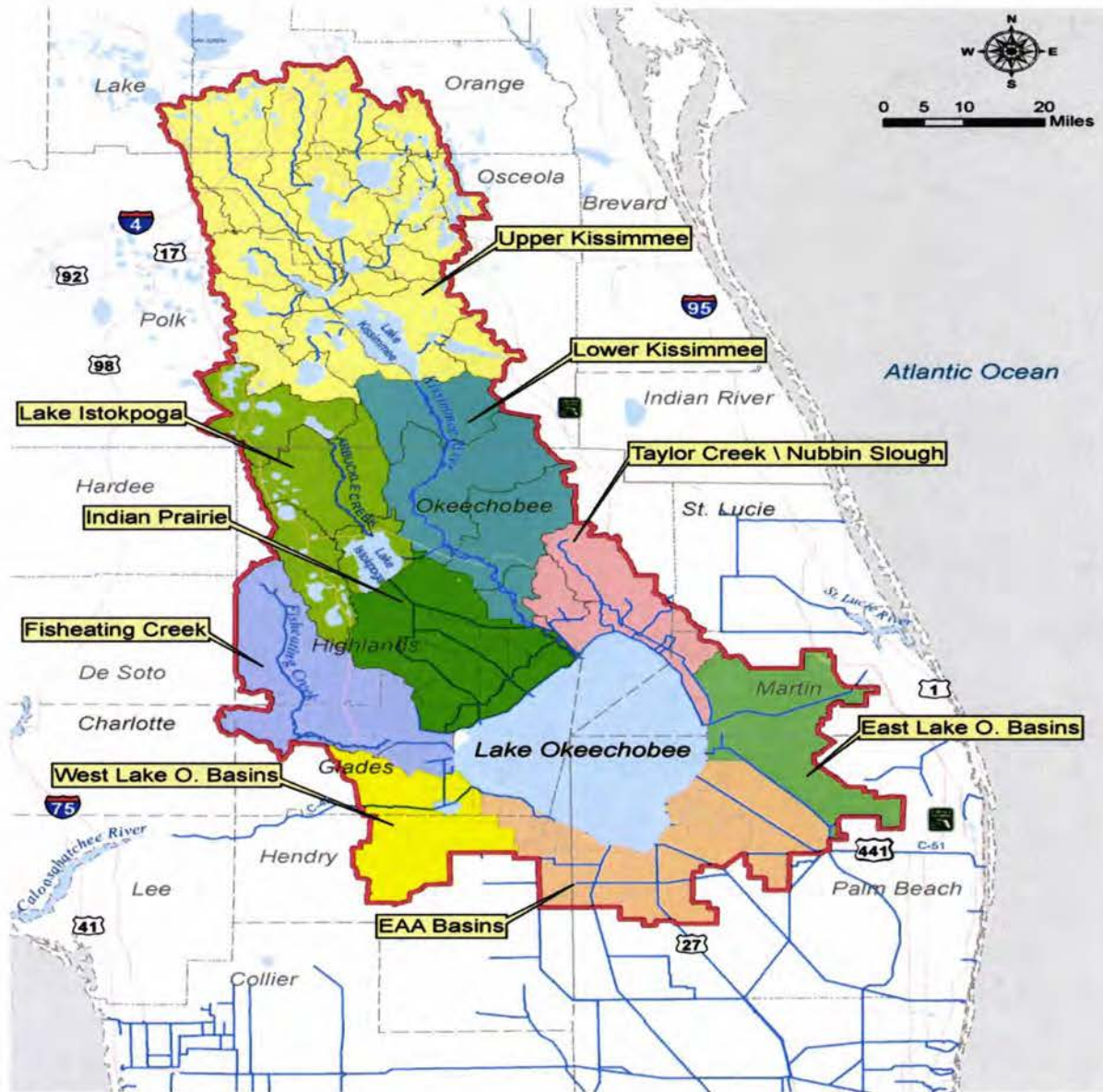
Lake Okeechobee is Florida's largest freshwater lake and the second largest in the continental United States.⁸⁶ It provides drinking water, irrigation for agricultural land, and freshwater for the Everglades.⁸⁷ The Lake Okeechobee watershed, the area of land which drains or otherwise contributes to the flow of water into the lake, is approximately 1,800 square miles, actually larger than Rhode Island (Figure 2).⁸⁸

⁸⁶ *DEP Adopts Restoration Plan for Lake Okeechobee*, available at <http://content.govdelivery.com/accounts/FLDEP/bulletins/e1e723>

⁸⁷ *Id.*

⁸⁸ Section 3736.403(12), F.S. and *DEP Adopts Restoration Plan for Lake Okeechobee*, available at <http://content.govdelivery.com/accounts/FLDEP/bulletins/e1e723> and *Executive Summary Lake Okeechobee Protection Plan Update (March 2011)*, available at http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/ne_crwpp_main_123108.pdf

Figure 2: Lake Okeechobee Boundary and Sub-Watersheds



The Lake Okeechobee Watershed Protection Program is designed to reduce phosphorus loading to the lake, thereby improving water quality in the lake, and in the downstream receiving waters.⁸⁹ The initial phase for achieving phosphorous reductions was through the use of the SFWMD's Works of the District (WOD) program with subsequent phasing of reductions through the establishment of a TMDL for phosphorous.⁹⁰ The phosphorous TMDL was established in 2001.⁹¹ In December 2014, DEP adopted the Lake Okeechobee BMAP, which implements phosphorus reductions established by the TMDL.⁹²

⁸⁹ Sections 373.4595(1)(e) and (3), F.S.

⁹⁰ Sections 373.4595(1)(f) and (3), F.S.

⁹¹ *Total Maximum Daily Load for Total Phosphorous Lake Okeechobee, Florida*, available at http://www.dep.state.fl.us/water/tmdl/docs/tmdls/final/gp1/Lake_O_TMDL_Final.pdf

⁹² *DEP Adopts Restoration Plan for Lake Okeechobee*, available at <http://content.govdelivery.com/accounts/FLDEP/bulletins/e1e723>

The BMAP identifies strategies and projects to reduce phosphorus entering the lake by 33% over the next 10 years and for the continued planning and development of longer-term projects.⁹³

The Lake Okeechobee Watershed Protection Program consists of several components: the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee Watershed Construction Project, the Lake Okeechobee Watershed Protection Phosphorus Control Program, the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorus Management Program.⁹⁴ The Lake Okeechobee Watershed Protection Plan identifies the geographic extent of the watershed, contains the implementation schedule for phosphorus load reductions consistent with the TMDL, and serves as the framework for the other components of the program.⁹⁵ The Lake Okeechobee Watershed Construction Project serves to improve the hydrology and water quality of Lake Okeechobee and of downstream waterbodies through the construction of stormwater treatment areas, water storage reservoirs, and other projects.⁹⁶ The Lake Okeechobee Watershed Protection Phosphorus Control Program is designed to reduce phosphorous loads through the implementation of BMPs, and other technologies for nutrient reduction.⁹⁷ The Lake Okeechobee Watershed Research and Water Quality Monitoring Program component assesses sources of phosphorus, evaluates the feasibility of alternative nutrient reduction technologies, and evaluates water quality data.⁹⁸ The Lake Okeechobee Exotic Species Control Program identifies exotic plant species and implements measures to protect the native species.⁹⁹ The Lake Okeechobee Internal Phosphorus Management Program deals with historical phosphorus loading in Lake Okeechobee's sediments.¹⁰⁰

Northern Everglades and Estuaries Protection Program

In 2007, the Lake Okeechobee Protection Program was expanded to include the Caloosahatchee River, the St. Lucie River, and their estuaries (Northern Everglades and Estuaries Protection Program or NEEPP).¹⁰¹ The NEEPP consists of the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed, recognizing the connectivity of the Everglades, north and south of Lake Okeechobee (Figure 3).¹⁰² Improvements to the hydrology, water quality and aquatic habitats within these watersheds are essential to the protection of the Everglades.¹⁰³ Implementation of the Lake Okeechobee Watershed Protection Plan, discussed above, as well as the watershed protection programs developed for the St. Lucie River and Caloosahatchee River are necessary to achieve and maintain compliance with state WQS and re-establish salinity regimes for a well-balanced ecosystem.¹⁰⁴

⁹³ Id.

⁹⁴ Section 373.4595(3)(a)-(f), F.S.

⁹⁵ Section 373.4595(3)(a), F.S.

⁹⁶ Section 373.4595(3)(b), F.S.

⁹⁷ Section 373.4595(3)(c), F.S.

⁹⁸ Section 373.4595(3)(d), F.S.

⁹⁹ Section 373.4595(3)(e), F.S.

¹⁰⁰ Section 373.4595(3)(f), F.S.

¹⁰¹ *Quick Facts: Northern Everglades & Estuaries Protection Program*, available at

http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/spl_northern_everglades.pdf

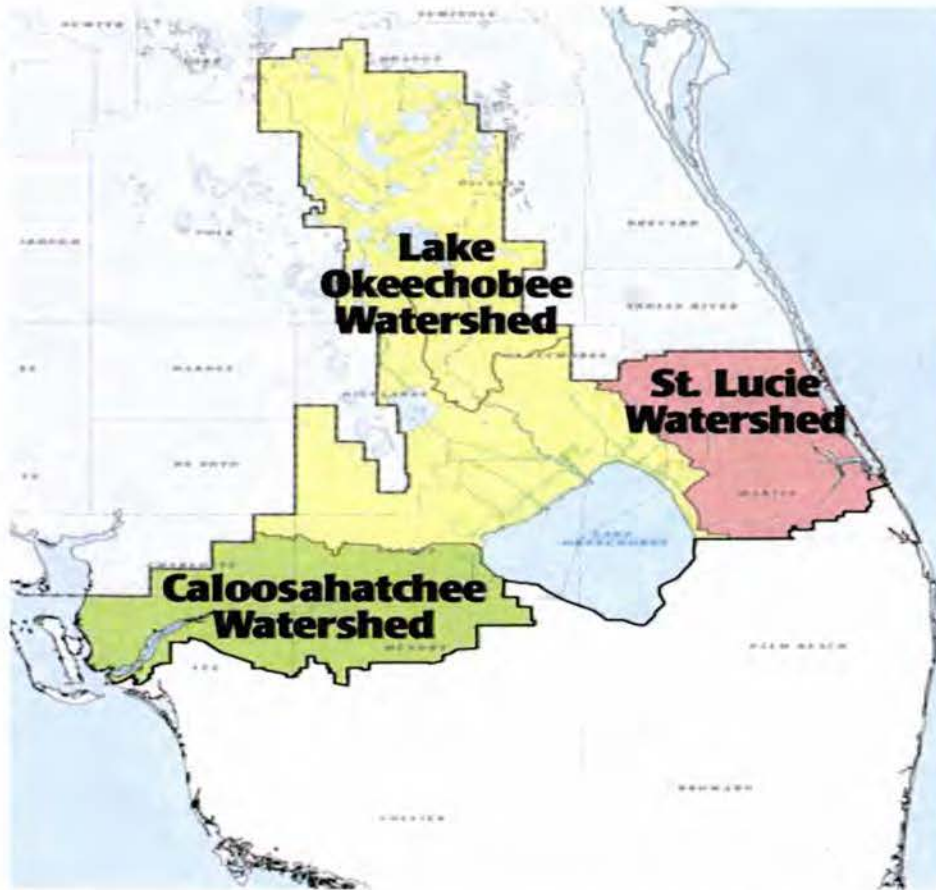
¹⁰² Section 373.4595(2)(l), F.S. and *Quick Facts: Northern Everglades & Estuaries Protection Program*, available at

http://www.sfwmd.gov/portal/page/portal/xrepository/sfwmd_repository_pdf/spl_northern_everglades.pdf

¹⁰³ Section 373.4595(1)(c), F.S.

¹⁰⁴ Sections 373.4595(1)(h) and (4), F.S.

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



The Caloosahatchee River and St. Lucie River Watershed Protection Programs are three pronged approaches.¹⁰⁵ Each has a construction project component, a pollutant control program, and a research and water quality monitoring program.¹⁰⁶

The construction project component works to improve the hydrology, water quality, and aquatic habitat within the respective watershed.¹⁰⁷ The pollutant control programs are multifaceted approaches to pollutant load reductions through the implementation of BMPs and other innovative nutrient control technologies.¹⁰⁸ The water quality research and water quality monitoring programs are required to build upon the SFWMD's existing program and include an assessment of water volumes and timing from Lake Okeechobee and the respective river watershed and their relative contributions to the timing and volume of water delivered to the respective estuaries.¹⁰⁹

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

¹⁰⁵ Section 373.4595(4)(a) and (b), F.S.

¹⁰⁶ Id.

¹⁰⁷ Sections 373.4595(4)(a)1. and (b)1., F.S.

¹⁰⁸ Sections 373.4595(4)(a)2. and (b)2., F.S.

¹⁰⁹ Sections 373.4595(4)(a)3., and (b)3., F.S.

Effect of Proposed Changes

Section 373.4595, F.S., establishing the NEEPP is amended as follows:

- Subsection (2) is amended to include definitions for the terms “biosolids” and “soil amendment.” These terms are used in s. 373.4595, F.S., but were not defined. The definitions of “District’s WOD program” and “Lake Okeechobee Watershed Phosphorous Control Program” are removed since these terms are no longer used in the section. The definition of “Lake Okeechobee Watershed Protection Plan” is amended to conform to other changes in the bill.
- Subsection (3) is amended to reflect that the Lake Okeechobee Watershed Protection Program (LOWPP) consists of the Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee BMAP, the Lake Okeechobee Exotic Species Control Program, and the Lake Okeechobee Internal Phosphorous Management Program. Additionally, new language is added to specify that the component of the LOWPP responsible for achieving phosphorus reductions in Lake Okeechobee is the Lake Okeechobee BMAP.
 - Paragraph (3)(a) is amended to:
 - ❖ Require the SFWMD, beginning March 1, 2020, and every 5 years thereafter, to update the Lake Okeechobee Watershed Protection Plan to ensure its consistency with the Lake Okeechobee BMAP.
 - ❖ Require the Lake Okeechobee Watershed Protection Plan to include the Lake Okeechobee Watershed Construction Project and the Lake Okeechobee Watershed Research and Water Quality Monitoring Program.
 - ❖ Require the SFWMD to cooperate with the other coordinating agencies when designing and constructing the Lake Okeechobee Watershed Construction Project.
 - ❖ Specify that the Phase II technical plan of the Lake Okeechobee Watershed Construction Project is to provide the basis for the Lake Okeechobee BMAP.
 - ❖ Direct DEP, within 5 years after adoption of the Lake Okeechobee BMAP and every 5 years thereafter, to evaluate the Lake Okeechobee Watershed Construction Project to identify any further load reductions needed to achieve compliance with the Lake Okeechobee TMDL. Any modifications to the Lake Okeechobee Watershed Construction Project resulting from the evaluation must be incorporated into the Lake Okeechobee BMAP.
 - ❖ Require the coordinating agencies to implement the Lake Okeechobee Watershed Research and Water Quality Monitoring Program, and for DEP to use the results, in cooperation with the coordinating agencies, to modify the Lake Okeechobee BMAP, as appropriate.
 - ❖ Require DEP, beginning March 1, 2020, and every 5 years thereafter, to reevaluate water quality and quantity data to ensure that the appropriate projects are being designated and incorporated into the Lake Okeechobee BMAP.
 - ❖ Require results of the phosphorous assessment from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga to be used as part of the Lake Okeechobee BMAP to develop interim measures, BMPs, or regulations, as applicable.
 - Paragraph (3)(b) is amended to specify that the Lake Okeechobee BMAP is the watershed phosphorus control component for Lake Okeechobee. The plan must contain an implementation schedule for pollutant load reductions consistent with the adopted TMDL. The coordinating agencies must develop an interagency agreement that is consistent with DEP taking the lead on water quality protection measures through the Lake Okeechobee BMAP, the SFWMD taking the lead on hydrologic improvements pursuant to the Lake Okeechobee Watershed Protection Plan, and DACS taking the lead on agricultural interim measures, BMPs, and other measures. The interagency agreement must specify how BMPs for nonagricultural nonpoint sources are developed and how all BMPs are implemented and verified. The interagency agreement must also address measures to be taken by the coordinating agencies during any BMP reevaluation that is performed. DEP is required to use best professional judgment in making the initial determination of a BMP’s effectiveness. The coordinating agencies are authorized to develop an intergovernmental agreement with local governments to

implement nonagricultural nonpoint source BMPs within their respective geographic boundaries. The bill also makes the following additional revisions to paragraph (3)(b):

- ❖ Requires agricultural nonpoint source BMPs developed and designed to achieve the objectives of the LOWPP as part of a phased approach of management strategies within the Lake Okeechobee BMAP to be implemented on an expedited basis.
 - ❖ Requires an owner or operator of an agricultural nonpoint source who chooses to conduct monitoring instead of implementing BMPs or interim measures to demonstrate compliance with WQS addressed by the Lake Okeechobee BMAP rather than demonstrating compliance with the district's WOD program.
 - ❖ Requires nonagricultural nonpoint source BMPs developed and designed to achieve the objectives of the LOWPP as part of a phased approach of management strategies within the Lake Okeechobee BMAP to be implemented on an expedited basis.
 - ❖ Provides that a permit holder who is in compliance with BMPs as set forth in chapter 40E-63, F.A.C.,¹¹⁰ may elect to use the requirements of that permit in lieu of the requirements set forth in the Lake Okeechobee BMAP, and implementation of BMPs in accordance with chapter 40E-63, F.A.C., will provide a presumption of compliance for phosphorous.
 - ❖ Replaces all references to the term "residuals" with the term "biosolids." The term is synonymous, but biosolids is the more accurate term used in practice today.
 - ❖ Requires the Department of Health to require all entities disposing of septage within the Lake Okeechobee watershed to develop and submit to the agency an agricultural use plan that limits applications based upon phosphorous loading consistent with the Lake Okeechobee BMAP, instead of the phosphorous limits established in the district's WOD program.
 - ❖ Requires the SFWMD to revise chapter 40E-61, F.A.C.,¹¹¹ to be consistent with NEEPP, as amended by this bill, to provide for a monitoring program for nonpoint source dischargers required to monitor water quality, and to provide for the results of such monitoring to be reported to the coordinating agencies.
 - ❖ Requires the SFWMD, in cooperation with the other coordinating agencies, to evaluate the feasibility of Lake Okeechobee internal phosphorous load removal projects. The evaluation must consider all reasonable methods of phosphorous removal.
- Subsection (4) is amended to include the following revisions to the Caloosahatchee and St. Lucie River Watershed Protection Programs:
 - Specifies that the Caloosahatchee River Watershed Protection Plan includes the Caloosahatchee River Watershed Construction Project and the Caloosahatchee River Watershed Research and Water Quality Monitoring Program.
 - Provides that the BMAPs adopted for the Caloosahatchee River watershed are the Caloosahatchee River Watershed Pollutant Control Program.
 - Requires limits on the application of septage within the Caloosahatchee River and St. Lucie River watersheds to be based on nutrient loading consistent with any BMAP, and deletes the requirement that nutrient concentrations not exceed limits established in the district's WOD program.
 - Specifies that the St. Lucie River Watershed Protection Plan includes the St. Lucie River Watershed Construction Project and the St. Lucie River Watershed Research and Water Quality Monitoring Program.
 - Specifies that the BMAPs adopted for the St. Lucie River are the St. Lucie River Watershed Pollutant Control Program.

¹¹⁰ Chapter 40E-63, Fla. Admin. Code, establishes the Everglades Regulatory Program, which requires certain permits and BMPs for entities within the Everglades Agricultural Area.

¹¹¹ Chapter 40E-61, Fla. Admin. Code, sets forth the rule criteria for the Works of the District.

- Requires BMAPs for the Caloosahatchee River and St. Lucie River watersheds to contain an implementation schedule for pollutant load reductions consistent with their adopted TMDL.
- Requires that beginning March 1, 2020, and every 5 years thereafter, concurrent with updates to the BMAPs, the SFWMD must conduct an evaluation of pollutant load reduction goals of the Caloosahatchee River and St. Lucie River Watershed Protection Programs.
- Subsection (5) is amended to require DEP to initiate development of BMAPs for the Lake Okeechobee watershed, the Caloosahatchee River watershed and estuary, and the St. Lucie River watershed and estuary. In addition, the bill:
 - Requires management strategies and pollution reduction requirements set forth in a BMAP to be completed pursuant to the schedule set forth in the BMAP, and specifies that the implementation schedule may extend beyond the 5-year permit term.
 - Provides that management strategies and pollution reduction requirements set forth in a BMAP are not subject to challenge under chapter 120, F.S., when they are incorporated into a DEP or SFWMD issued permit or permit modification.
- Subsection (6) is amended to require DEP to report on the status of the Lake Okeechobee BMAP, the Caloosahatchee Estuary BMAP, and the St. Lucie River and Estuary BMAP, and for DACS to report on the status of implementation of agricultural nonpoint source BMPs in the consolidated WMD annual report required pursuant to s. 373.036(7), F.S.¹¹²
- Subsection (7) is amended to include the following revisions to the permitting requirements in s. 373.4595, F.S.:
 - Provides legislative findings that the Caloosahatchee River Watershed Protection Program and the St. Lucie River Watershed Protection Program will benefit the respective rivers and their estuaries and are in the public interest. Also, that SFWMD regional projects that are part of the Caloosahatchee River Watershed Construction Project, the St. Lucie River Watershed Construction Project, the Lake Okeechobee Watershed Construction Project, and structures discharging into or from Lake Okeechobee must be constructed, operated, and maintained in accordance with this section.
 - Provides that only those permits required in this subsection and NPDES permits are required for the Caloosahatchee River Watershed Construction Project, the St. Lucie River Watershed Construction Project, or structures discharging into or from Lake Okeechobee, if such projects or structures are permitted under this section.
 - Provides that owners and operators of existing structures that discharge into or from Lake Okeechobee that were subject to certain DEP consent orders and are subject to s. 373.4592(4)(a), F.S.,¹¹³ do not require a permit under this section and must be governed by permits issued under ss. 373.413¹¹⁴ and 373.416, F.S.,¹¹⁵ and the Lake Okeechobee BMAP.
 - Requires the SFWMD to obtain from DEP a permit modification to the Lake Okeechobee structure permits to incorporate proposed changes necessary to ensure that discharges through the structures covered by the permit are consistent with the BMAP. The bill deletes the provision that these changes must be designed to achieve compliance with WQS by January 1, 2015.
 - Directs DEP to require permits for SFWMD regional projects that are part of the Caloosahatchee River Watershed Construction Project, the St. Lucie River Watershed Construction Project, and the Lake Okeechobee Watershed Construction Project. The bill requires the SFWMD to demonstrate reasonable assurances that the regional projects will achieve the design objectives for phosphorous.

¹¹² Section 373.036(7), F.S., sets forth the requirements for the consolidated WMD annual report.

¹¹³ Section 373.4592(4)(a), F.S., sets forth the requirements for the Everglades Construction Project.

¹¹⁴ Section 373.413, F.S., establishes the requirements for environmental resource permits.

¹¹⁵ Section 373.416, F.S., establishes the requirements for environmental resource permits for maintenance purposes.

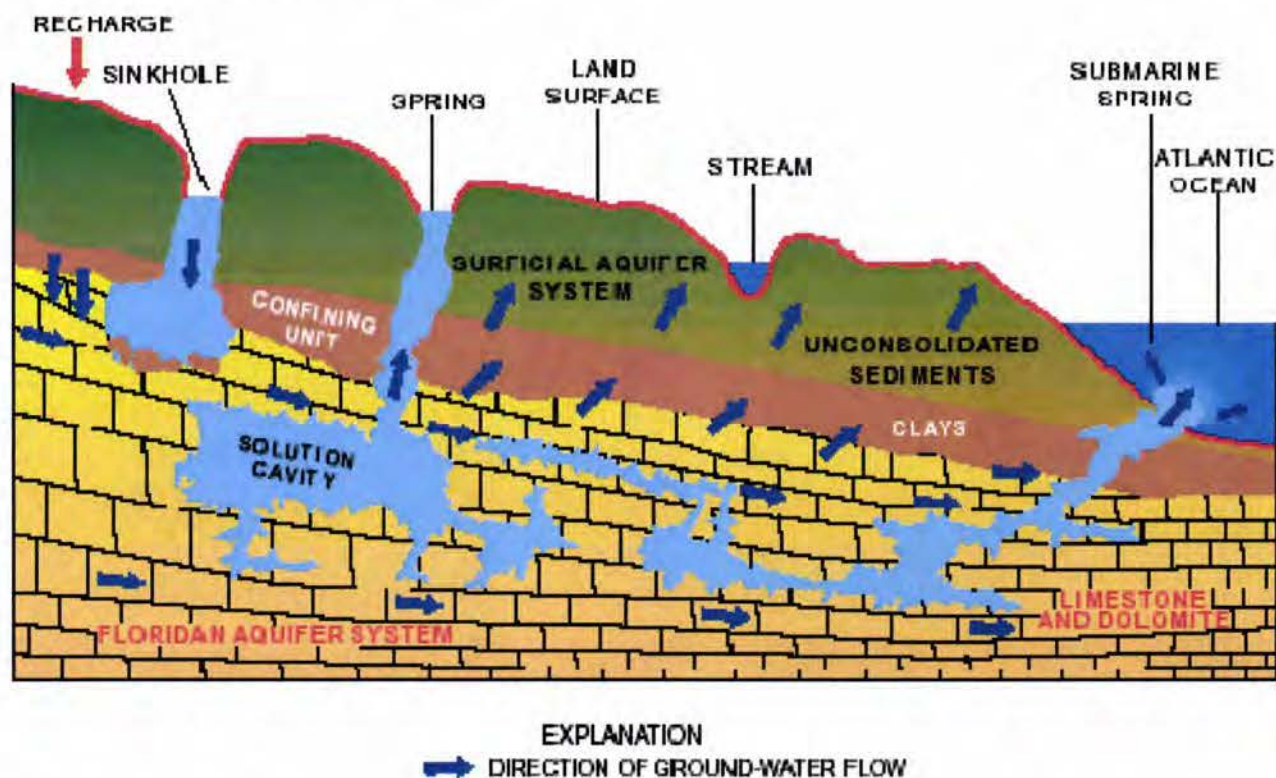
Springs Protection and Restoration

Present Situation

What are Springs?

A spring is a point where groundwater emerges onto the Earth's surface (Figure 4). It is estimated that Florida has more than 900 springs, possibly the largest concentration in the world.¹¹⁶ Florida has two types of springs, seeps and karst springs.¹¹⁷

Figure 4: How are springs formed?¹¹⁸



Seeps form when rainwater percolates down through permeable sediments to a much less permeable or impermeable formation, which forces the water to move laterally to the surface.¹¹⁹ Seeps may also form in karst areas where water flow from the Floridan aquifer is more diffuse.¹²⁰ An example of a seep spring in Florida is Ray Hill Seep Spring.¹²¹ It is one of a collection of springs surfacing from the base of an 80-foot high bluff outside of Ponce de Leon, Florida.¹²² It joins with other, smaller seep springs to form Camp Branch.¹²³

¹¹⁶ This information can be found on DEP's website at <http://www.dep.state.fl.us/springs/>.

¹¹⁷ *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf

¹¹⁸ Available at <http://water.usgs.gov/edu/watercyclesprings.html>.

¹¹⁹ Id.

¹²⁰ *Florida Spring Classification System and Spring Glossary*, available at http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf

¹²¹ Information available at NFWFMD's website at <http://ftp.nfwfmd.state.fl.us/rmd/springs/choctawhatchee/docs/rayhill.html>

¹²² Id.

¹²³ Id.

The majority of Florida's springs are karst springs.¹²⁴ Florida is one of the few places in the world with karst springs.¹²⁵ Karst springs occur when groundwater flows to the surface through the highly porous and permeable karst limestone formations of the Floridan aquifer.¹²⁶

The Floridan aquifer is an extensive limestone aquifer underlying all of Florida, and portions of southern Georgia, Alabama, and South Carolina (Figure 5).¹²⁷

Figure 5: The Floridan aquifer¹²⁸



Figure 48. The carbonate rocks of the Floridan aquifer system underlie all of Florida, most of the Coastal Plain of Georgia, and extend for short distances into Alabama and South Carolina.

Springs have dynamic water flows.¹²⁹ Accordingly, the magnitude, or size, of a spring is based on the median value of all discharge measurements for a period of record.¹³⁰ There are eight magnitude classifications:

Magnitude	Average flow of water
1	100 cubic feet per second (cfs) or more (64.6 million gallons per day (mgd) or more)
2	10 to 100 cfs (6.46 to 64.6 mgd)
3	1 to 10 cfs (0.0646 to 6.46 mgd)
4	100 gallons per minute (gpm) to 1 cfs (448 gpm)
5	10 to 100 gpm
6	1 to 10 gpm
7	1 pint to 1 gpm
8	Less than 1 pint per minute ¹³¹

¹²⁴ Florida Spring Classification System and Spring Glossary, available at http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf

¹²⁵ Florida Springs Initiative Monitoring Network Report and Recognized Sources of Nitrate, available at http://www.dep.state.fl.us/springs/reports/files/springs_report_102110.pdf

¹²⁶ Springs of Florida, Florida Geological Survey Bulletin No. 66, available at http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf

¹²⁷ Protecting Florida's Springs: An Implementation Guidebook, available at <http://www.dep.state.fl.us/springs/reports/files/springsimplementguide.pdf>

¹²⁸ Image is from the U.S. Geological Survey http://pubs.usgs.gov/ha/ha730/ch_g/G-Floridan1.html.

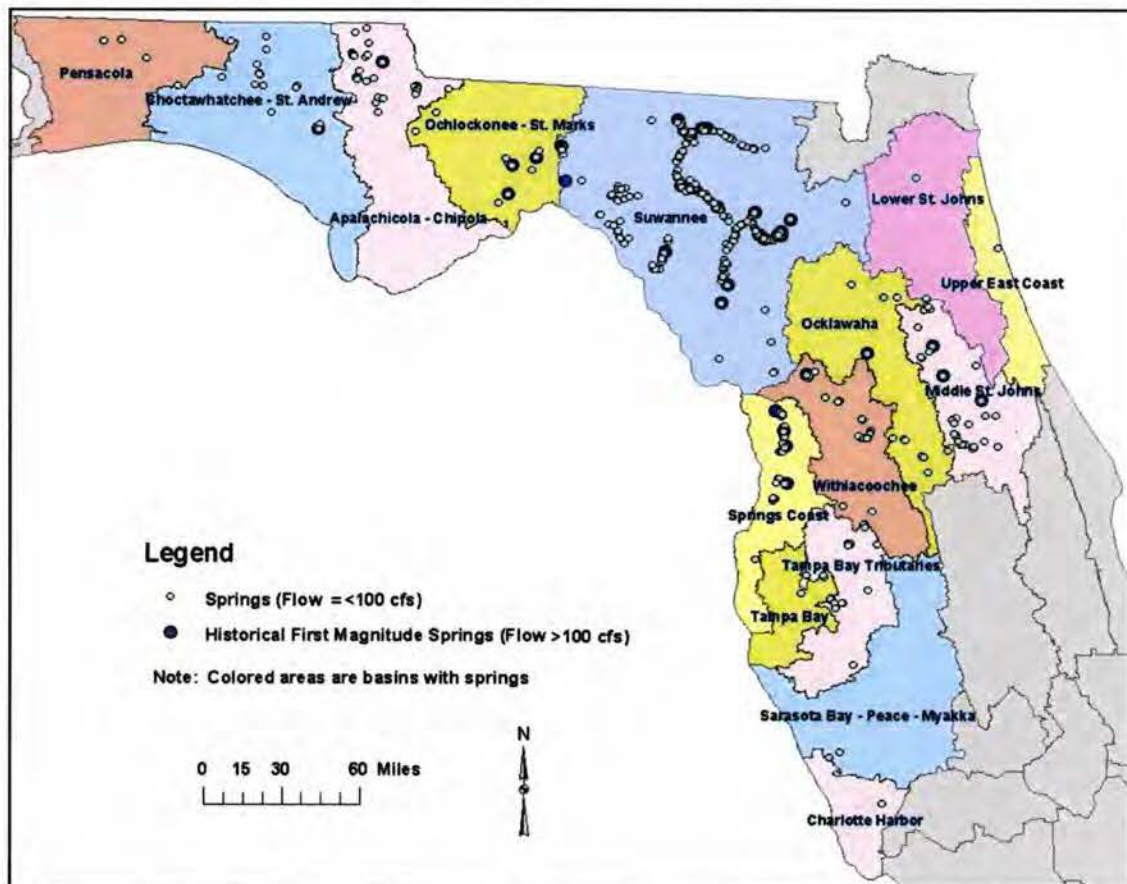
¹²⁹ Florida Spring Classification System and Spring Glossary, available at http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf

¹³⁰ Id.

Florida has 33 first magnitude springs, more than any other state or country.¹³² Many springs in Florida have kept a first magnitude category even though the flows have changed considerably from when the spring was first considered a first magnitude spring.¹³³ These springs are known as historical first magnitude springs.¹³⁴ The term “historical” refers to the period of time prior to the adoption of the Florida Springs Classification System in 2003.¹³⁵ Florida has also identified 191 second magnitude and 151 third magnitude springs.¹³⁶

Florida's springs occur primarily in the northern two-thirds of the peninsula and the central panhandle (Figure 6).¹³⁷ Thirty-nine of Florida's 67 counties either contain springs or include land areas that contribute water to springs.¹³⁸

Figure 6: Distribution of Springs



Florida's springs maintain abundant wildlife, provide water flow to rivers and estuaries, and provide for swimming, fishing, kayaking, and other recreational opportunities for residents and visitors.¹³⁹

¹³¹ Id.

¹³² *First Magnitude Springs of Florida*, available at <http://publicfiles.dep.state.fl.us/FGS/WEB/listpubs/OFR-85.pdf>

¹³³ *Florida Spring Classification System and Spring Glossary*, available at

http://www.dep.state.fl.us/geology/geologictopics/springs/sp_52.pdf

¹³⁴ Id.

¹³⁵ Id.

¹³⁶ *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at

http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf

¹³⁷ Id.; Figure 6 – *Florida Springs Initiative Program Summary and Recommendations, 2007*, available at

http://www.dep.state.fl.us/springs/reports/files/2007springs_report.pdf

¹³⁸ *Florida Springs Initiative Program Summary and Recommendations, 2007*, available at

http://www.dep.state.fl.us/springs/reports/files/2007springs_report.pdf

¹³⁹ *Florida's Springs Strategies for Protection and Restoration*, available at

<http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf>

Historically dated artifacts indicate humans have been drawn to Florida's springs for thousands of years.¹⁴⁰ Tools and weapons have been recovered from Wakulla and Little Salt Springs, and spear points have been recovered from the spring-fed riverbeds of north and central Florida.¹⁴¹ Florida's springs were locations of Spanish missions, steamboat landings, and gristmills.¹⁴² In the mid to late 1800s, Florida's springs served as sites for development, including Silver Springs, Green Cove Springs and De Leon Springs.¹⁴³ Some springs were valued for their perceived therapeutic qualities.¹⁴⁴

Florida's springs were the state's first tourist attraction and have continually provided contributions to its economy.¹⁴⁵ In 1999, Florida's 12 spring state parks attracted over 2 million visitors.¹⁴⁶ In 2002, more than \$65 million was generated from 4 of the spring state parks alone -- Ichetucknee, Wakulla, Homosassa and Volusia Blue Springs.¹⁴⁷ Additionally, privately owned and operated parks featuring springs contribute millions of dollars to Florida's economy each year.¹⁴⁸

Florida's springs are also a source for bottled water. Zephyrhills® Brand 100% Natural Spring Water comes from Crystal Springs, located near Zephyrhills, Florida, and from other springs around the state.¹⁴⁹ Ginnie Springs, in High Springs, Florida, is a source of bottled water for Danone International Brands, Inc.¹⁵⁰

Spring Flows

A spring's flow rate or discharge rate changes in response to fluctuations in the water level of the Floridan aquifer. Discharge rate is measured in cubic feet per second or gallons per day. The discharge rate of a spring generally remains stable over extended periods of time. However, because discharge rates are driven by the rate of recharge, climatic fluctuations often have a major effect on spring flow.¹⁵¹ In addition to climatic conditions, anthropogenic factors, such as over pumping of the aquifer, can also have an impact on spring flows and discharge rates.

During 1998 - 2002, Florida suffered a major drought with a rainfall deficit totaling more than 50 inches (127 cm). The resulting reduction in recharge from the drought and normal withdrawals caused a lowering of the aquifer. Many first magnitude springs experienced a significant flow reduction. Some springs, such as Hornsby Spring, ceased flowing completely.¹⁵² To prevent reductions in discharge rates that could adversely impact a spring's surrounding ecosystem and to restore already reduced discharge rates, DEP and the WMDs establish MFLs and implement prevention and recovery strategies.

¹⁴⁰ Id.

¹⁴¹ Id.

¹⁴² Id.

¹⁴³ Id.; Figure 7 - *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at

http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf

¹⁴⁴ *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at

http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf

¹⁴⁵ *Florida's Springs Strategies for Protection and Restoration*, available at

<http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf>

¹⁴⁶ Id.

¹⁴⁷ *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at

http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf; *Economic Impact Selected Florida Springs on Surrounding Local Areas*, available at <http://www.dep.state.fl.us/springs/reports/files/EconomicImpactStudy.doc>

¹⁴⁸ *Florida's Springs Strategies for Protection and Restoration*, available at

<http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf>

¹⁴⁹ Zephyrhills® Brand 100% Natural Spring Water website, available at <http://www.zephyrhillswater.com>.

¹⁵⁰ *Florida's Springs Strategies for Protection and Restoration*, available at

<http://www.dep.state.fl.us/springs/reports/files/SpringsTaskForceReport.pdf>

¹⁵¹ *Springs of Florida, Florida Geological Survey Bulletin No. 66*, available at

http://publicfiles.dep.state.fl.us/FGS/WEB/springs/bulletin_66.pdf

¹⁵² Id.

Nutrient Pollution and Sources Specific to Groundwater and Springs

The health of Florida's spring water is an indication of the water quality within the aquifer.¹⁵³ There has been a documented increase in nitrate concentrations over the past several decades in Florida's springs.¹⁵⁴

In 2008, DEP proposed a nitrogen threshold of 0.35 mg/L for springs, applicable to nitrate and nitrate+nitrite.¹⁵⁵ Thirty-six of the 49 springs studied exceeded DEP's proposed threshold. As of January 2010, 14 of the 49 springs and 10 waterbodies deriving their flow from springs were identified as impaired due to nitrate enrichment.¹⁵⁶

As discussed in the background section above, the primary sources of nitrogen are from fertilizers, human wastewater, animal waste, and air emissions.¹⁵⁷ Consequently, springs found to have the highest concentrations of nitrogen are located in or near areas where there are agriculture, commercial, and residential developments.¹⁵⁸

Effect of Proposed Changes

The bill creates a new Part VIII of chapter 373, F.S., entitled "Florida Springs and Aquifer Act," consisting of ss. 373.801 through 373.809, F.S.

Section 373.801(1), F.S., contains the following legislative findings:

- Springs are a unique part of Florida's scenic beauty. They provide critical habitat for plants and animals, and immeasurable recreational and economic value to the state.
- Springs provide recreational opportunities for swimming, canoeing, diving, and other activities, which, along with the accompanying tourism, benefit state and local economies.
- Springs are of great scientific importance in understanding the functions of aquatic systems. Water quality and quantity in springs are indicators of local conditions of the Floridan aquifer, which is the source of drinking water for many residents.
- The most effective means of protecting spring flows is implementation of the state's MFL program through recovery and prevention strategies.
- The most effective means of restoring springs impaired by nutrient pollution is through the expeditious establishment of TMDLs through the implementation of the BMAP program. Nutrient sources vary between springs and may include wastewater collection and treatment facilities, septic systems, agricultural operations, and stormwater discharges. The BMAP program allows efforts and funds to be targeted to address the nutrient sources for each spring or group of springs.

Section 373.801(2), F.S., establishes that it is the Legislature's intent that:

- BMAPs and recovery and prevention strategies for springs be expeditiously developed and implemented.
- Priority Florida Springs receive priority in the development of MFLs and implementation of recovery and prevention strategies.
- Priority Florida Springs receive priority in the assessment of potential nutrient impairment through the TMDL program.
- The adoption of TMDLs for impaired springs be prioritized.
- Implementation of BMAPs for impaired springs be prioritized.

¹⁵³ Id.

¹⁵⁴ Id.

¹⁵⁵ Id.

¹⁵⁶ Id.

¹⁵⁷ Id.

¹⁵⁸ Id.

¹⁵⁸ *Florida Springs Initiative Monitoring Network Report and Recognized Sources of Nitrate*, available at http://www.dep.state.fl.us/springs/reports/files/springs_report_102110.pdf

Section 373.802, F.S., provides definitions for the following terms:

- “Best management practices” means the most effective and practicable on site practices for improving water quality in agricultural and urban discharges, and for improving water use and management efficiencies.
- “Priority Florida Springs” includes all first magnitude springs, as determined by DEP.
- “Spring protection zone” means the area within a springhed where nutrients are reasonably likely to move through groundwater or surface water at levels that would cause impairment to a spring.

Section 373.803(1), F.S., requires DEP, WMDs and DACS to work together to restore and maintain the water quality and quantity of Priority Florida Springs. In addition, DEP, in consultation with the WMDs, must delineate a spring protection zone for each Priority Florida Spring by July 1, 2016.

Section 373.803(2), F.S., provides that within each spring protection zone:

- DEP has primary responsibility for regulating water quality.
- WMDs have primary responsibility for setting MFLs.
- DACS has primary responsibility for developing and implementing BMPs for agricultural nonpoint sources.
- Local governments have primary responsibility for providing wastewater and urban stormwater management.

Section 373.803(3), F.S., requires DEP, WMDs, and DACS to prioritize the implementation of financial assistance and community outreach programs within spring protection zones that support actions to reduce nutrient loading to the environment and prevent or abate nutrient over-enrichment of springs. Such actions must include the implementation of agricultural BMPs and can include connecting centralized sewer systems to densely populated areas presently served by septic systems, stormwater management improvements, and supporting implementation of ordinances consistent with DEP’s Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes.

Section 373.805(1), F.S., requires recovery and prevention strategies to be developed for Priority Florida Springs as follows:

- If a Priority Florida Spring does not have an adopted MFL by July 1, 2015, and when adopted shows the Priority Florida Spring is below the adopted MFL or is projected to fall below the adopted MFL within 20 years, the WMD must simultaneously approve the recovery or prevention strategy required by s. 373.0421(2), F.S.¹⁵⁹
- In circumstances where an adopted MFL is revised and a Florida Priority Spring is below or is projected to fall below the revised MFL within 20 years, the WMD must simultaneously approve the recovery or prevention strategy or modify an existing recovery or prevention strategy.
- If a Priority Florida Spring has an adopted MFL, but does not have a prevention or recovery strategy as of July 1, 2015, the WMD must expeditiously implement a prevention or recovery strategy when it is determined that the Priority Florida Spring has fallen below the adopted MFL or is projected to fall below the adopted MFL within 20 years.

Section 373.805(2), F.S., requires a recovery and prevention strategy for a Priority Florida Spring to include, at a minimum:

- A prioritized list of specific projects to achieve the MFL.
- The estimated cost for each project.
- The source and amount of financial assistance from the WMDs for each project.
- Any other provisions required by law.

¹⁵⁹ Section 373.0421(2), F.S., provides requirements of a recovery or prevention strategy.

Section 373.807(1), F.S., pertains to nutrient TMDLs for Priority Florida Springs, and requires DEP to:

- Initiate, by July 1, 2016, an assessment of each Priority Florida Spring that has not had an impairment determination made under numeric nutrient criteria in effect for spring vents, and requires such assessments be completed by July 1, 2018.
- Establish a TMDL for each Priority Florida Spring that DEP determines based on TMDL assessment is not achieving numeric nutrient criteria.

Section 373.807(2), F.S., pertains to BMAPs for Priority Florida Springs, and requires DEP, or DEP in conjunction with a WMD, to establish BMAPs that include each Priority Florida Spring subject to a TMDL. For a Priority Florida Spring with a TMDL adopted before July 1, 2015, DEP must initiate development of the BMAP by July 1, 2016. For all other Priority Florida Springs, DEP must initiate development of a BMAP within one year after adoption of a TMDL. BMAPs for Priority Florida Springs must include, at a minimum:

- The spring protection zones.
- A prioritized list of specific projects identified for implementation of the BMAP.
- The estimated cost for each project.
- The source and amount of financial assistance, if any, from the WMDs, DEP, and DACS for each project.

Section 373.809(1), F.S., requires any person engaged in agriculture within a spring protection zone to implement agricultural BMPs adopted by DACS or conduct water quality monitoring prescribed by DEP or the WMDs. BMPs for agricultural discharges must reflect a balance between water quality improvements and agricultural productivity.

Section 373.809(2), F.S., requires DACS, in cooperation with DEP and the WMDs, to provide technical and financial assistance for implementation of BMPs.

Section 373.809(3), F.S., requires DEP to monitor sites to verify the effectiveness of agricultural BMPs in accordance with TMDLs.

Section 373.809(4), F.S., requires DACS, in consultation with DEP and other affected parties, to reevaluate agricultural BMPs where water quality problems are detected.

Section 373.809(5), F.S., requires any person engaged in agriculture within a spring protection zone to notify DACS, within 180 days after adoption of the spring protection zone, of his/her intent to implement agricultural BMPs or conduct water quality monitoring.

Surface Water Use Classification

Present Situation

As discussed in the background section above, the federal CWA requires states to adopt WQS for their navigable waters, and to review and update those standards at least every three years. WQS must include:

- Designation of a waterbody's beneficial uses, such as public water supply, recreation, fish propagation, and navigation;
- Water quality criteria that define the amounts of pollutants, in either numeric or narrative form, that the waterbody can contain without impairment of the designated beneficial uses; and
- Anti-degradation requirements.¹⁶⁰

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

- Class I: potable water supplies; recreation; fish consumption; propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class II: shellfish propagation or harvesting; fish consumption; propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class III: fish consumption; propagation and maintenance of a healthy, well-balanced population of fish and wildlife;
- Class III-Limited: fish consumption; recreation or limited recreation; propagation and maintenance of a limited population of fish and wildlife;
- Class IV: agricultural water supplies; and
- Class V: navigation, utility, and industrial use.¹⁶¹

Reclassification of a waterbody's designated beneficial use can be initiated by DEP or by petition from another entity. A designated beneficial use may be upgraded, but there must be credible information showing the existence or attainability of the beneficial use. For example, a waterbody designated as Class III may be upgraded to a Class II if there is credible information showing that shellfish harvesting and consumption are routinely conducted in the waterbody and that water quality criteria for Class II is attainable.¹⁶²

For a waterbody to be considered for reclassification as a drinking water source (Class I), the petitioner must demonstrate that the water quality meets the Class I water quality criteria¹⁶³ or can meet those criteria after conventional treatment. Potential influences of reclassification on other users of the waterbody must be evaluated. Permitting requirements must also be considered. Petitions to add or remove the designated use of drinking water source should determine if it is an existing use (now or since 1975) or an attainable use. Factors to consider when determining whether the use is an existing use can include the presence of drinking water withdrawals and permits authorizing withdrawal for consumptive use. Factors to consider when determining whether the designation is an attainable use can include proximity to wastewater sources and effects on water quality.¹⁶⁴

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

Effect of Proposed Changes

The bill amends s. 403.061(29), F.S., authorizing DEP to adopt by rule a specific surface water classification to protect surface water used for treated potable water supply. The bill requires these designated water sources to have the same water quality criteria protections as surface waters designated for fish consumption, recreation, and the propagation and maintenance of a healthy, well-balanced population of fish and wildlife. The bill also requires the designated water sources be free from discharged substances at a concentration that, alone or in combination with other discharged substances, would require significant alteration of permitted treatment processes at the permitted treatment facility, or which would otherwise prevent compliance with applicable state drinking water standards. Notwithstanding this classification, a surface water used for treated potable water supply may be reclassified as waters designated for potable water supply.

In addition, the bill creates s. 403.861(21), F.S., authorizing DEP to establish rules for the use of surface waters for public water supply.

¹⁶¹ *Process for Reclassifying the Designated Uses of Florida Surface Waters*, available at http://www.dep.state.fl.us/water/wqssp/docs/reclass/process_document_080510.pdf.

¹⁶² *Id.*

¹⁶³ Water quality criteria are contained in rule 62-302.530, Florida Administrative Code.

¹⁶⁴ *Process for Reclassifying the Designated Uses of Florida Surface Waters*, available at http://www.dep.state.fl.us/water/wqssp/docs/reclass/process_document_080510.pdf.

The bill also requires an applicant who is applying to construct a public water system that will provide potable public water supply using surface water that does not include potable water supply as a designated use to, at the time of permit application, either:

- Petition to reclassify the surface water to include potable water supplies as a designated use; or
- Certify in its permit application that the public water supply utility will provide potable water that meets primary drinking water standards. An existing permittee can elect to file a certification.

Lastly, the bill directs DEP, upon receipt of the certification from an existing permittee or, in the case of a new permittee for surface water that does not include potable use at the time of application, upon issuance of the permit, to add treated potable water supplies as a designated use of the surface water.

B. SECTION DIRECTORY:

Section 1 amends s. 373.019, F.S., regarding the definition of “water resource development.”

Section 2 amends s. 373.0421, F.S., regarding the establishment and implementation of minimum flows and levels.

Section 3 creates s. 373.0465, F.S., regarding the Central Florida Water Initiative.

Section 4 amends s. 373.1501, F.S., regarding the South Florida Water Management District as local sponsor.

Section 5 amends s. 373.2234, F.S., regarding preferred water supply sources.

Section 6 amends s. 373.233, F.S., regarding competing consumptive use applications.

Section 7 amends s. 373.4591, F.S., regarding improvements on private agricultural lands.

Section 8 amends s. 373.4595, F.S., regarding the Northern Everglades and Estuaries Protection Program.

Section 9 amends s. 373.703, F.S., regarding water production.

Section 10 amends s. 373.705, F.S., regarding water resource and water supply development.

Section 11 amends s. 373.707, F.S., regarding alternative water supply development.

Section 12 amends s. 373.709, F.S., regarding regional water supply planning.

Section 13 creates Part VIII of chapter 373, F.S., regarding the Florida Springs and Aquifer Act.

Section 14 amends s. 403.061, F.S., regarding the adoption, by rule, of a specific surface water classification for treated potable water supply.

Section 15 amends s. 403.861, F.S., regarding the use of surface waters for public water supply.

Section 16 provides an effective date of July 1, 2015.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill appears to have an indeterminate fiscal impact on state government expenditures by requiring DEP, with DACS, the SFWMD, the SWFWMD, and the SJRWMD, to complete a CFWI interagency agreement.

The bill appears to have an indeterminate fiscal impact on state government expenditures by requiring DEP to delineate spring protection zones for each Florida Priority Spring.

The bill appears to have an indeterminate fiscal impact on DEP and DACS by requiring both agencies to revise their rules to reflect statutory changes being made in the bill.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill appears to have an indeterminate fiscal impact on the SFWMD by requiring the district to revise chapter 40E-61, F.A.C., provide for a monitoring program for nonpoint source dischargers required to monitor water quality, and provide for the results of such monitoring to be reported to coordinating agencies.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill appears to have a positive economic impact on the private sector by amending the definition of "water resource development" to include self-suppliers on the list of entities that can receive technical assistance from a WMD for water resource development projects.

The bill appears to have a negative economic impact on the private sector by requiring each person engaged in the occupation of agriculture within spring protection zones to either implement BMPs or conduct water quality monitoring.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill authorizes DEP to adopt by rule a specific surface water classification to protect surface waters used for treated potable water supply, and to establish rules concerning the use of surface waters for public water supply.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

N/A

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A bill to be entitled

An act relating to water resources; amending s. 373.019, F.S.; revising the definition of "water resource development" to include self-suppliers; amending s. 373.0421, F.S.; directing the Department of Environmental Protection and water management district governing boards to implement certain recovery or prevention strategies concurrent with the adoption of minimum flows and levels; providing criteria for such recovery or prevention strategies; requiring revisions to regional water supply plans to be concurrent with the adoption of minimum flows or levels and implementation of recovery and prevention strategies; directing water management districts to notify the department when water use permit applications are denied for a specified reason; providing for the review and update of regional water supply plans in such cases; creating s. 373.0465, F.S.; providing legislative intent; defining the term "Central Florida Water Initiative Area"; providing for an interagency agreement between the Department of Environmental Protection, the St. Johns River Water Management District, the South Florida Water Management District, the Southwest Florida Water Management District, and the Department of Agriculture and Consumer Services to develop and implement a

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

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

79 Florida Springs; providing criteria and requirements
 80 for the development of recovery and prevention
 81 strategies for Priority Florida Springs; providing
 82 criteria and requirements for the determination of
 83 total maximum daily loads and development of basin
 84 management action plans for Priority Florida Springs;
 85 providing criteria and requirements for agricultural
 86 best management practices within spring protection
 87 zones; amending s. 403.061, F.S.; directing the
 88 department to adopt by rule a specific surface water
 89 classification to protect surface waters used for
 90 treated potable water supply; providing criteria for
 91 such rule; authorizing the reclassification of surface
 92 waters used for treated potable water supply
 93 notwithstanding such rule; amending s. 403.861, F.S.;
 94 directing the department to establish rules concerning
 95 the use of surface waters for public water supply;
 96 requiring permit applicants using surface water to
 97 provide potable public water supply to petition the
 98 department to reclassify the surface water or to
 99 certify that the potable public water supply will meet
 100 certain drinking water standards; directing the
 101 department to designate treated potable water supplies
 102 as a use of surface water; providing an effective
 103 date.
 104

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

106

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

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

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

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

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

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

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

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

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

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

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

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

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

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

181 373.0465 Central Florida Water Initiative.-

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

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

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

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

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

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

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

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

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

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

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

238 (c) The interagency agreement shall:

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

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

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

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

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

258 b. A single, uniform definition of harm.

259 c. A single reference condition.

260 d. A single process for permit reviews.

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

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

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

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

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

273 3. Consider existing prevention and recovery strategies.

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

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

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

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

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

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

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

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

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

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

313 engineering and design documents for project components, and
 314 further refine the Comprehensive Plan of the restudy as a guide
 315 and framework for identifying other project components.~~7~~

316 (c) Construct pilot projects that will assist in
 317 determining the feasibility of technology included in the
 318 Comprehensive Plan of the restudy.~~7~~ and

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

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

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

327 373.2234 Preferred water supply sources.—

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

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

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

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

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

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

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

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

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

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

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

375 373.233 Competing applications.—

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

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

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

387 373.4591 Improvements on private agricultural lands.—

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

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

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

395 (b) Provide critical ground water recharge; or

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

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

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

417 within 45 days.

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

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

431 373.4595 Northern Everglades and Estuaries Protection
 432 Program.—

433 (1) FINDINGS AND INTENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

573 partnerships with the private sector.

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

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

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

598 3- relevant information resulting from the Lake Okeechobee

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

703 flood protection.

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

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

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

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

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

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

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

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

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

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

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

780 f. Evaluate the feasibility of alternative nutrient

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

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

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

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

- 832 1. Agricultural nonpoint source best management practices,

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

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

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

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

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

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

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

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

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

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

936 8.b. Where nonagricultural nonpoint source best management

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1249 River Watershed Protection Plan.

1250 b. Conduct scientific studies that are necessary to

1251 support the design of the Caloosahatchee River Watershed

1252 Construction Project facilities.

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

1254 d. Provide a construction schedule for all such

1255 facilities, including the sequencing and specific timeframe for

1256 construction of each facility.

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

1258 sufficient interests necessary to achieve the construction

1259 schedule.

1260 f. Provide a schedule of costs and benefits associated

1261 with each construction project and identify funding sources.

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

1263 scheduling, and sequencing of project facilities with the

1264 coordinating agencies, Lee County, other affected counties and

1265 municipalities, and other affected parties.

1266 2. Caloosahatchee River Watershed Research and Water

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

1268 the other coordinating agencies and local governments, shall

1269 implement a Caloosahatchee River Watershed Research and Water

1270 Quality Monitoring Program that builds upon the district's

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

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

1273 responsibilities created by this subsection. The program shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1768 (b) Water management districts take the lead in

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

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

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

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

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

1788 (4)

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

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

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

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

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

1803 373.707 Alternative water supply development.—

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

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

1811 (6) (a) Where state ~~The statewide~~ funds are provided
 1812 through specific appropriation or pursuant to the Water
 1813 Protection and Sustainability Program, such funds serve to
 1814 supplement existing water management district or basin board
 1815 funding for alternative water supply development assistance and
 1816 should not result in a reduction of such funding. For each
 1817 project identified in the plans prepared pursuant to s.

1818 373.709(2)(a) and (b) ~~Therefore~~, the water management districts
 1819 shall include in the annual tentative and adopted budget
 1820 submittals required under this chapter the amount of funds

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

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

1846 (8)

1847 (e) Applicants for projects that may receive funding
 1848 assistance pursuant to the Water Protection and Sustainability
 1849 Program or receive other state funding shall, at a minimum, be
 1850 required to pay 60 percent of the project's construction costs.
 1851 The water management districts may, at their discretion, totally
 1852 or partially waive this requirement for projects sponsored by:

- 1853 1. Financially disadvantaged small local governments as
 1854 defined in former s. 403.885(5); or
- 1855 2. Self-suppliers for projects determined by a water
 1856 management district governing board to be in the public interest
 1857 pursuant to paragraph (1)(f), if the projects are not otherwise
 1858 financially feasible.

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

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

1867 373.709 Regional water supply planning.—

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

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

1873 includes:

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

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

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

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

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

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

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

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

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

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

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

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

1950 1. A listing of those water resource development projects

1951 that support water supply development.

1952 2. For each water resource development project listed:

1953 a. An estimate of the amount of water to become available
1954 through the project.

1955 b. The timeframe in which the project option should be
1956 implemented and the estimated planning-level costs for capital
1957 investment and for operating and maintaining the project.

1958 c. An analysis of funding needs, and sources of possible
1959 funding options, and an annual funding plan that identifies for
1960 each water resource development project the district funding
1961 contribution required by s. 373.705(3).

1962 d. Identification of the entity that should implement each
1963 project option and the current status of project implementation.

1964 (k) An assessment of how the regional water supply plan
1965 and the projects identified in the funding plans prepared
1966 pursuant to sub-subparagraphs (a)3.c. and (b)2.c. support the
1967 implementation of proposed or adopted minimum flows and levels
1968 and water reservations while ensuring that sufficient water will
1969 be available for all existing and future reasonable-beneficial
1970 uses and the natural systems and that the adverse effects of
1971 competition for water supplies will be avoided.

1972 (6) Annually and in conjunction with the reporting
1973 requirements of s. 373.536(6)(a)4., the department shall submit
1974 to the Governor and the Legislature a report on the status of
1975 regional water supply planning in each district. The report
1976 shall include:

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

1982 (e) An overall assessment of the progress being made to
 1983 develop water supply in each district, including, but not
 1984 limited to, an explanation of how each project, either
 1985 alternative or traditional, will produce, contribute to, or
 1986 account for additional water being made available for
 1987 consumptive uses, minimum flows and levels, or water
 1988 reservations; an estimate of the quantity of water to be
 1989 produced by each project;7 and an assessment of the contribution
 1990 of the district's regional water supply plan in providing
 1991 sufficient water to meet the needs of existing and future
 1992 reasonable-beneficial uses for a 1-in-10-year drought event, as
 1993 well as the needs of the natural systems.

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

1996 PART VIII

1997 FLORIDA SPRINGS AND AQUIFER ACT

1998 373.801 Legislative findings and intent.-

1999 (1) The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2081 adoption as a rule pursuant to chapter 120.

2082 (2) Within spring protection zones:

2083 (a) The department has primary responsibility for water
 2084 quality regulation.

2085 (b) The water management districts have primary
 2086 responsibility for setting minimum flows and levels.

2087 (c) The Department of Agriculture and Consumer Services
 2088 has primary responsibility for the development and
 2089 implementation of best management practices for agricultural
 2090 nonpoint sources.

2091 (d) Local governments have primary responsibility for
 2092 providing wastewater and urban stormwater management.

2093 (3) The department, the water management districts, and
 2094 the Department of Agriculture and Consumer Services shall
 2095 prioritize the implementation of financial assistance and
 2096 community outreach programs within spring protection zones that
 2097 support actions to reduce nutrient loading to the environment
 2098 and prevent or abate nutrient over-enrichment of springs. Such
 2099 actions shall include implementing agricultural best management
 2100 practices and may include connecting centralized sewer systems
 2101 to densely populated areas presently served by onsite treatment
 2102 and disposal systems, stormwater management improvements, and
 2103 supporting implementation of ordinances consistent with the
 2104 department's Model Ordinance for Florida-Friendly Fertilizer Use
 2105 on Urban Landscapes referenced in s. 403.9337.

2106 373.805 Recovery and prevention strategies for Priority

2107 Florida Springs.-

2108 (1) Recovery and prevention strategies for Priority

2109 Florida Springs shall be developed as follows:

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

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

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

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

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

2133 (b) The estimated cost for each listed project.
 2134 (c) The source and amount of financial assistance from the
 2135 water management districts for each project.
 2136 (d) Provisions otherwise required by law.
 2137 373.807 Protection of water quality in Priority Florida
 2138 Springs.-
 2139 (1) NUTRIENT TOTAL MAXIMUM DAILY LOADS.-
 2140 (a) By July 1, 2016, the department shall initiate an
 2141 assessment pursuant to s. 403.067 of each Priority Florida
 2142 Spring for which an impairment determination has not been made
 2143 under the numeric nutrient criteria in effect for spring vents.
 2144 Such assessments must be completed by July 1, 2018.
 2145 (b) As required in s. 403.067, the department shall
 2146 establish a total maximum daily load for each Priority Florida
 2147 Spring for which the department determines, based on the total
 2148 maximum daily load assessment, that numeric nutrient criteria
 2149 are not being achieved.
 2150 (2) BASIN MANAGEMENT ACTION PLANS.-
 2151 (a) The department, or the department in conjunction with
 2152 a water management district, shall establish basin management
 2153 action plans pursuant to s. 403.067 to include each Priority
 2154 Florida Spring subject to a total maximum daily load for
 2155 nutrients. The department shall initiate development of the
 2156 basin management action plans within 1 year after adoption of
 2157 the total maximum daily load. For Priority Florida Springs with
 2158 a nutrient total maximum daily load adopted before July 1, 2015,

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

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

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

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

2167 3. The estimated cost for each listed project.

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

2172 5. Provisions otherwise required by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

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

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

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

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

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

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

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

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

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

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

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

43

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

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

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

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

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

81 373.0465 Central Florida Water Initiative.-

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

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

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

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96 long-term water needs of the area.

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

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

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

121 (2) CENTRAL FLORIDA WATER INITIATIVE INTERAGENCY

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122 AGREEMENT.-

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

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

138 (c) The interagency agreement shall:

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

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

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

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

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

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

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

160 c. A single reference condition.

161 d. A single process for permit reviews.

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

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

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

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

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

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174 3. Consider existing prevention and recovery strategies.

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

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

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

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

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

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

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

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

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

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

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

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

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

228 373.2234 Preferred water supply sources.—

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

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

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

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

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

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

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

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

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

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

276 373.233 Competing applications.—

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



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

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

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

288 373.4591 Improvements on private agricultural lands.—

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

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

296 (b) Provide critical ground water recharge; or

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

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

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

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

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

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

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

332 373.4595 Northern Everglades and Estuaries Protection
333 Program.—

334 (1) FINDINGS AND INTENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1006 coordinating agencies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1528 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1630 373.536 District budget and hearing thereon.—
1631 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1632 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—
1633 (a) Each district must, by the date specified for each
1634 item, furnish copies of the following documents to the Governor,
1635 the President of the Senate, the Speaker of the House of
1636 Representatives, the chairs of all legislative committees and
1637 subcommittees having substantive or fiscal jurisdiction over the
1638 districts, as determined by the President of the Senate or the
1639 Speaker of the House of Representatives as applicable, the
1640 secretary of the department, and the governing board of each
1641 county in which the district has jurisdiction or derives any
1642 funds for the operations of the district:
1643 1. The adopted budget, to be furnished within 10 days
1644 after its adoption.
1645 2. A financial audit of its accounts and records, to be
1646 furnished within 10 days after its acceptance by the governing
1647 board. The audit must be conducted in accordance with s. 11.45
1648 and the rules adopted thereunder. In addition to the entities
1649 named above, the district must provide a copy of the audit to
1650 the Auditor General within 10 days after its acceptance by the
1651 governing board.
1652 3. A 5-year capital improvements plan, to be included in
1653 the consolidated annual report required by s. 373.036(7). The
1654 plan must include expected sources of revenue for planned
1655 improvements and must be prepared in a manner comparable to the

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1656 fixed capital outlay format set forth in s. 216.043.

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

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1682 the adverse effects of competition for water supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1749 (4)

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

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

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

1759 3. The project reduces or eliminates the adverse effects

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1760 of competition between legal users and the natural system.

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

1764 373.707 Alternative water supply development.-

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

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

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

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

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

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

1807 (8)

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

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

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

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

1820

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

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

1827 373.709 Regional water supply planning.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1908 2. For each water resource development project listed:

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

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

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

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

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

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

1928 (e) An overall assessment of the progress being made to
1929 develop water supply in each district, including, but not
1930 limited to, an explanation of how each project in the 5-year
1931 water resource development work program in s. 373.536(6)(a)4.,
1932 either alternative or traditional, will produce, contribute to,
1933 or account for additional water being made available for
1934 consumptive uses, minimum flows and levels, or water
1935 reservations; an estimate of the quantity of water to be
1936 produced by each project;7 and an assessment of the contribution
1937 of the district's regional water supply plan in providing
1938 sufficient water to meet the needs of existing and future
1939 reasonable-beneficial uses for a 1-in-10-year drought event, as
1940 well as the needs of the natural systems.

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

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

1943 PART VIII

1944 FLORIDA SPRINGS AND AQUIFER ACT

1945 373.801 Legislative findings and intent.-

1946 (1) The Legislature finds that:

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

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

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

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

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

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

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1968 developed and implemented.

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

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

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

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

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

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

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

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

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1994 purposes.1995 373.803 Priority Florida Springs Generally.-1996 (1) The department, the water management districts, and the1997 Department of Agriculture and Consumer Services shall work1998 together in a coordinated manner to restore and maintain the1999 water quantity and water quality of Priority Florida Springs.2000 (2) With respect to Florida's springs:2001 (a) The department has primary responsibility for water2002 quality protection through establishment of basin management2003 action plans and other water quality regulations.2004 (b) The water management districts have primary2005 responsibility for the hydrologic recovery of spring flow2006 through the establishment of minimum flows and levels and2007 recovery plans.2008 (c) The Department of Agriculture and Consumer Services2009 has primary responsibility for the development and2010 implementation of best management practices for agricultural2011 nonpoint sources.2012 (d) Local governments have primary responsibility for2013 providing urban stormwater management and domestic wastewater2014 management.2015 (3) The department, the water management districts, and2016 the Department of Agriculture and Consumer Services shall2017 prioritize the implementation of financial assistance and2018 community outreach programs for springs protection that support2019 actions to reduce nutrient loading to the environment and

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

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

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

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

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

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

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

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

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

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

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

2059 (d) Provisions otherwise required by law.

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

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

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

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

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2072 by the department to be impaired; and

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

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

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

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

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

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

2090 4. Provisions otherwise required by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2162

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

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

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

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

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

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

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

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

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

Remove everything before the enacting clause and insert:
 An act relating to water resources; amending s.
 373.019, F.S.; revising the definition of "water
 resource development" to include self-suppliers;
 amending s. 373.0421, F.S.; directing the Department
 of Environmental Protection and water management

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

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

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

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

2300