

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

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

53 | quality monitoring program; revising provisions for
54 | the Caloosahatchee River Watershed Protection Program
55 | and the St. Lucie River Watershed Protection Program;
56 | revising permitting and annual reporting requirements
57 | relating to the Northern Everglades and Estuaries
58 | Protection Program; amending s. 373.536, F.S.;
59 | requiring a water management district to include an
60 | annual funding plan in the water resource development
61 | work program; directing the department to post the
62 | work program on its website; amending s. 373.703,
63 | F.S.; authorizing water management districts to
64 | contract with private landowners for water production;
65 | amending s. 373.705, F.S.; providing first
66 | consideration for funding assistance to certain water
67 | supply development projects; requiring governing
68 | boards to include certain information in their annual
69 | budget submittals; amending s. 373.707, F.S.;
70 | authorizing water management districts to provide
71 | technical and financial assistance to self-suppliers
72 | and to waive certain construction costs of alternative
73 | water supply development projects by certain water
74 | users; amending s. 373.709, F.S.; requiring water
75 | supply plans to include traditional and alternative
76 | water supply project options that are technically and
77 | financially feasible; directing the department to
78 | include certain funding analyses and project

79 | explanations in regional water supply planning
80 | reports; creating part VIII of chapter 373, F.S.,
81 | relating to the Florida Springs and Aquifer Act;
82 | providing legislative findings and intent; defining
83 | terms; providing criteria and requirements for the
84 | development of recovery or prevention strategies for
85 | Priority Florida Springs; directing the department to
86 | perform water quality assessments, establish total
87 | maximum daily loads, and establish basin management
88 | action plans for Priority Florida Springs; providing
89 | criteria and requirements for agricultural best
90 | management practices within the geographic area
91 | encompassed by a basin management action plan that
92 | includes a Priority Florida Spring; requiring each
93 | person engaged in the occupation of agriculture within
94 | such geographic area to implement certain best
95 | management practices or conduct certain water quality
96 | monitoring; amending s. 403.061, F.S.; directing the
97 | department to adopt by rule a specific surface water
98 | classification to protect surface waters used for
99 | treated potable water supply; providing criteria for
100 | such rule; authorizing the reclassification of surface
101 | waters used for treated potable water supply
102 | notwithstanding such rule; amending s. 403.861, F.S.;
103 | directing the department to establish rules concerning
104 | the use of surface waters for public water supply;

105 requiring permit applicants using surface water to
 106 provide potable public water supply to petition the
 107 department to reclassify the surface water or to
 108 certify that the potable public water supply will meet
 109 certain drinking water standards; directing the
 110 department to designate treated potable water supplies
 111 as a use of surface water; providing an effective
 112 date.

113
 114 Be It Enacted by the Legislature of the State of Florida:

115
 116 Section 1. Subsection (24) of section 373.019, Florida
 117 Statutes, is amended to read:

118 373.019 Definitions.—When appearing in this chapter or in
 119 any rule, regulation, or order adopted pursuant thereto, the
 120 term:

121 (24) "Water resource development" means the formulation
 122 and implementation of regional water resource management
 123 strategies, including the collection and evaluation of surface
 124 water and groundwater data; structural and nonstructural
 125 programs to protect and manage water resources; the development
 126 of regional water resource implementation programs; the
 127 construction, operation, and maintenance of major public works
 128 facilities to provide for flood control, surface and underground
 129 water storage, and groundwater recharge augmentation; and
 130 related technical assistance to local governments, and to

131 government-owned and privately owned water utilities, and self-
 132 suppliers.

133 Section 2. Subsection (2) of section 373.0421, Florida
 134 Statutes, is amended, subsection (3) is renumbered as subsection
 135 (5), and new subsections (3) and (4) are added to that section,
 136 to read:

137 373.0421 Establishment and implementation of minimum flows
 138 and levels.—

139 (2) If the existing flow or level in a water body is
 140 below, or is projected to fall within 20 years below, the
 141 applicable minimum flow or level established pursuant to s.
 142 373.042, the department or governing board, concurrent with the
 143 adoption of the minimum flow or level and as part of the
 144 regional water supply plan described in s. 373.709, shall
 145 expeditiously implement a recovery or prevention strategy, which
 146 includes the development of additional water supplies and other
 147 actions, consistent with the authority granted by this chapter,
 148 to:

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

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

153
 154 The recovery or prevention strategy shall include phasing or a
 155 timetable which will allow for the provision of sufficient water
 156 supplies for all existing and projected reasonable-beneficial

157 uses, including development of additional water supplies and
158 implementation of conservation and other efficiency measures
159 concurrent with, to the maximum extent practical, and to offset,
160 reductions in permitted withdrawals, consistent with ~~the~~
161 ~~provisions of~~ this chapter. The recovery or prevention strategy
162 may not depend solely on water shortage restrictions declared
163 pursuant to s. 373.175 or s. 373.246.

164 (3) In order to ensure that sufficient water is available
165 for all existing and future reasonable-beneficial uses and the
166 natural systems, the applicable regional water supply plan
167 prepared pursuant to s. 373.709 shall be amended to include any
168 water supply development projects and water resource development
169 projects identified in a recovery or prevention strategy. Such
170 amendment shall be approved concurrently with relevant portions
171 of the recovery or prevention strategy.

172 (4) The water management district shall notify the
173 department if an application for a water use permit is denied
174 based upon the impact that the use will have on an established
175 minimum flow or level. Upon receipt of such notice, the
176 department shall, as soon as practicable and in cooperation with
177 the water management district, conduct a review of the
178 applicable regional water supply plan prepared pursuant to s.
179 373.709. Such review shall include an assessment by the
180 department of the adequacy of the plan to meet the legislative
181 intent of s. 373.705(2)(b) that sufficient water be available
182 for all existing and future reasonable-beneficial uses and the

183 natural systems and that the adverse effects of competition for
184 water supplies be avoided. If the department determines, based
185 upon this review, that the regional water supply plan does not
186 adequately address the legislative intent of s. 373.705(2)(b),
187 the water management district shall immediately initiate an
188 update of the plan consistent with s. 373.709.

189 Section 3. Section 373.0465, Florida Statutes, is created
190 to read:

191 373.0465 Central Florida Water Initiative.-

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

193 (a) Historically, the Floridan aquifer system has supplied
194 the vast majority of the water used in the Central Florida
195 Coordination Area, as defined in s. 373.0363, which includes
196 southern Lake County and all of Orange, Osceola, Polk, and
197 Seminole Counties.

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

207 (c) The Central Florida Water Initiative, a collaborative
208 process involving the Department of Environmental Protection,

209 the St. Johns River Water Management District, the South Florida
 210 Water Management District, the Southwest Florida Water
 211 Management District, the Department of Agriculture and Consumer
 212 Services, regional public water supply utilities, and other
 213 stakeholders, has developed a framework, as set forth in the
 214 Central Florida Water Initiative Guiding Document of June 27,
 215 2014, for a unified process to address the current and long-term
 216 water supply needs of central Florida without causing harm to
 217 the water resources and associated natural systems.

218 (d) In order to ensure that the Central Florida Water
 219 Initiative participants continue to develop and implement an
 220 effective and consistent long-term water resource planning,
 221 development, and management strategy for the central Florida
 222 area an interagency agreement between the Department of
 223 Environmental Protection, the St. Johns River Water Management
 224 District, the South Florida Water Management District, the
 225 Southwest Florida Water Management District, and the Department
 226 of Agriculture and Consumer Services is needed.

227 (e) Developing water sources as an alternative to
 228 continued reliance on the Floridan aquifer will benefit human
 229 and natural systems beyond the boundaries of the Central Florida
 230 Water Initiative.

231 (2) CENTRAL FLORIDA WATER INITIATIVE INTERAGENCY
 232 AGREEMENT.—

233 (a) As used in this subsection, the term "Central Florida
 234 Water Initiative Area" means all of Orange, Osceola, Polk, and

235 Seminole Counties, and southern Lake County, as designated by
236 the Southwest Florida Water Management District, the South
237 Florida Water Management District, and the St. Johns River Water
238 Management District.

239 (b) By December 31, 2015, the Department of Environmental
240 Protection shall complete a Central Florida Water Initiative
241 interagency agreement pursuant to s. 373.046 with the St. Johns
242 River Water Management District, the South Florida Water
243 Management District, the Southwest Florida Water Management
244 District, and the Department of Agriculture and Consumer
245 Services. The interagency agreement shall apply only to the
246 Central Florida Water Initiative Area and shall be adopted
247 pursuant to chapter 120 in the same manner as a rule.

248 (c) The interagency agreement shall:

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

252 2. Include the guiding principles and goals set forth in
253 the Central Florida Water Initiative Guiding Document of June
254 27, 2014, and build upon the work that has already been
255 accomplished by the Central Florida Water Initiative
256 participants in addressing these guiding principles and goals.

257 3. Require, as set forth in the Central Florida Water
258 Initiative Guiding Document of June 27, 2014, the development
259 and implementation of a single multi-district regional water
260 supply plan, including any needed recovery or prevention

261 strategies and the approved list of water resource or water
262 supply development projects, by the affected water management
263 districts.

264 4. Require uniform rules for regulatory programs that
265 include:

266 a. A single hydrologic model to assess the availability of
267 groundwater.

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

270 c. A single reference condition.

271 d. A single process for permit reviews.

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

274 f. A single method for calculating residential per capita
275 water use.

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

279 1. Consider limitations on groundwater use together with
280 opportunities for new, increased, or redistributed groundwater
281 uses that are based on environmental constraints.

282 2. Establish a coordinated process for the identification
283 of new or revised environmental constraints.

284 3. Consider existing prevention and recovery strategies.

285 4. Include a list of water supply options sufficient to
286 meet the water needs of all existing and future reasonable-

287 beneficial uses which avoid environmental harm and are
288 consistent with the public interest.

289 5. Identify which of the water supply sources are
290 preferred water supply sources pursuant to s. 373.2234.

291 6. Provide for partnership agreements among the Department
292 of Environmental Protection, the Department of Agriculture and
293 Consumer Services, water management districts, and water users.

294 (e) Water management district planning and regulatory
295 programs developed pursuant to the interagency agreement shall
296 be approved or adopted as required under this chapter. However,
297 such planning and regulatory programs may not serve to modify
298 planning and regulatory programs in areas of the affected
299 districts that are not within the Central Florida Water
300 Initiative Area, but may include interregional projects located
301 outside the Central Florida Water Initiative Area that are
302 consistent with planning and regulatory programs in the areas in
303 which they are located.

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

308 373.1501 South Florida Water Management District as local
309 sponsor.—

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

HB 7003

2015

313 department as further provided in s. 373.026. The district shall
314 continue to exercise the authority of the state to allocate
315 quantities of water within its jurisdiction, including the water
316 supply in relation to the project, and be responsible for
317 allocating water and assigning priorities among the other water
318 uses served by the project pursuant to state law. The district
319 may:

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

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

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

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

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

336 Section 5. Section 373.2234, Florida Statutes, is amended
337 to read:

338 373.2234 Preferred water supply sources.—

339 (1) The governing board of a water management district is
340 authorized to adopt rules that identify preferred water supply
341 sources for consumptive uses for which there is sufficient data
342 to establish that a preferred source will provide a substantial
343 new water supply to meet the existing and projected reasonable-
344 beneficial uses of a water supply planning region identified
345 pursuant to s. 373.709(1), while sustaining existing water
346 resources and natural systems. At a minimum, such rules must
347 contain a description of the preferred water supply source and
348 an assessment of the water the preferred source is projected to
349 produce.

350 (2) (a) If an applicant proposes to use a preferred water
351 supply source, that applicant's proposed water use is subject to
352 s. 373.223(1), except that the proposed use of a preferred water
353 supply source must be considered by a water management district
354 when determining whether a permit applicant's proposed use of
355 water is consistent with the public interest pursuant to s.
356 373.223(1) (c).

357 (b) The governing board of a water management district
358 shall consider the identification of preferred water supply
359 sources for water users for whom access to or development of new
360 water supplies is not technically or financially feasible.

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

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

366 ~~to:~~

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

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

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

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

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

385 373.233 Competing applications.—

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

390 (b) ~~If two or more competing applications qualify equally~~

391 under subsection (1) and none of the competing applications is a
 392 renewal application, the governing board or the department shall
 393 give preference to the use for which an alternate water supply
 394 is not technically and financially feasible.

395 Section 7. Section 373.4591, Florida Statutes, is amended
 396 to read:

397 373.4591 Improvements on private agricultural lands.—

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

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

405 (b) Provide critical ground water recharge; or

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

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

416 (b) When an agreement is entered into between the

HB 7003

2015

417 Department of Agriculture and Consumer Services and a private
418 landowner to implement best management practices pursuant to s.
419 403.067(7)(c), a baseline condition determining the extent of
420 wetlands and other surface water on the property may be
421 established at the option and expense of the private landowner
422 and documented in the agreement before improvements are
423 constructed. The Department of Agriculture and Consumer Services
424 shall submit the landowner's proposed baseline condition
425 documentation to the lead agency for review and approval, and
426 the agency shall use its best efforts to complete the review
427 within 45 days.

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

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

441 373.4595 Northern Everglades and Estuaries Protection
442 Program.—

443 (1) FINDINGS AND INTENT.—

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

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

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

467 (b) "Biosolids" means the solid, semisolid, or liquid
468 residue generated during the treatment of domestic wastewater in

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

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

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

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

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

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

495 ~~(g) "District's WOD program" means the program implemented~~
 496 ~~pursuant to rules adopted as authorized by this section and ss.~~
 497 ~~373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,~~
 498 ~~373.451, and 373.453, entitled "Works of the District Basin."~~

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

502 (i) "Lake Okeechobee Watershed Protection Plan" means the
 503 Lake Okeechobee Watershed Construction Project and the Lake
 504 Okeechobee Watershed Research and Water Quality Monitoring
 505 Program ~~plan developed pursuant to this section and ss. 373.451-~~
 506 ~~373.459.~~

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

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

513 (k)(1) "Northern Everglades" means the Lake Okeechobee
 514 watershed, the Caloosahatchee River watershed, and the St. Lucie
 515 River watershed.

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

520 (m)(n) "Restudy" means the Comprehensive Review Study of

521 the Central and Southern Florida Project, for which federal
522 participation was authorized by the Federal Water Resources
523 Development Acts of 1992 and 1996 together with related
524 Congressional resolutions and for which participation by the
525 South Florida Water Management District is authorized by s.
526 373.1501. The term includes all actions undertaken pursuant to
527 the aforementioned authorizations which will result in
528 recommendations for modifications or additions to the Central
529 and Southern Florida Project.

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

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

543 (p) "St. Lucie River watershed" means the St. Lucie River,
544 its tributaries, its estuary, and the area within Martin,
545 Okeechobee, and St. Lucie Counties from which surface water flow
546 is directed or drains, naturally or by constructed works, to the

547 river, its tributaries, or its estuary.

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

556 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.—The Lake
557 Okeechobee Watershed Protection Program shall consist of the
558 Lake Okeechobee Watershed Protection Plan, the Lake Okeechobee
559 Basin Management Action Plan adopted pursuant to s. 403.067, the
560 Lake Okeechobee Exotic Species Control Program, and the Lake
561 Okeechobee Internal Phosphorus Management Program. The Lake
562 Okeechobee Basin Management Action Plan adopted pursuant to s.
563 403.067 shall be the component of the Lake Okeechobee Watershed
564 Protection ~~A protection Program for Lake Okeechobee that~~
565 achieves phosphorus load reductions for Lake Okeechobee ~~shall be~~
566 ~~immediately implemented as specified in this subsection.~~ The
567 Lake Okeechobee Watershed Protection Program shall address the
568 reduction of phosphorus loading to the lake from both internal
569 and external sources. Phosphorus load reductions shall be
570 achieved through a phased program of implementation. ~~Initial~~
571 ~~implementation actions shall be technology-based, based upon a~~
572 ~~consideration of both the availability of appropriate technology~~

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

584 (a) Lake Okeechobee Watershed Protection Plan.—In order to
585 protect and restore surface water resources, the district, in
586 cooperation with the other coordinating agencies, shall complete
587 a Lake Okeechobee Watershed Protection Plan in accordance with
588 this section and ss. 373.451-373.459. Beginning March 1, 2020,
589 and every 5 years thereafter, the district shall update the Lake
590 Okeechobee Watershed Protection Plan to ensure that it is
591 consistent with the Lake Okeechobee Basin Management Action Plan
592 adopted pursuant to s. 403.067. The Lake Okeechobee Watershed
593 Protection Plan shall identify the geographic extent of the
594 watershed, be coordinated with the plans developed pursuant to
595 paragraphs (4) (a) and (c) ~~(b)~~, and include the Lake Okeechobee
596 Watershed Construction Project and the Lake Okeechobee Watershed
597 Research and Water Quality Monitoring Program ~~contain an~~
598 ~~implementation schedule for subsequent phases of phosphorus load~~

599 ~~reduction consistent with the total maximum daily loads~~
600 ~~established in accordance with s. 403.067.~~ The plan shall
601 consider and build upon a review and analysis of ~~the following:~~
602 ~~1.~~ the performance of projects constructed during Phase I
603 and Phase II of the Lake Okeechobee Watershed Construction
604 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~
605 ~~2.~~ relevant information resulting from the Lake Okeechobee
606 Basin Management Action Plan Watershed Phosphorus Control
607 Program, pursuant to paragraph (b); ~~(e).~~
608 ~~3.~~ relevant information resulting from the Lake Okeechobee
609 Watershed Research and Water Quality Monitoring Program,
610 pursuant to subparagraph 2.; ~~paragraph (d).~~
611 ~~4.~~ relevant information resulting from the Lake Okeechobee
612 Exotic Species Control Program, pursuant to paragraph (c); and
613 ~~(e).~~
614 ~~5.~~ relevant information resulting from the Lake Okeechobee
615 Internal Phosphorus Management Program, pursuant to paragraph
616 (d) ~~(f).~~
617 ~~1.(b)~~ Lake Okeechobee Watershed Construction Project.—To
618 improve the hydrology and water quality of Lake Okeechobee and
619 downstream receiving waters, including the Caloosahatchee and
620 St. Lucie Rivers and their estuaries, the district, in
621 cooperation with the other coordinating agencies, shall design
622 and construct the Lake Okeechobee Watershed Construction
623 Project. The project shall include:
624 ~~a.1.~~ Phase I.—Phase I of the Lake Okeechobee Watershed

625 Construction Project shall consist of a series of project
626 features consistent with the recommendations of the South
627 Florida Ecosystem Restoration Working Group's Lake Okeechobee
628 Action Plan. Priority basins for such projects include S-191, S-
629 154, and Pools D and E in the Lower Kissimmee River. In order to
630 obtain phosphorus load reductions to Lake Okeechobee as soon as
631 possible, the following actions shall be implemented:

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

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

647 (III)~~c.~~ The district shall work with the Corps of
648 Engineers to expedite initiation of the design process for the
649 Taylor Creek/Nubbins Slough Reservoir Assisted Stormwater
650 Treatment Area, a project component of the Comprehensive

651 Everglades Restoration Plan. The district shall propose to the
652 Corps of Engineers that the district take the lead in the design
653 and construction of the Reservoir Assisted Stormwater Treatment
654 Area and receive credit towards the local share of the total
655 cost of the Comprehensive Everglades Restoration Plan.

656 ~~b.2.~~ Phase II technical plan and construction. ~~By February~~
657 ~~1, 2008,~~ The district, in cooperation with the other
658 coordinating agencies, shall develop a detailed technical plan
659 for Phase II of the Lake Okeechobee Watershed Construction
660 Project which provides the basis for the Lake Okeechobee Basin
661 Management Action Plan adopted by the department pursuant to s.
662 403.067. The detailed technical plan shall include measures for
663 the improvement of the quality, quantity, timing, and
664 distribution of water in the northern Everglades ecosystem,
665 including the Lake Okeechobee watershed and the estuaries, and
666 for facilitating the achievement of water quality standards. Use
667 of cost-effective biologically based, hybrid wetland/chemical
668 and other innovative nutrient control technologies shall be
669 incorporated in the plan where appropriate. The detailed
670 technical plan shall also include a Process Development and
671 Engineering component to finalize the detail and design of Phase
672 II projects and identify additional measures needed to increase
673 the certainty that the overall objectives for improving water
674 quality and quantity can be met. Based on information and
675 recommendations from the Process Development and Engineering
676 component, the Phase II detailed technical plan shall be

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

683 (I)a. Identify Lake Okeechobee Watershed Construction
684 Project facilities designed to contribute to achieving all
685 applicable total maximum daily loads established pursuant to s.
686 403.067 within the Lake Okeechobee watershed.

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

689 (III)e. Provide a construction schedule for all such Lake
690 Okeechobee Watershed Construction Project facilities, including
691 the sequencing and specific timeframe for construction of each
692 Lake Okeechobee Watershed Construction Project facility.

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

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

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

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

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

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

720 c.3. ~~Evaluation.~~ Within 5 years after the adoption of the
 721 Lake Okeechobee Basin Management Action Plan pursuant to s.
 722 403.067 and every 5 ~~By January 1, 2004, and every 3~~ years
 723 thereafter, the department ~~district~~, in cooperation with the
 724 other coordinating agencies, shall conduct an evaluation of the
 725 Lake Okeechobee Watershed Construction Project and identify any
 726 further load reductions necessary to achieve compliance with the
 727 ~~all~~ Lake Okeechobee ~~watershed~~ total maximum daily loads
 728 established pursuant to s. 403.067. ~~Additionally,~~ The district

729 shall identify modifications to facilities of the Lake
730 Okeechobee Watershed Construction Project as appropriate to meet
731 the total maximum daily loads. Modifications to the Lake
732 Okeechobee Watershed Construction Project resulting from this
733 evaluation shall be incorporated into the Lake Okeechobee Basin
734 Management Action Plan and ~~The evaluation shall be included in~~
735 the applicable annual progress report submitted pursuant to
736 subsection (6).

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

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

754 a. Evaluate all available existing water quality data

755 concerning total phosphorus in the Lake Okeechobee watershed,
756 develop a water quality baseline to represent existing
757 conditions for total phosphorus, monitor long-term ecological
758 changes, including water quality for total phosphorus, and
759 measure compliance with water quality standards for total
760 phosphorus, including any applicable total maximum daily load
761 for the Lake Okeechobee watershed as established pursuant to s.
762 403.067. Beginning March 1, 2020, and every 5 years thereafter,
763 the department shall reevaluate water quality and quantity data
764 to ensure that the appropriate projects are being designated and
765 incorporated into the Lake Okeechobee Basin Management Action
766 Plan adopted pursuant to s. 403.067. The district shall
767 implement a total phosphorus monitoring program at appropriate
768 structures owned or operated by the district and within the Lake
769 Okeechobee watershed.

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

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

777 d. Conduct an assessment of the sources of phosphorus from
778 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
779 relative contribution to the water quality of Lake Okeechobee.
780 The results of this assessment shall be used by the coordinating

781 agencies as part of the Lake Okeechobee Basin Management Action
782 Plan adopted pursuant to s. 403.067 to develop interim measures,
783 best management practices, or regulations, as applicable.

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

790 f. Evaluate the feasibility of alternative nutrient
791 reduction technologies, including sediment traps, canal and
792 ditch maintenance, fish production or other aquaculture,
793 bioenergy conversion processes, and algal or other biological
794 treatment technologies and include any alternative nutrient
795 reduction technologies determined to be feasible in the Lake
796 Okeechobee Basin Management Action Plan adopted pursuant to s.
797 403.067.

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

802 (b)(e) Lake Okeechobee Basin Management Action Plan
803 Watershed Phosphorus Control Program.—The Lake Okeechobee Basin
804 Management Action Plan adopted pursuant to s. 403.067 shall be
805 the watershed phosphorus control component for Lake Okeechobee
806 and shall be Program is designed to be a multifaceted approach

807 to reducing phosphorus loads by improving the management of
808 phosphorus sources within the Lake Okeechobee watershed through
809 implementation of regulations and best management practices,
810 continued development and continued implementation of improved
811 best management practices, improvement and restoration of the
812 hydrologic function of natural and managed systems, and use
813 ~~utilization~~ of alternative technologies for nutrient reduction.
814 The plan shall contain an implementation schedule for pollutant
815 load reductions consistent with the adopted total maximum daily
816 load. The coordinating agencies shall develop an interagency
817 agreement pursuant to ss. 373.046 and 373.406 that is consistent
818 with the department taking the lead on water quality protection
819 measures through the Lake Okeechobee Basin Management Action
820 Plan adopted pursuant to s. 403.067; the district taking the
821 lead on hydrologic improvements pursuant to paragraph (3) (a);
822 and the Department of Agriculture and Consumer Services taking
823 the lead on agricultural interim measures, best management
824 practices, and other measures adopted pursuant to s. 403.067.
825 The interagency agreement shall specify how best management
826 practices for nonagricultural nonpoint sources are developed and
827 how all best management practices are implemented and verified
828 consistent with s. 403.067 and this section. The interagency
829 agreement shall address measures to be taken by the coordinating
830 agencies during any best management practice reevaluation
831 performed pursuant to subparagraphs 5. and 10. The department
832 shall use best professional judgment in making the initial

833 determination of best management practice effectiveness. The
834 coordinating agencies may develop an intergovernmental agreement
835 with local governments to implement nonagricultural nonpoint
836 source best management practices within their respective
837 geographic boundaries. The coordinating agencies shall
838 facilitate the application of federal programs that offer
839 opportunities for water quality treatment, including
840 preservation, restoration, or creation of wetlands on
841 agricultural lands.

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

858 2.a. As provided in s. 403.067 ~~403.067(7)(e)~~, the

HB 7003

2015

859 Department of Agriculture and Consumer Services, in consultation
860 with the department, the district, and affected parties, shall
861 initiate rule development for interim measures, best management
862 practices, conservation plans, nutrient management plans, or
863 other measures necessary for Lake Okeechobee watershed total
864 maximum daily load reduction. The rule shall include thresholds
865 for requiring conservation and nutrient management plans and
866 criteria for the contents of such plans. Development of
867 agricultural nonpoint source best management practices shall
868 initially focus on those priority basins listed in paragraph (a)
869 ~~subparagraph (b)1~~. The Department of Agriculture and Consumer
870 Services, in consultation with the department, the district, and
871 affected parties, shall conduct an ongoing program for
872 improvement of existing and development of new agricultural
873 nonpoint source interim measures and ~~or~~ best management
874 practices. The Department of Agriculture and Consumer Services
875 shall adopt for the purpose of adoption of such practices by
876 rule. The Department of Agriculture and Consumer Services shall
877 work with the University of Florida ~~Florida's~~ Institute of Food
878 and Agriculture Sciences to review and, where appropriate,
879 develop revised nutrient application rates for all agricultural
880 soil amendments in the watershed.

881 3.b. As provided in s. 403.067, where agricultural
882 nonpoint source best management practices or interim measures
883 have been adopted by rule of the Department of Agriculture and
884 Consumer Services, the owner or operator of an agricultural

885 nonpoint source addressed by such rule shall either implement
886 interim measures or best management practices or demonstrate
887 compliance with state water quality standards addressed by the
888 Lake Okeechobee Basin Management Action Plan adopted pursuant to
889 s. 403.067 ~~the district's WOD program~~ by conducting monitoring
890 prescribed by the department or the district. Owners or
891 operators of agricultural nonpoint sources who implement interim
892 measures or best management practices adopted by rule of the
893 Department of Agriculture and Consumer Services shall be subject
894 to ~~the provisions of s. 403.067~~ 403.067(7). ~~The Department of~~
895 ~~Agriculture and Consumer Services, in cooperation with the~~
896 ~~department and the district, shall provide technical and~~
897 ~~financial assistance for implementation of agricultural best~~
898 ~~management practices, subject to the availability of funds.~~

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

902 5.d. Where water quality problems are detected for
903 agricultural nonpoint sources despite the appropriate
904 implementation of adopted best management practices, ~~the~~
905 ~~Department of Agriculture and Consumer Services, in consultation~~
906 ~~with the other coordinating agencies and affected parties, shall~~
907 ~~institute~~ a reevaluation of the best management practices shall
908 be conducted pursuant to s. 403.067(7)(c)4. ~~and make appropriate~~
909 ~~changes to the rule adopting best management practices.~~

910 6.2. As provided in s. 403.067, nonagricultural nonpoint

HB 7003

2015

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

924 7.a. The department and the district are directed to work
925 with the University of Florida ~~Florida's~~ Institute of Food and
926 Agricultural Sciences to develop appropriate nutrient
927 application rates for all nonagricultural soil amendments in the
928 watershed. As provided in s. 403.067 ~~403.067(7)(e)~~, the
929 department, in consultation with the district and affected
930 parties, shall develop nonagricultural nonpoint source interim
931 measures, best management practices, or other measures necessary
932 for Lake Okeechobee watershed total maximum daily load
933 reduction. Development of nonagricultural nonpoint source best
934 management practices shall initially focus on those priority
935 basins listed in paragraph (a) ~~subparagraph (b)1~~. The
936 department, the district, and affected parties shall conduct an

937 ongoing program for improvement of existing and development of
938 new interim measures and ~~or~~ best management practices. The
939 department or the district shall adopt such practices by rule
940 ~~The district shall adopt technology-based standards under the~~
941 ~~district's WOD program for nonagricultural nonpoint sources of~~
942 ~~phosphorus. Nothing in this sub-subparagraph shall affect the~~
943 ~~authority of the department or the district to adopt basin-~~
944 ~~specific criteria under this part to prevent harm to the water~~
945 ~~resources of the district.~~

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

955 9.e. As provided in s. 403.067, the district or the
956 department shall conduct monitoring at representative sites to
957 verify the effectiveness of nonagricultural nonpoint source best
958 management practices.

959 10.d. Where water quality problems are detected for
960 nonagricultural nonpoint sources despite the appropriate
961 implementation of adopted best management practices, ~~the~~
962 ~~department and the district shall institute a reevaluation of~~

963 the best management practices shall be conducted pursuant to s.
964 403.067(7)(c)4.

965 11.3. This subparagraph does ~~The provisions of~~
966 ~~subparagraphs 1. and 2. may not preclude the department or the~~
967 ~~district from requiring compliance with water quality standards~~
968 ~~or with current best management practices requirements set forth~~
969 ~~in any applicable regulatory program authorized by law for the~~
970 ~~purpose of protecting water quality. This subparagraph is~~
971 ~~Additionally, subparagraphs 1. and 2. are applicable only to the~~
972 ~~extent that it does ~~they do~~ not conflict with any rules adopted~~
973 ~~by the department that are necessary to maintain a federally~~
974 ~~delegated or approved program.~~

975 12. The program of agricultural best management practices
976 set forth in chapter 40E-63, Florida Administrative Code, meets
977 the requirements of this paragraph and s. 403.067(7) for the
978 Lake Okeechobee watershed. An entity in compliance with best
979 management practices set forth in chapter 40E-63, Florida
980 Administrative Code, may elect to use that permit in lieu of the
981 requirements of this paragraph. The provisions of s.
982 373.4595(3)(b)5. apply to this subparagraph.

983 13. The Department of Agriculture and Consumer Services,
984 in cooperation with the department and the district, shall
985 provide technical and financial assistance for implementation of
986 agricultural best management practices, subject to the
987 availability of funds. The department and district shall provide
988 technical and financial assistance for implementation of

989 nonagricultural nonpoint source best management practices,
990 subject to the availability of funds.

991 14.4. Projects that reduce the phosphorus load originating
992 from domestic wastewater systems within the Lake Okeechobee
993 watershed shall be given funding priority in the department's
994 revolving loan program under s. 403.1835. The department shall
995 coordinate and provide assistance to those local governments
996 seeking financial assistance for such priority projects.

997 15.5. Projects that make use of private lands, or lands
998 held in trust for Indian tribes, to reduce nutrient loadings or
999 concentrations within a basin by one or more of the following
1000 methods: restoring the natural hydrology of the basin, restoring
1001 wildlife habitat or impacted wetlands, reducing peak flows after
1002 storm events, increasing aquifer recharge, or protecting range
1003 and timberland from conversion to development, are eligible for
1004 grants available under this section from the coordinating
1005 agencies. For projects of otherwise equal priority, special
1006 funding priority will be given to those projects that make best
1007 use of the methods outlined above that involve public-private
1008 partnerships or that obtain federal match money. Preference
1009 ranking above the special funding priority will be given to
1010 projects located in a rural area of opportunity designated by
1011 the Governor. Grant applications may be submitted by any person
1012 or tribal entity, and eligible projects may include, but are not
1013 limited to, the purchase of conservation and flowage easements,
1014 hydrologic restoration of wetlands, creating treatment wetlands,

HB 7003

2015

1015 development of a management plan for natural resources, and
1016 financial support to implement a management plan.

1017 ~~16.6.a.~~ The department shall require all entities
1018 disposing of domestic wastewater biosolids ~~residuals~~ within the
1019 Lake Okeechobee watershed and the remaining areas of Okeechobee,
1020 Glades, and Hendry Counties to develop and submit to the
1021 department an agricultural use plan that limits applications
1022 based upon phosphorus loading consistent with the Lake
1023 Okeechobee Basin Management Action Plan adopted pursuant to s.
1024 403.067. ~~By July 1, 2005, phosphorus concentrations originating~~
1025 ~~from these application sites may not exceed the limits~~
1026 ~~established in the district's WOD program. After December 31,~~
1027 ~~2007,~~ The department may not authorize the disposal of domestic
1028 wastewater biosolids ~~residuals~~ within the Lake Okeechobee
1029 watershed unless the applicant can affirmatively demonstrate
1030 that the phosphorus in the biosolids ~~residuals~~ will not add to
1031 phosphorus loadings in Lake Okeechobee or its tributaries. This
1032 demonstration shall be based on achieving a net balance between
1033 phosphorus imports relative to exports on the permitted
1034 application site. Exports shall include only phosphorus removed
1035 from the Lake Okeechobee watershed through products generated on
1036 the permitted application site. This prohibition does not apply
1037 to Class AA biosolids ~~residuals~~ that are marketed and
1038 distributed as fertilizer products in accordance with department
1039 rule.

1040 ~~17.b.~~ Private and government-owned utilities within

1041 Monroe, Miami-Dade, Broward, Palm Beach, Martin, St. Lucie,
 1042 Indian River, Okeechobee, Highlands, Hendry, and Glades Counties
 1043 that dispose of wastewater biosolids ~~residual~~ sludge from
 1044 utility operations and septic removal by land spreading in the
 1045 Lake Okeechobee watershed may use a line item on local sewer
 1046 rates to cover wastewater biosolids ~~residual~~ treatment and
 1047 disposal if such disposal and treatment is done by approved
 1048 alternative treatment methodology at a facility located within
 1049 the areas designated by the Governor as rural areas of
 1050 opportunity pursuant to s. 288.0656. This additional line item
 1051 is an environmental protection disposal fee above the present
 1052 sewer rate and may not be considered a part of the present sewer
 1053 rate to customers, notwithstanding provisions to the contrary in
 1054 chapter 367. The fee shall be established by the county
 1055 commission or its designated assignee in the county in which the
 1056 alternative method treatment facility is located. The fee shall
 1057 be calculated to be no higher than that necessary to recover the
 1058 facility's prudent cost of providing the service. Upon request
 1059 by an affected county commission, the Florida Public Service
 1060 Commission will provide assistance in establishing the fee.
 1061 Further, for utilities and utility authorities that use the
 1062 additional line item environmental protection disposal fee, such
 1063 fee may not be considered a rate increase under the rules of the
 1064 Public Service Commission and shall be exempt from such rules.
 1065 Utilities using ~~the provisions of~~ this section may immediately
 1066 include in their sewer invoicing the new environmental

HB 7003

2015

1067 protection disposal fee. Proceeds from this environmental
1068 protection disposal fee shall be used for treatment and disposal
1069 of wastewater biosolids ~~residuals~~, including any treatment
1070 technology that helps reduce the volume of biosolids ~~residuals~~
1071 that require final disposal, but such proceeds may not be used
1072 for transportation or shipment costs for disposal or any costs
1073 relating to the land application of biosolids ~~residuals~~ in the
1074 Lake Okeechobee watershed.

1075 18.e. No less frequently than once every 3 years, the
1076 Florida Public Service Commission or the county commission
1077 through the services of an independent auditor shall perform a
1078 financial audit of all facilities receiving compensation from an
1079 environmental protection disposal fee. The Florida Public
1080 Service Commission or the county commission through the services
1081 of an independent auditor shall also perform an audit of the
1082 methodology used in establishing the environmental protection
1083 disposal fee. The Florida Public Service Commission or the
1084 county commission shall, within 120 days after completion of an
1085 audit, file the audit report with the President of the Senate
1086 and the Speaker of the House of Representatives and shall
1087 provide copies to the county commissions of the counties set
1088 forth in subparagraph 17 ~~sub-subparagraph b~~. The books and
1089 records of any facilities receiving compensation from an
1090 environmental protection disposal fee shall be open to the
1091 Florida Public Service Commission and the Auditor General for
1092 review upon request.

1093 19.7. The Department of Health shall require all entities
 1094 disposing of septage within the Lake Okeechobee watershed to
 1095 develop and submit to that agency an agricultural use plan that
 1096 limits applications based upon phosphorus loading consistent
 1097 with the Lake Okeechobee Basin Management Action Plan adopted
 1098 pursuant to s. 403.067. ~~By July 1, 2005, phosphorus~~
 1099 ~~concentrations originating from these application sites may not~~
 1100 ~~exceed the limits established in the district's WOD program.~~

1101 20.8. The Department of Agriculture and Consumer Services
 1102 shall initiate rulemaking requiring entities within the Lake
 1103 Okeechobee watershed which land-apply animal manure to develop
 1104 resource management system level conservation plans, according
 1105 to United States Department of Agriculture criteria, which limit
 1106 such application. Such rules may include criteria and thresholds
 1107 for the requirement to develop a conservation or nutrient
 1108 management plan, requirements for plan approval, and
 1109 recordkeeping requirements.

1110 21. The district shall revise chapter 40E-61, Florida
 1111 Administrative Code, to be consistent with this section and s.
 1112 403.067; provide for a monitoring program for nonpoint source
 1113 dischargers required to monitor water quality by s. 403.067; and
 1114 provide for the results of such monitoring to be reported to the
 1115 coordinating agencies.

1116 ~~9.~~ ~~The district, the department, or the Department of~~
 1117 ~~Agriculture and Consumer Services, as appropriate, shall~~
 1118 ~~implement those alternative nutrient reduction technologies~~

1119 ~~determined to be feasible pursuant to subparagraph (d)6.~~

1120 ~~(d) Lake Okeechobee Watershed Research and Water Quality~~
1121 ~~Monitoring Program. The district, in cooperation with the other~~
1122 ~~coordinating agencies, shall establish a Lake Okeechobee~~
1123 ~~Watershed Research and Water Quality Monitoring Program that~~
1124 ~~builds upon the district's existing Lake Okeechobee research~~
1125 ~~program. The program shall:~~

1126 ~~1. Evaluate all available existing water quality data~~
1127 ~~concerning total phosphorus in the Lake Okeechobee watershed,~~
1128 ~~develop a water quality baseline to represent existing~~
1129 ~~conditions for total phosphorus, monitor long-term ecological~~
1130 ~~changes, including water quality for total phosphorus, and~~
1131 ~~measure compliance with water quality standards for total~~
1132 ~~phosphorus, including any applicable total maximum daily load~~
1133 ~~for the Lake Okeechobee watershed as established pursuant to s.~~
1134 ~~403.067. Every 3 years, the district shall reevaluate water~~
1135 ~~quality and quantity data to ensure that the appropriate~~
1136 ~~projects are being designated and implemented to meet the water~~
1137 ~~quality and storage goals of the plan. The district shall also~~
1138 ~~implement a total phosphorus monitoring program at appropriate~~
1139 ~~structures owned or operated by the South Florida Water~~
1140 ~~Management District and within the Lake Okeechobee watershed.~~

1141 ~~2. Develop a Lake Okeechobee water quality model that~~
1142 ~~reasonably represents phosphorus dynamics of the lake and~~
1143 ~~incorporates an uncertainty analysis associated with model~~
1144 ~~predictions.~~

1145 ~~3. Determine the relative contribution of phosphorus from~~
1146 ~~all identifiable sources and all primary and secondary land~~
1147 ~~uses.~~

1148 ~~4. Conduct an assessment of the sources of phosphorus from~~
1149 ~~the Upper Kissimmee Chain of Lakes and Lake Istokpoga, and their~~
1150 ~~relative contribution to the water quality of Lake Okeechobee.~~
1151 ~~The results of this assessment shall be used by the coordinating~~
1152 ~~agencies to develop interim measures, best management practices,~~
1153 ~~or regulation, as applicable.~~

1154 ~~5. Assess current water management practices within the~~
1155 ~~Lake Okeechobee watershed and develop recommendations for~~
1156 ~~structural and operational improvements. Such recommendations~~
1157 ~~shall balance water supply, flood control, estuarine salinity,~~
1158 ~~maintenance of a healthy lake littoral zone, and water quality~~
1159 ~~considerations.~~

1160 ~~6. Evaluate the feasibility of alternative nutrient~~
1161 ~~reduction technologies, including sediment traps, canal and~~
1162 ~~ditch maintenance, fish production or other aquaculture,~~
1163 ~~bioenergy conversion processes, and algal or other biological~~
1164 ~~treatment technologies.~~

1165 ~~7. Conduct an assessment of the water volumes and timing~~
1166 ~~from the Lake Okeechobee watershed and their relative~~
1167 ~~contribution to the water level changes in Lake Okeechobee and~~
1168 ~~to the timing and volume of water delivered to the estuaries.~~

1169 (c) ~~(e)~~ Lake Okeechobee Exotic Species Control Program.—The
1170 coordinating agencies shall identify the exotic species that

HB 7003

2015

1171 threaten the native flora and fauna within the Lake Okeechobee
1172 watershed and develop and implement measures to protect the
1173 native flora and fauna.

1174 (d)~~(f)~~ Lake Okeechobee Internal Phosphorus Management
1175 Program.—The district, in cooperation with the other
1176 coordinating agencies and interested parties, shall evaluate the
1177 feasibility of complete~~a~~ Lake Okeechobee internal phosphorus
1178 load removal projects ~~feasibility study~~. The evaluation
1179 ~~feasibility study~~ shall be based on technical feasibility, as
1180 well as economic considerations, and shall consider ~~address~~ all
1181 reasonable methods of phosphorus removal. If projects ~~methods~~
1182 are found to be feasible, the district shall immediately pursue
1183 the design, funding, and permitting for implementing such
1184 projects ~~methods~~.

1185 (e)~~(g)~~ Lake Okeechobee Watershed Protection Program Plan
1186 implementation.—The coordinating agencies shall be jointly
1187 responsible for implementing the Lake Okeechobee Watershed
1188 Protection Program Plan, consistent with the statutory authority
1189 and responsibility of each agency. Annual funding priorities
1190 shall be jointly established, and the highest priority shall be
1191 assigned to programs and projects that address sources that have
1192 the highest relative contribution to loading and the greatest
1193 potential for reductions needed to meet the total maximum daily
1194 loads. In determining funding priorities, the coordinating
1195 agencies shall also consider the need for regulatory compliance,
1196 the extent to which the program or project is ready to proceed,

1197 and the availability of federal matching funds or other nonstate
 1198 funding, including public-private partnerships. Federal and
 1199 other nonstate funding shall be maximized to the greatest extent
 1200 practicable.

1201 (f) ~~(h)~~ Priorities and implementation schedules.—The
 1202 coordinating agencies are authorized and directed to establish
 1203 priorities and implementation schedules for the achievement of
 1204 total maximum daily loads, compliance with the requirements of
 1205 s. 403.067, and compliance with applicable water quality
 1206 standards within the waters and watersheds subject to this
 1207 section.

1208 ~~(i) Legislative ratification. The coordinating agencies~~
 1209 ~~shall submit the Phase II technical plan developed pursuant to~~
 1210 ~~paragraph (b) to the President of the Senate and the Speaker of~~
 1211 ~~the House of Representatives prior to the 2008 legislative~~
 1212 ~~session for review. If the Legislature takes no action on the~~
 1213 ~~plan during the 2008 legislative session, the plan is deemed~~
 1214 ~~approved and may be implemented.~~

1215 (4) CALOOSAHATCHEE RIVER WATERSHED PROTECTION PROGRAM AND
 1216 ST. LUCIE RIVER WATERSHED PROTECTION PROGRAM.—A protection
 1217 program shall be developed and implemented as specified in this
 1218 subsection. In order to protect and restore surface water
 1219 resources, the program shall address the reduction of pollutant
 1220 loadings, restoration of natural hydrology, and compliance with
 1221 applicable state water quality standards. The program shall be
 1222 achieved through a phased program of implementation. In

1223 addition, pollutant load reductions based upon adopted total
 1224 maximum daily loads established in accordance with s. 403.067
 1225 shall serve as a program objective. In the development and
 1226 administration of the program, the coordinating agencies shall
 1227 maximize opportunities provided by federal and local government
 1228 cost-sharing programs and opportunities for partnerships with
 1229 the private sector and local government. The program plan shall
 1230 include a goal for salinity envelopes and freshwater inflow
 1231 targets for the estuaries based upon existing research and
 1232 documentation. The goal may be revised as new information is
 1233 available. This goal shall seek to reduce the frequency and
 1234 duration of undesirable salinity ranges while meeting the other
 1235 water-related needs of the region, including water supply and
 1236 flood protection, while recognizing the extent to which water
 1237 inflows are within the control and jurisdiction of the district.

1238 (a) Caloosahatchee River Watershed Protection Plan. ~~No~~
 1239 ~~later than January 1, 2009,~~ The district, in cooperation with
 1240 the other coordinating agencies, Lee County, and affected
 1241 counties and municipalities, shall complete a River Watershed
 1242 Protection Plan in accordance with this subsection. The
 1243 Caloosahatchee River Watershed Protection Plan shall identify
 1244 the geographic extent of the watershed, be coordinated as needed
 1245 with the plans developed pursuant to paragraph (3) (a) and
 1246 paragraph (c) ~~(b)~~ of this subsection, and ~~contain an~~
 1247 ~~implementation schedule for pollutant load reductions consistent~~
 1248 ~~with any adopted total maximum daily loads and compliance with~~

1249 ~~applicable state water quality standards. The plan shall include~~
 1250 the Caloosahatchee River Watershed Construction Project and the
 1251 Caloosahatchee River Watershed Research and Water Quality
 1252 Monitoring Program.÷

1253 1. Caloosahatchee River Watershed Construction Project.—To
 1254 improve the hydrology, water quality, and aquatic habitats
 1255 within the watershed, the district shall, no later than January
 1256 1, 2012, plan, design, and construct the initial phase of the
 1257 Watershed Construction Project. In doing so, the district shall:

1258 a. Develop and designate the facilities to be constructed
 1259 to achieve stated goals and objectives of the Caloosahatchee
 1260 River Watershed Protection Plan.

1261 b. Conduct scientific studies that are necessary to
 1262 support the design of the Caloosahatchee River Watershed
 1263 Construction Project facilities.

1264 c. Identify the size and location of all such facilities.

1265 d. Provide a construction schedule for all such
 1266 facilities, including the sequencing and specific timeframe for
 1267 construction of each facility.

1268 e. Provide a schedule for the acquisition of lands or
 1269 sufficient interests necessary to achieve the construction
 1270 schedule.

1271 f. Provide a schedule of costs and benefits associated
 1272 with each construction project and identify funding sources.

1273 g. To ensure timely implementation, coordinate the design,
 1274 scheduling, and sequencing of project facilities with the

HB 7003

2015

1275 coordinating agencies, Lee County, other affected counties and
1276 municipalities, and other affected parties.

1277 2. Caloosahatchee River Watershed Research and Water
1278 Quality Monitoring Program.—The district, in cooperation with
1279 the other coordinating agencies and local governments, shall
1280 implement a Caloosahatchee River Watershed Research and Water
1281 Quality Monitoring Program that builds upon the district's
1282 existing research program and that is sufficient to carry out,
1283 comply with, or assess the plans, programs, and other
1284 responsibilities created by this subsection. The program shall
1285 also conduct an assessment of the water volumes and timing from
1286 Lake Okeechobee and the Caloosahatchee River watershed and their
1287 relative contributions to the timing and volume of water
1288 delivered to the estuary.

1289 (b)2. Caloosahatchee River Watershed Basin Management
1290 Action Plans Pollutant Control Program.—The basin management
1291 action plans adopted pursuant to s. 403.067 for the
1292 Caloosahatchee River watershed shall be the Caloosahatchee River
1293 Watershed Pollutant Control Program. The plans shall be ~~is~~
1294 designed to be a multifaceted approach to reducing pollutant
1295 loads by improving the management of pollutant sources within
1296 the Caloosahatchee River watershed through implementation of
1297 regulations and best management practices, development and
1298 implementation of improved best management practices,
1299 improvement and restoration of the hydrologic function of
1300 natural and managed systems, and utilization of alternative

HB 7003

2015

1301 technologies for pollutant reduction, such as cost-effective
1302 biologically based, hybrid wetland/chemical and other innovative
1303 nutrient control technologies. The plans shall contain an
1304 implementation schedule for pollutant load reductions consistent
1305 with the adopted total maximum daily load. The coordinating
1306 agencies shall facilitate the use ~~utilization~~ of federal
1307 programs that offer opportunities for water quality treatment,
1308 including preservation, restoration, or creation of wetlands on
1309 agricultural lands.

1310 1.a. Nonpoint source best management practices consistent
1311 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1312 objectives of the Caloosahatchee River Watershed Protection
1313 Program, shall be implemented on an expedited basis. The
1314 coordinating agencies may develop an intergovernmental agreement
1315 with local governments to implement the nonagricultural,
1316 nonpoint-source best management practices within their
1317 respective geographic boundaries.

1318 2.b. This subsection does not preclude the department or
1319 the district from requiring compliance with water quality
1320 standards, adopted total maximum daily loads, or current best
1321 management practices requirements set forth in any applicable
1322 regulatory program authorized by law for the purpose of
1323 protecting water quality. This subsection applies only to the
1324 extent that it does not conflict with any rules adopted by the
1325 department or district which are necessary to maintain a
1326 federally delegated or approved program.

HB 7003

2015

1327 3.e. Projects that make use of private lands, or lands
1328 held in trust for Indian tribes, to reduce pollutant loadings or
1329 concentrations within a basin, or that reduce the volume of
1330 harmful discharges by one or more of the following methods:
1331 restoring the natural hydrology of the basin, restoring wildlife
1332 habitat or impacted wetlands, reducing peak flows after storm
1333 events, or increasing aquifer recharge, are eligible for grants
1334 available under this section from the coordinating agencies.

1335 4.d. The Caloosahatchee River Watershed Basin Management
1336 Action Plans ~~Pollutant Control Program~~ shall require assessment
1337 of current water management practices within the watershed and
1338 shall require development of recommendations for structural,
1339 nonstructural, and operational improvements. Such
1340 recommendations shall consider and balance water supply, flood
1341 control, estuarine salinity, aquatic habitat, and water quality
1342 considerations.

1343 5.e. ~~After December 31, 2007,~~ The department may not
1344 authorize the disposal of domestic wastewater biosolids
1345 ~~residuals~~ within the Caloosahatchee River watershed unless the
1346 applicant can affirmatively demonstrate that the nutrients in
1347 the biosolids ~~residuals~~ will not add to nutrient loadings in the
1348 watershed. This demonstration shall be based on achieving a net
1349 balance between nutrient imports relative to exports on the
1350 permitted application site. Exports shall include only nutrients
1351 removed from the watershed through products generated on the
1352 permitted application site. This prohibition does not apply to

HB 7003

2015

1353 Class AA biosolids ~~residuals~~ that are marketed and distributed
1354 as fertilizer products in accordance with department rule.

1355 ~~6.f.~~ The Department of Health shall require all entities
1356 disposing of septage within the Caloosahatchee River watershed
1357 to develop and submit to that agency an agricultural use plan
1358 that limits applications based upon nutrient loading consistent
1359 with any basin management action plan adopted pursuant to s.
1360 403.067. ~~By July 1, 2008, nutrient concentrations originating~~
1361 ~~from these application sites may not exceed the limits~~
1362 ~~established in the district's WOD program.~~

1363 ~~7.g.~~ The Department of Agriculture and Consumer Services
1364 shall require ~~initiate rulemaking requiring~~ entities within the
1365 Caloosahatchee River watershed which land-apply animal manure to
1366 develop a resource management system level conservation plan,
1367 according to United States Department of Agriculture criteria,
1368 which limit such application. Such rules may include criteria
1369 and thresholds for the requirement to develop a conservation or
1370 nutrient management plan, requirements for plan approval, and
1371 recordkeeping requirements.

1372 ~~3. Caloosahatchee River Watershed Research and Water~~
1373 ~~Quality Monitoring Program. The district, in cooperation with~~
1374 ~~the other coordinating agencies and local governments, shall~~
1375 ~~establish a Caloosahatchee River Watershed Research and Water~~
1376 ~~Quality Monitoring Program that builds upon the district's~~
1377 ~~existing research program and that is sufficient to carry out,~~
1378 ~~comply with, or assess the plans, programs, and other~~

1379 ~~responsibilities created by this subsection. The program shall~~
 1380 ~~also conduct an assessment of the water volumes and timing from~~
 1381 ~~the Lake Okeechobee and Caloosahatchee River watersheds and~~
 1382 ~~their relative contributions to the timing and volume of water~~
 1383 ~~delivered to the estuary.~~

1384 (c) ~~(b)~~ St. Lucie River Watershed Protection Plan. ~~No later~~
 1385 ~~than January 1, 2009,~~ The district, in cooperation with the
 1386 other coordinating agencies, Martin County, and affected
 1387 counties and municipalities shall complete a plan in accordance
 1388 with this subsection. The St. Lucie River Watershed Protection
 1389 Plan shall identify the geographic extent of the watershed, be
 1390 coordinated as needed with the plans developed pursuant to
 1391 paragraph (3) (a) and paragraph (a) of this subsection, and
 1392 ~~contain an implementation schedule for pollutant load reductions~~
 1393 ~~consistent with any adopted total maximum daily loads and~~
 1394 ~~compliance with applicable state water quality standards. The~~
 1395 ~~plan shall~~ include the St. Lucie River Watershed Construction
 1396 Project and St. Lucie River Watershed Research and Water Quality
 1397 Monitoring Program.†

1398 1. St. Lucie River Watershed Construction Project.—To
 1399 improve the hydrology, water quality, and aquatic habitats
 1400 within the watershed, the district shall, no later than January
 1401 1, 2012, plan, design, and construct the initial phase of the
 1402 Watershed Construction Project. In doing so, the district shall:

1403 a. Develop and designate the facilities to be constructed
 1404 to achieve stated goals and objectives of the St. Lucie River

1405 Watershed Protection Plan.

1406 b. Identify the size and location of all such facilities.

1407 c. Provide a construction schedule for all such
1408 facilities, including the sequencing and specific timeframe for
1409 construction of each facility.

1410 d. Provide a schedule for the acquisition of lands or
1411 sufficient interests necessary to achieve the construction
1412 schedule.

1413 e. Provide a schedule of costs and benefits associated
1414 with each construction project and identify funding sources.

1415 f. To ensure timely implementation, coordinate the design,
1416 scheduling, and sequencing of project facilities with the
1417 coordinating agencies, Martin County, St. Lucie County, other
1418 interested parties, and other affected local governments.

1419 2. St. Lucie River Watershed Research and Water Quality
1420 Monitoring Program.—The district, in cooperation with the other
1421 coordinating agencies and local governments, shall establish a
1422 St. Lucie River Watershed Research and Water Quality Monitoring
1423 Program that builds upon the district's existing research
1424 program and that is sufficient to carry out, comply with, or
1425 assess the plans, programs, and other responsibilities created
1426 by this subsection. The program shall also conduct an assessment
1427 of the water volumes and timing from Lake Okeechobee and the St.
1428 Lucie River watershed and their relative contributions to the
1429 timing and volume of water delivered to the estuary.

1430 (d)2. St. Lucie River Watershed Basin Management Action

1431 Plans ~~Pollutant Control Program.~~ Basin management action plans
1432 for the St. Lucie River watershed adopted pursuant to s. 403.067
1433 shall be the St. Lucie River Watershed Pollutant Control Program
1434 and shall be ~~is~~ designed to be a multifaceted approach to
1435 reducing pollutant loads by improving the management of
1436 pollutant sources within the St. Lucie River watershed through
1437 implementation of regulations and best management practices,
1438 development and implementation of improved best management
1439 practices, improvement and restoration of the hydrologic
1440 function of natural and managed systems, and use ~~utilization~~ of
1441 alternative technologies for pollutant reduction, such as cost-
1442 effective biologically based, hybrid wetland/chemical and other
1443 innovative nutrient control technologies. The plan shall contain
1444 an implementation schedule for pollutant load reductions
1445 consistent with the adopted total maximum daily load. The
1446 coordinating agencies shall facilitate the use ~~utilization~~ of
1447 federal programs that offer opportunities for water quality
1448 treatment, including preservation, restoration, or creation of
1449 wetlands on agricultural lands.

1450 1.a. Nonpoint source best management practices consistent
1451 with s. 403.067 ~~paragraph (3)(c)~~, designed to achieve the
1452 objectives of the St. Lucie River Watershed Protection Program,
1453 shall be implemented on an expedited basis. The coordinating
1454 agencies may develop an intergovernmental agreement with local
1455 governments to implement the nonagricultural nonpoint source
1456 best management practices within their respective geographic

HB 7003

2015

1457 boundaries.

1458 ~~2.b.~~ This subsection does not preclude the department or
1459 the district from requiring compliance with water quality
1460 standards, adopted total maximum daily loads, or current best
1461 management practices requirements set forth in any applicable
1462 regulatory program authorized by law for the purpose of
1463 protecting water quality. This subsection applies only to the
1464 extent that it does not conflict with any rules adopted by the
1465 department or district which are necessary to maintain a
1466 federally delegated or approved program.

1467 ~~3.e.~~ Projects that make use of private lands, or lands
1468 held in trust for Indian tribes, to reduce pollutant loadings or
1469 concentrations within a basin, or that reduce the volume of
1470 harmful discharges by one or more of the following methods:
1471 restoring the natural hydrology of the basin, restoring wildlife
1472 habitat or impacted wetlands, reducing peak flows after storm
1473 events, or increasing aquifer recharge, are eligible for grants
1474 available under this section from the coordinating agencies.

1475 ~~4.d.~~ The St. Lucie River Watershed Basin Management Action
1476 Plans ~~Pollutant Control Program~~ shall require assessment of
1477 current water management practices within the watershed and
1478 shall require development of recommendations for structural,
1479 nonstructural, and operational improvements. Such
1480 recommendations shall consider and balance water supply, flood
1481 control, estuarine salinity, aquatic habitat, and water quality
1482 considerations.

HB 7003

2015

1483 ~~5.e.~~ After ~~December 31, 2007,~~ The department may not
1484 authorize the disposal of domestic wastewater biosolids
1485 ~~residuals~~ within the St. Lucie River watershed unless the
1486 applicant can affirmatively demonstrate that the nutrients in
1487 the biosolids ~~residuals~~ will not add to nutrient loadings in the
1488 watershed. This demonstration shall be based on achieving a net
1489 balance between nutrient imports relative to exports on the
1490 permitted application site. Exports shall include only nutrients
1491 removed from the St. Lucie River watershed through products
1492 generated on the permitted application site. This prohibition
1493 does not apply to Class AA biosolids ~~residuals~~ that are marketed
1494 and distributed as fertilizer products in accordance with
1495 department rule.

1496 ~~6.f.~~ The Department of Health shall require all entities
1497 disposing of septage within the St. Lucie River watershed to
1498 develop and submit to that agency an agricultural use plan that
1499 limits applications based upon nutrient loading consistent with
1500 any basin management action plan adopted pursuant to s. 403.067.
1501 ~~By July 1, 2008, nutrient concentrations originating from these~~
1502 ~~application sites may not exceed the limits established in the~~
1503 ~~district's WOD program.~~

1504 ~~7.g.~~ The Department of Agriculture and Consumer Services
1505 shall initiate rulemaking requiring entities within the St.
1506 Lucie River watershed which land-apply animal manure to develop
1507 a resource management system level conservation plan, according
1508 to United States Department of Agriculture criteria, which limit

1509 such application. Such rules may include criteria and thresholds
1510 for the requirement to develop a conservation or nutrient
1511 management plan, requirements for plan approval, and
1512 recordkeeping requirements.

1513 ~~3. St. Lucie River Watershed Research and Water Quality~~
1514 ~~Monitoring Program. The district, in cooperation with the other~~
1515 ~~coordinating agencies and local governments, shall establish a~~
1516 ~~St. Lucie River Watershed Research and Water Quality Monitoring~~
1517 ~~Program that builds upon the district's existing research~~
1518 ~~program and that is sufficient to carry out, comply with, or~~
1519 ~~assess the plans, programs, and other responsibilities created~~
1520 ~~by this subsection. The program shall also conduct an assessment~~
1521 ~~of the water volumes and timing from the Lake Okeechobee and St.~~
1522 ~~Lucie River watersheds and their relative contributions to the~~
1523 ~~timing and volume of water delivered to the estuary.~~

1524 (e) ~~(e)~~ River Watershed Protection Plan implementation.—The
1525 coordinating agencies shall be jointly responsible for
1526 implementing the River Watershed Protection Plans, consistent
1527 with the statutory authority and responsibility of each agency.
1528 Annual funding priorities shall be jointly established, and the
1529 highest priority shall be assigned to programs and projects that
1530 have the greatest potential for achieving the goals and
1531 objectives of the plans. In determining funding priorities, the
1532 coordinating agencies shall also consider the need for
1533 regulatory compliance, the extent to which the program or
1534 project is ready to proceed, and the availability of federal or

1535 local government matching funds. Federal and other nonstate
 1536 funding shall be maximized to the greatest extent practicable.

1537 (f)~~(d)~~ Evaluation.—Beginning ~~By~~ March 1, 2020 ~~2012~~, and
 1538 every 5 ~~3~~ years thereafter concurrent with the updates of the
 1539 basin management action plans adopted pursuant to s. 403.067,
 1540 the district, in cooperation with the other coordinating
 1541 agencies, shall conduct an evaluation of any pollutant load
 1542 reduction goals, as well as any other specific objectives and
 1543 goals, as stated in the River Watershed Protection Programs
 1544 ~~Plans. Additionally,~~ The district shall identify modifications
 1545 to facilities of the River Watershed Construction Projects, as
 1546 appropriate, or any other elements of the River Watershed
 1547 Protection Programs ~~Plans~~. The evaluation shall be included in
 1548 the annual progress report submitted pursuant to this section.

1549 (g)~~(e)~~ Priorities and implementation schedules.—The
 1550 coordinating agencies are authorized and directed to establish
 1551 priorities and implementation schedules for the achievement of
 1552 total maximum daily loads, the requirements of s. 403.067, and
 1553 compliance with applicable water quality standards within the
 1554 waters and watersheds subject to this section.

1555 ~~(f) Legislative ratification. The coordinating agencies~~
 1556 ~~shall submit the River Watershed Protection Plans developed~~
 1557 ~~pursuant to paragraphs (a) and (b) to the President of the~~
 1558 ~~Senate and the Speaker of the House of Representatives prior to~~
 1559 ~~the 2009 legislative session for review. If the Legislature~~
 1560 ~~takes no action on the plan during the 2009 legislative session,~~

HB 7003

2015

1561 ~~the plan is deemed approved and may be implemented.~~

1562 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
1563 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.—The
1564 department is directed to expedite development and adoption of
1565 total maximum daily loads for the Caloosahatchee River and
1566 estuary. The department is further directed to, ~~no later than~~
1567 ~~December 31, 2008,~~ propose for final agency action total maximum
1568 daily loads for nutrients in the tidal portions of the
1569 Caloosahatchee River and estuary. The department shall initiate
1570 development of basin management action plans for Lake
1571 Okeechobee, the Caloosahatchee River watershed and estuary, and
1572 the St. Lucie River watershed and estuary as provided in s.
1573 403.067 ~~403.067(7)(a)~~ as follows:

1574 (a) Basin management action plans shall be developed as
1575 soon as practicable as determined necessary by the department to
1576 achieve the total maximum daily loads established for the Lake
1577 Okeechobee watershed and the estuaries.

1578 (b) The Phase II technical plan development pursuant to
1579 paragraph (3)(a) ~~(3)(b)~~, and the River Watershed Protection Plans
1580 developed pursuant to paragraphs (4)(a) and (c) ~~(b)~~, shall
1581 provide the basis for basin management action plans developed by
1582 the department.

1583 (c) As determined necessary by the department in order to
1584 achieve the total maximum daily loads, additional or modified
1585 projects or programs that complement those in the legislatively
1586 ratified plans may be included during the development of the

HB 7003

2015

1587 basin management action plan.

1588 (d) As provided in s. 403.067, management strategies and
1589 pollution reduction requirements set forth in a basin management
1590 action plan subject to permitting by the department under
1591 subsection (7) must be completed pursuant to the schedule set
1592 forth in the basin management action plan, as amended. The
1593 implementation schedule may extend beyond the 5-year permit
1594 term.

1595 (e) As provided in s. 403.067, management strategies and
1596 pollution reduction requirements set forth in a basin management
1597 action plan for a specific pollutant of concern are not subject
1598 to challenge under chapter 120 at the time they are
1599 incorporated, in an identical form, into a department or
1600 district issued permit or a permit modification issued in
1601 accordance with subsection (7).

1602 ~~(d) Development of basin management action plans that~~
1603 ~~implement the provisions of the legislatively ratified plans~~
1604 ~~shall be initiated by the department no later than September 30~~
1605 ~~of the year in which the applicable plan is ratified. Where a~~
1606 ~~total maximum daily load has not been established at the time of~~
1607 ~~plan ratification, development of basin management action plans~~
1608 ~~shall be initiated no later than 90 days following adoption of~~
1609 ~~the applicable total maximum daily load.~~

1610 (6) ANNUAL PROGRESS REPORT.—Each March 1 the district, in
1611 cooperation with the other coordinating agencies, shall report
1612 on implementation of this section as part of the consolidated

HB 7003

2015

1613 annual report required in s. 373.036(7). The annual report shall
1614 include a summary of the conditions of the hydrology, water
1615 quality, and aquatic habitat in the northern Everglades based on
1616 the results of the Research and Water Quality Monitoring
1617 Programs, the status of the Lake Okeechobee Watershed
1618 Construction Project, the status of the Caloosahatchee River
1619 Watershed Construction Project, and the status of the St. Lucie
1620 River Watershed Construction Project. In addition, the report
1621 shall contain an annual accounting of the expenditure of funds
1622 from the Save Our Everglades Trust Fund. At a minimum, the
1623 annual report shall provide detail by program and plan,
1624 including specific information concerning the amount and use of
1625 funds from federal, state, or local government sources. In
1626 detailing the use of these funds, the district shall indicate
1627 those designated to meet requirements for matching funds. The
1628 district shall prepare the report in cooperation with the other
1629 coordinating agencies and affected local governments. The
1630 department shall report on the status of the Lake Okeechobee
1631 Basin Management Action Plan, the Caloosahatchee Estuary Basin
1632 Management Action Plan, and the St. Lucie River and Estuary
1633 Basin Management Action Plan. The Department of Agriculture and
1634 Consumer Services shall report on the status of the
1635 implementation of the agricultural nonpoint source best
1636 management practices.

1637 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

1638 (a) The Legislature finds that the Lake Okeechobee

1639 Watershed Protection Program will benefit Lake Okeechobee and
 1640 downstream receiving waters and is in ~~consistent with~~ the public
 1641 interest. The Lake Okeechobee Watershed Construction Project,
 1642 and structures discharging into or from Lake Okeechobee shall be
 1643 constructed, operated, and maintained in accordance with this
 1644 section.

1645 (b) Permits obtained pursuant to this section are in lieu
 1646 of all other permits under this chapter or chapter 403, except
 1647 those issued under s. 403.0885, if applicable. ~~No~~ Additional
 1648 permits are not required for the Lake Okeechobee Watershed
 1649 Construction Project, or structures discharging into or from
 1650 Lake Okeechobee, if such projects or structures are permitted
 1651 under this section. Construction activities related to
 1652 implementation of the Lake Okeechobee Watershed Construction
 1653 Project may be initiated before ~~prior to~~ final agency action, or
 1654 notice of intended agency action, on any permit from the
 1655 department under this section.

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

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

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

1680 ~~a. Are adequately and accurately monitored;~~

1681 ~~b. Will not degrade existing Lake Okeechobee water quality~~
1682 ~~and will result in an overall reduction of phosphorus input into~~
1683 ~~Lake Okeechobee, as set forth in the district's Technical~~
1684 ~~Publication 81-2 and the total maximum daily load established in~~
1685 ~~accordance with s. 403.067, to the maximum extent practicable;~~
1686 ~~and~~

1687 ~~e. Do not pose a serious danger to public health, safety,~~
1688 ~~or welfare.~~

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

HB 7003

2015

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 Lake Okeechobee Watershed
1708 Construction Project facilities. However, projects ~~identified in~~
1709 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
1710 s. 373.406 do shall not require need permits under this section.
1711 Such permits shall be issued for a term of 5 years upon the
1712 demonstration of reasonable assurances that:

1713 1. District regional projects that are part of the Lake
1714 Okeechobee Watershed Construction Project facility, ~~based upon~~
1715 ~~the conceptual design documents and any subsequent detailed~~
1716 ~~design documents developed by the district,~~ will shall achieve

1717 the design objectives for phosphorus required in subparagraph
 1718 (3) (a) 1. ~~paragraph (3) (b);~~

1719 2. For water quality standards other than phosphorus, the
 1720 quality of water discharged from the facility is of equal or
 1721 better quality than the inflows;

1722 3. Discharges from the facility do not pose a serious
 1723 danger to public health, safety, or welfare; and

1724 4. Any impacts on wetlands or state-listed species
 1725 resulting from implementation of that facility of the Lake
 1726 Okeechobee Construction Project are minimized and mitigated, as
 1727 appropriate.

1728 (e) At least 60 days before ~~prior to~~ the expiration of any
 1729 permit issued under this section, the permittee may apply for a
 1730 renewal thereof for a period of 5 years.

1731 (f) Permits issued under this section may include any
 1732 standard conditions provided by department rule which are
 1733 appropriate and consistent with this section.

1734 (g) Permits issued under ~~pursuant to~~ this section may be
 1735 modified, as appropriate, upon review and approval by the
 1736 department.

1737 Section 9. Paragraphs (a) and (b) of subsection (6) of
 1738 section 373.536, Florida Statutes, are amended to read:

1739 373.536 District budget and hearing thereon.—

1740 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1741 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1742 (a) Each district must, by the date specified for each

1743 item, furnish copies of the following documents to the Governor,
1744 the President of the Senate, the Speaker of the House of
1745 Representatives, the chairs of all legislative committees and
1746 subcommittees having substantive or fiscal jurisdiction over the
1747 districts, as determined by the President of the Senate or the
1748 Speaker of the House of Representatives as applicable, the
1749 secretary of the department, and the governing board of each
1750 county in which the district has jurisdiction or derives any
1751 funds for the operations of the district:

1752 1. The adopted budget, to be furnished within 10 days
1753 after its adoption.

1754 2. A financial audit of its accounts and records, to be
1755 furnished within 10 days after its acceptance by the governing
1756 board. The audit must be conducted in accordance with s. 11.45
1757 and the rules adopted thereunder. In addition to the entities
1758 named above, the district must provide a copy of the audit to
1759 the Auditor General within 10 days after its acceptance by the
1760 governing board.

1761 3. A 5-year capital improvements plan, to be included in
1762 the consolidated annual report required by s. 373.036(7). The
1763 plan must include expected sources of revenue for planned
1764 improvements and must be prepared in a manner comparable to the
1765 fixed capital outlay format set forth in s. 216.043.

1766 4. A 5-year water resource development work program to be
1767 furnished within 30 days after the adoption of the final budget.
1768 The program must describe the district's implementation strategy

HB 7003

2015

1769 | and include an annual funding plan for each of the 5 years
1770 | included in the plan for the water resource and~~7~~ water supply~~7~~
1771 | development components, including ~~and~~ alternative water supply
1772 | development, ~~components~~ of each approved regional water supply
1773 | plan developed or revised under s. 373.709. The work program
1774 | must address all the elements of the water resource development
1775 | component in the district's approved regional water supply
1776 | plans, as well as the water supply projects proposed for
1777 | district funding and assistance. The annual funding plan shall
1778 | identify both anticipated available district funding and
1779 | additional funding needs for the second through fifth years of
1780 | the funding plan. The work program ~~and~~ must identify projects in
1781 | the work program which will provide water; explain how each
1782 | water resource~~7~~, and water supply~~7~~, ~~and alternative water supply~~
1783 | ~~development~~ project will produce additional water available for
1784 | consumptive uses; estimate the quantity of water to be produced
1785 | by each project; ~~and~~ provide an assessment of the contribution
1786 | of the district's regional water supply plans in supporting the
1787 | implementation of minimum flows and levels and reservations; and
1788 | ensure ~~providing~~ sufficient water is available ~~needed~~ to timely
1789 | meet the water supply needs of existing and future reasonable-
1790 | beneficial uses for a 1-in-10-year drought event and to avoid
1791 | the adverse effects of competition for water supplies.

1792 | (b) Within 30 days after its submittal, the department
1793 | shall review the proposed work program and submit its findings,
1794 | questions, and comments to the district. The review must include

HB 7003

2015

1795 a written evaluation of the program's consistency with the
1796 furtherance of the district's approved regional water supply
1797 plans, and the adequacy of proposed expenditures. As part of the
1798 review, the department shall post the work program on its
1799 website and give interested parties the opportunity to provide
1800 written comments on each district's proposed work program.
1801 Within 45 days after receipt of the department's evaluation, the
1802 governing board shall state in writing to the department which
1803 of the changes recommended in the evaluation it will incorporate
1804 into its work program submitted as part of the March 1
1805 consolidated annual report required by s. 373.036(7) or specify
1806 the reasons for not incorporating the changes. The department
1807 shall include the district's responses in a final evaluation
1808 report and shall submit a copy of the report to the Governor,
1809 the President of the Senate, and the Speaker of the House of
1810 Representatives.

1811 Section 10. Subsection (9) of section 373.703, Florida
1812 Statutes, is amended to read:

1813 373.703 Water production; general powers and duties.—In
1814 the performance of, and in conjunction with, its other powers
1815 and duties, the governing board of a water management district
1816 existing pursuant to this chapter:

1817 (9) May join with one or more other water management
1818 districts, counties, municipalities, special districts, publicly
1819 owned or privately owned water utilities, multijurisdictional
1820 water supply entities, regional water supply authorities,

HB 7003

2015

1821 private landowners, or self-suppliers for the purpose of
1822 carrying out its powers, and may contract with such other
1823 entities to finance acquisitions, construction, operation, and
1824 maintenance, provided that such contracts are consistent with
1825 the public interest. The contract may provide for contributions
1826 to be made by each party to the contract for the division and
1827 apportionment of the expenses of acquisitions, construction,
1828 operation, and maintenance, and for the division and
1829 apportionment of resulting benefits, services, and products. The
1830 contracts may contain other covenants and agreements necessary
1831 and appropriate to accomplish their purposes.

1832 Section 11. Paragraph (b) of subsection (2), subsection
1833 (3), and paragraph (b) of subsection (4) of section 373.705,
1834 Florida Statutes, are amended to read:

1835 373.705 Water resource development; water supply
1836 development.—

1837 (2) It is the intent of the Legislature that:

1838 (b) Water management districts take the lead in
1839 identifying and implementing water resource development
1840 projects, and be responsible for securing necessary funding for
1841 regionally significant water resource development projects,
1842 including regionally significant projects that prevent or limit
1843 adverse water resource impacts, avoid competition among water
1844 users, or support the provision of new water supplies in order
1845 to help implement a minimum flow or level or water reservation.

1846 (3) (a) The water management districts shall fund and

HB 7003

2015

1847 implement water resource development as defined in s. 373.019.
1848 The water management districts are encouraged to implement water
1849 resource development as expeditiously as possible in areas
1850 subject to regional water supply plans.

1851 (b) Each governing board shall include in its annual
1852 budget submittals required under this chapter:

1853 1. The amount of funds for each project in the annual
1854 funding plan developed pursuant to s. 373.536(6) (a)4.

1855 2. The total amount needed for the fiscal year to
1856 implement water resource development projects, as prioritized in
1857 its regional water supply plans.

1858 (4)

1859 (b) Water supply development projects that meet the
1860 criteria in paragraph (a) and that meet one or more of the
1861 following additional criteria shall be given first consideration
1862 for state or water management district funding assistance:

1863 1. The project brings about replacement of existing
1864 sources in order to help implement a minimum flow or level; ~~or~~

1865 2. The project implements reuse that assists in the
1866 elimination of domestic wastewater ocean outfalls as provided in
1867 s. 403.086(9); or

1868 3. The project reduces or eliminates the adverse effects
1869 of competition between legal users and the natural system.

1870 Section 12. Paragraph (f) of subsection (3), paragraph (a)
1871 of subsection (6), and paragraph (e) of subsection (8) of
1872 section 373.707, Florida Statutes, are amended to read:

1873 373.707 Alternative water supply development.—
 1874 (3) The primary roles of the water management districts in
 1875 water resource development as it relates to supporting
 1876 alternative water supply development are:
 1877 (f) The provision of technical and financial assistance to
 1878 local governments, self-suppliers, and publicly owned and
 1879 privately owned water utilities for alternative water supply
 1880 projects.
 1881 (6) (a) Where state ~~The statewide~~ funds are provided
 1882 through specific appropriation or pursuant to the Water
 1883 Protection and Sustainability Program, such funds serve to
 1884 supplement existing water management district or basin board
 1885 funding for alternative water supply development assistance and
 1886 should not result in a reduction of such funding. For each
 1887 project identified in the plans prepared pursuant to s.
 1888 373.536(6)(a)4. ~~Therefore,~~ the water management districts shall
 1889 include in the annual tentative and adopted budget submittals
 1890 required under this chapter the amount of funds allocated for
 1891 water resource development that supports alternative water
 1892 supply development and the funds allocated for alternative water
 1893 supply projects ~~selected for inclusion in the Water Protection~~
 1894 ~~and Sustainability Program.~~ It shall be the goal of each water
 1895 management district and basin boards that the combined funds
 1896 allocated annually for these purposes be, at a minimum, the
 1897 equivalent of 100 percent of the state funding provided to the
 1898 water management district for alternative water supply

HB 7003

2015

1899 development. If this goal is not achieved, the water management
1900 district shall provide in the budget submittal an explanation of
1901 the reasons or constraints that prevent this goal from being
1902 met, an explanation of how the goal will be met in future years,
1903 and affirmation of match is required during the budget review
1904 process as established under s. 373.536(5). The Suwannee River
1905 Water Management District and the Northwest Florida Water
1906 Management District shall not be required to meet the match
1907 requirements of this paragraph; however, they shall try to
1908 achieve the match requirement to the greatest extent
1909 practicable.

1910 (8)

1911 (e) Applicants for projects that may receive funding
1912 assistance pursuant to the Water Protection and Sustainability
1913 Program shall, at a minimum, be required to pay 60 percent of
1914 the project's construction costs. The water management districts
1915 may, at their discretion, totally or partially waive this
1916 requirement for projects sponsored by:

1917 1. Financially disadvantaged small local governments as
1918 defined in former s. 403.885(5); or

1919 2. Water users for projects determined by a water
1920 management district governing board to be in the public interest
1921 pursuant to paragraph (1)(f), if the projects are not otherwise
1922 financially feasible.

1923
1924 The water management districts or basin boards may, at their

1925 discretion, use ad valorem or federal revenues to assist a
 1926 project applicant in meeting the requirements of this paragraph.

1927 Section 13. Paragraph (a) of subsection (2) and paragraphs
 1928 (a) and (e) of subsection (6) of section 373.709, Florida
 1929 Statutes, are amended to read:

1930 373.709 Regional water supply planning.—

1931 (2) Each regional water supply plan must be based on at
 1932 least a 20-year planning period and must include, but need not
 1933 be limited to:

1934 (a) A water supply development component for each water
 1935 supply planning region identified by the district which
 1936 includes:

1937 1. A quantification of the water supply needs for all
 1938 existing and future reasonable-beneficial uses within the
 1939 planning horizon. The level-of-certainty planning goal
 1940 associated with identifying the water supply needs of existing
 1941 and future reasonable-beneficial uses must be based upon meeting
 1942 those needs for a 1-in-10-year drought event.

1943 a. Population projections used for determining public
 1944 water supply needs must be based upon the best available data.
 1945 In determining the best available data, the district shall
 1946 consider the University of Florida ~~Florida's~~ Bureau of Economic
 1947 and Business Research (BEBR) medium population projections and
 1948 population projection data and analysis submitted by a local
 1949 government pursuant to the public workshop described in
 1950 subsection (1) if the data and analysis support the local

1951 government's comprehensive plan. Any adjustment of or deviation
 1952 from the BEBR projections must be fully described, and the
 1953 original BEBR data must be presented along with the adjusted
 1954 data.

1955 b. Agricultural demand projections used for determining
 1956 the needs of agricultural self-suppliers must be based upon the
 1957 best available data. In determining the best available data for
 1958 agricultural self-supplied water needs, the district shall
 1959 consider the data indicative of future water supply demands
 1960 provided by the Department of Agriculture and Consumer Services
 1961 pursuant to s. 570.93 and agricultural demand projection data
 1962 and analysis submitted by a local government pursuant to the
 1963 public workshop described in subsection (1), if the data and
 1964 analysis support the local government's comprehensive plan. Any
 1965 adjustment of or deviation from the data provided by the
 1966 Department of Agriculture and Consumer Services must be fully
 1967 described, and the original data must be presented along with
 1968 the adjusted data.

1969 2. A list of water supply development project options,
 1970 including traditional and alternative water supply project
 1971 options that are technically and financially feasible, from
 1972 which local government, government-owned and privately owned
 1973 utilities, regional water supply authorities,
 1974 multijurisdictional water supply entities, self-suppliers, and
 1975 others may choose for water supply development. In addition to
 1976 projects listed by the district, such users may propose specific

1977 projects for inclusion in the list of alternative water supply
 1978 projects. If such users propose a project to be listed as an
 1979 alternative water supply project, the district shall determine
 1980 whether it meets the goals of the plan, and, if so, it shall be
 1981 included in the list. The total capacity of the projects
 1982 included in the plan must exceed the needs identified in
 1983 subparagraph 1. and take into account water conservation and
 1984 other demand management measures, as well as water resources
 1985 constraints, including adopted minimum flows and levels and
 1986 water reservations. Where the district determines it is
 1987 appropriate, the plan should specifically identify the need for
 1988 multijurisdictional approaches to project options that, based on
 1989 planning level analysis, are appropriate to supply the intended
 1990 uses and that, based on such analysis, appear to be permissible
 1991 and financially and technically feasible. The list of water
 1992 supply development options must contain provisions that
 1993 recognize that alternative water supply options for agricultural
 1994 self-suppliers are limited.

1995 3. For each project option identified in subparagraph 2.,
 1996 the following must be provided:

1997 a. An estimate of the amount of water to become available
 1998 through the project.

1999 b. The timeframe in which the project option should be
 2000 implemented and the estimated planning-level costs for capital
 2001 investment and operating and maintaining the project.

2002 c. An analysis of funding needs and sources of possible

2003 funding options. For alternative water supply projects, the
 2004 water management districts shall provide funding assistance
 2005 pursuant to s. 373.707(8).

2006 d. Identification of the entity that should implement each
 2007 project option and the current status of project implementation.

2008 (6) Annually and in conjunction with the reporting
 2009 requirements of s. 373.536(6)(a)4., the department shall submit
 2010 to the Governor and the Legislature a report on the status of
 2011 regional water supply planning in each district. The report
 2012 shall include:

2013 (a) A compilation of the estimated costs ~~of~~ and an
 2014 analysis of the sufficiency of potential sources of funding from
 2015 all sources for water resource development and water supply
 2016 development projects as identified in the water management
 2017 district regional water supply plans.

2018 (e) An overall assessment of the progress being made to
 2019 develop water supply in each district, including, but not
 2020 limited to, an explanation of how each project in the 5-year
 2021 water resource development work program in s. 373.536(6)(a)4.,
 2022 either alternative or traditional, will produce, contribute to,
 2023 or account for additional water being made available for
 2024 consumptive uses, minimum flows and levels, or water
 2025 reservations; an estimate of the quantity of water to be
 2026 produced by each project;~~r~~ and an assessment of the contribution
 2027 of the district's regional water supply plan in providing
 2028 sufficient water to meet the needs of existing and future

2029 reasonable-beneficial uses for a 1-in-10-year drought event, as
2030 well as the needs of the natural systems.

2031 Section 14. Part VIII of chapter 373, Florida Statutes,
2032 consisting of ss. 373.801-373.809, is created to read:

2033 PART VIII

2034 FLORIDA SPRINGS AND AQUIFER ACT

2035 373.801 Legislative findings and intent.-

2036 (1) The Legislature finds that:

2037 (a) Springs are a unique part of this state's scenic
2038 beauty. Springs provide critical habitat for plants and animals,
2039 including many endangered or threatened species, as well as
2040 immeasurable natural, recreational, economic, and inherent
2041 value.

2042 (b) Springs provide recreational opportunities for
2043 swimming, canoeing, wildlife watching, fishing, cave diving, and
2044 many other activities. Such recreational opportunities and the
2045 accompanying tourism benefit state and local economies.

2046 (c) Springs are of great scientific importance in
2047 understanding the diverse functions of aquatic ecosystems. Water
2048 quality of springs is an indicator of local conditions of the
2049 Floridan Aquifer, which is the source of drinking water for many
2050 residents of this state. Water flows in springs reflect regional
2051 aquifer conditions.

2052 (2) It is the intent of the Legislature:

2053 (a) That springs basin management action plans for
2054 Priority Florida Springs are expeditiously developed and

2055 implemented.

2056 (b) That recovery strategies for Priority Florida Springs
 2057 that are not meeting minimum flows and levels are expeditiously
 2058 developed and implemented.

2059 (c) To prioritize the development of minimum flows and
 2060 levels for Priority Florida Springs and implementation of
 2061 recovery or prevention strategies for Priority Florida Springs
 2062 as applicable.

2063 (d) To prioritize the assessment of all Priority Florida
 2064 Springs for potential nutrient impairment through the Florida
 2065 total maximum daily load program.

2066 (e) To prioritize the adoption of total maximum daily
 2067 loads for impaired Priority Florida Springs.

2068 (f) To prioritize the implementation of basin management
 2069 action plans to restore impaired Priority Florida Springs.

2070 373.802 Definitions.—As used in this part, the term:

2071 (1) "Best management practice" means a practice or
 2072 combination of practices based on research, field-testing, and
 2073 expert review, to be the most effective and practicable on-
 2074 location means, including economic and technological
 2075 considerations, for improving water quality in agricultural and
 2076 urban discharges and improving efficiencies in the use and
 2077 management of water.

2078 (2) "Department" means the Department of Environmental
 2079 Protection, which includes the Florida Geological Survey or its
 2080 successor agency or agencies.

2081 (3) "Priority Florida Springs" includes all first
 2082 magnitude springs in the state and all second magnitude springs
 2083 within state or federally owned lands purchased for conservation
 2084 purposes.

2085 373.803 Priority Florida Springs; generally.—

2086 (1) The department, the water management districts, and
 2087 the Department of Agriculture and Consumer Services shall work
 2088 together in a coordinated manner to restore and maintain the
 2089 water quantity and water quality of Priority Florida Springs.

2090 (2) With respect to Florida springs:

2091 (a) The department has primary responsibility for water
 2092 quality protection through the establishment of basin management
 2093 action plans and other water quality regulations.

2094 (b) The water management districts have primary
 2095 responsibility for the hydrologic recovery of spring flow
 2096 through the establishment of minimum flows and levels and
 2097 recovery plans.

2098 (c) The Department of Agriculture and Consumer Services
 2099 has primary responsibility for the development and
 2100 implementation of best management practices for agricultural
 2101 nonpoint sources.

2102 (d) Local governments have primary responsibility for
 2103 providing urban stormwater management and domestic wastewater
 2104 management.

2105 (3) The department, the water management districts, and
 2106 the Department of Agriculture and Consumer Services shall

2107 prioritize the implementation of financial assistance and
 2108 community outreach programs for springs protection that support
 2109 actions to reduce nutrient loading to the environment and
 2110 prevent or abate nutrient over-enrichment of springs. Such
 2111 actions shall include implementing agricultural best management
 2112 practices and may include connecting centralized sewer systems
 2113 to densely populated areas presently served by onsite treatment
 2114 and disposal systems, stormwater management improvements, and
 2115 supporting implementation of ordinances consistent with the
 2116 department's Model Ordinance for Florida-Friendly Fertilizer Use
 2117 on Urban Landscapes referenced in s. 403.9337.

2118 373.805 Recovery or prevention strategies for Priority
 2119 Florida Springs.-

2120 (1) Recovery or prevention strategies for Priority Florida
 2121 Springs shall be developed as follows:

2122 (a) For any minimum flow or level initially adopted after
 2123 July 1, 2015, if the Priority Florida Spring is below or is
 2124 projected to fall within 20 years below the initial minimum flow
 2125 or level, the water management district shall simultaneously
 2126 approve the recovery or prevention strategy required by s.
 2127 373.0421(2).

2128 (b) When an adopted minimum flow or level is revised, if
 2129 the Priority Florida Spring is below or is projected within 20
 2130 years to fall below the revised minimum flow or level, the water
 2131 management district shall simultaneously approve the recovery or
 2132 prevention strategy required by s. 373.0421(2) or modify an

2133 existing recovery or prevention strategy.

2134 (c) For Priority Florida Springs with an adopted minimum
 2135 flow or level but without a prevention or recovery strategy as
 2136 of July 1, 2015, when the water management district determines
 2137 the Priority Florida Spring has fallen below or is projected
 2138 within 20 years to fall below the adopted minimum flow or level,
 2139 the water management district shall expeditiously approve a
 2140 recovery or prevention strategy.

2141 (2) A recovery or prevention strategy for a Priority
 2142 Florida Spring must include, at a minimum:

2143 (a) A prioritized list of specific projects necessary to
 2144 achieve the minimum flow or level.

2145 (b) The capital cost, operating cost, and measures of cost
 2146 benefit for each listed project.

2147 (c) The source and amount of financial assistance from the
 2148 water management districts for each project.

2149 (d) Provisions otherwise required by law.

2150 373.807 Protection of water quality in Priority Florida
 2151 Springs.-

2152 (1) As expeditiously as practicable, but by December 1,
 2153 2018, the department or the department in conjunction with a
 2154 water management district shall, for Priority Florida Springs:

2155 (a) Complete an assessment pursuant to s. 403.067 of
 2156 Priority Florida Springs for which an impairment determination
 2157 has not been made under the numeric nutrient criteria in effect
 2158 for spring vents.

HB 7003

2015

2159 (b) Establish a total maximum daily load for nutrients
2160 pursuant to s. 403.067 for Priority Florida Springs determined
2161 by the department to be impaired.

2162 (c) Establish basin management action plans pursuant to s.
2163 403.067 that include the impaired Priority Florida Springs that
2164 are subject to a total maximum daily load.

2165 (2) If a Priority Florida Spring is determined to be
2166 impaired after December 1, 2018, the department shall establish
2167 a basin management action plan to include the impaired spring
2168 within 2 years after the determination of impairment.

2169 (3) Basin management action plans for Priority Florida
2170 Springs must include, at a minimum:

2171 1. A priority listing of all specific projects identified
2172 for implementation of the basin management action plan.

2173 2. The capital cost, operating cost, and measures of cost
2174 benefit for each listed project.

2175 3. The source and amount of financial assistance, if any,
2176 from the water management districts, the department, and the
2177 Department of Agriculture and Consumer Services for each
2178 project.

2179 4. Provisions otherwise required by law.

2180 373.809 Agricultural best management practices for springs
2181 protection.—

2182 (1) Best management practices for agricultural discharges
2183 shall reflect a balance between water quality improvements in
2184 Priority Florida Springs and agricultural productivity.

2185 (2) Subject to the availability of funds, the Department
2186 of Agriculture and Consumer Services, in cooperation with the
2187 department and the water management districts, shall provide
2188 technical and financial assistance for implementation of
2189 agricultural best management practices pursuant to this section.

2190 (3) The department shall conduct monitoring at
2191 representative sites to verify the effectiveness of agricultural
2192 best management practices in accordance with s. 403.067.

2193 (4) Where water quality problems are detected in a
2194 Priority Florida Spring despite the appropriate implementation
2195 of adopted agricultural best management practices, a
2196 reevaluation of the agricultural best management practices shall
2197 be conducted pursuant to s. 403.067(7)(c)4.

2198 (5) Each person engaged in the occupation of agriculture
2199 within the geographic area encompassed by a basin management
2200 action plan that includes a Priority Florida Spring must either
2201 implement agricultural best management practices in accordance
2202 with the rules of the Department of Agriculture and Consumer
2203 Services or conduct water quality monitoring prescribed by the
2204 department or water management district according to the
2205 following schedule:

2206 (a) If a basin management action plan that includes a
2207 Priority Florida Spring was established before July 1, 2015,
2208 each person engaged in the occupation of agriculture within the
2209 geographic area encompassed by the basin management action plan
2210 must, by December 31, 2015, notify the Department of Agriculture

2211 and Consumer Services of his or her intent to either implement
 2212 agricultural best management practices or conduct water quality
 2213 monitoring prescribed by the department or water management
 2214 district.

2215 (b) If a basin management action plan that includes a
 2216 Priority Florida Spring is established on or after July 1, 2015,
 2217 each person engaged in the occupation of agriculture within the
 2218 geographic area encompassed by the basin management action plan
 2219 must, within 180 days after establishment of the basin
 2220 management action plan, notify the Department of Agriculture and
 2221 Consumer Services of his or her intent to either implement
 2222 agricultural best management practices or conduct water quality
 2223 monitoring prescribed by the department or water management
 2224 district.

2225 Section 15. Subsection (29) of section 403.061, Florida
 2226 Statutes, is amended to read:

2227 403.061 Department; powers and duties.—The department
 2228 shall have the power and the duty to control and prohibit
 2229 pollution of air and water in accordance with the law and rules
 2230 adopted and promulgated by it and, for this purpose, to:

2231 (29) (a) Adopt by rule special criteria to protect Class II
 2232 and Class III shellfish harvesting waters. Such rules may
 2233 include special criteria for approving docking facilities that
 2234 have 10 or fewer slips if the construction and operation of such
 2235 facilities will not result in the closure of shellfish waters.

2236 (b) Adopt by rule a specific surface water classification

HB 7003

2015

2237 to protect surface waters used for treated potable water supply.
2238 These designated surface waters shall have the same water
2239 quality criteria protections as waters designated for fish
2240 consumption, recreation, and the propagation and maintenance of
2241 a healthy, well-balanced population of fish and wildlife, and
2242 shall be free from discharged substances at a concentration
2243 that, alone or in combination with other discharged substances,
2244 would require significant alteration of permitted treatment
2245 processes at the permitted treatment facility or that would
2246 otherwise prevent compliance with applicable state drinking
2247 water standards in the treated water. Notwithstanding this
2248 classification, a surface water used for treated potable water
2249 supply may be reclassified as waters designated for potable
2250 water supply.

2251
2252 The department shall implement such programs in conjunction with
2253 its other powers and duties and shall place special emphasis on
2254 reducing and eliminating contamination that presents a threat to
2255 humans, animals or plants, or to the environment.

2256 Section 16. Subsection (21) is added to section 403.861,
2257 Florida Statutes, to read:

2258 403.861 Department; powers and duties.—The department
2259 shall have the power and the duty to carry out the provisions
2260 and purposes of this act and, for this purpose, to:

2261 (21) Establish rules in accordance with this subsection
2262 concerning the use of surface waters for public water supply.

2263 (a) Any permit applicant applying to construct a public
2264 water system to provide potable public water supply using a
2265 surface water of the state that, at the time of the permit
2266 application, does not include potable water supply as a
2267 designated use by the department, shall petition to reclassify
2268 the surface water to include potable water supplies as a
2269 designated use or shall certify in the permit application that
2270 the public water supply utility will provide potable water to
2271 the public that, at a minimum, meets primary drinking water
2272 standards adopted in accordance with s. 403.853. An existing
2273 permittee may elect to file a certification in accordance with
2274 this paragraph.

2275 (b) Upon receipt of the certification described in
2276 paragraph (a) from an existing permittee or, in the case of a
2277 new permittee for surface water that does not include potable
2278 use at the time of application, upon issuance of the permit, the
2279 department shall act on the certification by adding treated
2280 potable water supplies as a designated use of the surface water.

2281 Section 17. This act shall take effect July 1, 2015.