

1 agricultural, public, and environmental water supply; flood
2 control; fishing; navigation and recreation; and habitat to
3 endangered and threatened species and other flora and fauna.

4 (b) The Legislature finds that the Caloosahatchee and
5 St. Lucie Rivers and their estuaries provide significant
6 economic value and natural habitat and biodiversity and are
7 critical water resources of the state.

8 (c) The Legislature finds that the volume, timing, and
9 water quality of discharges to the estuaries of the
10 Caloosahatchee and St. Lucie Rivers are the primary causes of
11 adverse impacts and that excess flows affect seagrasses,
12 oysters, and other living resources, including fisheries, in
13 both systems.

14 ~~(d)(b)~~ The Legislature finds that land uses in the
15 Lake Okeechobee watershed and the construction of the Central
16 and Southern Florida Project have resulted in adverse changes
17 to the hydrology and water quality of Lake Okeechobee and the
18 Caloosahatchee and St. Lucie Rivers and their estuaries. These
19 ~~hydrology and water quality changes have resulted in algal~~
20 ~~blooms and other adverse impacts to water quality both in Lake~~
21 ~~Okeechobee and in downstream receiving waters.~~

22 ~~(e)(c)~~ The Legislature finds that improvement to the
23 hydrology and water quality of Lake Okeechobee and the
24 Caloosahatchee and St. Lucie Rivers and their estuaries is
25 essential to the protection of the Everglades.

26 ~~(f)(d)~~ The Legislature also finds that it is
27 imperative for the state, local governments, and agricultural
28 and environmental communities to commit to restoring and
29 protecting Lake Okeechobee and downstream receiving waters,
30 and that a watershed-based approach to address these issues
31 must be developed and implemented immediately.

1 ~~(g)(e)~~ The Legislature finds that phosphorus loads
2 from the Lake Okeechobee watershed have contributed to
3 excessive phosphorus levels in Lake Okeechobee and downstream
4 receiving waters and that a reduction in levels of phosphorus
5 will benefit the ecology of these systems. The excessive
6 levels of phosphorus have also resulted in an accumulation of
7 phosphorus in the sediments of Lake Okeechobee. If not
8 removed, internal phosphorus loads from the sediments are
9 expected to delay responses of the lake to external phosphorus
10 reductions.

11 ~~(h)(f)~~ The Legislature finds that the Lake Okeechobee
12 phosphorus loads set forth in the South Florida Water
13 Management District's Technical Publication 81-2 represent an
14 appropriate basis for the initial phase of phosphorus load
15 reductions to Lake Okeechobee and that subsequent phases of
16 phosphorus load reductions shall be determined by the total
17 maximum daily loads established in accordance with s. 403.067.

18 ~~(i)(g)~~ The Legislature finds that this section, in
19 conjunction with s. 403.067, provides a reasonable means of
20 achieving and maintaining compliance with state water quality
21 standards.

22 ~~(j)(h)~~ The Legislature finds that the implementation
23 of the programs contained in this section is for the benefit
24 of the public health, safety, and welfare and is in the public
25 interest.

26 ~~(k)(i)~~ The Legislature finds that sufficient research
27 has been conducted and sufficient plans developed to
28 immediately initiate ~~the first phase of~~ a program to address
29 the hydrology and water quality problems in Lake Okeechobee
30 and the Caloosahatchee and St. Lucie Rivers and their
31 estuaries ~~downstream receiving waters.~~

1 (l) The Legislature finds that the tidal
2 Caloosahatchee and St. Lucie Rivers and their estuaries are
3 affected by the quality of waters discharged from Lake
4 Okeechobee and the estuaries' respective watersheds.

5 (m) The Legislature finds that an Estuary Protection
6 Program must be developed to identify the adverse hydrologic
7 and water quality impacts within, and upstream of, the
8 Caloosahatchee and St. Lucie Rivers and their estuaries and
9 that solutions to address those impacts be developed and
10 funded.

11 ~~(n)(j)~~ The Legislature finds that in order to achieve
12 the goals and objectives of this section and to effectively
13 implement the Lake Okeechobee Watershed Phosphorus Control
14 Program pursuant to paragraph (3)(c), the state must
15 expeditiously implement the Lake Okeechobee Protection Plan
16 developed pursuant to paragraph (3)(a).

17 ~~(o)(k)~~ The Legislature finds that a continuing source
18 of funding is needed to effectively implement a phosphorus
19 control program that initially targets the most significant
20 sources contributing to phosphorus loads within the watershed
21 and continues to address other sources as needed to achieve
22 the phased phosphorus load reductions required under this
23 section.

24 ~~(p)(l)~~ It is the intent of the Legislature to achieve
25 and maintain compliance with water quality standards in Lake
26 Okeechobee and downstream receiving waters through a phased,
27 comprehensive, and innovative protection program to reduce
28 both internal and external phosphorus loads to Lake Okeechobee
29 through immediate actions to achieve the phosphorus load
30 reductions set forth in Technical Publication 81-2 and
31 long-term solutions based upon the total maximum daily loads

1 established in accordance with s. 403.067. This program shall
2 be watershed-based, shall provide for consideration of all
3 potential phosphorus sources, and shall include research and
4 monitoring, development and implementation of best management
5 practices, refinement of existing regulations, and structural
6 and nonstructural projects, including public works.

7 ~~(q)(m)~~ It is the intent of the Legislature that this
8 section ~~the Lake Okeechobee Protection Program~~ be developed
9 and implemented in coordination with and, to the greatest
10 extent practicable, through the implementation of Restudy
11 project components and other federal programs in order to
12 maximize opportunities for the most efficient and timely
13 expenditures of public funds.

14 ~~(r)(n)~~ It is the intent of the Legislature that the
15 coordinating agencies encourage and support the development of
16 creative public-private partnerships and programs, including
17 opportunities for pollutant trading and credits, to facilitate
18 or further the restoration of Lake Okeechobee and the
19 Caloosahatchee and St. Lucie Rivers and their estuaries,
20 consistent with s. 403.067.

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

22 (a) "Best management practice" means a practice or
23 combination of practices determined by the coordinating
24 agencies, based on research, field-testing, and expert review,
25 to be the most effective and practicable on-location means,
26 including economic and technological considerations, for
27 improving water quality in agricultural and urban discharges.
28 Best management practices for agricultural discharges shall
29 reflect a balance between water quality improvements and
30 agricultural productivity.

31

1 (b) "Coordinating agencies" means the Department of
2 Agriculture and Consumer Services, the Department of
3 Environmental Protection, and the South Florida Water
4 Management District.

5 (c) "Corps of Engineers" means the United States Army
6 Corps of Engineers.

7 (d) "Department" means the Department of Environmental
8 Protection.

9 (e) "District" means the South Florida Water
10 Management District.

11 (f) "District's WOD program" means the program
12 implemented pursuant to rules adopted as authorized by this
13 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,
14 373.113, 373.118, 373.451, and 373.453, entitled "Works of the
15 District Basin."

16 (g) "Estuary" or "estuaries" means the St. Lucie River
17 and its tributaries and estuary or the Caloosahatchee River
18 and its tributaries and estuary or both rivers and their
19 tributaries and estuaries.

20 ~~(h)(g)~~ "Lake Okeechobee Construction Project" means
21 the construction project developed pursuant to paragraph
22 (3)(b).

23 ~~(i)(h)~~ "Lake Okeechobee Protection Plan" means the
24 plan developed pursuant to this section and ss.
25 373.451-373.459.

26 ~~(j)(i)~~ "Lake Okeechobee watershed" means Lake
27 Okeechobee and the area surrounding and tributary to Lake
28 Okeechobee, composed of the surrounding hydrologic basins, as
29 defined by the Lake Okeechobee Protection Plan dated January
30 1, 2004.

31

1 ~~(k)~~~~(j)~~ "Lake Okeechobee Watershed Phosphorus Control
2 Program" means the program developed pursuant to paragraph
3 (3)(c).

4 (l) "Pollutants" means pollution as defined in s.
5 403.031.

6 ~~(m)~~~~(k)~~ "Project component" means any structural or
7 operational change, resulting from the Restudy, to the Central
8 and Southern Florida Project as it existed and was operated as
9 of January 1, 1999.

10 ~~(n)~~~~(l)~~ "Restudy" means the Comprehensive Review Study
11 of the Central and Southern Florida Project, for which federal
12 participation was authorized by the Federal Water Resources
13 Development Acts of 1992 and 1996 together with related
14 Congressional resolutions and for which participation by the
15 South Florida Water Management District is authorized by s.
16 373.1501. The term includes all actions undertaken pursuant to
17 the aforementioned authorizations which will result in
18 recommendations for modifications or additions to the Central
19 and Southern Florida Project.

20 ~~(o)~~~~(m)~~ "Total maximum daily load" means the sum of the
21 individual wasteload allocations for point sources and the
22 load allocations for nonpoint sources and natural background.
23 Prior to determining individual wasteload allocations and load
24 allocations, the maximum amount of a pollutant that a water
25 body or water segment can assimilate from all sources without
26 exceeding water quality standards must first be calculated.

27 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
28 program for Lake Okeechobee that achieves phosphorus load
29 reductions for Lake Okeechobee shall be immediately
30 implemented as specified in this subsection. The program shall
31 address the reduction of phosphorus loading to the lake from

1 both internal and external sources. Phosphorus load reductions
2 shall be achieved through a phased program of implementation.
3 Initial implementation actions shall be technology-based,
4 based upon a consideration of both the availability of
5 appropriate technology and the cost of such technology, and
6 shall include phosphorus reduction measures at both the source
7 and the regional level. The initial phase of phosphorus load
8 reductions shall be based upon the district's Technical
9 Publication 81-2 and the district's WOD program, with
10 subsequent phases of phosphorus load reductions based upon the
11 total maximum daily loads established in accordance with s.
12 403.067. In the development and administration of the Lake
13 Okeechobee Protection Program, the coordinating agencies shall
14 maximize opportunities provided by federal cost-sharing
15 programs and opportunities for partnerships with the private
16 sector.

17 (a) Lake Okeechobee Protection Plan.--The district, in
18 cooperation with the other coordinating agencies, shall
19 complete a Lake Okeechobee Protection Plan in accordance with
20 this section and ss. 373.451-373.459. The plan shall contain
21 an implementation schedule for subsequent phases of phosphorus
22 load reduction consistent with the total maximum daily loads
23 established in accordance with s. 403.067. The plan shall
24 consider and build upon a review and analysis of the
25 following:

26 1. The performance of projects constructed during
27 Phase I of the Lake Okeechobee Construction Project, pursuant
28 to paragraph (b).

29 2. Relevant information resulting from the Lake
30 Okeechobee Watershed Phosphorus Control Program, pursuant to
31 paragraph (c).

1 3. Relevant information resulting from the Lake
2 Okeechobee Research and Water Quality Monitoring Program,
3 pursuant to paragraph (d).

4 4. Relevant information resulting from the Lake
5 Okeechobee Exotic Species Control Program, pursuant to
6 paragraph (e).

7 5. Relevant information resulting from the Lake
8 Okeechobee Internal Phosphorus Management Program, pursuant to
9 paragraph (f).

10 (b) Lake Okeechobee Construction Project.--To improve
11 the hydrology and water quality of Lake Okeechobee and
12 downstream receiving waters, the district shall design and
13 construct the Lake Okeechobee Construction Project.

14 1. Phase I.--Phase I of the Lake Okeechobee
15 Construction Project shall consist of a series of project
16 features consistent with the recommendations of the South
17 Florida Ecosystem Restoration Working Group's Lake Okeechobee
18 Action Plan. Priority basins for such projects include S-191,
19 S-154, and Pools D and E in the Lower Kissimmee River. In
20 order to obtain phosphorus load reductions to Lake Okeechobee
21 as soon as possible, the following actions shall be
22 implemented:

23 a. The district shall serve as a full partner with the
24 Corps of Engineers in the design and construction of the
25 Grassy Island Ranch and New Palm Dairy stormwater treatment
26 facilities as components of the Lake Okeechobee Water
27 Retention/Phosphorus Removal Critical Project. The Corps of
28 Engineers shall have the lead in design and construction of
29 these facilities. Should delays be encountered in the
30 implementation of either of these facilities, the district
31 shall notify the department and recommend corrective actions.

1 b. The district shall obtain permits and complete
2 construction of two of the isolated wetland restoration
3 projects that are part of the Lake Okeechobee Water
4 Retention/Phosphorus Removal Critical Project. The additional
5 isolated wetland projects included in this critical project
6 shall further reduce phosphorus loading to Lake Okeechobee.

7 c. The district shall work with the Corps of Engineers
8 to expedite initiation of the design process for the Taylor
9 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
10 Area, a project component of the Restudy. The district shall
11 propose to the Corps of Engineers that the district take the
12 lead in the design and construction of the Reservoir Assisted
13 Stormwater Treatment Area and receive credit towards the local
14 share of the total cost of the Restudy.

15 2. Phase II.--The district, in cooperation with the
16 other coordinating agencies and the Corps of Engineers, shall
17 develop an implementation plan for Phase II of the Lake
18 Okeechobee Construction Project. Phase II shall include
19 construction of additional facilities in the priority basins
20 identified in subparagraph (b)1., as well as facilities for
21 other basins in the Lake Okeechobee watershed. The
22 implementation plan shall:

23 a. Identify Lake Okeechobee Construction Project
24 facilities to be constructed to achieve a design objective of
25 40 parts per billion (ppb) for phosphorus measured as a
26 long-term flow weighted average concentration, unless an
27 allocation has been established pursuant to s. 403.067 for the
28 Lake Okeechobee total maximum daily load.

29 b. Identify the size and location of all such Lake
30 Okeechobee Construction Project facilities.

31

1 c. Provide a construction schedule for all such Lake
2 Okeechobee Construction Project facilities, including the
3 sequencing and specific timeframe for construction of each
4 Lake Okeechobee Construction Project facility.

5 d. Provide a land acquisition schedule for lands
6 necessary to achieve the construction schedule.

7 e. Provide a detailed schedule of costs associated
8 with the construction schedule.

9 f. Identify, to the maximum extent practicable,
10 impacts on wetlands and state-listed species expected to be
11 associated with construction of such facilities, including
12 potential alternatives to minimize and mitigate such impacts,
13 as appropriate.

14 3. Evaluation.--By January 1, 2004, and every 3 years
15 thereafter, the district, in cooperation with the coordinating
16 agencies, shall conduct an evaluation of any further
17 phosphorus load reductions necessary to achieve compliance
18 with the Lake Okeechobee total maximum daily load established
19 pursuant to s. 403.067. Additionally, the district shall
20 identify modifications to facilities of the Lake Okeechobee
21 Construction Project as appropriate if the design objective of
22 40 parts per billion (ppb) or the allocation established
23 pursuant to s. 403.067 for the Lake Okeechobee total maximum
24 daily load established pursuant to s. 403.067 is not being
25 met. The evaluation shall be included in the applicable annual
26 progress report submitted pursuant to paragraph (h).

27 4. Coordination and review.--To ensure the timely
28 implementation of the Lake Okeechobee Construction Project,
29 the design of project facilities shall be coordinated with the
30 department and other interested parties to the maximum extent
31 practicable. Lake Okeechobee Construction Project facilities

1 shall be reviewed and commented upon by the department prior
2 to the execution of a construction contract by the district
3 for that facility.

4 (c) Lake Okeechobee Watershed Phosphorus Control
5 Program.--The Lake Okeechobee Watershed Phosphorus Control
6 Program is designed to be a multifaceted approach to reducing
7 phosphorus loads by improving the management of phosphorus
8 sources within the Lake Okeechobee watershed through continued
9 implementation of existing regulations and best management
10 practices, development and implementation of improved best
11 management practices, improvement and restoration of the
12 hydrologic function of natural and managed systems, and
13 utilization of alternative technologies for nutrient
14 reduction. The coordinating agencies shall facilitate the
15 application of federal programs that offer opportunities for
16 water quality treatment, including preservation, restoration,
17 or creation of wetlands on agricultural lands.

18 1. Agricultural nonpoint source best management
19 practices, developed in accordance with s. 403.067 and
20 designed to achieve the objectives of the Lake Okeechobee
21 Protection Program, shall be implemented on an expedited
22 basis. The coordinating agencies shall develop an interagency
23 agreement pursuant to ss. 373.046 and 373.406(5) that assures
24 the development of best management practices that complement
25 existing regulatory programs and specifies how those best
26 management practices are implemented and verified. The
27 interagency agreement shall address measures to be taken by
28 the coordinating agencies during any best management practice
29 reevaluation performed pursuant to sub-subparagraph d. The
30 department shall use best professional judgment in making the
31

1 initial determination of best management practice
2 effectiveness.

3 a. As provided in s. 403.067(7)(c), the Department of
4 Agriculture and Consumer Services, in consultation with the
5 department, the district, and affected parties, shall initiate
6 rule development for interim measures, best management
7 practices, conservation plans, nutrient management plans, or
8 other measures necessary for Lake Okeechobee phosphorus load
9 reduction. The rule shall include thresholds for requiring
10 conservation and nutrient management plans and criteria for
11 the contents of such plans. Development of agricultural
12 nonpoint source best management practices shall initially
13 focus on those priority basins listed in subparagraph (b)1.
14 The Department of Agriculture and Consumer Services, in
15 consultation with the department, the district, and affected
16 parties, shall conduct an ongoing program for improvement of
17 existing and development of new interim measures or best
18 management practices for the purpose of adoption of such
19 practices by rule.

20 b. Where agricultural nonpoint source best management
21 practices or interim measures have been adopted by rule of the
22 Department of Agriculture and Consumer Services, the owner or
23 operator of an agricultural nonpoint source addressed by such
24 rule shall either implement interim measures or best
25 management practices or demonstrate compliance with the
26 district's WOD program by conducting monitoring prescribed by
27 the department or the district. Owners or operators of
28 agricultural nonpoint sources who implement interim measures
29 or best management practices adopted by rule of the Department
30 of Agriculture and Consumer Services shall be subject to the
31 provisions of s. 403.067(7). The Department of Agriculture and

1 Consumer Services, in cooperation with the department and the
2 district, shall provide technical and financial assistance for
3 implementation of agricultural best management practices,
4 subject to the availability of funds.

5 c. The district or department shall conduct monitoring
6 at representative sites to verify the effectiveness of
7 agricultural nonpoint source best management practices.

8 d. Where water quality problems are detected for
9 agricultural nonpoint sources despite the appropriate
10 implementation of adopted best management practices, the
11 Department of Agriculture and Consumer Services, in
12 consultation with the other coordinating agencies and affected
13 parties, shall institute a reevaluation of the best management
14 practices and make appropriate changes to the rule adopting
15 best management practices.

16 2. Nonagricultural nonpoint source best management
17 practices, developed in accordance with s. 403.067 and
18 designed to achieve the objectives of the Lake Okeechobee
19 Protection Program, shall be implemented on an expedited
20 basis. The department and the district shall develop an
21 interagency agreement pursuant to ss. 373.046 and 373.406(5)
22 that assures the development of best management practices that
23 complement existing regulatory programs and specifies how
24 those best management practices are implemented and verified.
25 The interagency agreement shall address measures to be taken
26 by the department and the district during any best management
27 practice reevaluation performed pursuant to sub-subparagraph
28 d.

29 a. The department and the district are directed to
30 work with the University of Florida's Institute of Food and
31 Agricultural Sciences to develop appropriate nutrient

1 application rates for all nonagricultural soil amendments in
2 the watershed. As provided in s. 403.067(7)(c), the
3 department, in consultation with the district and affected
4 parties, shall develop interim measures, best management
5 practices, or other measures necessary for Lake Okeechobee
6 phosphorus load reduction. Development of nonagricultural
7 nonpoint source best management practices shall initially
8 focus on those priority basins listed in subparagraph (b)1.
9 The department, the district, and affected parties shall
10 conduct an ongoing program for improvement of existing and
11 development of new interim measures or best management
12 practices. The district shall adopt technology-based standards
13 under the district's WOD program for nonagricultural nonpoint
14 sources of phosphorus.

15 b. Where nonagricultural nonpoint source best
16 management practices or interim measures have been developed
17 by the department and adopted by the district, the owner or
18 operator of a nonagricultural nonpoint source shall implement
19 interim measures or best management practices and be subject
20 to the provisions of s. 403.067(7). The department and
21 district shall provide technical and financial assistance for
22 implementation of nonagricultural nonpoint source best
23 management practices, subject to the availability of funds.

24 c. The district or the department shall conduct
25 monitoring at representative sites to verify the effectiveness
26 of nonagricultural nonpoint source best management practices.

27 d. Where water quality problems are detected for
28 nonagricultural nonpoint sources despite the appropriate
29 implementation of adopted best management practices, the
30 department and the district shall institute a reevaluation of
31 the best management practices.

1 3. The provisions of subparagraphs 1. and 2. shall not
2 preclude the department or the district from requiring
3 compliance with water quality standards or with current best
4 management practices requirements set forth in any applicable
5 regulatory program authorized by law for the purpose of
6 protecting water quality. Additionally, subparagraphs 1. and
7 2. are applicable only to the extent that they do not conflict
8 with any rules promulgated by the department that are
9 necessary to maintain a federally delegated or approved
10 program.

11 4. Projects which reduce the phosphorus load
12 originating from domestic wastewater systems within the Lake
13 Okeechobee watershed shall be given funding priority in the
14 department's revolving loan program under s. 403.1835. The
15 department shall coordinate and provide assistance to those
16 local governments seeking financial assistance for such
17 priority projects.

18 5. Projects that make use of private lands, or lands
19 held in trust for Indian tribes, to reduce nutrient loadings
20 or concentrations within a basin by one or more of the
21 following methods: restoring the natural hydrology of the
22 basin, restoring wildlife habitat or impacted wetlands,
23 reducing peak flows after storm events, increasing aquifer
24 recharge, or protecting range and timberland from conversion
25 to development, are eligible for grants available under this
26 section from the coordinating agencies. For projects of
27 otherwise equal priority, special funding priority will be
28 given to those projects that make best use of the methods
29 outlined above that involve public-private partnerships or
30 that obtain federal match money. Preference ranking above the
31 special funding priority will be given to projects located in

1 a rural area of critical economic concern designated by the
2 Governor. Grant applications may be submitted by any person or
3 tribal entity, and eligible projects may include, but are not
4 limited to, the purchase of conservation and flowage
5 easements, hydrologic restoration of wetlands, creating
6 treatment wetlands, development of a management plan for
7 natural resources, and financial support to implement a
8 management plan.

9 6.a. The department shall require all entities
10 disposing of domestic wastewater residuals within the Lake
11 Okeechobee watershed and the remaining areas of Okeechobee,
12 Glades, and Hendry Counties to develop and submit to the
13 department an agricultural use plan that limits applications
14 based upon phosphorus loading. By July 1, 2005, phosphorus
15 concentrations originating from these application sites shall
16 not exceed the limits established in the district's WOD
17 program.

18 b. Private and government-owned utilities within
19 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
20 River, Okeechobee, Highlands, Hendry, and Glades Counties that
21 dispose of wastewater residual sludge from utility operations
22 and septic removal by land spreading in the Lake Okeechobee
23 watershed may use a line item on local sewer rates to cover
24 wastewater residual treatment and disposal if such disposal
25 and treatment is done by approved alternative treatment
26 methodology at a facility located within the areas designated
27 by the Governor as rural areas of critical economic concern
28 pursuant to s. 288.0656. This additional line item is an
29 environmental protection disposal fee above the present sewer
30 rate and shall not be considered a part of the present sewer
31 rate to customers, notwithstanding provisions to the contrary

1 | in chapter 367. The fee shall be established by the county
2 | commission or its designated assignee in the county in which
3 | the alternative method treatment facility is located. The fee
4 | shall be calculated to be no higher than that necessary to
5 | recover the facility's prudent cost of providing the service.
6 | Upon request by an affected county commission, the Florida
7 | Public Service Commission will provide assistance in
8 | establishing the fee. Further, for utilities and utility
9 | authorities that use the additional line item environmental
10 | protection disposal fee, such fee shall not be considered a
11 | rate increase under the rules of the Public Service Commission
12 | and shall be exempt from such rules. Utilities using the
13 | provisions of this section may immediately include in their
14 | sewer invoicing the new environmental protection disposal fee.
15 | Proceeds from this environmental protection disposal fee shall
16 | be used for treatment and disposal of wastewater residuals,
17 | including any treatment technology that helps reduce the
18 | volume of residuals that require final disposal, but such
19 | proceeds shall not be used for transportation or shipment
20 | costs for disposal or any costs relating to the land
21 | application of residuals in the Lake Okeechobee watershed.

22 | c. No less frequently than once every 3 years, the
23 | Florida Public Service Commission or the county commission
24 | through the services of an independent auditor shall perform a
25 | financial audit of all facilities receiving compensation from
26 | an environmental protection disposal fee. The Florida Public
27 | Service Commission or the county commission through the
28 | services of an independent auditor shall also perform an audit
29 | of the methodology used in establishing the environmental
30 | protection disposal fee. The Florida Public Service Commission
31 | or the county commission shall, within 120 days after

1 completion of an audit, file the audit report with the
2 President of the Senate and the Speaker of the House of
3 Representatives and shall provide copies to the county
4 commissions of the counties set forth in sub-subparagraph b.
5 The books and records of any facilities receiving compensation
6 from an environmental protection disposal fee shall be open to
7 the Florida Public Service Commission and the Auditor General
8 for review upon request.

9 7. The Department of Health shall require all entities
10 disposing of septage within the Lake Okeechobee watershed and
11 the remaining areas of Okeechobee, Glades, and Hendry Counties
12 to develop and submit to that agency an agricultural use plan
13 that limits applications based upon phosphorus loading. By
14 July 1, 2005, phosphorus concentrations originating from these
15 application sites shall not exceed the limits established in
16 the district's WOD program.

17 8. The Department of Agriculture and Consumer Services
18 shall initiate rulemaking requiring entities within the Lake
19 Okeechobee watershed and the remaining areas of Okeechobee,
20 Glades, and Hendry Counties which land-apply animal manure to
21 develop conservation or nutrient management plans that limit
22 application, based upon phosphorus loading. Such rules may
23 include criteria and thresholds for the requirement to develop
24 a conservation or nutrient management plan, requirements for
25 plan approval, and recordkeeping requirements.

26 9. Prior to authorizing a discharge into works of the
27 district, the district shall require responsible parties to
28 demonstrate that proposed changes in land use will not result
29 in increased phosphorus loading over that of existing land
30 uses.

31

1 10. The district, the department, or the Department of
2 Agriculture and Consumer Services, as appropriate, shall
3 implement those alternative nutrient reduction technologies
4 determined to be feasible pursuant to subparagraph (d)6.

5 (d) Lake Okeechobee Research and Water Quality
6 Monitoring Program.--The district, in cooperation with the
7 other coordinating agencies, shall establish a Lake Okeechobee
8 Research and Water Quality Monitoring Program that builds upon
9 the district's existing Lake Okeechobee research program. The
10 program shall:

11 1. Evaluate all available existing water quality data
12 concerning total phosphorus in the Lake Okeechobee watershed,
13 develop a water quality baseline to represent existing
14 conditions for total phosphorus, monitor long-term ecological
15 changes, including water quality for total phosphorus, and
16 measure compliance with water quality standards for total
17 phosphorus, including the total maximum daily load for Lake
18 Okeechobee as established pursuant to s. 403.067. The district
19 shall also implement a total phosphorus monitoring program at
20 all inflow structures to Lake Okeechobee.

21 2. Develop a Lake Okeechobee water quality model that
22 reasonably represents phosphorus dynamics of the lake and
23 incorporates an uncertainty analysis associated with model
24 predictions.

25 3. Determine the relative contribution of phosphorus
26 from all identifiable sources and all primary and secondary
27 land uses.

28 4. Conduct an assessment of the sources of phosphorus
29 from the Upper Kissimmee chain-of-lakes and Lake Istokpoga,
30 and their relative contribution to the water quality of Lake
31 Okeechobee. The results of this assessment shall be used by

1 the coordinating agencies to develop interim measures, best
2 management practices, or regulation, as applicable.

3 5. Assess current water management practices within
4 the Lake Okeechobee watershed and develop recommendations for
5 structural and operational improvements. Such recommendations
6 shall balance water supply, flood control, estuarine salinity,
7 maintenance of a healthy lake littoral zone, and water quality
8 considerations.

9 6. Evaluate the feasibility of alternative nutrient
10 reduction technologies, including sediment traps, canal and
11 ditch maintenance, fish production or other aquaculture,
12 bioenergy conversion processes, and algal or other biological
13 treatment technologies.

14 (e) Lake Okeechobee Exotic Species Control
15 Program.--The coordinating agencies shall identify the exotic
16 species that threaten the native flora and fauna within the
17 Lake Okeechobee watershed and develop and implement measures
18 to protect the native flora and fauna.

19 (f) Lake Okeechobee Internal Phosphorus Management
20 Program.--The district, in cooperation with the other
21 coordinating agencies and interested parties, shall complete a
22 Lake Okeechobee internal phosphorus load removal feasibility
23 study. The feasibility study shall be based on technical
24 feasibility, as well as economic considerations, and address
25 all reasonable methods of phosphorus removal. If methods are
26 found to be feasible, the district shall immediately pursue
27 the design, funding, and permitting for implementing such
28 methods.

29 (g) Lake Okeechobee Protection Plan
30 implementation.--The coordinating agencies shall be jointly
31 responsible for implementing the Lake Okeechobee Protection

1 Plan, consistent with the statutory authority and
2 responsibility of each agency. Annual funding priorities shall
3 be jointly established, and the highest priority shall be
4 assigned to programs and projects that address phosphorus
5 sources that have the highest relative contribution to
6 phosphorus loading and the greatest potential for phosphorus
7 reduction. In determining funding priorities, the coordinating
8 agencies shall also consider the need for regulatory
9 compliance, the extent to which the program or project is
10 ready to proceed, and the availability of federal matching
11 funds or other nonstate funding, including public-private
12 partnerships. Federal and other nonstate funding shall be
13 maximized to the greatest extent practicable.

14 ~~(h) Annual progress report. Each March 1, beginning~~
15 ~~in 2006, the district shall report on implementation of this~~
16 ~~section as part of the consolidated annual report required in~~
17 ~~s. 373.036(7). The annual report shall include a summary of~~
18 ~~water quality and habitat conditions in Lake Okeechobee and~~
19 ~~the Lake Okeechobee watershed and the status of the Lake~~
20 ~~Okeechobee Construction Project. The district shall prepare~~
21 ~~the report in cooperation with the other coordinating~~
22 ~~agencies.~~

23 (4) LAKE OKEECHOBEE PROTECTION PERMITS.--

24 (a) The Legislature finds that the Lake Okeechobee
25 Protection Program will benefit Lake Okeechobee and downstream
26 receiving waters and is consistent with the public interest.
27 The Lake Okeechobee Construction Project and structures
28 discharging into or from Lake Okeechobee shall be constructed,
29 operated, and maintained in accordance with this section.

30 (b) Permits obtained pursuant to this section are in
31 lieu of all other permits under this chapter or chapter 403,

1 | except those issued under s. 403.0885, if applicable. No
2 | additional permits are required for the Lake Okeechobee
3 | Construction Project or structures discharging into or from
4 | Lake Okeechobee, if permitted under this section. Construction
5 | activities related to implementation of the Lake Okeechobee
6 | Construction Project may be initiated prior to final agency
7 | action, or notice of intended agency action, on any permit
8 | from the department under this section.

9 | (c) Within 90 days of completion of the diversion
10 | plans set forth in Department Consent Orders 91-0694, 91-0707,
11 | 91-0706, 91-0705, and RT50-205564, owners or operators of
12 | existing structures which discharge into or from Lake
13 | Okeechobee that are subject to the provisions of s.
14 | 373.4592(4)(a) shall apply for a permit from the department to
15 | operate and maintain such structures. By September 1, 2000,
16 | owners or operators of all other existing structures which
17 | discharge into or from Lake Okeechobee shall apply for a
18 | permit from the department to operate and maintain such
19 | structures. The department shall issue one or more such
20 | permits for a term of 5 years upon the demonstration of
21 | reasonable assurance that schedules and strategies to achieve
22 | and maintain compliance with water quality standards have been
23 | provided for, to the maximum extent practicable, and that
24 | operation of the structures otherwise complies with provisions
25 | of ss. 373.413 and 373.416.

26 | 1. Permits issued under this paragraph shall also
27 | contain reasonable conditions to ensure that discharges of
28 | waters through structures:

- 29 | a. Are adequately and accurately monitored;
30 | b. Will not degrade existing Lake Okeechobee water
31 | quality and will result in an overall reduction of phosphorus

1 input into Lake Okeechobee, as set forth in the district's
2 Technical Publication 81-2 and the total maximum daily load
3 established in accordance with s. 403.067, to the maximum
4 extent practicable; and

5 c. Do not pose a serious danger to public health,
6 safety, or welfare.

7 2. For the purposes of this paragraph, owners and
8 operators of existing structures which are subject to the
9 provisions of s. 373.4592(4)(a) and which discharge into or
10 from Lake Okeechobee shall be deemed in compliance with the
11 term "maximum extent practicable" if they are in full
12 compliance with the conditions of permits under chapters
13 40E-61 and 40E-63, Florida Administrative Code.

14 3. By January 1, 2004, the district shall submit to
15 the department a permit modification to the Lake Okeechobee
16 structure permits to incorporate proposed changes necessary to
17 ensure that discharges through the structures covered by this
18 permit achieve state water quality standards, including the
19 total maximum daily load established in accordance with s.
20 403.067. These changes shall be designed to achieve such
21 compliance with state water quality standards no later than
22 January 1, 2015.

23 (d) The department shall require permits for Lake
24 Okeechobee Construction Project facilities. However, projects
25 identified in sub-subparagraph (3)(b)1.b. that qualify as
26 exempt pursuant to s. 373.406 shall not need permits under
27 this section. Such permits shall be issued for a term of 5
28 years upon the demonstration of reasonable assurances that:

29 1. The Lake Okeechobee Construction Project facility,
30 based upon the conceptual design documents and any subsequent
31 detailed design documents developed by the district, will

1 achieve the design objectives for phosphorus required in
2 paragraph (3)(b);

3 2. For water quality standards other than phosphorus,
4 the quality of water discharged from the facility is of equal
5 or better quality than the inflows;

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

8 4. Any impacts on wetlands or state-listed species
9 resulting from implementation of that facility of the Lake
10 Okeechobee Construction Project are minimized and mitigated,
11 as appropriate.

12 (e) At least 60 days prior to the expiration of any
13 permit issued under this section, the permittee may apply for
14 a renewal thereof for a period of 5 years.

15 (f) Permits issued under this section may include any
16 standard conditions provided by department rule which are
17 appropriate and consistent with this section.

18 (g) Permits issued pursuant to this section may be
19 modified, as appropriate, upon review and approval by the
20 department.

21 (5) CALOOSAHATCHEE AND ST. LUCIE RIVER AND ESTUARY
22 PROTECTION PROGRAM.--A protection program for the estuaries
23 shall be developed and implemented as specified in this
24 subsection. The program shall address the reduction of
25 pollutant loadings to the estuaries, restoration of natural
26 hydrology, and compliance with applicable state water quality
27 standards. The program shall be achieved through a phased
28 program of implementation. In addition, pollutant load
29 reductions based upon adopted total maximum daily loads
30 established in accordance with s. 403.067 shall serve as a
31 program objective. In the development and administration of

1 the program, the coordinating agencies shall maximize
2 opportunities provided by federal and local government
3 cost-sharing programs and opportunities for partnerships with
4 the private sector and local government. The department is
5 directed to develop and adopt total maximum daily loads for
6 the estuaries. The department is further directed to develop
7 and adopt numeric standards for those state water quality
8 parameters that contribute to degradation of estuarine water
9 quality and habitat.

10 (a) Estuary Protection Plan.--No later than January, 1
11 2009, the district, in cooperation with the other coordinating
12 agencies, Martin and Lee Counties, and other affected local
13 governments, shall complete an Estuary Protection Plan in
14 accordance with this subsection. The plan shall contain an
15 implementation schedule for pollutant load reductions
16 consistent with any adopted total maximum daily loads and
17 compliance with applicable state water quality standards. The
18 plan shall develop, consider, and build upon a review and
19 analysis of the following:

20 1. Relevant information resulting from the Estuary
21 Watershed Pollutant Control Program developed pursuant to this
22 subsection.

23 2. Relevant information resulting from the Estuary
24 Research, Water Quality, and Habitat Monitoring Program
25 developed pursuant to this subsection.

26
27 Data analysis shall include the creation of appropriate
28 hydraulic and water quality models that shall be updated as
29 new information is collected. These models shall be used to
30 develop design objectives for the Estuary Construction Project
31 and improvement of estuarine water quality and habitat.

1 (b) Estuary Construction Project.--To improve the
2 hydrology, water quality, and habitats within the estuaries,
3 the district shall, no later than January 1, 2012, plan,
4 design, and construct the initial phase of estuary
5 construction projects. In doing so, the district shall:

6 1. Develop and designate the Estuary Construction
7 Project facilities to be constructed to achieve stated goals
8 and objectives of the Estuary Protection Plan.

9 2. Identify the size and location of all such Estuary
10 Construction Project facilities.

11 3. Provide a construction schedule for all such
12 Estuary Construction Project facilities, including the
13 sequencing and specific timeframe for construction of each
14 Estuary Construction Project facility.

15 4. Provide a schedule for the acquisition of lands or
16 sufficient interests necessary to achieve the construction
17 schedule.

18 5. Provide a schedule of costs and benefits associated
19 with each construction project and identify funding sources.

20
21 To ensure the timely implementation to the Estuary
22 Construction Project, the design of project facilities shall
23 be coordinated with the department, Lee and Martin Counties,
24 other interested parties, and other affected local
25 governments.

26 (c) Estuary Watershed Pollutant Control Program.--The
27 Estuary Watershed Pollutant Control Program is designed to be
28 a multifaceted approach to reducing pollutant loads by
29 improving the management of pollutant sources within the
30 estuary watersheds through continued implementation of
31 existing regulations and best management practices,

1 development and implementation of improved best management
2 practices, improvement and restoration of the hydrologic
3 function of natural and managed systems, and utilization of
4 alternative technologies for pollutant reduction. The
5 coordinating agencies shall facilitate the utilization of
6 federal programs that offer opportunities for water quality
7 treatment, including preservation, restoration, or creation of
8 wetlands on agricultural lands.

9 1. Nonpoint source best management practices, designed
10 to achieve the objectives of the Estuary Protection Program,
11 shall be implemented on an expedited basis. The coordinating
12 agencies shall develop an intergovernmental agreement that
13 ensures the development of best management practices that
14 complement existing regulatory programs and specifies how such
15 best management practices are implemented and verified. The
16 coordinating agencies may enter into intergovernmental
17 agreements with local governments. The coordinating agencies
18 shall develop an intergovernmental agreement with Lee County
19 or Martin County or both counties to implement this subsection
20 within their respective geographic boundaries.

21 2. The district or department shall conduct monitoring
22 at representative sites as selected by scientific and
23 statistical methods to verify the effectiveness of nonpoint
24 source best management practices.

25 3. Where water quality problems are detected for
26 nonpoint sources, despite the appropriate implementation of
27 adopted best management practices, the department or
28 Department of Agriculture and Consumer Services, as
29 appropriate, pursuant to s.403.067, in consultation with the
30 other coordinating agencies and affected parties, shall
31

1 institute a reevaluation of the best management practices and
2 adopt by rule more effective best management practices.

3 4. Nothing in this subsection precludes the department
4 or the district from requiring compliance with water quality
5 standards, adopted total maximum daily loads, or current best
6 management practices requirements set forth in any applicable
7 regulatory program authorized by law for the purpose of
8 protecting water quality. This subsection is applicable only
9 to the extent that it does not conflict with any rules
10 promulgated by the department or district that are necessary
11 to maintain a federally delegated or approved program.

12 5. Projects that make use of private lands, or lands
13 held in trust for Indian tribes, to reduce pollutant loadings
14 or concentrations within a basin, or that reduce the volume of
15 harmful discharges from Lake Okeechobee or the estuary
16 watersheds, by one or more of the following methods: restoring
17 the natural hydrology of the basin, restoring wildlife habitat
18 or impacted wetlands, reducing peak flows after storm events,
19 or increasing aquifer recharge, are eligible for grants
20 available under this section from the coordinating agencies.
21 In addition, special funding priority will be given to
22 projects that obtain federal or local government match money.
23 Preference ranking above the special funding priority shall be
24 given to projects located in a rural area of critical economic
25 concern designated by the Governor. Grant applications may be
26 submitted by any person or tribal entity, and eligible
27 projects may include, but are not limited to, the purchase of
28 conservation and flowage easements, hydrologic restoration of
29 wetlands, creation of treatment wetlands, development of a
30 management plan for natural resources, and financial support
31 to implement the management plan.

1 6. Prior to authorizing a discharge into the
2 estuaries, the district shall require responsible parties to
3 demonstrate that proposed changes in land use will not result
4 in increased pollutant loading and increased runoff volume
5 over that of existing land uses.

6 (d) Estuary Research, Water Quality, and Habitat
7 Monitoring Program.--The district, in cooperation with the
8 other coordinating agencies and other local governments, shall
9 establish an Estuary Research, Water Quality, and Habitat
10 Monitoring Program that builds upon the district's existing
11 research program. The program shall:

12 1. Evaluate all available existing water quality data
13 concerning total pollutants in the estuaries' watersheds,
14 develop a water quality baseline to represent existing
15 conditions, and measure compliance with water quality
16 standards, achievement of salinity targets, and total maximum
17 daily loads for the estuaries. The district shall also
18 implement pollutant monitoring programs at representative
19 sites as selected by scientific and statistical methods to
20 quantify inflows to the estuaries.

21 2. Develop and improve estuary water quality models
22 that reasonably represent the dynamics of the estuaries and
23 incorporate an uncertainty analysis associated with model
24 predictions.

25 3. Determine the relative contribution of pollutants
26 and runoff from all major sources.

27 4. Evaluate all available estuarine research, habitat
28 monitoring data, and restoration data, develop a habitat
29 baseline to represent existing and desired future conditions,
30 and measure success in enhancing habitat values.

31

1 5. Conduct an assessment of the water volumes and
2 timing from the upstream Lake Okeechobee watershed, including
3 the Kissimmee chain-of-lakes and Lake Istokpoga and its
4 watershed and the lower portion of the Lake Okeechobee
5 watershed, and their relative contribution to the water level
6 changes in Lake Okeechobee. The results of this assessment
7 shall be used by the coordinating agencies to develop
8 operational and structural measures or regulations, as
9 applicable, to benefit the estuaries.

10 6. Assess current water management practices within
11 the estuary watersheds and develop recommendations for
12 structural, nonstructural, and operational improvements. Such
13 recommendations shall consider and balance water supply, flood
14 control, estuarine salinity, estuarine habitat, and water
15 quality considerations.

16 (e) Estuary Protection Plan implementation.--The
17 coordinating agencies shall be jointly responsible for
18 implementing the Estuary Protection Plan, consistent with the
19 statutory authority and responsibility of each agency. Annual
20 funding priorities shall be jointly established, and the
21 highest priority shall be assigned to programs and projects
22 that have the greatest potential for achieving the goals and
23 objectives of the plan. In determining funding priorities, the
24 coordinating agencies shall also consider the need for
25 regulatory compliance, the extent to which the program or
26 project is ready to proceed, and the availability of federal
27 or local government matching funds. Federal and other nonstate
28 funding shall be maximized to the greatest extent practicable.

29 (f) Evaluation.--By March 1, 2012, and every 3 years
30 thereafter, the district, in cooperation with the coordinating
31 agencies, shall conduct an evaluation of any pollutant load

1 reduction goals, or other goals, as stated in the Estuary
2 Protection Plan. Additionally, the district shall identify
3 modifications to facilities of the Estuary Construction
4 Project, as appropriate, or any other elements of the Estuary
5 Protection Plan. The evaluation shall be included in the
6 annual progress report submitted pursuant to subsection (7).

7 (g) Estuary protection permits.--

8 1. The Legislature finds that the Estuary Protection
9 Program will benefit the Caloosahatchee and St. Lucie
10 estuaries and is consistent with the public interest.

11 2. Permits obtained pursuant to this subsection are in
12 lieu of all other permits under this chapter or chapter 403,
13 except those issued under s. 403.0885, if applicable. No
14 additional permits are required for the Estuary Construction
15 Project, if permitted under this subsection.

16 3. The department shall issue one or more such permits
17 for a term of 5 years upon the demonstration of reasonable
18 assurance that schedules and strategies to achieve and
19 maintain stated goals of the Estuary Protection Plan have been
20 provided for, to the maximum extent practicable, and that
21 operation of the projects otherwise complies with provisions
22 of ss. 373.413 and 373.416.

23 4. Permits issued under this paragraph shall also
24 contain reasonable conditions to ensure that discharges of
25 waters through structures:

26 a. Are adequately and accurately monitored;

27 b. Will not degrade existing estuary water quality and
28 will result in an overall reduction of pollutant inputs into
29 the estuary and the total maximum daily load established in
30 accordance with s. 403.067, to the maximum extent practicable;
31 and

1 c. Do not pose a serious danger to public health,
2 safety, or welfare.

3 5. The district shall submit to the department a
4 permit modification to the Estuary Construction Plan permits
5 to incorporate proposed changes necessary to ensure that
6 discharges from the projects covered by this permit achieve
7 state water quality standards, including the total maximum
8 daily loads established in accordance with s. 403.067.

9 6. Such permits shall be issued for a term of 5 years
10 upon the demonstration of reasonable assurances that:

11 a. The Estuary Construction Project facility, based
12 upon the conceptual design documents and any subsequent
13 detailed design documents developed by the district, will
14 achieve the design objectives establish pursuant to this
15 subsection;

16 b. For water quality standards, the quality of water
17 discharged from the facility is of equal or better quality
18 than the inflows;

19 c. Discharges from the facility do not pose a serious
20 danger to public health, safety, or welfare; and

21 d. Any impacts on wetlands or state-listed species
22 resulting from implementation of that facility of the Estuary
23 Construction Project are minimized and mitigated, as
24 appropriate.

25 7. At least 60 days prior to the expiration of any
26 permit issued under this subsection, the permittee may apply
27 for renewal of the permit for a period of 5 years.

28 8. Permits issued under this subsection may include
29 any standard conditions provided by department rule which are
30 appropriate and consistent with this subsection.

31

1 9. Permits issued pursuant to this subsection may be
2 modified, as appropriate, upon review and approval by the
3 department.

4 ~~(6)(5)~~ RESTRICTIONS ON WATER DIVERSIONS.--The South
5 Florida Water Management District shall not divert waters to
6 the St. Lucie River, the Indian River estuary, the
7 Caloosahatchee River or its estuary, or the Everglades
8 National Park, in such a way that the state water quality
9 standards are violated, that the nutrients in such diverted
10 waters adversely affect indigenous vegetation communities or
11 wildlife, or that fresh waters diverted to the St. Lucie River
12 or the Caloosahatchee or Indian River estuaries adversely
13 affect the estuarine vegetation or wildlife, unless the
14 receiving waters will biologically benefit by the diversion.
15 However, diversion is permitted when an emergency is declared
16 by the water management district, if the Secretary of
17 Environmental Protection concurs.

18 (7) ANNUAL PROGRESS REPORT.--The district shall report
19 on implementation of this section as part of the consolidated
20 annual report required in s. 373.036(7). The annual report
21 shall include:

22 (a) A summary of water quality and habitat conditions
23 in Lake Okeechobee, the Lake Okeechobee watershed, and the
24 status of the Lake Okeechobee Construction Project.

25 (b) A summary of water quality and habitat conditions
26 in the estuaries and the estuary watersheds and the status of
27 the Estuary Construction Project.

28
29 The district shall prepare the report in cooperation with the
30 other coordinating agencies as well as affected local
31 governments.

1 ~~(8)(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE
2 EVERGLADES.--Nothing in this section shall be construed to
3 modify any provision of s. 373.4592.

4 ~~(9)(7)~~ RIGHTS OF SEMINOLE TRIBE OF FLORIDA.--Nothing
5 in this section is intended to diminish or alter the
6 governmental authority and powers of the Seminole Tribe of
7 Florida, or diminish or alter the rights of that tribe,
8 including, but not limited to, rights under the water rights
9 compact among the Seminole Tribe of Florida, the state, and
10 the South Florida Water Management District as enacted by Pub.
11 L. No. 100-228, 101 Stat. 1556, and chapter 87-292, Laws of
12 Florida, and codified in s. 285.165, and rights under any
13 other agreement between the Seminole Tribe of Florida and the
14 state or its agencies. No land of the Seminole Tribe of
15 Florida shall be used for water storage or stormwater
16 treatment without the consent of the tribe.

17 ~~(10)(8)~~ RELATIONSHIP TO STATE WATER QUALITY
18 STANDARDS.--Nothing in this section shall be construed to
19 modify any existing state water quality standard.

20 ~~(11)(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this
21 section shall be construed to restrict the authority otherwise
22 granted to agencies pursuant to chapters 373 and 403, and
23 provisions of this section shall be deemed supplemental to the
24 authority granted to agencies pursuant to chapters 373 and
25 403.

26 Section 2. Paragraph (e) of subsection (7) of section
27 373.036, Florida Statutes, is amended to read:

28 373.036 Florida water plan; district water management
29 plans.--

30 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
31 REPORT.--

1 (e) In addition to the elements specified in paragraph
2 (b), the South Florida Water Management District shall include
3 in the consolidated annual report the following elements:

4 1. The Lake Okeechobee Protection Program annual
5 progress report required by s. 373.4595(7)(~~3~~)(~~g~~).

6 2. The Everglades annual progress reports specified in
7 s. 373.4592(4)(d)5., (13), and (14).

8 3. The Everglades restoration annual report required
9 by s. 373.470(7).

10 4. The Everglades Forever Act annual implementation
11 report required by s. 11.80(4).

12 5. The Everglades Trust Fund annual expenditure report
13 required by s. 373.45926(3).

14 Section 3. This act shall take effect July 1, 2007.
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