

782-104BX-08

Bill No. CS for SB 1524

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

11 Representative(s) Mayfield offered the following:

Amendment (with title amendment)

14 Remove from the bill: Everything after the enacting clause
15
16 and insert in lieu thereof:

17 Section 1. Paragraphs (b) and (c) of subsection (8) of
18 section 373.026, Florida Statutes, are amended to read:

19 373.026 General powers and duties of the
20 department.--The department, or its successor agency, shall be
21 responsible for the administration of this chapter at the
22 state level. However, it is the policy of the state that, to
23 the greatest extent possible, the department may enter into
24 interagency or interlocal agreements with any other state
25 agency, any water management district, or any local government
26 conducting programs related to or materially affecting the
27 water resources of the state. All such agreements shall be
28 subject to the provisions of s. 373.046. In addition to its
29 other powers and duties, the department shall, to the greatest
30 extent possible:

31 (8)

782-104BX-08

Bill No. CS for SB 1524

Amendment No. ____ (for drafter's use only)

1 (b) To ensure to the greatest extent possible that
2 project components will go forward as planned, the department
3 shall collaborate with the South Florida Water Management
4 District in implementing the comprehensive plan as defined in
5 s. 373.470(2)(a) ~~restudy~~. Before any project component is
6 submitted to Congress for authorization or receives an
7 ~~additional~~ appropriation of state funds, the department must
8 approve, or approve with amendments, each project component
9 within 60 days following formal submittal of the project
10 component to the department. Department approval shall be
11 based upon a determination of the South Florida Water
12 Management District's compliance with s. 373.1501(5). Once a
13 project component is approved, the South Florida Water
14 Management District shall provide to the Joint Legislative
15 Committee on Everglades Oversight a schedule for implementing
16 the project component, the estimated total cost of the project
17 component, any existing federal or nonfederal credits, the
18 estimated remaining federal and nonfederal share of costs, and
19 an estimate of the amount of state funds that will be needed
20 to implement the project component.All requests for an
21 ~~additional~~ appropriation of state funds needed to implement
22 the project component shall be submitted to the department and
23 such requests shall be included in the department's annual
24 request to the Governor.

25 (c) Notwithstanding paragraph (b), the use of state
26 funds for land purchases from willing sellers is authorized
27 for projects within the South Florida Water Management
28 District's approved 5-year plan of acquisition pursuant to s.
29 373.59 or within the South Florida Water Management District's
30 approved Florida Forever water management district work plan
31 pursuant to s. 373.199.

1 Section 2. Section 373.1502, Florida Statutes, is
2 created to read:

3 373.1502 Regulation of comprehensive plan project
4 components.--

5 (1) SHORT TITLE.--This section may be cited as the
6 "Comprehensive Everglades Restoration Plan Regulation Act."

7 (2) FINDINGS; INTENT.--

8 (a) The Legislature finds that implementation of the
9 comprehensive plan, as defined in s. 373.470(2)(a), is in the
10 public interest and is necessary for restoring, preserving,
11 and protecting the South Florida ecosystem, providing for the
12 protection of water quality in and the reduction of the loss
13 of fresh water from the Everglades, and providing such
14 features as are necessary to meet the other water-related
15 needs of the region, including flood control, the enhancement
16 of water supplies, and other objectives served by the project.

17 (b) The Legislature intends to provide efficient and
18 effective permitting of project components, taking into
19 account all other statutory responsibilities the department
20 and the South Florida Water Management District are required
21 to consider.

22 (3) REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND
23 FACILITIES.--

24 (a) This subsection applies to all project components,
25 as defined in s. 373.1501, identified in the comprehensive
26 plan unless the project component is otherwise subject to s.
27 373.4592, s. 373.4595, or the department's rules on reuse of
28 reclaimed water. Permits issued under this subsection are in
29 lieu of all other permits required under this chapter or
30 chapter 403, except for permits issued under any delegated or
31 approved federal program.

1 (b) The department shall issue a permit for a term of
2 5 years for the construction, operation, modification, or
3 maintenance of a project component based on the criteria set
4 forth in this section. If the department is the entity
5 responsible for the construction, operation, modification, or
6 maintenance of any individual project component, the district
7 shall issue a permit for a term of 5 years based on the
8 criteria set forth in this section. The permit application
9 must provide reasonable assurances that:

10 1. The project component will achieve the design
11 objectives set forth in the detailed design documents
12 submitted as part of the application.

13 2. State water quality standards will be met to the
14 maximum extent practicable. Under no circumstances shall the
15 project component cause or contribute to violation of state
16 water quality standards.

17 3. Discharges from the project component will not pose
18 a serious danger to public health, safety, or welfare.

19 4. Any impacts to wetlands or threatened or endangered
20 species resulting from implementation of the project component
21 will be avoided, minimized, and mitigated, as appropriate.

22 (c) Construction activities for comprehensive plan
23 project components may be initiated upon submission of a
24 permit application and completion of the department's approval
25 under s. 373.1501, but before final agency action or notice of
26 intended agency action. However, a permit must be obtained
27 before the commencement or modification of operation.

28 (d) Permits issued under this subsection must contain
29 reasonable conditions to ensure that water quality resulting
30 from construction and operation of project components is
31 adequately and accurately monitored.

- 1 (e) Permits issued under this subsection may:
- 2 1. Authorize construction, operation, modification,
- 3 and maintenance of individual or multiple project components
- 4 under a single permit;
- 5 2. Include any standard conditions provided by
- 6 department rule which are appropriate and consistent with this
- 7 subsection; or
- 8 3. Establish reporting requirements that are
- 9 consolidated with other reports if all reporting requirements
- 10 are met.

11 (f) The permitting entity shall require a processing
 12 fee in an amount sufficient to cover the costs of reviewing
 13 and acting upon any application for a permit under this
 14 section and to cover the costs of surveillance associated with
 15 any permit issued under this section.

16 (g) At least 60 days before the expiration of any
 17 permit issued under this subsection, the permittee may apply
 18 for a renewal for a term of 5 years. Such submittals are
 19 considered timely and sufficient under s. 120.60(4). Permits
 20 issued under this subsection may be modified upon review and
 21 approval by the department or district, as appropriate.

22 Section 3. Subsection (3) of section 373.4149, Florida
 23 Statutes, is amended to read:

24 373.4149 Miami-Dade County Lake Belt Plan.--

25 (3) The Miami-Dade County Lake Belt Area is that area
 26 bounded by the Ronald Reagan Turnpike to the east, the
 27 Miami-Dade-Broward County line to the north, Krome Avenue to
 28 the west and Tamiami Trail to the south together with the land
 29 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,
 30 Township 54 South, Range 39 East, sections 24, 25, and 36,
 31 Township 54 South, Range 38 East less those portions of

782-104BX-08

Bill No. CS for SB 1524

Amendment No. ____ (for drafter's use only)

1 section 3, south of Krome Avenue and west of U.S. Highway 27,
2 section 10, except the west one-half, section 11, except the
3 northeast one-quarter and the east one-half of the northwest
4 one-quarter, and tracts 38 through 41, and tracts 49 through
5 64 inclusive, section 13, except tracts 17 through 35 and
6 tracts 46 through 48, of Florida Fruit Lands Company
7 Subdivision No. 1 according to the plat thereof as recorded in
8 plat book 2, page 17, public records of Miami-Dade County, and
9 section 14, except the west three quarters, Township 52 South,
10 Range 39 East, lying north of the Miami Canal, sections 35 and
11 36 and the east one-half of sections 24 and 25, Township 53
12 South, Range 39 East and Government Lots 1 and 2, lying
13 between Townships 53 and 54 South, Range 39 East and those
14 portions of sections 1 and 2, Township 54 South, Range 39
15 East, lying north of Tamiami Trail.

16 Section 4. Paragraphs (b) and (d) of subsection (4) of
17 section 373.4595, Florida Statutes, are amended to read:

18 373.4595 Lake Okeechobee Protection Program.--

19 (4) LAKE OKEECHOBEE PROTECTION PERMITS.--

20 (b) Permits obtained pursuant to this section are in
21 lieu of all other permits under chapter 373 or chapter 403,
22 except those issued under s. 403.0885, if applicable. No
23 additional permits are required for the Lake Okeechobee
24 Construction Project or structures discharging into or from
25 Lake Okeechobee, if permitted under this section. Construction
26 activities related to implementation of the Lake Okeechobee
27 Construction Project may be initiated prior to final agency
28 action, or notice of intended agency action, on any permit
29 from the department under this section.

30 (d) The department shall require permits for Lake
31 Okeechobee Construction Project facilities. However, projects

1 identified in sub-subparagraph (3)(b)1.b. that qualify as
2 exempt pursuant to s. 373.406 shall not need permits under
3 this section.Such permits shall be issued for a term of 5
4 years upon the demonstration of reasonable assurances that:

5 1. The Lake Okeechobee Construction Project facility,
6 based upon the conceptual design documents and any subsequent
7 detailed design documents developed by the district, will
8 achieve the design objectives for phosphorus required in
9 paragraph (3)(b);

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

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

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

19 Section 5. Subsection (7) of section 373.470, Florida
20 Statutes, is amended to read:

21 373.470 Everglades restoration.--

22 (7) ANNUAL REPORT.--To provide enhanced oversight of
23 and accountability for the financial commitments established
24 under this section and the progress made in the implementation
25 of the comprehensive plan, the following information must be
26 prepared annually:

27 (a) The district, in cooperation with the department,
28 shall provide the following information as it relates to
29 implementation of the comprehensive plan:

30 1. An identification of funds, by source and amount,
31 received by the state and by each local sponsor during the

1 fiscal year.

2 2. An itemization of expenditures, by source and
3 amount, made by the state and by each local sponsor during the
4 fiscal year.

5 3. A description of the purpose for which the funds
6 were expended.

7 4. The unencumbered balance of funds remaining in
8 trust funds or other accounts designated for implementation of
9 the comprehensive plan.

10 5. A schedule of anticipated expenditures for the next
11 fiscal year.

12 (b) The department shall prepare a detailed report on
13 all funds expended by the state and credited toward the
14 state's share of funding for implementation of the
15 comprehensive plan. The report shall include:

16 1. A description of all expenditures, by source and
17 amount, from the Conservation and Recreation Lands Trust Fund,
18 the Land Acquisition Trust Fund, the Preservation 2000 Trust
19 Fund, the Florida Forever Trust Fund, the Save Our Everglades
20 Trust Fund, and other named funds or accounts for the
21 acquisition or construction of project components or other
22 features or facilities that benefit the comprehensive plan.

23 2. A description of the purposes for which the funds
24 were expended.

25 3. The unencumbered fiscal-year-end balance that
26 remains in each trust fund or account identified in
27 subparagraph 1.

28 (c) The district, in cooperation with the department,
29 shall provide a detailed report on progress made in the
30 implementation of the comprehensive plan, including the status
31 of all project components initiated after the effective date

1 of this act or the date of the last report prepared under this
2 subsection, whichever is later.

3

4 The information required in paragraphs (a), (b), and (c) shall
5 be provided annually in a single report to the Governor, the
6 President of the Senate, and the Speaker of the House of
7 Representatives, and copies of the report must be made
8 available to the public. The initial report is due by November
9 30, 2000, and each annual report thereafter is due by January
10 31 ~~November 30~~.

11 Section 6. Paragraph (g) of subsection (2) of section
12 403.088, Florida Statutes, is amended to read:

13 403.088 Water pollution operation permits;
14 conditions.--

15 (2)

16 (g) The Legislature finds that the restoration of the
17 South Florida ecosystem ~~Everglades Protection Area, including~~
18 ~~the construction, operation, and maintenance of stormwater~~
19 ~~treatment areas (STAs)~~ is in the public interest. Accordingly,
20 whenever a facility to be constructed, operated, or maintained
21 in accordance with s. 373.1501, s. 373.1502, s. 373.4595, or
22 s. 373.4592 is subjected to permitting requirements pursuant
23 to chapter 373 or this chapter, and the issuance of the
24 initial permit for a new source, a new discharger, or a
25 recommencing discharger is subjected to a request for hearing
26 pursuant to s. 120.569, the administrative law judge may, upon
27 motion by the permittee, issue a recommended order to the
28 secretary who, within 5 days, shall issue an order authorizing
29 the interim construction, operation, and maintenance of the
30 facility if it complies with all uncontested conditions of the
31 proposed permit and all other conditions recommended by the

1 administrative law judge during the period until the final
2 agency action on the permit.

3 1. An order authorizing such interim construction,
4 operation, and maintenance shall be granted if requested by
5 motion and no party opposes it.

6 2. If a party to the administrative hearing pursuant
7 to ss. 120.569 and 120.57 opposes the motion, the
8 administrative law judge shall issue a recommended order
9 granting the motion if the administrative law judge finds
10 that:

11 a. The facility is likely to receive the permit; and

12 b. The environment will not be irreparably harmed by
13 the construction, operation, or maintenance of the facility
14 pending final agency action on the permit.

15 3. Prior to granting a contested motion for interim
16 construction, operation, or maintenance of a facility
17 regulated or otherwise permitted ~~authorized~~ by s. 373.1501, s.
18 373.1502, s. 373.4595, or s. 373.4592, the administrative law
19 judge shall conduct a hearing using the summary hearing
20 process defined in s. 120.574, which shall be mandatory for
21 motions made pursuant to this paragraph. Notwithstanding the
22 provisions of s. 120.574(1), summary hearing proceedings for
23 these facilities shall begin within 30 days of the motion made
24 by the permittee. Within 15 days of the conclusion of the
25 summary proceeding, the administrative law judge shall issue a
26 recommended order either denying or approving interim
27 construction, operation, or maintenance of the facility, which
28 shall be submitted to the secretary who shall within 5 days
29 thereafter, enter an order granting or denying interim
30 construction operation or maintenance of the facility. The
31 order shall remain in effect until final agency action is

1 taken on the permit.

2 Section 7. This act shall take effect upon becoming a
3 law.

4
5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 Remove from the title of the bill: the entire title

9

10 and insert in lieu thereof:

11 A bill to be entitled
12 An act relating to the comprehensive Everglades
13 restoration plan; amending s. 373.026, F.S.;
14 requiring the South Florida Water Management
15 District to submit certain information to the
16 Joint Legislative Committee on Everglades
17 Oversight; requiring the committee to provide
18 certain review of appropriation requests and
19 make recommendations to the Legislature;
20 providing that state funds for land purchases
21 are authorized if contained within the
22 district's Florida Forever 5-year work plan;
23 creating s. 373.1502, F.S.; creating the
24 Comprehensive Everglades Restoration Plan
25 Regulation Act; providing for regulation of
26 comprehensive plan project components;
27 providing findings and intent; providing an
28 expedited permit process; providing a fee;
29 providing for renewal; amending s. 373.4149,
30 F.S.; clarifying boundaries of the Miami-Dade
31 County Lake Belt Area; amending s. 373.4595,

782-104BX-08

Bill No. CS for SB 1524

Amendment No. ____ (for drafter's use only)

1 F.S.; revising Lake Okeechobee protection
 2 permit requirements and related exemptions;
 3 amending s. 373.470, F.S.; revising due date of
 4 the annual report on implementation of the
 5 comprehensive plan; amending s. 403.088, F.S.;
 6 providing application of water pollution
 7 operation permitting procedures to facilities
 8 constructed, operated, or maintained in the
 9 South Florida ecosystem, including the
 10 components of the comprehensive Everglades
 11 restoration plan; providing an effective date.

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31