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

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

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

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

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

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findings and intent; creating s. 373.802, F.S.;
defining terms; creating s. 373.803, F.S.; requiring
the department to delineate a priority focus area for
each Outstanding Florida Spring by a certain date;
creating s. 373.805, F.S.; requiring a water
management district or the department to adopt or
revise various recovery or prevention strategies under
certain circumstances; providing minimum requirements
for recovery or prevention strategies for Outstanding
Florida Springs; authorizing local governments to
apply for an extension for projects in an adopted
recovery or prevention strategy; creating s. 373.807,
F.S.; requiring the department to initiate assessments
of Outstanding Florida Springs by a certain date;
requiring the department to develop basin management
action plans; authorizing local governments to apply
for an extension for projects in an adopted basin
management action plan; requiring certain local
governments to develop, enact, and implement an urban
fertilizer ordinance by a certain date; requiring the
Department of Environmental Protection, the Department
of Health, and relevant local governments and
utilities to develop onsite sewage treatment and
disposal system remediation plans under certain
circumstances; requiring the Department of
Environmental Protection to be the lead agency;

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

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

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

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

259.032 Conservation and recreation lands.—

(9)

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

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

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

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

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

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

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

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

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

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

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

373.036 Florida water plan; district water management plans.—

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(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

c. The estimated cost for each listed project;

d. The estimated completion date for each listed project;

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

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

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

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

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

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

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

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

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

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

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

347 (2) The Legislature finds that:

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

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

365 supply development project.

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

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

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

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

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

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

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

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417 necessary and appropriate to accomplish their purposes.

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

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

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

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

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

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

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

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443 natural systems from implementation of the pilot project.

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

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

452 373.042 Minimum flows and minimum water levels.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) ESTABLISHMENT.—

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

(b) *Exclusions.*—

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

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

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

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

670
671 The exclusions of this paragraph shall not apply to the
672 Everglades Protection Area, as defined in s. 373.4592(2)(i).

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

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

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

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

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

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

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

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

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

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

731 373.0465 Central Florida Water Initiative.-

732 (1) The Legislature finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. Consider existing recovery or prevention strategies;

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

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

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807 373.2234.

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

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

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

819 3. A single process for permit reviews;

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

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

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

826
827 The uniform rules must include existing recovery strategies
828 within the Central Florida Water Initiative Area adopted before
829 July 1, 2016. The department may grant variances to the uniform
830 rules if there are unique circumstances or hydrogeological
831 factors that make application of the uniform rules unrealistic
832 or impractical.

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

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

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

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

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

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

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

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

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

(d) Act as local sponsor for project components.

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

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

373.219 Permits required.—

(3) For Outstanding Florida Springs, the department shall

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

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

373.223 Conditions for a permit.—

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

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

373.2234 Preferred water supply sources.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

983 373.233 Competing applications.—

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

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

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

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

996 373.4591 Improvements on private agricultural lands.—

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

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

1005 (b) Provide critical groundwater recharge; or

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

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

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1015 agreement before improvements are constructed.

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

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

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

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373.4595 Northern Everglades and Estuaries Protection
Program.—

(1) FINDINGS AND INTENT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(k)(1) ~~(l)~~ "Northern Everglades" means the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.

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

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1119 of January 1, 1999.

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

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

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

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

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

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

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

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

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

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1197 Research and Water Quality Monitoring Program ~~contain an~~
1198 ~~implementation schedule for subsequent phases of phosphorus load~~
1199 ~~reduction consistent with the total maximum daily loads~~
1200 ~~established in accordance with s. 403.067. The plan shall~~

1201 consider and build upon a review and analysis of ~~the following:~~

1202 ~~1.~~ the performance of projects constructed during Phase I
1203 and Phase II of the Lake Okeechobee Watershed Construction
1204 Project, pursuant to subparagraph 1.; ~~paragraph (b).~~

1205 ~~2.~~ relevant information resulting from the Lake Okeechobee
1206 Basin Management Action Plan Watershed Phosphorus Control
1207 Program, pursuant to paragraph (b); ~~(c).~~

1208 ~~3.~~ relevant information resulting from the Lake Okeechobee
1209 Watershed Research and Water Quality Monitoring Program,
1210 pursuant to subparagraph 2.; ~~paragraph (d).~~

1211 ~~4.~~ relevant information resulting from the Lake Okeechobee
1212 Exotic Species Control Program, pursuant to paragraph (c); and
1213 ~~(e).~~

1214 ~~5.~~ relevant information resulting from the Lake Okeechobee
1215 Internal Phosphorus Management Program, pursuant to paragraph
1216 (d) ~~(f).~~

1217 1. ~~(b)~~ Lake Okeechobee Watershed Construction Project.—To
1218 improve the hydrology and water quality of Lake Okeechobee and
1219 downstream receiving waters, including the Caloosahatchee and
1220 St. Lucie Rivers and their estuaries, the district, in
1221 cooperation with the other coordinating agencies, shall design
1222 and construct the Lake Okeechobee Watershed Construction

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1223 Project. The project shall include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1353 program shall:

1354 a. Evaluate all available existing water quality data
1355 concerning total phosphorus in the Lake Okeechobee watershed,
1356 develop a water quality baseline to represent existing
1357 conditions for total phosphorus, monitor long-term ecological
1358 changes, including water quality for total phosphorus, and
1359 measure compliance with water quality standards for total
1360 phosphorus, including any applicable total maximum daily load
1361 for the Lake Okeechobee watershed as established pursuant to s.
1362 403.067. Beginning March 1, 2020, and every 5 years thereafter,
1363 the department shall reevaluate water quality and quantity data
1364 to ensure that the appropriate projects are being designated and
1365 incorporated into the Lake Okeechobee Basin Management Action
1366 Plan adopted pursuant to s. 403.067. The district shall
1367 implement a total phosphorus monitoring program at appropriate
1368 structures owned or operated by the district and within the Lake
1369 Okeechobee watershed.

1370 b. Develop a Lake Okeechobee water quality model that
1371 reasonably represents the phosphorus dynamics of Lake Okeechobee
1372 and incorporates an uncertainty analysis associated with model
1373 predictions.

1374 c. Determine the relative contribution of phosphorus from
1375 all identifiable sources and all primary and secondary land
1376 uses.

1377 d. Conduct an assessment of the sources of phosphorus from
1378 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1795 ~~considerations.~~

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

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

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

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

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

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

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

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

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

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inflows are within the control and jurisdiction of the district.

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

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

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

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

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Construction Project facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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2081 schedule.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2344 (7) LAKE OKEECHOBEE PROTECTION PERMITS.—

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

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

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

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

2384 ~~1. Permits issued under this paragraph shall also contain~~
2385 ~~reasonable conditions to ensure that discharges of waters~~
2386 ~~through structures:~~

2387 ~~a. Are adequately and accurately monitored;~~
2388 ~~b. Will not degrade existing Lake Okeechobee water quality~~
2389 ~~and will result in an overall reduction of phosphorus input into~~
2390 ~~Lake Okeechobee, as set forth in the district's Technical~~
2391 ~~Publication 81-2 and the total maximum daily load established in~~
2392 ~~accordance with s. 403.067, to the maximum extent practicable;~~

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2393 and

2394 ~~e. Do not pose a serious danger to public health, safety,~~
2395 ~~or welfare.~~

2396 2. For the purposes of this paragraph, owners and
2397 operators of existing structures which are subject to ~~the~~
2398 ~~provisions of s. 373.4592(4)(a) and which discharge into or from~~
2399 Lake Okeechobee shall be deemed in compliance with this
2400 paragraph ~~the term "maximum extent practicable"~~ if they are in
2401 full compliance with the conditions of permits under chapter
2402 ~~chapters 40E-61 and 40E-63, Florida Administrative Code.~~

2403 3. By January 1, 2017 ~~2004~~, the district shall submit to
2404 the department a complete application for a permit modification
2405 to the Lake Okeechobee structure permits to incorporate proposed
2406 changes necessary to ensure that discharges through the
2407 structures covered by this permit are consistent with the basin
2408 management action plan adopted pursuant to ~~achieve state water~~
2409 ~~quality standards, including the total maximum daily load~~
2410 ~~established in accordance with s. 403.067. These changes shall~~
2411 ~~be designed to achieve such compliance with state water quality~~
2412 ~~standards no later than January 1, 2015.~~

2413 (d) The department shall require permits for district
2414 regional projects that are part of the Lake Okeechobee Watershed
2415 Construction Project ~~facilities~~. However, projects ~~identified in~~
2416 ~~sub-subparagraph (3)(b)1.b.~~ that qualify as exempt pursuant to
2417 s. 373.406 do ~~shall~~ not require ~~need~~ permits under this section.
2418 Such permits shall be issued for a term of 5 years upon the

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demonstration of reasonable assurances that:

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

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

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

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

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

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

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

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

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(3) of section 373.467, Florida Statutes, are amended, to read:

373.467 The Harris Chain of Lakes Restoration Council.—
There is created within the St. Johns River Water Management District, with assistance from the Fish and Wildlife Conservation Commission and the Lake County Water Authority, the Harris Chain of Lakes Restoration Council.

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

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

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

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

373.536 District budget and hearing thereon.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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that section, to read:

373.705 Water resource development; water supply development.—

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

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

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

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

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

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

(4)

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

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

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

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

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

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

373.707 Alternative water supply development.—

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

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

(6)(a) If state ~~The statewide~~ funds are provided through specific appropriation or pursuant to the Water Protection and Sustainability Program, such funds serve to supplement existing water management district or basin board funding for alternative water supply development assistance and should not result in a reduction of such funding. For each project identified in the annual funding plans prepared pursuant to s. 373.536(6)(a)4.

~~Therefore,~~ the water management districts shall include in the annual tentative and adopted budget submittals required under this chapter the amount of funds allocated for water resource development that supports alternative water supply development and the funds allocated for alternative water supply projects ~~selected for inclusion in the Water Protection and Sustainability Program.~~ It shall be the goal of each water management district and basin boards that the combined funds allocated annually for these purposes be, at a minimum, the equivalent of 100 percent of the state funding provided to the water management district for alternative water supply development. If this goal is not achieved, the water management district shall provide in the budget submittal an explanation of

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

(8)

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

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

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

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

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

2682 373.709 Regional water supply planning.—

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

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

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

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

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

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

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

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

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

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

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

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

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2757 pursuant to s. 373.707(8).

2758 d. Identification of the entity that should implement each
2759 project option and the current status of project implementation.

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

2761 1. A listing of those water resource development projects
2762 that support water supply development for all existing and
2763 future reasonable-beneficial uses as described in paragraph
2764 (2) (a) and for the natural systems as identified in the recovery
2765 or prevention strategies for adopted minimum flows and minimum
2766 water levels or water reservations.

2767 2. For each water resource development project listed:

2768 a. An estimate of the amount of water to become available
2769 through the project for all existing and future reasonable-
2770 beneficial uses as described in paragraph (2) (a) and for the
2771 natural systems as identified in the recovery or prevention
2772 strategies for adopted minimum flows and minimum water levels or
2773 water reservations.

2774 b. The timeframe in which the project option should be
2775 implemented and the estimated planning-level costs for capital
2776 investment and for operating and maintaining the project.

2777 c. An analysis of funding needs and sources of possible
2778 funding options.

2779 d. Identification of the entity that should implement each
2780 project option and the current status of project implementation.

2781 (c) The recovery and prevention strategy described in s.
2782 373.0421(2).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2846 373.801 Legislative findings and intent.—

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

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

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

2875 (3) The Legislature recognizes that:

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

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2887 Floridan Aquifer.

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

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

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

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

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

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

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

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

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

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

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

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

2935 (a) De Leon Springs;

2936 (b) Peacock Springs;

2937 (c) Poe Springs;

2938 (d) Rock Springs;

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2939 (e) Wekiwa Springs; and

2940 (f) Gemini Springs.

2941

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A priority listing of each project;

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

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

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

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

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

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

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

Section 27. Section 373.807, Florida Statutes, is created

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to read:

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

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

(b) A basin management action plan for an Outstanding

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Florida Spring shall be adopted within 2 years after its initiation and must include, at a minimum:

1. A list of all specific projects and programs identified to implement a nutrient total maximum daily load;

2. A list of all specific projects identified in any incorporated onsite sewage treatment and disposal system remediation plan, if applicable;

3. A priority rank for each listed project;

4. For each listed project, a planning level cost estimate and the estimated date of completion;

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

6. An estimate of each listed project's nutrient load reduction;

7. Identification of each point source or category of nonpoint sources, including, but not limited to, urban turf fertilizer, sports turf fertilizer, agricultural fertilizer, onsite sewage treatment and disposal systems, wastewater treatment facilities, animal wastes, and stormwater facilities.

An estimated allocation of the pollutant load must be provided for each point source or category of nonpoint sources; and

8. An implementation plan designed with a target to achieve the nutrient total maximum daily load no more than 20 years after the adoption of a basin management action plan.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3204 373.813 Rules.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3311 403.0623 Environmental data; quality assurance.—

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

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

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

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

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

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

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

403.067 Establishment and implementation of total maximum daily loads.—

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

(a) *Basin management action plans.*—

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

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

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

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

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

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

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

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3407 403.151;

3408 b. A description of best management practices adopted by
3409 rule;

3410 c. A list of projects in priority ranking with a planning-
3411 level cost estimate and estimated date of completion for each
3412 listed project;

3413 d. The source and amount of financial assistance to be
3414 made available by the department, a water management district,
3415 or other entity for each listed project, if applicable; and

3416 e. A planning-level estimate of each listed project's
3417 expected load reduction, if applicable.

3418 5.4. The department shall adopt all or any part of a basin
3419 management action plan and any amendment to such plan by
3420 secretarial order pursuant to chapter 120 to implement the
3421 provisions of this section.

3422 6.5. The basin management action plan must include
3423 milestones for implementation and water quality improvement, and
3424 an associated water quality monitoring component sufficient to
3425 evaluate whether reasonable progress in pollutant load
3426 reductions is being achieved over time. An assessment of
3427 progress toward these milestones shall be conducted every 5
3428 years, and revisions to the plan shall be made as appropriate.
3429 Revisions to the basin management action plan shall be made by
3430 the department in cooperation with basin stakeholders. Revisions
3431 to the management strategies required for nonpoint sources must
3432 follow the procedures set forth in subparagraph (c)4. Revised

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

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

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

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

1. The department shall be the lead agency in coordinating

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

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

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

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

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

e. Public works including capital facilities; or

f. Land acquisition.

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

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

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

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

c. The basin management action plan does not relieve the

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

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

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

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

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

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

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

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

3556 (c) *Best management practices.*—

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

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

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

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

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

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

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

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

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

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

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2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to s. 403.067(7)(b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to s. 403.067(7)(c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to s. 403.067(7)(c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

Section 34. Section 403.0675, Florida Statutes, is created

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to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Water supply and demand; and

2. Water quality protection and restoration.

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

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

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

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

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

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

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

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

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3797 resulting from public ownership of conservation lands.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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