

By Senator Simpson

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1 A bill to be entitled

2 An act relating to the Everglades Long-Term Plan;
3 amending s. 373.4592, F.S.; modifying the definition
4 of "Long-Term Plan" as it applies to Everglades
5 improvement and management; deleting references to
6 Plan phases; conforming provisions to changes made in
7 the act; making technical changes; providing an
8 effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Paragraph (j) of subsection (2), paragraphs (d)
13 and (e) of subsection (3), and paragraph (a) of subsection (4)
14 of section 373.4592, Florida Statutes, are amended to read:

15 373.4592 Everglades improvement and management.—

16 (2) DEFINITIONS.—As used in this section:

17 (j) "Long-Term Plan" or "Plan" means the district's
18 "Everglades Protection Area Tributary Basins Conceptual Plan for
19 Achieving Long-Term Water Quality Goals Final Report," dated
20 March 2003, as subsequently modified in accordance with
21 paragraph (3)(b) and the district's "Restoration Strategies
22 Regional Water Quality Plan," dated April 27, 2012, which may be
23 subsequently modified pursuant to paragraph (3)(b) herein.

24 (3) EVERGLADES LONG-TERM PLAN.—

25 (d) ~~The Legislature recognizes that the Long-Term Plan~~
26 ~~contains an initial phase and a 10-year second phase.~~ The
27 Legislature intends that a review of this act at least 10 years
28 after implementation of the Long-Term Plan ~~initial phase~~ is
29 appropriate and necessary to the public interest. The review is

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30 the best way to ensure that the Everglades Protection Area is
31 achieving state water quality standards, including phosphorus
32 reduction, and the Long-Term Plan is using the best technology
33 available. ~~A 10-year second phase of the Long-Term Plan must be~~
34 ~~approved by the Legislature and codified in this act prior to~~
35 ~~implementation of projects, but not prior to development,~~
36 ~~review, and approval of projects by the department.~~

37 (e) The Long-Term Plan shall be implemented ~~for an initial~~
38 ~~13-year phase (2003-2016)~~ and shall achieve water quality
39 standards relating to the phosphorus criterion in the Everglades
40 Protection Area as determined by a network of monitoring
41 stations established for this purpose. Not later than December
42 31, 2008, and each 5 years thereafter, the department shall
43 review and approve incremental phosphorus reduction measures.

44 (4) EVERGLADES PROGRAM.—

45 (a) *Everglades Construction Project.*—The district shall
46 implement the Everglades Construction Project. By the time of
47 completion of the project, the state, district, or other
48 governmental authority shall purchase the inholdings in the
49 Rotenberger and such other lands necessary to achieve a 2:1
50 mitigation ratio for the use of Brown's Farm and other similar
51 lands, including those needed for the STA 1 Inflow and
52 Distribution Works. The inclusion of public lands as part of the
53 project is for the purpose of treating waters not coming from
54 the EAA for hydroperiod restoration. It is the intent of the
55 Legislature that the district aggressively pursue the
56 implementation of the Everglades Construction Project in
57 accordance with the schedule in this subsection. The Legislature
58 recognizes that adherence to the schedule is dependent upon

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59 factors beyond the control of the district, including the timely
60 receipt of funds from all contributors. The district shall take
61 all reasonable measures to complete timely performance of the
62 schedule in this section in order to finish the Everglades
63 Construction Project. The district may ~~shall~~ not delay
64 implementation of the project beyond the time delay caused by
65 those circumstances and conditions that prevent timely
66 performance. The district may ~~shall~~ not levy ad valorem taxes in
67 excess of 0.1 mill within the Okeechobee Basin for the purposes
68 of the design, construction, and acquisition of the Everglades
69 Construction Project. The ad valorem tax proceeds not exceeding
70 0.1 mill levied within the Okeechobee Basin for such purposes
71 shall also be used for design, construction, and implementation
72 of the ~~initial phase of the~~ Long-Term Plan, including operation
73 and maintenance, and research for the projects and strategies in
74 the ~~initial phase of the~~ Long-Term Plan, and including the
75 enhancements and operation and maintenance of the Everglades
76 Construction Project and shall be the sole direct district
77 contribution from district ad valorem taxes appropriated or
78 expended for the design, construction, and acquisition of the
79 Everglades Construction Project unless the Legislature by
80 specific amendment to this section increases the 0.1 mill ad
81 valorem tax contribution, increases the agricultural privilege
82 taxes, or otherwise reallocates the relative contribution by ad
83 valorem taxpayers and taxpayers paying the agricultural
84 privilege taxes toward the funding of the design, construction,
85 and acquisition of the Everglades Construction Project.
86 Notwithstanding the provisions of s. 200.069 to the contrary,
87 ~~any~~ millage levied under the 0.1 mill limitation in this

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88 paragraph shall be included as a separate entry on the Notice of
89 Proposed Property Taxes pursuant to s. 200.069. Once the STAs
90 are completed, the district shall allow these areas to be used
91 by the public for recreational purposes in the manner set forth
92 in s. 373.1391(1), considering the suitability of these lands
93 for such uses. These lands must ~~shall~~ be made available for
94 recreational use unless the district governing board can
95 demonstrate that such uses are incompatible with the restoration
96 goals of the Everglades Construction Project or the water
97 quality and hydrological purposes of the STAs or would otherwise
98 adversely impact the implementation of the project. The district
99 shall give preferential consideration to the hiring of
100 agricultural workers displaced as a result of the Everglades
101 Construction Project, consistent with their qualifications and
102 abilities, for the construction and operation of these STAs. The
103 following milestones apply to the completion of the Everglades
104 Construction Project as depicted in the February 15, 1994,
105 conceptual design document:

106 1. The district must complete the final design of the STA 1
107 East and West and pursue STA 1 East project components as part
108 of a cost-shared program with the Federal Government. The
109 district must be the local sponsor of the federal project that
110 will include STA 1 East, and STA 1 West if so authorized by
111 federal law;

112 2. Construction of STA 1 East is to be completed under the
113 direction of the United States Army Corps of Engineers in
114 conjunction with the currently authorized C-51 flood control
115 project;

116 3. The district must complete construction of STA 1 West

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117 and STA 1 Inflow and Distribution Works under the direction of
118 the United States Army Corps of Engineers, if the direction is
119 authorized under federal law, in conjunction with the currently
120 authorized C-51 flood control project;

121 4. The district must complete construction of STA 3/4 by
122 October 1, 2003; however, the district may modify this schedule
123 to incorporate and accelerate enhancements to STA 3/4 as
124 directed in the Long-Term Plan;

125 5. The district must complete construction of STA 6;

126 6. The district must, by December 31, 2006, complete
127 construction of enhancements to the Everglades Construction
128 Project recommended in the Long-Term Plan and initiate other
129 pre-2006 strategies in the plan; and

130 7. East Beach Water Control District, South Shore Drainage
131 District, South Florida Conservancy District, East Shore Water
132 Control District, and the lessee of agricultural lease number
133 3420 shall complete ~~any~~ system modifications described in the
134 Everglades Construction Project to the extent that funds are
135 available from the Everglades Fund. These entities shall divert
136 the discharges described within the Everglades Construction
137 Project within 60 days of completion of construction of the
138 appropriate STA. Such required modifications are ~~shall be~~ deemed
139 to be a part of each district's plan of reclamation pursuant to
140 chapter 298.

141 Section 2. This act shall take effect July 1, 2013.