

Bill No. SB 392

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CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation and Conservation
(Saunders) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1) and (6) of section 215.619,
Florida Statutes, are amended to read:

215.619 Bonds for Everglades restoration.--

(1) The issuance of Everglades restoration bonds to
finance or refinance the cost of acquisition and improvement
of land, water areas, and related property interests and
resources for the purpose of implementing the Comprehensive
Everglades Restoration Plan under s. 373.470, the Lake
Okeechobee Watershed Protection Plan under s. 373.4595, the
Caloosahatchee River Watershed Protection Plan under s.
373.4595, and the St. Lucie River Watershed Protection Plan
under s. 373.4595 is authorized in accordance with s. 11(e),
Art. VII of the State Constitution. Everglades restoration
bonds, except refunding bonds, may be issued only in fiscal

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1 years 2002-2003 through 2009-2010 and may not be issued in an
 2 amount exceeding \$100 million per fiscal year unless the
 3 Department of Environmental Protection has requested
 4 additional amounts in order to achieve cost savings or
 5 accelerate the purchase of land. The duration of Everglades
 6 restoration bonds may not exceed 20 annual maturities, and
 7 those bonds must mature by December 31, 2030. Except for
 8 refunding bonds, a series of bonds may not be issued unless an
 9 amount equal to the debt service coming due in the year of
 10 issuance has been appropriated by the Legislature.

11 (6) Lands purchased using bond proceeds under this
 12 section ~~paragraph~~ which are later determined by the South
 13 Florida Water Management District and the Department of
 14 Environmental Protection as not needed to implement the
 15 comprehensive plan, the Lake Okeechobee Watershed Protection
 16 Plan, the Caloosahatchee River Watershed Protection Plan, or
 17 the St. Lucie River Watershed Protection Plan, respectively,
 18 shall either be surplusd at no less than appraised value, and
 19 the proceeds from the sale of such lands shall be deposited
 20 into the Save Our Everglades Trust Fund to be used to
 21 implement the respective plans ~~comprehensive plan~~, or the
 22 South Florida Water Management District shall use a different
 23 source of funds to pay for or reimburse the Save Our
 24 Everglades Trust Fund for that portion of land not needed to
 25 implement the respective plans ~~comprehensive plan~~.

26 Section 2. Subsection (8) of section 373.026, Florida
 27 Statutes, is amended to read:

28 373.026 General powers and duties of the
 29 department.--The department, or its successor agency, shall be
 30 responsible for the administration of this chapter at the
 31 state level. However, it is the policy of the state that, to

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1 the greatest extent possible, the department may enter into
 2 interagency or interlocal agreements with any other state
 3 agency, any water management district, or any local government
 4 conducting programs related to or materially affecting the
 5 water resources of the state. All such agreements shall be
 6 subject to the provisions of s. 373.046. In addition to its
 7 other powers and duties, the department shall, to the greatest
 8 extent possible:

9 (8)(a) Provide such coordination, cooperation, or
 10 approval necessary to the effectuation of any plan or project
 11 of the Federal Government in connection with or concerning the
 12 waters in the state. Unless otherwise provided by state or
 13 federal law, the department shall, subject to confirmation by
 14 the Legislature, have the power to approve or disapprove such
 15 federal plans or projects on behalf of the state. If such plan
 16 or project is for a coastal inlet, the department shall first
 17 determine the impact of the plan or project on the sandy
 18 beaches in the state. If the department determines that the
 19 plan will have a significant adverse impact on the sandy
 20 beaches, the department may not approve the plan or project
 21 unless it is revised to mitigate those impacts.

22 (b) To ensure to the greatest extent possible that
 23 project components will go forward as planned, the department
 24 shall collaborate with the South Florida Water Management
 25 District in implementing the comprehensive plan as defined in
 26 s. 373.470(2)(a), the Lake Okeechobee Watershed Protection
 27 Plan as defined in s. 373.4595(2), and the River Watershed
 28 Protection Plans as defined in s. 373.4595(2). Before any
 29 project component is submitted to Congress for authorization
 30 or receives an appropriation of state funds, the department
 31 must approve, or approve with amendments, each project

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1 component within 60 days following formal submittal of the
 2 project component to the department. Prior to the release of
 3 state funds for the implementation of the comprehensive plan,
 4 department approval shall be based upon a determination of the
 5 South Florida Water Management District's compliance with s.
 6 373.1501(5). Once a project component is approved, the South
 7 Florida Water Management District shall provide to the Joint
 8 Legislative Committee on Everglades Oversight a schedule for
 9 implementing the project component, the estimated total cost
 10 of the project component, any existing federal or nonfederal
 11 credits, the estimated remaining federal and nonfederal share
 12 of costs, and an estimate of the amount of state funds that
 13 will be needed to implement the project component. All
 14 requests for an appropriation of state funds needed to
 15 implement the project component shall be submitted to the
 16 department, and such requests shall be included in the
 17 department's annual request to the Governor. Prior to the
 18 release of state funds for the implementation of the Lake
 19 Okeechobee Watershed Protection Plan or the River Watershed
 20 Protection Plans, on an annual basis, the South Florida Water
 21 Management District shall prepare an annual work plan as part
 22 of the consolidated annual report required in s. 373.036(7).
 23 Upon a determination by the secretary of the annual work
 24 plan's consistency with the goals and objectives of s.
 25 373.4595, the secretary may approve the release of state
 26 funds. Any modifications to the annual work plan shall be
 27 submitted to the secretary for review and approval.

28 (c) Notwithstanding paragraph (b), the use of state
 29 funds for land purchases from willing sellers is authorized
 30 for projects within the South Florida Water Management
 31 District's approved 5-year plan of acquisition pursuant to s.

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1 373.59 or within the South Florida Water Management District's
2 approved Florida Forever water management district work plan
3 pursuant to s. 373.199.

4 (d) The Executive Office of the Governor, pursuant to
5 its duties under s. 373.536(5) to approve or disapprove, in
6 whole or in part, the budget of each water management
7 district, shall review all proposed expenditures for project
8 components in the district's budget.

9 (e) The department, subject to confirmation by the
10 Legislature, shall act on behalf of the state in the
11 negotiation and consummation of any agreement or compact with
12 another state or states concerning waters of the state.

13 Section 3. Section 373.4595, Florida Statutes, is
14 amended to read:

15 373.4595 Northern Everglades and Estuaries ~~lake~~
16 ~~Okeechobee~~ Protection Program.--

17 (1) FINDINGS AND INTENT.--

18 (a) The Legislature finds that the Lake Okeechobee
19 watershed, the Caloosahatchee River watershed, and the St.
20 Lucie River watershed are critical ~~is one of the most~~
21 ~~important~~ water resources of the state, providing many
22 economic, natural habitat, and biodiversity functions
23 benefiting the public interest, including agricultural,
24 public, and environmental water supply; flood control;
25 fishing; navigation and recreation; and habitat to endangered
26 and threatened species and other flora and fauna.

27 (b) The Legislature finds that changes in land uses,
28 ~~in the Lake Okeechobee watershed and~~ the construction of the
29 Central and Southern Florida Project, and the loss of surface
30 water storage have resulted in adverse changes to the
31 hydrology and water quality of Lake Okeechobee and the

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1 Caloosahatchee and St. Lucie Rivers and their estuaries. ~~These~~
 2 ~~hydrology and water quality changes have resulted in algal~~
 3 ~~blooms and other adverse impacts to water quality both in Lake~~
 4 ~~Okeechobee and in downstream receiving waters.~~

5 (c) The Legislature finds that improvement to the
 6 hydrology, ~~and~~ water quality and associated aquatic habitats
 7 within the of Lake Okeechobee watershed, the Caloosahatchee
 8 River watershed, and the St. Lucie River watershed, is
 9 essential to the protection of the greater Everglades
 10 ecosystem.

11 (d) The Legislature also finds that it is imperative
 12 for the state, local governments, and agricultural and
 13 environmental communities to commit to restoring and
 14 protecting the surface water resources of the Lake Okeechobee
 15 watershed, the Caloosahatchee River watershed, and the St.
 16 Lucie River watershed ~~and downstream receiving waters~~, and
 17 that a watershed-based approach to address these issues must
 18 be developed and implemented immediately.

19 (e) The Legislature finds that phosphorus loads from
 20 the Lake Okeechobee watershed have contributed to excessive
 21 phosphorus levels throughout the in Lake Okeechobee watershed
 22 and downstream receiving waters and that a reduction in levels
 23 of phosphorus will benefit the ecology of these systems. The
 24 excessive levels of phosphorus have also resulted in an
 25 accumulation of phosphorus in the sediments of Lake
 26 Okeechobee. If not removed, internal phosphorus loads from the
 27 sediments are expected to delay responses of the lake to
 28 external phosphorus reductions.

29 (f) The Legislature finds that the Lake Okeechobee
 30 phosphorus loads set forth in ~~the South Florida Water~~
 31 ~~Management District's Technical Publication 81-2 represent an~~

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1 ~~appropriate basis for the initial phase of phosphorus load~~
 2 ~~reductions to Lake Okeechobee and that subsequent phases of~~
 3 ~~phosphorus load reductions shall be determined by the total~~
 4 maximum daily loads established in accordance with s. 403.067
 5 represent an appropriate basis for restoration of the Lake
 6 Okeechobee watershed.

7 (g) The Legislature finds that, in addition to
 8 phosphorus, other pollutants are contributing to water quality
 9 problems in the Lake Okeechobee watershed, the Caloosahatchee
 10 River watershed, and the St. Lucie River watershed, and that
 11 the total maximum daily load requirements of s. 403.067
 12 provide a means of identifying and addressing these problems.

13 (h) The Legislature finds that the expeditious
 14 implementation of the Lake Okeechobee Watershed Protection
 15 Plan and the River Watershed Protection Plans is needed to
 16 improve the quality, quantity, timing, and distribution of
 17 water in the northern Everglades ecosystem and that this
 18 section, in conjunction with s. 403.067, including the
 19 implementation of the plans developed and approved pursuant to
 20 subsections (3) and (4), and any related basin management
 21 action plan developed and implemented pursuant to s.
 22 403.067(7)(a), provide a reasonable means of achieving the
 23 total maximum daily load requirements and achieving and
 24 maintaining compliance with state water quality standards.

25 ~~(g) The Legislature finds that this section, in~~
 26 ~~conjunction with s. 403.067, provides a reasonable means of~~
 27 ~~achieving and maintaining compliance with state water quality~~
 28 ~~standards.~~

29 (i)(h) The Legislature finds that the implementation
 30 of the programs contained in this section is for the benefit
 31 of the public health, safety, and welfare and is in the public

1 interest.

2 ~~(j)(i)~~ The Legislature finds that sufficient research
3 has been conducted and sufficient plans developed to
4 immediately expand and accelerate programs ~~initiate the first~~
5 ~~phase of a program~~ to address the hydrology and water quality
6 ~~problems in the~~ Lake Okeechobee watershed, the Caloosahatchee
7 River watershed, and the St. Lucie River watershed ~~and~~
8 ~~downstream receiving waters.~~

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

15 (k) The Legislature finds that a continuing source of
16 funding is needed to effectively implement the programs
17 developed and approved under this section which are needed to
18 address the hydrology and water quality problems ~~a phosphorus~~
19 ~~control program that initially targets the most significant~~
20 ~~sources contributing to phosphorus loads within the~~ Lake
21 Okeechobee watershed, the Caloosahatchee River watershed, and
22 the St. Lucie River watershed ~~watershed and continues to~~
23 ~~address other sources as needed to achieve the phased~~
24 ~~phosphorus load reductions required under this section.~~

25 (1) It is the intent of the Legislature to protect and
26 restore surface water resources and achieve and maintain
27 compliance with water quality standards in the Lake Okeechobee
28 watershed, the Caloosahatchee River watershed, and the St.
29 Lucie River watershed, and downstream receiving waters,
30 through the ~~a~~ phased, comprehensive, and innovative protection
31 program set forth in this section which includes ~~to reduce~~

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1 ~~both internal and external phosphorus loads to Lake Okeechobee~~
 2 ~~through immediate actions to achieve the phosphorus load~~
 3 ~~reductions set forth in Technical Publication 81-2 and~~
 4 long-term solutions based upon the total maximum daily loads
 5 established in accordance with s. 403.067. This program shall
 6 be watershed-based, shall provide for consideration of all
 7 water quality issues needed to meet the total maximum daily
 8 load ~~potential phosphorus sources~~, and shall include research
 9 and monitoring, development and implementation of best
 10 management practices, refinement of existing regulations, and
 11 structural and nonstructural projects, including public works.

12 (m) It is the intent of the Legislature that this
 13 section ~~the Lake Okeechobee Protection Program~~ be ~~developed~~
 14 ~~and~~ implemented in coordination with the Comprehensive
 15 Everglades Restoration Plan ~~and, to the greatest extent~~
 16 ~~practicable, through the implementation of Restudy~~ project
 17 components and other federal programs in order to maximize
 18 opportunities for the most efficient and timely expenditures
 19 of public funds.

20 (n) It is the intent of the Legislature that the
 21 coordinating agencies encourage and support the development of
 22 creative public-private partnerships and programs, including
 23 opportunities for water storage and quality improvement on
 24 private lands and water quality credit trading ~~pollutant~~
 25 ~~trading and credits~~, to facilitate or further the restoration
 26 of the surface water resources of the Lake Okeechobee
 27 watershed, the Caloosahatchee River watershed, and the St.
 28 Lucie River watershed, consistent with s. 403.067.

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

30 (a) "Best management practice" means a practice or
 31 combination of practices determined by the coordinating

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1 agencies, based on research, field-testing, and expert review,
 2 to be the most effective and practicable on-location means,
 3 including economic and technological considerations, for
 4 improving water quality in agricultural and urban discharges.
 5 Best management practices for agricultural discharges shall
 6 reflect a balance between water quality improvements and
 7 agricultural productivity.

8 (b) "Caloosahatchee River watershed" means the
 9 Caloosahatchee River, its tributaries, its estuary, and the
 10 area within Charlotte, Glades, Hendry, and Lee Counties from
 11 which surface water flow is directed or drains, naturally or
 12 by constructed works, to the river, its tributaries, or its
 13 estuary.

14 (c)(b) "Coordinating agencies" means the Department of
 15 Agriculture and Consumer Services, the Department of
 16 Environmental Protection, and the South Florida Water
 17 Management District.

18 (d)(c) "Corps of Engineers" means the United States
 19 Army Corps of Engineers.

20 (e)(d) "Department" means the Department of
 21 Environmental Protection.

22 (f)(e) "District" means the South Florida Water
 23 Management District.

24 (g)(f) "District's WOD program" means the program
 25 implemented pursuant to rules adopted as authorized by this
 26 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,
 27 373.113, 373.118, 373.451, and 373.453, entitled "Works of the
 28 District Basin."

29 (h)(g) "Lake Okeechobee Watershed Construction
 30 Project" means the construction project developed pursuant to
 31 paragraph (3)(b).

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1 ~~(i)(h)~~ "Lake Okeechobee Watershed Protection Plan"
 2 means the plan developed pursuant to this section and ss.
 3 373.451-373.459.

4 ~~(j)(i)~~ "Lake Okeechobee watershed" means Lake
 5 Okeechobee, its tributaries, and the area within which surface
 6 water flow is directed or drains, naturally or by constructed
 7 works, to the lake or its tributaries. ~~and the area~~
 8 ~~surrounding and tributary to Lake Okeechobee, composed of the~~
 9 ~~surrounding hydrologic basins, as defined by the Lake~~
 10 ~~Okeechobee Protection Plan dated January 1, 2004.~~

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

14 (l) "Northern Everglades" means the Lake Okeechobee
 15 watershed, the Caloosahatchee River watershed, and the St.
 16 Lucie River watershed.

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

21 ~~(n)(i)~~ "Restudy" means the Comprehensive Review Study
 22 of the Central and Southern Florida Project, for which federal
 23 participation was authorized by the Federal Water Resources
 24 Development Acts of 1992 and 1996 together with related
 25 Congressional resolutions and for which participation by the
 26 South Florida Water Management District is authorized by s.
 27 373.1501. The term includes all actions undertaken pursuant to
 28 the aforementioned authorizations which will result in
 29 recommendations for modifications or additions to the Central
 30 and Southern Florida Project.

31 (o) "River Watershed Protection Plans" means the

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1 Caloosahatchee River Watershed Protection Plan and the St.
2 Lucie River Watershed Protection Plan developed pursuant to
3 this section.

4 (p) "St. Lucie River watershed" means the St. Lucie
5 River, its tributaries, its estuary, and the area within
6 Martin, Okeechobee, and St. Lucie Counties from which surface
7 water flow is directed or drains, naturally or by constructed
8 works, to the river, its tributaries, or its estuary.

9 (q) ~~(m)~~ "Total maximum daily load" means the sum of the
10 individual wasteload allocations for point sources and the
11 load allocations for nonpoint sources and natural background.
12 Prior to determining individual wasteload allocations and load
13 allocations, the maximum amount of a pollutant that a water
14 body or water segment can assimilate from all sources without
15 exceeding water quality standards must first be calculated.

16 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.--A
17 protection program for Lake Okeechobee that achieves
18 phosphorus load reductions for Lake Okeechobee shall be
19 immediately implemented as specified in this subsection. The
20 program shall address the reduction of phosphorus loading to
21 the lake from both internal and external sources. Phosphorus
22 load reductions shall be achieved through a phased program of
23 implementation. Initial implementation actions shall be
24 technology-based, based upon a consideration of both the
25 availability of appropriate technology and the cost of such
26 technology, and shall include phosphorus reduction measures at
27 both the source and the regional level. Phosphorus reductions
28 shall be ~~The initial phase of phosphorus load reductions shall~~
29 ~~be based upon the district's Technical Publication 81-2 and~~
30 ~~the district's WOD program, with subsequent phases of~~
31 ~~phosphorus load reductions~~ based upon the total maximum daily

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1 loads established in accordance with s. 403.067. In the
 2 development and administration of the Lake Okeechobee
 3 Watershed Protection Program, the coordinating agencies shall
 4 maximize opportunities provided by federal cost-sharing
 5 programs and opportunities for partnerships with the private
 6 sector.

7 (a) Lake Okeechobee Watershed Protection Plan.--In
 8 order to protect and restore surface water resources, the
 9 district, in cooperation with the other coordinating agencies,
 10 shall complete a Lake Okeechobee Watershed Protection Plan in
 11 accordance with this section and ss. 373.451-373.459. The plan
 12 shall identify the geographic extent of the watershed, be
 13 coordinated with the plans developed pursuant to paragraphs
 14 (4)(a) and (b), and contain an implementation schedule for
 15 subsequent phases of phosphorus load reduction consistent with
 16 the total maximum daily loads established in accordance with
 17 s. 403.067. The plan shall consider and build upon a review
 18 and analysis of the following:

19 1. The performance of projects constructed during
 20 Phase I and Phase II of the Lake Okeechobee Watershed
 21 Construction Project, pursuant to paragraph (b).

22 2. Relevant information resulting from the Lake
 23 Okeechobee Watershed Phosphorus Control Program, pursuant to
 24 paragraph (c).

25 3. Relevant information resulting from the Lake
 26 Okeechobee Watershed Research and Water Quality Monitoring
 27 Program, pursuant to paragraph (d).

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

31 5. Relevant information resulting from the Lake

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1 Okeechobee Internal Phosphorus Management Program, pursuant to
2 paragraph (f).

3 (b) Lake Okeechobee Watershed Construction
4 Project.--To improve the hydrology and water quality of Lake
5 Okeechobee and downstream receiving waters, including the
6 Caloosahatchee and St. Lucie Rivers and their estuaries, the
7 district shall design and construct the Lake Okeechobee
8 Watershed Construction Project.

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

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

27 b. The district shall obtain permits and complete
28 construction of two of the isolated wetland restoration
29 projects that are part of the Lake Okeechobee Water
30 Retention/Phosphorus Removal Critical Project. The additional
31 isolated wetland projects included in this critical project

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1 shall further reduce phosphorus loading to Lake Okeechobee.

2 c. The district shall work with the Corps of Engineers
3 to expedite initiation of the design process for the Taylor
4 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
5 Area, a project component of the Comprehensive Everglades
6 Restoration Plan ~~Restudy~~. The district shall propose to the
7 Corps of Engineers that the district take the lead in the
8 design and construction of the Reservoir Assisted Stormwater
9 Treatment Area and receive credit towards the local share of
10 the total cost of the Comprehensive Everglades Restoration
11 Plan ~~Restudy~~.

12 2. Phase II.--~~By February 1, 2008,~~ the district, in
13 cooperation with the other coordinating agencies ~~and the Corps~~
14 ~~of Engineers~~, shall develop a detailed technical ~~an~~
15 ~~implementation~~ plan for Phase II of the Lake Okeechobee
16 Watershed Construction Project. The detailed technical plan
17 shall include measures for the improvement of the quality,
18 quantity, timing, and distribution of water in the northern
19 Everglades ecosystem, including the Lake Okeechobee watershed
20 and the estuaries, and for facilitating the achievement of
21 water quality standards. The detailed technical plan shall
22 also include a Process Development and Engineering component
23 to finalize the detail and design of Phase II projects and
24 identify additional measures needed to increase the certainty
25 that the overall objectives for improving water quality and
26 quantity can be met. Based on information and recommendations
27 from the Process Development and Engineering component, the
28 Phase II detailed technical plan shall be periodically
29 updated. Phase II shall include construction of additional
30 facilities in the priority basins identified in subparagraph
31 (b)1., as well as facilities for other basins in the Lake

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1 Okeechobee watershed. This detailed technical plan will
2 require legislative ratification pursuant to paragraph (i).

3 The technical ~~implementation~~ plan shall:

4 a. Identify Lake Okeechobee Watershed Construction
5 Project facilities designed to contribute to achieving all
6 applicable total maximum daily loads established pursuant to
7 s. 403.067 within the Lake Okeechobee watershed. ~~be~~
8 ~~constructed to achieve a design objective of 40 parts per~~
9 ~~billion (ppb) for phosphorus measured as a long-term flow~~
10 ~~weighted average concentration, unless an allocation has been~~
11 ~~established pursuant to s. 403.067 for the Lake Okeechobee~~
12 ~~total maximum daily load.~~

13 b. Identify the size and location of all such Lake
14 Okeechobee Watershed Construction Project facilities.

15 c. Provide a construction schedule for all such Lake
16 Okeechobee Watershed Construction Project facilities,
17 including the sequencing and specific timeframe for
18 construction of each Lake Okeechobee Watershed Construction
19 Project facility.

20 d. Provide a ~~land acquisition~~ schedule for the
21 acquisition of lands or sufficient interests ~~lands~~ necessary
22 to achieve the construction schedule.

23 e. Provide a detailed schedule of costs associated
24 with the construction schedule.

25 f. Identify, to the maximum extent practicable,
26 impacts on wetlands and state-listed species expected to be
27 associated with construction of such facilities, including
28 potential alternatives to minimize and mitigate such impacts,
29 as appropriate.

30 g. Provide for additional measures, including
31 voluntary water storage and quality improvements on private

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1 land, to increase water storage and reduce excess water levels
 2 in Lake Okeechobee and to reduce excess discharges to the
 3 estuaries. The technical plan shall also develop the
 4 appropriate water quantity storage goal to achieve the desired
 5 Lake Okeechobee range of lake levels and inflow volumes to the
 6 Caloosahatchee and St. Lucie estuaries while meeting the other
 7 water-related needs of the region, including water supply and
 8 flood protection.

9 h. Provide for additional source controls needed to
 10 enhance performance of the Lake Okeechobee Watershed
 11 Construction Project facilities. Such additional source
 12 controls shall be incorporated into the Lake Okeechobee
 13 Watershed Phosphorous Control Program pursuant to paragraph
 14 (c).

15 3. Evaluation.--By January 1, 2004, and every 3 years
 16 thereafter, the district, in cooperation with the coordinating
 17 agencies, shall conduct an evaluation of any further
 18 ~~phosphorus~~ load reductions necessary to achieve compliance
 19 with all ~~the~~ Lake Okeechobee watershed total maximum daily
 20 loads ~~load~~ established pursuant to s. 403.067. Additionally,
 21 the district shall identify modifications to facilities of the
 22 Lake Okeechobee Watershed Construction Project as appropriate
 23 to meet the total maximum daily loads. ~~if the design objective~~
 24 ~~of 40 parts per billion (ppb) or the allocation established~~
 25 ~~pursuant to s. 403.067 for the Lake Okeechobee total maximum~~
 26 ~~daily load established pursuant to s. 403.067 is not being~~
 27 ~~met.~~ The evaluation shall be included in the applicable annual
 28 progress report submitted pursuant to subsection (6) ~~paragraph~~
 29 ~~(h).~~

30 4. Coordination and review.--To ensure the timely
 31 implementation of the Lake Okeechobee Watershed Construction

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1 Project, the design of project facilities shall be coordinated
 2 with the department and other interested parties, including
 3 affected local governments, to the maximum extent practicable.
 4 Lake Okeechobee Watershed Construction Project facilities
 5 shall be reviewed and commented upon by the department prior
 6 to the execution of a construction contract by the district
 7 for that facility.

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

22 1. Agricultural nonpoint source best management
 23 practices, developed in accordance with s. 403.067 and
 24 designed to achieve the objectives of the Lake Okeechobee
 25 Watershed Protection Program, shall be implemented on an
 26 expedited basis. The coordinating agencies shall develop an
 27 interagency agreement pursuant to ss. 373.046 and 373.406(5)
 28 that assures the development of best management practices that
 29 complement existing regulatory programs and specifies how
 30 those best management practices are implemented and verified.
 31 The interagency agreement shall address measures to be taken

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1 | by the coordinating agencies during any best management
 2 | practice reevaluation performed pursuant to sub-subparagraph
 3 | d. The department shall use best professional judgment in
 4 | making the initial determination of best management practice
 5 | effectiveness.

6 | a. As provided in s. 403.067(7)(c), the Department of
 7 | Agriculture and Consumer Services, in consultation with the
 8 | department, the district, and affected parties, shall initiate
 9 | rule development for interim measures, best management
 10 | practices, conservation plans, nutrient management plans, or
 11 | other measures necessary for Lake Okeechobee watershed total
 12 | maximum daily phosphorus load reduction. The rule shall
 13 | include thresholds for requiring conservation and nutrient
 14 | management plans and criteria for the contents of such plans.
 15 | Development of agricultural nonpoint source best management
 16 | practices shall initially focus on those priority basins
 17 | listed in subparagraph (b)1. The Department of Agriculture and
 18 | Consumer Services, in consultation with the department, the
 19 | district, and affected parties, shall conduct an ongoing
 20 | program for improvement of existing and development of new
 21 | interim measures or best management practices for the purpose
 22 | of adoption of such practices by rule. The Department of
 23 | Agriculture and Consumer Services shall work with the
 24 | University of Florida's Institute of Food and Agriculture
 25 | Sciences to review and, where appropriate, develop revised
 26 | nutrient application rates for all agricultural soil
 27 | amendments in the watershed.

28 | b. Where agricultural nonpoint source best management
 29 | practices or interim measures have been adopted by rule of the
 30 | Department of Agriculture and Consumer Services, the owner or
 31 | operator of an agricultural nonpoint source addressed by such

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1 rule shall either implement interim measures or best
 2 management practices or demonstrate compliance with the
 3 district's WOD program by conducting monitoring prescribed by
 4 the department or the district. Owners or operators of
 5 agricultural nonpoint sources who implement interim measures
 6 or best management practices adopted by rule of the Department
 7 of Agriculture and Consumer Services shall be subject to the
 8 provisions of s. 403.067(7). The Department of Agriculture and
 9 Consumer Services, in cooperation with the department and the
 10 district, shall provide technical and financial assistance for
 11 implementation of agricultural best management practices,
 12 subject to the availability of funds.

13 c. The district or department shall conduct monitoring
 14 at representative sites to verify the effectiveness of
 15 agricultural nonpoint source best management practices.

16 d. Where water quality problems are detected for
 17 agricultural nonpoint sources despite the appropriate
 18 implementation of adopted best management practices, the
 19 Department of Agriculture and Consumer Services, in
 20 consultation with the other coordinating agencies and affected
 21 parties, shall institute a reevaluation of the best management
 22 practices and make appropriate changes to the rule adopting
 23 best management practices.

24 2. Nonagricultural nonpoint source best management
 25 practices, developed in accordance with s. 403.067 and
 26 designed to achieve the objectives of the Lake Okeechobee
 27 Watershed Protection Program, shall be implemented on an
 28 expedited basis. The department and the district shall develop
 29 an interagency agreement pursuant to ss. 373.046 and
 30 373.406(5) that assures the development of best management
 31 practices that complement existing regulatory programs and

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1 specifies how those best management practices are implemented
2 and verified. The interagency agreement shall address measures
3 to be taken by the department and the district during any best
4 management practice reevaluation performed pursuant to
5 sub-subparagraph d.

6 a. The department and the district are directed to
7 work with the University of Florida's Institute of Food and
8 Agricultural Sciences to develop appropriate nutrient
9 application rates for all nonagricultural soil amendments in
10 the watershed. As provided in s. 403.067(7)(c), the
11 department, in consultation with the district and affected
12 parties, shall develop interim measures, best management
13 practices, or other measures necessary for Lake Okeechobee
14 watershed total maximum daily phosphorus load reduction.
15 Development of nonagricultural nonpoint source best management
16 practices shall initially focus on those priority basins
17 listed in subparagraph (b)1. The department, the district, and
18 affected parties shall conduct an ongoing program for
19 improvement of existing and development of new interim
20 measures or best management practices. The district shall
21 adopt technology-based standards under the district's WOD
22 program for nonagricultural nonpoint sources of phosphorus.

23 b. Where nonagricultural nonpoint source best
24 management practices or interim measures have been developed
25 by the department and adopted by the district, the owner or
26 operator of a nonagricultural nonpoint source shall implement
27 interim measures or best management practices and be subject
28 to the provisions of s. 403.067(7). The department and
29 district shall provide technical and financial assistance for
30 implementation of nonagricultural nonpoint source best
31 management practices, subject to the availability of funds.

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1 c. The district or the department shall conduct
2 monitoring at representative sites to verify the effectiveness
3 of nonagricultural nonpoint source best management practices.

4 d. Where water quality problems are detected for
5 nonagricultural nonpoint sources despite the appropriate
6 implementation of adopted best management practices, the
7 department and the district shall institute a reevaluation of
8 the best management practices.

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

19 4. Projects that ~~which~~ reduce the phosphorus load
20 originating from domestic wastewater systems within the Lake
21 Okeechobee watershed shall be given funding priority in the
22 department's revolving loan program under s. 403.1835. The
23 department shall coordinate and provide assistance to those
24 local governments seeking financial assistance for such
25 priority projects.

26 5. Projects that make use of private lands, or lands
27 held in trust for Indian tribes, to reduce nutrient loadings
28 or concentrations within a basin by one or more of the
29 following methods: restoring the natural hydrology of the
30 basin, restoring wildlife habitat or impacted wetlands,
31 reducing peak flows after storm events, increasing aquifer

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1 recharge, or protecting range and timberland from conversion
2 to development, are eligible for grants available under this
3 section from the coordinating agencies. For projects of
4 otherwise equal priority, special funding priority will be
5 given to those projects that make best use of the methods
6 outlined above that involve public-private partnerships or
7 that obtain federal match money. Preference ranking above the
8 special funding priority will be given to projects located in
9 a rural area of critical economic concern designated by the
10 Governor. Grant applications may be submitted by any person or
11 tribal entity, and eligible projects may include, but are not
12 limited to, the purchase of conservation and flowage
13 easements, hydrologic restoration of wetlands, creating
14 treatment wetlands, development of a management plan for
15 natural resources, and financial support to implement a
16 management plan.

17 6.a. The department shall require all entities
18 disposing of domestic wastewater residuals within the Lake
19 Okeechobee watershed and the remaining areas of Okeechobee,
20 Glades, and Hendry Counties to develop and submit to the
21 department an agricultural use plan that limits applications
22 based upon phosphorus loading. By July 1, 2005, phosphorus
23 concentrations originating from these application sites shall
24 not exceed the limits established in the district's WOD
25 program. After December 31, 2007, the department may not
26 authorize the disposal of domestic wastewater residuals within
27 the Lake Okeechobee watershed unless the applicant can
28 affirmatively demonstrate that the phosphorus in the residuals
29 will not add to phosphorus loadings in Lake Okeechobee or its
30 tributaries. This demonstration shall be based on achieving a
31 net balance between phosphorus imports relative to exports on

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1 the permitted application site. Exports shall include only
 2 phosphorus removed from the Lake Okeechobee watershed through
 3 products generated on the permitted application site. This
 4 prohibition does not apply to Class AA residuals that are
 5 marketed and distributed as fertilizer products in accordance
 6 with department rule.

7 b. Private and government-owned utilities within
 8 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
 9 River, Okeechobee, Highlands, Hendry, and Glades Counties that
 10 dispose of wastewater residual sludge from utility operations
 11 and septic removal by land spreading in the Lake Okeechobee
 12 watershed may use a line item on local sewer rates to cover
 13 wastewater residual treatment and disposal if such disposal
 14 and treatment is done by approved alternative treatment
 15 methodology at a facility located within the areas designated
 16 by the Governor as rural areas of critical economic concern
 17 pursuant to s. 288.0656. This additional line item is an
 18 environmental protection disposal fee above the present sewer
 19 rate and shall not be considered a part of the present sewer
 20 rate to customers, notwithstanding provisions to the contrary
 21 in chapter 367. The fee shall be established by the county
 22 commission or its designated assignee in the county in which
 23 the alternative method treatment facility is located. The fee
 24 shall be calculated to be no higher than that necessary to
 25 recover the facility's prudent cost of providing the service.
 26 Upon request by an affected county commission, the Florida
 27 Public Service Commission will provide assistance in
 28 establishing the fee. Further, for utilities and utility
 29 authorities that use the additional line item environmental
 30 protection disposal fee, such fee shall not be considered a
 31 rate increase under the rules of the Public Service Commission

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1 and shall be exempt from such rules. Utilities using the
 2 provisions of this section may immediately include in their
 3 sewer invoicing the new environmental protection disposal fee.
 4 Proceeds from this environmental protection disposal fee shall
 5 be used for treatment and disposal of wastewater residuals,
 6 including any treatment technology that helps reduce the
 7 volume of residuals that require final disposal, but such
 8 proceeds shall not be used for transportation or shipment
 9 costs for disposal or any costs relating to the land
 10 application of residuals in the Lake Okeechobee watershed.

11 c. No less frequently than once every 3 years, the
 12 Florida Public Service Commission or the county commission
 13 through the services of an independent auditor shall perform a
 14 financial audit of all facilities receiving compensation from
 15 an environmental protection disposal fee. The Florida Public
 16 Service Commission or the county commission through the
 17 services of an independent auditor shall also perform an audit
 18 of the methodology used in establishing the environmental
 19 protection disposal fee. The Florida Public Service Commission
 20 or the county commission shall, within 120 days after
 21 completion of an audit, file the audit report with the
 22 President of the Senate and the Speaker of the House of
 23 Representatives and shall provide copies to the county
 24 commissions of the counties set forth in sub-subparagraph b.
 25 The books and records of any facilities receiving compensation
 26 from an environmental protection disposal fee shall be open to
 27 the Florida Public Service Commission and the Auditor General
 28 for review upon request.

29 7. The Department of Health shall require all entities
 30 disposing of septage within the Lake Okeechobee watershed ~~and~~
 31 ~~the remaining areas of Okeechobee, Glades, and Hendry Counties~~

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1 to develop and submit to that agency an agricultural use plan
 2 that limits applications based upon phosphorus loading. By
 3 July 1, 2005, phosphorus concentrations originating from these
 4 application sites shall not exceed the limits established in
 5 the district's WOD program.

6 8. The Department of Agriculture and Consumer Services
 7 shall initiate rulemaking requiring entities within the Lake
 8 Okeechobee watershed ~~and the remaining areas of Okeechobee,~~
 9 ~~Glades, and Hendry Counties~~ which land-apply animal manure to
 10 develop resource management system level conservation plans,
 11 according to United States Department of Agriculture criteria,
 12 which ~~or nutrient management plans that~~ limit such
 13 ~~application, based upon phosphorus loading.~~ Such rules may
 14 include criteria and thresholds for the requirement to develop
 15 a conservation or nutrient management plan, requirements for
 16 plan approval, and recordkeeping requirements.

17 9. Prior to authorizing a discharge into works of the
 18 district, the district shall require responsible parties to
 19 demonstrate that proposed changes in land use will not result
 20 in increased phosphorus loading over that of existing land
 21 uses.

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

26 (d) Lake Okeechobee Watershed Research and Water
 27 Quality Monitoring Program.--The district, in cooperation with
 28 the other coordinating agencies, shall establish a Lake
 29 Okeechobee Watershed Research and Water Quality Monitoring
 30 Program that builds upon the district's existing Lake
 31 Okeechobee research program. The program shall:

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1 1. Evaluate all available existing water quality data
 2 concerning total phosphorus in the Lake Okeechobee watershed,
 3 develop a water quality baseline to represent existing
 4 conditions for total phosphorus, monitor long-term ecological
 5 changes, including water quality for total phosphorus, and
 6 measure compliance with water quality standards for total
 7 phosphorus, including any applicable ~~the~~ total maximum daily
 8 load for the Lake Okeechobee watershed as established pursuant
 9 to s. 403.067. Every 3 years, the district shall reevaluate
 10 water quality and quantity data to ensure that the appropriate
 11 projects are being designated and implemented to meet the
 12 water quality and storage goals of the plan. The district
 13 shall also implement a total phosphorus monitoring program at
 14 appropriate ~~all inflow~~ structures owned or operated by the
 15 South Florida Water Management District and within the ~~to~~ Lake
 16 Okeechobee watershed.

17 2. Develop a Lake Okeechobee water quality model that
 18 reasonably represents phosphorus dynamics of the lake and
 19 incorporates an uncertainty analysis associated with model
 20 predictions.

21 3. Determine the relative contribution of phosphorus
 22 from all identifiable sources and all primary and secondary
 23 land uses.

24 4. Conduct an assessment of the sources of phosphorus
 25 from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga,
 26 and their relative contribution to the water quality of Lake
 27 Okeechobee. The results of this assessment shall be used by
 28 the coordinating agencies to develop interim measures, best
 29 management practices, or regulation, as applicable.

30 5. Assess current water management practices within
 31 the Lake Okeechobee watershed and develop recommendations for

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1 structural and operational improvements. Such recommendations
2 shall balance water supply, flood control, estuarine salinity,
3 maintenance of a healthy lake littoral zone, and water quality
4 considerations.

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

10 7. Conduct an assessment of the water volumes and
11 timing from the Lake Okeechobee watershed and their relative
12 contribution to the water level changes in Lake Okeechobee and
13 to the timing and volume of water delivered to the estuaries.

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 Watershed Protection Plan
30 implementation.--The coordinating agencies shall be jointly
31 responsible for implementing the Lake Okeechobee Watershed

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1 Protection 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 reductions
 7 needed to meet the total maximum daily loads ~~phosphorus~~
 8 ~~reduction~~. In determining funding priorities, the coordinating
 9 agencies shall also consider the need for regulatory
 10 compliance, the extent to which the program or project is
 11 ready to proceed, and the availability of federal matching
 12 funds or other nonstate funding, including public-private
 13 partnerships. Federal and other nonstate funding shall be
 14 maximized to the greatest extent practicable.

15 (h) Priorities and implementation schedules.--The
 16 coordinating agencies are authorized and directed to establish
 17 priorities and implementation schedules for the achievement of
 18 total maximum daily loads, compliance with the requirements of
 19 s. 403.067, and compliance with applicable water quality
 20 standards within the waters and watersheds subject to this
 21 section.

22 (i) Legislative ratification.--The coordinating
 23 agencies shall submit the Phase II technical plan developed
 24 pursuant to paragraph (b) to the President of the Senate and
 25 the Speaker of the House of Representatives prior to the 2008
 26 legislative session for review. If the Legislature takes no
 27 action on the plan during the 2008 legislative session, the
 28 plan is deemed approved and may be implemented.

29 ~~(h) Annual progress report.--Each March 1, beginning~~
 30 ~~in 2006, the district shall report on implementation of this~~
 31 ~~section as part of the consolidated annual report required in~~

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1 ~~s. 373.036(7). The annual report shall include a summary of~~
 2 ~~water quality and habitat conditions in Lake Okeechobee and~~
 3 ~~the Lake Okeechobee watershed and the status of the Lake~~
 4 ~~Okeechobee Construction Project. The district shall prepare~~
 5 ~~the report in cooperation with the other coordinating~~
 6 ~~agencies.~~

7 (4) CALOOSAHATCHEE AND ST. LUCIE RIVER WATERSHED
 8 PROTECTION PROGRAM.--A protection program shall be developed
 9 and implemented as specified in this subsection. In order to
 10 protect and restore surface water resources, the program shall
 11 address the reduction of pollutant loadings, restoration of
 12 natural hydrology, and compliance with applicable state water
 13 quality standards. The program shall be achieved through a
 14 phased program of implementation. In addition, pollutant load
 15 reductions based upon adopted total maximum daily loads
 16 established in accordance with s. 403.067 shall serve as a
 17 program objective. In the development and administration of
 18 the program, the coordinating agencies shall maximize
 19 opportunities provided by federal and local government
 20 cost-sharing programs and opportunities for partnerships with
 21 the private sector and local government. The plan shall
 22 include a goal for salinity envelopes and freshwater inflow
 23 targets for the estuaries based upon existing research and
 24 documentation. This goal shall seek to reduce the frequency
 25 and duration of undesirable salinity ranges while meeting the
 26 other water-related needs of the region, including water
 27 supply and flood protection, while recognizing the extent to
 28 which water inflows are within the control and jurisdiction of
 29 the district.

30 (a) Caloosahatchee River Watershed Protection
 31 Plan.--No later than January 1, 2009, the district, in

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1 cooperation with the other coordinating agencies, Lee County,
 2 and affected counties and municipalities, shall complete a
 3 River Watershed Protection Plan in accordance with this
 4 subsection. The plan shall identify the geographic extent of
 5 the watershed, be coordinated as needed with the plans
 6 developed pursuant to subsection (3)(a) and paragraph (b) of
 7 this subsection, and contain an implementation schedule for
 8 pollutant load reductions consistent with any adopted total
 9 maximum daily loads and compliance with applicable state water
 10 quality standards. The plan shall include:

11 1. Caloosahatchee River Watershed Construction
 12 Project.--To improve the hydrology, water quality, and
 13 habitats, the district shall, no later than January 1, 2012,
 14 plan, design, and construct the initial phase of the Watershed
 15 Construction Project. In doing so, the district shall:

16 a. Develop and designate the facilities to be
 17 constructed to achieve stated goals and objectives of the
 18 Caloosahatchee River Watershed Protection Plan.

19 b. Conduct scientific studies that are necessary to
 20 support the design of the Caloosahatchee River Watershed
 21 Construction Project facilities.

22 c. Identify the size and location of all such
 23 facilities.

24 d. Provide a construction schedule for all such
 25 facilities, including the sequencing and specific timeframe
 26 for construction of each facility.

27 e. Provide a schedule for the acquisition of lands or
 28 sufficient interests necessary to achieve the construction
 29 schedule.

30 f. Provide a schedule of costs and benefits associated
 31 with each construction project and identify funding sources.

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1 g. To ensure timely implementation, the design,
 2 scheduling, and sequencing of project facilities shall be
 3 coordinated with the coordinating agencies, Lee County, other
 4 affected counties, municipalities, and other affected parties.

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

19 a. Nonpoint source best management practices
 20 consistent with paragraph (3)(c), designed to achieve the
 21 objectives of the Caloosahatchee River Watershed Protection
 22 Program, shall be implemented on an expedited basis. The
 23 coordinating agencies may develop an intergovernmental
 24 agreement with local governments to implement the
 25 nonagricultural, nonpoint-source best management practices
 26 within their respective geographic boundaries.

27 b. This subsection does not preclude the department or
 28 the district from requiring compliance with water quality
 29 standards, adopted total maximum daily loads, or current
 30 best-management-practices requirements set forth in any
 31 applicable regulatory program authorized by law for the

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1 purpose of protecting water quality. This subsection applies
 2 only to the extent that it does not conflict with any rules
 3 adopted by the department or district which are necessary to
 4 maintain a federally delegated or approved program.

5 c. Projects that make use of private lands, or lands
 6 held in trust for Indian tribes, to reduce pollutant loadings
 7 or concentrations within a basin, or that reduce the volume of
 8 harmful discharges by one or more of the following methods:
 9 restoring the natural hydrology of the basin, restoring
 10 wildlife habitat or impacted wetlands, reducing peak flows
 11 after storm events, or increasing aquifer recharge, are
 12 eligible for grants available under this section from the
 13 coordinating agencies.

14 d. The Caloosahatchee River Watershed Pollutant
 15 Control Program shall require assessment of current water
 16 management practices within the estuary watershed and shall
 17 require development of recommendations for structural,
 18 nonstructural, and operational improvements. Such
 19 recommendations shall consider and balance water supply, flood
 20 control, estuarine salinity, estuarine habitat, and water
 21 quality considerations.

22 e. After December 31, 2007, the department may not
 23 authorize the disposal of domestic wastewater residuals within
 24 the Caloosahatchee River watershed unless the applicant can
 25 affirmatively demonstrate that the nutrients in the residuals
 26 will not add to nutrient loadings in the watershed. This
 27 demonstration shall be based on achieving a net balance
 28 between nutrient imports relative to exports on the permitted
 29 application site. Exports shall include only nutrients removed
 30 from the watershed through products generated on the permitted
 31 application site. This prohibition does not apply to Class AA

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1 residuals that are marketed and distributed as fertilizer
2 products in accordance with department rule.

3 f. The Department of Health shall require all entities
4 disposing of septage within the Caloosahatchee River watershed
5 to develop and submit to that agency an agricultural use plan
6 that limits applications based upon nutrient loading. By July
7 1, 2008, nutrient concentrations originating from these
8 application sites may not exceed the limits established in the
9 district's WOD program.

10 g. The Department of Agriculture and Consumer Services
11 shall initiate rulemaking requiring entities within the
12 Caloosahatchee River watershed which land-apply animal manure
13 to develop a resource management system level conservation
14 plan, according to United States Department of Agriculture
15 criteria which limits such application. Such rules may include
16 criteria and thresholds for the requirement to develop a
17 conservation or nutrient management plan, requirements for
18 plan approval, and recordkeeping requirements.

19 3. Caloosahatchee River Watershed Research and Water
20 Quality Monitoring Program.--The district, in cooperation with
21 the other coordinating agencies and local governments, shall
22 establish a Caloosahatchee River Watershed Research and Water
23 Quality Monitoring Program that builds upon the district's
24 existing research program and that is sufficient to carry out,
25 comply with, or assess the plans, programs, and other
26 responsibilities created by this subsection. The program shall
27 also conduct an assessment of the water volumes and timing
28 from the Lake Okeechobee and Caloosahatchee River watersheds
29 and their relative contributions to the timing and volume of
30 water delivered to the estuary.

31 (b) St. Lucie River Watershed Protection Plan.--No

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1 later than January 1, 2009, the district, in cooperation with
 2 the other coordinating agencies, Martin County, and affected
 3 counties and municipalities shall complete a plan in
 4 accordance with this subsection. The plan shall identify the
 5 geographic extent of the watershed, be coordinated as needed
 6 with the plans developed pursuant to paragraph (3)(a) and
 7 paragraph (a) of this subsection, and contain an
 8 implementation schedule for pollutant load reductions
 9 consistent with any adopted total maximum daily loads and
 10 compliance with applicable state water quality standards. The
 11 plan shall include:

12 1. St. Lucie River Watershed Construction Project.--To
 13 improve the hydrology, water quality, and habitats, the
 14 district shall, no later than January 1, 2012, plan, design,
 15 and construct the initial phase of Watershed Construction
 16 Project. In doing so, the district shall:

17 a. Develop and designate the facilities to be
 18 constructed to achieve stated goals and objectives of the St.
 19 Lucie River Watershed Protection Plan.

20 b. Identify the size and location of all such
 21 facilities.

22 c. Provide a construction schedule for all such
 23 facilities, including the sequencing and specific timeframe
 24 for construction of each facility.

25 d. Provide a schedule for the acquisition of lands or
 26 sufficient interests necessary to achieve the construction
 27 schedule.

28 e. Provide a schedule of costs and benefits associated
 29 with each construction project and identify funding sources.

30 f. To ensure timely implementation, the design,
 31 scheduling, and sequencing of project facilities shall be

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1 coordinated with the coordinating agencies, Martin County, St.
2 Lucie County, other interested parties, and other affected
3 local governments.

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

18 a. Nonpoint source best management practices
19 consistent with paragraph (3)(c), designed to achieve the
20 objectives of the St. Lucie River Watershed Protection
21 Program, shall be implemented on an expedited basis. The
22 coordinating agencies may develop an intergovernmental
23 agreement with local governments to implement the
24 nonagricultural nonpoint source best management practices
25 within their respective geographic boundaries.

26 b. This subsection does not preclude the department or
27 the district from requiring compliance with water quality
28 standards, adopted total maximum daily loads, or current
29 best-management-practices requirements set forth in any
30 applicable regulatory program authorized by law for the
31 purpose of protecting water quality. This subsection applies

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1 only to the extent that it does not conflict with any rules
2 adopted by the department or district which are necessary to
3 maintain a federally delegated or approved program.

4 c. Projects that make use of private lands, or lands
5 held in trust for Indian tribes, to reduce pollutant loadings
6 or concentrations within a basin, or that reduce the volume of
7 harmful discharges by one or more of the following methods:
8 restoring the natural hydrology of the basin, restoring
9 wildlife habitat or impacted wetlands, reducing peak flows
10 after storm events, or increasing aquifer recharge, are
11 eligible for grants available under this section from the
12 coordinating agencies.

13 d. The St. Lucie River Watershed Pollutant Control
14 Program shall require assessment of current water management
15 practices within the estuary watershed and shall require
16 development of recommendations for structural, nonstructural,
17 and operational improvements. Such recommendations shall
18 consider and balance water supply, flood control, estuarine
19 salinity, estuarine habitat, and water quality considerations.

20 e. After December 31, 2007, the department may not
21 authorize the disposal of domestic wastewater residuals within
22 the St. Lucie River watershed unless the applicant can
23 affirmatively demonstrate that the nutrients in the residuals
24 will not add to nutrient loadings in the watershed. This
25 demonstration shall be based on achieving a net balance
26 between nutrient imports relative to exports on the permitted
27 application site. Exports shall include only nutrients removed
28 from the St. Lucie River watershed through products generated
29 on the permitted application site. This prohibition does not
30 apply to Class AA residuals that are marketed and distributed
31 as fertilizer products in accordance with department rule.

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1 f. The Department of Health shall require all entities
2 disposing of septage within the St. Lucie River watershed to
3 develop and submit to that agency an agricultural use plan
4 that limits applications based upon nutrient loading. By July
5 1, 2008, nutrient concentrations originating from these
6 application sites may not exceed the limits established in the
7 district's WOD program.

8 g. The Department of Agriculture and Consumer Services
9 shall initiate rulemaking requiring entities within the St.
10 Lucie River watershed which land-apply animal manure to
11 develop a resource management system level conservation plan,
12 according to United States Department of Agriculture criteria,
13 which limit such application. Such rules may include criteria
14 and thresholds for the requirement to develop a conservation
15 or nutrient management plan, requirements for plan approval,
16 and recordkeeping requirements.

17 3. St. Lucie River Watershed Research and Water
18 Quality Monitoring Program.--The district, in cooperation with
19 the other coordinating agencies and local governments, shall
20 establish a St. Lucie River Watershed Research and Water
21 Quality Monitoring Program that builds upon the district's
22 existing research program and that is sufficient to carry out,
23 comply with, or assess the plans, programs, and other
24 responsibilities created by this subsection. The program shall
25 also conduct an assessment of the water volumes and timing
26 from the Lake Okeechobee and St. Lucie River watersheds and
27 their relative contributions to the timing and volume of water
28 delivered to the estuary.

29 (c) River Watershed Protection Plan
30 implementation.--The coordinating agencies shall be jointly
31 responsible for implementing the River Watershed Protection

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1 Plans, 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 have the greatest
 5 potential for achieving the goals and objectives of the plans.
 6 In determining funding priorities, the coordinating agencies
 7 shall also consider the need for regulatory compliance, the
 8 extent to which the program or project is ready to proceed,
 9 and the availability of federal or local government matching
 10 funds. Federal and other nonstate funding shall be maximized
 11 to the greatest extent practicable.

12 (d) Evaluation.--By March 1, 2012, and every 3 years
 13 thereafter, the district in cooperation with the coordinating
 14 agencies, shall conduct an evaluation of any pollutant load
 15 reduction goals, as well as any other specific objectives and
 16 goals, as stated in the River Watershed Protection Plans.
 17 Additionally, the district shall identify modifications to
 18 facilities of the River Watershed Construction Projects, as
 19 appropriate, or any other elements of the River Watershed
 20 Protection Plans. The evaluation shall be included in the
 21 annual progress report submitted pursuant to this section.

22 (e) Priorities and implementation schedules.--The
 23 coordinating agencies are authorized and directed to establish
 24 priorities and implementation schedules for the achievement of
 25 total maximum daily loads, the requirements of s. 403.067, and
 26 compliance with applicable water quality standards within the
 27 waters and watersheds subject to this section.

28 (f) Legislative ratification.--The coordinating
 29 agencies shall submit the River Watershed Protection Plans
 30 developed pursuant to paragraphs (a) and (b) to the President
 31 of the Senate and Speaker of the House of Representatives

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1 prior to the 2008 legislative session for review. If the
2 Legislature takes no action on the plan during the 2008
3 legislative session, the plan is deemed approved and may be
4 implemented.

5 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
6 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.--The
7 department is directed to expedite development and adoption of
8 total maximum daily loads for the Caloosahatchee River and
9 estuary. The department is further directed to, no later than
10 December 31, 2008, propose for final agency action, total
11 maximum daily loads for nutrients in the tidal portions of the
12 Caloosahatchee River and estuary. The department shall
13 initiate development of basin management action plans as
14 provided in s. 403.067(7)(a) as follows:

15 (a) Basin management action plans shall be developed
16 as soon as practicable as determined necessary by the
17 department to achieve the total maximum daily loads
18 established for the Lake Okeechobee watershed and the
19 estuaries.

20 (b) The Phase II technical plan development pursuant
21 to paragraph (3)(b), and the River Watershed Protection Plans
22 developed pursuant to paragraphs (4)(a) and (b), shall provide
23 the basis for basin management action plans developed by the
24 department.

25 (c) As determined necessary by the department in order
26 to achieve the total maximum daily loads, additional or
27 modified projects or programs that complement those in the
28 legislatively ratified plans may be included during the
29 development of the basin management action plan.

30 (d) Development of basin management action plans that
31 implement the provisions of the legislatively ratified plans

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1 shall be initiated by the department no later than September
 2 30 of the year in which the applicable plan is ratified. Where
 3 a total maximum daily load has not been established at the
 4 time of plan ratification, development of basin management
 5 action plans shall be initiated no later than 90 days
 6 following adoption of the applicable total maximum daily load.

7 (6) ANNUAL PROGRESS REPORT.--Each March 1 the district
 8 shall report on implementation of this section as part of the
 9 consolidated annual report required in s. 373.036(7). The
 10 annual report shall include a summary of water quality and
 11 habitat conditions in the northern Everglades based on the
 12 results of the Research and Water Quality Monitoring Programs,
 13 the status of the Lake Okeechobee Construction Project, the
 14 status of the Caloosahatchee River Watershed Construction
 15 Project, and the status of the St. Lucie River Watershed
 16 Construction Project. In addition, the report shall contain an
 17 annual accounting of the expenditure of funds from the Save
 18 Our Everglades Trust Fund. At a minimum, the annual report
 19 shall provide detail by program and plan, including specific
 20 information concerning the amount and use of funds from
 21 federal, state, or local government sources. In detailing the
 22 use of these funds, the district shall indicate those
 23 designated to meet requirements for matching funds. The
 24 district shall prepare the report in cooperation with the
 25 other coordinating agencies and affected local governments.

26 ~~(7)~~(4) LAKE OKEECHOBEE PROTECTION PERMITS.--

27 (a) The Legislature finds that the Lake Okeechobee
 28 Protection Program will benefit Lake Okeechobee and downstream
 29 receiving waters and is consistent with the public interest.
 30 The Lake Okeechobee Construction Project and structures
 31 discharging into or from Lake Okeechobee shall be constructed,

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1 operated, and maintained in accordance with this section.

2 (b) Permits obtained pursuant to this section are in
3 lieu of all other permits under this chapter or chapter 403,
4 except those issued under s. 403.0885, if applicable. No
5 additional permits are required for the Lake Okeechobee
6 Construction Project or structures discharging into or from
7 Lake Okeechobee, if permitted under this section. Construction
8 activities related to implementation of the Lake Okeechobee
9 Construction Project may be initiated prior to final agency
10 action, or notice of intended agency action, on any permit
11 from the department under this section.

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

29 1. Permits issued under this paragraph shall also
30 contain reasonable conditions to ensure that discharges of
31 waters through structures:

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- 1 a. Are adequately and accurately monitored;
- 2 b. Will not degrade existing Lake Okeechobee water
- 3 quality and will result in an overall reduction of phosphorus
- 4 input into Lake Okeechobee, as set forth in the district's
- 5 Technical Publication 81-2 and the total maximum daily load
- 6 established in accordance with s. 403.067, to the maximum
- 7 extent practicable; and
- 8 c. Do not pose a serious danger to public health,
- 9 safety, or welfare.

10 2. For the purposes of this paragraph, owners and

11 operators of existing structures which are subject to the

12 provisions of s. 373.4592(4)(a) and which discharge into or

13 from Lake Okeechobee shall be deemed in compliance with the

14 term "maximum extent practicable" if they are in full

15 compliance with the conditions of permits under chapters

16 40E-61 and 40E-63, Florida Administrative Code.

17 3. By January 1, 2004, the district shall submit to

18 the department a permit modification to the Lake Okeechobee

19 structure permits to incorporate proposed changes necessary to

20 ensure that discharges through the structures covered by this

21 permit achieve state water quality standards, including the

22 total maximum daily load established in accordance with s.

23 403.067. These changes shall be designed to achieve such

24 compliance with state water quality standards no later than

25 January 1, 2015.

26 (d) The department shall require permits for Lake

27 Okeechobee Construction Project facilities. However, projects

28 identified in sub-subparagraph (3)(b)1.b. that qualify as

29 exempt pursuant to s. 373.406 shall not need permits under

30 this section. Such permits shall be issued for a term of 5

31 years upon the demonstration of reasonable assurances that:

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

6 2. For water quality standards other than phosphorus,
 7 the quality of water discharged from the facility is of equal
 8 or better quality than the inflows;

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

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

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

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

21 (g) Permits issued pursuant to this section may be
 22 modified, as appropriate, upon review and approval by the
 23 department.

24 ~~(8)(5)~~ RESTRICTIONS ON WATER DIVERSIONS.--The South
 25 Florida Water Management District shall not divert waters to
 26 the St. Lucie River, the Indian River estuary, the
 27 Caloosahatchee River or its estuary, or the Everglades
 28 National Park, in such a way that the state water quality
 29 standards are violated, that the nutrients in such diverted
 30 waters adversely affect indigenous vegetation communities or
 31 wildlife, or that fresh waters diverted to the St. Lucie River

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1 or the Caloosahatchee or Indian River estuaries adversely
 2 affect the estuarine vegetation or wildlife, unless the
 3 receiving waters will biologically benefit by the diversion.
 4 However, diversion is permitted when an emergency is declared
 5 by the water management district, if the Secretary of
 6 Environmental Protection concurs.

7 (9)~~(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE
 8 EVERGLADES.--Nothing in this section shall be construed to
 9 modify any provision of s. 373.4592.

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

23 (11)~~(8)~~ RELATIONSHIP TO STATE WATER QUALITY
 24 STANDARDS.--Nothing in this section shall be construed to
 25 modify any existing state water quality standard or to modify
 26 the provisions of s. 403.067(6) and (7)(a).

27 (12) RULES.--The governing board of the district is
 28 authorized to adopt rules pursuant to ss. 120.536(1) AND
 29 120.54 to implement the provisions of the chapter.

30 (13)~~(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this
 31 section shall be construed to restrict the authority otherwise

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1 granted to agencies pursuant to chapters 373 and 403, and
2 provisions of this section shall be deemed supplemental to the
3 authority granted to agencies pursuant to chapters 373 and
4 403.

5 Section 4. Subsections (2), (3), (4), and (5) of
6 section 373.470, Florida Statutes, are amended to read:

7 373.470 Everglades restoration.--

8 (2) DEFINITIONS.--As used in this section, the term:

9 (a) "Caloosahatchee River Watershed Protection Plan"
10 means the plan developed pursuant to s. 373.4595.

11 ~~(b)(a)~~ "Comprehensive plan" means the recommended
12 comprehensive plan contained within the "Final Integrated
13 Feasibility Report and Programmatic Environmental Impact
14 Statement, April 1999" and submitted to Congress on July 1,
15 1999.

16 ~~(c)(b)~~ "Corps" means the United States Army Corps of
17 Engineers.

18 ~~(d)(c)~~ "District" means the South Florida Water
19 Management District.

20 ~~(e)~~ "Lake Okeechobee Watershed Protection Plan" means
21 the plan developed pursuant to s. 375.4595 and ss.
22 373.451-373.459.

23 ~~(f)(d)~~ "Project" means the Central and Southern
24 Florida Project authorized under the heading "CENTRAL AND
25 SOUTHERN FLORIDA" in s. 203 of the Flood Control Act of 1948
26 (62 Stat. 1176), and any modification to the project
27 authorized by law.

28 ~~(g)(e)~~ "Project component" means any structural or
29 operational change, resulting from the comprehensive plan, to
30 the project as it existed and was operated as of January 1,
31 1999.

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1 ~~(h)(f)~~ "Project implementation report" means the
 2 project implementation report as described in the "Final
 3 Integrated Feasibility Report and Programmatic Environmental
 4 Impact Statement, April 1999" and submitted to Congress on
 5 July 1, 1999.

6 (i) "River Watershed Protection Plans" means the
 7 Caloosahatchee River Watershed Protection Plan and the St.
 8 Lucie River Watershed Protection Plan as defined in this
 9 subsection.

10 (j) "St. Lucie River Watershed Protection Plan" means
 11 the plan developed pursuant to s. 373.4595.

12 (3) FURTHER ANALYSIS; AGREEMENTS FOR PROJECT
 13 COMPONENTS AND ALLOCATION OF PROJECT BENEFITS.--

14 (a) The Legislature intends to establish a full and
 15 equal partnership between the state and federal governments
 16 for the implementation of the comprehensive plan.

17 (b) The comprehensive plan shall be used as a guide
 18 and framework for a continuing planning process to:

19 1. Reflect new scientific knowledge, the results of
 20 pilot projects, and the results of new and continuing
 21 feasibility studies with the Corps; and

22 2. Ensure that project components will be implemented
 23 to achieve the purposes provided in the Federal Water Resource
 24 Development Act of 1996 that include restoring, preserving,
 25 and protecting the South Florida ecosystem, providing for the
 26 protection of water quality in and the reduction of the loss
 27 of fresh water from the Everglades, and providing such
 28 features as are necessary to meet the other water-related
 29 needs of the region, including flood control, the enhancement
 30 of water supplies, and other objectives served by the project.

31 (c) Prior to executing a project cooperation agreement

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1 with the Corps for the construction of a project component,
 2 the district, in cooperation with the Corps, shall complete a
 3 project implementation report to address the project
 4 component's economic and environmental benefits, engineering
 5 feasibility, and other factors provided in s. 373.1501
 6 sufficient to allow the district to obtain approval under s.
 7 373.026. Each project implementation report shall also
 8 identify the increase in water supplies resulting from the
 9 project component. The additional water supply shall be
 10 allocated or reserved by the district under chapter 373.

11 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED
 12 FOR DEPOSIT.--The following funds may be deposited into the
 13 Save Our Everglades Trust Fund created by s. 373.472 to
 14 finance implementation of the comprehensive plan, the Lake
 15 Okeechobee Watershed Protection Plan, and the River Watershed
 16 Protection Plans:

17 ~~(a) In fiscal year 2000-2001, funds described in s.~~
 18 ~~259.101(3).~~

19 ~~(a)(b)~~ Funds described in subsection (5).

20 ~~(b)(c)~~ Federal funds appropriated by Congress for
 21 implementation of the comprehensive plan, the Lake Okeechobee
 22 Watershed Protection Plan, or the River Watershed Protection
 23 Plans.

24 ~~(c)(d)~~ Any additional funds appropriated by the
 25 Legislature for the purpose of implementing the comprehensive
 26 plan, the Lake Okeechobee Watershed Protection Plan, or the
 27 River Watershed Protection Plans.

28 ~~(d)(e)~~ Gifts designated for implementation of the
 29 comprehensive plan, the Lake Okeechobee Watershed Protection
 30 Plan, or the River Watershed Protection Plans from
 31 individuals, corporations, or other entities.

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1 ~~(e)(f)~~ Funds made available pursuant to s. 201.15 for
2 debt service for Everglades restoration bonds.

3 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--

4 ~~(a)1-~~ For fiscal year 2000-2001, \$50 million of state
5 funds shall be deposited into the Save Our Everglades Trust
6 Fund created by s. 373.472.

7 ~~(b)2-~~ For each year of the 9 consecutive years
8 beginning with fiscal year 2001-2002, \$75 million of state
9 funds shall be deposited into the Save Our Everglades Trust
10 Fund created by s. 373.472.

11 ~~(c)3-~~ As an alternative to paragraph (b) ~~subparagraph~~
12 ~~2-~~, proceeds of bonds issued under s. 215.619 may be deposited
13 into the Save Our Everglades Trust Fund created under s.
14 373.472. To enhance flexibility, funds to be deposited into
15 the Save Our Everglades Trust Fund may consist of any
16 combination of state funds and Everglades restoration bonds.

17 ~~(b)~~ For each year of the 2 consecutive years beginning
18 with fiscal year 2000-2001, the department shall deposit \$25
19 million of the funds allocated to the district by the
20 department under s. 259.105(11)(a) into the Save Our
21 Everglades Trust Fund created by s. 373.472.

22 Section 5. Subsection (1) of section 373.472, Florida
23 Statutes, is amended to read:

24 373.472 Save Our Everglades Trust Fund.--

25 (1) There is created within the Department of
26 Environmental Protection the Save Our Everglades Trust Fund.
27 Funds in the trust fund shall be expended to implement the
28 comprehensive plan defined in s. 373.470(2)(a), the Lake
29 Okeechobee Watershed Protection Plan defined in s.
30 373.4595(2), the Caloosahatchee River Watershed Protection
31 Plan defined in s. 373.4595(2), and the St. Lucie River

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1 Watershed Protection Plan defined in s. 373.4595(2), and to
 2 pay debt service for Everglades restoration bonds issued
 3 pursuant to s. 215.619. The trust fund shall serve as the
 4 repository for state, local, and federal project contributions
 5 in accordance with s. 373.470(4).

6 Section 6. This act shall take effect July 1, 2007.

7
8
9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 Delete everything before the enacting clause

12
13 and insert:

14 A bill to be entitled

15 An act relating to watershed restoration;
 16 amending s. 215.619, F.S.; providing for
 17 expanded uses of bonds issued for Everglades
 18 restoration; amending s. 373.026, F.S.;
 19 providing certain requirements before the
 20 release of funds; amending s. 373.4595, F.S.;
 21 providing legislative findings and intent;
 22 providing definitions; providing a deadline and
 23 additional components for the Phase II Lake
 24 Okeechobee Watershed Protection Plan;
 25 prohibiting the disposal of wastewater
 26 residuals within the Lake Okeechobee watershed
 27 pursuant to certain conditions; providing for
 28 the inclusion of a water volume assessment in
 29 the Lake Okeechobee Watershed Research and
 30 Water Quality Monitoring Program; creating the
 31 Caloosahatchee and St. Lucie River Watershed

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1 Protection Program; creating the Caloosahatchee
2 River Watershed Protection Plan; providing
3 deadlines for plans submission; providing for
4 required plan elements; creating the
5 Caloosahatchee River Watershed Pollutant
6 Control Program; providing requirements of the
7 program; creating the Caloosahatchee River
8 Watershed Research and Water Quality Monitoring
9 Program; providing program requirements;
10 creating the St. Lucie River Watershed
11 Protection Plan; providing deadlines for plans
12 submission; providing for required plan
13 elements; creating the St. Lucie River
14 Watershed Pollutant Control Program; providing
15 requirements for the program; creating the St.
16 Lucie Watershed Research and Water Quality
17 Monitoring Program; providing program
18 requirements; providing for the evaluation of
19 the plans; providing for Legislative
20 ratification of the plans; establishing a
21 deadline for the establishment of total maximum
22 daily loads for the Caloosahatchee River and
23 estuary; providing for progress reports;
24 providing rulemaking authority; amending s.
25 373.470, F.S.; providing definitions; expanding
26 sources from which funds may be deposited into
27 the Save Our Everglades Trust Fund; amending s.
28 373.472, F.S.; expanding authorized uses of
29 funds deposited into the Save Our Everglades
30 Trust Fund; providing an effective date.

31