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1 A bill to be entitled
2 An act relating to watershed restoration; amending s.
3 215.619, F.S.; providing for expanded uses of bonds issued
4 for Everglades restoration; amending s. 373.026, F.S.;
5 providing certain requirements before the release of state
6 funds for specified comprehensive and watershed protection
7 plans; amending ss. 373.036 and 373.1502, F.S.; conforming
8 cross-references; amending s. 373.4595, F.S.; expanding
9 and renaming the Lake Okeechobee Protection Program as the
10 Northern Everglades and Estuaries Protection Program;
11 providing legislative findings and intent; providing
12 definitions; providing a deadline and additional
13 components for the Phase II Lake Okeechobee Watershed
14 Construction Project; prohibiting the disposal of
15 wastewater residuals within the Lake Okeechobee watershed
16 pursuant to certain conditions; providing for the
17 inclusion of a water volume assessment in the Lake
18 Okeechobee Watershed Research and Water Quality Monitoring
19 Program; creating the Caloosahatchee and St. Lucie River
20 Watershed Protection Program; creating the Caloosahatchee
21 River Watershed Protection Plan; providing deadlines for
22 plans submission; providing for required plan elements;
23 creating the Caloosahatchee River Watershed Pollutant
24 Control Program; providing requirements of the program;
25 creating the Caloosahatchee River Watershed Research and
26 Water Quality Monitoring Program; providing program
27 requirements; creating the St. Lucie River Watershed
28 Protection Plan; providing deadlines for plans submission;

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

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29 providing for required plan elements; creating the St.
 30 Lucie River Watershed Pollutant Control Program; providing
 31 requirements for the program; creating the St. Lucie River
 32 Watershed Research and Water Quality Monitoring Program;
 33 providing program requirements; providing for the
 34 evaluation of the plans; providing for legislative
 35 ratification of the plans; establishing a deadline for the
 36 establishment of total maximum daily loads for the
 37 Caloosahatchee River and estuary; providing for progress
 38 reports; providing rulemaking authority; amending s.
 39 373.470, F.S.; providing definitions; expanding sources
 40 from which funds may be deposited into the Save Our
 41 Everglades Trust Fund; extending the period of time in
 42 which funds may be deposited into the trust fund;
 43 providing for additional distributions from the trust
 44 fund; amending s. 373.472, F.S.; expanding authorized uses
 45 of funds deposited into the Save Our Everglades Trust
 46 Fund; providing an effective date.

47
 48 Be It Enacted by the Legislature of the State of Florida:

49
 50 Section 1. Subsections (1) and (6) of section 215.619,
 51 Florida Statutes, are amended to read:

52 215.619 Bonds for Everglades restoration.--

53 (1) The issuance of Everglades restoration bonds to
 54 finance or refinance the cost of acquisition and improvement of
 55 land, water areas, and related property interests and resources
 56 for the purpose of implementing the Comprehensive Everglades

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57 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
 58 Protection Plan under s. 373.4595, the Caloosahatchee River
 59 Watershed Protection Plan under s. 373.4595, and the St. Lucie
 60 River Watershed Protection Plan under s. 373.4595 is authorized
 61 in accordance with s. 11(e), Art. VII of the State Constitution.
 62 Everglades restoration bonds, except refunding bonds, may be
 63 issued only in fiscal years 2002-2003 through 2009-2010 and may
 64 not be issued in an amount exceeding \$100 million per fiscal
 65 year unless the Department of Environmental Protection has
 66 requested additional amounts in order to achieve cost savings or
 67 accelerate the purchase of land. The duration of Everglades
 68 restoration bonds may not exceed 20 annual maturities, and those
 69 bonds must mature by December 31, 2030. Except for refunding
 70 bonds, a series of bonds may not be issued unless an amount
 71 equal to the debt service coming due in the year of issuance has
 72 been appropriated by the Legislature.

73 (6) Lands purchased using bond proceeds under this section
 74 ~~paragraph~~ which are later determined by the South Florida Water
 75 Management District and the Department of Environmental
 76 Protection as not needed to implement the comprehensive plan,
 77 the Lake Okeechobee Watershed Protection Plan, the
 78 Caloosahatchee River Watershed Protection Plan, or the St. Lucie
 79 River Watershed Protection Plan, respectively, shall either be
 80 surplused at no less than appraised value, and the proceeds from
 81 the sale of such lands shall be deposited into the Save Our
 82 Everglades Trust Fund to be used to implement the respective
 83 plans ~~comprehensive plan~~, or the South Florida Water Management
 84 District shall use a different source of funds to pay for or

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85 reimburse the Save Our Everglades Trust Fund for that portion of
 86 land not needed to implement the respective plans ~~comprehensive~~
 87 ~~plan~~.

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

90 373.026 General powers and duties of the department.--The
 91 department, or its successor agency, shall be responsible for
 92 the administration of this chapter at the state level. However,
 93 it is the policy of the state that, to the greatest extent
 94 possible, the department may enter into interagency or
 95 interlocal agreements with any other state agency, any water
 96 management district, or any local government conducting programs
 97 related to or materially affecting the water resources of the
 98 state. All such agreements shall be subject to the provisions of
 99 s. 373.046. In addition to its other powers and duties, the
 100 department shall, to the greatest extent possible:

101 (8) (a) Provide such coordination, cooperation, or approval
 102 necessary to the effectuation of any plan or project of the
 103 Federal Government in connection with or concerning the waters
 104 in the state. Unless otherwise provided by state or federal law,
 105 the department shall, subject to confirmation by the
 106 Legislature, have the power to approve or disapprove such
 107 federal plans or projects on behalf of the state. If such plan
 108 or project is for a coastal inlet, the department shall first
 109 determine the impact of the plan or project on the sandy beaches
 110 in the state. If the department determines that the plan will
 111 have a significant adverse impact on the sandy beaches, the
 112 department may not approve the plan or project unless it is

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113 revised to mitigate those impacts.

114 (b) To ensure to the greatest extent possible that project
115 components will go forward as planned, the department shall
116 collaborate with the South Florida Water Management District in
117 implementing the comprehensive plan as defined in s.
118 373.470(2)(b)-~~(a)~~, the Lake Okeechobee Watershed Protection Plan
119 as defined in s. 373.4595(2), and the River Watershed Protection
120 Plans as defined in s. 373.4595(2). Before any project component
121 is submitted to Congress for authorization or receives an
122 appropriation of state funds, the department must approve, or
123 approve with amendments, each project component within 60 days
124 following formal submittal of the project component to the
125 department. Prior to the release of state funds for the
126 implementation of the comprehensive plan, department approval
127 shall be based upon a determination of the South Florida Water
128 Management District's compliance with s. 373.1501(5). Once a
129 project component is approved, the South Florida Water
130 Management District shall provide to the Joint Legislative
131 Committee on Everglades Oversight a schedule for implementing
132 the project component, the estimated total cost of the project
133 component, any existing federal or nonfederal credits, the
134 estimated remaining federal and nonfederal share of costs, and
135 an estimate of the amount of state funds that will be needed to
136 implement the project component. All requests for an
137 appropriation of state funds needed to implement the project
138 component shall be submitted to the department, and such
139 requests shall be included in the department's annual request to
140 the Governor. Prior to the release of state funds for the

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141 implementation of the Lake Okeechobee Watershed Protection Plan
142 or the River Watershed Protection Plans, on an annual basis, the
143 South Florida Water Management District shall prepare an annual
144 work plan as part of the consolidated annual report required in
145 s. 373.036(7). Upon a determination by the secretary of the
146 annual work plan's consistency with the goals and objectives of
147 s. 373.4595, the secretary may approve the release of state
148 funds. Any modifications to the annual work plan shall be
149 submitted to the secretary for review and approval.

150 (c) Notwithstanding paragraph (b), the use of state funds
151 for land purchases from willing sellers is authorized for
152 projects within the South Florida Water Management District's
153 approved 5-year plan of acquisition pursuant to s. 373.59 or
154 within the South Florida Water Management District's approved
155 Florida Forever water management district work plan pursuant to
156 s. 373.199.

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

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

166 Section 3. Paragraph (e) of subsection (7) of section
167 373.036, Florida Statutes, is amended to read:

168 373.036 Florida water plan; district water management

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169 plans.--

170 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.-

171 -

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

175 1. The Northern Everglades and Estuaries Lake Okeechobee
 176 Protection Program annual progress report required by s.
 177 373.4595 (6) ~~(3)~~ ~~(g)~~.

178 2. The Everglades annual progress reports specified in s.
 179 373.4592(4)(d)5., (13), and (14).

180 3. The Everglades restoration annual report required by s.
 181 373.470(7).

182 4. The Everglades Forever Act annual implementation report
 183 required by s. 11.80(4).

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

186 Section 4. Paragraph (a) of subsection (2) of section
 187 373.1502, Florida Statutes, is amended to read:

188 373.1502 Regulation of comprehensive plan project
 189 components.--

190 (2) FINDINGS; INTENT.--

191 (a) The Legislature finds that implementation of the
 192 comprehensive plan, as defined in s. 373.470(2) (b) ~~(a)~~, is in the
 193 public interest and is necessary for restoring, preserving, and
 194 protecting the South Florida ecosystem, providing for the
 195 protection of water quality in and the reduction of the loss of
 196 fresh water from the Everglades, and providing such features as

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197 are necessary to meet the other water-related needs of the
 198 region, including flood control, the enhancement of water
 199 supplies, and other objectives served by the project.

200 Section 5. Section 373.4595, Florida Statutes, is amended
 201 to read:

202 373.4595 Northern Everglades and Estuaries Lake Okeechobee
 203 Protection Program.--

204 (1) FINDINGS AND INTENT.--

205 (a) The Legislature finds that the Lake Okeechobee
 206 watershed, the Caloosahatchee River watershed, and the St. Lucie
 207 River watershed are critical ~~is one of the most important~~ water
 208 resources of the state, providing many economic, natural
 209 habitat, and biodiversity functions benefiting the public
 210 interest, including agricultural, public, and environmental
 211 water supply; flood control; fishing; navigation and recreation;
 212 and habitat to endangered and threatened species and other flora
 213 and fauna.

214 (b) The Legislature finds that changes in land uses, ~~in~~
 215 ~~the Lake Okeechobee watershed and~~ the construction of the
 216 Central and Southern Florida Project, and the loss of surface
 217 water storage have resulted in adverse changes to the hydrology
 218 and water quality of Lake Okeechobee and the Caloosahatchee and
 219 St. Lucie Rivers and their estuaries. ~~These hydrology and water~~
 220 ~~quality changes have resulted in algal blooms and other adverse~~
 221 ~~impacts to water quality both in Lake Okeechobee and in~~
 222 ~~downstream receiving waters.~~

223 (c) The Legislature finds that improvement to the
 224 hydrology, and water quality, and associated aquatic habitats

225 within the of Lake Okeechobee watershed, the Caloosahatchee
 226 River watershed, and the St. Lucie River watershed is essential
 227 to the protection of the greater Everglades ecosystem.

228 (d) The Legislature also finds that it is imperative for
 229 the state, local governments, and agricultural and environmental
 230 communities to commit to restoring and protecting the surface
 231 water resources of the Lake Okeechobee watershed, the
 232 Caloosahatchee River watershed, and the St. Lucie River
 233 watershed and downstream receiving waters, and that a watershed-
 234 based approach to address these issues must be developed and
 235 implemented immediately.

236 (e) The Legislature finds that phosphorus loads from the
 237 Lake Okeechobee watershed have contributed to excessive
 238 phosphorus levels throughout the in Lake Okeechobee watershed
 239 and downstream receiving waters and that a reduction in levels
 240 of phosphorus will benefit the ecology of these systems. The
 241 excessive levels of phosphorus have also resulted in an
 242 accumulation of phosphorus in the sediments of Lake Okeechobee.
 243 If not removed, internal phosphorus loads from the sediments are
 244 expected to delay responses of the lake to external phosphorus
 245 reductions.

246 (f) The Legislature finds that the Lake Okeechobee
 247 phosphorus loads set forth in ~~the South Florida Water Management~~
 248 ~~District's Technical Publication 81-2 represent an appropriate~~
 249 ~~basis for the initial phase of phosphorus load reductions to~~
 250 ~~Lake Okeechobee and that subsequent phases of phosphorus load~~
 251 ~~reductions shall be determined by the total maximum daily loads~~
 252 established in accordance with s. 403.067 represent an

253 appropriate basis for restoration of the Lake Okeechobee
 254 watershed.

255 (g) The Legislature finds that, in addition to phosphorus,
 256 other pollutants are contributing to water quality problems in
 257 the Lake Okeechobee watershed, the Caloosahatchee River
 258 watershed, and the St. Lucie River watershed and that the total
 259 maximum daily load requirements of s. 403.067 provide a means of
 260 identifying and addressing these problems.

261 (h) The Legislature finds that the expeditious
 262 implementation of the Lake Okeechobee Watershed Protection Plan
 263 and the River Watershed Protection Plans is needed to improve
 264 the quality, quantity, timing, and distribution of water in the
 265 northern Everglades ecosystem and that this section, in
 266 conjunction with s. 403.067, including the implementation of the
 267 plans developed and approved pursuant to subsections (3) and (4)
 268 and any related basin management action plan developed and
 269 implemented pursuant to s. 403.067(7) (a), provide a reasonable
 270 means of achieving the total maximum daily load requirements and
 271 achieving and maintaining compliance with state water quality
 272 standards.

273 ~~(g) The Legislature finds that this section, in~~
 274 ~~conjunction with s. 403.067, provides a reasonable means of~~
 275 ~~achieving and maintaining compliance with state water quality~~
 276 ~~standards.~~

277 (i)~~(h)~~ The Legislature finds that the implementation of
 278 the programs contained in this section is for the benefit of the
 279 public health, safety, and welfare and is in the public
 280 interest.

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281 ~~(j)(i)~~ The Legislature finds that sufficient research has
282 been conducted and sufficient plans developed to immediately
283 expand and accelerate programs ~~initiate the first phase of a~~
284 ~~program~~ to address the hydrology and water quality ~~problems~~ in
285 the Lake Okeechobee watershed, the Caloosahatchee River
286 watershed, and the St. Lucie River watershed ~~and downstream~~
287 ~~receiving waters.~~

288 ~~(j)~~ ~~The Legislature finds that in order to achieve the~~
289 ~~goals and objectives of this section and to effectively~~
290 ~~implement the Lake Okeechobee Watershed Phosphorus Control~~
291 ~~Program pursuant to paragraph (3)(c), the state must~~
292 ~~expeditiously implement the Lake Okeechobee Protection Plan~~
293 ~~developed pursuant to paragraph (3)(a).~~

294 (k) The Legislature finds that a continuing source of
295 funding is needed to effectively implement the programs
296 developed and approved under this section that are needed to
297 address the hydrology and water quality problems ~~a phosphorus~~
298 ~~control program that initially targets the most significant~~
299 ~~sources contributing to phosphorus loads within the Lake~~
300 Okeechobee watershed, the Caloosahatchee River watershed, and
301 the St. Lucie River watershed ~~and continues to address other~~
302 ~~sources as needed to achieve the phased phosphorus load~~
303 ~~reductions required under this section.~~

304 (l) It is the intent of the Legislature to protect and
305 restore surface water resources and achieve and maintain
306 compliance with water quality standards in the Lake Okeechobee
307 watershed, the Caloosahatchee River watershed, and the St. Lucie
308 River watershed, and downstream receiving waters, through the a

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309 | phased, comprehensive, and innovative protection program set
 310 | forth in this section that includes ~~to reduce both internal and~~
 311 | ~~external phosphorus loads to Lake Okeechobee through immediate~~
 312 | ~~actions to achieve the phosphorus load reductions set forth in~~
 313 | ~~Technical Publication 81-2 and~~ long-term solutions based upon
 314 | the total maximum daily loads established in accordance with s.
 315 | 403.067. This program shall be watershed-based, shall provide
 316 | for consideration of all water quality issues needed to meet the
 317 | total maximum daily load ~~potential phosphorus sources~~, and shall
 318 | include research and monitoring, development and implementation
 319 | of best management practices, refinement of existing
 320 | regulations, and structural and nonstructural projects,
 321 | including public works.

322 | (m) It is the intent of the Legislature that this section
 323 | ~~the Lake Okeechobee Protection Program~~ be developed and
 324 | implemented in coordination with the Comprehensive Everglades
 325 | Restoration Plan and, ~~to the greatest extent practicable,~~
 326 | ~~through the implementation of Restudy~~ project components and
 327 | other federal programs in order to maximize opportunities for
 328 | the most efficient and timely expenditures of public funds.

329 | (n) It is the intent of the Legislature that the
 330 | coordinating agencies encourage and support the development of
 331 | creative public-private partnerships and programs, including
 332 | opportunities for water storage and quality improvement on
 333 | private lands and water quality credit trading ~~pollutant trading~~
 334 | ~~and credits~~, to facilitate or further the restoration of the
 335 | surface water resources of the Lake Okeechobee watershed, the
 336 | Caloosahatchee River watershed, and the St. Lucie River

337 watershed, consistent with s. 403.067.

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

339 (a) "Best management practice" means a practice or
 340 combination of practices determined by the coordinating
 341 agencies, based on research, field-testing, and expert review,
 342 to be the most effective and practicable on-location means,
 343 including economic and technological considerations, for
 344 improving water quality in agricultural and urban discharges.
 345 Best management practices for agricultural discharges shall
 346 reflect a balance between water quality improvements and
 347 agricultural productivity.

348 (b) "Caloosahatchee River watershed" means the
 349 Caloosahatchee River, its tributaries, its estuary, and the area
 350 within Charlotte, Glades, Hendry, and Lee Counties from which
 351 surface water flow is directed or drains, naturally or by
 352 constructed works, to the river, its tributaries, or its
 353 estuary.

354 (c)~~(b)~~ "Coordinating agencies" means the Department of
 355 Agriculture and Consumer Services, the Department of
 356 Environmental Protection, and the South Florida Water Management
 357 District.

358 (d)~~(e)~~ "Corps of Engineers" means the United States Army
 359 Corps of Engineers.

360 (e)~~(d)~~ "Department" means the Department of Environmental
 361 Protection.

362 (f)~~(e)~~ "District" means the South Florida Water Management
 363 District.

364 (g)~~(f)~~ "District's WOD program" means the program

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365 implemented pursuant to rules adopted as authorized by this
 366 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,
 367 373.113, 373.118, 373.451, and 373.453, entitled "Works of the
 368 District Basin."

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

372 (i)~~(h)~~ "Lake Okeechobee Watershed Protection Plan" means
 373 the plan developed pursuant to this section and ss. 373.451-
 374 373.459.

375 (j)~~(i)~~ "Lake Okeechobee watershed" means Lake Okeechobee,
 376 its tributaries, and the area within which surface water flow is
 377 directed or drains, naturally or by constructed works, to the
 378 lake or its tributaries and the area surrounding and tributary
 379 to Lake Okeechobee, composed of the surrounding hydrologic
 380 basins, as defined by the Lake Okeechobee Protection Plan dated
 381 January 1, 2004.

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

385 (l) "Northern Everglades" means the Lake Okeechobee
 386 watershed, the Caloosahatchee River watershed, and the St. Lucie
 387 River watershed.

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

392 (n)~~(l)~~ "Restudy" means the Comprehensive Review Study of

393 the Central and Southern Florida Project, for which federal
 394 participation was authorized by the Federal Water Resources
 395 Development Acts of 1992 and 1996 together with related
 396 Congressional resolutions and for which participation by the
 397 South Florida Water Management District is authorized by s.
 398 373.1501. The term includes all actions undertaken pursuant to
 399 the aforementioned authorizations which will result in
 400 recommendations for modifications or additions to the Central
 401 and Southern Florida Project.

402 (o) "River Watershed Protection Plans" means the
 403 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 404 River Watershed Protection Plan developed pursuant to this
 405 section.

406 (p) "St. Lucie River watershed" means the St. Lucie River,
 407 its tributaries, its estuary, and the area within Martin,
 408 Okeechobee, and St. Lucie Counties from which surface water flow
 409 is directed or drains, naturally or by constructed works, to the
 410 river, its tributaries, or its estuary.

411 (q) ~~(m)~~ "Total maximum daily load" means the sum of the
 412 individual wasteload allocations for point sources and the load
 413 allocations for nonpoint sources and natural background. Prior
 414 to determining individual wasteload allocations and load
 415 allocations, the maximum amount of a pollutant that a water body
 416 or water segment can assimilate from all sources without
 417 exceeding water quality standards must first be calculated.

418 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.--A
 419 protection program for Lake Okeechobee that achieves phosphorus
 420 load reductions for Lake Okeechobee shall be immediately

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421 implemented as specified in this subsection. The program shall
422 address the reduction of phosphorus loading to the lake from
423 both internal and external sources. Phosphorus load reductions
424 shall be achieved through a phased program of implementation.
425 Initial implementation actions shall be technology-based, based
426 upon a consideration of both the availability of appropriate
427 technology and the cost of such technology, and shall include
428 phosphorus reduction measures at both the source and the
429 regional level. The initial phase of phosphorus load reductions
430 shall be based upon the district's Technical Publication 81-2
431 and the district's WOD program, with subsequent phases of
432 phosphorus load reductions based upon the total maximum daily
433 loads established in accordance with s. 403.067. In the
434 development and administration of the Lake Okeechobee Watershed
435 Protection Program, the coordinating agencies shall maximize
436 opportunities provided by federal cost-sharing programs and
437 opportunities for partnerships with the private sector.

438 (a) Lake Okeechobee Watershed Protection Plan.--In order
439 to protect and restore surface water resources, the district, in
440 cooperation with the other coordinating agencies, shall complete
441 a Lake Okeechobee Watershed Protection Plan in accordance with
442 this section and ss. 373.451-373.459. The plan shall identify
443 the geographic extent of the watershed, be coordinated with the
444 plans developed pursuant to paragraphs (4) (a) and (b), and
445 contain an implementation schedule for subsequent phases of
446 phosphorus load reduction consistent with the total maximum
447 daily loads established in accordance with s. 403.067. The plan
448 shall consider and build upon a review and analysis of the

449 following:

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

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

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

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

460 5. Relevant information resulting from the Lake Okeechobee
 461 Internal Phosphorus Management Program, pursuant to paragraph
 462 (f).

463 (b) Lake Okeechobee Watershed Construction Project.--To
 464 improve the hydrology and water quality of Lake Okeechobee and
 465 downstream receiving waters, including the Caloosahatchee and
 466 St. Lucie Rivers and their estuaries, the district shall design
 467 and construct the Lake Okeechobee Watershed Construction
 468 Project.

469 1. Phase I.--Phase I of the Lake Okeechobee Watershed
 470 Construction Project shall consist of a series of project
 471 features consistent with the recommendations of the South
 472 Florida Ecosystem Restoration Working Group's Lake Okeechobee
 473 Action Plan. Priority basins for such projects include S-191, S-
 474 154, and Pools D and E in the Lower Kissimmee River. In order to
 475 obtain phosphorus load reductions to Lake Okeechobee as soon as
 476 possible, the following actions shall be implemented:

477 a. The district shall serve as a full partner with the
 478 Corps of Engineers in the design and construction of the Grassy
 479 Island Ranch and New Palm Dairy stormwater treatment facilities
 480 as components of the Lake Okeechobee Water Retention/Phosphorus
 481 Removal Critical Project. The Corps of Engineers shall have the
 482 lead in design and construction of these facilities. Should
 483 delays be encountered in the implementation of either of these
 484 facilities, the district shall notify the department and
 485 recommend corrective actions.

486 b. The district shall obtain permits and complete
 487 construction of two of the isolated wetland restoration projects
 488 that are part of the Lake Okeechobee Water Retention/Phosphorus
 489 Removal Critical Project. The additional isolated wetland
 490 projects included in this critical project shall further reduce
 491 phosphorus loading to Lake Okeechobee.

492 c. The district shall work with the Corps of Engineers to
 493 expedite initiation of the design process for the Taylor
 494 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
 495 Area, a project component of the Comprehensive Everglades
 496 Restoration Plan Restudy. The district shall propose to the
 497 Corps of Engineers that the district take the lead in the design
 498 and construction of the Reservoir Assisted Stormwater Treatment
 499 Area and receive credit towards the local share of the total
 500 cost of the Comprehensive Everglades Restoration Plan Restudy.

501 2. Phase II.--By February 1, 2008, the district, in
 502 cooperation with the other coordinating agencies ~~and the Corps~~
 503 ~~of Engineers~~, shall develop a detailed technical an
 504 ~~implementation~~ plan for Phase II of the Lake Okeechobee

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505 Watershed Construction Project. The detailed technical plan
506 shall include measures for the improvement of the quality,
507 quantity, timing, and distribution of water in the northern
508 Everglades ecosystem, including the Lake Okeechobee watershed
509 and the estuaries, and for facilitating the achievement of water
510 quality standards. Use of cost-effective biologically based,
511 hybrid wetland-chemical, and other innovative nutrient control
512 technologies shall be incorporated in the plan where
513 appropriate. The detailed technical plan shall also include a
514 process development and engineering component to finalize the
515 detail and design of Phase II projects and identify additional
516 measures needed to increase the certainty that the overall
517 objectives for improving water quality and quantity can be met.
518 Based on information and recommendations from the process
519 development and engineering component, the Phase II detailed
520 technical plan shall be periodically updated. Phase II shall
521 include construction of additional facilities in the priority
522 basins identified in subparagraph (b)1., as well as facilities
523 for other basins in the Lake Okeechobee watershed. This detailed
524 technical plan requires legislative ratification pursuant to
525 paragraph (i). The technical implementation plan shall:

526 a. Identify Lake Okeechobee Watershed Construction Project
527 facilities designed to contribute to achieving all applicable
528 total maximum daily loads established pursuant to s. 403.067
529 within the Lake Okeechobee watershed be constructed to achieve a
530 design objective of 40 parts per billion (ppb) for phosphorus
531 measured as a long term flow weighted average concentration,
532 unless an allocation has been established pursuant to s. 403.067

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533 ~~for the Lake Okeechobee total maximum daily load.~~

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

536 c. Provide a construction schedule for all such Lake
537 Okeechobee Watershed Construction Project facilities, including
538 the sequencing and specific timeframe for construction of each
539 Lake Okeechobee Watershed Construction Project facility.

540 d. Provide a ~~land acquisition~~ schedule for the acquisition
541 of lands or sufficient interests ~~lands~~ necessary to achieve the
542 construction schedule.

543 e. Provide a detailed schedule of costs associated with
544 the construction schedule.

545 f. Identify, to the maximum extent practicable, impacts on
546 wetlands and state-listed species expected to be associated with
547 construction of such facilities, including potential
548 alternatives to minimize and mitigate such impacts, as
549 appropriate.

550 g. Provide for additional measures, including voluntary
551 water storage and quality improvements on private land, to
552 increase water storage and reduce excess water levels in Lake
553 Okeechobee and to reduce excess discharges to the estuaries. The
554 technical plan shall also develop the appropriate water quantity
555 storage goal to achieve the desired Lake Okeechobee range of
556 lake levels and inflow volumes to the Caloosahatchee and St.
557 Lucie estuaries while meeting the other water-related needs of
558 the region, including water supply and flood protection.

559 h. Provide for additional source controls needed to
560 enhance performance of the Lake Okeechobee Watershed

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561 Construction Project facilities. Such additional source controls
562 shall be incorporated into the Lake Okeechobee Watershed
563 Phosphorous Control Program pursuant to paragraph (c).

564 3. Evaluation.--By January 1, 2004, and every 3 years
565 thereafter, the district, in cooperation with the coordinating
566 agencies, shall conduct an evaluation of any further ~~phosphorus~~
567 load reductions necessary to achieve compliance with all the
568 Lake Okeechobee watershed total maximum daily loads ~~load~~
569 established pursuant to s. 403.067. Additionally, the district
570 shall identify modifications to facilities of the Lake
571 Okeechobee Watershed Construction Project as appropriate to meet
572 the total maximum daily loads ~~if the design objective of 40~~
573 ~~parts per billion (ppb) or the allocation established pursuant~~
574 ~~to s. 403.067 for the Lake Okeechobee total maximum daily load~~
575 ~~established pursuant to s. 403.067 is not being met.~~ The
576 evaluation shall be included in the applicable annual progress
577 report submitted pursuant to subsection (6) ~~paragraph (h)~~.

578 4. Coordination and review.--To ensure the timely
579 implementation of the Lake Okeechobee Watershed Construction
580 Project, the design of project facilities shall be coordinated
581 with the department and other interested parties, including
582 affected local governments, to the maximum extent practicable.
583 Lake Okeechobee Watershed Construction Project facilities shall
584 be reviewed and commented upon by the department prior to the
585 execution of a construction contract by the district for that
586 facility.

587 (c) Lake Okeechobee Watershed Phosphorus Control
588 Program.--The Lake Okeechobee Watershed Phosphorus Control

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589 Program is designed to be a multifaceted approach to reducing
590 phosphorus loads by improving the management of phosphorus
591 sources within the Lake Okeechobee watershed through ~~continued~~
592 implementation of ~~existing~~ regulations and best management
593 practices, development and implementation of improved best
594 management practices, improvement and restoration of the
595 hydrologic function of natural and managed systems, and
596 utilization of alternative technologies for nutrient reduction.
597 The coordinating agencies shall facilitate the application of
598 federal programs that offer opportunities for water quality
599 treatment, including preservation, restoration, or creation of
600 wetlands on agricultural lands.

601 1. Agricultural nonpoint source best management practices,
602 developed in accordance with s. 403.067 and designed to achieve
603 the objectives of the Lake Okeechobee Watershed Protection
604 Program, shall be implemented on an expedited basis. The
605 coordinating agencies shall develop an interagency agreement
606 pursuant to ss. 373.046 and 373.406(5) that assures the
607 development of best management practices that complement
608 existing regulatory programs and specifies how those best
609 management practices are implemented and verified. The
610 interagency agreement shall address measures to be taken by the
611 coordinating agencies during any best management practice
612 reevaluation performed pursuant to sub-subparagraph d. The
613 department shall use best professional judgment in making the
614 initial determination of best management practice effectiveness.

615 a. As provided in s. 403.067(7)(c), the Department of
616 Agriculture and Consumer Services, in consultation with the

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617 department, the district, and affected parties, shall initiate
618 rule development for interim measures, best management
619 practices, conservation plans, nutrient management plans, or
620 other measures necessary for Lake Okeechobee watershed total
621 maximum daily phosphorus load reduction. The rule shall include
622 thresholds for requiring conservation and nutrient management
623 plans and criteria for the contents of such plans. Development
624 of agricultural nonpoint source best management practices shall
625 initially focus on those priority basins listed in subparagraph
626 (b)1. The Department of Agriculture and Consumer Services, in
627 consultation with the department, the district, and affected
628 parties, shall conduct an ongoing program for improvement of
629 existing and development of new interim measures or best
630 management practices for the purpose of adoption of such
631 practices by rule. The Department of Agriculture and Consumer
632 Services shall work with the University of Florida's Institute
633 of Food and Agricultural Sciences to review and, where
634 appropriate, develop revised nutrient application rates for all
635 agricultural soil amendments in the watershed.

636 b. Where agricultural nonpoint source best management
637 practices or interim measures have been adopted by rule of the
638 Department of Agriculture and Consumer Services, the owner or
639 operator of an agricultural nonpoint source addressed by such
640 rule shall either implement interim measures or best management
641 practices or demonstrate compliance with the district's WOD
642 program by conducting monitoring prescribed by the department or
643 the district. Owners or operators of agricultural nonpoint
644 sources who implement interim measures or best management

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645 practices adopted by rule of the Department of Agriculture and
646 Consumer Services shall be subject to the provisions of s.
647 403.067(7). The Department of Agriculture and Consumer Services,
648 in cooperation with the department and the district, shall
649 provide technical and financial assistance for implementation of
650 agricultural best management practices, subject to the
651 availability of funds.

652 c. The district or department shall conduct monitoring at
653 representative sites to verify the effectiveness of agricultural
654 nonpoint source best management practices.

655 d. Where water quality problems are detected for
656 agricultural nonpoint sources despite the appropriate
657 implementation of adopted best management practices, the
658 Department of Agriculture and Consumer Services, in consultation
659 with the other coordinating agencies and affected parties, shall
660 institute a reevaluation of the best management practices and
661 make appropriate changes to the rule adopting best management
662 practices.

663 2. Nonagricultural nonpoint source best management
664 practices, developed in accordance with s. 403.067 and designed
665 to achieve the objectives of the Lake Okeechobee Watershed
666 Protection Program, shall be implemented on an expedited basis.
667 The department and the district shall develop an interagency
668 agreement pursuant to ss. 373.046 and 373.406(5) that assures
669 the development of best management practices that complement
670 existing regulatory programs and specifies how those best
671 management practices are implemented and verified. The
672 interagency agreement shall address measures to be taken by the

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673 department and the district during any best management practice
674 reevaluation performed pursuant to sub-subparagraph d.

675 a. The department and the district are directed to work
676 with the University of Florida's Institute of Food and
677 Agricultural Sciences to develop appropriate nutrient
678 application rates for all nonagricultural soil amendments in the
679 watershed. As provided in s. 403.067(7)(c), the department, in
680 consultation with the district and affected parties, shall
681 develop interim measures, best management practices, or other
682 measures necessary for Lake Okeechobee watershed total maximum
683 daily phosphorus load reduction. Development of nonagricultural
684 nonpoint source best management practices shall initially focus
685 on those priority basins listed in subparagraph (b)1. The
686 department, the district, and affected parties shall conduct an
687 ongoing program for improvement of existing and development of
688 new interim measures or best management practices. The district
689 shall adopt technology-based standards under the district's WOD
690 program for nonagricultural nonpoint sources of phosphorus.

691 b. Where nonagricultural nonpoint source best management
692 practices or interim measures have been developed by the
693 department and adopted by the district, the owner or operator of
694 a nonagricultural nonpoint source shall implement interim
695 measures or best management practices and be subject to the
696 provisions of s. 403.067(7). The department and district shall
697 provide technical and financial assistance for implementation of
698 nonagricultural nonpoint source best management practices,
699 subject to the availability of funds.

700 c. The district or the department shall conduct monitoring

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701 at representative sites to verify the effectiveness of
702 nonagricultural nonpoint source best management practices.

703 d. Where water quality problems are detected for
704 nonagricultural nonpoint sources despite the appropriate
705 implementation of adopted best management practices, the
706 department and the district shall institute a reevaluation of
707 the best management practices.

708 3. The provisions of subparagraphs 1. and 2. shall not
709 preclude the department or the district from requiring
710 compliance with water quality standards or with current best
711 management practices requirements set forth in any applicable
712 regulatory program authorized by law for the purpose of
713 protecting water quality. Additionally, subparagraphs 1. and 2.
714 are applicable only to the extent that they do not conflict with
715 any rules promulgated by the department that are necessary to
716 maintain a federally delegated or approved program.

717 4. Projects that ~~which~~ reduce the phosphorus load
718 originating from domestic wastewater systems within the Lake
719 Okeechobee watershed shall be given funding priority in the
720 department's revolving loan program under s. 403.1835. The
721 department shall coordinate and provide assistance to those
722 local governments seeking financial assistance for such priority
723 projects.

724 5. Projects that make use of private lands, or lands held
725 in trust for Indian tribes, to reduce nutrient loadings or
726 concentrations within a basin by one or more of the following
727 methods: restoring the natural hydrology of the basin, restoring
728 wildlife habitat or impacted wetlands, reducing peak flows after

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729 storm events, increasing aquifer recharge, or protecting range
730 and timberland from conversion to development, are eligible for
731 grants available under this section from the coordinating
732 agencies. For projects of otherwise equal priority, special
733 funding priority will be given to those projects that make best
734 use of the methods outlined above that involve public-private
735 partnerships or that obtain federal match money. Preference
736 ranking above the special funding priority will be given to
737 projects located in a rural area of critical economic concern
738 designated by the Governor. Grant applications may be submitted
739 by any person or tribal entity, and eligible projects may
740 include, but are not limited to, the purchase of conservation
741 and flowage easements, hydrologic restoration of wetlands,
742 creating treatment wetlands, development of a management plan
743 for natural resources, and financial support to implement a
744 management plan.

745 6.a. The department shall require all entities disposing
746 of domestic wastewater residuals within the Lake Okeechobee
747 watershed and the remaining areas of Okeechobee, Glades, and
748 Hendry Counties to develop and submit to the department an
749 agricultural use plan that limits applications based upon
750 phosphorus loading. By July 1, 2005, phosphorus concentrations
751 originating from these application sites shall not exceed the
752 limits established in the district's WOD program. After December
753 31, 2007, the department may not authorize the disposal of
754 domestic wastewater residuals within the Lake Okeechobee
755 watershed unless the applicant can affirmatively demonstrate
756 that the phosphorus in the residuals will not add to phosphorus

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757 loadings in Lake Okeechobee or its tributaries. This
758 demonstration shall be based on achieving a net balance between
759 phosphorus imports relative to exports on the permitted
760 application site. Exports shall include only phosphorus removed
761 from the Lake Okeechobee watershed through products generated on
762 the permitted application site. This prohibition does not apply
763 to Class AA residuals that are marketed and distributed as
764 fertilizer products in accordance with department rule.

765 b. Private and government-owned utilities within Monroe,
766 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
767 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
768 of wastewater residual sludge from utility operations and septic
769 removal by land spreading in the Lake Okeechobee watershed may
770 use a line item on local sewer rates to cover wastewater
771 residual treatment and disposal if such disposal and treatment
772 is done by approved alternative treatment methodology at a
773 facility located within the areas designated by the Governor as
774 rural areas of critical economic concern pursuant to s.
775 288.0656. This additional line item is an environmental
776 protection disposal fee above the present sewer rate and shall
777 not be considered a part of the present sewer rate to customers,
778 notwithstanding provisions to the contrary in chapter 367. The
779 fee shall be established by the county commission or its
780 designated assignee in the county in which the alternative
781 method treatment facility is located. The fee shall be
782 calculated to be no higher than that necessary to recover the
783 facility's prudent cost of providing the service. Upon request
784 by an affected county commission, the Florida Public Service

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785 Commission will provide assistance in establishing the fee.
786 Further, for utilities and utility authorities that use the
787 additional line item environmental protection disposal fee, such
788 fee shall not be considered a rate increase under the rules of
789 the Public Service Commission and shall be exempt from such
790 rules. Utilities using the provisions of this section may
791 immediately include in their sewer invoicing the new
792 environmental protection disposal fee. Proceeds from this
793 environmental protection disposal fee shall be used for
794 treatment and disposal of wastewater residuals, including any
795 treatment technology that helps reduce the volume of residuals
796 that require final disposal, but such proceeds shall not be used
797 for transportation or shipment costs for disposal or any costs
798 relating to the land application of residuals in the Lake
799 Okeechobee watershed.

800 c. No less frequently than once every 3 years, the Florida
801 Public Service Commission or the county commission through the
802 services of an independent auditor shall perform a financial
803 audit of all facilities receiving compensation from an
804 environmental protection disposal fee. The Florida Public
805 Service Commission or the county commission through the services
806 of an independent auditor shall also perform an audit of the
807 methodology used in establishing the environmental protection
808 disposal fee. The Florida Public Service Commission or the
809 county commission shall, within 120 days after completion of an
810 audit, file the audit report with the President of the Senate
811 and the Speaker of the House of Representatives and shall
812 provide copies to the county commissions of the counties set

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813 forth in sub-subparagraph b. The books and records of any
814 facilities receiving compensation from an environmental
815 protection disposal fee shall be open to the Florida Public
816 Service Commission and the Auditor General for review upon
817 request.

818 7. The Department of Health shall require all entities
819 disposing of septage within the Lake Okeechobee watershed ~~and~~
820 ~~the remaining areas of Okeechobee, Glades, and Hendry Counties~~
821 to develop and submit to that agency an agricultural use plan
822 that limits applications based upon phosphorus loading. By July
823 1, 2005, phosphorus concentrations originating from these
824 application sites shall not exceed the limits established in the
825 district's WOD program.

826 8. The Department of Agriculture and Consumer Services
827 shall initiate rulemaking requiring entities within the Lake
828 Okeechobee watershed that ~~and the remaining areas of Okeechobee,~~
829 ~~Glades, and Hendry Counties~~ which land-apply animal manure to
830 develop resource management system level conservation plans,
831 according to United States Department of Agriculture criteria,
832 that ~~or nutrient management plans that~~ limit such application,
833 ~~based upon phosphorus loading~~. Such rules may include criteria
834 and thresholds for the requirement to develop a conservation or
835 nutrient management plan, requirements for plan approval, and
836 recordkeeping requirements.

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

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

845 (d) Lake Okeechobee Watershed Research and Water Quality
846 Monitoring Program.--The district, in cooperation with the other
847 coordinating agencies, shall establish a Lake Okeechobee
848 Watershed Research and Water Quality Monitoring Program that
849 builds upon the district's existing Lake Okeechobee research
850 program. The program shall:

851 1. Evaluate all available existing water quality data
852 concerning total phosphorus in the Lake Okeechobee watershed,
853 develop a water quality baseline to represent existing
854 conditions for total phosphorus, monitor long-term ecological
855 changes, including water quality for total phosphorus, and
856 measure compliance with water quality standards for total
857 phosphorus, including any applicable ~~the~~ total maximum daily
858 load for the Lake Okeechobee watershed as established pursuant
859 to s. 403.067. Every 3 years, the district shall reevaluate
860 water quality and quantity data to ensure that the appropriate
861 projects are being designated and implemented to meet the water
862 quality and storage goals of the plan. The district shall also
863 implement a total phosphorus monitoring program at appropriate
864 all-inflow structures owned or operated by the South Florida
865 Water Management District and within the ~~to~~ Lake Okeechobee
866 watershed.

867 2. Develop a Lake Okeechobee water quality model that
868 reasonably represents phosphorus dynamics of the lake and

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869 incorporates an uncertainty analysis associated with model
870 predictions.

871 3. Determine the relative contribution of phosphorus from
872 all identifiable sources and all primary and secondary land
873 uses.

874 4. Conduct an assessment of the sources of phosphorus from
875 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
876 relative contribution to the water quality of Lake Okeechobee.
877 The results of this assessment shall be used by the coordinating
878 agencies to develop interim measures, best management practices,
879 or regulation, as applicable.

880 5. Assess current water management practices within the
881 Lake Okeechobee watershed and develop recommendations for
882 structural and operational improvements. Such recommendations
883 shall balance water supply, flood control, estuarine salinity,
884 maintenance of a healthy lake littoral zone, and water quality
885 considerations.

886 6. Evaluate the feasibility of alternative nutrient
887 reduction technologies, including sediment traps, canal and
888 ditch maintenance, fish production or other aquaculture,
889 bioenergy conversion processes, and algal or other biological
890 treatment technologies.

891 7. Conduct an assessment of the water volumes and timing
892 from the Lake Okeechobee watershed and their relative
893 contribution to the water level changes in Lake Okeechobee and
894 to the timing and volume of water delivered to the estuaries.

895 (e) Lake Okeechobee Exotic Species Control Program.--The
896 coordinating agencies shall identify the exotic species that

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897 threaten the native flora and fauna within the Lake Okeechobee
 898 watershed and develop and implement measures to protect the
 899 native flora and fauna.

900 (f) Lake Okeechobee Internal Phosphorus Management
 901 Program.--The district, in cooperation with the other
 902 coordinating agencies and interested parties, shall complete a
 903 Lake Okeechobee internal phosphorus load removal feasibility
 904 study. The feasibility study shall be based on technical
 905 feasibility, as well as economic considerations, and address all
 906 reasonable methods of phosphorus removal. If methods are found
 907 to be feasible, the district shall immediately pursue the
 908 design, funding, and permitting for implementing such methods.

909 (g) Lake Okeechobee Watershed Protection Plan
 910 implementation.--The coordinating agencies shall be jointly
 911 responsible for implementing the Lake Okeechobee Watershed
 912 Protection Plan, consistent with the statutory authority and
 913 responsibility of each agency. Annual funding priorities shall
 914 be jointly established, and the highest priority shall be
 915 assigned to programs and projects that address ~~phosphorus~~
 916 sources that have the highest relative contribution to
 917 ~~phosphorus~~ loading and the greatest potential for reductions
 918 needed to meet the total maximum daily loads ~~phosphorus~~
 919 ~~reduction~~. In determining funding priorities, the coordinating
 920 agencies shall also consider the need for regulatory compliance,
 921 the extent to which the program or project is ready to proceed,
 922 and the availability of federal matching funds or other nonstate
 923 funding, including public-private partnerships. Federal and
 924 other nonstate funding shall be maximized to the greatest extent

925 practicable.

926 (h) Priorities and implementation schedules.--The
 927 coordinating agencies are authorized and directed to establish
 928 priorities and implementation schedules for the achievement of
 929 total maximum daily loads, compliance with the requirements of
 930 s. 403.067, and compliance with applicable water quality
 931 standards within the waters and watersheds subject to this
 932 section.

933 (i) Legislative ratification.--The coordinating agencies
 934 shall submit the Phase II technical plan developed pursuant to
 935 paragraph (b) to the President of the Senate and the Speaker of
 936 the House of Representatives prior to the 2009 legislative
 937 session for review. If the Legislature takes no action on the
 938 plan during the 2009 legislative session, the plan is deemed
 939 approved and may be implemented.

940 ~~(h) Annual progress report.-- Each March 1, beginning in~~
 941 ~~2006, the district shall report on implementation of this~~
 942 ~~section as part of the consolidated annual report required in s.~~
 943 ~~373.036(7). The annual report shall include a summary of water~~
 944 ~~quality and habitat conditions in Lake Okeechobee and the Lake~~
 945 ~~Okeechobee watershed and the status of the Lake Okeechobee~~
 946 ~~Construction Project. The district shall prepare the report in~~
 947 ~~cooperation with the other coordinating agencies.~~

948 (4) CALOOSAHATCHEE AND ST. LUCIE RIVER WATERSHED
 949 PROTECTION PROGRAM.--A protection program for the watersheds
 950 shall be developed and implemented as specified in this
 951 subsection. In order to protect and restore surface water
 952 resources, the program shall address the reduction of pollutant

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953 loadings, restoration of natural hydrology, and compliance with
954 applicable state water quality standards. The program shall be
955 achieved through a phased program of implementation. In
956 addition, pollutant load reductions based upon adopted total
957 maximum daily loads established in accordance with s. 403.067
958 shall serve as a program objective. In the development and
959 administration of the program, the coordinating agencies shall
960 maximize opportunities provided by federal and local government
961 cost-sharing programs and opportunities for partnerships with
962 the private sector and local government. The plan shall include
963 a goal for salinity envelopes and freshwater inflow targets for
964 the estuaries based upon existing research and documentation and
965 may be revised as new information is available. The goal shall
966 seek to reduce the frequency and duration of undesirable
967 salinity ranges while meeting the other water-related needs of
968 the region, including water supply and flood protection, and
969 recognizing the extent to which water inflows are within the
970 control and jurisdiction of the district.

971 (a) Caloosahatchee River Watershed Protection Plan.--No
972 later than January 1, 2009, the district, in cooperation with
973 the other coordinating agencies, Lee County, and affected
974 counties and municipalities, shall complete a River Watershed
975 Protection Plan in accordance with this subsection. The plan
976 shall identify the geographic extent of the watershed, be
977 coordinated as needed with the plans developed pursuant to
978 paragraph (b) and paragraph (3)(a), and contain an
979 implementation schedule for pollutant load reductions consistent
980 with any adopted total maximum daily loads and compliance with

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981 applicable state water quality standards. The plan shall
982 include:

983 1. Caloosahatchee River Watershed Construction
984 Project.--To improve the hydrology, water quality, and aquatic
985 habitats within the watershed, the district shall, no later than
986 January 1, 2012, plan, design, and construct the initial phase
987 of the Watershed Construction Project. In doing so, the district
988 shall:

989 a. Develop and designate the facilities to be constructed
990 to achieve stated goals and objectives of the Caloosahatchee
991 River Watershed Protection Plan.

992 b. Conduct scientific studies that are necessary to
993 support the design of the Caloosahatchee River Watershed
994 Construction Project facilities.

995 c. Identify the size and location of all such facilities.

996 d. Provide a construction schedule for all such
997 facilities, including the sequencing and specific timeframe for
998 construction of each facility.

999 e. Provide a schedule for the acquisition of lands or
1000 sufficient interests necessary to achieve the construction
1001 schedule.

1002 f. Provide a schedule of costs and benefits associated
1003 with each construction project and identify funding sources.

1004 g. Coordinate the design, scheduling, and sequencing of
1005 project facilities with the coordinating agencies, Lee County,
1006 other affected counties and municipalities, and other affected
1007 parties to ensure timely implementation.

1008 2. Caloosahatchee River Watershed Pollutant Control

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1009 Program.--The Caloosahatchee River Watershed Pollutant Control
1010 Program is designed to be a multifaceted approach to reducing
1011 pollutant loads by improving the management of pollutant sources
1012 within the Caloosahatchee River watershed through implementation
1013 of regulations and best management practices, development and
1014 implementation of improved best management practices,
1015 improvement and restoration of the hydrologic function of
1016 natural and managed systems, and utilization of alternative
1017 technologies for pollutant reduction, such as cost-effective
1018 biologically based, hybrid wetland-chemical, and other
1019 innovative nutrient control technologies. The coordinating
1020 agencies shall facilitate the utilization of federal programs
1021 that offer opportunities for water quality treatment, including
1022 preservation, restoration, or creation of wetlands on
1023 agricultural lands.

1024 a. Nonpoint source best management practices consistent
1025 with paragraph (3)(c), designed to achieve the objectives of the
1026 Caloosahatchee River Watershed Protection Program, shall be
1027 implemented on an expedited basis. The coordinating agencies may
1028 develop an intergovernmental agreement with local governments to
1029 implement the nonagricultural, nonpoint source best management
1030 practices within their respective geographic boundaries.

1031 b. This subsection does not preclude the department or the
1032 district from requiring compliance with water quality standards,
1033 adopted total maximum daily loads, or current best management
1034 practices requirements set forth in any applicable regulatory
1035 program authorized by law for the purpose of protecting water
1036 quality. This subsection applies only to the extent that it does

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1037 not conflict with any rules adopted by the department or
1038 district that are necessary to maintain a federally delegated or
1039 approved program.

1040 c. Projects that make use of private lands, or lands held
1041 in trust for Indian tribes, to reduce pollutant loadings or
1042 concentrations within a basin, or that reduce the volume of
1043 harmful discharges, by one or more of the following methods:
1044 restoring the natural hydrology of the basin, restoring wildlife
1045 habitat or impacted wetlands, reducing peak flows after storm
1046 events, or increasing aquifer recharge, are eligible for grants
1047 available under this section from the coordinating agencies.

1048 d. The Caloosahatchee River Watershed Pollutant Control
1049 Program shall require assessment of current water management
1050 practices within the watershed and shall require development of
1051 recommendations for structural, nonstructural, and operational
1052 improvements. Such recommendations shall consider and balance
1053 water supply, flood control, estuarine salinity, aquatic
1054 habitat, and water quality considerations.

1055 e. After December 31, 2007, the department may not
1056 authorize the disposal of domestic wastewater residuals within
1057 the Caloosahatchee River watershed unless the applicant can
1058 affirmatively demonstrate that the nutrients in the residuals
1059 will not add to nutrient loadings in the watershed. This
1060 demonstration shall be based on achieving a net balance between
1061 nutrient imports relative to exports on the permitted
1062 application site. Exports shall include only nutrients removed
1063 from the watershed through products generated on the permitted
1064 application site. This prohibition does not apply to Class AA

1065 residuals that are marketed and distributed as fertilizer
 1066 products in accordance with department rule.

1067 f. The Department of Health shall require all entities
 1068 disposing of septage within the Caloosahatchee River watershed
 1069 to develop and submit to that agency an agricultural use plan
 1070 that limits applications based upon nutrient loading. By July 1,
 1071 2008, nutrient concentrations originating from these application
 1072 sites may not exceed the limits established in the district's
 1073 WOD program.

1074 g. The Department of Agriculture and Consumer Services
 1075 shall initiate rulemaking requiring entities within the
 1076 Caloosahatchee River watershed that land-apply animal manure to
 1077 develop a resource management system level conservation plan
 1078 according to United States Department of Agriculture criteria
 1079 that limits such application. Such rules may include criteria
 1080 and thresholds for the requirement to develop a conservation or
 1081 nutrient management plan, requirements for plan approval, and
 1082 recordkeeping requirements.

1083 3. Caloosahatchee River Watershed Research and Water
 1084 Quality Monitoring Program.--The district, in cooperation with
 1085 the other coordinating agencies and local governments, shall
 1086 establish a Caloosahatchee River Watershed Research and Water
 1087 Quality Monitoring Program that builds upon the district's
 1088 existing research program and that is sufficient to carry out,
 1089 comply with, or assess the plans, programs, and other
 1090 responsibilities created by this subsection. The program shall
 1091 also conduct an assessment of the water volumes and timing from
 1092 the Lake Okeechobee and Caloosahatchee River watersheds and

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1093 their relative contributions to the timing and volume of water
1094 delivered to the estuary.

1095 (b) St. Lucie River Watershed Protection Plan.--No later
1096 than January 1, 2009, the district, in cooperation with the
1097 other coordinating agencies, Martin County, and affected
1098 counties and municipalities, shall complete a plan in accordance
1099 with this subsection. The plan shall identify the geographic
1100 extent of the watershed, be coordinated as needed with the plans
1101 developed pursuant to paragraph (a) and paragraph (3)(a), and
1102 contain an implementation schedule for pollutant load reductions
1103 consistent with any adopted total maximum daily loads and
1104 compliance with applicable state water quality standards. The
1105 plan shall include the following elements:

1106 1. St. Lucie River Watershed Construction Project.--To
1107 improve the hydrology, water quality, and aquatic habitats
1108 within the watershed, the district shall, no later than January
1109 1, 2012, plan, design, and construct the initial phase of
1110 watershed construction projects. In doing so, the district
1111 shall:

1112 a. Develop and designate the facilities to be constructed
1113 to achieve stated goals and objectives of the St. Lucie River
1114 Watershed Protection Plan.

1115 b. Identify the size and location of all such facilities.

1116 c. Provide a construction schedule for all such
1117 facilities, including the sequencing and specific timeframe for
1118 construction of each facility.

1119 d. Provide a schedule for the acquisition of lands or
1120 sufficient interests necessary to achieve the construction

1121 schedule.

1122 e. Provide a schedule of costs and benefits associated

1123 with each construction project and identify funding sources.

1124 f. Coordinate the design, scheduling, and sequencing of

1125 project facilities with the coordinating agencies, Martin

1126 County, St. Lucie County, other interested parties, and other

1127 affected local governments to ensure timely implementation.

1128 2. St. Lucie River Watershed Pollutant Control

1129 Program.--The St. Lucie River Watershed Pollutant Control

1130 Program is designed to be a multifaceted approach to reducing

1131 pollutant loads by improving the management of pollutant sources

1132 within the St. Lucie River watershed through implementation of

1133 regulations and best management practices, development and

1134 implementation of improved best management practices,

1135 improvement and restoration of the hydrologic function of

1136 natural and managed systems, and utilization of alternative

1137 technologies for pollutant reduction, such as cost-effective

1138 biologically based, hybrid wetland-chemical and other innovative

1139 nutrient control technologies. The coordinating agencies shall

1140 facilitate the utilization of federal programs that offer

1141 opportunities for water quality treatment, including

1142 preservation, restoration, or creation of wetlands on

1143 agricultural lands.

1144 a. Nonpoint source best management practices consistent

1145 with paragraph (3)(c), designed to achieve the objectives of the

1146 St. Lucie River Watershed Protection Program, shall be

1147 implemented on an expedited basis. The coordinating agencies may

1148 develop an intergovernmental agreement with local governments to

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1149 implement the nonagricultural nonpoint source best management
1150 practices within their respective geographic boundaries.

1151 b. This subsection does not preclude the department or the
1152 district from requiring compliance with water quality standards,
1153 adopted total maximum daily loads, or current best management
1154 practices requirements set forth in any applicable regulatory
1155 program authorized by law for the purpose of protecting water
1156 quality. This subsection applies only to the extent that it does
1157 not conflict with any rules adopted by the department or
1158 district that are necessary to maintain a federally delegated or
1159 approved program.

1160 c. Projects that make use of private lands, or lands held
1161 in trust for Indian tribes, to reduce pollutant loadings or
1162 concentrations within a basin or that reduce the volume of
1163 harmful discharges by one or more of the following methods:
1164 restoring the natural hydrology of the basin, restoring wildlife
1165 habitat or impacted wetlands, reducing peak flows after storm
1166 events, or increasing aquifer recharge, are eligible for grants
1167 available under this section from the coordinating agencies.

1168 d. The St. Lucie River Watershed Pollutant Control Program
1169 shall require assessment of current water management practices
1170 within the watershed and shall require development of
1171 recommendations for structural, nonstructural, and operational
1172 improvements. Such recommendations shall consider and balance
1173 water supply, flood control, estuarine salinity, aquatic
1174 habitat, and water quality considerations.

1175 e. After December 31, 2007, the department may not
1176 authorize the disposal of domestic wastewater residuals within

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1177 the St. Lucie River watershed unless the applicant can
1178 affirmatively demonstrate that the nutrients in the residuals
1179 will not add to nutrient loadings in the watershed. This
1180 demonstration shall be based on achieving a net balance between
1181 nutrient imports relative to exports on the permitted
1182 application site. Exports shall include only nutrients removed
1183 from the St. Lucie River watershed through products generated on
1184 the permitted application site. This prohibition does not apply
1185 to Class AA residuals that are marketed and distributed as
1186 fertilizer products in accordance with department rule.

1187 f. The Department of Health shall require all entities
1188 disposing of septage within the St. Lucie River watershed to
1189 develop and submit to that agency an agricultural use plan that
1190 limits applications based upon nutrient loading. By July 1,
1191 2008, nutrient concentrations originating from these application
1192 sites may not exceed the limits established in the district's
1193 WOD program.

1194 g. The Department of Agriculture and Consumer Services
1195 shall initiate rulemaking requiring entities within the St.
1196 Lucie River watershed that land-apply animal manure to develop a
1197 resource management system level conservation plan, according to
1198 United States Department of Agriculture criteria, that limits
1199 such application. Such rules may include criteria and thresholds
1200 for the requirement to develop a conservation or nutrient
1201 management plan, requirements for plan approval, and
1202 recordkeeping requirements.

1203 3. St. Lucie River Watershed Research and Water Quality
1204 Monitoring Program.--The district, in cooperation with the other

1205 coordinating agencies and local governments, shall establish a
 1206 St. Lucie River Watershed Research and Water Quality Monitoring
 1207 Program that builds upon the district's existing research
 1208 program and that is sufficient to carry out, comply with, or
 1209 assess the plans, programs, and other responsibilities created
 1210 by this subsection. The program shall also conduct an assessment
 1211 of the water volumes and timing from the Lake Okeechobee and St.
 1212 Lucie River watersheds and their relative contributions to the
 1213 timing and volume of water delivered to the estuary.

1214 (c) River Watershed Protection Plans implementation.--The
 1215 coordinating agencies shall be jointly responsible for
 1216 implementing the River Watershed Protection Plans, consistent
 1217 with the statutory authority and responsibility of each agency.
 1218 Annual funding priorities shall be jointly established, and the
 1219 highest priority shall be assigned to programs and projects that
 1220 have the greatest potential for achieving the goals and
 1221 objectives of the plans. In determining funding priorities, the
 1222 coordinating agencies shall also consider the need for
 1223 regulatory compliance, the extent to which the program or
 1224 project is ready to proceed, and the availability of federal or
 1225 local government matching funds. Federal and other nonstate
 1226 funding shall be maximized to the greatest extent practicable.

1227 (d) Evaluation.--By March 1, 2012, and every 3 years
 1228 thereafter, the district, in cooperation with the coordinating
 1229 agencies, shall conduct an evaluation of any pollutant load
 1230 reduction goals, and any other specific objectives and goals, as
 1231 stated in the River Watershed Protection Plans. Additionally,
 1232 the district shall identify modifications to facilities of the

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1233 River Watershed Construction Projects, as appropriate, or any
 1234 other elements of the River Watershed Protection Plans. The
 1235 evaluation shall be included in the annual progress report
 1236 submitted pursuant to this section.

1237 (e) Priorities and implementation schedules.--The
 1238 coordinating agencies are authorized and directed to establish
 1239 priorities and implementation schedules for the achievement of
 1240 total maximum daily loads, the requirements of s. 403.067, and
 1241 compliance with applicable water quality standards within the
 1242 waters and watersheds subject to this section.

1243 (f) Legislative ratification.--The coordinating agencies
 1244 shall submit the River Watershed Protection Plans developed
 1245 pursuant to paragraphs (a) and (b) to the President of the
 1246 Senate and the Speaker of the House of Representatives prior to
 1247 the 2009 legislative session for review. If the Legislature
 1248 takes no action on the plan during the 2009 legislative session,
 1249 the plans are deemed approved and may be implemented.

1250 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY
 1251 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.--The
 1252 department is directed to expedite development and adoption of
 1253 total maximum daily loads for the Caloosahatchee River and
 1254 estuary. The department is further directed to, no later than
 1255 December 31, 2008, propose for final agency action total maximum
 1256 daily loads for nutrients in the tidal portions of the
 1257 Caloosahatchee River and estuary. The department shall initiate
 1258 development of basin management action plans as provided in s.
 1259 403.067(7) (a) as follows:

1260 (a) Basin management action plans shall be developed as

1261 soon as practicable as determined necessary by the department to
 1262 achieve the total maximum daily loads established for the Lake
 1263 Okeechobee watershed and the estuaries.

1264 (b) The Phase II technical plan developed pursuant to
 1265 paragraph (3)(b) and the River Watershed Protection Plans
 1266 developed pursuant to paragraphs (4)(a) and (b) shall provide
 1267 the basis for basin management action plans developed by the
 1268 department.

1269 (c) As determined necessary by the department to achieve
 1270 the total maximum daily loads, additional or modified projects
 1271 or programs that complement those in the legislatively ratified
 1272 plans may be included during the development of the basin
 1273 management action plan.

1274 (d) Development of basin management action plans that
 1275 implement the provisions of the legislatively ratified plans
 1276 shall be initiated by the department no later than September 30
 1277 of the year in which the applicable plan is ratified. Where a
 1278 total maximum daily load has not been established at the time of
 1279 plan ratification, development of basin management action plans
 1280 shall be initiated no later than 90 days following adoption of
 1281 the applicable total maximum daily load.

1282 (6) ANNUAL PROGRESS REPORT.--Each March 1, the district
 1283 shall report on implementation of this section as part of the
 1284 consolidated annual report required in s. 373.036(7). The annual
 1285 report shall include a summary of the conditions of the
 1286 hydrology, water quality, and aquatic habitat in the northern
 1287 Everglades based on the results of the Research and Water
 1288 Quality Monitoring Programs, the status of the Lake Okeechobee

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1289 Watershed Construction Project, the status of the Caloosahatchee
 1290 River Watershed Construction Project, and the status of the St.
 1291 Lucie River Watershed Construction Project. In addition, the
 1292 report shall contain an annual accounting of the expenditure of
 1293 funds from the Save Our Everglades Trust Fund. At a minimum, the
 1294 annual report shall provide detail by program and plan,
 1295 including specific information concerning the amount and use of
 1296 funds from federal, state, or local government sources. In
 1297 detailing the use of these funds, the district shall indicate
 1298 those designated to meet requirements for matching funds. The
 1299 district shall prepare the report in cooperation with the other
 1300 coordinating agencies and affected local governments.

1301 (7)~~(4)~~ LAKE OKEECHOBEE PROTECTION PERMITS.--

1302 (a) The Legislature finds that the Lake Okeechobee
 1303 Protection Program will benefit Lake Okeechobee and downstream
 1304 receiving waters and is consistent with the public interest. The
 1305 Lake Okeechobee Construction Project and structures discharging
 1306 into or from Lake Okeechobee shall be constructed, operated, and
 1307 maintained in accordance with this section.

1308 (b) Permits obtained pursuant to this section are in lieu
 1309 of all other permits under this chapter or chapter 403, except
 1310 those issued under s. 403.0885, if applicable. No additional
 1311 permits are required for the Lake Okeechobee Construction
 1312 Project or structures discharging into or from Lake Okeechobee,
 1313 if permitted under this section. Construction activities related
 1314 to implementation of the Lake Okeechobee Construction Project
 1315 may be initiated prior to final agency action, or notice of
 1316 intended agency action, on any permit from the department under

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1317 | this section.

1318 | (c) Within 90 days of completion of the diversion plans
 1319 | set forth in Department Consent Orders 91-0694, 91-0707, 91-
 1320 | 0706, 91-0705, and RT50-205564, owners or operators of existing
 1321 | structures which discharge into or from Lake Okeechobee that are
 1322 | subject to the provisions of s. 373.4592(4) (a) shall apply for a
 1323 | permit from the department to operate and maintain such
 1324 | structures. By September 1, 2000, owners or operators of all
 1325 | other existing structures which discharge into or from Lake
 1326 | Okeechobee shall apply for a permit from the department to
 1327 | operate and maintain such structures. The department shall issue
 1328 | one or more such permits for a term of 5 years upon the
 1329 | demonstration of reasonable assurance that schedules and
 1330 | strategies to achieve and maintain compliance with water quality
 1331 | standards have been provided for, to the maximum extent
 1332 | practicable, and that operation of the structures otherwise
 1333 | complies with provisions of ss. 373.413 and 373.416.

1334 | 1. Permits issued under this paragraph shall also contain
 1335 | reasonable conditions to ensure that discharges of waters
 1336 | through structures:

1337 | a. Are adequately and accurately monitored;

1338 | b. Will not degrade existing Lake Okeechobee water quality
 1339 | and will result in an overall reduction of phosphorus input into
 1340 | Lake Okeechobee, as set forth in the district's Technical
 1341 | Publication 81-2 and the total maximum daily load established in
 1342 | accordance with s. 403.067, to the maximum extent practicable;
 1343 | and

1344 | c. Do not pose a serious danger to public health, safety,

1345 or welfare.

1346 2. For the purposes of this paragraph, owners and
 1347 operators of existing structures which are subject to the
 1348 provisions of s. 373.4592(4) (a) and which discharge into or from
 1349 Lake Okeechobee shall be deemed in compliance with the term
 1350 "maximum extent practicable" if they are in full compliance with
 1351 the conditions of permits under chapters 40E-61 and 40E-63,
 1352 Florida Administrative Code.

1353 3. By January 1, 2004, the district shall submit to the
 1354 department a permit modification to the Lake Okeechobee
 1355 structure permits to incorporate proposed changes necessary to
 1356 ensure that discharges through the structures covered by this
 1357 permit achieve state water quality standards, including the
 1358 total maximum daily load established in accordance with s.
 1359 403.067. These changes shall be designed to achieve such
 1360 compliance with state water quality standards no later than
 1361 January 1, 2015.

1362 (d) The department shall require permits for Lake
 1363 Okeechobee Construction Project facilities. However, projects
 1364 identified in sub-subparagraph (3) (b)1.b. that qualify as exempt
 1365 pursuant to s. 373.406 shall not need permits under this
 1366 section. Such permits shall be issued for a term of 5 years upon
 1367 the demonstration of reasonable assurances that:

1368 1. The Lake Okeechobee Construction Project facility,
 1369 based upon the conceptual design documents and any subsequent
 1370 detailed design documents developed by the district, will
 1371 achieve the design objectives for phosphorus required in
 1372 paragraph (3) (b);

1373 2. For water quality standards other than phosphorus, the
 1374 quality of water discharged from the facility is of equal or
 1375 better quality than the inflows;

1376 3. Discharges from the facility do not pose a serious
 1377 danger to public health, safety, or welfare; and

1378 4. Any impacts on wetlands or state-listed species
 1379 resulting from implementation of that facility of the Lake
 1380 Okeechobee Construction Project are minimized and mitigated, as
 1381 appropriate.

1382 (e) At least 60 days prior to the expiration of any permit
 1383 issued under this section, the permittee may apply for a renewal
 1384 thereof for a period of 5 years.

1385 (f) Permits issued under this section may include any
 1386 standard conditions provided by department rule which are
 1387 appropriate and consistent with this section.

1388 (g) Permits issued pursuant to this section may be
 1389 modified, as appropriate, upon review and approval by the
 1390 department.

1391 (8)~~(5)~~ RESTRICTIONS ON WATER DIVERSIONS.--The South
 1392 Florida Water Management District shall not divert waters to the
 1393 St. Lucie River, the Indian River estuary, the Caloosahatchee
 1394 River or its estuary, or the Everglades National Park, in such a
 1395 way that the state water quality standards are violated, that
 1396 the nutrients in such diverted waters adversely affect
 1397 indigenous vegetation communities or wildlife, or that fresh
 1398 waters diverted to the St. Lucie River or the Caloosahatchee or
 1399 Indian River estuaries adversely affect the estuarine vegetation
 1400 or wildlife, unless the receiving waters will biologically

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1401 benefit by the diversion. However, diversion is permitted when
 1402 an emergency is declared by the water management district, if
 1403 the Secretary of Environmental Protection concurs.

1404 (9)~~(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE
 1405 EVERGLADES.--Nothing in this section shall be construed to
 1406 modify any provision of s. 373.4592.

1407 (10)~~(7)~~ RIGHTS OF SEMINOLE TRIBE OF FLORIDA.--Nothing in
 1408 this section is intended to diminish or alter the governmental
 1409 authority and powers of the Seminole Tribe of Florida, or
 1410 diminish or alter the rights of that tribe, including, but not
 1411 limited to, rights under the water rights compact among the
 1412 Seminole Tribe of Florida, the state, and the South Florida
 1413 Water Management District as enacted by Pub. L. No. 100-228, 101
 1414 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
 1415 s. 285.165, and rights under any other agreement between the
 1416 Seminole Tribe of Florida and the state or its agencies. No
 1417 land of the Seminole Tribe of Florida shall be used for water
 1418 storage or stormwater treatment without the consent of the
 1419 tribe.

1420 (11)~~(8)~~ RELATIONSHIP TO STATE WATER QUALITY
 1421 STANDARDS.--Nothing in this section shall be construed to modify
 1422 any existing state water quality standard or to modify the
 1423 provisions of s. 403.067(6) and (7)(a).

1424 (12) RULES.--The governing board of the district is
 1425 authorized to adopt rules pursuant to ss. 120.536(1) and 120.54
 1426 to implement the provisions of this section.

1427 (13)~~(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this
 1428 section shall be construed to restrict the authority otherwise

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1429 granted to agencies pursuant to chapters 373 and 403, and
 1430 provisions of this section shall be deemed supplemental to the
 1431 authority granted to agencies pursuant to chapters 373 and 403.

1432 Section 6. Subsections (2), (4), (5), and (6) of section
 1433 373.470, Florida Statutes, are amended to read:

1434 373.470 Everglades restoration.--

1435 (2) DEFINITIONS.--As used in this section, the term:

1436 (a) "Caloosahatchee River Watershed Protection Plan" means
 1437 the plan developed pursuant to s. 373.4595.

1438 (b)~~(a)~~ "Comprehensive plan" means the recommended
 1439 comprehensive plan contained within the "Final Integrated
 1440 Feasibility Report and Programmatic Environmental Impact
 1441 Statement, April 1999" and submitted to Congress on July 1,
 1442 1999.

1443 (c)~~(b)~~ "Corps" means the United States Army Corps of
 1444 Engineers.

1445 (d)~~(c)~~ "District" means the South Florida Water Management
 1446 District.

1447 (e) "Lake Okeechobee Watershed Protection Plan" means the
 1448 plan developed pursuant to s. 375.4595 and ss. 373.451-373.459.

1449 (f)~~(d)~~ "Project" means the Central and Southern Florida
 1450 Project authorized under the heading "CENTRAL AND SOUTHERN
 1451 FLORIDA" in s. 203 of the Flood Control Act of 1948 (62 Stat.
 1452 1176), and any modification to the project authorized by law.

1453 (g)~~(e)~~ "Project component" means any structural or
 1454 operational change, resulting from the comprehensive plan, to
 1455 the project as it existed and was operated as of January 1,
 1456 1999.

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1457 (h)~~(f)~~ "Project implementation report" means the project
 1458 implementation report as described in the "Final Integrated
 1459 Feasibility Report and Programmatic Environmental Impact
 1460 Statement, April 1999" and submitted to Congress on July 1,
 1461 1999.

1462 (i) "River Watershed Protection Plans" means the
 1463 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 1464 River Watershed Protection Plan as defined in this subsection.

1465 (j) "St. Lucie River Watershed Protection Plan" means the
 1466 plan developed pursuant to s. 373.4595.

1467 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR
 1468 DEPOSIT.--The following funds may be deposited into the Save Our
 1469 Everglades Trust Fund created by s. 373.472 to finance
 1470 implementation of the comprehensive plan, the Lake Okeechobee
 1471 Watershed Protection Plan, and the River Watershed Protection
 1472 Plans:

1473 ~~(a) In fiscal year 2000 2001, funds described in s.~~
 1474 ~~259.101(3).~~

1475 (a)~~(b)~~ Funds described in subsection (5).

1476 (b)~~(e)~~ Federal funds appropriated by Congress for
 1477 implementation of the comprehensive plan, the Lake Okeechobee
 1478 Watershed Protection Plan, or the River Watershed Protection
 1479 Plans.

1480 (c)~~(d)~~ Any additional funds appropriated by the
 1481 Legislature for the purpose of implementing the comprehensive
 1482 plan, the Lake Okeechobee Watershed Protection Plan, or the
 1483 River Watershed Protection Plans.

1484 (d)~~(e)~~ Gifts designated for implementation of the

1485 comprehensive plan, the Lake Okeechobee Watershed Protection
 1486 Plan, or the River Watershed Protection Plans from individuals,
 1487 corporations, or other entities.

1488 (e)~~(f)~~ Funds made available pursuant to s. 201.15 for debt
 1489 service for Everglades restoration bonds.

1490 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--

1491 ~~(a)1. For fiscal year 2000-2001, \$50 million of state~~
 1492 ~~funds shall be deposited into the Save Our Everglades Trust Fund~~
 1493 ~~created by s. 373.472.~~

1494 (a)2. For each year of the 13 ~~9~~ consecutive years
 1495 beginning with fiscal year 2007-2008 ~~2001-2002~~, ~~\$75 million of~~
 1496 state funds may ~~shall~~ be deposited into the Save Our Everglades
 1497 Trust Fund created by s. 373.472.

1498 (b)3. ~~As an alternative to subparagraph 2.,~~ Proceeds of
 1499 bonds issued under s. 215.619 may be deposited into the Save Our
 1500 Everglades Trust Fund created under s. 373.472. To enhance
 1501 flexibility, funds to be deposited into the Save Our Everglades
 1502 Trust Fund may consist of any combination of state funds and
 1503 Everglades restoration bonds.

1504 ~~(b) For each year of the 2 consecutive years beginning~~
 1505 ~~with fiscal year 2000-2001, the department shall deposit \$25~~
 1506 ~~million of the funds allocated to the district by the department~~
 1507 ~~under s. 259.105(11)(a) into the Save Our Everglades Trust Fund~~
 1508 ~~created by s. 373.472.~~

1509 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.--

1510 (a) Except for funds appropriated for debt service, the
 1511 department shall distribute funds in the Save Our Everglades
 1512 Trust Fund to the district in accordance with a legislative

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1513 appropriation and s. 373.026(8)(b) and (c). Distribution of
 1514 funds to the district from the Save Our Everglades Trust Fund
 1515 shall be equally matched by the cumulative contributions from
 1516 the district ~~all local sponsors~~ by fiscal year 2019-2020 ~~2009-~~
 1517 ~~2010~~ by providing funding or credits toward project components.
 1518 The dollar value of in-kind project design and construction work
 1519 by the district ~~local sponsors~~ in furtherance of the
 1520 comprehensive plan and existing interest in public lands needed
 1521 for a project component are credits towards the district's ~~local~~
 1522 ~~sponsors'~~ contributions.

1523 (b) The department shall distribute funds in the Save Our
 1524 Everglades Trust Fund to the district in accordance with a
 1525 legislative appropriation for debt service for Everglades
 1526 restoration bonds.

1527 (c) To the extent that funds are available, the department
 1528 may reserve a minimum of \$10 million dollars annually from the
 1529 Save Our Everglades Trust Fund for the purpose of implementation
 1530 of the River Watershed Protection Plans within the Northern
 1531 Everglades as identified in s. 373.4595. Distribution of funds
 1532 from the Save Our Everglades Trust Fund for the implementation
 1533 of the River Watershed Protection Plans shall be in accordance
 1534 with paragraph (a) and shall be equally matched by the district
 1535 and Lee and Martin Counties by fiscal year 2019-2020 by
 1536 providing funding or credits toward project components. The
 1537 dollar value of in-kind project design and construction work by
 1538 the district or the counties in furtherance of the River
 1539 Watershed Protection Plans and existing interest in public lands
 1540 needed for a project component are credits towards the

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1541 district's and counties' contributions.
 1542 (d) Subject to a specific appropriation to the Department
 1543 of Agriculture and Consumer Services for the purpose of
 1544 implementing agricultural nonpoint source controls as identified
 1545 in s. 373.4595 or the legislatively ratified Lake Okeechobee
 1546 Watershed Protection Plan and the River Watershed Protection
 1547 Plans, and upon written request by the Department of Agriculture
 1548 and Consumer Services for the transfer, the department shall
 1549 transfer an amount equal to such specific appropriation from the
 1550 Save Our Everglades Trust Fund to the Department of Agriculture
 1551 and Consumer Services General Inspection Trust Fund. All
 1552 interest earned on the investment of funds transferred from the
 1553 Save Our Everglades Trust Fund to the General Inspection Trust
 1554 Fund shall be credited to the Save Our Everglades Trust Fund by
 1555 June 30 of each year.

1556 Section 7. Subsection (1) of section 373.472, Florida
 1557 Statutes, is amended to read:

1558 373.472 Save Our Everglades Trust Fund.--

1559 (1) There is created within the Department of
 1560 Environmental Protection the Save Our Everglades Trust Fund.
 1561 Funds in the trust fund shall be expended to implement the
 1562 comprehensive plan defined in s. 373.470(2) (b) ~~(a)~~, the Lake
 1563 Okeechobee Watershed Protection Plan defined in s. 373.4595(2),
 1564 the Caloosahatchee River Watershed Protection Plan defined in s.
 1565 373.4595(2), and the St. Lucie River Watershed Protection Plan
 1566 defined in s. 373.4595(2), and to pay debt service for
 1567 Everglades restoration bonds issued pursuant to s. 215.619. The

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1568 | trust fund shall serve as the repository for state, local, and
1569 | federal project contributions in accordance with s. 373.470(4).
1570 | Section 8. This act shall take effect July 1, 2007.