

By the Committees on General Government Appropriations; Environmental Preservation and Conservation; and Senators Saunders and Gaetz

601-2088-07

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; extending the period of time in  
18 which funds may be deposited into the trust  
19 fund; providing for additional distributions  
20 from the trust fund; providing an effective  
21 date.

22  
23 Be It Enacted by the Legislature of the State of Florida:

24  
25 Section 1. Subsections (1) and (6) of section 215.619,  
26 Florida Statutes, are amended to read:

27 215.619 Bonds for Everglades restoration.--

28 (1) The issuance of Everglades restoration bonds to  
29 finance or refinance the cost of acquisition and improvement  
30 of land, water areas, and related property interests and  
31 resources for the purpose of implementing the Comprehensive

1 Everglades Restoration Plan under s. 373.470, the Lake  
2 Okeechobee Watershed Protection Plan under s. 373.4595, the  
3 Caloosahatchee River Watershed Protection Plan under s.  
4 373.4595, and the St. Lucie River Watershed Protection Plan  
5 under s. 373.4595 is authorized in accordance with s. 11(e),  
6 Art. VII of the State Constitution. Everglades restoration  
7 bonds, except refunding bonds, may be issued only in fiscal  
8 years 2002-2003 through 2009-2010 and may not be issued in an  
9 amount exceeding \$100 million per fiscal year unless the  
10 Department of Environmental Protection has requested  
11 additional amounts in order to achieve cost savings or  
12 accelerate the purchase of land. The duration of Everglades  
13 restoration bonds may not exceed 20 annual maturities, and  
14 those bonds must mature by December 31, 2030. Except for  
15 refunding bonds, a series of bonds may not be issued unless an  
16 amount equal to the debt service coming due in the year of  
17 issuance has been appropriated by the Legislature.

18 (6) Lands purchased using bond proceeds under this  
19 ~~section paragraph~~ which are later determined by the South  
20 Florida Water Management District and the Department of  
21 Environmental Protection as not needed to implement the  
22 comprehensive plan, the Lake Okeechobee Watershed Protection  
23 Plan, the Caloosahatchee River Watershed Protection Plan, or  
24 the St. Lucie River Watershed Protection Plan, respectively,  
25 shall either be surplusd at no less than appraised value, and  
26 the proceeds from the sale of such lands shall be deposited  
27 into the Save Our Everglades Trust Fund to be used to  
28 implement the respective plans ~~comprehensive plan~~, or the  
29 South Florida Water Management District shall use a different  
30 source of funds to pay for or reimburse the Save Our  
31

1 Everglades Trust Fund for that portion of land not needed to  
2 implement the respective plans ~~comprehensive plan~~.

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

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

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

30 (b) To ensure to the greatest extent possible that  
31 project components will go forward as planned, the department

1 shall collaborate with the South Florida Water Management  
2 District in implementing the comprehensive plan as defined in  
3 s. 373.470(2)(a), the Lake Okeechobee Watershed Protection  
4 Plan as defined in s. 373.4595(2), and the River Watershed  
5 Protection Plans as defined in s. 373.4595(2). Before any  
6 project component is submitted to Congress for authorization  
7 or receives an appropriation of state funds, the department  
8 must approve, or approve with amendments, each project  
9 component within 60 days following formal submittal of the  
10 project component to the department. Prior to the release of  
11 state funds for the implementation of the comprehensive plan,  
12 department approval shall be based upon a determination of the  
13 South Florida Water Management District's compliance with s.  
14 373.1501(5). Once a project component is approved, the South  
15 Florida Water Management District shall provide to the Joint  
16 Legislative Committee on Everglades Oversight a schedule for  
17 implementing the project component, the estimated total cost  
18 of the project component, any existing federal or nonfederal  
19 credits, the estimated remaining federal and nonfederal share  
20 of costs, and an estimate of the amount of state funds that  
21 will be needed to implement the project component. All  
22 requests for an appropriation of state funds needed to  
23 implement the project component shall be submitted to the  
24 department, and such requests shall be included in the  
25 department's annual request to the Governor. Prior to the  
26 release of state funds for the implementation of the Lake  
27 Okeechobee Watershed Protection Plan or the River Watershed  
28 Protection Plans, on an annual basis, the South Florida Water  
29 Management District shall prepare an annual work plan as part  
30 of the consolidated annual report required in s. 373.036(7).  
31 Upon a determination by the secretary of the annual work

1 plan's consistency with the goals and objectives of s.  
2 373.4595, the secretary may approve the release of state  
3 funds. Any modifications to the annual work plan shall be  
4 submitted to the secretary for review and approval.

5 (c) Notwithstanding paragraph (b), the use of state  
6 funds for land purchases from willing sellers is authorized  
7 for projects within the South Florida Water Management  
8 District's approved 5-year plan of acquisition pursuant to s.  
9 373.59 or within the South Florida Water Management District's  
10 approved Florida Forever water management district work plan  
11 pursuant to s. 373.199.

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

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

21 Section 3. Section 373.4595, Florida Statutes, is  
22 amended to read:

23 373.4595 Northern Everglades and Estuaries Lake  
24 ~~Okeechobee~~ Protection Program.--

25 (1) FINDINGS AND INTENT.--

26 (a) The Legislature finds that the Lake Okeechobee  
27 watershed, the Caloosahatchee River watershed, and the St.  
28 Lucie River watershed are critical ~~is one of the most~~  
29 ~~important~~ water resources of the state, providing many  
30 economic, natural habitat, and biodiversity functions  
31 benefiting the public interest, including agricultural,

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

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

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

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

27 (e) The Legislature finds that phosphorus loads from  
28 the Lake Okeechobee watershed have contributed to excessive  
29 phosphorus levels throughout the ~~in~~ Lake Okeechobee watershed  
30 and downstream receiving waters and that a reduction in levels  
31 of phosphorus will benefit the ecology of these systems. The

1 excessive levels of phosphorus have also resulted in an  
2 accumulation of phosphorus in the sediments of Lake  
3 Okeechobee. If not removed, internal phosphorus loads from the  
4 sediments are expected to delay responses of the lake to  
5 external phosphorus reductions.

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

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

21 (h) The Legislature finds that the expeditious  
22 implementation of the Lake Okeechobee Watershed Protection  
23 Plan and the River Watershed Protection Plans is needed to  
24 improve the quality, quantity, timing, and distribution of  
25 water in the northern Everglades ecosystem and that this  
26 section, in conjunction with s. 403.067, including the  
27 implementation of the plans developed and approved pursuant to  
28 subsections (3) and (4), and any related basin management  
29 action plan developed and implemented pursuant to s.  
30 403.067(7)(a), provide a reasonable means of achieving the  
31



1 total maximum daily load requirements and achieving and  
2 maintaining compliance with state water quality standards.

3 ~~(g) The Legislature finds that this section, in~~  
4 ~~conjunction with s. 403.067, provides a reasonable means of~~  
5 ~~achieving and maintaining compliance with state water quality~~  
6 ~~standards.~~

7 ~~(i)(h)~~ The Legislature finds that the implementation  
8 of the programs contained in this section is for the benefit  
9 of the public health, safety, and welfare and is in the public  
10 interest.

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

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

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

1 ~~address other sources as needed to achieve the phased~~  
2 ~~phosphorus load reductions required under this section.~~

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

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

29 (n) It is the intent of the Legislature that the  
30 coordinating agencies encourage and support the development of  
31 creative public-private partnerships and programs, including

1 | opportunities for water storage and quality improvement on  
2 | private lands and water quality credit trading ~~pollutant~~  
3 | ~~trading and credits~~, to facilitate or further the restoration  
4 | of the surface water resources of the Lake Okeechobee  
5 | watershed, the Caloosahatchee River watershed, and the St.  
6 | Lucie River watershed, consistent with s. 403.067.

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

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

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

23 | (c)(b) "Coordinating agencies" means the Department of  
24 | Agriculture and Consumer Services, the Department of  
25 | Environmental Protection, and the South Florida Water  
26 | Management District.

27 | (d)(e) "Corps of Engineers" means the United States  
28 | Army Corps of Engineers.

29 | (e)(d) "Department" means the Department of  
30 | Environmental Protection.

31 |

1           ~~(f)(e)~~ "District" means the South Florida Water  
2 Management District.

3           ~~(g)(f)~~ "District's WOD program" means the program  
4 implemented pursuant to rules adopted as authorized by this  
5 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,  
6 373.113, 373.118, 373.451, and 373.453, entitled "Works of the  
7 District Basin."

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

11           ~~(i)(h)~~ "Lake Okeechobee Watershed Protection Plan"  
12 means the plan developed pursuant to this section and ss.  
13 373.451-373.459.

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

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

24           ~~(l)~~ "Northern Everglades" means the Lake Okeechobee  
25 watershed, the Caloosahatchee River watershed, and the St.  
26 Lucie River watershed.

27           ~~(m)(k)~~ "Project component" means any structural or  
28 operational change, resulting from the Restudy, to the Central  
29 and Southern Florida Project as it existed and was operated as  
30 of January 1, 1999.  
31

1           ~~(n)(1)~~ "Restudy" means the Comprehensive Review Study  
2 of the Central and Southern Florida Project, for which federal  
3 participation was authorized by the Federal Water Resources  
4 Development Acts of 1992 and 1996 together with related  
5 Congressional resolutions and for which participation by the  
6 South Florida Water Management District is authorized by s.  
7 373.1501. The term includes all actions undertaken pursuant to  
8 the aforementioned authorizations which will result in  
9 recommendations for modifications or additions to the Central  
10 and Southern Florida Project.

11           ~~(o)~~ "River Watershed Protection Plans" means the  
12 Caloosahatchee River Watershed Protection Plan and the St.  
13 Lucie River Watershed Protection Plan developed pursuant to  
14 this section.

15           ~~(p)~~ "St. Lucie River watershed" means the St. Lucie  
16 River, its tributaries, its estuary, and the area within  
17 Martin, Okeechobee, and St. Lucie Counties from which surface  
18 water flow is directed or drains, naturally or by constructed  
19 works, to the river, its tributaries, or its estuary.

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

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

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

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

30 |  
31 |

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

4           2. Relevant information resulting from the Lake  
5 Okeechobee Watershed Phosphorus Control Program, pursuant to  
6 paragraph (c).

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

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

13          5. Relevant information resulting from the Lake  
14 Okeechobee Internal Phosphorus Management Program, pursuant to  
15 paragraph (f).

16           (b) Lake Okeechobee Watershed Construction  
17 Project.--To improve the hydrology and water quality of Lake  
18 Okeechobee and downstream receiving waters, including the  
19 Caloosahatchee and St. Lucie Rivers and their estuaries, the  
20 district shall design and construct the Lake Okeechobee  
21 Watershed Construction Project.

22           1. Phase I.--Phase I of the Lake Okeechobee Watershed  
23 Construction Project shall consist of a series of project  
24 features consistent with the recommendations of the South  
25 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
26 Action Plan. Priority basins for such projects include S-191,  
27 S-154, and Pools D and E in the Lower Kissimmee River. In  
28 order to obtain phosphorus load reductions to Lake Okeechobee  
29 as soon as possible, the following actions shall be  
30 implemented:  
31

1           a. The district shall serve as a full partner with the  
2 Corps of Engineers in the design and construction of the  
3 Grassy Island Ranch and New Palm Dairy stormwater treatment  
4 facilities as components of the Lake Okeechobee Water  
5 Retention/Phosphorus Removal Critical Project. The Corps of  
6 Engineers shall have the lead in design and construction of  
7 these facilities. Should delays be encountered in the  
8 implementation of either of these facilities, the district  
9 shall notify the department and recommend corrective actions.

10           b. The district shall obtain permits and complete  
11 construction of two of the isolated wetland restoration  
12 projects that are part of the Lake Okeechobee Water  
13 Retention/Phosphorus Removal Critical Project. The additional  
14 isolated wetland projects included in this critical project  
15 shall further reduce phosphorus loading to Lake Okeechobee.

16           c. The district shall work with the Corps of Engineers  
17 to expedite initiation of the design process for the Taylor  
18 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
19 Area, a project component of the Comprehensive Everglades  
20 Restoration Plan Restudy. The district shall propose to the  
21 Corps of Engineers that the district take the lead in the  
22 design and construction of the Reservoir Assisted Stormwater  
23 Treatment Area and receive credit towards the local share of  
24 the total cost of the Comprehensive Everglades Restoration  
25 Plan Restudy.

26           2. Phase II.--~~By February 1, 2008,~~ the district, in  
27 cooperation with the other coordinating agencies ~~and the Corps~~  
28 ~~of Engineers~~, shall develop a detailed technical an  
29 ~~implementation~~ plan for Phase II of the Lake Okeechobee  
30 Watershed Construction Project. The detailed technical plan  
31 shall include measures for the improvement of the quality,



1 quantity, timing, and distribution of water in the northern  
2 Everglades ecosystem, including the Lake Okeechobee watershed  
3 and the estuaries, and for facilitating the achievement of  
4 water quality standards. Use of cost-effective biologically  
5 based nutrient control technologies shall be incorporated in  
6 the plan where appropriate. The detailed technical plan shall  
7 also include a Process Development and Engineering component  
8 to finalize the detail and design of Phase II projects and  
9 identify additional measures needed to increase the certainty  
10 that the overall objectives for improving water quality and  
11 quantity can be met. Based on information and recommendations  
12 from the Process Development and Engineering component, the  
13 Phase II detailed technical plan shall be periodically  
14 updated. Phase II shall include construction of additional  
15 facilities in the priority basins identified in subparagraph  
16 (b)1., as well as facilities for other basins in the Lake  
17 Okeechobee watershed. This detailed technical plan will  
18 require legislative ratification pursuant to paragraph (i).  
19 The technical ~~implementation~~ plan shall:  
20       a. Identify Lake Okeechobee Watershed Construction  
21 Project facilities designed to contribute to achieving all  
22 applicable total maximum daily loads established pursuant to  
23 s. 403.067 within the Lake Okeechobee watershed. ~~be~~  
24 ~~constructed to achieve a design objective of 40 parts per~~  
25 ~~billion (ppb) for phosphorus measured as a long term flow~~  
26 ~~weighted average concentration, unless an allocation has been~~  
27 ~~established pursuant to s. 403.067 for the Lake Okeechobee~~  
28 ~~total maximum daily load.~~  
29       b. Identify the size and location of all such Lake  
30 Okeechobee Watershed Construction Project facilities.  
31

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

6           d. Provide a ~~land acquisition~~ schedule for the  
7 acquisition of lands or sufficient interests ~~lands~~ necessary  
8 to achieve the construction schedule.

9           e. Provide a detailed schedule of costs associated  
10 with the construction schedule.

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

16           g. Provide for additional measures, including  
17 voluntary water storage and quality improvements on private  
18 land, to increase water storage and reduce excess water levels  
19 in Lake Okeechobee and to reduce excess discharges to the  
20 estuaries. The technical plan shall also develop the  
21 appropriate water quantity storage goal to achieve the desired  
22 Lake Okeechobee range of lake levels and inflow volumes to the  
23 Caloosahatchee and St. Lucie estuaries while meeting the other  
24 water-related needs of the region, including water supply and  
25 flood protection.

26           h. Provide for additional source controls needed to  
27 enhance performance of the Lake Okeechobee Watershed  
28 Construction Project facilities. Such additional source  
29 controls shall be incorporated into the Lake Okeechobee  
30 Watershed Phosphorous Control Program pursuant to paragraph  
31 (c).

1           3. Evaluation.--By January 1, 2004, and every 3 years  
2 thereafter, the district, in cooperation with the coordinating  
3 agencies, shall conduct an evaluation of any further  
4 ~~phosphorus~~ load reductions necessary to achieve compliance  
5 with all the Lake Okeechobee watershed total maximum daily  
6 loads ~~load~~ established pursuant to s. 403.067. Additionally,  
7 the district shall identify modifications to facilities of the  
8 Lake Okeechobee Watershed Construction Project as appropriate  
9 to meet the total maximum daily loads. ~~if the design objective~~  
10 ~~of 40 parts per billion (ppb) or the allocation established~~  
11 ~~pursuant to s. 403.067 for the Lake Okeechobee total maximum~~  
12 ~~daily load established pursuant to s. 403.067 is not being~~  
13 ~~met.~~ The evaluation shall be included in the applicable annual  
14 progress report submitted pursuant to subsection (6) ~~paragraph~~  
15 ~~(h)~~.

16           4. Coordination and review.--To ensure the timely  
17 implementation of the Lake Okeechobee Watershed Construction  
18 Project, the design of project facilities shall be coordinated  
19 with the department and other interested parties, including  
20 affected local governments, to the maximum extent practicable.  
21 Lake Okeechobee Watershed Construction Project facilities  
22 shall be reviewed and commented upon by the department prior  
23 to the execution of a construction contract by the district  
24 for that facility.

25           (c) Lake Okeechobee Watershed Phosphorus Control  
26 Program.--The Lake Okeechobee Watershed Phosphorus Control  
27 Program is designed to be a multifaceted approach to reducing  
28 phosphorus loads by improving the management of phosphorus  
29 sources within the Lake Okeechobee watershed through ~~continued~~  
30 implementation of ~~existing~~ regulations and best management  
31 practices, development and implementation of improved best

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

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

23         a. As provided in s. 403.067(7)(c), the Department of  
24 Agriculture and Consumer Services, in consultation with the  
25 department, the district, and affected parties, shall initiate  
26 rule development for interim measures, best management  
27 practices, conservation plans, nutrient management plans, or  
28 other measures necessary for Lake Okeechobee watershed total  
29 maximum daily phosphorus load reduction. The rule shall  
30 include thresholds for requiring conservation and nutrient  
31 management plans and criteria for the contents of such plans.

1 Development of agricultural nonpoint source best management  
2 practices shall initially focus on those priority basins  
3 listed in subparagraph (b)1. The Department of Agriculture and  
4 Consumer Services, in consultation with the department, the  
5 district, and affected parties, shall conduct an ongoing  
6 program for improvement of existing and development of new  
7 interim measures or best management practices for the purpose  
8 of adoption of such practices by rule. The Department of  
9 Agriculture and Consumer Services shall work with the  
10 University of Florida's Institute of Food and Agriculture  
11 Sciences to review and, where appropriate, develop revised  
12 nutrient application rates for all agricultural soil  
13 amendments in the watershed.

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

30  
31

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

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

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

25           a. The department and the district are directed to  
26 work with the University of Florida's Institute of Food and  
27 Agricultural Sciences to develop appropriate nutrient  
28 application rates for all nonagricultural soil amendments in  
29 the watershed. As provided in s. 403.067(7)(c), the  
30 department, in consultation with the district and affected  
31 parties, shall develop interim measures, best management

1 | practices, or other measures necessary for Lake Okeechobee  
2 | watershed total maximum daily phosphorus load reduction.  
3 | Development of nonagricultural nonpoint source best management  
4 | practices shall initially focus on those priority basins  
5 | listed in subparagraph (b)1. The department, the district, and  
6 | affected parties shall conduct an ongoing program for  
7 | improvement of existing and development of new interim  
8 | measures or best management practices. The district shall  
9 | adopt technology-based standards under the district's WOD  
10 | program for nonagricultural nonpoint sources of phosphorus.  
11 |       b. Where nonagricultural nonpoint source best  
12 | management practices or interim measures have been developed  
13 | by the department and adopted by the district, the owner or  
14 | operator of a nonagricultural nonpoint source shall implement  
15 | interim measures or best management practices and be subject  
16 | to the provisions of s. 403.067(7). The department and  
17 | district shall provide technical and financial assistance for  
18 | implementation of nonagricultural nonpoint source best  
19 | management practices, subject to the availability of funds.  
20 |       c. The district or the department shall conduct  
21 | monitoring at representative sites to verify the effectiveness  
22 | of nonagricultural nonpoint source best management practices.  
23 |       d. Where water quality problems are detected for  
24 | nonagricultural nonpoint sources despite the appropriate  
25 | implementation of adopted best management practices, the  
26 | department and the district shall institute a reevaluation of  
27 | the best management practices.  
28 |       3. The provisions of subparagraphs 1. and 2. shall not  
29 | preclude the department or the district from requiring  
30 | compliance with water quality standards or with current best  
31 | management practices requirements set forth in any applicable

1 regulatory program authorized by law for the purpose of  
2 protecting water quality. Additionally, subparagraphs 1. and  
3 2. are applicable only to the extent that they do not conflict  
4 with any rules promulgated by the department that are  
5 necessary to maintain a federally delegated or approved  
6 program.

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

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



1 easements, hydrologic restoration of wetlands, creating  
2 treatment wetlands, development of a management plan for  
3 natural resources, and financial support to implement a  
4 management plan.

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

26           b. Private and government-owned utilities within  
27 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
28 River, Okeechobee, Highlands, Hendry, and Glades Counties that  
29 dispose of wastewater residual sludge from utility operations  
30 and septic removal by land spreading in the Lake Okeechobee  
31 watershed may use a line item on local sewer rates to cover

1 | wastewater residual treatment and disposal if such disposal  
2 | and treatment is done by approved alternative treatment  
3 | methodology at a facility located within the areas designated  
4 | by the Governor as rural areas of critical economic concern  
5 | pursuant to s. 288.0656. This additional line item is an  
6 | environmental protection disposal fee above the present sewer  
7 | rate and shall not be considered a part of the present sewer  
8 | rate to customers, notwithstanding provisions to the contrary  
9 | in chapter 367. The fee shall be established by the county  
10 | commission or its designated assignee in the county in which  
11 | the alternative method treatment facility is located. The fee  
12 | shall be calculated to be no higher than that necessary to  
13 | recover the facility's prudent cost of providing the service.  
14 | Upon request by an affected county commission, the Florida  
15 | Public Service Commission will provide assistance in  
16 | establishing the fee. Further, for utilities and utility  
17 | authorities that use the additional line item environmental  
18 | protection disposal fee, such fee shall not be considered a  
19 | rate increase under the rules of the Public Service Commission  
20 | and shall be exempt from such rules. Utilities using the  
21 | provisions of this section may immediately include in their  
22 | sewer invoicing the new environmental protection disposal fee.  
23 | Proceeds from this environmental protection disposal fee shall  
24 | be used for treatment and disposal of wastewater residuals,  
25 | including any treatment technology that helps reduce the  
26 | volume of residuals that require final disposal, but such  
27 | proceeds shall not be used for transportation or shipment  
28 | costs for disposal or any costs relating to the land  
29 | application of residuals in the Lake Okeechobee watershed.  
30 |       c. No less frequently than once every 3 years, the  
31 | Florida Public Service Commission or the county commission

1 through the services of an independent auditor shall perform a  
2 financial audit of all facilities receiving compensation from  
3 an environmental protection disposal fee. The Florida Public  
4 Service Commission or the county commission through the  
5 services of an independent auditor shall also perform an audit  
6 of the methodology used in establishing the environmental  
7 protection disposal fee. The Florida Public Service Commission  
8 or the county commission shall, within 120 days after  
9 completion of an audit, file the audit report with the  
10 President of the Senate and the Speaker of the House of  
11 Representatives and shall provide copies to the county  
12 commissions of the counties set forth in sub-subparagraph b.  
13 The books and records of any facilities receiving compensation  
14 from an environmental protection disposal fee shall be open to  
15 the Florida Public Service Commission and the Auditor General  
16 for review upon request.

17           7. The Department of Health shall require all entities  
18 disposing of septage within the Lake Okeechobee watershed ~~and~~  
19 ~~the remaining areas of Okeechobee, Glades, and Hendry Counties~~  
20 to develop and submit to that agency an agricultural use plan  
21 that limits applications based upon phosphorus loading. By  
22 July 1, 2005, phosphorus concentrations originating from these  
23 application sites shall not exceed the limits established in  
24 the district's WOD program.

25           8. The Department of Agriculture and Consumer Services  
26 shall initiate rulemaking requiring entities within the Lake  
27 Okeechobee watershed ~~and the remaining areas of Okeechobee,~~  
28 ~~Glades, and Hendry Counties~~ which land-apply animal manure to  
29 develop resource management system level conservation plans,  
30 according to United States Department of Agriculture criteria,  
31 which ~~or nutrient management plans that~~ limit such

1 application, ~~based upon phosphorus loading~~. Such rules may  
2 include criteria and thresholds for the requirement to develop  
3 a conservation or nutrient management plan, requirements for  
4 plan approval, and recordkeeping requirements.

5         9. Prior to authorizing a discharge into works of the  
6 district, the district shall require responsible parties to  
7 demonstrate that proposed changes in land use will not result  
8 in increased phosphorus loading over that of existing land  
9 uses.

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

14         (d) Lake Okeechobee Watershed Research and Water  
15 Quality Monitoring Program.--The district, in cooperation with  
16 the other coordinating agencies, shall establish a Lake  
17 Okeechobee Watershed Research and Water Quality Monitoring  
18 Program that builds upon the district's existing Lake  
19 Okeechobee research program. The program shall:

20         1. Evaluate all available existing water quality data  
21 concerning total phosphorus in the Lake Okeechobee watershed,  
22 develop a water quality baseline to represent existing  
23 conditions for total phosphorus, monitor long-term ecological  
24 changes, including water quality for total phosphorus, and  
25 measure compliance with water quality standards for total  
26 phosphorus, including any applicable ~~the~~ total maximum daily  
27 load for the Lake Okeechobee watershed as established pursuant  
28 to s. 403.067. Every 3 years, the district shall reevaluate  
29 water quality and quantity data to ensure that the appropriate  
30 projects are being designated and implemented to meet the  
31 water quality and storage goals of the plan. The district

1 shall also implement a total phosphorus monitoring program at  
2 appropriate all-inflow structures owned or operated by the  
3 South Florida Water Management District and within the ~~to~~ Lake  
4 Okeechobee watershed.

5           2. Develop a Lake Okeechobee water quality model that  
6 reasonably represents phosphorus dynamics of the lake and  
7 incorporates an uncertainty analysis associated with model  
8 predictions.

9           3. Determine the relative contribution of phosphorus  
10 from all identifiable sources and all primary and secondary  
11 land uses.

12           4. Conduct an assessment of the sources of phosphorus  
13 from the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga,  
14 and their relative contribution to the water quality of Lake  
15 Okeechobee. The results of this assessment shall be used by  
16 the coordinating agencies to develop interim measures, best  
17 management practices, or regulation, as applicable.

18           5. Assess current water management practices within  
19 the Lake Okeechobee watershed and develop recommendations for  
20 structural and operational improvements. Such recommendations  
21 shall balance water supply, flood control, estuarine salinity,  
22 maintenance of a healthy lake littoral zone, and water quality  
23 considerations.

24           6. Evaluate the feasibility of alternative nutrient  
25 reduction technologies, including sediment traps, canal and  
26 ditch maintenance, fish production or other aquaculture,  
27 bioenergy conversion processes, and algal or other biological  
28 treatment technologies.

29           7. Conduct an assessment of the water volumes and  
30 timing from the Lake Okeechobee watershed and their relative  
31

1 contribution to the water level changes in Lake Okeechobee and  
2 to the timing and volume of water delivered to the estuaries.

3 (e) Lake Okeechobee Exotic Species Control  
4 Program.--The coordinating agencies shall identify the exotic  
5 species that threaten the native flora and fauna within the  
6 Lake Okeechobee watershed and develop and implement measures  
7 to protect the native flora and fauna.

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

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

1 funds or other nonstate funding, including public-private  
2 partnerships. Federal and other nonstate funding shall be  
3 maximized to the greatest extent practicable.

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

11 (i) Legislative ratification.--The coordinating  
12 agencies shall submit the Phase II technical plan developed  
13 pursuant to paragraph (b) to the President of the Senate and  
14 the Speaker of the House of Representatives prior to the 2008  
15 legislative session for review. If the Legislature takes no  
16 action on the plan during the 2008 legislative session, the  
17 plan is deemed approved and may be implemented.

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

27 (4) CALOOSAHATCHEE AND ST. LUCIE RIVER WATERSHED  
28 PROTECTION PROGRAM.--A protection program shall be developed  
29 and implemented as specified in this subsection. In order to  
30 protect and restore surface water resources, the program shall  
31 address the reduction of pollutant loadings, restoration of

1 natural hydrology, and compliance with applicable state water  
2 quality standards. The program shall be achieved through a  
3 phased program of implementation. In addition, pollutant load  
4 reductions based upon adopted total maximum daily loads  
5 established in accordance with s. 403.067 shall serve as a  
6 program objective. In the development and administration of  
7 the program, the coordinating agencies shall maximize  
8 opportunities provided by federal and local government  
9 cost-sharing programs and opportunities for partnerships with  
10 the private sector and local government. The plan shall  
11 include a goal for salinity envelopes and freshwater inflow  
12 targets for the estuaries based upon existing research and  
13 documentation. This goal shall seek to reduce the frequency  
14 and duration of undesirable salinity ranges while meeting the  
15 other water-related needs of the region, including water  
16 supply and flood protection, while recognizing the extent to  
17 which water inflows are within the control and jurisdiction of  
18 the district.

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

31



1           1. Caloosahatchee River Watershed Construction  
2 Project.--To improve the hydrology, water quality, and  
3 habitats, the district shall, no later than January 1, 2012,  
4 plan, design, and construct the initial phase of the Watershed  
5 Construction Project. In doing so, the district shall:  
6           a. Develop and designate the facilities to be  
7 constructed to achieve stated goals and objectives of the  
8 Caloosahatchee River Watershed Protection Plan.  
9           b. Conduct scientific studies that are necessary to  
10 support the design of the Caloosahatchee River Watershed  
11 Construction Project facilities.  
12           c. Identify the size and location of all such  
13 facilities.  
14           d. Provide a construction schedule for all such  
15 facilities, including the sequencing and specific timeframe  
16 for construction of each facility.  
17           e. Provide a schedule for the acquisition of lands or  
18 sufficient interests necessary to achieve the construction  
19 schedule.  
20           f. Provide a schedule of costs and benefits associated  
21 with each construction project and identify funding sources.  
22           g. To ensure timely implementation, coordinate the  
23 design, scheduling, and sequencing of project facilities with  
24 the coordinating agencies, Lee County, other affected counties  
25 and municipalities, and other affected parties.  
26           2. Caloosahatchee River Watershed Pollutant Control  
27 Program.--The Caloosahatchee River Watershed Pollutant Control  
28 Program is designed to be a multifaceted approach to reducing  
29 pollutant loads by improving the management of pollutant  
30 sources within the Caloosahatchee River watershed through  
31 implementation of regulations and best management practices,

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

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

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

27 c. Projects that make use of private lands, or lands  
28 held in trust for Indian tribes, to reduce pollutant loadings  
29 or concentrations within a basin, or that reduce the volume of  
30 harmful discharges by one or more of the following methods:  
31 restoring the natural hydrology of the basin, restoring

1 wildlife habitat or impacted wetlands, reducing peak flows  
2 after storm events, or increasing aquifer recharge, are  
3 eligible for grants available under this section from the  
4 coordinating agencies.

5 d. The Caloosahatchee River Watershed Pollutant  
6 Control Program shall require assessment of current water  
7 management practices within the estuary watershed and shall  
8 require development of recommendations for structural,  
9 nonstructural, and operational improvements. Such  
10 recommendations shall consider and balance water supply, flood  
11 control, estuarine salinity, estuarine habitat, and water  
12 quality considerations.

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

25 f. The Department of Health shall require all entities  
26 disposing of septage within the Caloosahatchee River watershed  
27 to develop and submit to that agency an agricultural use plan  
28 that limits applications based upon nutrient loading. By July  
29 1, 2008, nutrient concentrations originating from these  
30 application sites may not exceed the limits established in the  
31 district's WOD program.

1           g. The Department of Agriculture and Consumer Services  
2 shall initiate rulemaking requiring entities within the  
3 Caloosahatchee River watershed which land-apply animal manure  
4 to develop a resource management system level conservation  
5 plan, according to United States Department of Agriculture  
6 criteria which limits such application. Such rules may include  
7 criteria and thresholds for the requirement to develop a  
8 conservation or nutrient management plan, requirements for  
9 plan approval, and recordkeeping requirements.

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

22           (b) St. Lucie River Watershed Protection Plan.--No  
23 later than January 1, 2009, the district, in cooperation with  
24 the other coordinating agencies, Martin County, and affected  
25 counties and municipalities shall complete a plan in  
26 accordance with this subsection. The plan shall identify the  
27 geographic extent of the watershed, be coordinated as needed  
28 with the plans developed pursuant to paragraph (3)(a) and  
29 paragraph (a) of this subsection, and contain an  
30 implementation schedule for pollutant load reductions  
31 consistent with any adopted total maximum daily loads and

1 compliance with applicable state water quality standards. The  
2 plan shall include:

3 1. St. Lucie River Watershed Construction Project.--To  
4 improve the hydrology, water quality, and habitats, the  
5 district shall, no later than January 1, 2012, plan, design,  
6 and construct the initial phase of Watershed Construction  
7 Project. In doing so, the district shall:

8 a. Develop and designate the facilities to be  
9 constructed to achieve stated goals and objectives of the St.  
10 Lucie River Watershed Protection Plan.

11 b. Identify the size and location of all such  
12 facilities.

13 c. Provide a construction schedule for all such  
14 facilities, including the sequencing and specific timeframe  
15 for construction of each facility.

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

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

21 f. To ensure timely implementation, coordinate the  
22 design, scheduling, and sequencing of project facilities with  
23 the coordinating agencies, Martin County, St. Lucie County,  
24 other interested parties, and other affected local  
25 governments.

26 2. St. Lucie River Watershed Pollutant Control  
27 Program.--The St. Lucie River Watershed Pollutant Control  
28 Program is designed to be a multifaceted approach to reducing  
29 pollutant loads by improving the management of pollutant  
30 sources within the St. Lucie River watershed through  
31 implementation of regulations and best management practices,

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

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

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

27 c. Projects that make use of private lands, or lands  
28 held in trust for Indian tribes, to reduce pollutant loadings  
29 or concentrations within a basin, or that reduce the volume of  
30 harmful discharges by one or more of the following methods:  
31 restoring the natural hydrology of the basin, restoring

1 wildlife habitat or impacted wetlands, reducing peak flows  
2 after storm events, or increasing aquifer recharge, are  
3 eligible for grants available under this section from the  
4 coordinating agencies.

5 d. The St. Lucie River Watershed Pollutant Control  
6 Program shall require assessment of current water management  
7 practices within the estuary watershed and shall require  
8 development of recommendations for structural, nonstructural,  
9 and operational improvements. Such recommendations shall  
10 consider and balance water supply, flood control, estuarine  
11 salinity, estuarine habitat, and water quality considerations.

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

24 f. The Department of Health shall require all entities  
25 disposing of septage within the St. Lucie River watershed to  
26 develop and submit to that agency an agricultural use plan  
27 that limits applications based upon nutrient loading. By July  
28 1, 2008, nutrient concentrations originating from these  
29 application sites may not exceed the limits established in the  
30 district's WOD program.

31

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

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

22           (c) River Watershed Protection Plan  
23 implementation.--The coordinating agencies shall be jointly  
24 responsible for implementing the River Watershed Protection  
25 Plans, consistent with the statutory authority and  
26 responsibility of each agency. Annual funding priorities shall  
27 be jointly established, and the highest priority shall be  
28 assigned to programs and projects that have the greatest  
29 potential for achieving the goals and objectives of the plans.  
30 In determining funding priorities, the coordinating agencies  
31 shall also consider the need for regulatory compliance, the



1 extent to which the program or project is ready to proceed,  
2 and the availability of federal or local government matching  
3 funds. Federal and other nonstate funding shall be maximized  
4 to the greatest extent practicable.

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

15 (e) 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, the requirements of s. 403.067, and  
19 compliance with applicable water quality standards within the  
20 waters and watersheds subject to this section.

21 (f) Legislative ratification.--The coordinating  
22 agencies shall submit the River Watershed Protection Plans  
23 developed pursuant to paragraphs (a) and (b) to the President  
24 of the Senate and Speaker of the House of Representatives  
25 prior to the 2009 legislative session for review. If the  
26 Legislature takes no action on the plan during the 2009  
27 legislative session, the plan is deemed approved and may be  
28 implemented.

29 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY  
30 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.--The  
31 department is directed to expedite development and adoption of

1 total maximum daily loads for the Caloosahatchee River and  
2 estuary. The department is further directed to, no later than  
3 December 31, 2008, propose for final agency action, total  
4 maximum daily loads for nutrients in the tidal portions of the  
5 Caloosahatchee River and estuary. The department shall  
6 initiate development of basin management action plans as  
7 provided in s. 403.067(7)(a) as follows:

8 (a) Basin management action plans shall be developed  
9 as soon as practicable as determined necessary by the  
10 department to achieve the total maximum daily loads  
11 established for the Lake Okeechobee watershed and the  
12 estuaries.

13 (b) The Phase II technical plan development pursuant  
14 to paragraph (3)(b), and the River Watershed Protection Plans  
15 developed pursuant to paragraphs (4)(a) and (b), shall provide  
16 the basis for basin management action plans developed by the  
17 department.

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

23 (d) Development of basin management action plans that  
24 implement the provisions of the legislatively ratified plans  
25 shall be initiated by the department no later than September  
26 30 of the year in which the applicable plan is ratified. Where  
27 a total maximum daily load has not been established at the  
28 time of plan ratification, development of basin management  
29 action plans shall be initiated no later than 90 days  
30 following adoption of the applicable total maximum daily load.  
31

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

21           ~~(7)(4)~~ LAKE OKEECHOBEE PROTECTION PERMITS.--

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

28           (b) Permits obtained pursuant to this section are in  
29 lieu of all other permits under this chapter or chapter 403,  
30 except those issued under s. 403.0885, if applicable. No  
31 additional permits are required for the Lake Okeechobee

1 Construction Project or structures discharging into or from  
2 Lake Okeechobee, if permitted under this section. Construction  
3 activities related to implementation of the Lake Okeechobee  
4 Construction Project may be initiated prior to final agency  
5 action, or notice of intended agency action, on any permit  
6 from the department under this section.

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

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

- 27 a. Are adequately and accurately monitored;  
28 b. Will not degrade existing Lake Okeechobee water  
29 quality and will result in an overall reduction of phosphorus  
30 input into Lake Okeechobee, as set forth in the district's  
31 Technical Publication 81-2 and the total maximum daily load

1 established in accordance with s. 403.067, to the maximum  
2 extent practicable; and

3 c. Do not pose a serious danger to public health,  
4 safety, or welfare.

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

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

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

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

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

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

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

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

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

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

19           ~~(8)(5)~~ RESTRICTIONS ON WATER DIVERSIONS.--The South  
20 Florida Water Management District shall not divert waters to  
21 the St. Lucie River, the Indian River estuary, the  
22 Caloosahatchee River or its estuary, or the Everglades  
23 National Park, in such a way that the state water quality  
24 standards are violated, that the nutrients in such diverted  
25 waters adversely affect indigenous vegetation communities or  
26 wildlife, or that fresh waters diverted to the St. Lucie River  
27 or the Caloosahatchee or Indian River estuaries adversely  
28 affect the estuarine vegetation or wildlife, unless the  
29 receiving waters will biologically benefit by the diversion.  
30 However, diversion is permitted when an emergency is declared  
31

1 | by the water management district, if the Secretary of  
2 | Environmental Protection concurs.

3 |       ~~(9)(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE  
4 | EVERGLADES.--Nothing in this section shall be construed to  
5 | modify any provision of s. 373.4592.

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

19 |       ~~(11)(8)~~ RELATIONSHIP TO STATE WATER QUALITY  
20 | STANDARDS.--Nothing in this section shall be construed to  
21 | modify any existing state water quality standard or to modify  
22 | the provisions of s. 403.067(6) and (7)(a).

23 |       ~~(12)~~ RULES.--The governing board of the district is  
24 | authorized to adopt rules pursuant to ss. 120.536(1) and  
25 | 120.54 to implement the provisions of the chapter.

26 |       ~~(13)(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this  
27 | section shall be construed to restrict the authority otherwise  
28 | granted to agencies pursuant to chapters 373 and 403, and  
29 | provisions of this section shall be deemed supplemental to the  
30 | authority granted to agencies pursuant to chapters 373 and  
31 | 403.

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

3           373.470 Everglades restoration.--

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

5           ~~(a)~~ "Caloosahatchee River Watershed Protection Plan"  
6 means the plan developed pursuant to s. 373.4595.

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

12           ~~(c)(b)~~ "Corps" means the United States Army Corps of  
13 Engineers.

14           ~~(d)(e)~~ "District" means the South Florida Water  
15 Management District.

16           ~~(e)~~ "Lake Okeechobee Watershed Protection Plan" means  
17 the plan developed pursuant to s. 375.4595 and ss.  
18 373.451-373.459.

19           ~~(f)(d)~~ "Project" means the Central and Southern  
20 Florida Project authorized under the heading "CENTRAL AND  
21 SOUTHERN FLORIDA" in s. 203 of the Flood Control Act of 1948  
22 (62 Stat. 1176), and any modification to the project  
23 authorized by law.

24           ~~(g)(e)~~ "Project component" means any structural or  
25 operational change, resulting from the comprehensive plan, to  
26 the project as it existed and was operated as of January 1,  
27 1999.

28           ~~(h)(f)~~ "Project implementation report" means the  
29 project implementation report as described in the "Final  
30 Integrated Feasibility Report and Programmatic Environmental  
31



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

3 (i) "River Watershed Protection Plans" means the  
4 Caloosahatchee River Watershed Protection Plan and the St.  
5 Lucie River Watershed Protection Plan as defined in this  
6 subsection.

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

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

11 (a) The Legislature intends to establish a full and  
12 equal partnership between the state and federal governments  
13 for the implementation of the comprehensive plan.

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

16 1. Reflect new scientific knowledge, the results of  
17 pilot projects, and the results of new and continuing  
18 feasibility studies with the Corps; and

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

28 (c) Prior to executing a project cooperation agreement  
29 with the Corps for the construction of a project component,  
30 the district, in cooperation with the Corps, shall complete a  
31 project implementation report to address the project

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

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

14 ~~(a) In fiscal year 2000-2001, funds described in s.~~  
15 ~~259.101(3).~~

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

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

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

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

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

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

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

4           (a)2. For each year of the 13 ~~9~~ consecutive years  
5 beginning with fiscal year 2007-2008 ~~2001-2002~~, ~~\$75 million of~~  
6 state funds may ~~shall~~ be deposited into the Save Our  
7 Everglades Trust Fund created by s. 373.472.

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

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

19           (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST  
20 FUND.--

21           (a) Except for funds appropriated for debt service,  
22 the department shall distribute funds in the Save Our  
23 Everglades Trust Fund to the district in accordance with a  
24 legislative appropriation and s. 373.026(8)(b) and (c).  
25 Distribution of funds to the district from the Save Our  
26 Everglades Trust Fund shall be equally matched by the  
27 cumulative contributions from the district ~~all local sponsors~~  
28 by fiscal year 2019-2020 ~~2009-2010~~ by providing funding or  
29 credits toward project components. The dollar value of in-kind  
30 work by local sponsors in furtherance of the comprehensive  
31 plan and existing interest in public lands needed for a

1 project component are credits towards the local sponsors'  
2 contributions.

3 (b) The department shall distribute funds in the Save  
4 Our Everglades Trust Fund to the district in accordance with a  
5 legislative appropriation for debt service for Everglades  
6 restoration bonds.

7 (c) To the extent that funds are available, the  
8 department may reserve a minimum of \$10 million dollars  
9 annually from the Save Our Everglades Trust Fund for the  
10 purpose of implementation of the River Watershed Protection  
11 Plans as identified in s. 373.4595. Distribution of funds from  
12 the Save Our Everglades Trust Fund for the implementation of  
13 the River Watershed Protection Plans shall be in accordance  
14 with paragraph (a) and shall be equally matched by the  
15 district and Lee and Martin Counties by fiscal year 2019-2020  
16 by providing funding or credits toward project components.  
17 The dollar value of in-kind work by the district or the  
18 counties in furtherance of the River Watershed Protection  
19 Plans and existing interest in public lands needed for a  
20 project component are credits towards the district's and  
21 counties' contributions.

22 (d) Subject to a specific appropriation to the  
23 Department of Agriculture and Consumer Services for the  
24 purpose of implementing agricultural nonpoint source controls  
25 as identified in s. 373.4595 or the legislatively ratified  
26 Lake Okeechobee Watershed Protection Plan and the River  
27 Watershed Protection Plans, and upon written request by the  
28 Department of Agriculture and Consumer Services for the  
29 transfer, the department shall transfer an amount equal to  
30 such specific appropriation from the Save Our Everglades Trust  
31 Fund to the Department of Agriculture and Consumer Services

1 General Inspection Trust Fund. All interest earned on the  
2 investment of funds transferred from the Save Our Everglades  
3 Trust Fund to the General Inspection Trust Fund shall be  
4 credited to the Save Our Everglades Trust Fund by June 30 of  
5 each year.

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

8 373.472 Save Our Everglades Trust Fund.--

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

21 Section 6. This act shall take effect July 1, 2007.  
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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
COMMITTEE SUBSTITUTE FOR  
CS/SB 392

Revises the due date for the River Watershed Protection Plans from 2008 to 2009.

Revises the requirements of the annual progress report to include a summary of hydrology, water quality, and aquatic habitat conditions in the northern Everglades.

Extends the Save our Everglades Trust Fund through Fiscal Year 2019-2020.

Extends the Water Management District's match requirements for the life of the trust fund.

Allows funds to be distributed for implementation of the River Watershed Protection Plans and requires local match from Lee and Martin counties.

Allows funds to be distributed to the Department of Agriculture and Consumer Services for implementation of agricultural nonpoint source controls.