

By Representative Mayfield

1 A bill to be entitled
2 An act relating to the comprehensive Everglades
3 restoration plan; amending s. 373.026, F.S.;
4 requiring the South Florida Water Management
5 District to submit certain information to the
6 Joint Legislative Committee on Everglades
7 Oversight; requiring the committee to provide
8 certain review of appropriation requests and
9 make recommendations to the Legislature;
10 providing that state funds for land purchases
11 are authorized if contained within the
12 district's Florida Forever 5-year work plan;
13 creating s. 373.1502, F.S.; creating the
14 Comprehensive Everglades Restoration Plan
15 Regulation Act; providing for regulation of
16 comprehensive plan project components;
17 providing intent; providing an expedited permit
18 process; providing a fee; providing for
19 renewal; amending s. 373.4149, F.S.; clarifying
20 boundaries of the Miami-Dade County Lake Belt
21 Area; amending s. 373.470, F.S.; revising due
22 date of the annual report on implementation of
23 the comprehensive plan; amending s. 403.088,
24 F.S.; providing application of water pollution
25 operation permitting procedures to facilities
26 constructed, operated, or maintained in the
27 South Florida ecosystem, including the
28 components of the comprehensive Everglades
29 restoration plan; providing an effective date.
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31 Be It Enacted by the Legislature of the State of Florida:

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

3 373.026 General powers and duties of the
4 department.--The department, or its successor agency, shall be
5 responsible for the administration of this chapter at the
6 state level. However, it is the policy of the state that, to
7 the greatest extent possible, the department may enter into
8 interagency or interlocal agreements with any other state
9 agency, any water management district, or any local government
10 conducting programs related to or materially affecting the
11 water resources of the state. All such agreements shall be
12 subject to the provisions of s. 373.046. In addition to its
13 other powers and duties, the department shall, to the greatest
14 extent possible:

15 (8)

16 (b) To ensure to the greatest extent possible that
17 project components will go forward as planned, the department
18 shall collaborate with the South Florida Water Management
19 District in implementing the comprehensive plan as defined in
20 s. 373.470(2)(a)~~restudy~~. Before any project component is
21 submitted to Congress for authorization or receives an
22 ~~additional~~ appropriation of state funds, the department must
23 approve, or approve with amendments, each project component
24 within 60 days following formal submittal of the project
25 component to the department. Department approval shall be
26 based upon a determination of the South Florida Water
27 Management District's compliance with s. 373.1501(5). Once a
28 project component is approved, the South Florida Water
29 Management District shall provide to The Joint Legislative
30 Committee on Everglades Oversight a schedule for implementing
31 the project component, the estimated total cost of the

1 project, any existing federal or nonfederal credits, the
2 estimated remaining federal and nonfederal share of costs, and
3 an estimate of the amount of state funds that will be needed
4 to implement the project component.All requests for an
5 ~~additional~~ appropriation of state funds needed to implement
6 the project component shall be submitted to the department and
7 such requests shall be included in the department's annual
8 request to the Governor. The Joint Legislative Committee on
9 Everglades Oversight shall review all such requests and
10 provide appropriate recommendations to the fiscal and
11 substantive committees of the Senate and the House of
12 Representatives that have jurisdiction over the department.

13 (c) Notwithstanding paragraph (b), the use of state
14 funds for land purchases from willing sellers is authorized
15 for projects within the South Florida Water Management
16 District's approved 5-year plan of acquisition pursuant to s.
17 373.59 or within the South Florida Water Management District's
18 approved Florida Forever water management district work plan
19 pursuant to s. 373.199.

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

22 373.1502 Comprehensive Everglades Restoration Plan
23 Regulation Act.--

24 (1) INTENT.--

25 (a) The Legislature finds that implementation of the
26 comprehensive plan, as defined in s. 373.470(2)(a), is in the
27 public interest and is necessary for achieving the
28 water-related needs of South Florida, including water quality,
29 water supply, flood protection, and natural systems.

30 (b) The Legislature further intends to provide
31 efficient and effective permitting of project components,

1 taking into account all other statutory responsibilities the
2 department and the South Florida Water Management District are
3 required to consider.

4 (2) REGULATION OF COMPREHENSIVE PLAN PROJECT
5 COMPONENTS.--

6 (a) The provisions of this subsection apply to all
7 project components identified in the comprehensive plan unless
8 the project component is otherwise subject to s. 373.4592, s.
9 373.4595, or the department's rules on reuse of reclaimed
10 water. Permits issued pursuant to this subsection are in lieu
11 of all other permits required under this chapter or chapter
12 403, except for permits issued under any delegated or approved
13 federal program.

14 (b) The department shall issue a permit for a term of
15 5 years for the construction, operation, modification, or
16 maintenance of a project component upon submission of a
17 complete permit application. In the event that the department
18 is the entity responsible for the construction, operation,
19 modification, or maintenance of any individual project
20 component, the district shall act on the department's permit
21 application under the provisions of this subsection. The
22 permit application shall provide reasonable assurances that:

23 1. The project component will achieve the design
24 objectives set forth in the detailed design documents
25 submitted as part of the application.

26 2. Operation of the project component will meet state
27 water quality standards to the maximum extent practicable. If
28 state water quality standards will not be met, operation of
29 the project component must result in equal or better water
30 quality.

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

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

6 (c) Construction activities for comprehensive plan
7 project components may be initiated upon submission of a
8 complete permit application but prior to final agency action
9 or notice of intended agency action. However, a permit must be
10 obtained prior to the commencement or modification of
11 operation.

12 (d) Permits issued pursuant to this subsection must
13 contain reasonable conditions to ensure that water quality
14 resulting from construction and operation of project
15 components is adequately and accurately monitored.

16 (e) Permits issued pursuant to this subsection may:

17 1. Authorize construction, operation, modification,
18 and maintenance of individual or multiple project components
19 in a single permit;

20 2. Include any standard conditions provided by
21 department rule that are appropriate and consistent with this
22 subsection; or

23 3. Establish reporting requirements that are
24 consolidated with other reports, provided that all reporting
25 requirements are met.

26 (f) The permitting entity shall require a processing
27 fee in an amount sufficient, to the greatest extent possible,
28 to cover the costs of reviewing and acting upon any
29 application for a permit under this section and to cover the
30 costs of surveillance and other field services and related
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1 support activities associated with any permit issued under
2 this section.

3 (g) At least 60 days prior to the expiration of any
4 permit issued under this subsection, the permittee may apply
5 for a renewal thereof for a term of 5 years. Such submittals
6 shall be considered timely and sufficient pursuant to s.
7 120.60(4). Permits issued pursuant to this subsection may be
8 modified, as appropriate, upon review and approval by the
9 department or district, as appropriate.

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

12 373.4149 Miami-Dade County Lake Belt Plan.--

13 (3) The Miami-Dade County Lake Belt Area is that area
14 bounded by the Ronald Reagan Turnpike to the east, the
15 Miami-Dade-Broward County line to the north, Krome Avenue to
16 the west and Tamiami Trail to the south together with the land
17 south of Tamiami Trail in sections 5, 6, 7, 8, 17, and 18,
18 Township 54 South, Range 39 East, sections 24, 25, and 36,
19 Township 54 South, Range 38 East less those portions of
20 section 3, south of Krome Avenue and west of U.S. Highway 27,
21 section 10, except the west one-half, section 11, except the
22 northeast one-quarter and the east one-half of the northwest
23 one-quarter, and tracts 38 through 41, and tracts 49 through
24 64 inclusive, section 13, except tracts 17 through 35 and
25 tracts 46 through 48, of Florida Fruit Lands Company
26 Subdivision No. 1 according to the plat thereof as recorded in
27 plat book 2, page 17, public records of Miami-Dade County, and
28 section 14, except the west three quarters, Township 52 South,
29 Range 39 East, lying north of the Miami Canal, sections 35 and
30 36 and the east one-half of sections 24 and 25, Township 53
31 South, Range 39 East and Government Lots 1 and 2, lying

1 between Townships 53 and 54 South, Range 39 East and those
2 portions of sections 1 and 2, Township 54 South, Range 39
3 East, lying north of Tamiami Trail.

4 Section 4. Subsection (7) of section 373.470, Florida
5 Statutes, is amended to read:

6 373.470 Everglades restoration.--

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

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

15 1. An identification of funds, by source and amount,
16 received by the state and by each local sponsor during the
17 fiscal year.

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

21 3. A description of the purpose for which the funds
22 were expended.

23 4. The unencumbered balance of funds remaining in
24 trust funds or other accounts designated for implementation of
25 the comprehensive plan.

26 5. A schedule of anticipated expenditures for the next
27 fiscal year.

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

1 1. A description of all expenditures, by source and
2 amount, from the Conservation and Recreation Lands Trust Fund,
3 the Land Acquisition Trust Fund, the Preservation 2000 Trust
4 Fund, the Florida Forever Trust Fund, the Save Our Everglades
5 Trust Fund, and other named funds or accounts for the
6 acquisition or construction of project components or other
7 features or facilities that benefit the comprehensive plan.

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

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

13 (c) The district, in cooperation with the department,
14 shall provide a detailed report on progress made in the
15 implementation of the comprehensive plan, including the status
16 of all project components initiated after the effective date
17 of this act or the date of the last report prepared under this
18 subsection, whichever is later.

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20 The information required in paragraphs (a), (b), and (c) shall
21 be provided annually in a single report to the Governor, the
22 President of the Senate, and the Speaker of the House of
23 Representatives, and copies of the report must be made
24 available to the public. The initial report is due by November
25 30, 2000, and each annual report thereafter is due no later
26 than January 31 ~~by November 30~~.

27 Section 5. Paragraph (g) of subsection (2) of section
28 403.088, Florida Statutes, is amended to read:

29 403.088 Water pollution operation permits;
30 conditions.--

31 (2)

1 (g) The Legislature finds that the restoration of the
2 South Florida ecosystem ~~Everglades Protection Area, including~~
3 ~~the construction, operation, and maintenance of stormwater~~
4 ~~treatment areas (STAs)~~ is in the public interest. Accordingly,
5 whenever a facility to be constructed, operated, or maintained
6 in accordance with s. 373.1501, s. 373.1502, s. 373.4592, or
7 s. 373.4595 is subjected to permitting requirements pursuant
8 to chapter 373 or this chapter, and the issuance of the
9 initial permit for a new source, a new discharger, or a
10 recommencing discharger is subjected to a request for hearing
11 pursuant to s. 120.569, the administrative law judge may, upon
12 motion by the permittee, issue a recommended order to the
13 secretary who, within 5 days, shall issue an order authorizing
14 the interim construction, operation, and maintenance of the
15 facility if it complies with all uncontested conditions of the
16 proposed permit and all other conditions recommended by the
17 administrative law judge during the period until the final
18 agency action on the permit.

19 1. An order authorizing such interim construction,
20 operation, and maintenance shall be granted if requested by
21 motion and no party opposes it.

22 2. If a party to the administrative hearing pursuant
23 to ss. 120.569 and 120.57 opposes the motion, the
24 administrative law judge shall issue a recommended order
25 granting the motion if the administrative law judge finds
26 that:

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

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

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1 3. Prior to granting a contested motion for interim
2 construction, operation, or maintenance of a facility
3 regulated or otherwise permitted by s. 373.1501, s. 373.1502,
4 ~~authorized by s. 373.4592, or s. 373.4595,~~the administrative
5 law judge shall conduct a hearing using the summary hearing
6 process defined in s. 120.574, which shall be mandatory for
7 motions made pursuant to this paragraph. Notwithstanding the
8 provisions of s. 120.574(1), summary hearing proceedings for
9 these facilities shall begin within 30 days of the motion made
10 by the permittee. Within 15 days of the conclusion of the
11 summary proceeding, the administrative law judge shall issue a
12 recommended order either denying or approving interim
13 construction, operation, or maintenance of the facility, which
14 shall be submitted to the secretary who shall within 5 days
15 thereafter, enter an order granting or denying interim
16 construction operation or maintenance of the facility. The
17 order shall remain in effect until final agency action is
18 taken on the permit.

19 Section 6. This act shall take effect upon becoming a
20 law.

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HOUSE SUMMARY

Requires the South Florida Water Management District to submit certain information regarding project components to the Joint Legislative Committee on Everglades Oversight. Requires the committee to review project component appropriation requests and make recommendations to the Legislature. Provides for the use of state funds for land purchases from willing sellers for projects contained within the district's approved Florida Forever 5-year work plan. Creates the Comprehensive Everglades Restoration Plan Regulation Act, which provides for regulation of comprehensive Everglades restoration plan project components, and provides a permitting process for such project components. Changes the deadline for the comprehensive plan annual reports from November 30 to January 31. Provides application of water pollution operation permitting procedures to facilities constructed, operated, or maintained in the South Florida ecosystem, including the components of the comprehensive Everglades restoration plan. Clarifies boundaries of the Miami-Dade County Lake Belt Area.