

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)~~~~(l)~~ "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. The initial phase of
8 phosphorus load reductions shall be based upon the district's
9 Technical Publication 81-2 and the district's WOD program,
10 with subsequent phases of phosphorus load reductions based
11 upon the total maximum daily loads established in accordance
12 with s. 403.067. In the development and administration of the
13 Lake Okeechobee Watershed Protection Program, the coordinating
14 agencies shall maximize opportunities provided by federal
15 cost-sharing programs and opportunities for partnerships with
16 the private sector.

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

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

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

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

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

10 5. Relevant information resulting from the Lake
11 Okeechobee Internal Phosphorus Management Program, pursuant to
12 paragraph (f).

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

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

28 a. The district shall serve as a full partner with the
29 Corps of Engineers in the design and construction of the
30 Grassy Island Ranch and New Palm Dairy stormwater treatment
31 facilities as components of the Lake Okeechobee Water

1 Retention/Phosphorus Removal Critical Project. The Corps of
2 Engineers shall have the lead in design and construction of
3 these facilities. Should delays be encountered in the
4 implementation of either of these facilities, the district
5 shall notify the department and recommend corrective actions.

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

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

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

1 based, hybrid wetland/chemical and other innovative nutrient
2 control technologies shall be incorporated in the plan where
3 appropriate. The detailed technical plan shall also include a
4 Process Development and Engineering component to finalize the
5 detail and design of Phase II projects and identify additional
6 measures needed to increase the certainty that the overall
7 objectives for improving water quality and quantity can be
8 met. Based on information and recommendations from the Process
9 Development and Engineering component, the Phase II detailed
10 technical plan shall be periodically updated. Phase II shall
11 include construction of additional facilities in the priority
12 basins identified in subparagraph (b)1., as well as facilities
13 for other basins in the Lake Okeechobee watershed. This
14 detailed technical plan will require legislative ratification
15 pursuant to paragraph (i). The technical ~~implementation~~ plan
16 shall:

17 a. Identify Lake Okeechobee Watershed Construction
18 Project facilities designed to contribute to achieving all
19 applicable total maximum daily loads established pursuant to
20 s. 403.067 within the Lake Okeechobee watershed. ~~be~~
21 ~~constructed to achieve a design objective of 40 parts per~~
22 ~~billion (ppb) for phosphorus measured as a long term flow~~
23 ~~weighted average concentration, unless an allocation has been~~
24 ~~established pursuant to s. 403.067 for the Lake Okeechobee~~
25 ~~total maximum daily load.~~

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

28 c. Provide a construction schedule for all such Lake
29 Okeechobee Watershed Construction Project facilities,
30 including the sequencing and specific timeframe for
31

1 construction of each Lake Okeechobee Watershed Construction
2 Project facility.

3 d. Provide a ~~land acquisition~~ schedule for the
4 acquisition of lands or sufficient interests ~~lands~~ necessary
5 to achieve the construction schedule.

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

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

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

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

29 3. Evaluation.--By January 1, 2004, and every 3 years
30 thereafter, the district, in cooperation with the coordinating
31 agencies, shall conduct an evaluation of any further

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

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

22 (c) Lake Okeechobee Watershed Phosphorus Control
23 Program.--The Lake Okeechobee Watershed Phosphorus Control
24 Program is designed to be a multifaceted approach to reducing
25 phosphorus loads by improving the management of phosphorus
26 sources within the Lake Okeechobee watershed through ~~continued~~
27 implementation of ~~existing~~ regulations and best management
28 practices, development and implementation of improved best
29 management practices, improvement and restoration of the
30 hydrologic function of natural and managed systems, and
31 utilization of alternative technologies for nutrient

1 reduction. The coordinating agencies shall facilitate the
2 application of federal programs that offer opportunities for
3 water quality treatment, including preservation, restoration,
4 or creation of wetlands on agricultural lands.

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

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

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

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

27 c. The district or department shall conduct monitoring
28 at representative sites to verify the effectiveness of
29 agricultural nonpoint source best management practices.

30 d. Where water quality problems are detected for
31 agricultural nonpoint sources despite the appropriate

1 implementation of adopted best management practices, the
2 Department of Agriculture and Consumer Services, in
3 consultation with the other coordinating agencies and affected
4 parties, shall institute a reevaluation of the best management
5 practices and make appropriate changes to the rule adopting
6 best management practices.

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

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

1 affected parties shall conduct an ongoing program for
2 improvement of existing and development of new interim
3 measures or best management practices. The district shall
4 adopt technology-based standards under the district's WOD
5 program for nonagricultural nonpoint sources of phosphorus.

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

15 c. The district or the department shall conduct
16 monitoring at representative sites to verify the effectiveness
17 of nonagricultural nonpoint source best management practices.

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

23 3. The provisions of subparagraphs 1. and 2. shall not
24 preclude the department or the district from requiring
25 compliance with water quality standards or with current best
26 management practices requirements set forth in any applicable
27 regulatory program authorized by law for the purpose of
28 protecting water quality. Additionally, subparagraphs 1. and
29 2. are applicable only to the extent that they do not conflict
30 with any rules promulgated by the department that are
31

1 necessary to maintain a federally delegated or approved
2 program.

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

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

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

22 b. Private and government-owned utilities within
23 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
24 River, Okeechobee, Highlands, Hendry, and Glades Counties that
25 dispose of wastewater residual sludge from utility operations
26 and septic removal by land spreading in the Lake Okeechobee
27 watershed may use a line item on local sewer rates to cover
28 wastewater residual treatment and disposal if such disposal
29 and treatment is done by approved alternative treatment
30 methodology at a facility located within the areas designated
31 by the Governor as rural areas of critical economic concern

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

26 c. No less frequently than once every 3 years, the
27 Florida Public Service Commission or the county commission
28 through the services of an independent auditor shall perform a
29 financial audit of all facilities receiving compensation from
30 an environmental protection disposal fee. The Florida Public
31 Service Commission or the county commission through the

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

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

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

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

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

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

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

1 2. Develop a Lake Okeechobee water quality model that
2 reasonably represents phosphorus dynamics of the lake and
3 incorporates an uncertainty analysis associated with model
4 predictions.

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

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

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

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

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

29 (e) Lake Okeechobee Exotic Species Control
30 Program.--The coordinating agencies shall identify the exotic
31 species that threaten the native flora and fauna within the

1 Lake Okeechobee watershed and develop and implement measures
2 to protect the native flora and fauna.

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

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

30 (h) Priorities and implementation schedules.--The
31 coordinating agencies are authorized and directed to establish

1 priorities and implementation schedules for the achievement of
2 total maximum daily loads, compliance with the requirements of
3 s. 403.067, and compliance with applicable water quality
4 standards within the waters and watersheds subject to this
5 section.

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

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

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

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

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

27 1. Caloosahatchee River Watershed Construction
28 Project.--To improve the hydrology, water quality, and aquatic
29 habitats within the watershed, the district shall, no later
30 than January 1, 2012, plan, design, and construct the initial
31

1 phase of the Watershed Construction Project. In doing so, the
2 district shall:

3 a. Develop and designate the facilities to be
4 constructed to achieve stated goals and objectives of the
5 Caloosahatchee River Watershed Protection Plan.

6 b. Conduct scientific studies that are necessary to
7 support the design of the Caloosahatchee River Watershed
8 Construction Project facilities.

9 c. Identify the size and location of all such
10 facilities.

11 d. Provide a construction schedule for all such
12 facilities, including the sequencing and specific timeframe
13 for construction of each facility.

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

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

19 g. To ensure timely implementation, coordinate the
20 design, scheduling, and sequencing of project facilities with
21 the coordinating agencies, Lee County, other affected counties
22 and municipalities, and other affected parties.

23 2. Caloosahatchee River Watershed Pollutant Control
24 Program.--The Caloosahatchee River Watershed Pollutant Control
25 Program is designed to be a multifaceted approach to reducing
26 pollutant loads by improving the management of pollutant
27 sources within the Caloosahatchee River watershed through
28 implementation of regulations and best management practices,
29 development and implementation of improved best management
30 practices, improvement and restoration of the hydrologic
31 function of natural and managed systems, and utilization of

1 alternative technologies for pollutant reduction, such as
2 cost-effective biologically based, hybrid wetland/chemical and
3 other innovative nutrient control technologies. The
4 coordinating agencies shall facilitate the utilization of
5 federal programs that offer opportunities for water quality
6 treatment, including preservation, restoration, or creation of
7 wetlands on agricultural lands.

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

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

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

1 eligible for grants available under this section from the
2 coordinating agencies.

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

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

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

29 g. The Department of Agriculture and Consumer Services
30 shall initiate rulemaking requiring entities within the
31 Caloosahatchee River watershed which land-apply animal manure

1 to develop a resource management system level conservation
2 plan, according to United States Department of Agriculture
3 criteria which limits such application. Such rules may include
4 criteria and thresholds for the requirement to develop a
5 conservation or nutrient management plan, requirements for
6 plan approval, and recordkeeping requirements.

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

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

31

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

1 practices, improvement and restoration of the hydrologic
2 function of natural and managed systems, and utilization of
3 alternative technologies for pollutant reduction, such as
4 cost-effective biologically based, hybrid wetland/chemical and
5 other innovative nutrient control technologies. The
6 coordinating agencies shall facilitate the utilization of
7 federal programs that offer opportunities for water quality
8 treatment, including preservation, restoration, or creation of
9 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 watershed and shall require development
8 of recommendations for structural, nonstructural, and
9 operational improvements. Such recommendations shall consider
10 and balance water supply, flood control, estuarine salinity,
11 aquatic 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 this section.

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)(c)~~ "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 project design and construction work by the district ~~local~~
31 ~~sponsors~~ in furtherance of the comprehensive plan and existing

1 interest in public lands needed for a project component are
2 credits towards the ~~district's local sponsors'~~ 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 within the Northern Everglades as identified in s.
12 373.4595. Distribution of funds from the Save Our Everglades
13 Trust Fund for the implementation of the River Watershed
14 Protection Plans shall be in accordance with paragraph (a) and
15 shall be equally matched by the district and Lee and Martin
16 Counties by fiscal year 2019-2020 by providing funding or
17 credits toward project components. The dollar value of in-kind
18 project design and construction work by the district or the
19 counties in furtherance of the River Watershed Protection
20 Plans and existing interest in public lands needed for a
21 project component are credits towards the district's and
22 counties' contributions.

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

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

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

9 373.472 Save Our Everglades Trust Fund.--

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

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