

By the Committee on Environmental Preservation and Conservation; and Senators Saunders and Gaetz

592-2007-07

1 A bill to be entitled
 2 An act relating to watershed restoration;
 3 amending s. 215.619, F.S.; providing for
 4 expanded uses of bonds issued for Everglades
 5 restoration; amending s. 373.026, F.S.;
 6 providing certain requirements before the
 7 release of funds; amending s. 373.4595, F.S.;
 8 providing legislative findings and intent;
 9 providing definitions; providing a deadline and
 10 additional components for the Phase II Lake
 11 Okeechobee Watershed Protection Plan;
 12 prohibiting the disposal of wastewater
 13 residuals within the Lake Okeechobee watershed
 14 pursuant to certain conditions; providing for
 15 the inclusion of a water volume assessment in
 16 the Lake Okeechobee Watershed Research and
 17 Water Quality Monitoring Program; creating the
 18 Caloosahatchee and St. Lucie River Watershed
 19 Protection Program; creating the Caloosahatchee
 20 River Watershed Protection Plan; providing
 21 deadlines for plans submission; providing for
 22 required plan elements; creating the
 23 Caloosahatchee River Watershed Pollutant
 24 Control Program; providing requirements of the
 25 program; creating the Caloosahatchee River
 26 Watershed Research and Water Quality Monitoring
 27 Program; providing program requirements;
 28 creating the St. Lucie River Watershed
 29 Protection Plan; providing deadlines for plans
 30 submission; providing for required plan
 31 elements; creating the St. Lucie River

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Subsections (1) and (6) of section 215.619,
22 Florida Statutes, are amended to read:

23 215.619 Bonds for Everglades restoration.--

24 (1) The issuance of Everglades restoration bonds to
25 finance or refinance the cost of acquisition and improvement
26 of land, water areas, and related property interests and
27 resources for the purpose of implementing the Comprehensive
28 Everglades Restoration Plan under s. 373.470, the Lake
29 Okeechobee Watershed Protection Plan under s. 373.4595, the
30 Caloosahatchee River Watershed Protection Plan under s.
31 373.4595, and the St. Lucie River Watershed Protection Plan

1 under s. 373.4595 is authorized in accordance with s. 11(e),
2 Art. VII of the State Constitution. Everglades restoration
3 bonds, except refunding bonds, may be issued only in fiscal
4 years 2002-2003 through 2009-2010 and may not be issued in an
5 amount exceeding \$100 million per fiscal year unless the
6 Department of Environmental Protection has requested
7 additional amounts in order to achieve cost savings or
8 accelerate the purchase of land. The duration of Everglades
9 restoration bonds may not exceed 20 annual maturities, and
10 those bonds must mature by December 31, 2030. Except for
11 refunding bonds, a series of bonds may not be issued unless an
12 amount equal to the debt service coming due in the year of
13 issuance has been appropriated by the Legislature.

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

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

31

1 373.026 General powers and duties of the
2 department.--The department, or its successor agency, shall be
3 responsible for the administration of this chapter at the
4 state level. However, it is the policy of the state that, to
5 the greatest extent possible, the department may enter into
6 interagency or interlocal agreements with any other state
7 agency, any water management district, or any local government
8 conducting programs related to or materially affecting the
9 water resources of the state. All such agreements shall be
10 subject to the provisions of s. 373.046. In addition to its
11 other powers and duties, the department shall, to the greatest
12 extent possible:

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

26 (b) To ensure to the greatest extent possible that
27 project components will go forward as planned, the department
28 shall collaborate with the South Florida Water Management
29 District in implementing the comprehensive plan as defined in
30 s. 373.470(2)(a), the Lake Okeechobee Watershed Protection
31 Plan as defined in s. 373.4595(2), and the River Watershed

1 Protection Plans as defined in s. 373.4595(2). Before any
2 project component is submitted to Congress for authorization
3 or receives an appropriation of state funds, the department
4 must approve, or approve with amendments, each project
5 component within 60 days following formal submittal of the
6 project component to the department. Prior to the release of
7 state funds for the implementation of the comprehensive plan,
8 department approval shall be based upon a determination of the
9 South Florida Water Management District's compliance with s.
10 373.1501(5). Once a project component is approved, the South
11 Florida Water Management District shall provide to the Joint
12 Legislative Committee on Everglades Oversight a schedule for
13 implementing the project component, the estimated total cost
14 of the project component, any existing federal or nonfederal
15 credits, the estimated remaining federal and nonfederal share
16 of costs, and an estimate of the amount of state funds that
17 will be needed to implement the project component. All
18 requests for an appropriation of state funds needed to
19 implement the project component shall be submitted to the
20 department, and such requests shall be included in the
21 department's annual request to the Governor. Prior to the
22 release of state funds for the implementation of the Lake
23 Okeechobee Watershed Protection Plan or the River Watershed
24 Protection Plans, on an annual basis, the South Florida Water
25 Management District shall prepare an annual work plan as part
26 of the consolidated annual report required in s. 373.036(7).
27 Upon a determination by the secretary of the annual work
28 plan's consistency with the goals and objectives of s.
29 373.4595, the secretary may approve the release of state
30 funds. Any modifications to the annual work plan shall be
31 submitted to the secretary for review and approval.

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

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

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

17 Section 3. Section 373.4595, Florida Statutes, is
18 amended to read:

19 373.4595 Northern Everglades and Estuaries Lake
20 ~~Okeechobee~~ Protection Program.--

21 (1) FINDINGS AND INTENT.--

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

1 (b) The Legislature finds that changes in land uses,
2 ~~in the Lake Okeechobee watershed and~~ the construction of the
3 Central and Southern Florida Project, and the loss of surface
4 water storage have resulted in adverse changes to the
5 hydrology and water quality of Lake Okeechobee and the
6 Caloosahatchee and St. Lucie Rivers and their estuaries. These
7 ~~hydrology and water quality changes have resulted in algal~~
8 ~~blooms and other adverse impacts to water quality both in Lake~~
9 ~~Okeechobee and in downstream receiving waters.~~

10 (c) The Legislature finds that improvement to the
11 hydrology, ~~and~~ water quality and associated aquatic habitats
12 within the of Lake Okeechobee watershed, the Caloosahatchee
13 River watershed, and the St. Lucie River watershed, is
14 essential to the protection of the greater Everglades
15 ecosystem.

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

24 (e) The Legislature finds that phosphorus loads from
25 the Lake Okeechobee watershed have contributed to excessive
26 phosphorus levels throughout the in Lake Okeechobee watershed
27 and downstream receiving waters and that a reduction in levels
28 of phosphorus will benefit the ecology of these systems. The
29 excessive levels of phosphorus have also resulted in an
30 accumulation of phosphorus in the sediments of Lake
31 Okeechobee. If not removed, internal phosphorus loads from the

1 sediments are expected to delay responses of the lake to
2 external phosphorus reductions.

3 (f) The Legislature finds that the Lake Okeechobee
4 phosphorus loads set forth in ~~the South Florida Water~~
5 ~~Management District's Technical Publication 81-2~~ represent an
6 ~~appropriate basis for the initial phase of phosphorus load~~
7 ~~reductions to Lake Okeechobee and that subsequent phases of~~
8 ~~phosphorus load reductions shall be determined by the total~~
9 maximum daily loads established in accordance with s. 403.067
10 represent an appropriate basis for restoration of the Lake
11 Okeechobee watershed.

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

18 (h) The Legislature finds that the expeditious
19 implementation of the Lake Okeechobee Watershed Protection
20 Plan and the River Watershed Protection Plans is needed to
21 improve the quality, quantity, timing, and distribution of
22 water in the northern Everglades ecosystem and that this
23 section, in conjunction with s. 403.067, including the
24 implementation of the plans developed and approved pursuant to
25 subsections (3) and (4), and any related basin management
26 action plan developed and implemented pursuant to s.
27 403.067(7)(a), provide a reasonable means of achieving the
28 total maximum daily load requirements and achieving and
29 maintaining compliance with state water quality standards.

30 (g) ~~The Legislature finds that this section, in~~
31 ~~conjunction with s. 403.067, provides a reasonable means of~~

1 ~~achieving and maintaining compliance with state water quality~~
2 ~~standards.~~

3 ~~(i)(h)~~ The Legislature finds that the implementation
4 of the programs contained in this section is for the benefit
5 of the public health, safety, and welfare and is in the public
6 interest.

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

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

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

30 (l) It is the intent of the Legislature to protect and
31 restore surface water resources and achieve and maintain

1 compliance with water quality standards in the Lake Okeechobee
2 watershed, the Caloosahatchee River watershed, and the St.
3 Lucie River watershed, and downstream receiving waters,
4 through the a phased, comprehensive, and innovative protection
5 program set forth in this section which includes ~~to reduce~~
6 ~~both internal and external phosphorus loads to Lake Okeechobee~~
7 ~~through immediate actions to achieve the phosphorus load~~
8 ~~reductions set forth in Technical Publication 81-2 and~~
9 long-term solutions based upon the total maximum daily loads
10 established in accordance with s. 403.067. This program shall
11 be watershed-based, shall provide for consideration of all
12 water quality issues needed to meet the total maximum daily
13 load ~~potential phosphorus sources,~~ and shall include research
14 and monitoring, development and implementation of best
15 management practices, refinement of existing regulations, and
16 structural and nonstructural projects, including public works.

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

25 (n) It is the intent of the Legislature that the
26 coordinating agencies encourage and support the development of
27 creative public-private partnerships and programs, including
28 opportunities for water storage and quality improvement on
29 private lands and water quality credit trading ~~pollutant~~
30 ~~trading and credits,~~ to facilitate or further the restoration
31 of the surface water resources of the Lake Okeechobee

1 watershed, the Caloosahatchee River watershed, and the St.
2 Lucie River watershed, consistent with s. 403.067.

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

4 (a) "Best management practice" means a practice or
5 combination of practices determined by the coordinating
6 agencies, based on research, field-testing, and expert review,
7 to be the most effective and practicable on-location means,
8 including economic and technological considerations, for
9 improving water quality in agricultural and urban discharges.
10 Best management practices for agricultural discharges shall
11 reflect a balance between water quality improvements and
12 agricultural productivity.

13 (b) "Caloosahatchee River watershed" means the
14 Caloosahatchee River, its tributaries, its estuary, and the
15 area within Charlotte, Glades, Hendry, and Lee Counties from
16 which surface water flow is directed or drains, naturally or
17 by constructed works, to the river, its tributaries, or its
18 estuary.

19 (c)(b) "Coordinating agencies" means the Department of
20 Agriculture and Consumer Services, the Department of
21 Environmental Protection, and the South Florida Water
22 Management District.

23 (d)(e) "Corps of Engineers" means the United States
24 Army Corps of Engineers.

25 (e)(d) "Department" means the Department of
26 Environmental Protection.

27 (f)(e) "District" means the South Florida Water
28 Management District.

29 (g)(f) "District's WOD program" means the program
30 implemented pursuant to rules adopted as authorized by this
31 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,

1 373.113, 373.118, 373.451, and 373.453, entitled "Works of the
2 District Basin."

3 ~~(h)(g)~~ "Lake Okeechobee Watershed Construction
4 Project" means the construction project developed pursuant to
5 paragraph (3)(b).

6 ~~(i)(h)~~ "Lake Okeechobee Watershed Protection Plan"
7 means the plan developed pursuant to this section and ss.
8 373.451-373.459.

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

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

19 ~~(l)~~ "Northern Everglades" means the Lake Okeechobee
20 watershed, the Caloosahatchee River watershed, and the St.
21 Lucie River watershed.

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

26 ~~(n)(l)~~ "Restudy" means the Comprehensive Review Study
27 of the Central and Southern Florida Project, for which federal
28 participation was authorized by the Federal Water Resources
29 Development Acts of 1992 and 1996 together with related
30 Congressional resolutions and for which participation by the
31 South Florida Water Management District is authorized by s.

1 373.1501. The term includes all actions undertaken pursuant to
2 the aforementioned authorizations which will result in
3 recommendations for modifications or additions to the Central
4 and Southern Florida Project.

5 (o) "River Watershed Protection Plans" means the
6 Caloosahatchee River Watershed Protection Plan and the St.
7 Lucie River Watershed Protection Plan developed pursuant to
8 this section.

9 (p) "St. Lucie River watershed" means the St. Lucie
10 River, its tributaries, its estuary, and the area within
11 Martin, Okeechobee, and St. Lucie Counties from which surface
12 water flow is directed or drains, naturally or by constructed
13 works, to the river, its tributaries, or its estuary.

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

21 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.--A
22 protection program for Lake Okeechobee that achieves
23 phosphorus load reductions for Lake Okeechobee shall be
24 immediately implemented as specified in this subsection. The
25 program shall address the reduction of phosphorus loading to
26 the lake from both internal and external sources. Phosphorus
27 load reductions shall be achieved through a phased program of
28 implementation. Initial implementation actions shall be
29 technology-based, based upon a consideration of both the
30 availability of appropriate technology and the cost of such
31 technology, and shall include phosphorus reduction measures at

1 both the source and the regional level. Phosphorus reductions
2 shall be ~~The initial phase of phosphorus load reductions shall~~
3 ~~be based upon the district's Technical Publication 81-2 and~~
4 ~~the district's WOD program, with subsequent phases of~~
5 ~~phosphorus load reductions~~ based upon the total maximum daily
6 loads established in accordance with s. 403.067. In the
7 development and administration of the Lake Okeechobee
8 Watershed Protection Program, the coordinating agencies shall
9 maximize opportunities provided by federal cost-sharing
10 programs and opportunities for partnerships with the private
11 sector.

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

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

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

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

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

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

10 (b) Lake Okeechobee Watershed Construction
11 Project.--To improve the hydrology and water quality of Lake
12 Okeechobee and downstream receiving waters, including the
13 Caloosahatchee and St. Lucie Rivers and their estuaries, the
14 district shall design and construct the Lake Okeechobee
15 Watershed Construction Project.

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

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

1 implementation of either of these facilities, the district
2 shall notify the department and recommend corrective actions.

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

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

19 2. Phase II.--By February 1, 2008, the district, in
20 cooperation with the other coordinating agencies ~~and the Corps~~
21 ~~of Engineers~~, shall develop a detailed technical an
22 ~~implementation~~ plan for Phase II of the Lake Okeechobee
23 Watershed Construction Project. The detailed technical plan
24 shall include measures for the improvement of the quality,
25 quantity, timing, and distribution of water in the northern
26 Everglades ecosystem, including the Lake Okeechobee watershed
27 and the estuaries, and for facilitating the achievement of
28 water quality standards. Use of cost-effective biologically
29 based nutrient control technologies shall be incorporated in
30 the plan where appropriate. The detailed technical plan shall
31 also include a Process Development and Engineering component

1 to finalize the detail and design of Phase II projects and
2 identify additional measures needed to increase the certainty
3 that the overall objectives for improving water quality and
4 quantity can be met. Based on information and recommendations
5 from the Process Development and Engineering component, the
6 Phase II detailed technical plan shall be periodically
7 updated. Phase II shall include construction of additional
8 facilities in the priority basins identified in subparagraph
9 (b)1., as well as facilities for other basins in the Lake
10 Okeechobee watershed. This detailed technical plan will
11 require legislative ratification pursuant to paragraph (i).
12 The technical ~~implementation~~ plan shall:
13 a. Identify Lake Okeechobee Watershed Construction
14 Project facilities designed to contribute to achieving all
15 applicable total maximum daily loads established pursuant to
16 s. 403.067 within the Lake Okeechobee watershed. ~~be~~
17 ~~constructed to achieve a design objective of 40 parts per~~
18 ~~billion (ppb) for phosphorus measured as a long term flow~~
19 ~~weighted average concentration, unless an allocation has been~~
20 ~~established pursuant to s. 403.067 for the Lake Okeechobee~~
21 ~~total maximum daily load.~~
22 b. Identify the size and location of all such Lake
23 Okeechobee Watershed Construction Project facilities.
24 c. Provide a construction schedule for all such Lake
25 Okeechobee Watershed Construction Project facilities,
26 including the sequencing and specific timeframe for
27 construction of each Lake Okeechobee Watershed Construction
28 Project facility.
29 d. Provide a ~~land acquisition~~ schedule for the
30 acquisition of lands or sufficient interests ~~lands~~ necessary
31 to achieve the construction schedule.

1 e. Provide a detailed schedule of costs associated
2 with the construction schedule.

3 f. Identify, to the maximum extent practicable,
4 impacts on wetlands and state-listed species expected to be
5 associated with construction of such facilities, including
6 potential alternatives to minimize and mitigate such impacts,
7 as appropriate.

8 g. Provide for additional measures, including
9 voluntary water storage and quality improvements on private
10 land, to increase water storage and reduce excess water levels
11 in Lake Okeechobee and to reduce excess discharges to the
12 estuaries. The technical plan shall also develop the
13 appropriate water quantity storage goal to achieve the desired
14 Lake Okeechobee range of lake levels and inflow volumes to the
15 Caloosahatchee and St. Lucie estuaries while meeting the other
16 water-related needs of the region, including water supply and
17 flood protection.

18 h. Provide for additional source controls needed to
19 enhance performance of the Lake Okeechobee Watershed
20 Construction Project facilities. Such additional source
21 controls shall be incorporated into the Lake Okeechobee
22 Watershed Phosphorous Control Program pursuant to paragraph
23 (c).

24 3. Evaluation.--By January 1, 2004, and every 3 years
25 thereafter, the district, in cooperation with the coordinating
26 agencies, shall conduct an evaluation of any further
27 ~~phosphorus~~ load reductions necessary to achieve compliance
28 with all the Lake Okeechobee watershed total maximum daily
29 loads load established pursuant to s. 403.067. Additionally,
30 the district shall identify modifications to facilities of the
31 Lake Okeechobee Watershed Construction Project as appropriate

1 ~~to meet the total maximum daily loads. if the design objective~~
2 ~~of 40 parts per billion (ppb) or the allocation established~~
3 ~~pursuant to s. 403.067 for the Lake Okeechobee total maximum~~
4 ~~daily load established pursuant to s. 403.067 is not being~~
5 ~~met.~~ The evaluation shall be included in the applicable annual
6 progress report submitted pursuant to subsection (6) paragraph
7 ~~(h)~~.

8 4. Coordination and review.--To ensure the timely
9 implementation of the Lake Okeechobee Watershed Construction
10 Project, the design of project facilities shall be coordinated
11 with the department and other interested parties, including
12 affected local governments, to the maximum extent practicable.
13 Lake Okeechobee Watershed Construction Project facilities
14 shall be reviewed and commented upon by the department prior
15 to the execution of a construction contract by the district
16 for that facility.

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

31

1 1. Agricultural nonpoint source best management
2 practices, developed in accordance with s. 403.067 and
3 designed to achieve the objectives of the Lake Okeechobee
4 Watershed Protection Program, shall be implemented on an
5 expedited basis. The coordinating agencies shall develop an
6 interagency agreement pursuant to ss. 373.046 and 373.406(5)
7 that assures the development of best management practices that
8 complement existing regulatory programs and specifies how
9 those best management practices are implemented and verified.
10 The interagency agreement shall address measures to be taken
11 by the coordinating agencies during any best management
12 practice reevaluation performed pursuant to sub-subparagraph
13 d. The department shall use best professional judgment in
14 making the initial determination of best management practice
15 effectiveness.

16 a. As provided in s. 403.067(7)(c), the Department of
17 Agriculture and Consumer Services, in consultation with the
18 department, the district, and affected parties, shall initiate
19 rule development for interim measures, best management
20 practices, conservation plans, nutrient management plans, or
21 other measures necessary for Lake Okeechobee watershed total
22 maximum daily phosphorus load reduction. The rule shall
23 include thresholds for requiring conservation and nutrient
24 management plans and criteria for the contents of such plans.
25 Development of agricultural nonpoint source best management
26 practices shall initially focus on those priority basins
27 listed in subparagraph (b)1. The Department of Agriculture and
28 Consumer Services, in consultation with the department, the
29 district, and affected parties, shall conduct an ongoing
30 program for improvement of existing and development of new
31 interim measures or best management practices for the purpose

1 of adoption of such practices by rule. The Department of
2 Agriculture and Consumer Services shall work with the
3 University of Florida's Institute of Food and Agriculture
4 Sciences to review and, where appropriate, develop revised
5 nutrient application rates for all agricultural soil
6 amendments in the watershed.

7 b. Where agricultural nonpoint source best management
8 practices or interim measures have been adopted by rule of the
9 Department of Agriculture and Consumer Services, the owner or
10 operator of an agricultural nonpoint source addressed by such
11 rule shall either implement interim measures or best
12 management practices or demonstrate compliance with the
13 district's WOD program by conducting monitoring prescribed by
14 the department or the district. Owners or operators of
15 agricultural nonpoint sources who implement interim measures
16 or best management practices adopted by rule of the Department
17 of Agriculture and Consumer Services shall be subject to the
18 provisions of s. 403.067(7). The Department of Agriculture and
19 Consumer Services, in cooperation with the department and the
20 district, shall provide technical and financial assistance for
21 implementation of agricultural best management practices,
22 subject to the availability of funds.

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

26 d. Where water quality problems are detected for
27 agricultural nonpoint sources despite the appropriate
28 implementation of adopted best management practices, the
29 Department of Agriculture and Consumer Services, in
30 consultation with the other coordinating agencies and affected
31 parties, shall institute a reevaluation of the best management

1 | practices and make appropriate changes to the rule adopting
2 | best management practices.

3 | 2. Nonagricultural nonpoint source best management
4 | practices, developed in accordance with s. 403.067 and
5 | designed to achieve the objectives of the Lake Okeechobee
6 | Watershed Protection Program, shall be implemented on an
7 | expedited basis. The department and the district shall develop
8 | an interagency agreement pursuant to ss. 373.046 and
9 | 373.406(5) that assures the development of best management
10 | practices that complement existing regulatory programs and
11 | specifies how those best management practices are implemented
12 | and verified. The interagency agreement shall address measures
13 | to be taken by the department and the district during any best
14 | management practice reevaluation performed pursuant to
15 | sub-subparagraph d.

16 | a. The department and the district are directed to
17 | work with the University of Florida's Institute of Food and
18 | Agricultural Sciences to develop appropriate nutrient
19 | application rates for all nonagricultural soil amendments in
20 | the watershed. As provided in s. 403.067(7)(c), the
21 | department, in consultation with the district and affected
22 | parties, shall develop interim measures, best management
23 | practices, or other measures necessary for Lake Okeechobee
24 | watershed total maximum daily phosphorus load reduction.
25 | Development of nonagricultural nonpoint source best management
26 | practices shall initially focus on those priority basins
27 | listed in subparagraph (b)1. The department, the district, and
28 | affected parties shall conduct an ongoing program for
29 | improvement of existing and development of new interim
30 | measures or best management practices. The district shall
31 |

1 adopt technology-based standards under the district's WOD
2 program for nonagricultural nonpoint sources of phosphorus.

3 b. Where nonagricultural nonpoint source best
4 management practices or interim measures have been developed
5 by the department and adopted by the district, the owner or
6 operator of a nonagricultural nonpoint source shall implement
7 interim measures or best management practices and be subject
8 to the provisions of s. 403.067(7). The department and
9 district shall provide technical and financial assistance for
10 implementation of nonagricultural nonpoint source best
11 management practices, subject to the availability of funds.

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

15 d. Where water quality problems are detected for
16 nonagricultural nonpoint sources despite the appropriate
17 implementation of adopted best management practices, the
18 department and the district shall institute a reevaluation of
19 the best management practices.

20 3. The provisions of subparagraphs 1. and 2. shall not
21 preclude the department or the district from requiring
22 compliance with water quality standards or with current best
23 management practices requirements set forth in any applicable
24 regulatory program authorized by law for the purpose of
25 protecting water quality. Additionally, subparagraphs 1. and
26 2. are applicable only to the extent that they do not conflict
27 with any rules promulgated by the department that are
28 necessary to maintain a federally delegated or approved
29 program.

30 4. Projects ~~that~~ which reduce the phosphorus load
31 originating from domestic wastewater systems within the Lake

1 Okeechobee watershed shall be given funding priority in the
2 department's revolving loan program under s. 403.1835. The
3 department shall coordinate and provide assistance to those
4 local governments seeking financial assistance for such
5 priority projects.

6 5. Projects that make use of private lands, or lands
7 held in trust for Indian tribes, to reduce nutrient loadings
8 or concentrations within a basin by one or more of the
9 following methods: restoring the natural hydrology of the
10 basin, restoring wildlife habitat or impacted wetlands,
11 reducing peak flows after storm events, increasing aquifer
12 recharge, or protecting range and timberland from conversion
13 to development, are eligible for grants available under this
14 section from the coordinating agencies. For projects of
15 otherwise equal priority, special funding priority will be
16 given to those projects that make best use of the methods
17 outlined above that involve public-private partnerships or
18 that obtain federal match money. Preference ranking above the
19 special funding priority will be given to projects located in
20 a rural area of critical economic concern designated by the
21 Governor. Grant applications may be submitted by any person or
22 tribal entity, and eligible projects may include, but are not
23 limited to, the purchase of conservation and flowage
24 easements, hydrologic restoration of wetlands, creating
25 treatment wetlands, development of a management plan for
26 natural resources, and financial support to implement a
27 management plan.

28 6.a. The department shall require all entities
29 disposing of domestic wastewater residuals within the Lake
30 Okeechobee watershed and the remaining areas of Okeechobee,
31 Glades, and Hendry Counties to develop and submit to the

1 department an agricultural use plan that limits applications
2 based upon phosphorus loading. By July 1, 2005, phosphorus
3 concentrations originating from these application sites shall
4 not exceed the limits established in the district's WOD
5 program. After December 31, 2007, the department may not
6 authorize the disposal of domestic wastewater residuals within
7 the Lake Okeechobee watershed unless the applicant can
8 affirmatively demonstrate that the phosphorus in the residuals
9 will not add to phosphorus loadings in Lake Okeechobee or its
10 tributaries. This demonstration shall be based on achieving a
11 net balance between phosphorus imports relative to exports on
12 the permitted application site. Exports shall include only
13 phosphorus removed from the Lake Okeechobee watershed through
14 products generated on the permitted application site. This
15 prohibition does not apply to Class AA residuals that are
16 marketed and distributed as fertilizer products in accordance
17 with department rule.

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

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

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

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

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

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

28 9. Prior to authorizing a discharge into works of the
29 district, the district shall require responsible parties to
30 demonstrate that proposed changes in land use will not result
31

1 | in increased phosphorus loading over that of existing land
2 | uses.

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

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

13 | 1. Evaluate all available existing water quality data
14 | concerning total phosphorus in the Lake Okeechobee watershed,
15 | develop a water quality baseline to represent existing
16 | conditions for total phosphorus, monitor long-term ecological
17 | changes, including water quality for total phosphorus, and
18 | measure compliance with water quality standards for total
19 | phosphorus, including any applicable ~~the~~ total maximum daily
20 | load for the Lake Okeechobee watershed as established pursuant
21 | to s. 403.067. Every 3 years, the district shall reevaluate
22 | water quality and quantity data to ensure that the appropriate
23 | projects are being designated and implemented to meet the
24 | water quality and storage goals of the plan. The district
25 | shall also implement a total phosphorus monitoring program at
26 | appropriate ~~all-inflow~~ structures owned or operated by the
27 | South Florida Water Management District and within the ~~to~~ Lake
28 | Okeechobee watershed.

29 | 2. Develop a Lake Okeechobee water quality model that
30 | reasonably represents phosphorus dynamics of the lake and
31 |

1 incorporates an uncertainty analysis associated with model
2 predictions.

3 3. Determine the relative contribution of phosphorus
4 from all identifiable sources and all primary and secondary
5 land uses.

6 4. Conduct an assessment of the sources of phosphorus
7 from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga,
8 and their relative contribution to the water quality of Lake
9 Okeechobee. The results of this assessment shall be used by
10 the coordinating agencies to develop interim measures, best
11 management practices, or regulation, as applicable.

12 5. Assess current water management practices within
13 the Lake Okeechobee watershed and develop recommendations for
14 structural and operational improvements. Such recommendations
15 shall balance water supply, flood control, estuarine salinity,
16 maintenance of a healthy lake littoral zone, and water quality
17 considerations.

18 6. Evaluate the feasibility of alternative nutrient
19 reduction technologies, including sediment traps, canal and
20 ditch maintenance, fish production or other aquaculture,
21 bioenergy conversion processes, and algal or other biological
22 treatment technologies.

23 7. Conduct an assessment of the water volumes and
24 timing from the Lake Okeechobee watershed and their relative
25 contribution to the water level changes in Lake Okeechobee and
26 to the timing and volume of water delivered to the estuaries.

27 (e) Lake Okeechobee Exotic Species Control
28 Program.--The coordinating agencies shall identify the exotic
29 species that threaten the native flora and fauna within the
30 Lake Okeechobee watershed and develop and implement measures
31 to protect the native flora and fauna.

1 (f) Lake Okeechobee Internal Phosphorus Management
2 Program.--The district, in cooperation with the other
3 coordinating agencies and interested parties, shall complete a
4 Lake Okeechobee internal phosphorus load removal feasibility
5 study. The feasibility study shall be based on technical
6 feasibility, as well as economic considerations, and address
7 all reasonable methods of phosphorus removal. If methods are
8 found to be feasible, the district shall immediately pursue
9 the design, funding, and permitting for implementing such
10 methods.

11 (g) Lake Okeechobee Watershed Protection Plan
12 implementation.--The coordinating agencies shall be jointly
13 responsible for implementing the Lake Okeechobee Watershed
14 Protection Plan, consistent with the statutory authority and
15 responsibility of each agency. Annual funding priorities shall
16 be jointly established, and the highest priority shall be
17 assigned to programs and projects that address ~~phosphorus~~
18 sources that have the highest relative contribution to
19 ~~phosphorus~~ loading and the greatest potential for reductions
20 needed to meet the total maximum daily loads ~~phosphorus~~
21 ~~reduction~~. In determining funding priorities, the coordinating
22 agencies shall also consider the need for regulatory
23 compliance, the extent to which the program or project is
24 ready to proceed, and the availability of federal matching
25 funds or other nonstate funding, including public-private
26 partnerships. Federal and other nonstate funding shall be
27 maximized to the greatest extent practicable.

28 (h) Priorities and implementation schedules.--The
29 coordinating agencies are authorized and directed to establish
30 priorities and implementation schedules for the achievement of
31 total maximum daily loads, compliance with the requirements of

1 s. 403.067, and compliance with applicable water quality
2 standards within the waters and watersheds subject to this
3 section.

4 (i) Legislative ratification.--The coordinating
5 agencies shall submit the Phase II technical plan developed
6 pursuant to paragraph (b) to the President of the Senate and
7 the Speaker of the House of Representatives prior to the 2008
8 legislative session for review. If the Legislature takes no
9 action on the plan during the 2008 legislative session, the
10 plan is deemed approved and may be implemented.

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

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

1 opportunities provided by federal and local government
2 cost-sharing programs and opportunities for partnerships with
3 the private sector and local government. The plan shall
4 include a goal for salinity envelopes and freshwater inflow
5 targets for the estuaries based upon existing research and
6 documentation. This goal shall seek to reduce the frequency
7 and duration of undesirable salinity ranges while meeting the
8 other water-related needs of the region, including water
9 supply and flood protection, while recognizing the extent to
10 which water inflows are within the control and jurisdiction of
11 the district.

12 (a) Caloosahatchee River Watershed Protection
13 Plan.--No later than January 1, 2009, the district, in
14 cooperation with the other coordinating agencies, Lee County,
15 and affected counties and municipalities, shall complete a
16 River Watershed Protection Plan in accordance with this
17 subsection. The plan shall identify the geographic extent of
18 the watershed, be coordinated as needed with the plans
19 developed pursuant to subsection (3)(a) and paragraph (b) of
20 this subsection, and contain an implementation schedule for
21 pollutant load reductions consistent with any adopted total
22 maximum daily loads and compliance with applicable state water
23 quality standards. The plan shall include:

24 1. Caloosahatchee River Watershed Construction
25 Project.--To improve the hydrology, water quality, and
26 habitats, the district shall, no later than January 1, 2012,
27 plan, design, and construct the initial phase of the Watershed
28 Construction Project. In doing so, the district shall:

29 a. Develop and designate the facilities to be
30 constructed to achieve stated goals and objectives of the
31 Caloosahatchee River Watershed Protection Plan.

1 b. Conduct scientific studies that are necessary to
2 support the design of the Caloosahatchee River Watershed
3 Construction Project facilities.

4 c. Identify the size and location of all such
5 facilities.

6 d. Provide a construction schedule for all such
7 facilities, including the sequencing and specific timeframe
8 for construction of each facility.

9 e. Provide a schedule for the acquisition of lands or
10 sufficient interests necessary to achieve the construction
11 schedule.

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

14 g. To ensure timely implementation, coordinate the
15 design, scheduling, and sequencing of project facilities with
16 the coordinating agencies, Lee County, other affected counties
17 and municipalities, and other affected parties.

18 2. Caloosahatchee River Watershed Pollutant Control
19 Program.--The Caloosahatchee River Watershed Pollutant Control
20 Program is designed to be a multifaceted approach to reducing
21 pollutant loads by improving the management of pollutant
22 sources within the Caloosahatchee River watershed through
23 implementation of regulations and best management practices,
24 development and implementation of improved best management
25 practices, improvement and restoration of the hydrologic
26 function of natural and managed systems, and utilization of
27 alternative technologies for pollutant reduction, such as
28 cost-effective biologically based nutrient control
29 technologies. The coordinating agencies shall facilitate the
30 utilization of federal programs that offer opportunities for
31

1 water quality treatment, including preservation, restoration,
2 or creation of wetlands on agricultural lands.

3 a. Nonpoint source best management practices
4 consistent with paragraph (3)(c), designed to achieve the
5 objectives of the Caloosahatchee River Watershed Protection
6 Program, shall be implemented on an expedited basis. The
7 coordinating agencies may develop an intergovernmental
8 agreement with local governments to implement the
9 nonagricultural, nonpoint-source best management practices
10 within their respective geographic boundaries.

11 b. This subsection does not preclude the department or
12 the district from requiring compliance with water quality
13 standards, adopted total maximum daily loads, or current
14 best-management-practices requirements set forth in any
15 applicable regulatory program authorized by law for the
16 purpose of protecting water quality. This subsection applies
17 only to the extent that it does not conflict with any rules
18 adopted by the department or district which are necessary to
19 maintain a federally delegated or approved program.

20 c. Projects that make use of private lands, or lands
21 held in trust for Indian tribes, to reduce pollutant loadings
22 or concentrations within a basin, or that reduce the volume of
23 harmful discharges by one or more of the following methods:
24 restoring the natural hydrology of the basin, restoring
25 wildlife habitat or impacted wetlands, reducing peak flows
26 after storm events, or increasing aquifer recharge, are
27 eligible for grants available under this section from the
28 coordinating agencies.

29 d. The Caloosahatchee River Watershed Pollutant
30 Control Program shall require assessment of current water
31 management practices within the estuary watershed and shall

1 require development of recommendations for structural,
2 nonstructural, and operational improvements. Such
3 recommendations shall consider and balance water supply, flood
4 control, estuarine salinity, estuarine habitat, and water
5 quality considerations.

6 e. After December 31, 2007, the department may not
7 authorize the disposal of domestic wastewater residuals within
8 the Caloosahatchee River watershed unless the applicant can
9 affirmatively demonstrate that the nutrients in the residuals
10 will not add to nutrient loadings in the watershed. This
11 demonstration shall be based on achieving a net balance
12 between nutrient imports relative to exports on the permitted
13 application site. Exports shall include only nutrients removed
14 from the watershed through products generated on the permitted
15 application site. This prohibition does not apply to Class AA
16 residuals that are marketed and distributed as fertilizer
17 products in accordance with department rule.

18 f. The Department of Health shall require all entities
19 disposing of septage within the Caloosahatchee River watershed
20 to develop and submit to that agency an agricultural use plan
21 that limits applications based upon nutrient loading. By July
22 1, 2008, nutrient concentrations originating from these
23 application sites may not exceed the limits established in the
24 district's WOD program.

25 g. The Department of Agriculture and Consumer Services
26 shall initiate rulemaking requiring entities within the
27 Caloosahatchee River watershed which land-apply animal manure
28 to develop a resource management system level conservation
29 plan, according to United States Department of Agriculture
30 criteria which limits such application. Such rules may include
31 criteria and thresholds for the requirement to develop a

1 conservation or nutrient management plan, requirements for
2 plan approval, and recordkeeping requirements.

3 3. Caloosahatchee River Watershed Research and Water
4 Quality Monitoring Program.--The district, in cooperation with
5 the other coordinating agencies and local governments, shall
6 establish a Caloosahatchee River Watershed Research and Water
7 Quality Monitoring Program that builds upon the district's
8 existing research program and that is sufficient to carry out,
9 comply with, or assess the plans, programs, and other
10 responsibilities created by this subsection. The program shall
11 also conduct an assessment of the water volumes and timing
12 from the Lake Okeechobee and Caloosahatchee River watersheds
13 and their relative contributions to the timing and volume of
14 water delivered to the estuary.

15 (b) St. Lucie River Watershed Protection Plan.--No
16 later than January 1, 2009, the district, in cooperation with
17 the other coordinating agencies, Martin County, and affected
18 counties and municipalities shall complete a plan in
19 accordance with this subsection. The plan shall identify the
20 geographic extent of the watershed, be coordinated as needed
21 with the plans developed pursuant to paragraph (3)(a) and
22 paragraph (a) of this subsection, and contain an
23 implementation schedule for pollutant load reductions
24 consistent with any adopted total maximum daily loads and
25 compliance with applicable state water quality standards. The
26 plan shall include:

27 1. St. Lucie River Watershed Construction Project.--To
28 improve the hydrology, water quality, and habitats, the
29 district shall, no later than January 1, 2012, plan, design,
30 and construct the initial phase of Watershed Construction
31 Project. In doing so, the district shall:

1 a. Develop and designate the facilities to be
2 constructed to achieve stated goals and objectives of the St.
3 Lucie River Watershed Protection Plan.

4 b. Identify the size and location of all such
5 facilities.

6 c. Provide a construction schedule for all such
7 facilities, including the sequencing and specific timeframe
8 for construction of each facility.

9 d. Provide a schedule for the acquisition of lands or
10 sufficient interests necessary to achieve the construction
11 schedule.

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

14 f. To ensure timely implementation, coordinate the
15 design, scheduling, and sequencing of project facilities with
16 the coordinating agencies, Martin County, St. Lucie County,
17 other interested parties, and other affected local
18 governments.

19 2. St. Lucie River Watershed Pollutant Control
20 Program.--The St. Lucie River Watershed Pollutant Control
21 Program is designed to be a multifaceted approach to reducing
22 pollutant loads by improving the management of pollutant
23 sources within the St. Lucie River watershed through
24 implementation of regulations and best management practices,
25 development and implementation of improved best management
26 practices, improvement and restoration of the hydrologic
27 function of natural and managed systems, and utilization of
28 alternative technologies for pollutant reduction, such as
29 cost-effective biologically based nutrient control
30 technologies. The coordinating agencies shall facilitate the
31 utilization of federal programs that offer opportunities for

1 water quality treatment, including preservation, restoration,
2 or creation of wetlands on agricultural lands.

3 a. Nonpoint source best management practices
4 consistent with paragraph (3)(c), designed to achieve the
5 objectives of the St. Lucie River Watershed Protection
6 Program, shall be implemented on an expedited basis. The
7 coordinating agencies may develop an intergovernmental
8 agreement with local governments to implement the
9 nonagricultural nonpoint source best management practices
10 within their respective geographic boundaries.

11 b. This subsection does not preclude the department or
12 the district from requiring compliance with water quality
13 standards, adopted total maximum daily loads, or current
14 best-management-practices requirements set forth in any
15 applicable regulatory program authorized by law for the
16 purpose of protecting water quality. This subsection applies
17 only to the extent that it does not conflict with any rules
18 adopted by the department or district which are necessary to
19 maintain a federally delegated or approved program.

20 c. Projects that make use of private lands, or lands
21 held in trust for Indian tribes, to reduce pollutant loadings
22 or concentrations within a basin, or that reduce the volume of
23 harmful discharges by one or more of the following methods:
24 restoring the natural hydrology of the basin, restoring
25 wildlife habitat or impacted wetlands, reducing peak flows
26 after storm events, or increasing aquifer recharge, are
27 eligible for grants available under this section from the
28 coordinating agencies.

29 d. The St. Lucie River Watershed Pollutant Control
30 Program shall require assessment of current water management
31 practices within the estuary watershed and shall require

1 development of recommendations for structural, nonstructural,
2 and operational improvements. Such recommendations shall
3 consider and balance water supply, flood control, estuarine
4 salinity, estuarine habitat, and water quality considerations.

5 e. After December 31, 2007, the department may not
6 authorize the disposal of domestic wastewater residuals within
7 the St. Lucie River watershed unless the applicant can
8 affirmatively demonstrate that the nutrients in the residuals
9 will not add to nutrient loadings in the watershed. This
10 demonstration shall be based on achieving a net balance
11 between nutrient imports relative to exports on the permitted
12 application site. Exports shall include only nutrients removed
13 from the St. Lucie River watershed through products generated
14 on the permitted application site. This prohibition does not
15 apply to Class AA residuals that are marketed and distributed
16 as fertilizer products in accordance with department rule.

17 f. The Department of Health shall require all entities
18 disposing of septage within the St. Lucie River watershed to
19 develop and submit to that agency an agricultural use plan
20 that limits applications based upon nutrient loading. By July
21 1, 2008, nutrient concentrations originating from these
22 application sites may not exceed the limits established in the
23 district's WOD program.

24 g. The Department of Agriculture and Consumer Services
25 shall initiate rulemaking requiring entities within the St.
26 Lucie River watershed which land-apply animal manure to
27 develop a resource management system level conservation plan,
28 according to United States Department of Agriculture criteria,
29 which limit such application. Such rules may include criteria
30 and thresholds for the requirement to develop a conservation
31

1 or nutrient management plan, requirements for plan approval,
2 and recordkeeping requirements.

3 3. St. Lucie River Watershed Research and Water
4 Quality Monitoring Program.--The district, in cooperation with
5 the other coordinating agencies and local governments, shall
6 establish a St. Lucie River Watershed Research and Water
7 Quality Monitoring Program that builds upon the district's
8 existing research program and that is sufficient to carry out,
9 comply with, or assess the plans, programs, and other
10 responsibilities created by this subsection. The program shall
11 also conduct an assessment of the water volumes and timing
12 from the Lake Okeechobee and St. Lucie River watersheds and
13 their relative contributions to the timing and volume of water
14 delivered to the estuary.

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

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

1 reduction goals, as well as any other specific objectives and
2 goals, as stated in the River Watershed Protection Plans.
3 Additionally, the district shall identify modifications to
4 facilities of the River Watershed Construction Projects, as
5 appropriate, or any other elements of the River Watershed
6 Protection Plans. The evaluation shall be included in the
7 annual progress report submitted pursuant to this section.

8 (e) Priorities and implementation schedules.--The
9 coordinating agencies are authorized and directed to establish
10 priorities and implementation schedules for the achievement of
11 total maximum daily loads, the requirements of s. 403.067, and
12 compliance with applicable water quality standards within the
13 waters and watersheds subject to this section.

14 (f) Legislative ratification.--The coordinating
15 agencies shall submit the River Watershed Protection Plans
16 developed pursuant to paragraphs (a) and (b) to the President
17 of the Senate and Speaker of the House of Representatives
18 prior to the 2008 legislative session for review. If the
19 Legislature takes no action on the plan during the 2008
20 legislative session, the plan is deemed approved and may be
21 implemented.

22 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
23 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.--The
24 department is directed to expedite development and adoption of
25 total maximum daily loads for the Caloosahatchee River and
26 estuary. The department is further directed to, no later than
27 December 31, 2008, propose for final agency action, total
28 maximum daily loads for nutrients in the tidal portions of the
29 Caloosahatchee River and estuary. The department shall
30 initiate development of basin management action plans as
31 provided in s. 403.067(7)(a) as follows:

1 (a) Basin management action plans shall be developed
2 as soon as practicable as determined necessary by the
3 department to achieve the total maximum daily loads
4 established for the Lake Okeechobee watershed and the
5 estuaries.

6 (b) The Phase II technical plan development pursuant
7 to paragraph (3)(b), and the River Watershed Protection Plans
8 developed pursuant to paragraphs (4)(a) and (b), shall provide
9 the basis for basin management action plans developed by the
10 department.

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

16 (d) Development of basin management action plans that
17 implement the provisions of the legislatively ratified plans
18 shall be initiated by the department no later than September
19 30 of the year in which the applicable plan is ratified. Where
20 a total maximum daily load has not been established at the
21 time of plan ratification, development of basin management
22 action plans shall be initiated no later than 90 days
23 following adoption of the applicable total maximum daily load.

24 (6) ANNUAL PROGRESS REPORT.--Each March 1 the district
25 shall report on implementation of this section as part of the
26 consolidated annual report required in s. 373.036(7). The
27 annual report shall include a summary of water quality and
28 habitat conditions in the northern Everglades based on the
29 results of the Research and Water Quality Monitoring Programs,
30 the status of the Lake Okeechobee Watershed Construction
31 Project, the status of the Caloosahatchee River Watershed

1 Construction Project, and the status of the St. Lucie River
2 Watershed Construction Project. In addition, the report shall
3 contain an annual accounting of the expenditure of funds from
4 the Save Our Everglades Trust Fund. At a minimum, the annual
5 report shall provide detail by program and plan, including
6 specific information concerning the amount and use of funds
7 from federal, state, or local government sources. In detailing
8 the use of these funds, the district shall indicate those
9 designated to meet requirements for matching funds. The
10 district shall prepare the report in cooperation with the
11 other coordinating agencies and affected local governments.

12 ~~(7)~~(4) LAKE OKEECHOBEE PROTECTION PERMITS.--

13 (a) The Legislature finds that the Lake Okeechobee
14 Protection Program will benefit Lake Okeechobee and downstream
15 receiving waters and is consistent with the public interest.
16 The Lake Okeechobee Construction Project and structures
17 discharging into or from Lake Okeechobee shall be constructed,
18 operated, and maintained in accordance with this section.

19 (b) Permits obtained pursuant to this section are in
20 lieu of all other permits under this chapter or chapter 403,
21 except those issued under s. 403.0885, if applicable. No
22 additional permits are required for the Lake Okeechobee
23 Construction Project or structures discharging into or from
24 Lake Okeechobee, if permitted under this section. Construction
25 activities related to implementation of the Lake Okeechobee
26 Construction Project may be initiated prior to final agency
27 action, or notice of intended agency action, on any permit
28 from the department under this section.

29 (c) Within 90 days of completion of the diversion
30 plans set forth in Department Consent Orders 91-0694, 91-0707,
31 91-0706, 91-0705, and RT50-205564, owners or operators of

1 existing structures which discharge into or from Lake
2 Okeechobee that are subject to the provisions of s.
3 373.4592(4)(a) shall apply for a permit from the department to
4 operate and maintain such structures. By September 1, 2000,
5 owners or operators of all other existing structures which
6 discharge into or from Lake Okeechobee shall apply for a
7 permit from the department to operate and maintain such
8 structures. The department shall issue one or more such
9 permits for a term of 5 years upon the demonstration of
10 reasonable assurance that schedules and strategies to achieve
11 and maintain compliance with water quality standards have been
12 provided for, to the maximum extent practicable, and that
13 operation of the structures otherwise complies with provisions
14 of ss. 373.413 and 373.416.

15 1. Permits issued under this paragraph shall also
16 contain reasonable conditions to ensure that discharges of
17 waters through structures:

- 18 a. Are adequately and accurately monitored;
- 19 b. Will not degrade existing Lake Okeechobee water
20 quality and will result in an overall reduction of phosphorus
21 input into Lake Okeechobee, as set forth in the district's
22 Technical Publication 81-2 and the total maximum daily load
23 established in accordance with s. 403.067, to the maximum
24 extent practicable; and
- 25 c. Do not pose a serious danger to public health,
26 safety, or welfare.

27 2. For the purposes of this paragraph, owners and
28 operators of existing structures which are subject to the
29 provisions of s. 373.4592(4)(a) and which discharge into or
30 from Lake Okeechobee shall be deemed in compliance with the
31 term "maximum extent practicable" if they are in full

1 compliance with the conditions of permits under chapters
2 40E-61 and 40E-63, Florida Administrative Code.

3 3. By January 1, 2004, the district shall submit to
4 the department a permit modification to the Lake Okeechobee
5 structure permits to incorporate proposed changes necessary to
6 ensure that discharges through the structures covered by this
7 permit achieve state water quality standards, including the
8 total maximum daily load established in accordance with s.
9 403.067. These changes shall be designed to achieve such
10 compliance with state water quality standards no later than
11 January 1, 2015.

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

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

23 2. For water quality standards other than phosphorus,
24 the quality of water discharged from the facility is of equal
25 or better quality than the inflows;

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

28 4. Any impacts on wetlands or state-listed species
29 resulting from implementation of that facility of the Lake
30 Okeechobee Construction Project are minimized and mitigated,
31 as appropriate.

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

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

7 (g) Permits issued pursuant to this section may be
8 modified, as appropriate, upon review and approval by the
9 department.

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

24 ~~(9)(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE
25 EVERGLADES.--Nothing in this section shall be construed to
26 modify any provision of s. 373.4592.

27 ~~(10)(7)~~ RIGHTS OF SEMINOLE TRIBE OF FLORIDA.--Nothing
28 in this section is intended to diminish or alter the
29 governmental authority and powers of the Seminole Tribe of
30 Florida, or diminish or alter the rights of that tribe,
31 including, but not limited to, rights under the water rights

1 compact among the Seminole Tribe of Florida, the state, and
2 the South Florida Water Management District as enacted by Pub.
3 L. No. 100-228, 101 Stat. 1556, and chapter 87-292, Laws of
4 Florida, and codified in s. 285.165, and rights under any
5 other agreement between the Seminole Tribe of Florida and the
6 state or its agencies. No land of the Seminole Tribe of
7 Florida shall be used for water storage or stormwater
8 treatment without the consent of the tribe.

9 ~~(11)(8)~~ RELATIONSHIP TO STATE WATER QUALITY

10 STANDARDS.--Nothing in this section shall be construed to
11 modify any existing state water quality standard or to modify
12 the provisions of s. 403.067(6) and (7)(a).

13 ~~(12)~~ RULES.--The governing board of the district is
14 authorized to adopt rules pursuant to ss. 120.536(1) AND
15 120.54 to implement the provisions of the chapter.

16 ~~(13)(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this
17 section shall be construed to restrict the authority otherwise
18 granted to agencies pursuant to chapters 373 and 403, and
19 provisions of this section shall be deemed supplemental to the
20 authority granted to agencies pursuant to chapters 373 and
21 403.

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

24 373.470 Everglades restoration.--

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

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

28 ~~(b)(a)~~ "Comprehensive plan" means the recommended
29 comprehensive plan contained within the "Final Integrated
30 Feasibility Report and Programmatic Environmental Impact
31

1 Statement, April 1999" and submitted to Congress on July 1,
2 1999.

3 ~~(c)(b)~~ "Corps" means the United States Army Corps of
4 Engineers.

5 ~~(d)(e)~~ "District" means the South Florida Water
6 Management District.

7 (e) "Lake Okeechobee Watershed Protection Plan" means
8 the plan developed pursuant to s. 375.4595 and ss.
9 373.451-373.459.

10 ~~(f)(d)~~ "Project" means the Central and Southern
11 Florida Project authorized under the heading "CENTRAL AND
12 SOUTHERN FLORIDA" in s. 203 of the Flood Control Act of 1948
13 (62 Stat. 1176), and any modification to the project
14 authorized by law.

15 ~~(g)(e)~~ "Project component" means any structural or
16 operational change, resulting from the comprehensive plan, to
17 the project as it existed and was operated as of January 1,
18 1999.

19 ~~(h)(f)~~ "Project implementation report" means the
20 project implementation report as described in the "Final
21 Integrated Feasibility Report and Programmatic Environmental
22 Impact Statement, April 1999" and submitted to Congress on
23 July 1, 1999.

24 (i) "River Watershed Protection Plans" means the
25 Caloosahatchee River Watershed Protection Plan and the St.
26 Lucie River Watershed Protection Plan as defined in this
27 subsection.

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

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

1 (a) The Legislature intends to establish a full and
2 equal partnership between the state and federal governments
3 for the implementation of the comprehensive plan.

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

6 1. Reflect new scientific knowledge, the results of
7 pilot projects, and the results of new and continuing
8 feasibility studies with the Corps; and

9 2. Ensure that project components will be implemented
10 to achieve the purposes provided in the Federal Water Resource
11 Development Act of 1996 that include restoring, preserving,
12 and protecting the South Florida ecosystem, providing for the
13 protection of water quality in and the reduction of the loss
14 of fresh water from the Everglades, and providing such
15 features as are necessary to meet the other water-related
16 needs of the region, including flood control, the enhancement
17 of water supplies, and other objectives served by the project.

18 (c) Prior to executing a project cooperation agreement
19 with the Corps for the construction of a project component,
20 the district, in cooperation with the Corps, shall complete a
21 project implementation report to address the project
22 component's economic and environmental benefits, engineering
23 feasibility, and other factors provided in s. 373.1501
24 sufficient to allow the district to obtain approval under s.
25 373.026. Each project implementation report shall also
26 identify the increase in water supplies resulting from the
27 project component. The additional water supply shall be
28 allocated or reserved by the district under chapter 373.

29 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED
30 FOR DEPOSIT.--The following funds may be deposited into the
31 Save Our Everglades Trust Fund created by s. 373.472 to

1 finance implementation of the comprehensive plan, the Lake
2 Okeechobee Watershed Protection Plan, and the River Watershed
3 Protection Plans:

4 ~~(a)~~ ~~In fiscal year 2000-2001, funds described in s.~~
5 ~~259.101(3).~~

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

7 ~~(b)(c)~~ Federal funds appropriated by Congress for
8 implementation of the comprehensive plan, the Lake Okeechobee
9 Watershed Protection Plan, or the River Watershed Protection
10 Plans.

11 ~~(c)(d)~~ Any additional funds appropriated by the
12 Legislature for the purpose of implementing the comprehensive
13 plan, the Lake Okeechobee Watershed Protection Plan, or the
14 River Watershed Protection Plans.

15 ~~(d)(e)~~ Gifts designated for implementation of the
16 comprehensive plan, the Lake Okeechobee Watershed Protection
17 Plan, or the River Watershed Protection Plans from
18 individuals, corporations, or other entities.

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

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

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

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

29 ~~(c)3-~~ As an alternative to paragraph (b) subparagraph
30 ~~2-~~, proceeds of bonds issued under s. 215.619 may be deposited
31 into the Save Our Everglades Trust Fund created under s.

1 373.472. To enhance flexibility, funds to be deposited into
2 the Save Our Everglades Trust Fund may consist of any
3 combination of state funds and Everglades restoration bonds.

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

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

11 373.472 Save Our Everglades Trust Fund.--

12 (1) There is created within the Department of
13 Environmental Protection the Save Our Everglades Trust Fund.
14 Funds in the trust fund shall be expended to implement the
15 comprehensive plan defined in s. 373.470(2)(a), the Lake
16 Okeechobee Watershed Protection Plan defined in s.
17 373.4595(2), the Caloosahatchee River Watershed Protection
18 Plan defined in s. 373.4595(2), and the St. Lucie River
19 Watershed Protection Plan defined in s. 373.4595(2), and to
20 pay debt service for Everglades restoration bonds issued
21 pursuant to s. 215.619. The trust fund shall serve as the
22 repository for state, local, and federal project contributions
23 in accordance with s. 373.470(4).

24 Section 6. This act shall take effect July 1, 2007.
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 392

The committee substitute substantially amends s. 373.4595, F.S., the Lake Okeechobee Protection Act. The existing Phase II of the Lake Okeechobee Protection Plan is modified to require that the plan be modified to reflect the following: new measurements; additional detail on project schedules; an identification of additional types of projects to be considered; and the creation of the Total Maximum Daily Load program. In addition, the modified plan is to be submitted to the Legislature for ratification during the 2008 regular session.

The committee substitute creates two new water protection programs one for the Caloosahatchee River watershed and the other for the St. Lucie River watershed. Each protection program contains a series of sub-component programs. these are: a watershed protection plan; a watershed construction project; a watershed pollutant control program; and a watershed research and water quality monitoring program. Requirements of the programs, goals, and objectives are also created.

Finally, the committee substitute modifies provisions related to the Save Our Everglades Trust Fund to allow for the deposit and expenditure of funds related to the new protection programs.