

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
 6 funds; amending s. 373.4595, F.S.; providing legislative
 7 findings and intent; providing definitions; providing a
 8 deadline and additional components for the Phase II Lake
 9 Okeechobee Watershed Protection Plan; prohibiting the
 10 disposal of wastewater residuals within the Lake
 11 Okeechobee watershed pursuant to certain conditions;
 12 extending the period of time in which funds may be
 13 deposited into the trust fund; providing for additional
 14 distributions from the trust fund; providing for the
 15 inclusion of a water volume assessment in the Lake
 16 Okeechobee Watershed Research and Water Quality Monitoring
 17 Program; creating the Caloosahatchee and St. Lucie River
 18 Watershed Protection Program; creating the Caloosahatchee
 19 River Watershed Protection Plan; providing deadlines for
 20 plans submission; providing for required plan elements;
 21 creating the Caloosahatchee River Watershed Pollutant
 22 Control Program; providing requirements of the program;
 23 creating the Caloosahatchee River Watershed Research and
 24 Water Quality Monitoring Program; providing program
 25 requirements; creating the St. Lucie River Watershed
 26 Protection Plan; providing deadlines for plans submission;
 27 providing for required plan elements; creating the St.
 28 Lucie River Watershed Pollutant Control Program; providing
 29 requirements for the program; creating the St. Lucie

30 | Watershed Research and Water Quality Monitoring Program;
 31 | providing program requirements; providing for the
 32 | evaluation of the plans; providing for Legislative
 33 | ratification of the plans; establishing a deadline for the
 34 | establishment of total maximum daily loads for the
 35 | Caloosahatchee River and estuary; providing for progress
 36 | reports; providing rulemaking authority; amending s.
 37 | 373.470, F.S.; providing definitions; expanding sources
 38 | from which funds may be deposited into the Save Our
 39 | Everglades Trust Fund; amending s. 373.472, F.S.;
 40 | expanding authorized uses of funds deposited into the Save
 41 | Our Everglades Trust Fund; providing an effective date.
 42 |

43 | Be It Enacted by the Legislature of the State of Florida:
 44 |

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

47 | 215.619 Bonds for Everglades restoration.--

48 | (1) The issuance of Everglades restoration bonds to finance
 49 | or refinance the cost of acquisition and improvement of land,
 50 | water areas, and related property interests and resources for the
 51 | purpose of implementing the Comprehensive Everglades Restoration
 52 | Plan under s. 373.470, the Lake Okeechobee Watershed Protection
 53 | Plan under s. 373.4595, the Caloosahatchee River Watershed
 54 | Protection Plan under s. 373.4595, and the St. Lucie River
 55 | Watershed Protection Plan under s. 373.4595 is authorized in
 56 | accordance with s. 11(e), Art. VII of the State Constitution.
 57 | Everglades restoration bonds, except refunding bonds, may be
 58 | issued only in fiscal years 2002-2003 through 2009-2010 and may

59 | not be issued in an amount exceeding \$100 million per fiscal year
 60 | unless the Department of Environmental Protection has requested
 61 | additional amounts in order to achieve cost savings or accelerate
 62 | the purchase of land. The duration of Everglades restoration
 63 | bonds may not exceed 20 annual maturities, and those bonds must
 64 | mature by December 31, 2030. Except for refunding bonds, a series
 65 | of bonds may not be issued unless an amount equal to the debt
 66 | service coming due in the year of issuance has been appropriated
 67 | by the Legislature.

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

82 | Section 2. Subsection (8) of section 373.026, Florida
 83 | Statutes, is amended to read:

84 | 373.026 General powers and duties of the department.--The
 85 | department, or its successor agency, shall be responsible for the
 86 | administration of this chapter at the state level. However, it is
 87 | the policy of the state that, to the greatest extent possible,

88 | the department may enter into interagency or interlocal
 89 | agreements with any other state agency, any water management
 90 | district, or any local government conducting programs related to
 91 | or materially affecting the water resources of the state. All
 92 | such agreements shall be subject to the provisions of s. 373.046.
 93 | In addition to its other powers and duties, the department shall,
 94 | to the greatest extent possible:

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

108 | (b) To ensure to the greatest extent possible that project
 109 | components will go forward as planned, the department shall
 110 | collaborate with the South Florida Water Management District in
 111 | implementing the comprehensive plan as defined in s.
 112 | 373.470(2) (a), the Lake Okeechobee Watershed Protection Plan as
 113 | defined in s. 373.4595(2), and the River Watershed Protection
 114 | Plans as defined in s. 373.4595(2). Before any project component
 115 | is submitted to Congress for authorization or receives an
 116 | appropriation of state funds, the department must approve, or

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117 approve with amendments, each project component within 60 days
118 following formal submittal of the project component to the
119 department. Prior to the release of state funds for the
120 implementation of the comprehensive plan, department approval
121 shall be based upon a determination of the South Florida Water
122 Management District's compliance with s. 373.1501(5). Once a
123 project component is approved, the South Florida Water Management
124 District shall provide to the Joint Legislative Committee on
125 Everglades Oversight a schedule for implementing the project
126 component, the estimated total cost of the project component, any
127 existing federal or nonfederal credits, the estimated remaining
128 federal and nonfederal share of costs, and an estimate of the
129 amount of state funds that will be needed to implement the
130 project component. All requests for an appropriation of state
131 funds needed to implement the project component shall be
132 submitted to the department, and such requests shall be included
133 in the department's annual request to the Governor. Prior to the
134 release of state funds for the implementation of the Lake
135 Okeechobee Watershed Protection Plan or the River Watershed
136 Protection Plans, on an annual basis, the South Florida Water
137 Management District shall prepare an annual work plan as part of
138 the consolidated annual report required in s. 373.036(7). Upon a
139 determination by the secretary of the annual work plan's
140 consistency with the goals and objectives of s. 373.4595, the
141 secretary may approve the release of state funds. Any
142 modifications to the annual work plan shall be submitted to the
143 secretary for review and approval.

144 (c) Notwithstanding paragraph (b), the use of state funds
145 for land purchases from willing sellers is authorized for

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146 projects within the South Florida Water Management District's
147 approved 5-year plan of acquisition pursuant to s. 373.59 or
148 within the South Florida Water Management District's approved
149 Florida Forever water management district work plan pursuant to
150 s. 373.199.

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

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

160 Section 3. Section 373.4595, Florida Statutes, is amended
161 to read:

162 373.4595 Northern Everglades and Estuaries Lake Okeechobee
163 Protection Program.--

164 (1) FINDINGS AND INTENT.--

165 (a) The Legislature finds that the Lake Okeechobee
166 watershed, the Caloosahatchee River watershed, and the St. Lucie
167 River watershed are critical ~~is one of the most important~~ water
168 resources of the state, providing many economic, natural habitat,
169 and biodiversity functions benefiting the public interest,
170 including agricultural, public, and environmental water supply;
171 flood control; fishing; navigation and recreation; and habitat to
172 endangered and threatened species and other flora and fauna.

173 (b) The Legislature finds that changes in land uses, ~~in the~~
174 ~~Lake Okeechobee watershed and~~ the construction of the Central and

175 | Southern Florida Project, and the loss of surface water storage
 176 | have resulted in adverse changes to the hydrology and water
 177 | quality of Lake Okeechobee and the Caloosahatchee and St. Lucie
 178 | Rivers and their estuaries. ~~These hydrology and water quality~~
 179 | ~~changes have resulted in algal blooms and other adverse impacts~~
 180 | ~~to water quality both in Lake Okeechobee and in downstream~~
 181 | ~~receiving waters.~~

182 | (c) The Legislature finds that improvement to the
 183 | hydrology, and water quality and associated aquatic habitats
 184 | within the of Lake Okeechobee watershed, the Caloosahatchee River
 185 | watershed, and the St. Lucie River watershed, is essential to the
 186 | protection of the greater Everglades ecosystem.

187 | (d) The Legislature also finds that it is imperative for
 188 | the state, local governments, and agricultural and environmental
 189 | communities to commit to restoring and protecting the surface
 190 | water resources of the Lake Okeechobee watershed, the
 191 | Caloosahatchee River watershed, and the St. Lucie River watershed
 192 | ~~and downstream receiving waters,~~ and that a watershed-based
 193 | approach to address these issues must be developed and
 194 | implemented immediately.

195 | (e) The Legislature finds that phosphorus loads from the
 196 | Lake Okeechobee watershed have contributed to excessive
 197 | phosphorus levels throughout the in Lake Okeechobee watershed and
 198 | downstream receiving waters and that a reduction in levels of
 199 | phosphorus will benefit the ecology of these systems. The
 200 | excessive levels of phosphorus have also resulted in an
 201 | accumulation of phosphorus in the sediments of Lake Okeechobee.
 202 | If not removed, internal phosphorus loads from the sediments are
 203 | expected to delay responses of the lake to external phosphorus

204 reductions.

205 (f) The Legislature finds that the Lake Okeechobee
 206 phosphorus loads set forth in ~~the South Florida Water Management~~
 207 ~~District's Technical Publication 81-2~~ represent an appropriate
 208 ~~basis for the initial phase of phosphorus load reductions to Lake~~
 209 ~~Okeechobee and that subsequent phases of phosphorus load~~
 210 ~~reductions shall be determined by the total maximum daily loads~~
 211 established in accordance with s. 403.067 represent an
 212 appropriate basis for restoration of the Lake Okeechobee
 213 watershed.

214 (g) The Legislature finds that, in addition to phosphorus,
 215 other pollutants are contributing to water quality problems in
 216 the Lake Okeechobee watershed, the Caloosahatchee River
 217 watershed, and the St. Lucie River watershed, and that the total
 218 maximum daily load requirements of s. 403.067 provide a means of
 219 identifying and addressing these problems.

220 (h) The Legislature finds that the expeditious
 221 implementation of the Lake Okeechobee Watershed Protection Plan
 222 and the River Watershed Protection Plans is needed to improve the
 223 quality, quantity, timing, and distribution of water in the
 224 northern Everglades ecosystem and that this section, in
 225 conjunction with s. 403.067, including the implementation of the
 226 plans developed and approved pursuant to subsections (3) and (4),
 227 and any related basin management action plan developed and
 228 implemented pursuant to s. 403.067(7)(a), provide a reasonable
 229 means of achieving the total maximum daily load requirements and
 230 achieving and maintaining compliance with state water quality
 231 standards.

232 ~~(g) The Legislature finds that this section, in conjunction~~

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233 ~~with s. 403.067, provides a reasonable means of achieving and~~
234 ~~maintaining compliance with state water quality standards.~~

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

238 ~~(j)(i)~~ The Legislature finds that sufficient research has
239 been conducted and sufficient plans developed to immediately
240 expand and accelerate programs ~~initiate the first phase of a~~
241 ~~program~~ to address the hydrology and water quality ~~problems~~ in
242 the Lake Okeechobee watershed, the Caloosahatchee River
243 watershed, and the St. Lucie River watershed ~~and downstream~~
244 ~~receiving waters.~~

245 ~~(j)~~ The Legislature finds that in order to achieve the
246 goals and objectives of this section and to effectively implement
247 the ~~Lake Okeechobee Watershed Phosphorus Control Program~~ pursuant
248 to paragraph (3)(c), the state must expeditiously implement the
249 Lake Okeechobee Protection Plan developed pursuant to paragraph
250 ~~(3)(a).~~

251 (k) The Legislature finds that a continuing source of
252 funding is needed to effectively implement the programs developed
253 and approved under this section which are needed to address the
254 hydrology and water quality problems ~~a phosphorus control program~~
255 ~~that initially targets the most significant sources contributing~~
256 ~~to phosphorus loads~~ within the Lake Okeechobee watershed, the
257 Caloosahatchee River watershed, and the St. Lucie River watershed
258 ~~watershed and continues to address other sources as needed to~~
259 ~~achieve the phased phosphorus load reductions required under this~~
260 ~~section.~~

261 (l) It is the intent of the Legislature to protect and

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262 restore surface water resources and achieve and maintain
263 compliance with water quality standards in the Lake Okeechobee
264 watershed, the Caloosahatchee River watershed, and the St. Lucie
265 River watershed, and downstream receiving waters, through the a
266 phased, comprehensive, and innovative protection program set
267 forth in this section which includes ~~to reduce both internal and~~
268 ~~external phosphorus loads to Lake Okeechobee through immediate~~
269 ~~actions to achieve the phosphorus load reductions set forth in~~
270 ~~Technical Publication 81-2 and~~ long-term solutions based upon the
271 total maximum daily loads established in accordance with s.
272 403.067. This program shall be watershed-based, shall provide for
273 consideration of all water quality issues needed to meet the
274 total maximum daily load ~~potential phosphorus sources,~~ and shall
275 include research and monitoring, development and implementation
276 of best management practices, refinement of existing regulations,
277 and structural and nonstructural projects, including public
278 works.

279 (m) It is the intent of the Legislature that this section
280 ~~the Lake Okeechobee Protection Program~~ be developed and
281 implemented in coordination with the Comprehensive Everglades
282 Restoration Plan and, ~~to the greatest extent practicable, through~~
283 ~~the implementation of Restudy~~ project components and other
284 federal programs in order to maximize opportunities for the most
285 efficient and timely expenditures of public funds.

286 (n) It is the intent of the Legislature that the
287 coordinating agencies encourage and support the development of
288 creative public-private partnerships and programs, including
289 opportunities for water storage and quality improvement on
290 private lands and water quality credit trading ~~pollutant trading~~

291 ~~and credits~~, to facilitate or further the restoration of the
 292 surface water resources of the Lake Okeechobee watershed, the
 293 Caloosahatchee River watershed, and the St. Lucie River
 294 watershed, consistent with s. 403.067.

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

296 (a) "Best management practice" means a practice or
 297 combination of practices determined by the coordinating agencies,
 298 based on research, field-testing, and expert review, to be the
 299 most effective and practicable on-location means, including
 300 economic and technological considerations, for improving water
 301 quality in agricultural and urban discharges. Best management
 302 practices for agricultural discharges shall reflect a balance
 303 between water quality improvements and agricultural productivity.

304 (b) "Caloosahatchee River watershed" means the
 305 Caloosahatchee River, its tributaries, its estuary, and the area
 306 within Charlotte, Glades, Hendry, and Lee Counties from which
 307 surface water flow is directed or drains, naturally or by
 308 constructed works, to the river, its tributaries, or its estuary.

309 (c) ~~(b)~~ "Coordinating agencies" means the Department of
 310 Agriculture and Consumer Services, the Department of
 311 Environmental Protection, and the South Florida Water Management
 312 District.

313 (d) ~~(e)~~ "Corps of Engineers" means the United States Army
 314 Corps of Engineers.

315 (e) ~~(d)~~ "Department" means the Department of Environmental
 316 Protection.

317 (f) ~~(e)~~ "District" means the South Florida Water Management
 318 District.

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

320 implemented pursuant to rules adopted as authorized by this
 321 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,
 322 373.113, 373.118, 373.451, and 373.453, entitled "Works of the
 323 District Basin."

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

327 (i)~~(h)~~ "Lake Okeechobee Watershed Protection Plan" means
 328 the plan developed pursuant to this section and ss. 373.451-
 329 373.459.

330 (j)~~(i)~~ "Lake Okeechobee watershed" means Lake Okeechobee,
 331 its tributaries, and the area within which surface water flow is
 332 directed or drains, naturally or by constructed works, to the
 333 lake or its tributaries. ~~and the area surrounding and tributary~~
 334 ~~to Lake Okeechobee, composed of the surrounding hydrologic~~
 335 ~~basins, as defined by the Lake Okeechobee Protection Plan dated~~
 336 ~~January 1, 2004.~~

337 (k)~~(j)~~ "Lake Okeechobee Watershed Phosphorus Control
 338 Program" means the program developed pursuant to paragraph
 339 (3) (c).

340 (l) "Northern Everglades" means the Lake Okeechobee
 341 watershed, the Caloosahatchee River watershed, and the St. Lucie
 342 River watershed.

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

347 (n)~~(l)~~ "Restudy" means the Comprehensive Review Study of
 348 the Central and Southern Florida Project, for which federal

349 participation was authorized by the Federal Water Resources
 350 Development Acts of 1992 and 1996 together with related
 351 Congressional resolutions and for which participation by the
 352 South Florida Water Management District is authorized by s.
 353 373.1501. The term includes all actions undertaken pursuant to
 354 the aforementioned authorizations which will result in
 355 recommendations for modifications or additions to the Central and
 356 Southern Florida Project.

357 (o) "River Watershed Protection Plans" means the
 358 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 359 River Watershed Protection Plan developed pursuant to this
 360 section.

361 (p) "St. Lucie River watershed" means the St. Lucie River,
 362 its tributaries, its estuary, and the area within Martin,
 363 Okeechobee, and St. Lucie Counties from which surface water flow
 364 is directed or drains, naturally or by constructed works, to the
 365 river, its tributaries, or its estuary.

366 (q) ~~(m)~~ "Total maximum daily load" means the sum of the
 367 individual wasteload allocations for point sources and the load
 368 allocations for nonpoint sources and natural background. Prior to
 369 determining individual wasteload allocations and load
 370 allocations, the maximum amount of a pollutant that a water body
 371 or water segment can assimilate from all sources without
 372 exceeding water quality standards must first be calculated.

373 (3) LAKE OKEECHOBEE WATERSHED PROTECTION PROGRAM.--A
 374 protection program for Lake Okeechobee that achieves phosphorus
 375 load reductions for Lake Okeechobee shall be immediately
 376 implemented as specified in this subsection. The program shall
 377 address the reduction of phosphorus loading to the lake from both

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378 internal and external sources. Phosphorus load reductions shall
379 be achieved through a phased program of implementation. Initial
380 implementation actions shall be technology-based, based upon a
381 consideration of both the availability of appropriate technology
382 and the cost of such technology, and shall include phosphorus
383 reduction measures at both the source and the regional level. The
384 initial phase of phosphorus load reductions shall be based upon
385 the district's Technical Publication 81-2 and the district's WOD
386 program, with subsequent phases of phosphorus load reductions
387 based upon the total maximum daily loads established in
388 accordance with s. 403.067. In the development and administration
389 of the Lake Okeechobee Watershed Protection Program, the
390 coordinating agencies shall maximize opportunities provided by
391 federal cost-sharing programs and opportunities for partnerships
392 with the private sector.

393 (a) Lake Okeechobee Watershed Protection Plan.--In order to
394 protect and restore surface water resources, the district, in
395 cooperation with the other coordinating agencies, shall complete
396 a Lake Okeechobee Watershed Protection Plan in accordance with
397 this section and ss. 373.451-373.459. The plan shall identify the
398 geographic extent of the watershed, be coordinated with the plans
399 developed pursuant to paragraphs (4)(a) and (b), and contain an
400 implementation schedule for subsequent phases of phosphorus load
401 reduction consistent with the total maximum daily loads
402 established in accordance with s. 403.067. The plan shall
403 consider and build upon a review and analysis of the following:
404 1. The performance of projects constructed during Phase I
405 and Phase II of the Lake Okeechobee Watershed Construction
406 Project, pursuant to paragraph (b).

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

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

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

414 5. Relevant information resulting from the Lake Okeechobee
415 Internal Phosphorus Management Program, pursuant to paragraph
416 (f).

417 (b) Lake Okeechobee Watershed Construction Project.--To
418 improve the hydrology and water quality of Lake Okeechobee and
419 downstream receiving waters, including the Caloosahatchee and St.
420 Lucie Rivers and their estuaries, the district shall design and
421 construct the Lake Okeechobee Watershed Construction Project.

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

430 a. The district shall serve as a full partner with the
431 Corps of Engineers in the design and construction of the Grassy
432 Island Ranch and New Palm Dairy stormwater treatment facilities
433 as components of the Lake Okeechobee Water Retention/Phosphorus
434 Removal Critical Project. The Corps of Engineers shall have the
435 lead in design and construction of these facilities. Should

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436 delays be encountered in the implementation of either of these
437 facilities, the district shall notify the department and
438 recommend corrective actions.

439 b. The district shall obtain permits and complete
440 construction of two of the isolated wetland restoration projects
441 that are part of the Lake Okeechobee Water Retention/Phosphorus
442 Removal Critical Project. The additional isolated wetland
443 projects included in this critical project shall further reduce
444 phosphorus loading to Lake Okeechobee.

445 c. The district shall work with the Corps of Engineers to
446 expedite initiation of the design process for the Taylor
447 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
448 Area, a project component of the Comprehensive Everglades
449 Restoration Plan Restudy. The district shall propose to the Corps
450 of Engineers that the district take the lead in the design and
451 construction of the Reservoir Assisted Stormwater Treatment Area
452 and receive credit towards the local share of the total cost of
453 the Comprehensive Everglades Restoration Plan Restudy.

454 2. Phase II.--By February 1, 2008, the district, in
455 cooperation with the other coordinating agencies ~~and the Corps of~~
456 ~~Engineers,~~ shall develop a detailed technical an implementation
457 plan for Phase II of the Lake Okeechobee Watershed Construction
458 Project. The detailed technical plan shall include measures for
459 the improvement of the quality, quantity, timing, and
460 distribution of water in the northern Everglades ecosystem,
461 including the Lake Okeechobee watershed and the estuaries, and
462 for facilitating the achievement of water quality standards. Use
463 of cost-effective biologically based, hybrid wetland/chemical and
464 other innovative nutrient control technologies shall be

465 incorporated in the plan where appropriate. The detailed
 466 technical plan shall also include a Process Development and
 467 Engineering component to finalize the detail and design of Phase
 468 II projects and identify additional measures needed to increase
 469 the certainty that the overall objectives for improving water
 470 quality and quantity can be met. Based on information and
 471 recommendations from the Process Development and Engineering
 472 component, the Phase II detailed technical plan shall be
 473 periodically updated. Phase II shall include construction of
 474 additional facilities in the priority basins identified in
 475 subparagraph (b)1., as well as facilities for other basins in the
 476 Lake Okeechobee watershed. This detailed technical plan will
 477 require legislative ratification pursuant to paragraph (i). The
 478 technical ~~implementation~~ plan shall:

479 a. Identify Lake Okeechobee Watershed Construction Project
 480 facilities designed to contribute to achieving all applicable
 481 total maximum daily loads established pursuant to s. 403.067
 482 within the Lake Okeechobee watershed. ~~be constructed to achieve a~~
 483 design objective of 40 parts per billion (ppb) for phosphorus
 484 measured as a long-term flow weighted average concentration,
 485 unless an allocation has been established pursuant to s. 403.067
 486 for the Lake Okeechobee total maximum daily load.

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

489 c. Provide a construction schedule for all such Lake
 490 Okeechobee Watershed Construction Project facilities, including
 491 the sequencing and specific timeframe for construction of each
 492 Lake Okeechobee Watershed Construction Project facility.

493 d. Provide a ~~land acquisition~~ schedule for the acquisition

494 of lands or sufficient interests ~~lands~~ necessary to achieve the
 495 construction schedule.

496 e. Provide a detailed schedule of costs associated with the
 497 construction schedule.

498 f. Identify, to the maximum extent practicable, impacts on
 499 wetlands and state-listed species expected to be associated with
 500 construction of such facilities, including potential alternatives
 501 to minimize and mitigate such impacts, as appropriate.

502 g. Provide for additional measures, including voluntary
 503 water storage and quality improvements on private land, to
 504 increase water storage and reduce excess water levels in Lake
 505 Okeechobee and to reduce excess discharges to the estuaries. The
 506 technical plan shall also develop the appropriate water quantity
 507 storage goal to achieve the desired Lake Okeechobee range of lake
 508 levels and inflow volumes to the Caloosahatchee and St. Lucie
 509 estuaries while meeting the other water-related needs of the
 510 region, including water supply and flood protection.

511 h. Provide for additional source controls needed to enhance
 512 performance of the Lake Okeechobee Watershed Construction Project
 513 facilities. Such additional source controls shall be incorporated
 514 into the Lake Okeechobee Watershed Phosphorous Control Program
 515 pursuant to paragraph (c).

516 3. Evaluation.--By January 1, 2004, and every 3 years
 517 thereafter, the district, in cooperation with the coordinating
 518 agencies, shall conduct an evaluation of any further ~~phosphorus~~
 519 load reductions necessary to achieve compliance with all ~~the~~ Lake
 520 Okeechobee watershed total maximum daily loads ~~load~~ established
 521 pursuant to s. 403.067. Additionally, the district shall identify
 522 modifications to facilities of the Lake Okeechobee Watershed

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523 Construction Project as appropriate to meet the total maximum
524 daily loads. ~~if the design objective of 40 parts per billion~~
525 ~~(ppb) or the allocation established pursuant to s. 403.067 for~~
526 ~~the Lake Okeechobee total maximum daily load established pursuant~~
527 ~~to s. 403.067 is not being met.~~ The evaluation shall be included
528 in the applicable annual progress report submitted pursuant to
529 subsection (6) paragraph (h).

530 4. Coordination and review.--To ensure the timely
531 implementation of the Lake Okeechobee Watershed Construction
532 Project, the design of project facilities shall be coordinated
533 with the department and other interested parties, including
534 affected local governments, to the maximum extent practicable.
535 Lake Okeechobee Watershed Construction Project facilities shall
536 be reviewed and commented upon by the department prior to the
537 execution of a construction contract by the district for that
538 facility.

539 (c) Lake Okeechobee Watershed Phosphorus Control Program.--
540 The Lake Okeechobee Watershed Phosphorus Control Program is
541 designed to be a multifaceted approach to reducing phosphorus
542 loads by improving the management of phosphorus sources within
543 the Lake Okeechobee watershed through ~~continued~~ implementation of
544 ~~existing~~ regulations and best management practices, development
545 and implementation of improved best management practices,
546 improvement and restoration of the hydrologic function of natural
547 and managed systems, and utilization of alternative technologies
548 for nutrient reduction. The coordinating agencies shall
549 facilitate the application of federal programs that offer
550 opportunities for water quality treatment, including
551 preservation, restoration, or creation of wetlands on

552 agricultural lands.

553 1. Agricultural nonpoint source best management practices,
554 developed in accordance with s. 403.067 and designed to achieve
555 the objectives of the Lake Okeechobee Watershed Protection
556 Program, shall be implemented on an expedited basis. The
557 coordinating agencies shall develop an interagency agreement
558 pursuant to ss. 373.046 and 373.406(5) that assures the
559 development of best management practices that complement existing
560 regulatory programs and specifies how those best management
561 practices are implemented and verified. The interagency agreement
562 shall address measures to be taken by the coordinating agencies
563 during any best management practice reevaluation performed
564 pursuant to sub-subparagraph d. The department shall use best
565 professional judgment in making the initial determination of best
566 management practice effectiveness.

567 a. As provided in s. 403.067(7)(c), the Department of
568 Agriculture and Consumer Services, in consultation with the
569 department, the district, and affected parties, shall initiate
570 rule development for interim measures, best management practices,
571 conservation plans, nutrient management plans, or other measures
572 necessary for Lake Okeechobee watershed total maximum daily
573 ~~phosphorus~~ load reduction. The rule shall include thresholds for
574 requiring conservation and nutrient management plans and criteria
575 for the contents of such plans. Development of agricultural
576 nonpoint source best management practices shall initially focus
577 on those priority basins listed in subparagraph (b)1. The
578 Department of Agriculture and Consumer Services, in consultation
579 with the department, the district, and affected parties, shall
580 conduct an ongoing program for improvement of existing and

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581 development of new interim measures or best management practices
582 for the purpose of adoption of such practices by rule. The
583 Department of Agriculture and Consumer Services shall work with
584 the University of Florida's Institute of Food and Agriculture
585 Sciences to review and, where appropriate, develop revised
586 nutrient application rates for all agricultural soil amendments
587 in the watershed.

588 b. Where agricultural nonpoint source best management
589 practices or interim measures have been adopted by rule of the
590 Department of Agriculture and Consumer Services, the owner or
591 operator of an agricultural nonpoint source addressed by such
592 rule shall either implement interim measures or best management
593 practices or demonstrate compliance with the district's WOD
594 program by conducting monitoring prescribed by the department or
595 the district. Owners or operators of agricultural nonpoint
596 sources who implement interim measures or best management
597 practices adopted by rule of the Department of Agriculture and
598 Consumer Services shall be subject to the provisions of s.
599 403.067(7). The Department of Agriculture and Consumer Services,
600 in cooperation with the department and the district, shall
601 provide technical and financial assistance for implementation of
602 agricultural best management practices, subject to the
603 availability of funds.

604 c. The district or department shall conduct monitoring at
605 representative sites to verify the effectiveness of agricultural
606 nonpoint source best management practices.

607 d. Where water quality problems are detected for
608 agricultural nonpoint sources despite the appropriate
609 implementation of adopted best management practices, the

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610 Department of Agriculture and Consumer Services, in consultation
611 with the other coordinating agencies and affected parties, shall
612 institute a reevaluation of the best management practices and
613 make appropriate changes to the rule adopting best management
614 practices.

615 2. Nonagricultural nonpoint source best management
616 practices, developed in accordance with s. 403.067 and designed
617 to achieve the objectives of the Lake Okeechobee Watershed
618 Protection Program, shall be implemented on an expedited basis.
619 The department and the district shall develop an interagency
620 agreement pursuant to ss. 373.046 and 373.406(5) that assures the
621 development of best management practices that complement existing
622 regulatory programs and specifies how those best management
623 practices are implemented and verified. The interagency agreement
624 shall address measures to be taken by the department and the
625 district during any best management practice reevaluation
626 performed pursuant to sub-subparagraph d.

627 a. The department and the district are directed to work
628 with the University of Florida's Institute of Food and
629 Agricultural Sciences to develop appropriate nutrient application
630 rates for all nonagricultural soil amendments in the watershed.
631 As provided in s. 403.067(7)(c), the department, in consultation
632 with the district and affected parties, shall develop interim
633 measures, best management practices, or other measures necessary
634 for Lake Okeechobee watershed total maximum daily phosphorus load
635 reduction. Development of nonagricultural nonpoint source best
636 management practices shall initially focus on those priority
637 basins listed in subparagraph (b)1. The department, the district,
638 and affected parties shall conduct an ongoing program for

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639 improvement of existing and development of new interim measures
640 or best management practices. The district shall adopt
641 technology-based standards under the district's WOD program for
642 nonagricultural nonpoint sources of phosphorus.

643 b. Where nonagricultural nonpoint source best management
644 practices or interim measures have been developed by the
645 department and adopted by the district, the owner or operator of
646 a nonagricultural nonpoint source shall implement interim
647 measures or best management practices and be subject to the
648 provisions of s. 403.067(7). The department and district shall
649 provide technical and financial assistance for implementation of
650 nonagricultural nonpoint source best management practices,
651 subject to the availability of funds.

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

655 d. Where water quality problems are detected for
656 nonagricultural nonpoint sources despite the appropriate
657 implementation of adopted best management practices, the
658 department and the district shall institute a reevaluation of the
659 best management practices.

660 3. The provisions of subparagraphs 1. and 2. shall not
661 preclude the department or the district from requiring compliance
662 with water quality standards or with current best management
663 practices requirements set forth in any applicable regulatory
664 program authorized by law for the purpose of protecting water
665 quality. Additionally, subparagraphs 1. and 2. are applicable
666 only to the extent that they do not conflict with any rules
667 promulgated by the department that are necessary to maintain a

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668 federally delegated or approved program.

669 4. Projects that ~~which~~ reduce the phosphorus load
670 originating from domestic wastewater systems within the Lake
671 Okeechobee watershed shall be given funding priority in the
672 department's revolving loan program under s. 403.1835. The
673 department shall coordinate and provide assistance to those local
674 governments seeking financial assistance for such priority
675 projects.

676 5. Projects that make use of private lands, or lands held
677 in trust for Indian tribes, to reduce nutrient loadings or
678 concentrations within a basin by one or more of the following
679 methods: restoring the natural hydrology of the basin, restoring
680 wildlife habitat or impacted wetlands, reducing peak flows after
681 storm events, increasing aquifer recharge, or protecting range
682 and timberland from conversion to development, are eligible for
683 grants available under this section from the coordinating
684 agencies. For projects of otherwise equal priority, special
685 funding priority will be given to those projects that make best
686 use of the methods outlined above that involve public-private
687 partnerships or that obtain federal match money. Preference
688 ranking above the special funding priority will be given to
689 projects located in a rural area of critical economic concern
690 designated by the Governor. Grant applications may be submitted
691 by any person or tribal entity, and eligible projects may
692 include, but are not limited to, the purchase of conservation and
693 flowage easements, hydrologic restoration of wetlands, creating
694 treatment wetlands, development of a management plan for natural
695 resources, and financial support to implement a management plan.

696 6.a. The department shall require all entities disposing of

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697 domestic wastewater residuals within the Lake Okeechobee
698 watershed and the remaining areas of Okeechobee, Glades, and
699 Hendry Counties to develop and submit to the department an
700 agricultural use plan that limits applications based upon
701 phosphorus loading. By July 1, 2005, phosphorus concentrations
702 originating from these application sites shall not exceed the
703 limits established in the district's WOD program. After December
704 31, 2007, the department may not authorize the disposal of
705 domestic wastewater residuals within the Lake Okeechobee
706 watershed unless the applicant can affirmatively demonstrate that
707 the phosphorus in the residuals will not add to phosphorus
708 loadings in Lake Okeechobee or its tributaries. This
709 demonstration shall be based on achieving a net balance between
710 phosphorus imports relative to exports on the permitted
711 application site. Exports shall include only phosphorus removed
712 from the Lake Okeechobee watershed through products generated on
713 the permitted application site. This prohibition does not apply
714 to Class AA residuals that are marketed and distributed as
715 fertilizer products in accordance with department rule.

716 b. Private and government-owned utilities within Monroe,
717 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
718 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
719 of wastewater residual sludge from utility operations and septic
720 removal by land spreading in the Lake Okeechobee watershed may
721 use a line item on local sewer rates to cover wastewater residual
722 treatment and disposal if such disposal and treatment is done by
723 approved alternative treatment methodology at a facility located
724 within the areas designated by the Governor as rural areas of
725 critical economic concern pursuant to s. 288.0656. This

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726 additional line item is an environmental protection disposal fee
727 above the present sewer rate and shall not be considered a part
728 of the present sewer rate to customers, notwithstanding
729 provisions to the contrary in chapter 367. The fee shall be
730 established by the county commission or its designated assignee
731 in the county in which the alternative method treatment facility
732 is located. The fee shall be calculated to be no higher than that
733 necessary to recover the facility's prudent cost of providing the
734 service. Upon request by an affected county commission, the
735 Florida Public Service Commission will provide assistance in
736 establishing the fee. Further, for utilities and utility
737 authorities that use the additional line item environmental
738 protection disposal fee, such fee shall not be considered a rate
739 increase under the rules of the Public Service Commission and
740 shall be exempt from such rules. Utilities using the provisions
741 of this section may immediately include in their sewer invoicing
742 the new environmental protection disposal fee. Proceeds from this
743 environmental protection disposal fee shall be used for treatment
744 and disposal of wastewater residuals, including any treatment
745 technology that helps reduce the volume of residuals that require
746 final disposal, but such proceeds shall not be used for
747 transportation or shipment costs for disposal or any costs
748 relating to the land application of residuals in the Lake
749 Okeechobee watershed.

750 c. No less frequently than once every 3 years, the Florida
751 Public Service Commission or the county commission through the
752 services of an independent auditor shall perform a financial
753 audit of all facilities receiving compensation from an
754 environmental protection disposal fee. The Florida Public Service

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755 Commission or the county commission through the services of an
756 independent auditor shall also perform an audit of the
757 methodology used in establishing the environmental protection
758 disposal fee. The Florida Public Service Commission or the county
759 commission shall, within 120 days after completion of an audit,
760 file the audit report with the President of the Senate and the
761 Speaker of the House of Representatives and shall provide copies
762 to the county commissions of the counties set forth in sub-
763 subparagraph b. The books and records of any facilities receiving
764 compensation from an environmental protection disposal fee shall
765 be open to the Florida Public Service Commission and the Auditor
766 General for review upon request.

767 7. The Department of Health shall require all entities
768 disposing of septage within the Lake Okeechobee watershed ~~and the~~
769 ~~remaining areas of Okeechobee, Glades, and Hendry Counties~~ to
770 develop and submit to that agency an agricultural use plan that
771 limits applications based upon phosphorus loading. By July 1,
772 2005, phosphorus concentrations originating from these
773 application sites shall not exceed the limits established in the
774 district's WOD program.

775 8. The Department of Agriculture and Consumer Services
776 shall initiate rulemaking requiring entities within the Lake
777 Okeechobee watershed ~~and the remaining areas of Okeechobee,~~
778 ~~Glades, and Hendry Counties~~ which land-apply animal manure to
779 develop resource management system level conservation plans,
780 according to United States Department of Agriculture criteria,
781 which ~~or nutrient management plans that~~ limit such application-
782 ~~based upon phosphorus loading~~. Such rules may include criteria
783 and thresholds for the requirement to develop a conservation or

784 nutrient management plan, requirements for plan approval, and
 785 recordkeeping requirements.

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

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

794 (d) Lake Okeechobee Watershed Research and Water Quality
 795 Monitoring Program.--The district, in cooperation with the other
 796 coordinating agencies, shall establish a Lake Okeechobee
 797 Watershed Research and Water Quality Monitoring Program that
 798 builds upon the district's existing Lake Okeechobee research
 799 program. The program shall:

800 1. Evaluate all available existing water quality data
 801 concerning total phosphorus in the Lake Okeechobee watershed,
 802 develop a water quality baseline to represent existing conditions
 803 for total phosphorus, monitor long-term ecological changes,
 804 including water quality for total phosphorus, and measure
 805 compliance with water quality standards for total phosphorus,
 806 including any applicable ~~the~~ total maximum daily load for the
 807 Lake Okeechobee watershed as established pursuant to s. 403.067.
 808 Every 3 years, the district shall reevaluate water quality and
 809 quantity data to ensure that the appropriate projects are being
 810 designated and implemented to meet the water quality and storage
 811 goals of the plan. The district shall also implement a total
 812 phosphorus monitoring program at appropriate ~~all inflow~~

813 structures owned or operated by the South Florida Water
 814 Management District and within the ~~to~~ Lake Okeechobee watershed.

815 2. Develop a Lake Okeechobee water quality model that
 816 reasonably represents phosphorus dynamics of the lake and
 817 incorporates an uncertainty analysis associated with model
 818 predictions.

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

821 4. Conduct an assessment of the sources of phosphorus from
 822 the Upper Kissimmee Chain-of-Lakes and Lake Istokpoga, and their
 823 relative contribution to the water quality of Lake Okeechobee.
 824 The results of this assessment shall be used by the coordinating
 825 agencies to develop interim measures, best management practices,
 826 or regulation, as applicable.

827 5. Assess current water management practices within the
 828 Lake Okeechobee watershed and develop recommendations for
 829 structural and operational improvements. Such recommendations
 830 shall balance water supply, flood control, estuarine salinity,
 831 maintenance of a healthy lake littoral zone, and water quality
 832 considerations.

833 6. Evaluate the feasibility of alternative nutrient
 834 reduction technologies, including sediment traps, canal and ditch
 835 maintenance, fish production or other aquaculture, bioenergy
 836 conversion processes, and algal or other biological treatment
 837 technologies.

838 7. Conduct an assessment of the water volumes and timing
 839 from the Lake Okeechobee watershed and their relative
 840 contribution to the water level changes in Lake Okeechobee and to
 841 the timing and volume of water delivered to the estuaries.

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842 (e) Lake Okeechobee Exotic Species Control Program.--The
843 coordinating agencies shall identify the exotic species that
844 threaten the native flora and fauna within the Lake Okeechobee
845 watershed and develop and implement measures to protect the
846 native flora and fauna.

847 (f) Lake Okeechobee Internal Phosphorus Management
848 Program.--The district, in cooperation with the other
849 coordinating agencies and interested parties, shall complete a
850 Lake Okeechobee internal phosphorus load removal feasibility
851 study. The feasibility study shall be based on technical
852 feasibility, as well as economic considerations, and address all
853 reasonable methods of phosphorus removal. If methods are found to
854 be feasible, the district shall immediately pursue the design,
855 funding, and permitting for implementing such methods.

856 (g) Lake Okeechobee Watershed Protection Plan
857 implementation.--The coordinating agencies shall be jointly
858 responsible for implementing the Lake Okeechobee Watershed
859 Protection Plan, consistent with the statutory authority and
860 responsibility of each agency. Annual funding priorities shall be
861 jointly established, and the highest priority shall be assigned
862 to programs and projects that address ~~phosphorus~~ sources that
863 have the highest relative contribution to ~~phosphorus~~ loading and
864 the greatest potential for reductions needed to meet the total
865 maximum daily loads ~~phosphorus reduction~~. In determining funding
866 priorities, the coordinating agencies shall also consider the
867 need for regulatory compliance, the extent to which the program
868 or project is ready to proceed, and the availability of federal
869 matching funds or other nonstate funding, including public-
870 private partnerships. Federal and other nonstate funding shall be

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871 maximized to the greatest extent practicable.

872 (h) Priorities and implementation schedules.--The
873 coordinating agencies are authorized and directed to establish
874 priorities and implementation schedules for the achievement of
875 total maximum daily loads, compliance with the requirements of s.
876 403.067, and compliance with applicable water quality standards
877 within the waters and watersheds subject to this section.

878 (i) Legislative ratification.--The coordinating agencies
879 shall submit the Phase II technical plan developed pursuant to
880 paragraph (b) to the President of the Senate and the Speaker of
881 the House of Representatives prior to the 2009 legislative
882 session for review. If the Legislature takes no action on the
883 plan during the 2009 legislative session, the plan is deemed
884 approved and may be implemented.

885 ~~(h) Annual progress report. Each March 1, beginning in~~
886 ~~2006, the district shall report on implementation of this section~~
887 ~~as part of the consolidated annual report required in s.~~
888 ~~373.036(7). The annual report shall include a summary of water~~
889 ~~quality and habitat conditions in Lake Okeechobee and the Lake~~
890 ~~Okeechobee watershed and the status of the Lake Okeechobee~~
891 ~~Construction Project. The district shall prepare the report in~~
892 ~~cooperation with the other coordinating agencies.~~

893 (4) CALOOSAHATCHEE AND ST. LUCIE RIVER WATERSHED PROTECTION
894 PROGRAM.--A protection program shall be developed and implemented
895 as specified in this subsection. In order to protect and restore
896 surface water resources, the program shall address the reduction
897 of pollutant loadings, restoration of natural hydrology, and
898 compliance with applicable state water quality standards. The
899 program shall be achieved through a phased program of

900 implementation. In addition, pollutant load reductions based upon
 901 adopted total maximum daily loads established in accordance with
 902 s. 403.067 shall serve as a program objective. In the development
 903 and administration of the program, the coordinating agencies
 904 shall maximize opportunities provided by federal and local
 905 government cost-sharing programs and opportunities for
 906 partnerships with the private sector and local government. The
 907 plan shall include a goal for salinity envelopes and freshwater
 908 inflow targets for the estuaries based upon existing research and
 909 documentation. The goal may be revised as new information is
 910 available. This goal shall seek to reduce the frequency and
 911 duration of undesirable salinity ranges while meeting the other
 912 water-related needs of the region, including water supply and
 913 flood protection, while recognizing the extent to which water
 914 inflows are within the control and jurisdiction of the district.

915 (a) Caloosahatchee River Watershed Protection Plan.--No
 916 later than January 1, 2009, the district, in cooperation with the
 917 other coordinating agencies, Lee County, and affected counties
 918 and municipalities, shall complete a River Watershed Protection
 919 Plan in accordance with this subsection. The plan shall identify
 920 the geographic extent of the watershed, be coordinated as needed
 921 with the plans developed pursuant to subsection (3)(a) and
 922 paragraph (b) of this subsection, and contain an implementation
 923 schedule for pollutant load reductions consistent with any
 924 adopted total maximum daily loads and compliance with applicable
 925 state water quality standards. The plan shall include:

926 1. Caloosahatchee River Watershed Construction Project.--To
 927 improve the hydrology, water quality, and aquatic habitats within
 928 the watershed, the district shall, no later than January 1, 2012,

929 plan, design, and construct the initial phase of the Watershed
930 Construction Project. In doing so, the district shall:

931 a. Develop and designate the facilities to be constructed
932 to achieve stated goals and objectives of the Caloosahatchee
933 River Watershed Protection Plan.

934 b. Conduct scientific studies that are necessary to support
935 the design of the Caloosahatchee River Watershed Construction
936 Project facilities.

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

938 d. Provide a construction schedule for all such facilities,
939 including the sequencing and specific timeframe for construction
940 of each facility.

941 e. Provide a schedule for the acquisition of lands or
942 sufficient interests necessary to achieve the construction
943 schedule.

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

946 g. To ensure timely implementation, coordinate the design,
947 scheduling, and sequencing of project facilities with the
948 coordinating agencies, Lee County, other affected counties and
949 municipalities, and other affected parties.

950 2. Caloosahatchee River Watershed Pollutant Control
951 Program.--The Caloosahatchee River Watershed Pollutant Control
952 Program is designed to be a multifaceted approach to reducing
953 pollutant loads by improving the management of pollutant sources
954 within the Caloosahatchee River watershed through implementation
955 of regulations and best management practices, development and
956 implementation of improved best management practices, improvement
957 and restoration of the hydrologic function of natural and managed

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958 systems, and utilization of alternative technologies for
959 pollutant reduction, such as cost-effective biologically based,
960 hybrid wetland/chemical and other innovative nutrient control
961 technologies. The coordinating agencies shall facilitate the
962 utilization of federal programs that offer opportunities for
963 water quality treatment, including preservation, restoration, or
964 creation of wetlands on agricultural lands.

965 a. Nonpoint source best management practices consistent
966 with paragraph (3)(c), designed to achieve the objectives of the
967 Caloosahatchee River Watershed Protection Program, shall be
968 implemented on an expedited basis. The coordinating agencies may
969 develop an intergovernmental agreement with local governments to
970 implement the nonagricultural, nonpoint-source best management
971 practices within their respective geographic boundaries.

972 b. This subsection does not preclude the department or the
973 district from requiring compliance with water quality standards,
974 adopted total maximum daily loads, or current best-management-
975 practices requirements set forth in any applicable regulatory
976 program authorized by law for the purpose of protecting water
977 quality. This subsection applies only to the extent that it does
978 not conflict with any rules adopted by the department or district
979 which are necessary to maintain a federally delegated or approved
980 program.

981 c. Projects that make use of private lands, or lands held
982 in trust for Indian tribes, to reduce pollutant loadings or
983 concentrations within a basin, or that reduce the volume of
984 harmful discharges by one or more of the following methods:
985 restoring the natural hydrology of the basin, restoring wildlife
986 habitat or impacted wetlands, reducing peak flows after storm

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987 events, or increasing aquifer recharge, are eligible for grants
988 available under this section from the coordinating agencies.

989 d. The Caloosahatchee River Watershed Pollutant Control
990 Program shall require assessment of current water management
991 practices within the watershed and shall require development of
992 recommendations for structural, nonstructural, and operational
993 improvements. Such recommendations shall consider and balance
994 water supply, flood control, estuarine salinity, aquatic habitat,
995 and water quality considerations.

996 e. After December 31, 2007, the department may not
997 authorize the disposal of domestic wastewater residuals within
998 the Caloosahatchee River watershed unless the applicant can
999 affirmatively demonstrate that the nutrients in the residuals
1000 will not add to nutrient loadings in the watershed. This
1001 demonstration shall be based on achieving a net balance between
1002 nutrient imports relative to exports on the permitted application
1003 site. Exports shall include only nutrients removed from the
1004 watershed through products generated on the permitted application
1005 site. This prohibition does not apply to Class AA residuals that
1006 are marketed and distributed as fertilizer products in accordance
1007 with department rule.

1008 f. The Department of Health shall require all entities
1009 disposing of septage within the Caloosahatchee River watershed to
1010 develop and submit to that agency an agricultural use plan that
1011 limits applications based upon nutrient loading. By July 1, 2008,
1012 nutrient concentrations originating from these application sites
1013 may not exceed the limits established in the district's WOD
1014 program.

1015 g. The Department of Agriculture and Consumer Services

1016 shall initiate rulemaking requiring entities within the
 1017 Caloosahatchee River watershed which land-apply animal manure to
 1018 develop a resource management system level conservation plan,
 1019 according to United States Department of Agriculture criteria
 1020 which limits such application. Such rules may include criteria
 1021 and thresholds for the requirement to develop a conservation or
 1022 nutrient management plan, requirements for plan approval, and
 1023 recordkeeping requirements.

1024 3. Caloosahatchee River Watershed Research and Water
 1025 Quality Monitoring Program.--The district, in cooperation with
 1026 the other coordinating agencies and local governments, shall
 1027 establish a Caloosahatchee River Watershed Research and Water
 1028 Quality Monitoring Program that builds upon the district's
 1029 existing research program and that is sufficient to carry out,
 1030 comply with, or assess the plans, programs, and other
 1031 responsibilities created by this subsection. The program shall
 1032 also conduct an assessment of the water volumes and timing from
 1033 the Lake Okeechobee and Caloosahatchee River watersheds and their
 1034 relative contributions to the timing and volume of water
 1035 delivered to the estuary.

1036 (b) St. Lucie River Watershed Protection Plan.--No later
 1037 than January 1, 2009, the district, in cooperation with the other
 1038 coordinating agencies, Martin County, and affected counties and
 1039 municipalities shall complete a plan in accordance with this
 1040 subsection. The plan shall identify the geographic extent of the
 1041 watershed, be coordinated as needed with the plans developed
 1042 pursuant to paragraph (3) (a) and paragraph (a) of this
 1043 subsection, and contain an implementation schedule for pollutant
 1044 load reductions consistent with any adopted total maximum daily

1045 loads and compliance with applicable state water quality
 1046 standards. The plan shall include:
 1047 1. St. Lucie River Watershed Construction Project.--To
 1048 improve the hydrology, water quality, and aquatic habitats within
 1049 the watershed, the district shall, no later than January 1, 2012,
 1050 plan, design, and construct the initial phase of Watershed
 1051 Construction Project. In doing so, the district shall:
 1052 a. Develop and designate the facilities to be constructed
 1053 to achieve stated goals and objectives of the St. Lucie River
 1054 Watershed Protection Plan.
 1055 b. Identify the size and location of all such facilities.
 1056 c. Provide a construction schedule for all such facilities,
 1057 including the sequencing and specific timeframe for construction
 1058 of each facility.
 1059 d. Provide a schedule for the acquisition of lands or
 1060 sufficient interests necessary to achieve the construction
 1061 schedule.
 1062 e. Provide a schedule of costs and benefits associated with
 1063 each construction project and identify funding sources.
 1064 f. To ensure timely implementation, coordinate the design,
 1065 scheduling, and sequencing of project facilities with the
 1066 coordinating agencies, Martin County, St. Lucie County, other
 1067 interested parties, and other affected local governments.
 1068 2. St. Lucie River Watershed Pollutant Control Program.--
 1069 The St. Lucie River Watershed Pollutant Control Program is
 1070 designed to be a multifaceted approach to reducing pollutant
 1071 loads by improving the management of pollutant sources within the
 1072 St. Lucie River watershed through implementation of regulations
 1073 and best management practices, development and implementation of

1074 improved best management practices, improvement and restoration
 1075 of the hydrologic function of natural and managed systems, and
 1076 utilization of alternative technologies for pollutant reduction,
 1077 such as cost-effective biologically based hybrid wetland/chemical
 1078 and other innovative nutrient control technologies. The
 1079 coordinating agencies shall facilitate the utilization of federal
 1080 programs that offer opportunities for water quality treatment,
 1081 including preservation, restoration, or creation of wetlands on
 1082 agricultural lands.

1083 a. Nonpoint source best management practices consistent
 1084 with paragraph (3)(c), designed to achieve the objectives of the
 1085 St. Lucie River Watershed Protection Program, shall be
 1086 implemented on an expedited basis. The coordinating agencies may
 1087 develop an intergovernmental agreement with local governments to
 1088 implement the nonagricultural nonpoint source best management
 1089 practices within their respective geographic boundaries.

1090 b. This subsection does not preclude the department or the
 1091 district from requiring compliance with water quality standards,
 1092 adopted total maximum daily loads, or current best management
 1093 practices requirements set forth in any applicable regulatory
 1094 program authorized by law for the purpose of protecting water
 1095 quality. This subsection applies only to the extent that it does
 1096 not conflict with any rules adopted by the department or district
 1097 which are necessary to maintain a federally delegated or approved
 1098 program.

1099 c. Projects that make use of private lands, or lands held
 1100 in trust for Indian tribes, to reduce pollutant loadings or
 1101 concentrations within a basin, or that reduce the volume of
 1102 harmful discharges by one or more of the following methods:

1103 restoring the natural hydrology of the basin, restoring wildlife
 1104 habitat or impacted wetlands, reducing peak flows after storm
 1105 events, or increasing aquifer recharge, are eligible for grants
 1106 available under this section from the coordinating agencies.

1107 d. The St. Lucie River Watershed Pollutant Control Program
 1108 shall require assessment of current water management practices
 1109 within the watershed and shall require development of
 1110 recommendations for structural, nonstructural, and operational
 1111 improvements. Such recommendations shall consider and balance
 1112 water supply, flood control, estuarine salinity, aquatic habitat,
 1113 and water quality considerations.

1114 e. After December 31, 2007, the department may not
 1115 authorize the disposal of domestic wastewater residuals within
 1116 the St. Lucie River watershed unless the applicant can
 1117 affirmatively demonstrate that the nutrients in the residuals
 1118 will not add to nutrient loadings in the watershed. This
 1119 demonstration shall be based on achieving a net balance between
 1120 nutrient imports relative to exports on the permitted application
 1121 site. Exports shall include only nutrients removed from the St.
 1122 Lucie River watershed through products generated on the permitted
 1123 application site. This prohibition does not apply to Class AA
 1124 residuals that are marketed and distributed as fertilizer
 1125 products in accordance with department rule.

1126 f. The Department of Health shall require all entities
 1127 disposing of septage within the St. Lucie River watershed to
 1128 develop and submit to that agency an agricultural use plan that
 1129 limits applications based upon nutrient loading. By July 1, 2008,
 1130 nutrient concentrations originating from these application sites
 1131 may not exceed the limits established in the district's WOD

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1132 program.

1133 g. The Department of Agriculture and Consumer Services
1134 shall initiate rulemaking requiring entities within the St. Lucie
1135 River watershed which land-apply animal manure to develop a
1136 resource management system level conservation plan, according to
1137 United States Department of Agriculture criteria, which limit
1138 such application. Such rules may include criteria and thresholds
1139 for the requirement to develop a conservation or nutrient
1140 management plan, requirements for plan approval, and
1141 recordkeeping requirements.

1142 3. St. Lucie River Watershed Research and Water Quality
1143 Monitoring Program.--The district, in cooperation with the other
1144 coordinating agencies and local governments, shall establish a
1145 St. Lucie River Watershed Research and Water Quality Monitoring
1146 Program that builds upon the district's existing research program
1147 and that is sufficient to carry out, comply with, or assess the
1148 plans, programs, and other responsibilities created by this
1149 subsection. The program shall also conduct an assessment of the
1150 water volumes and timing from the Lake Okeechobee and St. Lucie
1151 River watersheds and their relative contributions to the timing
1152 and volume of water delivered to the estuary.

1153 (c) River Watershed Protection Plan implementation.--The
1154 coordinating agencies shall be jointly responsible for
1155 implementing the River Watershed Protection Plans, consistent
1156 with the statutory authority and responsibility of each agency.
1157 Annual funding priorities shall be jointly established, and the
1158 highest priority shall be assigned to programs and projects that
1159 have the greatest potential for achieving the goals and
1160 objectives of the plans. In determining funding priorities, the

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1161 coordinating agencies shall also consider the need for regulatory
1162 compliance, the extent to which the program or project is ready
1163 to proceed, and the availability of federal or local government
1164 matching funds. Federal and other nonstate funding shall be
1165 maximized to the greatest extent practicable.

1166 (d) Evaluation.--By March 1, 2012, and every 3 years
1167 thereafter, the district in cooperation with the coordinating
1168 agencies, shall conduct an evaluation of any pollutant load
1169 reduction goals, as well as any other specific objectives and
1170 goals, as stated in the River Watershed Protection Plans.
1171 Additionally, the district shall identify modifications to
1172 facilities of the River Watershed Construction Projects, as
1173 appropriate, or any other elements of the River Watershed
1174 Protection Plans. The evaluation shall be included in the annual
1175 progress report submitted pursuant to this section.

1176 (e) Priorities and implementation schedules.--The
1177 coordinating agencies are authorized and directed to establish
1178 priorities and implementation schedules for the achievement of
1179 total maximum daily loads, the requirements of s. 403.067, and
1180 compliance with applicable water quality standards within the
1181 waters and watersheds subject to this section.

1182 (f) Legislative ratification.--The coordinating agencies
1183 shall submit the River Watershed Protection Plans developed
1184 pursuant to paragraphs (a) and (b) to the President of the Senate
1185 and Speaker of the House of Representatives prior to the 2009
1186 legislative session for review. If the Legislature takes no
1187 action on the plan during the 2009 legislative session, the plan
1188 is deemed approved and may be implemented.

1189 (5) ADOPTION AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY

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1190 LOADS AND DEVELOPMENT OF BASIN MANAGEMENT ACTION PLANS.--The
1191 department is directed to expedite development and adoption of
1192 total maximum daily loads for the Caloosahatchee River and
1193 estuary. The department is further directed to, no later than
1194 December 31, 2008, propose for final agency action, total maximum
1195 daily loads for nutrients in the tidal portions of the
1196 Caloosahatchee River and estuary. The department shall initiate
1197 development of basin management action plans as provided in s.
1198 403.067(7)(a) as follows:

1199 (a) Basin management action plans shall be developed as
1200 soon as practicable as determined necessary by the department to
1201 achieve the total maximum daily loads established for the Lake
1202 Okeechobee watershed and the estuaries.

1203 (b) The Phase II technical plan development pursuant to
1204 paragraph (3)(b), and the River Watershed Protection Plans
1205 developed pursuant to paragraphs (4)(a) and (b), shall provide
1206 the basis for basin management action plans developed by the
1207 department.

1208 (c) As determined necessary by the department in order to
1209 achieve the total maximum daily loads, additional or modified
1210 projects or programs that complement those in the legislatively
1211 ratified plans may be included during the development of the
1212 basin management action plan.

1213 (d) Development of basin management action plans that
1214 implement the provisions of the legislatively ratified plans
1215 shall be initiated by the department no later than September 30
1216 of the year in which the applicable plan is ratified. Where a
1217 total maximum daily load has not been established at the time of
1218 plan ratification, development of basin management action plans

1219 shall be initiated no later than 90 days following adoption of
 1220 the applicable total maximum daily load.

1221 (6) ANNUAL PROGRESS REPORT.--Each March 1 the district
 1222 shall report on implementation of this section as part of the
 1223 consolidated annual report required in s. 373.036(7). The annual
 1224 report shall include a summary of the conditions of the
 1225 hydrology, water quality and aquatic habitat in the northern
 1226 Everglades based on the results of the Research and Water Quality
 1227 Monitoring Programs, the status of the Lake Okeechobee Watershed
 1228 Construction Project, the status of the Caloosahatchee River
 1229 Watershed Construction Project, and the status of the St. Lucie
 1230 River Watershed Construction Project. In addition, the report
 1231 shall contain an annual accounting of the expenditure of funds
 1232 from the Save Our Everglades Trust Fund. At a minimum, the annual
 1233 report shall provide detail by program and plan, including
 1234 specific information concerning the amount and use of funds from
 1235 federal, state, or local government sources. In detailing the use
 1236 of these funds, the district shall indicate those designated to
 1237 meet requirements for matching funds. The district shall prepare
 1238 the report in cooperation with the other coordinating agencies
 1239 and affected local governments.

1240 (7)-(4) LAKE OKEECHOBEE PROTECTION PERMITS.--

1241 (a) The Legislature finds that the Lake Okeechobee
 1242 Protection Program will benefit Lake Okeechobee and downstream
 1243 receiving waters and is consistent with the public interest. The
 1244 Lake Okeechobee Construction Project and structures discharging
 1245 into or from Lake Okeechobee shall be constructed, operated, and
 1246 maintained in accordance with this section.

1247 (b) Permits obtained pursuant to this section are in lieu

1248 of all other permits under this chapter or chapter 403, except
 1249 those issued under s. 403.0885, if applicable. No additional
 1250 permits are required for the Lake Okeechobee Construction Project
 1251 or structures discharging into or from Lake Okeechobee, if
 1252 permitted under this section. Construction activities related to
 1253 implementation of the Lake Okeechobee Construction Project may be
 1254 initiated prior to final agency action, or notice of intended
 1255 agency action, on any permit from the department under this
 1256 section.

1257 (c) Within 90 days of completion of the diversion plans set
 1258 forth in Department Consent Orders 91-0694, 91-0707, 91-0706, 91-
 1259 0705, and RT50-205564, owners or operators of existing structures
 1260 which discharge into or from Lake Okeechobee that are subject to
 1261 the provisions of s. 373.4592(4)(a) shall apply for a permit from
 1262 the department to operate and maintain such structures. By
 1263 September 1, 2000, owners or operators of all other existing
 1264 structures which discharge into or from Lake Okeechobee shall
 1265 apply for a permit from the department to operate and maintain
 1266 such structures. The department shall issue one or more such
 1267 permits for a term of 5 years upon the demonstration of
 1268 reasonable assurance that schedules and strategies to achieve and
 1269 maintain compliance with water quality standards have been
 1270 provided for, to the maximum extent practicable, and that
 1271 operation of the structures otherwise complies with provisions of
 1272 ss. 373.413 and 373.416.

1273 1. Permits issued under this paragraph shall also contain
 1274 reasonable conditions to ensure that discharges of waters through
 1275 structures:

1276 a. Are adequately and accurately monitored;

1277 b. Will not degrade existing Lake Okeechobee water quality
 1278 and will result in an overall reduction of phosphorus input into
 1279 Lake Okeechobee, as set forth in the district's Technical
 1280 Publication 81-2 and the total maximum daily load established in
 1281 accordance with s. 403.067, to the maximum extent practicable;
 1282 and

1283 c. Do not pose a serious danger to public health, safety,
 1284 or welfare.

1285 2. For the purposes of this paragraph, owners and operators
 1286 of existing structures which are subject to the provisions of s.
 1287 373.4592(4)(a) and which discharge into or from Lake Okeechobee
 1288 shall be deemed in compliance with the term "maximum extent
 1289 practicable" if they are in full compliance with the conditions
 1290 of permits under chapters 40E-61 and 40E-63, Florida
 1291 Administrative Code.

1292 3. By January 1, 2004, the district shall submit to the
 1293 department a permit modification to the Lake Okeechobee structure
 1294 permits to incorporate proposed changes necessary to ensure that
 1295 discharges through the structures covered by this permit achieve
 1296 state water quality standards, including the total maximum daily
 1297 load established in accordance with s. 403.067. These changes
 1298 shall be designed to achieve such compliance with state water
 1299 quality standards no later than January 1, 2015.

1300 (d) The department shall require permits for Lake
 1301 Okeechobee Construction Project facilities. However, projects
 1302 identified in sub-subparagraph (3)(b)1.b. that qualify as exempt
 1303 pursuant to s. 373.406 shall not need permits under this section.
 1304 Such permits shall be issued for a term of 5 years upon the
 1305 demonstration of reasonable assurances that:

1306 | 1. The Lake Okeechobee Construction Project facility, based
 1307 | upon the conceptual design documents and any subsequent detailed
 1308 | design documents developed by the district, will achieve the
 1309 | design objectives for phosphorus required in paragraph (3)(b);

1310 | 2. For water quality standards other than phosphorus, the
 1311 | quality of water discharged from the facility is of equal or
 1312 | better quality than the inflows;

1313 | 3. Discharges from the facility do not pose a serious
 1314 | danger to public health, safety, or welfare; and

1315 | 4. Any impacts on wetlands or state-listed species
 1316 | resulting from implementation of that facility of the Lake
 1317 | Okeechobee Construction Project are minimized and mitigated, as
 1318 | appropriate.

1319 | (e) At least 60 days prior to the expiration of any permit
 1320 | issued under this section, the permittee may apply for a renewal
 1321 | thereof for a period of 5 years.

1322 | (f) Permits issued under this section may include any
 1323 | standard conditions provided by department rule which are
 1324 | appropriate and consistent with this section.

1325 | (g) Permits issued pursuant to this section may be
 1326 | modified, as appropriate, upon review and approval by the
 1327 | department.

1328 | (8)~~(5)~~ RESTRICTIONS ON WATER DIVERSIONS.--The South Florida
 1329 | Water Management District shall not divert waters to the St.
 1330 | Lucie River, the Indian River estuary, the Caloosahatchee River
 1331 | or its estuary, or the Everglades National Park, in such a way
 1332 | that the state water quality standards are violated, that the
 1333 | nutrients in such diverted waters adversely affect indigenous
 1334 | vegetation communities or wildlife, or that fresh waters diverted

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1335 to the St. Lucie River or the Caloosahatchee or Indian River
 1336 estuaries adversely affect the estuarine vegetation or wildlife,
 1337 unless the receiving waters will biologically benefit by the
 1338 diversion. However, diversion is permitted when an emergency is
 1339 declared by the water management district, if the Secretary of
 1340 Environmental Protection concurs.

1341 (9)~~(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE
 1342 EVERGLADES.--Nothing in this section shall be construed to modify
 1343 any provision of s. 373.4592.

1344 (10)~~(7)~~ RIGHTS OF SEMINOLE TRIBE OF FLORIDA.--Nothing in
 1345 this section is intended to diminish or alter the governmental
 1346 authority and powers of the Seminole Tribe of Florida, or
 1347 diminish or alter the rights of that tribe, including, but not
 1348 limited to, rights under the water rights compact among the
 1349 Seminole Tribe of Florida, the state, and the South Florida Water
 1350 Management District as enacted by Pub. L. No. 100-228, 101 Stat.
 1351 1556, and chapter 87-292, Laws of Florida, and codified in s.
 1352 285.165, and rights under any other agreement between the
 1353 Seminole Tribe of Florida and the state or its agencies. No land
 1354 of the Seminole Tribe of Florida shall be used for water storage
 1355 or stormwater treatment without the consent of the tribe.

1356 (11)~~(8)~~ RELATIONSHIP TO STATE WATER QUALITY STANDARDS.--
 1357 Nothing in this section shall be construed to modify any existing
 1358 state water quality standard or to modify the provisions of s.
 1359 403.067(6) and (7)(a).

1360 (12) RULES.--The governing board of the district is
 1361 authorized to adopt rules pursuant to ss. 120.536(1) AND 120.54
 1362 to implement the provisions of the chapter.

1363 (13)~~(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this section

1364 shall be construed to restrict the authority otherwise granted to
 1365 agencies pursuant to chapters 373 and 403, and provisions of this
 1366 section shall be deemed supplemental to the authority granted to
 1367 agencies pursuant to chapters 373 and 403.

1368 Section 4. Subsections (2), (3), (4), (5), and (6) of
 1369 section 373.470, Florida Statutes, are amended to read:

1370 373.470 Everglades restoration.--

1371 (2) DEFINITIONS.--As used in this section, the term:

1372 (a) "Caloosahatchee River Watershed Protection Plan" means
 1373 the plan developed pursuant to s. 373.4595.

1374 (b) ~~(a)~~ "Comprehensive plan" means the recommended
 1375 comprehensive plan contained within the "Final Integrated
 1376 Feasibility Report and Programmatic Environmental Impact
 1377 Statement, April 1999" and submitted to Congress on July 1, 1999.

1378 (c) ~~(b)~~ "Corps" means the United States Army Corps of
 1379 Engineers.

1380 (d) ~~(e)~~ "District" means the South Florida Water Management
 1381 District.

1382 (e) "Lake Okeechobee Watershed Protection Plan" means the
 1383 plan developed pursuant to s. 375.4595 and ss. 373.451-373.459.

1384 (f) ~~(d)~~ "Project" means the Central and Southern Florida
 1385 Project authorized under the heading "CENTRAL AND SOUTHERN
 1386 FLORIDA" in s. 203 of the Flood Control Act of 1948 (62 Stat.
 1387 1176), and any modification to the project authorized by law.

1388 (g) ~~(e)~~ "Project component" means any structural or
 1389 operational change, resulting from the comprehensive plan, to the
 1390 project as it existed and was operated as of January 1, 1999.

1391 (h) ~~(f)~~ "Project implementation report" means the project
 1392 implementation report as described in the "Final Integrated

1393 Feasibility Report and Programmatic Environmental Impact
 1394 Statement, April 1999" and submitted to Congress on July 1, 1999.

1395 (i) "River Watershed Protection Plans" means the
 1396 Caloosahatchee River Watershed Protection Plan and the St. Lucie
 1397 River Watershed Protection Plan as defined in this subsection.

1398 (j) "St. Lucie River Watershed Protection Plan" means the
 1399 plan developed pursuant to s. 373.4595.

1400 (3) FURTHER ANALYSIS; AGREEMENTS FOR PROJECT COMPONENTS AND
 1401 ALLOCATION OF PROJECT BENEFITS.--

1402 (a) The Legislature intends to establish a full and equal
 1403 partnership between the state and federal governments for the
 1404 implementation of the comprehensive plan.

1405 (b) The comprehensive plan shall be used as a guide and
 1406 framework for a continuing planning process to:

1407 1. Reflect new scientific knowledge, the results of pilot
 1408 projects, and the results of new and continuing feasibility
 1409 studies with the Corps; and

1410 2. Ensure that project components will be implemented to
 1411 achieve the purposes provided in the Federal Water Resource
 1412 Development Act of 1996 that include restoring, preserving, and
 1413 protecting the South Florida ecosystem, providing for the
 1414 protection of water quality in and the reduction of the loss of
 1415 fresh water from the Everglades, and providing such features as
 1416 are necessary to meet the other water-related needs of the
 1417 region, including flood control, the enhancement of water
 1418 supplies, and other objectives served by the project.

1419 (c) Prior to executing a project cooperation agreement with
 1420 the Corps for the construction of a project component, the
 1421 district, in cooperation with the Corps, shall complete a project

1422 implementation report to address the project component's economic
 1423 and environmental benefits, engineering feasibility, and other
 1424 factors provided in s. 373.1501 sufficient to allow the district
 1425 to obtain approval under s. 373.026. Each project implementation
 1426 report shall also identify the increase in water supplies
 1427 resulting from the project component. The additional water
 1428 supply shall be allocated or reserved by the district under
 1429 chapter 373.

1430 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR
 1431 DEPOSIT.--The following funds may be deposited into the Save Our
 1432 Everglades Trust Fund created by s. 373.472 to finance
 1433 implementation of the comprehensive plan, the Lake Okeechobee
 1434 Watershed Protection Plan, and the River Watershed Protection
 1435 Plans:

1436 ~~(a) In fiscal year 2000-2001, funds described in s.~~
 1437 ~~259.101(3).~~

1438 ~~(a)(b)~~ Funds described in subsection (5).

1439 ~~(b)(e)~~ Federal funds appropriated by Congress for
 1440 implementation of the comprehensive plan, the Lake Okeechobee
 1441 Watershed Protection Plan, or the River Watershed Protection
 1442 Plans.

1443 ~~(c)(d)~~ Any additional funds appropriated by the Legislature
 1444 for the purpose of implementing the comprehensive plan, the Lake
 1445 Okeechobee Watershed Protection Plan, or the River Watershed
 1446 Protection Plans.

1447 ~~(d)(e)~~ Gifts designated for implementation of the
 1448 comprehensive plan, the Lake Okeechobee Watershed Protection
 1449 Plan, or the River Watershed Protection Plans from individuals,
 1450 corporations, or other entities.

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1451 (e)~~(f)~~ Funds made available pursuant to s. 201.15 for debt
 1452 service for Everglades restoration bonds.

1453 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--

1454 ~~(a)1. For fiscal year 2000-2001, \$50 million of state funds~~
 1455 ~~shall be deposited into the Save Our Everglades Trust Fund~~
 1456 ~~created by s. 373.472.~~

1457 (a)2. For each year of the 13 ~~9~~ consecutive years beginning
 1458 with fiscal year 2007-2008 ~~2001-2002~~, ~~\$75 million of state funds~~
 1459 may ~~shall~~ be deposited into the Save Our Everglades Trust Fund
 1460 created by s. 373.472.

1461 (b)3. ~~As an alternative to subparagraph 2.,~~ Proceeds of
 1462 bonds issued under s. 215.619 may be deposited into the Save Our
 1463 Everglades Trust Fund created under s. 373.472. To enhance
 1464 flexibility, funds to be deposited into the Save Our Everglades
 1465 Trust Fund may consist of any combination of state funds and
 1466 Everglades restoration bonds.

1467 ~~(b) For each year of the 2 consecutive years beginning with~~
 1468 ~~fiscal year 2000-2001, the department shall deposit \$25 million~~
 1469 ~~of the funds allocated to the district by the department under s.~~
 1470 ~~259.105(11)(a) into the Save Our Everglades Trust Fund created by~~
 1471 ~~s. 373.472.~~

1472 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.--

1473 (a) Except for funds appropriated for debt service, the
 1474 department shall distribute funds in the Save Our Everglades
 1475 Trust Fund to the district in accordance with a legislative
 1476 appropriation and s. 373.026(8)(b) and (c). Distribution of funds
 1477 to the district from the Save Our Everglades Trust Fund shall be
 1478 equally matched by ~~the~~ cumulative contributions from the district
 1479 ~~all local sponsors~~ by fiscal year 2019-2020 ~~2009-2010~~ by

1480 providing funding or credits toward project components. The
 1481 dollar value of in-kind project design and construction work by
 1482 ~~local sponsors~~ the district, in furtherance of the comprehensive
 1483 plan and existing interest in public lands needed for a project
 1484 component are credits towards the ~~local sponsors~~ district
 1485 contributions.

1486 (b) The department shall distribute funds in the Save Our
 1487 Everglades Trust Fund to the district in accordance with a
 1488 legislative appropriation for debt service for Everglades
 1489 restoration bonds.

1490 (c) To the extent that funds are available, the department
 1491 may reserve a minimum of \$10 million dollars annually from the
 1492 Save Our Everglades Trust Fund for the purpose of implementation
 1493 of the River Watershed Protection Plans within the Northern
 1494 Everglades as identified in s. 373.4595. Distribution of funds
 1495 from the Save Our Everglades Trust Fund for the implementation of
 1496 the River Watershed Protection Plans shall be in accordance with
 1497 paragraph (a) and shall be equally matched by the district and
 1498 Lee and Martin Counties by fiscal year 2019-2020 by providing
 1499 funding or credits toward project components. The dollar value
 1500 of in-kind project design and construction work by the district
 1501 or the counties in furtherance of the River Watershed Protection
 1502 Plans and existing interest in public lands needed for a project
 1503 component are credits towards the district's and counties'
 1504 contributions.

1505 (d) Subject to a specific appropriation to the Department
 1506 of Agriculture and Consumer Services for the purpose of
 1507 implementing agricultural nonpoint source controls as identified
 1508 in s. 373.4595 or the legislatively ratified Lake Okeechobee

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1509 Watershed Protection Plan and the River Watershed Protection
 1510 Plans, and upon written request by the Department of Agriculture
 1511 and Consumer Services for the transfer, the department shall
 1512 transfer an amount equal to such specific appropriation from the
 1513 Save Our Everglades Trust Fund to the Department of Agriculture
 1514 and Consumer Services General Inspection Trust Fund. All
 1515 interest earned on the investment of funds transferred from the
 1516 Save Our Everglades Trust Fund to the General Inspection Trust
 1517 Fund shall be credited to the Save Our Everglades Trust Fund by
 1518 June 30 of each year.

1519 Section 5. Subsection (1) of section 373.472, Florida
 1520 Statutes, is amended to read:

1521 373.472 Save Our Everglades Trust Fund.--

1522 (1) There is created within the Department of Environmental
 1523 Protection the Save Our Everglades Trust Fund. Funds in the trust
 1524 fund shall be expended to implement the comprehensive plan
 1525 defined in s. 373.470(2)(a), the Lake Okeechobee Watershed
 1526 Protection Plan defined in s. 373.4595(2), the Caloosahatchee
 1527 River Watershed Protection Plan defined in s. 373.4595(2), and
 1528 the St. Lucie River Watershed Protection Plan defined in s.
 1529 373.4595(2), and to pay debt service for Everglades restoration
 1530 bonds issued pursuant to s. 215.619. The trust fund shall serve
 1531 as the repository for state, local, and federal project
 1532 contributions in accordance with s. 373.470(4).

1533 Section 6. This act shall take effect July 1, 2007.