

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Natural Resources & Environmental Protection offered the following:

Amendment (with title amendment)

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

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

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

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1 (8)
2 (b) To ensure to the greatest extent possible that
3 project components will go forward as planned, the department
4 shall collaborate with the South Florida Water Management
5 District in implementing the comprehensive plan as defined in
6 s. 373.470(2)(a) ~~restudy~~. Before any project component is
7 submitted to Congress for authorization or receives an
8 ~~additional~~ appropriation of state funds, the department must
9 approve, or approve with amendments, each project component
10 within 60 days following formal submittal of the project
11 component to the department. Department approval shall be
12 based upon a determination of the South Florida Water
13 Management District's compliance with s. 373.1501(5). Once a
14 project component is approved, the South Florida Water
15 Management District shall provide to The Joint Legislative
16 Committee on Everglades Oversight a schedule for implementing
17 the project component, the estimated total cost of the project
18 component, any existing federal or nonfederal credits, the
19 estimated remaining federal and nonfederal share of costs, and
20 an estimate of the amount of state funds that will be needed
21 to implement the project component.All requests for an
22 ~~additional~~ appropriation of state funds needed to implement
23 the project component shall be submitted to the department and
24 such requests shall be included in the department's annual
25 request to the Governor. The Joint Legislative Committee on
26 Everglades Oversight shall review all such requests and may
27 provide recommendations as it deems appropriate to the fiscal
28 and substantive committees of the Senate and the House of
29 Representatives that have jurisdiction over the department.
30 The Joint Legislative Committee on Everglades Oversight must
31 provide any recommendations to the appropriate committees no

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1 later than December 31, preceeding the regular session during
2 which the request will be considered.

3 (c) Notwithstanding paragraph (b), the use of state
4 funds for land purchases from willing sellers is authorized
5 for projects within the South Florida Water Management
6 District's approved 5-year plan of acquisition pursuant to s.
7 373.59 or within the South Florida Water Management District's
8 approved Florida Forever water management district work plan
9 pursuant to s. 373.199.

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

12 373.1502 Regulation of comprehensive plan project
13 components.--

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

16 (2) FINDINGS; INTENT.--

17 (a) The Legislature finds that implementation of the
18 comprehensive plan, as defined in s. 373.470(2)(a), is in the
19 public interest and is necessary for restoring, preserving,
20 and protecting the south Florida ecosystem, providing for the
21 protection of water quality in and the reduction of the loss
22 of fresh water from the Everglades, and providing such
23 features as are necessary to meet the other water-related
24 needs of the region, including flood control, the enhancement
25 of water supplies, and other objectives served by the project.

26 (b) The Legislature intends to provide efficient and
27 effective permitting of project components, taking into
28 account all other statutory responsibilities the department
29 and the South Florida Water Management District are required
30 to consider.

31 (3) REGULATION OF COMPREHENSIVE PLAN STRUCTURES AND

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1 FACILITIES.--

2 (a) This subsection applies to all project components,
3 as defined in s. 373.1501, identified in the comprehensive
4 plan unless the project component is otherwise subject to ss.
5 373.4592, 373.4595, or the department's rules on reuse of
6 reclaimed water. Permits issued under this subsection are in
7 lieu of all other permits required under this chapter or
8 chapter 403, except for permits issued under any delegated or
9 approved federal program.

10 (b) The department shall issue a permit for a term of
11 5 years for the construction, operation, modification, or
12 maintenance of a project component based on the criteria set
13 forth in this section. If the department is the entity
14 responsible for the construction, operation, modification, or
15 maintenance of any individual project component, the district
16 shall issue a permit for a term of 5 years based on the
17 criteria set forth in this section. The permit application
18 must provide reasonable assurances that:

19 1. The project component will achieve the design
20 objectives set forth in the detailed design documents
21 submitted as part of the application.

22 2. State water quality standards will be met to the
23 maximum extent practicable. Under no circumstances shall the
24 project component cause or contribute to violation of state
25 water quality standards.

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

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

31 (c) Construction activities for comprehensive plan

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1 project components may be initiated upon submission of a
2 permit application and completion of the department's approval
3 under s. 373.1501, but before final agency action or notice of
4 intended agency action. However, a permit must be obtained
5 before the commencement or modification of operation.

6 (d) Permits issued under this subsection must contain
7 reasonable conditions to ensure that water quality resulting
8 from construction and operation of project components is
9 adequately and accurately monitored.

10 (e) Permits issued under this subsection may:

11 1. Authorize construction, operation, modification,
12 and maintenance of individual or multiple project components
13 under a single permit;

14 2. Include any standard conditions provided by
15 department rule which are appropriate and consistent with this
16 subsection; or

17 3. Establish reporting requirements that are
18 consolidated with other reports if all reporting requirements
19 are met.

20 (f) The permitting entity shall require a processing
21 fee in an amount sufficient to cover the costs of reviewing
22 and acting upon any application for a permit under this
23 section and to cover the costs of surveillance associated with
24 any permit issued under this section.

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

31 Section 3. Subsection (3) of section 373.4149, Florida

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1 Statutes, is amended to read:

2 373.4149 Miami-Dade County Lake Belt Plan.--

3 (3) The Miami-Dade County Lake Belt Area is that area
4 bounded by the Ronald Reagan Turnpike to the east, the
5 Miami-Dade-Broward County line to the north, Krome Avenue to
6 the west and Tamiami Trail to the south together with the land
7 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,
8 Township 54 South, Range 39 East, sections 24, 25, and 36,
9 Township 54 South, Range 38 East less those portions of
10 section 3, south of Krome Avenue and west of U.S. Highway 27,
11 section 10, except the west one-half, section 11, except the
12 northeast one-quarter and the east one-half of the northwest
13 one-quarter, and tracts 38 through 41, and tracts 49 through
14 64 inclusive, section 13, except tracts 17 through 35 and
15 tracts 46 through 48, of Florida Fruit Lands Company
16 Subdivision No. 1 according to the plat thereof as recorded in
17 plat book 2, page 17, public records of Miami-Dade County, and
18 section 14, except the west three quarters, Township 52 South,
19 Range 39 East, lying north of the Miami Canal, sections 35 and
20 36 and the east one-half of sections 24 and 25, Township 53
21 South, Range 39 East and Government Lots 1 and 2, lying
22 between Townships 53 and 54 South, Range 39 East and those
23 portions of sections 1 and 2, Township 54 South, Range 39
24 East, lying north of Tamiami Trail.

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

27 373.4595 Lake Okeechobee Protection Program.--

28 (4) LAKE OKEECHOBEE PROTECTION PERMITS.--

29 (b) Permits obtained pursuant to this section are in
30 lieu of all other permits under chapter 373 or chapter 403,
31 except those issued under s. 403.0885, if applicable. No

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1 additional permits are required for the Lake Okeechobee
2 Construction Project or structures discharging into or from
3 Lake Okeechobee if permitted under this section. Construction
4 activities related to implementation of the Lake Okeechobee
5 Construction Project may be initiated prior to final agency
6 action, or notice of intended agency action, on any permit
7 from the department under this section.

8 (d) The department shall require permits for Lake
9 Okeechobee Construction Project facilities. However, projects
10 identified in s. 373.4595(3)(b)1.b. that qualify as exempt
11 pursuant to s. 373.406 shall not need permits under this
12 section. Such permits shall be issued for a term of 5 years
13 upon the demonstration of reasonable assurances that:

14 1. The Lake Okeechobee Construction Project facility,
15 based upon the conceptual design documents and any subsequent
16 detailed design documents developed by the district, will
17 achieve the design objectives for phosphorus required in
18 paragraph (3)(b);

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

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

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

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

30 373.470 Everglades restoration.--

31 (7) ANNUAL REPORT.--To provide enhanced oversight of

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1 and accountability for the financial commitments established
2 under this section and the progress made in the implementation
3 of the comprehensive plan, the following information must be
4 prepared annually:

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

8 1. An identification of funds, by source and amount,
9 received by the state and by each local sponsor during the
10 fiscal year.

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

14 3. A description of the purpose for which the funds
15 were expended.

16 4. The unencumbered balance of funds remaining in
17 trust funds or other accounts designated for implementation of
18 the comprehensive plan.

19 5. A schedule of anticipated expenditures for the next
20 fiscal year.

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

25 1. A description of all expenditures, by source and
26 amount, from the Conservation and Recreation Lands Trust Fund,
27 the Land Acquisition Trust Fund, the Preservation 2000 Trust
28 Fund, the Florida Forever Trust Fund, the Save Our Everglades
29 Trust Fund, and other named funds or accounts for the
30 acquisition or construction of project components or other
31 features or facilities that benefit the comprehensive plan.

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

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

6 (c) The district, in cooperation with the department,
7 shall provide a detailed report on progress made in the
8 implementation of the comprehensive plan, including the status
9 of all project components initiated after the effective date
10 of this act or the date of the last report prepared under this
11 subsection, whichever is later.

12
13 The information required in paragraphs (a), (b), and (c) shall
14 be provided annually in a single report to the Governor, the
15 President of the Senate, and the Speaker of the House of
16 Representatives, and copies of the report must be made
17 available to the public. The initial report is due by November
18 30, 2000, and each annual report thereafter is due by January
19 31 ~~November 30~~.

20 Section 6. Paragraph (g) of subsection (2) of section
21 403.088, Florida Statutes, is amended to read:

22 403.088 Water pollution operation permits;
23 conditions.--

24 (2)

25 (g) The Legislature finds that the restoration of the
26 South Florida ecosystem ~~Everglades Protection Area, including~~
27 ~~the construction, operation, and maintenance of stormwater~~
28 ~~treatment areas (STAs)~~ is in the public interest. Accordingly,
29 whenever a facility to be constructed, operated, or maintained
30 in accordance with s. 373.1501, s. 373.1502, s. 373.4595, or
31 s. 373.4592 is subjected to permitting requirements pursuant

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1 to chapter 373 or this chapter, and the issuance of the
2 initial permit for a new source, a new discharger, or a
3 recommencing discharger is subjected to a request for hearing
4 pursuant to s. 120.569, the administrative law judge may, upon
5 motion by the permittee, issue a recommended order to the
6 secretary who, within 5 days, shall issue an order authorizing
7 the interim construction, operation, and maintenance of the
8 facility if it complies with all uncontested conditions of the
9 proposed permit and all other conditions recommended by the
10 administrative law judge during the period until the final
11 agency action on the permit.

12 1. An order authorizing such interim construction,
13 operation, and maintenance shall be granted if requested by
14 motion and no party opposes it.

15 2. If a party to the administrative hearing pursuant
16 to ss. 120.569 and 120.57 opposes the motion, the
17 administrative law judge shall issue a recommended order
18 granting the motion if the administrative law judge finds
19 that:

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

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

24 3. Prior to granting a contested motion for interim
25 construction, operation, or maintenance of a facility
26 regulated or otherwise permitted ~~authorized~~ by s. 373.1501, s.
27 373.1502, s. 373.4595, or s. 373.4592, the administrative law
28 judge shall conduct a hearing using the summary hearing
29 process defined in s. 120.574, which shall be mandatory for
30 motions made pursuant to this paragraph. Notwithstanding the
31 provisions of s. 120.574(1), summary hearing proceedings for

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1 these facilities shall begin within 30 days of the motion made
2 by the permittee. Within 15 days of the conclusion of the
3 summary proceeding, the administrative law judge shall issue a
4 recommended order either denying or approving interim
5 construction, operation, or maintenance of the facility, which
6 shall be submitted to the secretary who shall within 5 days
7 thereafter, enter an order granting or denying interim
8 construction operation or maintenance of the facility. The
9 order shall remain in effect until final agency action is
10 taken on the permit.

11 Section 7. This act shall take effect upon becoming a
12 law.

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14

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

16 And the title is amended as follows:

17 On page1, lines 2 through 29
18 remove from the title of the bill: all of said lines
19
20 and insert in lieu thereof:

21 An act relating to the comprehensive Everglades
22 restoration plan; amending s. 373.026, F.S.;
23 requiring the South Florida Water Management
24 District to submit certain information to the
25 Joint Legislative Committee on Everglades
26 Oversight; requiring the committee to provide
27 certain review of appropriation requests and
28 make recommendations to the Legislature;
29 providing that state funds for land purchases
30 are authorized if contained within the
31 district's Florida Forever 5-year work plan;

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1 creating s. 373.1502, F.S.; creating the
2 Comprehensive Everglades Restoration Plan
3 Regulation Act; providing for regulation of
4 comprehensive plan project components;
5 providing intent; providing an expedited permit
6 process; providing a fee; providing for
7 renewal; amending s. 373.4149, F.S.; clarifying
8 boundaries of the Miami-Dade County Lake Belt
9 Area; amending s. 373.4595, F.S.; revising Lake
10 Okeechobee protection permit requirements and
11 related exemptions; amending s. 373.470, F.S.;
12 revising due date of the annual report on
13 implementation of the comprehensive plan;
14 amending s. 403.088, F.S.; providing
15 application of water pollution operation
16 permitting procedures to facilities
17 constructed, operated, or maintained in the
18 South Florida ecosystem, including the
19 components of the comprehensive Everglades
20 restoration plan; providing an effective date.

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