

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Gelber offered the following:

**Amendment (with title amendment)**

Between lines 1103 and 1104, and insert:

Section 22. Effective upon becoming law, to be applied retroactively to the date upon which CS/SB 626 enacted during the 2003 Regular Session of the Legislature becomes law, notwithstanding the provisions of CS/SB 626 enacted during the 2003 Regular Session of the Legislature, subsections (2), (3), and (4), paragraphs (c) and (h) of subsection (6), and subsections (7), (10), and (16) of section 373.4592, Florida Statutes 2002, are not amended as provided in CS/SB 626 enacted during the 2003 Regular Session of the Legislature, but are reenacted to read:

373.4592 Everglades improvement and management.--

(2) DEFINITIONS.--As used in this section:

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27 (a) "Best management practice" or "BMP" means a practice  
28 or combination of practices determined by the district, in  
29 cooperation with the department, based on research, field-  
30 testing, and expert review, to be the most effective and  
31 practicable, including economic and technological  
32 considerations, on-farm means of improving water quality in  
33 agricultural discharges to a level that balances water quality  
34 improvements and agricultural productivity.

35 (b) "C-139 Basin" or "Basin" means those lands described  
36 in subsection (16).

37 (c) "Department" means the Florida Department of  
38 Environmental Protection.

39 (d) "District" means the South Florida Water Management  
40 District.

41 (e) "Everglades Agricultural Area" or "EAA" means the  
42 Everglades Agricultural Area, which are those lands described in  
43 subsection (15).

44 (f) "Everglades Construction Project" means the project  
45 described in the February 15, 1994, conceptual design document  
46 together with construction and operation schedules on file with  
47 the South Florida Water Management District, except as modified  
48 by this section.

49 (g) "Everglades Program" means the program of projects,  
50 regulations, and research provided by this section, including  
51 the Everglades Construction Project.

52 (h) "Everglades Protection Area" means Water Conservation  
53 Areas 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee  
54 National Wildlife Refuge, and the Everglades National Park.

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55 (i) "Master permit" means a single permit issued to a  
56 legally responsible entity defined by rule, authorizing the  
57 construction, alteration, maintenance, or operation of multiple  
58 stormwater management systems that may be owned or operated by  
59 different persons and which provides an opportunity to achieve  
60 collective compliance with applicable department and district  
61 rules and the provisions of this section.

62 (j) "Phosphorus criterion" means a numeric interpretation  
63 for phosphorus of the Class III narrative nutrient criterion.

64 (k) "Stormwater management program" shall have the meaning  
65 set forth in s. 403.031(15).

66 (l) "Stormwater treatment areas" or "STAs" means those  
67 treatment areas described and depicted in the district's  
68 conceptual design document of February 15, 1994, and any  
69 modifications as provided in this section.

70 (3) EVERGLADES SWIM PLAN.--The Legislature finds that the  
71 Everglades Program required by this section establishes more  
72 extensive and comprehensive requirements for surface water  
73 improvement and management within the Everglades than the SWIM  
74 plan requirements provided in ss. 373.451-373.456. In order to  
75 avoid duplicative requirements, and in order to conserve the  
76 resources available to the district, the SWIM plan requirements  
77 of those sections shall not apply to the Everglades Protection  
78 Area and the EAA during the term of the Everglades Program, and  
79 the district will neither propose, nor take final agency action  
80 on, any Everglades SWIM plan for those areas until the  
81 Everglades Program is fully implemented; however, funds under s.  
82 259.101(3)(b) may be used for acquisition of lands necessary to  
83 implement the Everglades Construction Project, to the extent

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84 these funds are identified in the Statement of Principles of  
85 July 1993. The district's actions in implementing the Everglades  
86 Construction Project relating to the responsibilities of the EAA  
87 and C-139 Basin for funding and water quality compliance in the  
88 EAA and the Everglades Protection Area shall be governed by this  
89 section. Other strategies or activities in the March 1992 SWIM  
90 plan may be implemented if otherwise authorized by law.

91 (4) EVERGLADES PROGRAM.--

92 (a) *Everglades Construction Project*.--The district shall  
93 implement the Everglades Construction Project. By the time of  
94 completion of the project, the state, district, or other  
95 governmental authority shall purchase the inholdings in the  
96 Rotenberger and such other lands necessary to achieve a 2:1  
97 mitigation ratio for the use of Brown's Farm and other similar  
98 lands, including those needed for the STA 1 Inflow and  
99 Distribution Works. The inclusion of public lands as part of the  
100 project is for the purpose of treating waters not coming from  
101 the EAA for hydroperiod restoration. It is the intent of the  
102 Legislature that the district aggressively pursue the  
103 implementation of the Everglades Construction Project in  
104 accordance with the schedule in this subsection. The Legislature  
105 recognizes that adherence to the schedule is dependent upon  
106 factors beyond the control of the district, including the timely  
107 receipt of funds from all contributors. The district shall take  
108 all reasonable measures to complete timely performance of the  
109 schedule in this section in order to finish the Everglades  
110 Construction Project. The district shall not delay  
111 implementation of the project beyond the time delay caused by  
112 those circumstances and conditions that prevent timely

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113 performance. The district shall not levy ad valorem taxes in  
114 excess of 0.1 mill within the Okeechobee Basin for the purposes  
115 of the design, construction, and acquisition of the Everglades  
116 Construction Project. The ad valorem tax proceeds not exceeding  
117 0.1 mill levied within the Okeechobee Basin for such purposes  
118 shall be the sole direct district contribution from district ad  
119 valorem taxes appropriated or expended for the design,  
120 construction, and acquisition of the Everglades Construction  
121 Project unless the Legislature by specific amendment to this  
122 section increases the 0.1 mill ad valorem tax contribution,  
123 increases the agricultural privilege taxes, or otherwise  
124 reallocates the relative contribution by ad valorem taxpayers  
125 and taxpayers paying the agricultural privilege taxes toward the  
126 funding of the design, construction, and acquisition of the  
127 Everglades Construction Project. Notwithstanding the provisions  
128 of s. 200.069 to the contrary, any millage levied under the 0.1  
129 mill limitation in this paragraph shall be included as a  
130 separate entry on the Notice of Proposed Property Taxes pursuant  
131 to s. 200.069. Once the STAs are completed, the district shall  
132 allow these areas to be used by the public for recreational  
133 purposes in the manner set forth in s. 373.59(11), considering  
134 the suitability of these lands for such uses. These lands shall  
135 be made available for recreational use unless the district  
136 governing board can demonstrate that such uses are incompatible  
137 with the restoration goals of the Everglades Construction  
138 Project or the water quality and hydrological purposes of the  
139 STAs or would otherwise adversely impact the implementation of  
140 the project. The district shall give preferential consideration  
141 to the hiring of agricultural workers displaced as a result of

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142 the Everglades Construction Project, consistent with their  
143 qualifications and abilities, for the construction and operation  
144 of these STAs. The following milestones apply to the completion  
145 of the Everglades Construction Project as depicted in the  
146 February 15, 1994, conceptual design document:

147 1. The district must complete the final design of the STA  
148 1 East and West and pursue STA 1 East project components as part  
149 of a cost-shared program with the Federal Government. The  
150 district must be the local sponsor of the federal project that  
151 will include STA 1 East, and STA 1 West if so authorized by  
152 federal law. Land acquisition shall be completed for STA 1 West  
153 by April 1, 1996, and for STA 1 East by July 1, 1998;

154 2. Construction of STA 1 East is to be completed under the  
155 direction of the United States Army Corps of Engineers in  
156 conjunction with the currently authorized C-51 flood control  
157 project by July 1, 2002;

158 3. The district must complete construction of STA 1 West  
159 and STA 1 Inflow and Distribution Works under the direction of  
160 the United States Army Corps of Engineers, if the direction is  
161 authorized under federal law, in conjunction with the currently  
162 authorized C-51 flood control project, by January 1, 1999;

163 4. The district must complete construction of STA 2 by  
164 February 1, 1999;

165 5. The district must complete construction of STA 3/4 by  
166 October 1, 2003;

167 6. The district must complete construction of STA 5 by  
168 January 1, 1999; and

169 7. The district must complete construction of STA 6 by  
170 October 1, 1997.

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171           8. East Beach Water Control District, South Shore Drainage  
172 District, South Florida Conservancy District, East Shore Water  
173 Control District, and the lessee of agricultural lease number  
174 3420 shall complete any system modifications described in the  
175 Everglades Construction Project to the extent that funds are  
176 available from the Everglades Fund. These entities shall divert  
177 the discharges described within the Everglades Construction  
178 Project within 60 days of completion of construction of the  
179 appropriate STA. Such required modifications shall be deemed to  
180 be a part of each district's plan of reclamation pursuant to  
181 chapter 298.

182           (b) *Everglades water supply and hydroperiod improvement*  
183 *and restoration.--*

184           1. A comprehensive program to revitalize the Everglades  
185 shall include programs and projects to improve the water  
186 quantity reaching the Everglades Protection Area at optimum  
187 times and improve hydroperiod deficiencies in the Everglades  
188 ecosystem. To the greatest extent possible, wasteful discharges  
189 of fresh water to tide shall be reduced, and water conservation  
190 practices and reuse measures shall be implemented by water  
191 users, consistent with law. Water supply management must include  
192 improvement of water quantity reaching the Everglades,  
193 correction of long-standing hydroperiod problems, and an  
194 increase in the total quantity of water flowing through the  
195 system. Water supply management must provide water supply for  
196 the Everglades National Park, the urban and agricultural areas,  
197 and the Florida Bay and must replace water previously available  
198 from the coastal ridge areas of southern Dade County. The  
199 Everglades Construction Project redirects some water currently

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200 lost to tide. It is an important first step in completing  
201 hydroperiod improvement.

202 2. The district shall operate the Everglades Construction  
203 Project as specified in the February 15, 1994, conceptual design  
204 document, to provide additional inflows to the Everglades  
205 Protection Area. The increased flow from the project shall be  
206 directed to the Everglades Protection Area as needed to achieve  
207 an average annual increase of 28 percent compared to the  
208 baseline years of 1979 to 1988. Consistent with the design of  
209 the Everglades Construction Project and without demonstratively  
210 reducing water quality benefits, the regulatory releases will be  
211 timed and distributed to the Everglades Protection Area to  
212 maximize environmental benefits.

213 3. The district shall operate the Everglades Construction  
214 Project in accordance with the February 15, 1994, conceptual  
215 design document to maximize the water quantity benefits and  
216 improve the hydroperiod of the Everglades Protection Area. All  
217 reductions of flow to the Everglades Protection Area from BMP  
218 implementation will be replaced. The district shall develop a  
219 model to be used for quantifying the amount of water to be  
220 replaced. The district shall publish in the Florida  
221 Administrative Weekly a notice of rule development on the model  
222 no later than July 1, 1994, and a notice of rulemaking no later  
223 than July 1, 1995. The timing and distribution of this replaced  
224 water will be directed to the Everglades Protection Area to  
225 maximize the natural balance of the Everglades Protection Area.

226 4. The Legislature recognizes the complexity of the  
227 Everglades watershed, as well as legal mandates under Florida  
228 and federal law. As local sponsor of the Central and Southern

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229 Florida Flood Control Project, the district must coordinate its  
230 water supply and hydroperiod programs with the Federal  
231 Government. Federal planning, research, operating guidelines,  
232 and restrictions for the Central and Southern Florida Flood  
233 Control Project now under review by federal agencies will  
234 provide important components of the district's Everglades  
235 Program. The department and district shall use their best  
236 efforts to seek the amendment of the authorized purposes of the  
237 project to include water quality protection, hydroperiod  
238 restoration, and environmental enhancement as authorized  
239 purposes of the Central and Southern Florida Flood Control  
240 Project, in addition to the existing purposes of water supply,  
241 flood protection, and allied purposes. Further, the department  
242 and the district shall use their best efforts to request that  
243 the Federal Government include in the evaluation of the  
244 regulation schedule for Lake Okeechobee a review of the  
245 regulatory releases, so as to facilitate releases of water into  
246 the Everglades Protection Area which further improve hydroperiod  
247 restoration.

248         5. The district, through cooperation with the federal and  
249 state agencies, shall develop other programs and methods to  
250 increase the water flow and improve the hydroperiod of the  
251 Everglades Protection Area.

252         6. Nothing in this section is intended to provide an  
253 allocation or reservation of water or to modify the provisions  
254 of part II. All decisions regarding allocations and reservations  
255 of water shall be governed by applicable law.

256         7. The district shall proceed to expeditiously implement  
257 the minimum flows and levels for the Everglades Protection Area

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258 as required by s. 373.042 and shall expeditiously complete the  
259 Lower East Coast Water Supply Plan.

260 (c) *STA 3/4 modification.*--The Everglades Program will  
261 contribute to the restoration of the Rotenberger and Holey Land  
262 tracts. The Everglades Construction Project provides a first  
263 step toward restoration by improving hydroperiod with treated  
264 water for the Rotenberger tract and by providing a source of  
265 treated water for the Holey Land. It is further the intent of  
266 the Legislature that the easternmost tract of the Holey Land,  
267 known as the "Toe of the Boot," be removed from STA 3/4 under  
268 the circumstances set forth in this paragraph. The district  
269 shall proceed to modify the Everglades Construction Project,  
270 provided that the redesign achieves at least as many  
271 environmental and hydrological benefits as are included in the  
272 original design, including treatment of waters from sources  
273 other than the EAA, and does not delay construction of STA 3/4.  
274 The district is authorized to use eminent domain to acquire  
275 alternative lands, only if such lands are located within 1 mile  
276 of the northern border of STA 3/4.

277 (d) *Everglades research and monitoring program.*--

278 1. By January 1996, the department and the district shall  
279 review and evaluate available water quality data for the  
280 Everglades Protection Area and tributary waters and identify any  
281 additional information necessary to adequately describe water  
282 quality in the Everglades Protection Area and tributary waters.  
283 By such date, the department and the district shall also  
284 initiate a research and monitoring program to generate such  
285 additional information identified and to evaluate the  
286 effectiveness of the BMPs and STAs, as they are implemented, in

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287 improving water quality and maintaining designated and existing  
288 beneficial uses of the Everglades Protection Area and tributary  
289 waters. As part of the program, the district shall monitor all  
290 discharges into the Everglades Protection Area for purposes of  
291 determining compliance with state water quality standards.

292 2. The research and monitoring program shall evaluate the  
293 ecological and hydrological needs of the Everglades Protection  
294 Area, including the minimum flows and levels. Consistent with  
295 such needs, the program shall also evaluate water quality  
296 standards for the Everglades Protection Area and for the canals  
297 of the EAA, so that these canals can be classified in the manner  
298 set forth in paragraph (e) and protected as an integral part of  
299 the water management system which includes the STAs of the  
300 Everglades Construction Project and allows landowners in the EAA  
301 to achieve applicable water quality standards compliance by BMPs  
302 and STA treatment to the extent this treatment is available and  
303 effective.

304 3. The research and monitoring program shall include  
305 research seeking to optimize the design and operation of the  
306 STAs, including research to reduce outflow concentrations, and  
307 to identify other treatment and management methods and  
308 regulatory programs that are superior to STAs in achieving the  
309 intent and purposes of this section.

310 4. The research and monitoring program shall be conducted  
311 to allow completion by December 2001 of any research necessary  
312 to allow the department to propose a phosphorus criterion in the  
313 Everglades Protection Area, and to evaluate existing state water  
314 quality standards applicable to the Everglades Protection Area  
315 and existing state water quality standards and classifications

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316 applicable to the EAA canals. In developing the phosphorus  
317 criterion, the department shall also consider the minimum flows  
318 and levels for the Everglades Protection Area and the district's  
319 water supply plans for the Lower East Coast.

320 5. The district, in cooperation with the department, shall  
321 prepare a peer-reviewed interim report regarding the research  
322 and monitoring program, which shall be submitted no later than  
323 January 1, 1999, to the Governor, the President of the Senate,  
324 and the Speaker of the House of Representatives for their  
325 review. The interim report shall summarize all data and findings  
326 available as of July 1, 1998, on the effectiveness of STAs and  
327 BMPs in improving water quality. The interim report shall also  
328 include a summary of the then-available data and findings  
329 related to the following: the Lower East Coast Water Supply Plan  
330 of the district, the United States Environmental Protection  
331 Agency Everglades Mercury Study, the United States Army Corps of  
332 Engineers South Florida Ecosystem Restoration Study, the results  
333 of research and monitoring of water quality and quantity in the  
334 Everglades region, the degree of phosphorus discharge reductions  
335 achieved by BMPs and agricultural operations in the region, the  
336 current information on the ecological and hydrological needs of  
337 the Everglades, and the costs and benefits of phosphorus  
338 reduction alternatives. Prior to finalizing the interim report,  
339 the district shall conduct at least one scientific workshop and  
340 two public hearings on its proposed interim report. One public  
341 hearing must be held in Palm Beach County and the other must be  
342 held in either Dade or Broward County. The interim report shall  
343 be used by the department and the district in making any  
344 decisions regarding the implementation of the Everglades

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345 Construction Project subsequent to the completion of the interim  
346 report. The construction of STAs 3/4 shall not be commenced  
347 until 90 days after the interim report has been submitted to the  
348 Governor and the Legislature.

349 6. Beginning January 1, 2000, the district and the  
350 department shall annually issue a peer-reviewed report regarding  
351 the research and monitoring program that summarizes all data and  
352 findings. The department shall provide copies of the report to  
353 the Governor, the President of the Senate, and the Speaker of  
354 the House of Representatives. The report shall identify water  
355 quality parameters, in addition to phosphorus, which exceed  
356 state water quality standards or are causing or contributing to  
357 adverse impacts in the Everglades Protection Area.

358 7. The district shall continue research seeking to  
359 optimize the design and operation of STAs and to identify other  
360 treatment and management methods that are superior to STAs in  
361 achieving optimum water quality and water quantity for the  
362 benefit of the Everglades. The district shall optimize the  
363 design and operation of the STAs described in the Everglades  
364 Construction Project prior to expanding their size. Additional  
365 methods to achieve compliance with water quality standards shall  
366 not be limited to more intensive management of the STAs.

367 (e) *Evaluation of water quality standards.--*

368 1. The department and the district shall employ all means  
369 practicable to complete by December 31, 1998, any additional  
370 research necessary to:

371 a. Numerically interpret for phosphorus the Class III  
372 narrative nutrient criterion necessary to meet water quality  
373 standards in the Everglades Protection Area; and

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374 b. Evaluate existing water quality standards applicable to  
375 the Everglades Protection Area and EAA canals.

376  
377 This research shall be completed no later than December 31,  
378 2001.

379 2. By December 31, 2001, the department shall file a  
380 notice of rulemaking in the Florida Administrative Weekly to  
381 establish a phosphorus criterion in the Everglades Protection  
382 Area. In no case shall such phosphorus criterion allow waters in  
383 the Everglades Protection Area to be altered so as to cause an  
384 imbalance in the natural populations of aquatic flora or fauna.  
385 The phosphorus criterion shall be 10 parts per billion (ppb) in  
386 the Everglades Protection Area in the event the department does  
387 not adopt by rule such criterion by December 31, 2003. However,  
388 in the event the department fails to adopt a phosphorus  
389 criterion on or before December 31, 2002, any person whose  
390 substantial interests would be affected by the rulemaking shall  
391 have the right, on or before February 28, 2003, to petition for  
392 a writ of mandamus to compel the department to adopt by rule  
393 such criterion. Venue for the mandamus action must be Leon  
394 County. The court may stay implementation of the 10 parts per  
395 billion (ppb) criterion during the pendency of the mandamus  
396 proceeding upon a demonstration by the petitioner of irreparable  
397 harm in the absence of such relief. The department's phosphorus  
398 criterion, whenever adopted, shall supersede the 10 parts per  
399 billion (ppb) criterion otherwise established by this section,  
400 but shall not be lower than the natural conditions of the  
401 Everglades Protection Area and shall take into account spatial  
402 and temporal variability.

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403           3. The department shall use the best available information  
404 to define relationships between waters discharged to, and the  
405 resulting water quality in, the Everglades Protection Area. The  
406 department or the district shall use these relationships to  
407 establish discharge limits in permits for discharges into the  
408 EAA canals and the Everglades Protection Area necessary to  
409 prevent an imbalance in the natural populations of aquatic flora  
410 or fauna in the Everglades Protection Area, and to provide a net  
411 improvement in the areas already impacted. Compliance with the  
412 phosphorus criterion shall be based upon a long-term geometric  
413 mean of concentration levels to be measured at sampling stations  
414 recognized from the research to be reasonably representative of  
415 receiving waters in the Everglades Protection Area, and so  
416 located so as to assure that the Everglades Protection Area is  
417 not altered so as to cause an imbalance in natural populations  
418 of aquatic flora and fauna and to assure a net improvement in  
419 the areas already impacted. For the Everglades National Park and  
420 the Arthur R. Marshall Loxahatchee National Wildlife Refuge, the  
421 method for measuring compliance with the phosphorus criterion  
422 shall be in a manner consistent with Appendices A and B,  
423 respectively, of the settlement agreement dated July 26, 1991,  
424 entered in case No. 88-1886-Civ-Hoeveler, United States District  
425 Court for the Southern District of Florida, that recognizes and  
426 provides for incorporation of relevant research.

427           4. The department's evaluation of any other water quality  
428 standards must include the department's antidegradation  
429 standards and EAA canal classifications. In recognition of the  
430 special nature of the conveyance canals of the EAA, as a  
431 component of the classification process, the department is

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432 directed to formally recognize by rulemaking existing actual  
433 beneficial uses of the conveyance canals in the EAA. This shall  
434 include recognition of the Class III designated uses of  
435 recreation, propagation and maintenance of a healthy, well-  
436 balanced population of fish and wildlife, the integrated water  
437 management purposes for which the Central and Southern Florida  
438 Flood Control Project was constructed, flood control, conveyance  
439 of water to and from Lake Okeechobee for urban and agricultural  
440 water supply, Everglades hydroperiod restoration, conveyance of  
441 water to the STAs, and navigation.

442 (f) *EAA best management practices.*--

443 1. The district, in cooperation with the department, shall  
444 develop and implement a water quality monitoring program to  
445 evaluate the effectiveness of the BMPs in achieving and  
446 maintaining compliance with state water quality standards and  
447 restoring and maintaining designated and existing beneficial  
448 uses. The program shall include an analysis of the effectiveness  
449 of the BMPs in treating constituents that are not being  
450 significantly improved by the STAs. The monitoring program shall  
451 include monitoring of appropriate parameters at representative  
452 locations.

453 2. The district shall continue to require and enforce the  
454 BMP and other requirements of chapters 40E-61 and 40E-63,  
455 Florida Administrative Code, during the terms of the existing  
456 permits issued pursuant to those rules. Chapter 40E-61, Florida  
457 Administrative Code, may be amended to include the BMPs required  
458 by chapter 40E-63, Florida Administrative Code. Prior to the  
459 expiration of existing permits, and during each 5-year term of  
460 subsequent permits as provided for in this section, those rules

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461 shall be amended to implement a comprehensive program of  
462 research, testing, and implementation of BMPs that will address  
463 all water quality standards within the EAA and Everglades  
464 Protection Area. Under this program:

465 a. EAA landowners, through the EAA Environmental  
466 Protection District or otherwise, shall sponsor a program of BMP  
467 research with qualified experts to identify appropriate BMPs.

468 b. Consistent with the water quality monitoring program,  
469 BMPs will be field-tested in a sufficient number of  
470 representative sites in the EAA to reflect soil and crop types  
471 and other factors that influence BMP design and effectiveness.

472 c. BMPs as required for varying crops and soil types shall  
473 be included in permit conditions in the 5-year permits issued  
474 pursuant to this section.

475 d. The district shall conduct research in cooperation with  
476 EAA landowners to identify water quality parameters that are not  
477 being significantly improved either by the STAs or the BMPs, and  
478 to identify further BMP strategies needed to address these  
479 parameters.

480 3. The Legislature finds that through the implementation  
481 of the Everglades BMPs Program and the implementation of the  
482 Everglades Construction Project, reasonable further progress  
483 will be made towards addressing water quality requirements of  
484 the EAA canals and the Everglades Protection Area. Permittees  
485 within the EAA and the C-139 Basin who are in full compliance  
486 with the conditions of permits under chapters 40E-61 and 40E-63,  
487 Florida Administrative Code, have made all payments required  
488 under the Everglades Program, and are in compliance with  
489 subparagraph (a)8., if applicable, shall not be required to

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490 implement additional water quality improvement measures, prior  
491 to December 31, 2006, other than those required by subparagraph  
492 2., with the following exceptions:

493 a. Nothing in this subparagraph shall limit the existing  
494 authority of the department or the district to limit or regulate  
495 discharges that pose a significant danger to the public health  
496 and safety; and

497 b. New land uses and new stormwater management facilities  
498 other than alterations to existing agricultural stormwater  
499 management systems for water quality improvements shall not be  
500 accorded the compliance established by this section. Permits may  
501 be required to implement improvements or alterations to existing  
502 agricultural water management systems.

503 4. As of December 31, 2006, all permits, including those  
504 issued prior to that date, shall require implementation of  
505 additional water quality measures, taking into account the water  
506 quality treatment actually provided by the STAs and the  
507 effectiveness of the BMPs. As of that date, no permittee's  
508 discharge shall cause or contribute to any violation of water  
509 quality standards in the Everglades Protection Area.

510 5. Effective immediately, landowners within the C-139  
511 Basin shall not collectively exceed an annual average loading of  
512 phosphorus of 28.7 metric tons based proportionately on the  
513 historical rainfall for the C-139 Basin over the period of  
514 October 1, 1978, to September 30, 1988. New surface inflows  
515 shall not increase the annual average loading of phosphorus  
516 stated above. Provided that the C-139 Basin does not exceed this  
517 annual average loading, all landowners within the Basin shall be  
518 in compliance for that year. Compliance determinations for

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519 individual landowners within the C-139 Basin for remedial  
520 action, if the Basin is determined by the district to be out of  
521 compliance for that year, shall be based on the landowners'  
522 proportional share of the total phosphorus loading of 28.7  
523 metric tons. The total phosphorus discharge load shall be  
524 determined by a method consistent with Appendix 40E-63-3,  
525 Florida Administrative Code, disregarding the 25-percent  
526 phosphorus reduction factor.

527         6. The district, in cooperation with the department, shall  
528 develop and implement a water quality monitoring program to  
529 evaluate the quality of the discharge from the C-139 Basin. Upon  
530 determination by the department or the district that the C-139  
531 Basin is exceeding any presently existing water quality  
532 standards, the district shall require landowners within the C-  
533 139 Basin to implement BMPs appropriate to the land uses within  
534 the C-139 Basin consistent with subparagraph 2. Thereafter, the  
535 provisions of subparagraphs 2.-4. shall apply to the landowners  
536 within the C-139 Basin.

537         (g) *Monitoring and control of exotic species.--*

538         1. The district shall establish a biological monitoring  
539 network throughout the Everglades Protection Area and shall  
540 prepare a survey of exotic species at least every 2 years.

541         2. In addition, the district shall establish a program to  
542 coordinate with federal, state, or other governmental entities  
543 the control of continued expansion and the removal of these  
544 exotic species. The district's program shall give high priority  
545 to species affecting the largest areal extent within the  
546 Everglades Protection Area.

547         (6) *EVERGLADES AGRICULTURAL PRIVILEGE TAX.--*

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548 (c) The initial Everglades agricultural privilege tax roll  
549 shall be certified for the tax notices mailed in November 1994.  
550 Incentive credits to the Everglades agricultural privilege taxes  
551 to be included on the initial Everglades agricultural privilege  
552 tax roll, if any, shall be based upon the total phosphorus load  
553 reduction for the year ending April 30, 1993. The Everglades  
554 agricultural privilege taxes for each year shall be computed in  
555 the following manner:

556 1. Annual Everglades agricultural privilege taxes shall be  
557 charged for the privilege of conducting an agricultural trade or  
558 business on each acre of real property or portion thereof. The  
559 annual Everglades agricultural privilege tax shall be \$24.89 per  
560 acre for the tax notices mailed in November 1994 through  
561 November 1997; \$27 per acre for the tax notices mailed in  
562 November 1998 through November 2001; \$31 per acre for the tax  
563 notices mailed in November 2002 through November 2005; and \$35  
564 per acre for the tax notices mailed in November 2006 through  
565 November 2013.

566 2. It is the intent of the Legislature to encourage the  
567 performance of best management practices to maximize the  
568 reduction of phosphorus loads at points of discharge from the  
569 EAA by providing an incentive credit against the Everglades  
570 agricultural privilege taxes set forth in subparagraph 1. The  
571 total phosphorus load reduction shall be measured for the entire  
572 EAA by comparing the actual measured total phosphorus load  
573 attributable to the EAA for each annual period ending on April  
574 30 to the total estimated phosphorus load that would have  
575 occurred during the 1979-1988 base period using the model for  
576 total phosphorus load determinations provided in chapter 40E-63,

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577 Florida Administrative Code, utilizing the technical information  
578 and procedures contained in Section IV-EAA Period of Record Flow  
579 and Phosphorus Load Calculations; Section V-Monitoring  
580 Requirements; and Section VI-Phosphorus Load Allocations and  
581 Compliance Calculations of the Draft Technical Document in  
582 Support of chapter 40E-63, Florida Administrative Code - Works  
583 of the District within the Everglades, March 3, 1992, and the  
584 Standard Operating Procedures for Water Quality Collection in  
585 Support of the Everglades Water Condition Report, dated February  
586 18, 1994. The model estimates the total phosphorus load that  
587 would have occurred during the 1979-1988 base period by  
588 substituting the rainfall conditions for such annual period  
589 ending April 30 for the conditions that were used to calibrate  
590 the model for the 1979-1988 base period. The data utilized to  
591 calculate the actual loads attributable to the EAA shall be  
592 adjusted to eliminate the effect of any load and flow that were  
593 not included in the 1979-1988 base period as defined in chapter  
594 40E-63, Florida Administrative Code. The incorporation of the  
595 method of measuring the total phosphorus load reduction provided  
596 in this subparagraph is intended to provide a legislatively  
597 approved aid to the governing board of the district in making an  
598 annual ministerial determination of any incentive credit.

599 3. Phosphorus load reductions calculated in the manner  
600 described in subparagraph 2. and rounded to the nearest whole  
601 percentage point for each annual period beginning on May 1 and  
602 ending on April 30 shall be used to compute incentive credits to  
603 the Everglades agricultural privilege taxes to be included on  
604 the annual tax notices mailed in November of the next ensuing  
605 calendar year. Incentive credits, if any, will reduce the

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606 Everglades agricultural privilege taxes set forth in  
607 subparagraph 1. only to the extent that the phosphorus load  
608 reduction exceeds 25 percent. Subject to subparagraph 4., the  
609 reduction of phosphorus load by each percentage point in excess  
610 of 25 percent, computed for the 12-month period ended on April  
611 30 of the calendar year immediately preceding certification of  
612 the Everglades agricultural privilege tax, shall result in the  
613 following incentive credits: \$0.33 per acre for the tax notices  
614 mailed in November 1994 through November 1997; \$0.54 per acre  
615 for the tax notices mailed in November 1998 through November  
616 2001; \$0.61 per acre for the tax notices mailed in November 2002  
617 through November 2005, and \$0.65 per acre for the tax notices  
618 mailed in November 2006 through November 2013. The determination  
619 of incentive credits, if any, shall be documented by resolution  
620 of the governing board of the district adopted prior to or at  
621 the time of the adoption of its resolution certifying the annual  
622 Everglades agricultural privilege tax roll to the appropriate  
623 tax collector.

624 4. Notwithstanding subparagraph 3., incentive credits for  
625 the performance of best management practices shall not reduce  
626 the minimum annual Everglades agricultural privilege tax to less  
627 than \$24.89 per acre, which annual Everglades agricultural  
628 privilege tax as adjusted in the manner required by paragraph  
629 (e) shall be known as the "minimum tax." To the extent that the  
630 application of incentive credits for the performance of best  
631 management practices would reduce the annual Everglades  
632 agricultural privilege tax to an amount less than the minimum  
633 tax, then the unused or excess incentive credits for the  
634 performance of best management practices shall be carried

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635 forward, on a phosphorus load percentage basis, to be applied as  
636 incentive credits in subsequent years. Any unused or excess  
637 incentive credits remaining after certification of the  
638 Everglades agricultural privilege tax roll for the tax notices  
639 mailed in November 2013 shall be canceled.

640 5. Notwithstanding the schedule of Everglades agricultural  
641 privilege taxes set forth in subparagraph 1., the owner, lessee,  
642 or other appropriate interestholder of any property shall be  
643 entitled to have the Everglades agricultural privilege tax for  
644 any parcel of property reduced to the minimum tax, commencing  
645 with the tax notices mailed in November 1996 for parcels of  
646 property participating in the early baseline option as defined  
647 in chapter 40E-63, Florida Administrative Code, and with the tax  
648 notices mailed in November 1997 for parcels of property not  
649 participating in the early baseline option, upon compliance with  
650 the requirements set forth in this subparagraph. The owner,  
651 lessee, or other appropriate interestholder shall file an  
652 application with the executive director of the district prior to  
653 July 1 for consideration of reduction to the minimum tax on the  
654 Everglades agricultural privilege tax roll to be certified for  
655 the tax notice mailed in November of the same calendar year and  
656 shall have the burden of proving the reduction in phosphorus  
657 load attributable to such parcel of property. The phosphorus  
658 load reduction for each discharge structure serving the parcel  
659 shall be measured as provided in chapter 40E-63, Florida  
660 Administrative Code, and the permit issued for such property  
661 pursuant to chapter 40E-63, Florida Administrative Code. A  
662 parcel of property which has achieved the following annual  
663 phosphorus load reduction standards shall have the minimum tax

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664 included on the annual tax notice mailed in November of the next  
665 ensuing calendar year: 30 percent or more for the tax notices  
666 mailed in November 1994 through November 1997; 35 percent or  
667 more for the tax notices mailed in November 1998 through  
668 November 2001; 40 percent or more for the tax notices mailed in  
669 November 2002 through November 2005; and 45 percent or more for  
670 the tax notices mailed in November 2006 through November 2013.  
671 In addition, any parcel of property that achieves an annual flow  
672 weighted mean concentration of 50 parts per billion (ppb) of  
673 phosphorus at each discharge structure serving the property for  
674 any year ending April 30 shall have the minimum tax included on  
675 the annual tax notice mailed in November of the next ensuing  
676 calendar year. Any annual phosphorus reductions that exceed the  
677 amount necessary to have the minimum tax included on the annual  
678 tax notice for any parcel of property shall be carried forward  
679 to the subsequent years' phosphorus load reduction to determine  
680 if the minimum tax shall be included on the annual tax notice.  
681 The governing board of the district shall deny or grant the  
682 application by resolution adopted prior to or at the time of the  
683 adoption of its resolution certifying the annual Everglades  
684 agricultural privilege tax roll to the appropriate tax  
685 collector.

686         6. The annual Everglades agricultural privilege tax for  
687 the tax notices mailed in November 2014 and thereafter shall be  
688 \$10 per acre.

689         (h) In recognition of the findings set forth in subsection  
690 (1), the Legislature finds that the assessment and use of the  
691 Everglades agricultural privilege tax is a matter of concern to  
692 all areas of Florida and the Legislature intends this act to be

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693 a general law authorization of the tax within the meaning of s.  
694 9, Art. VII of the State Constitution.

695 (7) C-139 AGRICULTURAL PRIVILEGE TAX.--

696 (a) There is hereby imposed an annual C-139 agricultural  
697 privilege tax for the privilege of conducting an agricultural  
698 trade or business on:

699 1. All real property located within the C-139 Basin that  
700 is classified as agricultural under the provisions of chapter  
701 193; and

702 2. Leasehold or other interests in real property located  
703 within the C-139 Basin owned by the United States, the state, or  
704 any agency thereof permitting the property to be used for  
705 agricultural purposes in a manner that would result in such  
706 property being classified as agricultural under the provisions  
707 of chapter 193 if not governmentally owned, whether or not such  
708 property is actually classified as agricultural under the  
709 provisions of chapter 193.

710

711 It is hereby determined by the Legislature that the privilege of  
712 conducting an agricultural trade or business on such property  
713 constitutes a reasonable basis for imposing the C-139  
714 agricultural privilege tax and that logical differences exist  
715 between the agricultural use of such property and the use of  
716 other property within the C-139 Basin for residential or  
717 nonagricultural commercial use. The C-139 agricultural privilege  
718 tax shall constitute a lien against the property, or the  
719 leasehold or other interest in governmental property permitting  
720 such property to be used for agricultural purposes, described on  
721 the C-139 agricultural privilege tax roll. The lien shall be in

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722 effect from January 1 of the year the tax notice is mailed until  
723 discharged by payment and shall be equal in rank and dignity  
724 with the liens of all state, county, district, or municipal  
725 taxes and non-ad valorem assessments imposed pursuant to general  
726 law, special act, or local ordinance and shall be superior in  
727 dignity to all other liens, titles, and claims.

728 (b) The C-139 agricultural privilege tax, other than for  
729 leasehold or other interests in governmental property permitting  
730 such property to be used for agricultural purposes, shall be  
731 collected in the manner provided for ad valorem taxes. By  
732 September 15 of each year, the governing board of the district  
733 shall certify by resolution a C-139 agricultural privilege tax  
734 roll on compatible electronic medium to the tax collector of  
735 each county in which a portion of the C-139 Basin is located.  
736 The district shall also produce one copy of the roll in printed  
737 form which shall be available for inspection by the public. The  
738 district shall post the C-139 agricultural privilege tax for  
739 each parcel on the roll. The tax collector shall not accept any  
740 such roll that is not certified on compatible electronic medium  
741 and that does not contain the posting of the C-139 agricultural  
742 privilege tax for each parcel. It is the responsibility of the  
743 district that such rolls be free of errors and omissions.  
744 Alterations to such rolls may be made by the executive director  
745 of the district, or a designee, up to 10 days before  
746 certification. If the tax collector or any taxpayer discovers  
747 errors or omissions on such roll, such person may request the  
748 district to file a corrected roll or a correction of the amount  
749 of any C-139 agricultural privilege tax. Other than for  
750 leasehold or other interests in governmental property permitting

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751 such property to be used for agricultural purposes, C-139  
752 agricultural privilege taxes collected pursuant to this section  
753 shall be included in the combined notice for ad valorem taxes  
754 and non-ad valorem assessments provided for in s. 197.3635. Such  
755 C-139 agricultural privilege taxes shall be listed in the  
756 portion of the combined notice utilized for non-ad valorem  
757 assessments. A separate mailing is authorized only as a solution  
758 to the most exigent factual circumstances. However, if a tax  
759 collector cannot merge a C-139 agricultural privilege tax roll  
760 to produce such a notice, the tax collector shall mail a  
761 separate notice of C-139 agricultural privilege taxes or shall  
762 direct the district to mail such a separate notice. In deciding  
763 whether a separate mailing is necessary, the tax collector shall  
764 consider all costs to the district and taxpayers of such a  
765 separate mailing and the adverse effects to the taxpayers of  
766 delayed and multiple notices. The district shall bear all costs  
767 associated with any separate notice. C-139 agricultural  
768 privilege taxes collected pursuant to this section shall be  
769 subject to all collection provisions of chapter 197, including  
770 provisions relating to discount for early payment, prepayment by  
771 installment method, deferred payment, penalty for delinquent  
772 payment, and issuance and sale of tax certificates and tax deeds  
773 for nonpayment. C-139 agricultural privilege taxes for leasehold  
774 or other interests in property owned by the United States, the  
775 state, or any agency thereof permitting such property to be used  
776 for agricultural purposes shall be included on the notice  
777 provided pursuant to s. 196.31, a copy of which shall be  
778 provided to lessees or other interestholders registering with  
779 the district, and shall be collected from the lessee or other

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780 appropriate interestholder and remitted to the district  
781 immediately upon collection. C-139 agricultural privilege taxes  
782 included on the statement provided pursuant to s. 196.31 shall  
783 be due and collected on or prior to the next April 1 following  
784 provision of the notice. Proceeds of the C-139 agricultural  
785 privilege taxes shall be distributed by the tax collector to the  
786 district. Each tax collector shall be paid a commission equal to  
787 the actual cost of collection, not to exceed 2 percent, on the  
788 amount of C-139 agricultural privilege taxes collected and  
789 remitted. Notwithstanding any general law or special act to the  
790 contrary, C-139 agricultural privilege taxes shall not be  
791 included on the notice of proposed property taxes provided in s.  
792 200.069.

793 (c) The initial C-139 agricultural privilege tax roll  
794 shall be certified for the tax notices mailed in November 1994.  
795 The C-139 agricultural privilege taxes for the tax notices  
796 mailed in November 1994 through November 2013 shall be computed  
797 by dividing \$654,656 by the number of acres included on the C-  
798 139 agricultural privilege tax roll for such year, excluding any  
799 property located within the C-139 Annex. The C-139 agricultural  
800 privilege taxes for the tax notices mailed in November 2014 and  
801 thereafter shall be \$1.80 per acre.

802 (d) For purposes of this paragraph, "vegetable acreage"  
803 means, for each tax year, any portion of a parcel of property  
804 used for a period of not less than 8 months for the production  
805 of vegetable crops, including sweet corn, during the 12 months  
806 ended September 30 of the year preceding the tax year. Land  
807 preparation, crop rotation, and fallow periods shall not  
808 disqualify property from classification as vegetable acreage if

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809 such property is actually used for the production of vegetable  
810 crops.

811 1. If either the Governor, the President of the United  
812 States, or the United States Department of Agriculture declares  
813 the existence of a state of emergency or disaster resulting from  
814 extreme natural conditions impairing the ability of vegetable  
815 acreage to produce crops, payment of the C-139 agricultural  
816 privilege taxes imposed for the privilege of conducting an  
817 agricultural trade or business on such property shall be  
818 deferred for a period of 1 year, and all subsequent annual  
819 payments shall be deferred for the same period.

820 a. If the declaration occurs between April 1 and October  
821 31, the C-139 agricultural privilege tax to be included on the  
822 next annual tax notice will be deferred to the subsequent annual  
823 tax notice.

824 b. If the declaration occurs between November 1 and March  
825 31 and the C-139 agricultural privilege tax included on the most  
826 recent tax notice has not been paid, such C-139 agricultural  
827 privilege tax will be deferred to the next annual tax notice.

828 c. If the declaration occurs between November 1 and March  
829 31 and the C-139 agricultural privilege tax included on the most  
830 recent tax notice has been paid, the C-139 agricultural  
831 privilege tax to be included on the next annual tax notice will  
832 be deferred to the subsequent annual tax notice.

833 2. In the event payment of C-139 agricultural privilege  
834 taxes is deferred pursuant to this paragraph, the district must  
835 record a notice in the official records of each county in which  
836 vegetable acreage subject to such deferment is located. The  
837 recorded notice must describe each parcel of property as to

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838 which C-139 agricultural privilege taxes have been deferred and  
839 the amount deferred for such property. If all or any portion of  
840 the property as to which C-139 agricultural privilege taxes have  
841 been deferred ceases to be classified as agricultural under the  
842 provisions of chapter 193 or otherwise subject to the C-139  
843 agricultural privilege tax, all deferred amounts must be  
844 included on the tax notice for such property mailed in November  
845 of the first tax year for which such property is not subject to  
846 the C-139 agricultural privilege tax. After a property owner has  
847 paid all outstanding C-139 agricultural privilege taxes,  
848 including any deferred amounts, the district shall provide the  
849 property owner with a recordable instrument evidencing the  
850 payment of all outstanding amounts.

851 3. The owner, lessee, or other appropriate interestholder  
852 shall file an application with the executive director of the  
853 district prior to July 1 for classification of a portion of the  
854 property as vegetable acreage on the C-139 agricultural  
855 privilege tax roll to be certified for the tax notice mailed in  
856 November of the same calendar year and shall have the burden of  
857 proving the number of acres used for the production of vegetable  
858 crops during the year in which incentive credits are determined  
859 and the period of such use. The governing board of the district  
860 shall deny or grant the application by resolution adopted prior  
861 to or at the time of the adoption of its resolution certifying  
862 the annual C-139 agricultural privilege tax roll to the  
863 appropriate tax collector.

864 4. This paragraph does not relieve vegetable acreage from  
865 the performance of best management practices specified in  
866 chapter 40E-63, Florida Administrative Code.

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867 (e) Any owner, lessee, or other appropriate interestholder  
868 of property subject to the C-139 agricultural privilege tax may  
869 contest the C-139 agricultural privilege tax by filing an action  
870 in circuit court.

871 1. No action may be brought to contest the C-139  
872 agricultural privilege tax after 60 days from the date the tax  
873 notice that includes the C-139 agricultural privilege tax is  
874 mailed by the tax collector. Before an action to contest the C-  
875 139 agricultural privilege tax may be brought, the taxpayer  
876 shall pay to the tax collector the amount of the C-139  
877 agricultural privilege tax which the taxpayer admits in good  
878 faith to be owing. The tax collector shall issue a receipt for  
879 the payment and the receipt shall be filed with the complaint.  
880 Payment of an C-139 agricultural privilege tax shall not be  
881 deemed an admission that such tax was due and shall not  
882 prejudice the right to bring a timely action to challenge such  
883 tax and seek a refund. No action to contest the C-139  
884 agricultural privilege tax may be maintained, and such action  
885 shall be dismissed, unless all C-139 agricultural privilege  
886 taxes imposed in years after the action is brought, which the  
887 taxpayer in good faith admits to be owing, are paid before they  
888 become delinquent. The requirements of this paragraph are  
889 jurisdictional.

890 2. In any action involving a challenge of the C-139  
891 agricultural privilege tax, the court shall assess all costs. If  
892 the court finds that the amount of tax owed by the taxpayer is  
893 greater than the amount the taxpayer has in good faith admitted  
894 and paid, it shall enter judgment against the taxpayer for the  
895 deficiency and for interest on the deficiency at the rate of 12

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896 percent per year from the date the tax became delinquent. If it  
897 finds that the amount of tax which the taxpayer has admitted to  
898 be owing is grossly disproportionate to the amount of tax found  
899 to be due and that the taxpayer's admission was not made in good  
900 faith, the court shall also assess a penalty at the rate of 25  
901 percent of the deficiency per year from the date the tax became  
902 delinquent. The court may issue injunctions to restrain the sale  
903 of property for any C-139 agricultural privilege tax which  
904 appears to be contrary to law or equity.

905 (f) Notwithstanding any contrary provisions in chapter  
906 120, or any provision of any other law, an action in circuit  
907 court shall be the exclusive remedy to challenge the assessment  
908 of an C-139 agricultural privilege tax and owners of property  
909 subject to the C-139 agricultural privilege tax shall have no  
910 right or standing to initiate administrative proceedings under  
911 chapter 120 to challenge the assessment of an C-139 agricultural  
912 privilege tax including specifically, and without limitation,  
913 the annual certification by the district governing board of the  
914 C-139 agricultural privilege tax roll to the appropriate tax  
915 collector, the denial of an application for exclusion from the  
916 C-139 agricultural privilege tax, and the denial of any  
917 application for classification as vegetable acreage, deferment  
918 of payment for vegetable acreage, or correction of any alleged  
919 error in the C-139 agricultural privilege tax roll.

920 (g) In recognition of the findings set forth in subsection  
921 (1), the Legislature finds that the assessment and use of the C-  
922 139 agricultural privilege tax is a matter of concern to all  
923 areas of Florida and the Legislature intends this section to be



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924 a general law authorization of the tax within the meaning of s.  
925 9, Art. VII of the State Constitution.

926 (10) LONG-TERM COMPLIANCE PERMITS.--By December 31, 2006,  
927 the department and the district shall take such action as may be  
928 necessary so that water delivered to the Everglades Protection  
929 Area achieves state water quality standards, including the  
930 phosphorus criterion, in all parts of the Everglades Protection  
931 Area.

932 (a) By December 31, 2003, the district shall submit to the  
933 department a permit modification to incorporate proposed changes  
934 to the Everglades Construction Project and the permits issued  
935 pursuant to subsection (9). These changes shall be designed to  
936 achieve compliance with the phosphorus criterion and the other  
937 state water quality standards by December 31, 2006.

938 (b) If the Everglades Construction Project or other  
939 discharges to the Everglades Protection Area are not in  
940 compliance with state water quality standards, the permit  
941 application shall include:

942 1. A plan for achieving compliance with the phosphorus  
943 criterion in the Everglades Protection Area.

944 2. A plan for achieving compliance in the Everglades  
945 Protection Area with state water quality standards other than  
946 the phosphorus criterion.

947 3. Proposed cost estimates for the plans referred to in  
948 subparagraphs 1. and 2.

949 4. Proposed funding mechanisms for the plans referred to  
950 in subparagraphs 1. and 2.

951 5. Proposed schedules for implementation of the plans  
952 referred to in subparagraphs 1. and 2.

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953 (c) If the Everglades Construction Project or other  
954 discharges to the Everglades Protection Area are in compliance  
955 with state water quality standards, including the phosphorus  
956 criterion, the permit application shall include:

957 1. A plan for maintaining compliance with the phosphorus  
958 criterion in the Everglades Protection Area.

959 2. A plan for maintaining compliance in the Everglades  
960 Protection Area with state water quality standards other than  
961 the phosphorus criterion.

962 (16) DEFINITION OF C-139 BASIN.-- For purposes of this  
963 section:

964 (a) "C-139 Basin" or "Basin" means the following described  
965 property: beginning at the intersection of an easterly extension  
966 of the south bank of Deer Fence Canal with the center line of  
967 South Florida Water Management District's Levee 3 in Section 33,  
968 Township 46 South, Range 34 East, Hendry County, Florida;  
969 thence, westerly along said easterly extension and along the  
970 South bank of said Deer Fence Canal to where it intersects the  
971 center line of State Road 846 in Section 33, Township 46 South,  
972 Range 32 East; thence, departing from said top of bank to the  
973 center line of said State Road 846, westerly along said center  
974 line of said State Road 846 to the West line of Section 4,  
975 Township 47 South, Range 31 East; thence, northerly along the  
976 West line of said section 4, and along the west lines of  
977 Sections 33 and 28, Township 46 South, Range 31 East, to the  
978 northwest corner of said Section 28; thence, easterly along the  
979 North line of said Section 28 to the North one-quarter ( $N^{1/4}$ )  
980 corner of said Section 28; thence, northerly along the West line  
981 of the Southeast one-quarter ( $SE^{1/4}$ ) of Section 21, Township 46

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982 South, Range 31 East, to the northwest corner of said Southeast  
983 one-quarter ( $SE^{1/4}$ ) of Section 21; thence, easterly along the  
984 North line of said Southeast one-quarter ( $SE^{1/4}$ ) of Section 21 to  
985 the northeast corner of said Southeast one-quarter ( $SE^{1/4}$ ) of  
986 Section 21; thence, northerly along the East line of said  
987 Section 21 and the East line of Section 16, Township 46 South,  
988 Range 31, East, to the northeast corner thereof; thence,  
989 westerly along the North line of said Section 16, to the  
990 northwest corner thereof; thence, northerly along the West line  
991 of Sections 9 and 4, Township 46 South, Range 31, East, to the  
992 northwest corner of said Section 4; thence, westerly along the  
993 North lines of Section 5 and Section 6, Township 46 South, Range  
994 31 East, to the South one-quarter ( $S^{1/4}$ ) corner of Section 31,  
995 Township 45 South, Range 31 East; thence, northerly to the South  
996 one-quarter ( $S^{1/4}$ ) corner of Section 30, Township 45 South, Range  
997 31 East; thence, easterly along the South line of said Section  
998 30 and the South lines of Sections 29 and 28, Township 45 South,  
999 Range 31 East, to the Southeast corner of said Section 28;  
1000 thence, northerly along the East line of said Section 28 and the  
1001 East lines of Sections 21 and 16, Township 45 South, Range 31  
1002 East, to the Northwest corner of the Southwest one-quarter of  
1003 the Southwest one-quarter ( $SW^{1/4}$  of the  $SW^{1/4}$ ) of Section 15,  
1004 Township 45 South, Range 31 East; thence, northeasterly to the  
1005 east one-quarter ( $E^{1/4}$ ) corner of Section 15, Township 45 South,  
1006 Range 31 East; thence, northerly along the East line of said  
1007 Section 15, and the East line of Section 10, Township 45 South,  
1008 Range 31 East, to the center line of a road in the Northeast  
1009 one-quarter ( $NE^{1/4}$ ) of said Section 10; thence, generally  
1010 easterly and northeasterly along the center line of said road to

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1011 its intersection with the center line of State Road 832; thence,  
1012 easterly along said center line of said State Road 832 to its  
1013 intersection with the center line of State Road 833; thence,  
1014 northerly along said center line of said State Road 833 to the  
1015 north line of Section 9, Township 44 South, Range 32 East;  
1016 thence, easterly along the North line of said Section 9 and the  
1017 north lines of Sections 10, 11 and 12, Township 44 South, Range  
1018 32 East, to the northeast corner of Section 12, Township 44  
1019 South, Range 32 East; thence, easterly along the North line of  
1020 Section 7, Township 44 South, Range 33 East, to the center line  
1021 of Flaghole Drainage District Levee, as it runs to the east near  
1022 the northwest corner of said Section 7, Township 44 South, Range  
1023 33 East; thence, easterly along said center line of the Flaghole  
1024 Drainage District Levee to where it meets the center line of  
1025 South Florida Water Management District's Levee 1 at Flag Hole  
1026 Road; thence, continue easterly along said center line of said  
1027 Levee 1 to where it turns south near the Northwest corner of  
1028 Section 12, Township 44 South, Range 33 East; thence, Southerly  
1029 along said center line of said Levee 1 to where the levee turns  
1030 east near the Southwest corner of said Section 12; thence,  
1031 easterly along said center line of said Levee 1 to where it  
1032 turns south near the Northeast corner of Section 17, Township 44  
1033 South, Range 34 East; thence, southerly along said center line  
1034 of said Levee 1 and the center line of South Florida Water  
1035 Management District's Levee 2 to the intersection with the north  
1036 line of Section 33, Township 45 South, Range 34 East; thence,  
1037 easterly along the north line of said Section 33 to the  
1038 northeast corner of said Section 33; thence, southerly along the  
1039 east line of said Section 33 to the southeast corner of said

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1040 Section 33; thence, southerly along the east line of Section 4,  
1041 Township 46 South, Range 34 East to the southeast corner of said  
1042 Section 4; thence, westerly along the south line of said Section  
1043 4 to the intersection with the centerline of South Florida Water  
1044 Management District's Levee 2; thence, southerly along said  
1045 Levee 2 centerline and South Florida Water Management District's  
1046 Levee 3 centerline to the POINT OF BEGINNING.

1047 (b) If the district issues permits in accordance with all  
1048 applicable rules allowing water from the "C-139 Annex" to flow  
1049 into the drainage system for the C-139 Basin, the C-139 Annex  
1050 shall be added to the C-139 Basin for all tax years thereafter,  
1051 commencing with the next C-139 agricultural privilege tax roll  
1052 certified after issuance of such permits. "C-139 Annex" means  
1053 the following described property: that part of the S.E. <sup>1</sup>/<sub>4</sub> of  
1054 Section 32, Township 46 South, Range 34 East and that portion of  
1055 Sections 5 and 6, Township 47 South, Range 34 East lying west of  
1056 the L-3 Canal and South of the Deer Fence Canal; all of Sections  
1057 7, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, and 34, and that  
1058 portion of Sections 8, 9, 16, 21, 22, 26, 27, 35, and 36 lying  
1059 south and west of the L-3 Canal, in Township 47 South, Range 34  
1060 East; and all of Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 and  
1061 that portion of Section 1 lying south and west of the L-3 Canal  
1062 all in Township 48 South, Range 34 East.

1063 Section 23. Effective upon becoming law, to be applied  
1064 retroactively to the date upon which CS/SB 626 enacted during  
1065 the 2003 Regular Session of the Legislature becomes law,  
1066 notwithstanding the provisions of CS/SB 626 enacted during the  
1067 2003 Regular Session of the Legislature and notwithstanding s.  
1068 373.4592(16), Florida Statutes, reenacted herein, to the

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1069 contrary, Sections 21, 28, and 33, Township 46 South, Range 31  
1070 East shall not be included within the boundary of the C-139  
1071 Basin.

1072  
1073

1074 ===== T I T L E A M E N D M E N T =====

1075 Remove line 101, and insert:  
1076 section; providing for applicability; reenacting with  
1077 retroactive application s. 373.4592, F.S., without  
1078 amendment, notwithstanding the provisions of CS/SB 626  
1079 enacted during the 2003 Regular Session of the  
1080 Legislature; providing that certain lands shall not be  
1081 included within the C-139 Basin; providing for