

Bill No. SB 444

Barcode 351004

CHAMBER ACTION

Senate

House

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11 The Committee on Environmental Preservation (Dockery)
12 recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

17 and insert:

18 Section 1. Paragraph (d) of subsection (1), subsection
19 (6) and subsection (8) of section 201.15, Florida Statutes,
20 are amended to read:

21 201.15 Distribution of taxes collected.--All taxes
22 collected under this chapter shall be distributed as follows
23 and shall be subject to the service charge imposed in s.
24 215.20(1), except that such service charge shall not be levied
25 against any portion of taxes pledged to debt service on bonds
26 to the extent that the amount of the service charge is
27 required to pay any amounts relating to the bonds:

28 (1) Sixty-two and sixty-three hundredths percent of
29 the remaining taxes collected under this chapter shall be used
30 for the following purposes:

31 (d) The remainder of the moneys distributed under this

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1 subsection, after the required payments under paragraphs (a),
 2 (b), and (c), shall be paid into the State Treasury to the
 3 credit of the General Revenue Fund of the state to be used and
 4 expended for the purposes for which the General Revenue Fund
 5 was created and exists by law, ~~or~~ to the Ecosystem Management
 6 and Restoration Trust Fund or to the Marine Resources
 7 Conservation Trust Fund as provided in subsection (11), or to
 8 the Water Protection and Sustainability Program Trust Fund of
 9 the Department of Environmental Protection as provided in s.
 10 215.6197. Moneys available under this paragraph shall first be
 11 used to pay debt service due on any water protection and
 12 sustainability bonds or to make any other payments required by
 13 the bond documents authorizing the issuance before such moneys
 14 are used for other purposes authorized by this paragraph.

15 (6) Two and seventy eight ~~Two and twenty-eight~~
 16 hundredths percent of the remaining taxes collected under this
 17 chapter shall be paid into the State Treasury to the credit of
 18 the Invasive Plant Control Trust Fund to carry out the
 19 purposes set forth in ss. 369.22 and 369.252.

20 ~~(8) One-half of one percent of the remaining taxes~~
 21 ~~collected under this chapter shall be paid into the State~~
 22 ~~Treasury and divided equally to the credit of the Department~~
 23 ~~of Environmental Protection Water Quality Assurance Trust Fund~~
 24 ~~to address water quality impacts associated with~~
 25 ~~nonagricultural nonpoint sources and to the credit of the~~
 26 ~~Department of Agriculture and Consumer Services General~~
 27 ~~Inspection Trust Fund to address water quality impacts~~
 28 ~~associated with agricultural nonpoint sources, respectively.~~
 29 ~~These funds shall be used for research, development,~~
 30 ~~demonstration, and implementation of suitable best management~~
 31 ~~practices or other measures used to achieve water quality~~

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1 ~~standards in surface waters and water segments identified~~
2 ~~pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.~~
3 ~~92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
4 ~~management practices and other measures may include cost share~~
5 ~~grants, technical assistance, implementation tracking, and~~
6 ~~conservation leases or other agreements for water quality~~
7 ~~improvement. The Department of Environmental Protection and~~
8 ~~the Department of Agriculture and Consumer Services may adopt~~
9 ~~rules governing the distribution of funds for implementation~~
10 ~~of best management practices. The unobligated balance of funds~~
11 ~~received from the distribution of taxes collected under this~~
12 ~~chapter to address water quality impacts associated with~~
13 ~~nonagricultural nonpoint sources will be excluded when~~
14 ~~calculating the unobligated balance of the Water Quality~~
15 ~~Assurance Trust Fund as it relates to the determination of the~~
16 ~~applicable excise tax rate.~~

17 Section 2. Section 215.6197, Florida Statutes, is
18 created to read:

19 215.6197 Bonds for Water Protection and Sustainability
20 Program.--

21 (1) The issuance of water protection and
22 sustainability bonds is authorized. The water protection and
23 sustainability bonds may be issued over the next 10 fiscal
24 years commencing on July 1, 2005, in an amount not exceeding
25 \$500 million in any fiscal year, subject to s. 403.890 and s.
26 11(e), Art. VII of the State Constitution. The duration of
27 each series of bonds issued may not exceed 20 annual
28 maturities. Except for refunding bonds, a series of bonds may
29 not be issued unless an amount equal to the debt service
30 coming due in the year of issuance has been specifically
31 appropriated in the General Appropriations Act.

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1 (2) The state covenants with the holders of water
2 protection and sustainability bonds that it will not take any
3 action that will materially and adversely affect the rights of
4 such holders so long as the bonds are outstanding, including,
5 but not limited to, a reduction in the portion of documentary
6 stamp taxes distributable to the Water Protection and
7 Sustainability Program Trust Fund of the Department of
8 Environmental Protection for payment of debt service.

9 (3) Bonds issued under this section shall be payable
10 from taxes distributable to the Water Protection and
11 Sustainability Program Trust Fund of the Department of
12 Environmental Protection under s. 201.15(1)(d). Bonds issued
13 under this section do not constitute a general obligation of,
14 or a pledge of the full faith and credit of, the state.

15 (4) The Department of Environmental Protection shall
16 request the Division of Bond Finance of the State Board of
17 Administration to issue the water protection and
18 sustainability bonds authorized by this section. The Division
19 of Bond Finance shall issue such bonds pursuant to the State
20 Bond Act.

21 (5) The proceeds from the sale of bonds issued under
22 this section, less the costs of issuance, the costs of funding
23 reserve accounts, and other costs with respect to the bonds,
24 shall be deposited into the Water Protection and
25 Sustainability Program Trust Fund of the Department of
26 Environmental Protection as provided in s. 403.890.

27 (6) The sale, disposition, lease, easement, license,
28 or other use of any land, water areas, or related property
29 interests acquired or improved with proceeds of water
30 protection and sustainability bonds which would cause all or
31 any portion of the interest of such bonds to lose the

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1 exclusion from gross income for federal income tax purposes is
2 prohibited.

3 (7) The initial series of water protection and
4 sustainability bonds shall be validated in addition to any
5 other bonds required to be validated under s. 215.82. Any
6 complaint for validation of bonds issued under this section
7 shall be filed only in the circuit court of the county where
8 the seat of state government is situated, the notice required
9 to be published by s. 75.06 shall be published only in the
10 county where the complaint is filed, and the complaint and
11 order of the circuit court shall be served only on the state
12 attorney of the circuit in which the action is pending.

13 Section 3. In accordance with section 215.98(1),
14 Florida Statutes, the Legislature determines that the issuance
15 of water protection and sustainability bonds under section 2
16 of this act is in the best interest of the state and should be
17 implemented.

18 Section 4. Section 373.196, Florida Statutes, is
19 amended to read:

20 373.196 Water Supply Development; Alternative Water
21 Supply Development ~~Legislative findings.--~~

22 (1) The purpose of this section is to encourage
23 cooperation in the development of water supplies and to
24 provide for alternative water supply development.

25 (a) Demands on natural supplies of fresh water to
26 meet the needs of a rapidly growing population, and the needs
27 of the environment, agriculture, industry, and mining will
28 continue to increase.

29 (b) There is a need for the development of alternative
30 water supplies for Florida to sustain its economic growth and
31 viability. The development of alternative water supplies will

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1 benefit the environment by reducing the impacts of consumptive
2 uses on traditional groundwater sources.

3 (c) Alternative water supply development must receive
4 priority funding attention to increase the available supplies
5 of water to meet all existing and future reasonable-beneficial
6 uses and to benefit the natural systems.

7 (d) Cooperation between counties, municipalities,
8 special districts, and publicly owned or privately owned water
9 utilities in the development of county-wide and multi-county
10 wide alternative water supply projects will allow for
11 necessary economies of scale and efficiencies to be achieved
12 in order to accelerate the development of new, dependable, and
13 sustainable alternative water supplies.

14 (e) It is in the public interest that municipal,
15 industrial, agriculture, and other public and private water
16 users, the Department of Environmental Protection and the
17 water management districts cooperate and work together in the
18 development of alternative water supplies to avoid the adverse
19 effects of competition for limited supplies of water. Public
20 moneys or services provided to private entities for
21 alternative water supply development may constitute public
22 purposes which also are in the public interest.

23 (f) The primary roles of the water management
24 districts in water supply development shall be:

25 1. The formulation, development and implementation of
26 regional water supply management strategies and programs;

27 2. The collection and evaluation of surface water and
28 groundwater data;

29 3. The construction, operation and maintenance of
30 major public works facilities for flood control, above ground
31 and below ground water storage, and groundwater recharge

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1 augmentation;

2 4. Planning for regional water supply development in
3 conjunction with local governments, regional water supply
4 authorities, special districts, and publicly owned and
5 privately owned water utilities;

6 5. The construction, operation, and maintenance of
7 structural and nonstructural projects; and

8 6. The provision of technical and financial assistance
9 to local and regional water utilities for alternative water
10 supply projects.

11 (g) The primary roles of local government, regional
12 water supply authorities, special districts, and publicly
13 owned or privately owned water utilities in water supply
14 development shall be:

15 1. The planning, design, construction, operation, and
16 maintenance of water supply development projects, including
17 alternative water supply development projects;

18 2. The formulation, development and implementation of
19 water supply development and alternative water supply
20 development strategies, programs, and projects;

21 3. The planning, design, construction, operation, and
22 maintenance of facilities to collect, divert, produce, treat,
23 transmit, and distribute water for sale, resale, or end-use;
24 and

25 4. The coordination of water supply development and
26 alternative water supply development activities with the
27 appropriate water management district having jurisdiction over
28 the activity.

29 (h) Cooperative efforts between municipalities,
30 counties, special districts, water management districts, and
31 the Department of Environmental Protection are mandatory in

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1 order to meet the water needs of rapidly urbanizing areas in a
 2 manner which will supply adequate and dependable supplies of
 3 water where needed without resulting in adverse effects upon
 4 the areas from whence such water is withdrawn. Such efforts
 5 should utilize all practical means of obtaining water,
 6 including, but not limited to, withdrawals of surface water
 7 and groundwater, reuse, recycling of waste water, and
 8 desalinization, and will necessitate not only cooperation but
 9 also well-coordinated activities. Municipalities, counties,
 10 and special districts are encouraged to create regional water
 11 supply authorities as authorized in s. 373.1962. The purpose
 12 of this act is to provide additional statutory authority for
 13 such cooperative and coordinated efforts.

14 ~~(2) Municipalities and counties are encouraged to~~
 15 ~~create regional water supply authorities as authorized herein.~~
 16 ~~It is further the intent that municipalities, counties, and~~
 17 ~~regional water supply authorities are to have the primary~~
 18 ~~responsibility for water supply, and water management~~
 19 ~~districts and their basin boards are to engage only in those~~
 20 ~~functions that are incidental to the exercise of their flood~~
 21 ~~control and water management powers or that are related to~~
 22 ~~water resource development pursuant to s. 373.0831.~~

23 ~~(i)(3)~~ Nothing herein shall be construed to preclude
 24 the various special districts, municipalities, and counties
 25 from continuing to operate existing water production and
 26 transmission facilities or to enter into cooperative
 27 agreements with other special districts, municipalities, and
 28 counties for the purpose of meeting their respective needs for
 29 dependable and adequate supplies of water, provided the
 30 obtaining of water through such operations shall not be done
 31 in a manner which results in adverse effects upon the areas

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1 from whence such water is withdrawn.

2 (2)(a) Sufficient water must be available for all
3 existing and future reasonable-beneficial uses and the natural
4 systems, and the adverse effects of competition for water
5 supplies must be avoided.

6 (b) Water supply development and alternative water
7 supply development must be conducted in coordination with
8 water management district regional water supply planning.

9 (c) Funding for the development of alternative water
10 supplies shall be a shared responsibility of the state of
11 Florida, the water management districts and local water
12 suppliers. The development of alternative water supplies will
13 benefit both water consumers and the environment and will
14 avoid the negative impacts of competition for a limited
15 resource.

16 (3)(a) The Legislature shall identify a recurring and
17 dedicated source of statewide funds to provide economic
18 incentives to water management districts and local water
19 suppliers to support and promote water supply development
20 including the development of alternative water supplies. As
21 used in this section, "local water suppliers" means a
22 municipality, county, special district, water supply
23 authority, and a publicly owned or privately owned water
24 utility.

25 (b) By January 1, 2006, each water management district
26 shall develop a financially feasible plan to provide economic
27 incentives for alternative water supply development, including
28 allocating a portion of each annual budget to provide
29 financial assistance for the capital cost of any alternative
30 water supply development project to eligible local
31 governments, publicly owned or privately owned water

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1 utilities, regional water supply authorities, special
 2 districts, industrial and agriculture water users, and other
 3 public and private water users. At a minimum, the plan shall
 4 include a strategy for providing, on an annual basis, no less
 5 than 30 percent of the water management district's allocation
 6 pursuant to s. 373.1961. By February 1, 2006, each water
 7 management district must submit a copy of the economic
 8 incentives plan to the Governor, the President of the Senate,
 9 the Speaker of the House of Representatives, and the
 10 appropriate substantive legislative committees.

11 (c) State funds made available for alternative water
 12 supply development as provided in the Water Protection and
 13 Sustainability Funding program created in s. 403.890, and
 14 financial assistance for alternative water supply development
 15 provided by a water management district pursuant to paragraph
 16 (b) shall be made available to local governments, publicly
 17 owned or privately owned water utilities, regional water
 18 supply authorities, special districts, industrial and
 19 agricultural water users, and other public and private water
 20 users under a water management district grant program created
 21 in s. 373.1961(4).

22 Section 5. Section 373.1961, Florida Statutes, is
 23 amended to read:

24 373.1961 Water production; general powers and duties;
 25 identification of needs; funding criteria; economic
 26 incentives; reuse funding.--

27 (1) GENERAL POWERS AND DUTIES.--In the performance of,
 28 and in conjunction with, its other powers and duties, the
 29 governing board of a water management district existing
 30 pursuant to this chapter:

31 (a) Shall engage in planning to assist counties,

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1 municipalities, special districts, publicly owned and
 2 privately owned water ~~private~~ utilities, or regional water
 3 supply authorities in meeting water supply needs in such
 4 manner as will give priority to encouraging conservation and
 5 reducing adverse environmental effects of improper or
 6 excessive withdrawals of water from concentrated areas. As
 7 used in this section and s. 373.196, regional water supply
 8 authorities are regional water authorities created under s.
 9 373.1962 or other laws of this state.

10 (b) Shall assist counties, municipalities, special
 11 districts, publicly owned or privately owned water ~~private~~
 12 utilities, or regional water supply authorities in meeting
 13 water supply needs in such manner as will give priority to
 14 encouraging conservation and reducing adverse environmental
 15 effects of improper or excessive withdrawals of water from
 16 concentrated areas.

17 (c) May establish, design, construct, operate, and
 18 maintain water production and transmission facilities for the
 19 purpose of supplying water to counties, municipalities,
 20 special districts, publicly owned and privately owned water
 21 ~~private~~ utilities, or regional water supply authorities. The
 22 permit required by part II of this chapter for a water
 23 management district engaged in water production and
 24 transmission shall be granted, denied, or granted with
 25 conditions by the department.

26 (d) Shall not engage in local water supply
 27 distribution.

28 (e) Shall not deprive, directly or indirectly, any
 29 county wherein water is withdrawn of the prior right to the
 30 reasonable and beneficial use of water which is required to
 31 supply adequately the reasonable and beneficial needs of the

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1 county or any of the inhabitants or property owners therein.

2 (f) May provide water and financial assistance to
3 regional water supply authorities, but may not provide water
4 to counties and municipalities which are located within the
5 area of such authority without the specific approval of the
6 authority or, in the event of the authority's disapproval, the
7 approval of the Governor and Cabinet sitting as the Land and
8 Water Adjudicatory Commission. The district may supply water
9 at rates and upon terms mutually agreed to by the parties or,
10 if they do not agree, as set by the governing board and
11 specifically approved by the Governor and Cabinet sitting as
12 the Land and Water Adjudicatory Commission.

13 (g) May acquire title to such interest as is necessary
14 in real property, by purchase, gift, devise, lease, eminent
15 domain, or otherwise, for water production and transmission
16 consistent with this section and section 373.196. However, the
17 district shall not use any of the eminent domain powers herein
18 granted to acquire water and water rights already devoted to
19 reasonable and beneficial use or any water production or
20 transmission facilities owned by any county, municipality,
21 special districts, or regional water supply authority. The
22 district may exercise eminent domain powers outside of its
23 district boundaries for the acquisition of pumpage facilities,
24 storage areas, transmission facilities, and the normal
25 appurtenances thereto, provided that at least 45 days prior to
26 the exercise of eminent domain, the district notifies the
27 district where the property is located after public notice and
28 the district where the property is located does not object
29 within 45 days after notification of such exercise of eminent
30 domain authority.

31 (h) In addition to the power to issue revenue bonds

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1 pursuant to s. 373.584, may issue revenue bonds for the
2 purposes of paying the costs and expenses incurred in carrying
3 out the purposes of this chapter or refunding obligations of
4 the district issued pursuant to this section. Such revenue
5 bonds shall be secured by, and be payable from, revenues
6 derived from the operation, lease, or use of its water
7 production and transmission facilities and other water-related
8 facilities and from the sale of water or services relating
9 thereto. Such revenue bonds may not be secured by, or be
10 payable from, moneys derived by the district from the Water
11 Management Lands Trust Fund or from ad valorem taxes received
12 by the district. All provisions of s. 373.584 relating to the
13 issuance of revenue bonds which are not inconsistent with this
14 section shall apply to the issuance of revenue bonds pursuant
15 to this section. The district may also issue bond
16 anticipation notes in accordance with the provisions of s.
17 373.584.

18 (i) May join with one or more other water management
19 districts, counties, municipalities, special districts,
20 publicly owned or privately owned water ~~private~~ utilities, or
21 regional water supply authorities for the purpose of carrying
22 out any of its powers, and may contract with such other
23 entities to finance acquisitions, construction, operation, and
24 maintenance. The contract may provide for contributions to be
25 made by each party thereto, for the division and apportionment
26 of the expenses of acquisitions, construction, operation, and
27 maintenance, and for the division and apportionment of the
28 benefits, services, and products therefrom. The contracts may
29 contain other covenants and agreements necessary and
30 appropriate to accomplish their purposes.

31 (2) IDENTIFICATION OF WATER SUPPLY NEEDS IN DISTRICT

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1 BUDGET.--The water management districts shall implement water
 2 supply development responsibilities as expeditiously as
 3 possible in areas subject to regional water supply plans. Each
 4 district's governing board shall include in its annual budget
 5 the amount needed for the fiscal year to implement water
 6 supply development projects, as prioritized in its regional
 7 water supply plans.

8 (3) GENERAL FUNDING CRITERIA FOR WATER SUPPLY

9 DEVELOPMENT PROJECTS.--Water supply development projects
 10 identified pursuant to s. 373.0361(2)(a). which receive state
 11 or water management district funding assistance, shall meet
 12 one or more of the following criteria:

13 (a) The project supports establishment of a
 14 dependable, sustainable supply of water but requires funding
 15 assistance to be financially feasible;

16 (b) The project provides substantial environmental
 17 benefits by limiting or preventing adverse water resource
 18 impacts, but requires funding assistance to be economically
 19 competitive with other options;

20 (c) The project significantly implements or develops
 21 alternative water supplies as defined in s. 373.1961(4)(a) or
 22 conservation of water in a manner that contributes to the
 23 sustainability of regional water sources; or

24 (d) The project assists in the replenishment of
 25 existing sources to help implement a minimum flow or level or
 26 water reservation established pursuant to s. 373.223(4), or
 27 provides for an alternative water supply source.

28 ~~(4)(2)~~ ECONOMIC INCENTIVES FOR ALTERNATIVE WATER

29 SUPPLY DEVELOPMENT.~~The Legislature finds that, due to a~~
 30 ~~combination of factors, vastly increased demands have been~~
 31 ~~placed on natural supplies of fresh water, and that, absent~~

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1 ~~increased development of alternative water supplies, such~~
2 ~~demands may increase in the future. The Legislature also finds~~
3 ~~that potential exists in the state for the production of~~
4 ~~significant quantities of alternative water supplies,~~
5 ~~including reclaimed water, and that water production includes~~
6 ~~the development of alternative water supplies, including~~
7 ~~reclaimed water, for appropriate uses. It is the intent of the~~
8 ~~Legislature that utilities develop reclaimed water systems,~~
9 ~~where reclaimed water is the most appropriate alternative~~
10 ~~water supply option, to deliver reclaimed water to as many~~
11 ~~users as possible through the most cost-effective means, and~~
12 ~~to construct reclaimed water system infrastructure to their~~
13 ~~owned or operated properties and facilities where they have~~
14 ~~reclamation capability. It is also the intent of the~~
15 ~~Legislature that~~ The water management districts and the state
16 shall ~~which levy ad valorem taxes for water management~~
17 ~~purposes should~~ share a percentage of ~~those tax~~ and other
18 revenues with water providers and users, including local
19 governments, water, wastewater, and reuse utilities,
20 municipal, special district, industrial, and agricultural
21 water users, and other public and private water users, to be
22 used to supplement other funding sources in the development of
23 alternative water supplies. ~~The Legislature finds that public~~
24 ~~moneys or services provided to private entities for such uses~~
25 ~~constitute public purposes which are in the public interest.~~
26 In order to further the development and use of alternative
27 water supply systems, including reclaimed water systems, the
28 Legislature provides the following:

29 (a) For the purposes of this subsection, "alternative
30 water supplies" includes but is not limited to water that has
31 been reclaimed after one or more public supply, municipal,

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1 industrial, commercial, or agricultural uses; stormwater,
 2 brackish water, or saltwater; sources made more efficient
 3 through the interconnection of separate utility and other
 4 water supply systems; sources made available through enhanced
 5 storage capacity such as groundwater augmentation, aquifer
 6 storage and recover, and surface water reservoirs; and any
 7 other non-traditional source of water supply that has been
 8 treated in accordance with applicable rules and standards
 9 sufficient to meet the intended use.

10 (b) Where sufficient data establishes that one or more
 11 alternative water supply projects are necessary to meet the
 12 existing and future reasonable-beneficial uses within a water
 13 supply planning region identified in a district water
 14 management plan, the district must:

15 1. Identify alternative water supply project options;
 16 2. Quantify the sources of alternative water supplies
 17 which can be made available by the projects within the
 18 planning region;

19 3. Perform an assessment of the alternative water
 20 supply project's technical feasibility, ability to be
 21 permitted, and the estimated cost of the various project
 22 options for developing alternative water supplies; and
 23 4. Conduct one of more public workshops within the
 24 water supply planning region for the purpose of receiving
 25 public input on the district's findings and recommendations.

26 (c) Beginning in fiscal year 2005-2006, the state
 27 shall annually provide a portion of those revenues received
 28 from the sale of bonds authorized in s. 215.6197, for the
 29 purpose of providing funding for the development of
 30 alternative water supplies. At the beginning of each fiscal
 31 year, beginning with fiscal year 2005-2006, such revenues

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1 shall be distributed by the department into the alternative
 2 water supply trust fund accounts created by each district for
 3 the purpose of alternative supply development under the
 4 following funding formula:

5 1. Forty percent to the South Florida Water Management
 6 District,

7 2. Twenty-five percent to the Southwest Florida Water
 8 Management District,

9 3. Twenty-five percent to the St. Johns River Water
 10 Management District,

11 4. Five percent to the Suwannee River Water Management
 12 District, and

13 5. Five percent to the Northwest Florida Water
 14 Management District.

15 (d) The financial assistance for alternative water
 16 supply development contained in each district's economic
 17 incentives plan as required in s. 373.196(3) shall be
 18 deposited along with the state funds into an alternative water
 19 supply trust account created by each district and used to fund
 20 the local capital costs of alternative water supply projects
 21 approved pursuant to this section. For purposes of this
 22 section, "capital costs" means planning, design, engineering,
 23 and project construction costs, as well as legal,
 24 administrative, and permitting costs.

25 (e) All funds provided by the state for the purpose of
 26 funding alternative water supply grants, shall, at a minimum,
 27 require a fifty percent match by the water management
 28 districts and grant applicant.~~(a) The governing boards of~~
 29 ~~the water management districts where water resource caution~~
 30 ~~areas have been designated shall include in their annual~~
 31 ~~budgets an amount for the development of alternative water~~

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1 ~~supply systems, including reclaimed water systems, pursuant to~~
2 ~~the requirements of this subsection. Beginning in 1996, such~~
3 ~~amounts shall be made available to water providers and users~~
4 ~~no later than December 31 of each year, through grants,~~
5 ~~matching grants, revolving loans, or the use of district lands~~
6 ~~or facilities pursuant to the requirements of this subsection~~
7 ~~and guidelines established by the districts. In making grants~~
8 ~~or loans, funding priority must be given to projects in~~
9 ~~accordance with s. 373.0831(4).~~

10 (f) Without diminishing amounts available through
11 other means described in this paragraph, the governing boards
12 are encouraged to consider establishing revolving loan funds
13 to expand the total funds available to accomplish the
14 objectives of this section. A revolving loan fund created
15 under this paragraph must be a nonlapsing fund from which the
16 water management district may make loans with interest rates
17 below prevailing market rates to public or private entities
18 for the purposes described in this section. The governing
19 board may adopt resolutions to establish revolving loan funds
20 which must specify the details of the administration of the
21 fund, the procedures for applying for loans from the fund, the
22 criteria for awarding loans from the fund, the initial
23 capitalization of the fund, and the goals for future
24 capitalization of the fund in subsequent budget years.
25 Revolving loan funds created under this paragraph must be used
26 to expand the total sums and sources of cooperative funding
27 available for the development of alternative water supplies.
28 The Legislature does not intend for the creation of revolving
29 loan funds to supplant or otherwise reduce existing sources or
30 amounts of funds currently available through other means.

31 (g) For each utility which receives state or water

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1 management district financial assistance for alternative water
 2 supply development projects, the appropriate rate-setting
 3 authority must develop rate structures for all water,
 4 wastewater, and other alternative water facilities in the
 5 service area of the utility receiving assistance. Rate
 6 structures must:

7 1. Promote the development of alternative water supply
 8 systems;

9 2. Promote the conservation of groundwater withdrawn
 10 from natural systems;

11 3. Appropriately distribute costs among all the users
 12 of water, wastewater, and alternative water supplies within
 13 the service area; and

14 4. Prohibit rate discrimination within classes of
 15 utility users.

16 ~~(b) It is the intent of the Legislature that for each~~
 17 ~~reclaimed water utility, or any other utility, which receives~~
 18 ~~funds pursuant to this subsection, the appropriate~~
 19 ~~rate-setting authorities should develop rate structures for~~
 20 ~~all water, wastewater, and reclaimed water and other~~
 21 ~~alternative water supply utilities in the service area of the~~
 22 ~~funded utility, which accomplish the following:~~

23 1. ~~Provide meaningful progress toward the development~~
 24 ~~and implementation of alternative water supply systems,~~
 25 ~~including reclaimed water systems;~~

26 2. ~~Promote the conservation of fresh water withdrawn~~
 27 ~~from natural systems;~~

28 3. ~~Provide for an appropriate distribution of costs~~
 29 ~~for all water, wastewater, and alternative water supply~~
 30 ~~utilities, including reclaimed water utilities, among all of~~
 31 ~~the users of those utilities; and~~

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1 ~~4. Prohibit rate discrimination within classes of~~
2 ~~utility users.~~

3 ~~(c) Funding assistance provided by the water~~
4 ~~management districts for a water reuse system project may~~
5 ~~include the following grant or loan conditions for that~~
6 ~~project if the water management district determines that such~~
7 ~~conditions will encourage water use efficiency:~~

8 ~~1. Metering of reclaimed water use for the following~~
9 ~~activities: residential irrigation, agricultural irrigation,~~
10 ~~industrial uses except for electric utilities as defined in s.~~
11 ~~366.02(2), landscape irrigation, irrigation of other public~~
12 ~~access areas, commercial and institutional uses such as toilet~~
13 ~~flushing, and transfers to other reclaimed water utilities.~~

14 ~~2. Implementation of reclaimed water rate structures~~
15 ~~based on actual use of reclaimed water for the types of reuse~~
16 ~~activities listed in subparagraph 1.~~

17 ~~3. Implementation of education programs to inform the~~
18 ~~public about water issues, water conservation, and the~~
19 ~~importance and proper use of reclaimed water.~~

20 ~~4. Development of location data for key reuse~~
21 ~~facilities.~~

22 ~~(d) In order to be eligible for funding pursuant to~~
23 ~~this subsection, a project must be consistent with a local~~
24 ~~government comprehensive plan and the governing body of the~~
25 ~~local government must require all appropriate new facilities~~
26 ~~within the project's service area to connect to and use the~~
27 ~~project's alternative water supplies. The appropriate local~~
28 ~~government must provide written notification to the~~
29 ~~appropriate district that the proposed project is consistent~~
30 ~~with the local government comprehensive plan.~~

31 ~~(h)(e)~~Any and all revenues disbursed pursuant to this

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1 subsection shall be applied only for the payment of capital
 2 costs for alternative water supply projects which contribute
 3 to meeting the existing and future reasonable-beneficial uses
 4 identified within a regional water supply plan. ~~or~~
 5 ~~infrastructure costs for the construction of alternative water~~
 6 ~~supply systems that provide alternative water supplies.~~

7 (i)1.(f) By January 1 of each year, The governing
 8 boards shall establish an application process and a deadline
 9 for filing applications annually ~~make available written~~
 10 ~~guidelines~~ for the disbursal of revenues pursuant to this
 11 subsection. ~~Such guidelines shall include at minimum:~~

12 1. ~~An application process and a deadline for filing~~
 13 ~~applications annually.~~

14 2. ~~A process for determining project eligibility~~
 15 ~~pursuant to the requirements of paragraphs (d) and (e).~~

16 3. ~~A process and criteria for funding projects~~
 17 ~~pursuant to this subsection that cross district boundaries or~~
 18 ~~that serve more than one district.~~

19 2.(g) The governing board of each water management
 20 district also shall establish an alternative water supplies
 21 grants advisory committee to recommend to the governing board
 22 projects for funding pursuant to this subsection. The advisory
 23 committee members shall include, but not be limited to, one or
 24 more representatives of county, municipal, special district,
 25 and investor-owned private utilities, and may include, but not
 26 be limited to, representatives of agricultural interests and
 27 environmental interests. Each committee member shall represent
 28 his or her interest group as a whole and shall not represent
 29 any specific entity. ~~the committee shall apply the guidelines~~
 30 ~~and project eligibility criteria established by the governing~~
 31 ~~board in reviewing proposed projects.~~

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1 (j) After one or more hearings to solicit public input
 2 on eligible projects, the alternative water supply grants
 3 advisory committee shall rank and recommend alternative water
 4 supply projects for grant funding based upon the project being
 5 identified or listed as an option in the regional water supply
 6 plan pursuant to s. 373.0361(2)(a) and by balancing the
 7 following criteria:

8 1. Projects that are most cost-effective;
 9 2. Projects serving a larger number of local
 10 governments pursuant to the terms of an interlocal agreement,
 11 especially those projects that interconnect separate utility
 12 systems, share a uniform production cost and a uniform per
 13 gallon or blended wholesale rate, or otherwise result in the
 14 most cost-effective system of production for the most users
 15 whereby the cost of the water produced to service a number of
 16 local providers is less than the costs incurred by producing
 17 water through separate supply systems for separate local
 18 providers;

19 3. Projects where local governments match a higher
 20 percentage of the capital costs of the projects;

21 4. Projects serving those local governments with the
 22 lower per capita use of potable water;

23 5. Projects that reduce the consumption of traditional
 24 supplies for the benefit of the natural system or other
 25 economic uses;

26 6. Projects that supplement an existing supply or
 27 traditional source that has been reduced for existing and
 28 future reasonable-beneficial uses by the adoption of a minimum
 29 flow or level pursuant to s. 373.042 or a water reservation
 30 established pursuant to s. 373.223(4);

31 7. Projects that reduce competition between existing

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1 and future users;

2 8. Projects that are included in a county-wide or
3 geographically larger water supply development plan, and

4 9. Projects where the applicant has established a
5 goal-based water conservation program as required in s.
6 373.227 and is demonstrating measurable progress towards
7 achieving conservation goals.

8 10. Projects in which the construction and delivery to
9 end-users of reuse water is a major component.

10 (k) Each applicant for a grant pursuant to this
11 section shall provide data that shows the percentage of water
12 system utility revenues reinvested into water projects. The
13 advisory committee shall give priority to those applicants
14 that have the highest percentage of reinvestment.

15
16 The advisory committee shall submit the list of ranked and
17 recommended projects, along with a recommendation for the
18 amount of funding, for final funding approval to the governing
19 board and to be included in the district's annual budget
20 supporting the development of alternative water supplies. The
21 list of ranked and recommended projects may contain more
22 projects than available grant moneys will fund. In approving a
23 project for funding, the governing board must take action on
24 and give great weight to the advisory committee's ranking and
25 recommendation list. the eligible projects and shall submit
26 them to the governing board for final funding approval. The
27 advisory committee may submit to the governing board more
28 projects than the available grant money would fund.

29 (1)(h) All revenues made available annually pursuant
30 to this subsection must be encumbered annually by the
31 governing board if it approves projects sufficient to expend

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1 the available revenues. Funds must be disbursed within 36
2 months after encumbrance.

3 ~~(i) For purposes of this subsection, alternative water~~
4 ~~supplies are supplies of water that have been reclaimed after~~
5 ~~one or more public supply, municipal, industrial, commercial,~~
6 ~~or agricultural uses, or are supplies of stormwater, or~~
7 ~~brackish or salt water, that have been treated in accordance~~
8 ~~with applicable rules and standards sufficient to supply the~~
9 ~~intended use.~~

10 ~~(m)(j)~~ This subsection shall not be subject to the
11 rulemaking requirements of chapter 120.

12 ~~(n)(k)~~ By January 30 of each year, each water
13 management district shall submit an annual report to the
14 Governor, the President of the Senate, and the Speaker of the
15 House of Representatives which accounts for the disbursement of
16 all budgeted amounts pursuant to this section ~~subsection~~. Such
17 report shall describe all alternative water supply projects
18 funded as well as the quantity of new water projects to be
19 created as a result of such projects and shall account
20 separately for any other moneys provided through grants,
21 matching grants, revolving loans, and the use of district
22 lands or facilities to implement regional water supply plans.

23 ~~(o)(l)~~ The Florida Public Service Commission shall
24 allow entities under its jurisdiction constructing or
25 participating in constructing facilities which provide
26 alternative water supplies ~~supply facilities, including but~~
27 ~~not limited to aquifer storage and recovery wells,~~ to recover
28 the full, prudently incurred cost of such facilities through
29 their rate structure. If construction of a facility or
30 participating in constructing is pursuant to or in furtherance
31 of a regional water supply plan, the cost shall be deemed to

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1 be prudently incurred. Every component of an alternative water
2 supply facility constructed by an investor-owned utility shall
3 be recovered in current rates.

4 (5) FUNDING FOR REUSE.--Funding assistance provided by
5 the water management districts for a water reuse system may
6 include the following grant or loan conditions for that
7 project if a water management district determines that such
8 conditions will encourage water use efficiency:

9 (a) Metering of reclaimed water use for residential
10 irrigation, agricultural irrigation, industrial uses except
11 for electric utilities as defined in s. 366.02(2), landscape
12 irrigation, golf course irrigation, irrigation of other public
13 access areas, commercial and institutional uses such as toilet
14 flushing, and transfers to other reclaimed water utilities;

15 (b) Implementation of reclaimed water rate structures
16 based on actual use of reclaimed water for the reuse
17 activities listed in paragraph (a);

18 (c) Implementation of education programs to inform the
19 public about water issues, water conservation, and the
20 importance and proper use of reclaimed water; or

21 (d) Development of location data for key reuse
22 facilities.

23 Section 6. Subsections (1) and (5) of section
24 373.1962, Florida Statutes, are amended to read:

25 373.1962 Regional water supply authorities.--

26 (1) By interlocal agreement between counties,
27 municipalities, or special districts as applicable agreement
28 between local governmental units created or existing pursuant
29 to the provisions of Art. VIII of the State Constitution,
30 pursuant to the Florida Interlocal Cooperation Act of 1969, s.
31 163.01, and upon the approval of the Secretary of

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1 Environmental Protection to ensure that such agreement will be
 2 in the public interest and complies with the intent and
 3 purposes of this act, regional water supply authorities may be
 4 created for the purpose of developing, recovering, storing,
 5 and supplying water for county or municipal purposes in such a
 6 manner as will give priority to reducing adverse environmental
 7 effects of excessive or improper withdrawals of water from
 8 concentrated areas. In approving said agreement the Secretary
 9 of Environmental Protection shall consider, but not be limited
 10 to, the following:

11 (a) Whether the geographic territory of the proposed
 12 authority is of sufficient size and character to reduce the
 13 environmental effects of improper or excessive withdrawals of
 14 water from concentrated areas.

15 (b) The maximization of economic development of the
 16 water resources within the territory of the proposed
 17 authority.

18 (c) The availability of a dependable and adequate
 19 water supply.

20 (d) The ability of any proposed authority to design,
 21 construct, operate, and maintain water supply facilities in
 22 the locations, and at the times necessary, to ensure that an
 23 adequate water supply will be available to all citizens within
 24 the authority.

25 (e) The effect or impact of any proposed authority on
 26 any municipality, county, or existing authority or
 27 authorities.

28 (f) The existing needs of the water users within the
 29 area of the authority.

30 (5) Each county, special district, or municipality
 31 which is a party to an agreement pursuant to subsection (1)

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1 shall have a preferential right to purchase water from the
2 regional water supply authority for use by such county,
3 special district, or municipality.

4 Section 7. Subsection (5) of section 373.223, Florida
5 Statutes, is amended to read:

6 373.223 Conditions for a permit.--

7 (5) In the event that a local or regional water supply
8 utility, water supply authority, or other multi-jurisdictional
9 entity as defined in s 373.0361(3), demonstrates the ability
10 to design, construct, operate, and maintain one or more
11 alternative water supply projects identified by the district
12 pursuant to s. 373.1961(4), or in the event that more than one
13 water utility organizes for the purpose of developing an
14 alternative water supply project as defined in s.
15 373.1961(4), the appropriate entity shall be presumed to have
16 a use consistent with the public interest pursuant to the
17 requirements of subsection (1).

18 Section 8. Subsection (4) is added to section 373.236,
19 Florida Statutes, to read:

20 373.236 Duration of permits; compliance reports.--

21 (4) Permits approved for development of alternative
22 water supplies shall be granted for a term of at least 20
23 years, and up to such period of time as may be required for
24 the retirement of bonds for the construction of facilities
25 which provide alternative water supplies.

26 Section 9. Present subsections (2), (3), and (4) of
27 section 373.459, Florida Statutes, are redesignated as
28 subsections (3), (4), and (5), and a new subsection (2) is
29 added to that section to read:

30 373.459 Funds for surface water improvement and
31 management.--

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1 (2) All entities receiving state funding for the
2 implementation of programs specified in ss. 373.451-373.459,
3 including water management districts, federal, local, and
4 regional agencies, universities, and non-profit or private
5 organizations, shall provide a fifty percent match in cash or
6 in-kind services towards the implementation of the specific
7 project for which it is contracting.

8 Section 10. Paragraph (c) of subsection (6) of section
9 163.3177, Florida Statutes, is amended to read:

10 163.3177 Required and optional elements of
11 comprehensive plan; studies and surveys.--

12 (6) In addition to the requirements of subsections
13 (1)-(5), the comprehensive plan shall include the following
14 elements:

15 (c) A general sanitary sewer, solid waste, drainage,
16 potable water, and natural groundwater aquifer recharge
17 element correlated to principles and guidelines for future
18 land use, indicating ways to provide for future potable water,
19 drainage, sanitary sewer, solid waste, and aquifer recharge
20 protection requirements for the area. The element may be a
21 detailed engineering plan including a topographic map
22 depicting areas of prime groundwater recharge. The element
23 shall describe the problems and needs and the general
24 facilities that will be required for solution of the problems
25 and needs. The element shall also include a topographic map
26 depicting any areas adopted by a regional water management
27 district as prime groundwater recharge areas for the Floridan
28 or Biscayne aquifers, pursuant to s. 373.0395. These areas
29 shall be given special consideration when the local government
30 is engaged in zoning or considering future land use for said
31 designated areas. For areas served by septic tanks, soil

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1 surveys shall be provided which indicate the suitability of
 2 soils for septic tanks. By December 1, 2006, the element must
 3 be consistent with ~~consider~~ the appropriate water management
 4 district's regional water supply plan approved pursuant to s.
 5 373.0361. If the local government chooses to prepare its own
 6 water supply analysis, it shall submit a description of the
 7 data and methodology utilized to generate the analysis to the
 8 department with its plan when the plan is due for compliance
 9 review unless it has submitted it for advance review. The
 10 department will evaluate the application of the methodology
 11 utilized by a local government in preparing its own water
 12 supply analysis and determine whether the particular
 13 methodology is professionally accepted. The department shall
 14 provide its findings to the local government within sixty
 15 days. The department shall be guided by the applicable water
 16 management district in its review of any methodology proposed
 17 by a local government. The element must identify the water
 18 supply sources, including conservation and reuse, necessary to
 19 meet existing and projected water use demand and include a
 20 work plan, covering the comprehensive plan's established at
 21 ~~least a 10-year~~ planning period, for building public, private
 22 and regional water supply facilities, including development of
 23 alternative water supplies, that are identified in the element
 24 as necessary to serve existing and new development ~~and for~~
 25 ~~which the local government is responsible.~~ The work plan shall
 26 be updated, at a minimum, every 5 years within 12 months after
 27 the governing board of a water management district approves an
 28 updated regional water supply plan. Local governments, public
 29 and private utilities, regional water supply authorities and
 30 water management districts are encouraged to cooperatively
 31 plan for the development of multi-jurisdictional water supply

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1 facilities sufficient to meet projected demands for
 2 established planning periods, including the development of
 3 alternative water sources to supplement traditional sources of
 4 ground and surface water supplies. Amendments to incorporate
 5 the work plan do not count toward the limitation on the
 6 frequency of adoption of amendments to the comprehensive plan.

7 Section 11. Subsections (6), (7), (8), and (11) of
 8 section 403.067, Florida Statutes, are amended to read:

9 403.067 Establishment and implementation of total
 10 maximum daily loads.--

11 (6) CALCULATION AND ALLOCATION.--

12 (a) Calculation of total maximum daily load.

13 1. Prior to developing a total maximum daily load
 14 calculation for each water body or water body segment on the
 15 list specified in subsection (4), the department shall
 16 coordinate with applicable local governments, water management
 17 districts, the Department of Agriculture and Consumer
 18 Services, other appropriate state agencies, local soil and
 19 water conservation districts, environmental groups, regulated
 20 interests, and affected pollution sources to determine the
 21 information required, accepted methods of data collection and
 22 analysis, and quality control/quality assurance requirements.
 23 The analysis may include mathematical water quality modeling
 24 using approved procedures and methods.

25 2. The department shall develop total maximum daily
 26 load calculations for each water body or water body segment on
 27 the list described in subsection (4) according to the priority
 28 ranking and schedule unless the impairment of such waters is
 29 due solely to activities other than point and nonpoint sources
 30 of pollution. For waters determined to be impaired due solely
 31 to factors other than point and nonpoint sources of pollution,

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1 no total maximum daily load will be required. A total maximum
2 daily load may be required for those waters that are impaired
3 predominantly due to activities other than point and nonpoint
4 sources. The total maximum daily load calculation shall
5 establish the amount of a pollutant that a water body or water
6 body segment may receive from all sources without exceeding
7 water quality standards, and shall account for seasonal
8 variations and include a margin of safety that takes into
9 account any lack of knowledge concerning the relationship
10 between effluent limitations and water quality. The total
11 maximum daily load may be based on a pollutant load reduction
12 goal developed by a water management district, provided that
13 such pollutant load reduction goal is promulgated by the
14 department in accordance with the procedural and substantive
15 requirements of this subsection.

16 (b) Allocation of total maximum daily loads.--The
17 total maximum daily loads shall include establishment of
18 reasonable and equitable allocations of the total maximum
19 daily load between or among point and nonpoint sources that
20 will alone, or in conjunction with other management and
21 restoration activities, provide for the attainment of the
22 pollutant reductions established pursuant to paragraph (a) to
23 restore the designated uses ~~water quality standards and the~~
24 ~~restoration~~ of impaired waters. The allocations may establish
25 the maximum amount of the water pollutant ~~from a given source~~
26 ~~or category of sources~~ that may be discharged or released into
27 the water body or water body segment in combination with other
28 discharges or releases. Allocations may also be made to
29 individual basins and sources or as a whole to all basins and
30 sources or categories of sources of inflow to the water body
31 or water body segments. A preliminary allocation of allowable

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1 pollutant loads between or among point and nonpoint sources
 2 may be developed as part of the total maximum daily load.
 3 However, in such cases, the final allocation to specific point
 4 sources and specific categories of nonpoint sources shall be
 5 established in the basin management action plan pursuant to
 6 subsection (7). The preliminary and final allocations shall be
 7 designed to attain the pollutant reductions established
 8 pursuant to paragraph (a) ~~water quality standards~~ and shall be
 9 based on consideration of the following:

- 10 1. Existing treatment levels and management practices;
- 11 2. Best management practices established and
 12 implemented pursuant to paragraph (7)(c);
- 13 3. Enforceable treatment levels established pursuant
 14 to state or local law, or permit;
- 15 ~~4.2.~~ Differing impacts pollutant sources may have on
 16 water quality;
- 17 ~~5.3.~~ The availability of treatment technologies,
 18 management practices, or other pollutant reduction measures;
- 19 ~~6.4.~~ Environmental, economic, and technological
 20 feasibility of achieving the allocation;
- 21 ~~7.5.~~ The cost benefit associated with achieving the
 22 allocation;
- 23 ~~8.6.~~ Reasonable timeframes for implementation;
- 24 ~~9.7.~~ Potential applicability of any moderating
 25 provisions such as variances, exemptions, and mixing zones;
 26 and
- 27 ~~10.8.~~ The extent to which nonattainment of water
 28 quality standards is caused by pollution sources outside of
 29 Florida, discharges that have ceased, or alterations to water
 30 bodies prior to the date of this act.

31 ~~(c) Not later than February 1, 2001, the department~~

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1 ~~shall submit a report to the Governor, the President of the~~
 2 ~~Senate, and the Speaker of the House of Representatives~~
 3 ~~containing recommendations, including draft legislation, for~~
 4 ~~any modifications to the process for allocating total maximum~~
 5 ~~daily loads, including the relationship between allocations~~
 6 ~~and the watershed or basin management planning process. Such~~
 7 ~~recommendations shall be developed by the department in~~
 8 ~~cooperation with a technical advisory committee which includes~~
 9 ~~representatives of affected parties, environmental~~
 10 ~~organizations, water management districts, and other~~
 11 ~~appropriate local, state, and federal government agencies. The~~
 12 ~~technical advisory committee shall also include such members~~
 13 ~~as may be designated by the President of the Senate and the~~
 14 ~~Speaker of the House of Representatives.~~

15 (c)(d) Adoption of rules.-- The total maximum daily
 16 load calculations and allocations established under this
 17 subsection for each water body or water body segment shall be
 18 adopted by rule by the secretary pursuant to ss. 120.536(1),
 19 120.54, and 403.805. Where additional data collection and
 20 analysis are needed to increase the scientific precision and
 21 accuracy of the total maximum daily load, the department is
 22 authorized to adopt phased total maximum daily loads until the
 23 additional data is available. The rules adopted pursuant to
 24 this paragraph shall not be subject to approval by the
 25 Environmental Regulation Commission. As part of the rule
 26 development process, the department shall hold at least one
 27 public workshop in the vicinity of the water body or water
 28 body segment for which the total maximum daily load is being
 29 developed. Notice of the public workshop shall be published
 30 not less than 5 days nor more than 15 days before the public
 31 workshop in a newspaper of general circulation in the county

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1 or counties containing the water bodies or water body segments
2 for which the total maximum daily load calculation and
3 allocation are being developed.

4 (7) DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS AND
5 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

6 (a) Basin Management Action Plans

7 1. In developing and implementing the total maximum
8 daily load for a water body, the department, or the department
9 in conjunction with a water management district, may develop a
10 basin management action plan that addresses some or all of the
11 watersheds and basins tributary to the water body. Such a plan
12 shall integrate the appropriate management strategies to
13 achieve the total maximum daily loads and the restoration of
14 designated uses and shall provide for phased implementation of
15 these management strategies to promote timely, cost-effective
16 actions as provided for in s. 403.151. The plan shall
17 establish a schedule for implementing the management
18 strategies, establish a basis for evaluating the effectiveness
19 of the plan, and identify feasible funding strategies to
20 implement the plan's management strategies. The management
21 strategies may include regional treatment systems or other
22 public works, where appropriate, to achieve the needed
23 pollutant load reductions.

24 2. A basin management action plan shall equitably
25 allocate, pursuant to paragraph (6)(b), pollutant reductions
26 to individual basins, as a whole to all basins, or to each
27 identified point source or category of nonpoint sources, as
28 appropriate. For nonpoint sources for which best management
29 practices have been adopted, the initial requirement specified
30 by the plan shall be those practices developed pursuant to
31 paragraph (c). Where appropriate, the plan may provide

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1 pollutant-load-reduction credits to dischargers that have
2 implemented management strategies to reduce pollutant loads,
3 including best management practices, prior to the development
4 of the basin management action plan. The plan also shall
5 identify the mechanisms by which potential future sources of
6 pollution will be addressed, whether the future source is a
7 result of the expansion of or increased loading from an
8 existing source, a land use change, a new discharge, or
9 similar circumstances.

10 3. The basin management action planning process is
11 intended to involve the broadest possible range of interested
12 parties, with the objective of encouraging the greatest amount
13 of cooperation and consensus possible. In developing a basin
14 management action plan, the department shall assure that key
15 stakeholders, including but not limited to, applicable local
16 governments, water management districts, the Department of
17 Agriculture and Consumer Services, other appropriate state
18 agencies, local soil and water conservation districts,
19 environmental groups, regulated interests, and affected
20 pollution sources, are invited to participate in the process.
21 The department shall hold at least one public meeting in the
22 vicinity of the watershed or basin to discuss and receive
23 comments during the planning process and shall otherwise
24 encourage public participation to the greatest practical
25 extent. Notice of the public meeting shall be published in a
26 newspaper of general circulation in each county in which the
27 watershed or basin lies not less than 5 days nor more than 15
28 days before the public meeting. A basin management action plan
29 shall not supplant or otherwise alter any assessment made
30 under subsections (3) or (4), or any calculation or
31 preliminary allocation made under subsection (6) except

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1 through rulemaking.

2 4. The department shall adopt all or any part of a
3 basin management action plan by secretarial order pursuant to
4 chapter 120 to implement the provisions of this subsection. If
5 a basin management action plan alters the calculation or
6 preliminary allocation made under subsection (6), the revised
7 calculation or final allocation shall be adopted by rule.

8 5. The basin management action plan shall be evaluated
9 on a periodic basis to determine whether its management
10 strategies are leading to pollutant load reductions in a
11 timely manner and whether revisions are needed to achieve the
12 pollutant load reductions specified in the adopted total
13 maximum daily load calculation or allocation. Revisions to the
14 basin management action plan shall be made by the department
15 in cooperation with basin stakeholders. Revisions to the
16 management strategies required for nonpoint sources shall
17 follow the procedures set forth in subparagraph (c)4. Revised
18 basin management action plans shall be adopted pursuant to
19 subparagraph 4..

20 (b) Total Maximum Daily Load Implementation.

21 1.(a) The department shall be the lead agency in
22 coordinating the implementation of the total maximum daily
23 loads through basin management action plans, and water quality
24 protection programs. Application of a total maximum daily load
25 by a water management district shall be consistent with this
26 section and shall not require the issuance of an order or a
27 separate action pursuant to s. 120.536(1) or s. 120.54 for
28 adoption of the calculation and allocation previously
29 established by the department. Management strategies to
30 achieve the total maximum daily load ~~Such programs~~ may
31 include, but are not limited to:

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1 a.1. Permitting and other existing regulatory
2 programs;

3 b.2. Nonregulatory and incentive-based programs,
4 including best management practices, cost sharing, waste
5 minimization, pollution prevention, agreements established
6 pursuant to s. 403.061(21), and public education;

7 c.3. Other water quality management and restoration
8 activities, for example surface water improvement and
9 management plans approved by water management districts ~~or~~
10 ~~watershed~~ or basin management action plans developed pursuant
11 to this subsection;

12 d.4. Pollutant trading or other equitable economically
13 based agreements;

14 e.5. Public works including capital facilities; or

15 f.6. Land acquisition.

16 g. Water quality based effluent limitations.

17 2. For a basin management action plan adopted pursuant
18 to subparagraph(a)4., any management strategies and pollutant
19 reduction requirements associated with a pollutant of concern
20 for which a total maximum daily load was developed, including
21 effluent limits set forth for a discharger subject to NPDES
22 permitting, if any, shall be included, in a timely manner, in
23 subsequent NPDES permits or permit modifications for that
24 discharger. For holders of NPDES municipal separate storm
25 sewer system permits and other stormwater sources,
26 implementation of a total maximum daily load or basin
27 management action plan shall be achieved, to the maximum
28 extent practicable, through the use of best management
29 practices or other management measures.

30 a. The department shall not impose in a NPDES permit
31 additional pollution reduction requirements for a pollutant of

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1 concern until such time as the total maximum daily load or the
2 basin management action plan is revised, the NPDES permit
3 expires, or the NPDES permit holder modifies its discharge.

4 b. The basin management action plan does not relieve
5 the discharger from any requirement to obtain, renew, or
6 modify a NPDES permit or to abide by other requirements of the
7 permit, including effluent limits and other requirements
8 associated with other pollutants.

9 c. Management strategies set forth in a basin
10 management action plan to be implemented by a discharger
11 subject to permitting by the department shall be completed
12 pursuant to the schedule set forth in the basin management
13 action plan. This implementation schedule may extend beyond
14 the 5-year term of a NPDES permit.

15 d. Management strategies and pollution reduction
16 requirements set forth in a basin management action plan for a
17 specific pollutant of concern shall not be subject to
18 challenge under chapter 120 at the time it is incorporated, in
19 an identical form, into a subsequent NPDES permit or permit
20 modification.

21 e. For non-agricultural pollutant sources not subject
22 to NPDES permitting but permitted pursuant to other state,
23 regional, or local water quality programs, the pollutant
24 reduction actions adopted in a basin management action plan
25 shall be implemented to the maximum extent practicable as part
26 of those permitting programs.

27 f. A nonpoint source discharger included in a basin
28 management action plan may demonstrate compliance with the
29 pollutant reductions established pursuant to paragraph (6) by
30 either implementing the appropriate best management practices
31 established pursuant to paragraph (c) or conducting water

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1 quality monitoring prescribed by the department or a water
2 management district.

3 g. A nonpoint source discharger included in a basin
4 management action plan may be subject to enforcement action by
5 the department or a water management district based upon the
6 failure to implement the responsibilities set forth in
7 subparagraph f.

8 h. A nonpoint pollutant source discharger included in
9 a basin management action plan shall timely implement the
10 appropriate best management practices established pursuant to
11 paragraph (c) to attain the pollutant reductions established
12 pursuant to paragraph (6)(a).

13 i. A landowner, discharger, or other responsible
14 person who is implementing applicable management strategies
15 specified in an adopted basin management action plan shall not
16 be required by permit, enforcement action, or otherwise to
17 implement additional management strategies to reduce pollutant
18 loads to attain the pollutant reductions pursuant to paragraph
19 (6)(a), and shall be deemed to be in compliance with this
20 section. This subparagraph does not limit the authority of the
21 department to amend a basin management action plan as
22 specified in subparagraph (a)5.

23 ~~(b) In developing and implementing the total maximum~~
24 ~~daily load for a water body, the department, or the department~~
25 ~~in conjunction with a water management district, may develop a~~
26 ~~watershed or basin management plan that addresses some or all~~
27 ~~of the watersheds and basins tributary to the water body.~~
28 ~~These plans will serve to fully integrate the management~~
29 ~~strategies available to the state for the purpose of~~
30 ~~implementing the total maximum daily loads and achieving water~~
31 ~~quality restoration. The watershed or basin management~~

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1 ~~planning process is intended to involve the broadest possible~~
2 ~~range of interested parties, with the objective of encouraging~~
3 ~~the greatest amount of cooperation and consensus possible. The~~
4 ~~department or water management district shall hold at least~~
5 ~~one public meeting in the vicinity of the watershed or basin~~
6 ~~to discuss and receive comments during the planning process~~
7 ~~and shall otherwise encourage public participation to the~~
8 ~~greatest practical extent. Notice of the public meeting shall~~
9 ~~be published in a newspaper of general circulation in each~~
10 ~~county in which the watershed or basin lies not less than 5~~
11 ~~days nor more than 15 days before the public meeting. A~~
12 ~~watershed or basin management plan shall not supplant or~~
13 ~~otherwise alter any assessment made under s. 403.086(3) and~~
14 ~~(4), or any calculation or allocation made under s.~~
15 ~~403.086(6).~~

16 (c) Best Management Practices.

17 1. The department, in cooperation with the water
18 management districts and other interested parties, as
19 appropriate, may develop suitable interim measures, best
20 management practices, or other measures necessary to achieve
21 the level of pollution reduction established by the department
22 for nonagricultural nonpoint pollutant sources in allocations
23 developed pursuant to subsections (6) and this subsection
24 ~~paragraph (6)(b)~~. These practices and measures may be adopted
25 by rule by the department and the water management districts
26 pursuant to ss. 120.536(1) and 120.54, and where adopted by
27 rule, shall ~~may~~ be implemented by those parties responsible
28 for nonagricultural nonpoint source pollution. ~~pollutant~~
29 ~~sources and the department and the water management districts~~
30 ~~shall assist with implementation. Where interim measures, best~~
31 ~~management practices, or other measures are adopted by rule,~~

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1 ~~the effectiveness of such practices in achieving the levels of~~
2 ~~pollution reduction established in allocations developed by~~
3 ~~the department pursuant to paragraph (6)(b) shall be verified~~
4 ~~by the department. Implementation, in accordance with~~
5 ~~applicable rules, of practices that have been verified by the~~
6 ~~department to be effective at representative sites shall~~
7 ~~provide a presumption of compliance with state water quality~~
8 ~~standards and release from the provisions of s. 376.307(5) for~~
9 ~~those pollutants addressed by the practices, and the~~
10 ~~department is not authorized to institute proceedings against~~
11 ~~the owner of the source of pollution to recover costs or~~
12 ~~damages associated with the contamination of surface or ground~~
13 ~~water caused by those pollutants. Such rules shall also~~
14 ~~incorporate provisions for a notice of intent to implement the~~
15 ~~practices and a system to assure the implementation of the~~
16 ~~practices, including recordkeeping requirements. Where water~~
17 ~~quality problems are detected despite the appropriate~~
18 ~~implementation, operation, and maintenance of best management~~
19 ~~practices and other measures according to rules adopted under~~
20 ~~this paragraph, the department or the water management~~
21 ~~districts shall institute a reevaluation of the best~~
22 ~~management practice or other measures.~~

23 2.(d)1. The Department of Agriculture and Consumer
24 Services may develop and adopt by rule pursuant to ss.
25 120.536(1) and 120.54 suitable interim measures, best
26 management practices, or other measures necessary to achieve
27 the level of pollution reduction established by the department
28 for agricultural pollutant sources in allocations developed
29 pursuant to subsections (6) and this subsection ~~paragraph~~
30 ~~(6)(b)~~. These practices and measures may be implemented by
31 those parties responsible for agricultural pollutant sources

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1 and the department, the water management districts, and the
 2 Department of Agriculture and Consumer Services shall assist
 3 with implementation. ~~Where interim measures, best management~~
 4 ~~practices, or other measures are adopted by rule, the~~
 5 ~~effectiveness of such practices in achieving the levels of~~
 6 ~~pollution reduction established in allocations developed by~~
 7 ~~the department pursuant to paragraph (6)(b) shall be verified~~
 8 ~~by the department. Implementation, in accordance with~~
 9 ~~applicable rules, of practices that have been verified by the~~
 10 ~~department to be effective at representative sites shall~~
 11 ~~provide a presumption of compliance with state water quality~~
 12 ~~standards and release from the provisions of s. 376.307(5) for~~
 13 ~~those pollutants addressed by the practices, and the~~
 14 ~~department is not authorized to institute proceedings against~~
 15 ~~the owner of the source of pollution to recover costs or~~
 16 ~~damages associated with the contamination of surface or ground~~
 17 ~~water caused by those pollutants. In the process of developing~~
 18 and adopting rules for interim measures, best management
 19 practices, or other measures, the Department of Agriculture
 20 and Consumer Services shall consult with the department, the
 21 Department of Health, the water management districts,
 22 representatives from affected farming groups, and
 23 environmental group representatives. Such rules shall also
 24 incorporate provisions for a notice of intent to implement the
 25 practices and a system to assure the implementation of the
 26 practices, including recordkeeping requirements. ~~Where water~~
 27 ~~quality problems are detected despite the appropriate~~
 28 ~~implementation, operation, and maintenance of best management~~
 29 ~~practices and other measures according to rules adopted under~~
 30 ~~this paragraph, the Department of Agriculture and Consumer~~
 31 ~~Services shall institute a reevaluation of the best management~~

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1 ~~practice or other measure.~~

2 3. Where interim measures, best management practices,
3 or other measures are adopted by rule, the effectiveness of
4 such practices in achieving the levels of pollution reduction
5 established in allocations developed by the department
6 pursuant to subsection (6) and this subsection shall be
7 verified at representative sites by the department. The
8 department shall use best professional judgment in making the
9 initial verification that the best management practices are
10 effective and, where applicable, shall notify the appropriate
11 water management district and the Department of Agriculture
12 and Consumer Services prior to the adoption of a rule proposed
13 pursuant to this paragraph in the event it is unable to make
14 such verification. Implementation, in accordance with rules
15 adopted under this paragraph, of practices that have been
16 initially verified to be effective, or verified to be
17 effective by monitoring at representative sites, by the
18 department, shall provide a presumption of compliance with
19 state water quality standards and release from the provisions
20 of s. 376.307(5) for those pollutants addressed by the
21 practices, and the department is not authorized to institute
22 proceedings against the owner of the source of pollution to
23 recover costs or damages associated with the contamination of
24 surface or ground water caused by those pollutants.

25 4. Where water quality problems are demonstrated in
26 the development or amendment of a basin management action
27 plan, despite the appropriate implementation, operation, and
28 maintenance of best management practices and other measures
29 according to rules adopted under this paragraph, the
30 department, a water management district, or the Department of
31 Agriculture and Consumer Services, shall institute a

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1 reevaluation of the best management practice or other measure.
 2 Should the reevaluation determine that the best management
 3 practice or other measure requires modification, the
 4 department, a water management district, or the Department of
 5 Agriculture and Consumer Services, as appropriate, shall
 6 revise the rule to require implementation of the modified
 7 practice within a reasonable time period as specified in the
 8 rule.

9 5. 2. Individual agricultural records relating to
 10 processes or methods of production, or relating to costs of
 11 production, profits, or other financial information which are
 12 otherwise not public records, which are reported to the
 13 Department of Agriculture and Consumer Services pursuant to
 14 subparagraphs 3. and 4. this paragraph or pursuant to any rule
 15 adopted pursuant to subparagraph 2. this paragraph shall be
 16 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 17 of the State Constitution. Upon request of the department or
 18 any water management district, the Department of Agriculture
 19 and Consumer Services shall make such individual agricultural
 20 records available to that agency, provided that the
 21 confidentiality specified by this subparagraph for such
 22 records is maintained. This subparagraph is subject to the
 23 Open Government Sunset Review Act of 1995 in accordance with
 24 s. 119.15, and shall stand repealed on October 2, 2006, unless
 25 reviewed and saved from repeal through reenactment by the
 26 Legislature.

27 6.(e) The provisions of subparagraphs 1. and 2.
 28 paragraphs (c) and (d) shall not preclude the department or
 29 water management district from requiring compliance with water
 30 quality standards or with current best management practice
 31 requirements set forth in any applicable regulatory program

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1 authorized by law for the purpose of protecting water quality.
2 Additionally, subparagraphs 1. and 2. ~~paragraphs (c) and (d)~~
3 are applicable only to the extent that they do not conflict
4 with any rules adopted ~~promulgated~~ by the department that are
5 necessary to maintain a federally delegated or approved
6 program.

7 (8) RULES.--The department is authorized to adopt
8 rules pursuant to ss. 120.536(1) and 120.54 for:

9 (a) Delisting water bodies or water body segments from
10 the list developed under subsection (4) pursuant to the
11 guidance under subsection (5);

12 (b) Administration of funds to implement the total
13 maximum daily load and basin management action planning
14 programs;

15 (c) Procedures for pollutant trading among the
16 pollutant sources to a water body or water body segment,
17 including a mechanism for the issuance and tracking of
18 pollutant credits. Such procedures may be implemented through
19 permits or other authorizations and must be legally binding.
20 ~~No rule implementing a pollutant trading program shall become~~
21 ~~effective prior to review and ratification by the Legislature;~~
22 ~~and~~

23 (d) The implementation of basin management action
24 plans through permitting or other programs under this chapter
25 and chapter 373.

26 (e)~~(d)~~ The total maximum daily load calculation in
27 accordance with paragraph (6)(a) immediately upon the
28 effective date of this act, for those eight water segments
29 within Lake Okeechobee proper as submitted to the United
30 States Environmental Protection Agency pursuant to subsection
31 (2).

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1 (f) Implementation of other specific provisions.

2

3 Prior to adopting rules for pollutant trading under paragraph
 4 (c), and no later than November 30, 2006, the Department of
 5 Environmental Protection shall submit a report to the
 6 Governor, the President of the Senate, and the Speaker of the
 7 House of Representatives containing recommendations on such
 8 rules, including the proposed basis for equitable economically
 9 based agreements and the tracking and accounting of pollution
 10 credits or other similar mechanisms. Such recommendations
 11 shall be developed in cooperation with a technical advisory
 12 committee that includes experts in pollutant trading and
 13 representatives of potentially affected parties.

14 (11) IMPLEMENTATION OF ADDITIONAL PROGRAMS.--

15 (a) The department shall not implement, without prior
 16 legislative approval, any additional regulatory authority
 17 pursuant to s. 303(d) of the Clean Water Act or 40 C.F.R. part
 18 130, if such implementation would result in water quality
 19 discharge regulation of activities not currently subject to
 20 regulation.

21 (b) Interim measures, best management practices, or
 22 other measures may be developed and voluntarily implemented
 23 pursuant to subparagraphs (7)(c) 1. and 2. or paragraph (7)(d)
 24 for any water body or segment for which a total maximum daily
 25 load or allocation has not been established. The
 26 implementation of such pollution control programs may be
 27 considered by the department in the determination made
 28 pursuant to subsection (4).

29 Section 12. Paragraph (c) of subsection (3) of section
 30 373.4595, Florida Statutes, is amended to read:

31 373.4595 Lake Okeechobee Protection Program.--

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1 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
2 program for Lake Okeechobee that achieves phosphorus load
3 reductions for Lake Okeechobee shall be immediately
4 implemented as specified in this subsection. The program shall
5 address the reduction of phosphorus loading to the lake from
6 both internal and external sources. Phosphorus load reductions
7 shall be achieved through a phased program of implementation.
8 Initial implementation actions shall be technology-based,
9 based upon a consideration of both the availability of
10 appropriate technology and the cost of such technology, and
11 shall include phosphorus reduction measures at both the source
12 and the regional level. The initial phase of phosphorus load
13 reductions shall be based upon the district's Technical
14 Publication 81-2 and the district's WOD program, with
15 subsequent phases of phosphorus load reductions based upon the
16 total maximum daily loads established in accordance with s.
17 403.067. In the development and administration of the Lake
18 Okeechobee Protection Program, the coordinating agencies shall
19 maximize opportunities provided by federal cost-sharing
20 programs and opportunities for partnerships with the private
21 sector.

22 (c) Lake Okeechobee Watershed Phosphorus Control
23 Program.--The Lake Okeechobee Watershed Phosphorus Control
24 Program is designed to be a multifaceted approach to reducing
25 phosphorus loads by improving the management of phosphorus
26 sources within the Lake Okeechobee watershed through continued
27 implementation of existing regulations and best management
28 practices, development and implementation of improved best
29 management practices, improvement and restoration of the
30 hydrologic function of natural and managed systems, and
31 utilization of alternative technologies for nutrient

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1 reduction. The coordinating agencies shall facilitate the
2 application of federal programs that offer opportunities for
3 water quality treatment, including preservation, restoration,
4 or creation of wetlands on agricultural lands.

5 1. Agricultural nonpoint source best management
6 practices, developed in accordance with s. 403.067 and
7 designed to achieve the objectives of the Lake Okeechobee
8 Protection Program, shall be implemented on an expedited
9 basis. By March 1, 2001, the coordinating agencies shall
10 develop an interagency agreement pursuant to ss. 373.046 and
11 373.406(5) that assures the development of best management
12 practices that complement existing regulatory programs and
13 specifies how those best management practices are implemented
14 and verified. The interagency agreement shall address measures
15 to be taken by the coordinating agencies during any best
16 management practice reevaluation performed pursuant to
17 sub-subparagraph d. The department shall use best professional
18 judgment in making the initial determination of best
19 management practice effectiveness.

20 a. As provided in s. 403.067(7)(~~c~~)(~~d~~) , by October 1,
21 2000, the Department of Agriculture and Consumer Services, in
22 consultation with the department, the district, and affected
23 parties, shall initiate rule development for interim measures,
24 best management practices, conservation plans, nutrient
25 management plans, or other measures necessary for Lake
26 Okeechobee phosphorus load reduction. The rule shall include
27 thresholds for requiring conservation and nutrient management
28 plans and criteria for the contents of such plans. Development
29 of agricultural nonpoint source best management practices
30 shall initially focus on those priority basins listed in
31 subparagraph (b)1. The Department of Agriculture and Consumer

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1 Services, in consultation with the department, the district,
 2 and affected parties, shall conduct an ongoing program for
 3 improvement of existing and development of new interim
 4 measures or best management practices for the purpose of
 5 adoption of such practices by rule.

6 b. Where agricultural nonpoint source best management
 7 practices or interim measures have been adopted by rule of the
 8 Department of Agriculture and Consumer Services, the owner or
 9 operator of an agricultural nonpoint source addressed by such
 10 rule shall either implement interim measures or best
 11 management practices or demonstrate compliance with the
 12 district's WOD program by conducting monitoring prescribed by
 13 the department or the district. Owners or operators of
 14 agricultural nonpoint sources who implement interim measures
 15 or best management practices adopted by rule of the Department
 16 of Agriculture and Consumer Services shall be subject to the
 17 provisions of s. 403.067(7). The Department of Agriculture and
 18 Consumer Services, in cooperation with the department and the
 19 district, shall provide technical and financial assistance for
 20 implementation of agricultural best management practices,
 21 subject to the availability of funds.

22 c. The district or department shall conduct monitoring
 23 at representative sites to verify the effectiveness of
 24 agricultural nonpoint source best management practices.

25 d. Where water quality problems are detected for
 26 agricultural nonpoint sources despite the appropriate
 27 implementation of adopted best management practices, the
 28 Department of Agriculture and Consumer Services, in
 29 consultation with the other coordinating agencies and affected
 30 parties, shall institute a reevaluation of the best management
 31 practices and make appropriate changes to the rule adopting

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1 best management practices.

2 2. Nonagricultural nonpoint source best management
3 practices, developed in accordance with s. 403.067 and
4 designed to achieve the objectives of the Lake Okeechobee
5 Protection Program, shall be implemented on an expedited
6 basis. By March 1, 2001, the department and the district shall
7 develop an interagency agreement pursuant to ss. 373.046 and
8 373.406(5) that assures the development of best management
9 practices that complement existing regulatory programs and
10 specifies how those best management practices are implemented
11 and verified. The interagency agreement shall address measures
12 to be taken by the department and the district during any best
13 management practice reevaluation performed pursuant to
14 sub-subparagraph d.

15 a. The department and the district are directed to
16 work with the University of Florida's Institute of Food and
17 Agricultural Sciences to develop appropriate nutrient
18 application rates for all nonagricultural soil amendments in
19 the watershed. As provided in s. 403.067(7)(c), by January 1,
20 2001, the department, in consultation with the district and
21 affected parties, shall develop interim measures, best
22 management practices, or other measures necessary for Lake
23 Okeechobee phosphorus load reduction. Development of
24 nonagricultural nonpoint source best management practices
25 shall initially focus on those priority basins listed in
26 subparagraph (b)1. The department, the district, and affected
27 parties shall conduct an ongoing program for improvement of
28 existing and development of new interim measures or best
29 management practices. The district shall adopt
30 technology-based standards under the district's WOD program
31 for nonagricultural nonpoint sources of phosphorus.

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

10 c. The district or the department shall conduct
 11 monitoring at representative sites to verify the effectiveness
 12 of nonagricultural nonpoint source best management practices.

13 d. Where water quality problems are detected for
 14 nonagricultural nonpoint sources despite the appropriate
 15 implementation of adopted best management practices, the
 16 department and the district shall institute a reevaluation of
 17 the best management practices.

18 3. The provisions of subparagraphs 1. and 2. shall not
 19 preclude the department or the district from requiring
 20 compliance with water quality standards or with current best
 21 management practices requirements set forth in any applicable
 22 regulatory program authorized by law for the purpose of
 23 protecting water quality. Additionally, subparagraphs 1. and
 24 2. are applicable only to the extent that they do not conflict
 25 with any rules promulgated by the department that are
 26 necessary to maintain a federally delegated or approved
 27 program.

28 4. Projects which reduce the phosphorus load
 29 originating from domestic wastewater systems within the Lake
 30 Okeechobee watershed shall be given funding priority in the
 31 department's revolving loan program under s. 403.1835. The

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1 department shall coordinate and provide assistance to those
2 local governments seeking financial assistance for such
3 priority projects.

4 5. Projects that make use of private lands, or lands
5 held in trust for Indian tribes, to reduce nutrient loadings
6 or concentrations within a basin by one or more of the
7 following methods: restoring the natural hydrology of the
8 basin, restoring wildlife habitat or impacted wetlands,
9 reducing peak flows after storm events, increasing aquifer
10 recharge, or protecting range and timberland from conversion
11 to development, are eligible for grants available under this
12 section from the coordinating agencies. For projects of
13 otherwise equal priority, special funding priority will be
14 given to those projects that make best use of the methods
15 outlined above that involve public-private partnerships or
16 that obtain federal match money. Preference ranking above the
17 special funding priority will be given to projects located in
18 a rural area of critical economic concern designated by the
19 Governor. Grant applications may be submitted by any person or
20 tribal entity, and eligible projects may include, but are not
21 limited to, the purchase of conservation and flowage
22 easements, hydrologic restoration of wetlands, creating
23 treatment wetlands, development of a management plan for
24 natural resources, and financial support to implement a
25 management plan.

26 6.a. The department shall require all entities
27 disposing of domestic wastewater residuals within the Lake
28 Okeechobee watershed and the remaining areas of Okeechobee,
29 Glades, and Hendry Counties to develop and submit to the
30 department an agricultural use plan that limits applications
31 based upon phosphorus loading. By July 1, 2005, phosphorus

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1 concentrations originating from these application sites shall
2 not exceed the limits established in the district's WOD
3 program.

4 b. Private and government-owned utilities within
5 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
6 River, Okeechobee, Highlands, Hendry, and Glades Counties that
7 dispose of wastewater residual sludge from utility operations
8 and septic removal by land spreading in the Lake Okeechobee
9 watershed may use a line item on local sewer rates to cover
10 wastewater residual treatment and disposal if such disposal
11 and treatment is done by approved alternative treatment
12 methodology at a facility located within the areas designated
13 by the Governor as rural areas of critical economic concern
14 pursuant to s. 288.0656. This additional line item is an
15 environmental protection disposal fee above the present sewer
16 rate and shall not be considered a part of the present sewer
17 rate to customers, notwithstanding provisions to the contrary
18 in chapter 367. The fee shall be established by the county
19 commission or its designated assignee in the county in which
20 the alternative method treatment facility is located. The fee
21 shall be calculated to be no higher than that necessary to
22 recover the facility's prudent cost of providing the service.
23 Upon request by an affected county commission, the Florida
24 Public Service Commission will provide assistance in
25 establishing the fee. Further, for utilities and utility
26 authorities that use the additional line item environmental
27 protection disposal fee, such fee shall not be considered a
28 rate increase under the rules of the Public Service Commission
29 and shall be exempt from such rules. Utilities using the
30 provisions of this section may immediately include in their
31 sewer invoicing the new environmental protection disposal fee.

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1 Proceeds from this environmental protection disposal fee shall
2 be used for treatment and disposal of wastewater residuals,
3 including any treatment technology that helps reduce the
4 volume of residuals that require final disposal, but such
5 proceeds shall not be used for transportation or shipment
6 costs for disposal or any costs relating to the land
7 application of residuals in the Lake Okeechobee watershed.

8 c. No less frequently than once every 3 years, the
9 Florida Public Service Commission or the county commission
10 through the services of an independent auditor shall perform a
11 financial audit of all facilities receiving compensation from
12 an environmental protection disposal fee. The Florida Public
13 Service Commission or the county commission through the
14 services of an independent auditor shall also perform an audit
15 of the methodology used in establishing the environmental
16 protection disposal fee. The Florida Public Service Commission
17 or the county commission shall, within 120 days after
18 completion of an audit, file the audit report with the
19 President of the Senate and the Speaker of the House of
20 Representatives and shall provide copies to the county
21 commissions of the counties set forth in sub-subparagraph b.
22 The books and records of any facilities receiving compensation
23 from an environmental protection disposal fee shall be open to
24 the Florida Public Service Commission and the Auditor General
25 for review upon request.

26 7. The Department of Health shall require all entities
27 disposing of septage within the Lake Okeechobee watershed and
28 the remaining areas of Okeechobee, Glades, and Hendry Counties
29 to develop and submit to that agency, by July 1, 2003, an
30 agricultural use plan that limits applications based upon
31 phosphorus loading. By July 1, 2005, phosphorus concentrations

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1 originating from these application sites shall not exceed the
2 limits established in the district's WOD program.

3 8. The Department of Agriculture and Consumer Services
4 shall initiate rulemaking requiring entities within the Lake
5 Okeechobee watershed and the remaining areas of Okeechobee,
6 Glades, and Hendry Counties which land-apply animal manure to
7 develop conservation or nutrient management plans that limit
8 application, based upon phosphorus loading. Such rules may
9 include criteria and thresholds for the requirement to develop
10 a conservation or nutrient management plan, requirements for
11 plan approval, and recordkeeping requirements.

12 9. Prior to authorizing a discharge into works of the
13 district, the district shall require responsible parties to
14 demonstrate that proposed changes in land use will not result
15 in increased phosphorus loading over that of existing land
16 uses.

17 10. The district, the department, or the Department of
18 Agriculture and Consumer Services, as appropriate, shall
19 implement those alternative nutrient reduction technologies
20 determined to be feasible pursuant to subparagraph (d)6.

21 Section 13. Subsection (1) of section 570.085, Florida
22 Statutes, is amended to read:

23 570.085 Department of Agriculture and Consumer
24 Services; agricultural water conservation.--The department
25 shall establish an agricultural water conservation program
26 that includes the following:

27 (1) A cost-share program, coordinated where
28 appropriate with the United States Department of Agriculture
29 and other federal, state, regional, and local agencies, for
30 irrigation system retrofit and application of mobile
31 irrigation laboratory evaluations for water conservation as

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1 provided in this section and, where applicable, for water
2 quality improvement pursuant to s. 403.067(7)(c)(d).

3 Section 14. Section 403.885, Florida Statutes, is
4 amended to read:

5 403.885 Storm water management; wastewater management;
6 ~~Water Quality Improvement~~ and Water Restoration Grant
7 Program.--

8 (1) The Department of Environmental Protection shall
9 ~~develop and~~ administer a ~~competitive~~ grant program to use
10 funds transferred pursuant to s. 212.20 to the Ecosystem
11 Management and Restoration Trust Fund or other moneys as
12 appropriated by the Legislature for storm water management;
13 wastewater management, water quality improvement and water
14 restoration project grants. Eligible recipients of such grants
15 include counties, municipalities, water management districts,
16 and special districts that have legal responsibilities for
17 ~~water quality improvement, water management,~~ storm water
18 management, wastewater management, and sewer system
19 ~~operations, and lake and river water~~ restoration projects.
20 Drinking water projects are not eligible for funding pursuant
21 to this section.

22 (2) The ~~competitive~~ grant program shall provide for
23 the evaluation of annual grant proposals. The department
24 shall evaluate such proposals to determine if they:

25 (a) Protect public health and the environment.

26 (b) Implement plans developed pursuant to the Surface
27 Water Improvement and Management Act created in part IV of
28 chapter 373, other water restoration plans required by law,
29 management plans prepared pursuant to s. 403.067, or other
30 plans adopted by local government for water quality
31 improvement and water restoration.

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1 (3) In addition to meeting the criteria in subsection
2 (2), annual grant proposals must also meet the following
3 requirements:

4 (a) An application for a storm water management
5 project may be funded only if the application is approved by
6 the water management district with jurisdiction in the project
7 area. District approval must be based on a determination that
8 the project provides a benefit to a priority water body.

9 (b) Except as provided in paragraph (c), an
10 application for a wastewater management project may be funded
11 only if:

- 12 1. The project has been funded previously through a
- 13 line item in the General Appropriations Act, and
- 14 2. The project is under construction.

15 (c) An application for a wastewater management project
16 that would qualify as a water pollution control project and
17 activity in s. 403.1838 may be funded only if the project
18 sponsor has submitted an application to the department for
19 funding pursuant to that section.

20 (4) All project applicants must provide local matching
21 funds as follows:

22 (a) An applicant for state funding of a storm water
23 management project shall provide local matching funds equal to
24 at least 50 percent of the total cost of the project; and

25 (b) An applicant for state funding of a wastewater
26 management project shall provide matching funds equal to at
27 least 25 percent of the total cost of the project.

28
29 The requirement for matching funds may be waived if the
30 applicant is a financially disadvantaged small local
31 government as defined in subsection (5). ~~The department shall~~

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1 ~~evaluate the annual grant proposals and present the annual~~
 2 ~~list of projects recommended to be funded to the Governor and~~
 3 ~~the Legislature as part of its annual budget request submitted~~
 4 ~~pursuant to chapter 216 beginning with fiscal year 2003-2004.~~

5 ~~(5)(4)~~ Each fiscal year, at least 20 percent of the
 6 funds available pursuant to this section ~~subsection (1)~~ shall
 7 be used for projects to assist financially disadvantaged small
 8 local governments. For purposes of this section, the term
 9 "financially disadvantaged small local government" means a
 10 municipality having a population of 7,500 or less, a county
 11 having a population of 35,000 or less, according to the latest
 12 decennial census and a per capita annual income less than the
 13 state per capita annual income as determined by the United
 14 States Department of Commerce, or a county in an area
 15 designated by the Governor as a rural area of critical
 16 economic concern pursuant to s. 288.0656. Grants made to these
 17 eligible local governments shall not require matching local
 18 funds.

19 ~~(6)(5)~~ ~~No later than February 1 of Each year, storm~~
 20 ~~water management and wastewater management ~~water quality~~~~
 21 ~~improvement projects and water restoration projects submitted~~
 22 ~~for funding through the legislative process shall be submitted~~
 23 ~~to the department by the appropriate fiscal committees of the~~
 24 ~~House of Representatives and the Senate. The department shall~~
 25 ~~review the projects ~~for funding eligibility~~ and must, ~~no later~~~~
 26 ~~than March 1 of each year, provide each fiscal committee with~~
 27 ~~a list of projects that appear to meet the eligibility~~
 28 ~~requirements under this grant program.~~

29 ~~(6)~~ ~~The department may adopt rules necessary to~~
 30 ~~administer this section, including, but not limited to, rules~~
 31 ~~governing timeframes for submitting grant applications,~~

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1 ~~evaluation criteria, forms, matching criteria, maximum grant~~
2 ~~amounts, and allocation of appropriated funds based upon~~
3 ~~project and applicant size.~~

4 Section 15. Section 403.890, Florida Statutes, is
5 created to read:

6 403.890 Water Protection and Sustainability Funding
7 Program; intent; goals; purposes.--

8 (1) Revenues transferred from the Department of
9 Revenue pursuant to s. 215.6197 shall be deposited into the
10 Water Protection and Sustainability Program Trust Fund in the
11 Department of Environmental Protection. Revenues shall be
12 distributed by the Department of Environmental Protection in
13 the following manner:

14 (a) Forty-five percent to the Department of
15 Environmental Protection for the implementation of an
16 alternative water supply grant program as provided in s.
17 373.1961.

18 (b) Twenty-five percent for the implementation of best
19 management practices and capital project expenditures
20 necessary for the implementation of the goals of the total
21 maximum daily loads program established in s. 403.067. Of
22 these funds, eighty-five percent shall be transferred to the
23 credit of the Department of Environmental Protection Water
24 Quality Assurance Trust Fund to address water quality impacts
25 associated with nonagricultural nonpoint sources. Fifteen
26 percent of these funds shall be transferred to the Department
27 of Agriculture and Consumer Services General Inspection Trust
28 Fund to address water quality impacts associated with
29 agricultural nonpoint sources. These funds shall be used for
30 research, development, demonstration, and implementation of
31 suitable best management practices or other measures used to

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1 achieve water quality standards in surface waters and water
 2 segments identified pursuant to ss. 303(d) of the Clean Water
 3 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 4 Implementation of best management practices and other measures
 5 may include cost-share grants, technical assistance,
 6 implementation tracking, and conservation leases or other
 7 agreements for water quality improvement. The Department of
 8 Environmental Protection and the Department of Agriculture and
 9 Consumer Services may adopt rules governing the distribution
 10 of funds for implementation of best management practices.
 11 These funds shall not be used to abrogate the financial
 12 responsibility of those point and nonpoint sources that have
 13 contributed to the degradation of water or land areas.
 14 Increased priority shall be given by the department and the
 15 water management district governing boards to those projects
 16 that have secured a cost-sharing agreement allocating
 17 responsibility for the cleanup of point and nonpoint sources.

18 (c) Fifteen percent shall be disbursed for the
 19 purposes of funding projects pursuant to ss. 373.451 - 373.459
 20 or surface water restoration activities in water management
 21 district designated priority water bodies. The Secretary of
 22 Environmental Protection shall ensure that each water
 23 management district receives the following percentage of funds
 24 annually:

25 1. Thirty-five percent to the South Florida Water
 26 Management District,

27 2. Twenty-five percent to the Southwest Florida Water
 28 Management District,

29 3. Twenty-five percent to the St. John's River Water
 30 Management District,

31 4. Seven and one-half percent to the Suwannee River

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1 Water Management District, and
2 5. Seven and one-half percent to the Northwest Florida
3 Water Management District.

4 (d) Fifteen percent to the Department of Environmental
5 Protection for the implementation of the stormwater, drinking
6 water, and wastewater programs. These funds shall be divided
7 equally among the following programs:

8 1. The Clean Water State Revolving Loan Grants Program
9 as provided in s. 403.1835.

10 2. The Drinking Water State Revolving Loan Grant
11 Program as provided in s. 403.8532, and

12 3. The Disadvantaged Small Community Wastewater Grant
13 Program as provided in s. 403.1838.

14
15 Prior to the end of the 2008 Regular Session, the Legislature
16 must review the distribution of funds under the Water
17 Protection and Sustainability Program to determine if
18 revisions to the funding formula are required. At the
19 discretion of the President of the Senate and the Speaker of
20 the House of Representatives, the appropriate substantive
21 committees of the Legislature may conduct an interim project
22 to review the Water Protection and Sustainability Program and
23 the funding formula, and make written recommendations to the
24 Legislature proposing necessary changes, if any.

25 Section 16. This act shall take effect upon becoming a
26 law.

27
28
29 ===== T I T L E A M E N D M E N T =====

30 And the title is amended as follows:

31 Delete everything before the enacting clause

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1 and insert:

2 An act relating to the development of water
3 supplies; amending s. 201.15, F.S.; providing
4 for the distribution of certain excise taxes on
5 documents to the Water Protection and
6 Sustainability Program Trust Fund of the
7 Department of Environmental Protection;
8 creating s. 215.6197, F.S.; establishing the
9 Water Protection and Sustainability Program;
10 authorizing the issuance of bonds, establishing
11 criteria for distribution of bonds for a
12 specified period, prohibiting sale of bonds
13 under certain conditions; authorizing the
14 issuance of the water protection and
15 sustainability bonds in the best interest of
16 the state; amending s. 373.196, F.S.;
17 encouraging cooperation in the development of
18 water supplies; providing for alternative water
19 supply development; establishing the primary
20 roles of the water management district in water
21 supply development; establishing the primary
22 roles of local governments, regional water
23 supply authorities, special districts, and
24 publicly owned and privately owned water
25 utilities in water supply development;
26 encouraging municipalities, counties and
27 special districts to create regional water
28 supply authorities; requiring the Legislature
29 to identify a recurring and dedicated source of
30 statewide funds to provide economic incentives
31 to local water suppliers; requiring that the

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1 water management districts develop a plan to
 2 provide economic incentives for alternative
 3 water supply development by January 1, 2006;
 4 requiring that state funds made available for
 5 alternative water supply development must be
 6 matched by the entity receiving the funds;
 7 requiring the development of cost-effective
 8 alternative water supplies in areas where
 9 traditional sources of water are inadequate for
 10 existing and future uses; requiring that
 11 appropriate rate-setting authorities establish
 12 rate structure for all water facilities in a
 13 service area that receives state and water
 14 management district financial assistance for
 15 alternative water supply development; amending
 16 s. 373.1961, F.S.; providing general powers and
 17 duties of the water management districts in
 18 water production; requiring that the water
 19 management districts include the amount needed
 20 to implement the water supply development
 21 projects in each annual budget; establishing
 22 general funding criteria for state or water
 23 management district funding assistance;
 24 establishing economic incentives for
 25 alternative water supply development; defining
 26 "alternative water supplies"; creating a
 27 funding formula for the distribution of state
 28 funds to the water management districts for
 29 alternative water supply development; requiring
 30 that funding assistance for alternative water
 31 supply development is limited to a percentage

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1 of the local capital costs of an approved
2 project; defining "capitol costs"; requiring
3 that the alternative water supplies grants
4 advisory committee rand and recommend
5 alternative water supply projects for grant
6 funding; establishing criteria; establishing
7 criteria for funding assistance for water reuse
8 systems; amending s. 373.1962, F.S.; clarifying
9 that counties, municipalities, and special
10 districts may executed interlocal agreements to
11 create regional water supply authorities;
12 amending s. 373.223, F.S.; establishing
13 criteria for certain water supply entities to
14 be presumed to have a use consistent with the
15 public interest for consumptive use permitting
16 requirements; amending s. 373.236, F.S.;
17 providing permits of at least 20 years for
18 development of alternative water supplies under
19 certain conditions; amending s. 373.459, F.S.;
20 to require that entities receiving state
21 funding for implementation of surface water
22 improvement and management projects provide a
23 50 percent match of cash or in-kind services;
24 amending s. 163.3177(6) providing that local
25 government submit a water supply analysis to
26 the department; establishing criteria;
27 encouraging multi-jurisdictional water supply
28 facilities to develop alternative water
29 sources; amending s. 403.067, F.S.; providing
30 that preliminary allocation of allowable
31 pollutant loads between point and nonpoint

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1 sources may be developed as part of a total
2 maximum daily load; establishing criteria for
3 establishing preliminary and final allocations
4 to attain pollutant reductions; authorizing the
5 Department of Environmental Protection to adopt
6 phased total maximum daily loads that establish
7 incremental total maximum daily loads under
8 certain conditions; requiring the development
9 of basin management action plans; requiring
10 that basin management action plans integrate
11 the appropriate management strategies to
12 achieve the total maximum daily loads and the
13 restoration of designated uses; requiring that
14 the plans establish a schedule for implementing
15 management strategies, establish a basis for
16 evaluating the plans' effectiveness, and
17 identify feasible water unding strategies;
18 requiring that a basin management action plan
19 equitably allocate pollutant reductions to
20 individual basins; authorizing that plans may
21 provide pollutant load reduction credits to
22 dischargers that have implemented strategies to
23 reduce pollutant loads prior to the development
24 of the basin management action plan; requiring
25 that the plan identify mechanisms by which
26 potential future sources of pollution will be
27 addressed; requiring that the department assure
28 key stakeholder participation in the basin
29 management action planning process; requiring
30 that the department hold at least one public
31 meeting to discuss and receive comments during

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1 the planning process; providing notice
2 requirements; requiring that the department
3 adopt all or part of a basin management action
4 plan by secretarial order pursuant to chapter
5 120; requiring that basin management action
6 plans which alter that calculation or
7 preliminary allocation of a total maximum daily
8 load, the revised calculation or preliminary
9 allocation must be adopted by rule; requiring
10 periodic evaluation of basin management action
11 plans; requiring that revisions to plans be
12 made by the department in cooperation with
13 stakeholders; providing for basin plan
14 revisions regarding nonpoint pollutant sources;
15 authorizing the department's use of additional
16 strategies, including an adopted basin plan, to
17 implement pollutant load reductions; requiring
18 that adopted basin management action plans be
19 included in subsequent NPDES permits or permit
20 modifications; providing that implementation of
21 a total maximum daily load or basin management
22 action plan for holders of a NPDES municipal
23 separate storm water sewer system permit may be
24 achieved through the use of best management
25 practices; requiring the department o impose
26 additional pollution reduction requirements for
27 a pollutant of concern in a NPDES permit until
28 such time as the total maximum daily load or
29 the basin management action plan is revised,
30 the NPDES permit expires, or the NPDES permit
31 holder modifies its discharge; providing that

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1 basin management action plans do not relieve a
2 discharger from the requirement to obtain,
3 renew, or modify a NPDES permit or to abide by
4 other requirements of the permit; requiring
5 that plan management strategies be completed
6 pursuant to the schedule set forth in the basin
7 management action plan and providing that the
8 implementation schedule may extend beyond the
9 term of a NPDES permit; providing that
10 management strategies and pollution reduction
11 requirements in a basin management action plan
12 for a specific pollutant of concern are not
13 subject to a challenge under chapter 120 at the
14 time they are incorporated, in identical form,
15 into a subsequent NPDES permit or permit
16 modification; requiring timely adoption and
17 implementation of pollutant reduction actions
18 for non-agricultural pollutant sources not
19 subject to NPDES permitting but regulated
20 pursuant to other state, regional, or local
21 regulatory programs; requiring timely
22 implementation of best management practices for
23 agricultural or non-agricultural nonpoint
24 pollutant source dischargers not subject to
25 permitting at the time a basin management
26 action plan is adopted; providing an exemption;
27 providing for presumption of compliance under
28 certain circumstances; providing for
29 enforcement action by the department or a water
30 management district; requiring that a
31 landowner, discharger or other responsible

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1 person that is implementing management
2 strategies specified in an adopted basin
3 management action plan will not be required by
4 permit, enforcement action, or otherwise to
5 implement additional management strategies to
6 reduce pollutant loads; providing that the
7 authority of the department to amend a basin
8 management plan is not limited; requiring that
9 the department verify at representative sites
10 the effectiveness of interim measures, best
11 management practices, and other measures
12 adopted by rule; requiring that the department
13 use best professional judgment in making
14 initial verifications that best management
15 practices are not effective; requiring notice
16 to the appropriate water management district or
17 the department of Agriculture and consumer
18 Services under certain conditions; establishing
19 a presumption of compliance for implementation
20 of practices initially verified to be effective
21 or verified to be effective at representative
22 sites; limiting the institution of proceedings
23 by the department against the owner of a source
24 of pollution to recover costs or damages
25 associated with the contamination of surface or
26 ground water caused by those pollutants;
27 requiring the Department of Agriculture and
28 Consumer Services to institute a reevaluation
29 of best management practices or other measures
30 where water quality problems are detected, or
31 predicted during the development or amendment

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1 of a basin management action plan; providing
2 for rule revisions; providing the department
3 with rulemaking authority; requiring a report
4 be submitted to the Governor, the President of
5 the Senate, and the Speaker of the House of
6 Representatives containing recommendations on
7 rules for pollutant trading prior to the
8 adoption of those rules; requiring that
9 recommendations be adopted in cooperation with
10 a technical advisory committee containing
11 experts in pollutant trading and
12 representatives of potentially affected
13 parties; deleting a requirement that no
14 pollutant trading program shall become
15 effective prior to review and ratification by
16 the Legislature; amending ss. 373.4595 and
17 570.085, F.S.; correcting cross references;
18 amending s. 403.885, F.S.; revising
19 requirements relating to the department's grant
20 program for water quality improvement and water
21 restoration project grants; eliminating grants
22 for water quality improvement, water
23 management, and drinking water projects;
24 authorizing grants for wastewater management;
25 creating additional criteria for funding storm
26 water grants; requiring local matching funds;
27 providing an exception from matching fund
28 requirements for financially disadvantaged
29 small local governments; creating s. 403.890,
30 establishing the Water Protection and
31 Sustainability Funding Program; establishing a

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1 funding formula for the distribution of
2 revenues generated by the bonding provisions as
3 provided in s. 215.6197, F.S.; establishing
4 funding for alternative water supply
5 development as provided in s. 373.1961, the
6 development and implementation of total maximum
7 daily load projects as provided in s. 403.067,
8 F.S.; surface water improvement and management
9 plans and programs as provided in ss. 373.451
10 and 373.459, F.S.; the Clean Water State
11 Revolving Loan Grants Program as provided in s.
12 403.1835, F.S.; the Drinking water State
13 Revolving Loan Grant Program as provided in s.
14 403.8532, F.S.; and the Disadvantaged Small
15 Community Wastewater Grant Program as provided
16 in s. 403.1838, F.S.; providing an effective
17 date.

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