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A bill to be entitled
 An act relating to Everglades restoration; amending s. 373.4592, F.S.; providing definitions; providing for implementation of a Long-Term Plan; providing for the use of ad valorem tax proceeds; providing a schedule for Everglades Construction Project enhancements; deleting obsolete provisions; providing for C-139 Basin BMPs; providing for computation of Everglades agricultural privilege tax; providing for the computation of the C-139 agricultural privilege tax; providing for long-term compliance permits; providing an effective date.

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

Section 1. Subsections (1), (2), (3), (4), (6), (7), (10), (16), and (17) of section 373.4592, Florida Statutes, are amended to read:

373.4592 Everglades Forever Act; Everglades improvement and management.--

(1) FINDINGS AND INTENT.--

(a) The Legislature finds that the Everglades ecological system not only contributes to South Florida's water supply, flood control, and recreation, but serves as the habitat for diverse species of wildlife and plant life. The system is unique in the world and one of Florida's great treasures. The Everglades ecological system is endangered as a result of adverse changes in water quality, and in the quantity, distribution, and timing of flows, and, therefore, must be restored and protected.



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30 (b) The Legislature finds that, although the district and
31 the department have developed plans and programs for the
32 improvement and management of the surface waters tributary to
33 the Everglades Protection Area, implementation of those plans
34 and programs has not been as timely as is necessary to restore
35 and protect unique flora and fauna of the Everglades, including
36 the Everglades National Park and the Arthur R. Marshall
37 Loxahatchee National Wildlife Refuge. Therefore, the Legislature
38 determines that an appropriate method to proceed with Everglades
39 restoration and protection is to authorize the district to
40 proceed expeditiously with implementation of the Everglades
41 Program.

42 (c) The Legislature finds that, in the last decade, people
43 have come to realize the tremendous cost the alteration of
44 natural systems has exacted on the region. The Statement of
45 Principles of July 1993 among the Federal Government, the South
46 Florida Water Management District, the Department of
47 Environmental Protection, and certain agricultural industry
48 representatives formed a basis to bring to a close 5 years of
49 costly litigation. That agreement should be used to begin the
50 cleanup and renewal of the Everglades ecosystem.

51 (d) It is the intent of the Legislature to promote
52 Everglades restoration and protection through certain
53 legislative findings and determinations. The Legislature finds
54 that waters flowing into the Everglades Protection Area contain
55 excessive levels of phosphorus. A reduction in levels of
56 phosphorus will benefit the ecology of the Everglades Protection
57 Area.

58 (e) It is the intent of the Legislature to pursue
59 comprehensive and innovative solutions to issues of water



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60 quality, water quantity, hydroperiod, and invasion of exotic
61 species which face the Everglades ecosystem. The Legislature
62 recognizes that the Everglades ecosystem must be restored both
63 in terms of water quality and water quantity and must be
64 preserved and protected in a manner that is long term and
65 comprehensive. The Legislature further recognizes that the EAA
66 and adjacent areas provide a base for an agricultural industry,
67 which in turn provides important products, jobs, and income
68 regionally and nationally. It is the intent of the Legislature
69 to preserve natural values in the Everglades while also
70 maintaining the quality of life for all residents of South
71 Florida, including those in agriculture, and to minimize the
72 impact on South Florida jobs, including agricultural, tourism,
73 and natural resource-related jobs, all of which contribute to a
74 robust regional economy.

75 (f) The Legislature finds that improved water supply and
76 hydroperiod management are crucial elements to overall
77 revitalization of the Everglades ecosystem, including Florida
78 Bay. It is the intent of the Legislature to expedite plans and
79 programs for improving water quantity reaching the Everglades,
80 correcting long-standing hydroperiod problems, increasing the
81 total quantity of water flowing through the system, providing
82 water supply for the Everglades National Park, urban and
83 agricultural areas, and Florida Bay, and replacing water
84 previously available from the coastal ridge in areas of southern
85 Miami-Dade ~~Dade~~ County. Whenever possible, wasteful discharges
86 of fresh water to tide shall be reduced, and the water shall be
87 stored for delivery at more optimum times. Additionally, reuse
88 and conservation measures shall be implemented consistent with



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89 law. The Legislature further recognizes that additional water
90 storage may be an appropriate use of Lake Okeechobee.

91 (g) The Legislature finds that the Statement of Principles
92 of July 1993, the Everglades Construction Project, and the
93 regulatory requirements of this section provide a sound basis
94 for the state's long-term cleanup and restoration objectives for
95 the Everglades. It is the intent of the Legislature to provide a
96 sufficient period of time for construction, testing, and
97 research, so that the benefits of the Everglades Construction
98 Project will be determined and maximized prior to requiring
99 additional measures. The Legislature finds that STAs and BMPs
100 are currently the best available technology for achieving the
101 interim water quality goals of the Everglades Program. A
102 combined program of agricultural BMPs, STAs, and requirements of
103 this section is a reasonable method of achieving interim total
104 phosphorus discharge reductions. The Everglades Program is an
105 appropriate foundation on which to build a long-term program to
106 ultimately achieve restoration and protection of the Everglades
107 Protection Area.

108 (h) The Everglades Construction Project represents by far
109 the largest environmental cleanup and restoration program of
110 this type ever undertaken, and the returns from substantial
111 public and private investment must be maximized so that
112 available resources are managed responsibly. To that end, the
113 Legislature directs that the Everglades Construction Project and
114 regulatory requirements associated with the Statement of
115 Principles of July 1993 be pursued expeditiously, but with
116 flexibility, so that superior technology may be utilized when
117 available. Consistent with the implementation of the Everglades



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118 Construction Project, landowners shall be provided the maximum
119 opportunity to provide treatment on their land.

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

121 (a) "Best management practice" or "BMP" means a practice
122 or combination of practices determined by the district, in
123 cooperation with the department, based on research, field-
124 testing, and expert review, to be the most effective and
125 practicable, including economic and technological
126 considerations, on-farm means of improving water quality in
127 agricultural discharges to a level that balances water quality
128 improvements and agricultural productivity.

129 (b) "C-139 Basin" or "Basin" means those lands described
130 in subsection (16).

131 (c) "Department" means the Florida Department of
132 Environmental Protection.

133 (d) "District" means the South Florida Water Management
134 District.

135 (e) "Everglades Agricultural Area" or "EAA" means the
136 Everglades Agricultural Area, which are those lands described in
137 subsection (15).

138 (f) "Everglades Construction Project" means the project
139 described in the February 15, 1994, conceptual design document
140 together with construction and operation schedules on file with
141 the South Florida Water Management District, except as modified
142 by this section and further described in the Long-Term Plan.

143 (g) "Everglades Program" means the program of projects,
144 regulations, and research provided by this section, including
145 the Everglades Construction Project.



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146 (h) "Everglades Protection Area" means Water Conservation
147 Areas 1, 2A, 2B, 3A, and 3B, the Arthur R. Marshall Loxahatchee
148 National Wildlife Refuge, and the Everglades National Park.

149 (i) "Long-Term Plan" or "Plan" means the district's
150 "Everglades Protection Area Tributary Basins Conceptual Plan for
151 Achieving Long-Term Water Quality Goals Final Report" dated
152 March 2003, as modified herein.

153 (j)(i) "Master permit" means a single permit issued to a
154 legally responsible entity defined by rule, authorizing the
155 construction, alteration, maintenance, or operation of multiple
156 stormwater management systems that may be owned or operated by
157 different persons and which provides an opportunity to achieve
158 collective compliance with applicable department and district
159 rules and the provisions of this section.

160 (k)(j) "Phosphorus criterion" means a numeric
161 interpretation for phosphorus of the Class III narrative
162 nutrient criterion.

163 (l)(k) "Stormwater management program" shall have the
164 meaning set forth in s. 403.031(15).

165 (m)(l) "Stormwater treatment areas" or "STAs" means those
166 treatment areas described and depicted in the district's
167 conceptual design document of February 15, 1994, and any
168 modifications as provided in this section.

169 (n) "Optimization" means maximizing the potential
170 effectiveness of the STAs through measures such as additional
171 compartmentalization, improved flow control, vegetation
172 management, or operational refinements in combination with
173 improvements where practicable in urban and agricultural BMPs
174 and includes integration with Congressionally authorized
175 components of the Comprehensive Everglades Restoration Plan.



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176 (o) "Best Available Phosphorus Reduction Technology" or
177 "BAPRT" means a combination of BMPs and STAs which includes a
178 continuing research and monitoring program to reduce outflow
179 concentrations of phosphorus so as to achieve the phosphorus
180 criterion in the Everglades Protection Area at the earliest
181 practicable date.

182 (3) EVERGLADES LONG-TERM ~~SWIM~~ PLAN.--

183 (a) The Legislature finds that the Everglades Program
184 required by this section establishes more extensive and
185 comprehensive requirements for surface water improvement and
186 management within the Everglades than the Long-Term ~~SWIM~~ Plan
187 requirements provided in ss. 373.451-373.456. In order to avoid
188 duplicative requirements, and in order to conserve the resources
189 available to the district, the Long-Term ~~SWIM~~ Plan requirements
190 of those sections shall not apply to the Everglades Protection
191 Area and the EAA during the term of the Everglades Program, and
192 the district will neither propose, nor take final agency action
193 on, any Everglades Long-Term ~~SWIM~~ Plan for those areas until the
194 Everglades Program is fully implemented. ~~; however,~~ Funds under
195 s. 259.101(3)(b) may be used for acquisition of lands necessary
196 to implement the Everglades Construction Project, to the extent
197 these funds are identified in the Statement of Principles of
198 July 1993. The district's actions in implementing the Everglades
199 Construction Project relating to the responsibilities of the EAA
200 and C-139 Basin for funding and water quality compliance in the
201 EAA and the Everglades Protection Area shall be governed by this
202 section. Other strategies or activities in the March 1992
203 Everglades Long-Term ~~SWIM~~ Plan may be implemented if otherwise
204 authorized by law.



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205 (b) The Legislature finds that the most reliable means of
206 optimizing the performance of STAs and achieving reasonable
207 further progress in reducing phosphorus entering the Everglades
208 Protection Area is to utilize a long-term planning process. The
209 Legislature finds that the Long-Term Plan of the district
210 provides the Best Available Phosphorus Reduction Technology
211 based upon a combination of BMPs and STAs described in the Plan
212 provided that the Plan shall seek to achieve the phosphorus
213 criterion in the Everglades Protection Area at the earliest
214 practicable date. Revisions to the Long-Term Plan shall be
215 incorporated through an adaptive management approach including a
216 Process Development and Engineering component to identify and
217 implement incremental optimization measures for further
218 phosphorus reductions at the earliest practicable date. It is
219 the intent of the Legislature that implementation of the Long-
220 Term Plan be integrated and consistent with the implementation
221 of the Congressionally authorized components of the
222 Comprehensive Everglades Restoration Plan so that unnecessary
223 and duplicative costs will be avoided. The Legislature further
224 finds that the rulemaking process and Long-Term Plan are a good
225 faith effort by the state to meet the provisions of United
226 States Environmental Protection Agency regulations at 40 C.F.R.
227 s. 131.10(g) and to maintain consistency with the settlement
228 agreement referenced in paragraph (4)(e).

229 (c) The Long-Term Plan shall be implemented for an initial
230 13-year phase from 2003-2016 and a second 10-year phase from
231 2017-2026. The Department shall review and approve projects in
232 the second 10-year phase of the Long-Term Plan if consistent
233 with this section and, no later than December 31, 2008, and each
234 5 years thereafter, review and approve incremental phosphorus



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235 reduction measures to be implemented at the earliest practicable
236 date. Implementation of the Long-Term Plan shall, to the maximum
237 extent practicable, achieve water quality standards relating to
238 the phosphorus criterion in the Everglades Protection Area as
239 determined by a network of monitoring stations established for
240 this purpose. During the initial and second phases of the Long-
241 Term Plan, Stormwater Treatment Areas of the Everglades
242 Construction Project will not be expanded by acquiring
243 additional privately owned land involuntarily.

244 (4) EVERGLADES PROGRAM.--

245 (a) *Everglades Construction Project*.--The district shall
246 implement the Everglades Construction Project. By the time of
247 completion of the project, the state, district, or other
248 governmental authority shall purchase the inholdings in the
249 Rotenberger and such other lands necessary to achieve a 2:1
250 mitigation ratio for the use of Brown's Farm and other similar
251 lands, including those needed for the STA 1 Inflow and
252 Distribution Works. The inclusion of public lands as part of the
253 project is for the purpose of treating waters not coming from
254 the EAA for hydroperiod restoration. It is the intent of the
255 Legislature that the district aggressively pursue the
256 implementation of the Everglades Construction Project in
257 accordance with the schedule in this subsection. The Legislature
258 recognizes that adherence to the schedule is dependent upon
259 factors beyond the control of the district, including the timely
260 receipt of funds from all contributors. The district shall take
261 all reasonable measures to complete timely performance of the
262 schedule in this section in order to finish the Everglades
263 Construction Project. The district shall not delay
264 implementation of the project beyond the time delay caused by



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265 those circumstances and conditions that prevent timely
266 performance. The district shall not levy ad valorem taxes in
267 excess of 0.1 mill within the Okeechobee Basin for the purposes
268 of the design, construction, and acquisition of the Everglades
269 Construction Project. The ad valorem tax proceeds not exceeding
270 0.1 mill levied within the Okeechobee Basin for such purposes
271 shall be used to fund design, construction, and implementation,
272 including operation and maintenance, of the enhancements to the
273 Everglades Construction Project described in the Long-Term Plan
274 and shall be the sole direct district contribution from district
275 ad valorem taxes appropriated or expended for the design,
276 construction, and acquisition of the Everglades Construction
277 Project unless the Legislature by specific amendment to this
278 section increases the 0.1 mill ad valorem tax contribution,
279 increases the agricultural privilege taxes, or otherwise
280 reallocates the relative contribution by ad valorem taxpayers
281 and taxpayers paying the agricultural privilege taxes toward the
282 funding of the design, construction, and acquisition of the
283 Everglades Construction Project. Notwithstanding the provisions
284 of s. 200.069 to the contrary, any millage levied under the 0.1
285 mill limitation in this paragraph shall be included as a
286 separate entry on the Notice of Proposed Property Taxes pursuant
287 to s. 200.069. Once the STAs are completed, the district shall
288 allow these areas to be used by the public for recreational
289 purposes in the manner set forth in s. 373.1391(1) ~~373.59(11)~~,
290 considering the suitability of these lands for such uses. These
291 lands shall be made available for recreational use unless the
292 district governing board can demonstrate that such uses are
293 incompatible with the restoration goals of the Everglades
294 Construction Project or the water quality and hydrological



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295 purposes of the STAs or would otherwise adversely impact the
296 implementation of the project. The district shall give
297 preferential consideration to the hiring of agricultural workers
298 displaced as a result of the Everglades Construction Project,
299 consistent with their qualifications and abilities, for the
300 construction and operation of these STAs. The following
301 milestones apply to the completion of the Everglades
302 Construction Project as depicted in the February 15, 1994,
303 conceptual design document:

304 1. The district must complete the final design of the STA
305 1 East and West and pursue STA 1 East project components as part
306 of a cost-shared program with the Federal Government. The
307 district must be the local sponsor of the federal project that
308 will include STA 1 East, and STA 1 West if so authorized by
309 federal law. ~~Land acquisition shall be completed for STA 1 West
310 by April 1, 1996, and for STA 1 East by July 1, 1998;~~

311 2. Construction of STA 1 East is to be completed under the
312 direction of the United States Army Corps of Engineers in
313 conjunction with the currently authorized C-51 flood control
314 project ~~by July 1, 2002;~~

315 3. The district must complete construction of STA 1 West
316 and STA 1 Inflow and Distribution Works under the direction of
317 the United States Army Corps of Engineers, if the direction is
318 authorized under federal law, in conjunction with the currently
319 authorized C-51 flood control project, ~~by January 1, 1999;~~

320 ~~4. The district must complete construction of STA 2 by
321 February 1, 1999;~~

322 4.5. The district must complete construction of STA 3/4 by
323 October 1, 2003;



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324 ~~6. The district must complete construction of STA 5 by~~
 325 ~~January 1, 1999; and~~

326 5.7. The district must complete construction of STA 6; ~~by~~
 327 ~~October 1, 1997.~~

328 6. The district must, by December 31, 2006, complete
 329 construction of enhancements to the Everglades Construction
 330 Project recommended in the Long-Term Plan and initiate other
 331 pre-2006 strategies in the Plan; and

332 7.8. East Beach Water Control District, South Shore
 333 Drainage District, South Florida Conservancy District, East
 334 Shore Water Control District, and the lessee of agricultural
 335 lease number 3420 shall complete any system modifications
 336 described in the Everglades Construction Project to the extent
 337 that funds are available from the Everglades Fund. These
 338 entities shall divert the discharges described within the
 339 Everglades Construction Project within 60 days of completion of
 340 construction of the appropriate STA. Such required modifications
 341 shall be deemed to be a part of each district's plan of
 342 reclamation pursuant to chapter 298.

343 (b) *Everglades water supply and hydroperiod improvement*
 344 *and restoration.--*

345 1. A comprehensive program to revitalize the Everglades
 346 shall include programs and projects to improve the water
 347 quantity reaching the Everglades Protection Area at optimum
 348 times and improve hydroperiod deficiencies in the Everglades
 349 ecosystem. To the greatest extent possible, wasteful discharges
 350 of fresh water to tide shall be reduced, and water conservation
 351 practices and reuse measures shall be implemented by water
 352 users, consistent with law. Water supply management must include
 353 improvement of water quantity reaching the Everglades,



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354 correction of long-standing hydroperiod problems, and an
355 increase in the total quantity of water flowing through the
356 system. Water supply management must provide water supply for
357 the Everglades National Park, the urban and agricultural areas,
358 and the Florida Bay and must replace water previously available
359 from the coastal ridge areas of southern Miami-Dade ~~Dade~~ County.
360 The Everglades Construction Project redirects some water
361 currently lost to tide. It is an important first step in
362 completing hydroperiod improvement.

363 2. The district shall operate the Everglades Construction
364 Project as specified in the February 15, 1994, conceptual design
365 document, to provide additional inflows to the Everglades
366 Protection Area. The increased flow from the project shall be
367 directed to the Everglades Protection Area as needed to achieve
368 an average annual increase of 28 percent compared to the
369 baseline years of 1979 to 1988. Consistent with the design of
370 the Everglades Construction Project and without demonstratively
371 reducing water quality benefits, the regulatory releases will be
372 timed and distributed to the Everglades Protection Area to
373 maximize environmental benefits.

374 3. The district shall operate the Everglades Construction
375 Project in accordance with the February 15, 1994, conceptual
376 design document to maximize the water quantity benefits and
377 improve the hydroperiod of the Everglades Protection Area. All
378 reductions of flow to the Everglades Protection Area from BMP
379 implementation will be replaced. The district shall develop a
380 model to be used for quantifying the amount of water to be
381 replaced. ~~The district shall publish in the Florida~~
382 ~~Administrative Weekly a notice of rule development on the model~~
383 ~~no later than July 1, 1994, and a notice of rulemaking no later~~



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384 ~~than July 1, 1995.~~ The timing and distribution of this replaced
385 water will be directed to the Everglades Protection Area to
386 maximize the natural balance of the Everglades Protection Area.

387 4. The Legislature recognizes the complexity of the
388 Everglades watershed, as well as legal mandates under Florida
389 and federal law. As local sponsor of the Central and Southern
390 Florida Flood Control Project, the district must coordinate its
391 water supply and hydroperiod programs with the Federal
392 Government. Federal planning, research, operating guidelines,
393 and restrictions for the Central and Southern Florida Flood
394 Control Project now under review by federal agencies will
395 provide important components of the district's Everglades
396 Program. The department and district shall use their best
397 efforts to seek the amendment of the authorized purposes of the
398 project to include water quality protection, hydroperiod
399 restoration, and environmental enhancement as authorized
400 purposes of the Central and Southern Florida Flood Control
401 Project, in addition to the existing purposes of water supply,
402 flood protection, and allied purposes. Further, the department
403 and the district shall use their best efforts to request that
404 the Federal Government include in the evaluation of the
405 regulation schedule for Lake Okeechobee a review of the
406 regulatory releases, so as to facilitate releases of water into
407 the Everglades Protection Area which further improve hydroperiod
408 restoration.

409 5. The district, through cooperation with the federal and
410 state agencies, shall develop other programs and methods to
411 increase the water flow and improve the hydroperiod of the
412 Everglades Protection Area.



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413 6. Nothing in this section is intended to provide an
414 allocation or reservation of water or to modify the provisions
415 of part II. All decisions regarding allocations and reservations
416 of water shall be governed by applicable law.

417 7. The district shall proceed to expeditiously implement
418 the minimum flows and levels for the Everglades Protection Area
419 as required by s. 373.042 and shall expeditiously complete the
420 Lower East Coast Water Supply Plan.

421 (c) *STA 3/4 modification.*--The Everglades Program will
422 contribute to the restoration of the Rotenberger and Holey Land
423 tracts. The Everglades Construction Project provides a first
424 step toward restoration by improving hydroperiod with treated
425 water for the Rotenberger tract and by providing a source of
426 treated water for the Holey Land. It is further the intent of
427 the Legislature that the easternmost tract of the Holey Land,
428 known as the "Toe of the Boot," be removed from STA 3/4 under
429 the circumstances set forth in this paragraph. The district
430 shall proceed to modify the Everglades Construction Project,
431 provided that the redesign achieves at least as many
432 environmental and hydrological benefits as are included in the
433 original design, including treatment of waters from sources
434 other than the EAA, and does not delay construction of STA 3/4.
435 The district is authorized to use eminent domain to acquire
436 alternative lands, only if such lands are located within 1 mile
437 of the northern border of STA 3/4.

438 (d) *Everglades research and monitoring program.*--

439 1. ~~By January 1996,~~ The department and the district shall
440 review and evaluate available water quality data for the
441 Everglades Protection Area and tributary waters and identify any
442 additional information necessary to adequately describe water



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443 quality in the Everglades Protection Area and tributary waters.
444 ~~By such date,~~ The department and the district shall also
445 initiate a research and monitoring program to generate such
446 additional information identified and to evaluate the
447 effectiveness of the BMPs and STAs, as they are implemented, in
448 improving water quality and maintaining designated and existing
449 beneficial uses of the Everglades Protection Area and tributary
450 waters. As part of the program, the district shall monitor all
451 discharges into the Everglades Protection Area for purposes of
452 determining compliance with state water quality standards.

453 2. The research and monitoring program shall evaluate the
454 ecological and hydrological needs of the Everglades Protection
455 Area, including the minimum flows and levels. Consistent with
456 such needs, the program shall also evaluate water quality
457 standards for the Everglades Protection Area and for the canals
458 of the EAA, so that these canals can be classified in the manner
459 set forth in paragraph (e) and protected as an integral part of
460 the water management system which includes the STAs of the
461 Everglades Construction Project and allows landowners in the EAA
462 to achieve applicable water quality standards compliance by BMPs
463 and STA treatment to the extent this treatment is available and
464 effective.

465 3. The research and monitoring program shall include
466 research seeking to optimize the design and operation of the
467 STAs, including research to reduce outflow concentrations, and
468 to identify other treatment and management methods and
469 regulatory programs that are superior to STAs in achieving the
470 intent and purposes of this section.

471 4. The research and monitoring program shall be conducted
472 to allow completion by December 2001 of any research necessary



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473 to allow the department to propose a phosphorus criterion in the
474 Everglades Protection Area, and to evaluate existing state water
475 quality standards applicable to the Everglades Protection Area
476 and existing state water quality standards and classifications
477 applicable to the EAA canals. In developing the phosphorus
478 criterion, the department shall also consider the minimum flows
479 and levels for the Everglades Protection Area and the district's
480 water supply plans for the Lower East Coast.

481 5. The district, in cooperation with the department, shall
482 prepare a peer-reviewed interim report regarding the research
483 and monitoring program, which shall be submitted no later than
484 January 1, 1999, to the Governor, the President of the Senate,
485 and the Speaker of the House of Representatives for their
486 review. The interim report shall summarize all data and findings
487 available as of July 1, 1998, on the effectiveness of STAs and
488 BMPs in improving water quality. The interim report shall also
489 include a summary of the then-available data and findings
490 related to the following: the Lower East Coast Water Supply Plan
491 of the district, the United States Environmental Protection
492 Agency Everglades Mercury Study, the United States Army Corps of
493 Engineers South Florida Ecosystem Restoration Study, the results
494 of research and monitoring of water quality and quantity in the
495 Everglades region, the degree of phosphorus discharge reductions
496 achieved by BMPs and agricultural operations in the region, the
497 current information on the ecological and hydrological needs of
498 the Everglades, and the costs and benefits of phosphorus
499 reduction alternatives. Prior to finalizing the interim report,
500 the district shall conduct at least one scientific workshop and
501 two public hearings on its proposed interim report. One public
502 hearing must be held in Palm Beach County and the other must be



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503 held in either Miami-Dade County ~~Dade~~ or Broward County. The
504 interim report shall be used by the department and the district
505 in making any decisions regarding the implementation of the
506 Everglades Construction Project subsequent to the completion of
507 the interim report. The construction of STAs 3/4 shall not be
508 commenced until 90 days after the interim report has been
509 submitted to the Governor and the Legislature.

510 6. Beginning January 1, 2000, the district and the
511 department shall annually issue a peer-reviewed report regarding
512 the research and monitoring program that summarizes all data and
513 findings. The department shall provide copies of the report to
514 the Governor, the President of the Senate, and the Speaker of
515 the House of Representatives. The report shall identify water
516 quality parameters, in addition to phosphorus, which exceed
517 state water quality standards or are causing or contributing to
518 adverse impacts in the Everglades Protection Area.

519 7. The district shall continue research seeking to
520 optimize the design and operation of STAs and to identify other
521 treatment and management methods that are superior to STAs in
522 achieving optimum water quality and water quantity for the
523 benefit of the Everglades. The district shall optimize the
524 design and operation of the STAs described in the Everglades
525 Construction Project prior to expanding their size. Additional
526 methods to achieve compliance with water quality standards shall
527 not be limited to more intensive management of the STAs.

528 (e) *Evaluation of water quality standards.--*

529 1. The department and the district shall employ all means
530 practicable to complete by December 31, 1998, any additional
531 research necessary to:



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532 a. Numerically interpret for phosphorus the Class III
533 narrative nutrient criterion necessary to meet water quality
534 standards in the Everglades Protection Area; and

535 b. Evaluate existing water quality standards applicable to
536 the Everglades Protection Area and EAA canals.

537

538 ~~This research shall be completed no later than December 31,~~
539 ~~2001.~~

540 2. ~~By December 31, 2001, the department shall file a~~
541 ~~notice of rulemaking in the Florida Administrative Weekly to~~
542 ~~establish a phosphorus criterion in the Everglades Protection~~
543 ~~Area.~~ In no case shall such phosphorus criterion allow waters in
544 the Everglades Protection Area to be altered so as to cause an
545 imbalance in the natural populations of aquatic flora or fauna.
546 The phosphorus criterion shall be 10 parts per billion (ppb) in
547 the Everglades Protection Area in the event the department does
548 not adopt by rule such criterion by December 31, 2003. However,
549 in the event the department fails to adopt a phosphorus
550 criterion on or before December 31, 2002, any person whose
551 substantial interests would be affected by the rulemaking shall
552 have the right, on or before February 28, 2003, to petition for
553 a writ of mandamus to compel the department to adopt by rule
554 such criterion. Venue for the mandamus action must be Leon
555 County. The court may stay implementation of the 10 parts per
556 billion (ppb) criterion during the pendency of the mandamus
557 proceeding upon a demonstration by the petitioner of irreparable
558 harm in the absence of such relief. The department's phosphorus
559 criterion, whenever adopted, shall supersede the 10 parts per
560 billion (ppb) criterion otherwise established by this section,
561 but shall not be lower than the natural conditions of the



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562 Everglades Protection Area and shall take into account spatial
563 and temporal variability. The department's rule adopting a
564 phosphorus criterion shall include moderating provisions during
565 the implementation of the Long-Term Plan authorizing discharges
566 based upon Best Available Phosphorus Reduction Technology
567 providing net improvement to impacted areas. Discharges to
568 unimpacted areas authorized by moderating provisions, including
569 Best Available Phosphorus Reduction Technology, must be based
570 upon a determination by the department that the environmental
571 benefits of the discharge clearly outweigh potential adverse
572 impacts.

573 3. The department shall use the best available information
574 to define relationships between waters discharged to, and the
575 resulting water quality in, the Everglades Protection Area. The
576 department or the district shall use these relationships to
577 establish discharge limits in permits for discharges into the
578 EAA canals and the Everglades Protection Area necessary to
579 prevent an imbalance in the natural populations of aquatic flora
580 or fauna in the Everglades Protection Area, and to provide a net
581 improvement in the areas already impacted. During the
582 implementation of the Long-Term Plan, permits issued by the
583 department shall be based on Best Available Phosphorus Reduction
584 Technology and shall not include numeric discharge limits.
585 Permits issued by the district shall require implementation of
586 BMPs and may not include numeric discharge limits. Compliance
587 with the phosphorus criterion shall be based upon a long-term
588 geometric mean of concentration levels to be measured at
589 sampling stations recognized from the research to be reasonably
590 representative of receiving waters in the Everglades Protection
591 Area, and so located so as to assure that the Everglades



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592 Protection Area is not altered so as to cause an imbalance in
593 natural populations of aquatic flora and fauna and to assure a
594 net improvement in the areas already impacted. For the
595 Everglades National Park and the Arthur R. Marshall Loxahatchee
596 National Wildlife Refuge, the method for measuring compliance
597 with the phosphorus criterion shall be in a manner consistent
598 with Appendices A and B, respectively, of the settlement
599 agreement dated July 26, 1991, entered in case No. 88-1886-Civ-
600 Hoeveler, United States District Court for the Southern District
601 of Florida, that recognizes and provides for incorporation of
602 relevant research.

603 4. The department's evaluation of any other water quality
604 standards must include the department's antidegradation
605 standards and EAA canal classifications. In recognition of the
606 special nature of the conveyance canals of the EAA, as a
607 component of the classification process, the department is
608 directed to formally recognize by rulemaking existing actual
609 beneficial uses of the conveyance canals in the EAA. This shall
610 include recognition of the Class III designated uses of
611 recreation, propagation and maintenance of a healthy, well-
612 balanced population of fish and wildlife, the integrated water
613 management purposes for which the Central and Southern Florida
614 Flood Control Project was constructed, flood control, conveyance
615 of water to and from Lake Okeechobee for urban and agricultural
616 water supply, Everglades hydroperiod restoration, conveyance of
617 water to the STAs, and navigation.

618 (f) *EAA best management practices.*--

619 1. The district, in cooperation with the department, shall
620 develop and implement a water quality monitoring program to
621 evaluate the effectiveness of the BMPs in achieving and



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622 maintaining compliance with state water quality standards and
623 restoring and maintaining designated and existing beneficial
624 uses. The program shall include an analysis of the effectiveness
625 of the BMPs in treating constituents that are not being
626 significantly improved by the STAs. The monitoring program shall
627 include monitoring of appropriate parameters at representative
628 locations.

629 2. The district shall continue to require and enforce the
630 BMP and other requirements of chapters 40E-61 and 40E-63,
631 Florida Administrative Code, during the terms of the existing
632 permits issued pursuant to those rules. Chapter 40E-61, Florida
633 Administrative Code, may be amended to include the BMPs required
634 by chapter 40E-63, Florida Administrative Code. Prior to the
635 expiration of existing permits, and during each 5-year term of
636 subsequent permits as provided for in this section, those rules
637 shall be amended to implement a comprehensive program of
638 research, testing, and implementation of BMPs that will address
639 all water quality standards within the EAA and Everglades
640 Protection Area. Under this program:

641 a. EAA landowners, through the EAA Environmental
642 Protection District or otherwise, shall sponsor a program of BMP
643 research with qualified experts to identify appropriate BMPs.

644 b. Consistent with the water quality monitoring program,
645 BMPs will be field-tested in a sufficient number of
646 representative sites in the EAA to reflect soil and crop types
647 and other factors that influence BMP design and effectiveness.

648 c. BMPs as required for varying crops and soil types shall
649 be included in permit conditions in the 5-year permits issued
650 pursuant to this section.



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651 d. The district shall conduct research in cooperation with
652 EAA landowners to identify water quality parameters that are not
653 being significantly improved either by the STAs or the BMPs, and
654 to identify further BMP strategies needed to address these
655 parameters.

656 3. The Legislature finds that through the implementation
657 of the Everglades BMPs Program and the implementation of the
658 Everglades Construction Project, reasonable further progress
659 will be made towards addressing water quality requirements of
660 the EAA canals and the Everglades Protection Area. Permittees
661 within the EAA and the C-139 Basin who are in full compliance
662 with the conditions of permits under chapters 40E-61 and 40E-63,
663 Florida Administrative Code, have made all payments required
664 under the Everglades Program, and are in compliance with
665 subparagraph (a)8., if applicable, shall not be required to
666 implement additional water quality improvement measures, prior
667 to December 31, 2006, other than those required by subparagraph
668 2., with the following exceptions:

669 a. Nothing in this subparagraph shall limit the existing
670 authority of the department or the district to limit or regulate
671 discharges that pose a significant danger to the public health
672 and safety; and

673 b. New land uses and new stormwater management facilities
674 other than alterations to existing agricultural stormwater
675 management systems for water quality improvements shall not be
676 accorded the compliance established by this section. Permits may
677 be required to implement improvements or alterations to existing
678 agricultural water management systems.

679 4. As of December 31, 2006, all permits, including those
680 issued prior to that date, shall require implementation of



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681 additional water quality measures, taking into account the water
682 quality treatment actually provided by the STAs and the
683 effectiveness of the BMPs. As of that date, no permittee's
684 discharge shall cause or contribute to any violation of water
685 quality standards in the Everglades Protection Area.

686 5. Effective immediately, landowners within the C-139
687 Basin shall not collectively exceed an annual average loading of
688 phosphorus ~~of 28.7 metric tons~~ based proportionately on the
689 historical rainfall for the C-139 Basin over the period of
690 October 1, 1978, to September 30, 1988. New surface inflows
691 shall not increase the annual average loading of phosphorus
692 stated above. Provided that the C-139 Basin does not exceed this
693 annual average loading, all landowners within the Basin shall be
694 in compliance for that year. Compliance determinations for
695 individual landowners within the C-139 Basin for remedial
696 action, if the Basin is determined by the district to be out of
697 compliance for that year, shall be based on the landowners'
698 proportional share of the total phosphorus loading ~~of 28.7~~
699 ~~metric tons~~. The total phosphorus discharge load shall be
700 determined as set forth in Appendix B2 of Rule 40E-63-43,
701 Everglades Program, Florida Administrative Code ~~by a method~~
702 ~~consistent with Appendix 40E-63-3, Florida Administrative Code,~~
703 ~~disregarding the 25-percent phosphorus reduction factor.~~

704 6. The district, in cooperation with the department, shall
705 develop and implement a water quality monitoring program to
706 evaluate the quality of the discharge from the C-139 Basin. Upon
707 determination by the department or the district that the C-139
708 Basin is exceeding any presently existing water quality
709 standards, the district shall require landowners within the C-
710 139 Basin to implement BMPs appropriate to the land uses within



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711 the C-139 Basin consistent with subparagraph 2. Thereafter, the
 712 provisions of subparagraphs 2.-4. shall apply to the landowners
 713 within the C-139 Basin.

714 (4) EVERGLADES PROGRAM.--

715 (g) *Monitoring and control of exotic species.*--

716 1. The district shall establish a biological monitoring
 717 network throughout the Everglades Protection Area and shall
 718 prepare a survey of exotic species at least every 2 years.

719 2. In addition, the district shall establish a program to
 720 coordinate with federal, state, or other governmental entities
 721 the control of continued expansion and the removal of these
 722 exotic species. The district's program shall give high priority
 723 to species affecting the largest areal extent within the
 724 Everglades Protection Area.

725 (6) EVERGLADES AGRICULTURAL PRIVILEGE TAX.--

726 (a) There is hereby imposed an annual Everglades
 727 agricultural privilege tax for the privilege of conducting an
 728 agricultural trade or business on:

729 1. All real property located within the EAA that is
 730 classified as agricultural under the provisions of chapter 193;
 731 and

732 2. Leasehold or other interests in real property located
 733 within the EAA owned by the United States, the state, or any
 734 agency thereof permitting the property to be used for
 735 agricultural purposes in a manner that would allow such property
 736 to be classified as agricultural under the provisions of chapter
 737 193 if not governmentally owned, whether or not such property is
 738 actually classified as agricultural under the provisions of
 739 chapter 193.

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741 It is hereby determined by the Legislature that the privilege of
 742 conducting an agricultural trade or business on such property
 743 constitutes a reasonable basis for imposition of the Everglades
 744 agricultural privilege tax and that logical differences exist
 745 between the agricultural use of such property and the use of
 746 other property within the EAA for residential or nonagricultural
 747 commercial use. The Everglades agricultural privilege tax shall
 748 constitute a lien against the property, or the leasehold or
 749 other interest in governmental property permitting such property
 750 to be used for agricultural purposes, described on the
 751 Everglades agricultural privilege tax roll. The lien shall be in
 752 effect from January 1 of the year the tax notice is mailed until
 753 discharged by payment and shall be equal in rank and dignity
 754 with the liens of all state, county, district, or municipal
 755 taxes and non-ad valorem assessments imposed pursuant to general
 756 law, special act, or local ordinance and shall be superior in
 757 dignity to all other liens, titles, and claims.

758 (b) The Everglades agricultural privilege tax, other than
 759 for leasehold or other interests in governmental property
 760 permitting such property to be used for agricultural purposes,
 761 shall be collected in the manner provided for ad valorem taxes.
 762 By September 15 of each year, the governing board of the
 763 district shall certify by resolution an Everglades agricultural
 764 privilege tax roll on compatible electronic medium to the tax
 765 collector of each county in which a portion of the EAA is
 766 located. The district shall also produce one copy of the roll in
 767 printed form which shall be available for inspection by the
 768 public. The district shall post the Everglades agricultural
 769 privilege tax for each parcel on the roll. The tax collector
 770 shall not accept any such roll that is not certified on



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771 compatible electronic medium and that does not contain the
 772 posting of the Everglades agricultural privilege tax for each
 773 parcel. It is the responsibility of the district that such rolls
 774 be free of errors and omissions. Alterations to such rolls may
 775 be made by the executive director of the district, or a
 776 designee, up to 10 days before certification. If the tax
 777 collector or any taxpayer discovers errors or omissions on such
 778 roll, such person may request the district to file a corrected
 779 roll or a correction of the amount of any Everglades
 780 agricultural privilege tax. Other than for leasehold or other
 781 interests in governmental property permitting such property to
 782 be used for agricultural purposes, Everglades agricultural
 783 privilege taxes collected pursuant to this section shall be
 784 included in the combined notice for ad valorem taxes and non-ad
 785 valorem assessments provided for in s. 197.3635. Such Everglades
 786 agricultural privilege taxes shall be listed in the portion of
 787 the combined notice utilized for non-ad valorem assessments. A
 788 separate mailing is authorized only as a solution to the most
 789 exigent factual circumstances. However, if a tax collector
 790 cannot merge an Everglades agricultural privilege tax roll to
 791 produce such a notice, the tax collector shall mail a separate
 792 notice of Everglades agricultural privilege taxes or shall
 793 direct the district to mail such a separate notice. In deciding
 794 whether a separate mailing is necessary, the tax collector shall
 795 consider all costs to the district and taxpayers of such a
 796 separate mailing and the adverse effects to the taxpayers of
 797 delayed and multiple notices. The district shall bear all costs
 798 associated with any separate notice. Everglades agricultural
 799 privilege taxes collected pursuant to this section shall be
 800 subject to all collection provisions of chapter 197, including



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801 provisions relating to discount for early payment, prepayment by
 802 installment method, deferred payment, penalty for delinquent
 803 payment, and issuance and sale of tax certificates and tax deeds
 804 for nonpayment. Everglades agricultural privilege taxes for
 805 leasehold or other interests in property owned by the United
 806 States, the state, or any agency thereof permitting such
 807 property to be used for agricultural purposes shall be included
 808 on the notice provided pursuant to s. 196.31, a copy of which
 809 shall be provided to lessees or other interestholders
 810 registering with the district, and shall be collected from the
 811 lessee or other appropriate interestholder and remitted to the
 812 district immediately upon collection. Everglades agricultural
 813 privilege taxes included on the statement provided pursuant to
 814 s. 196.31 shall be due and collected on or prior to the next
 815 April 1 following provision of the notice. Proceeds of the
 816 Everglades agricultural privilege taxes shall be distributed by
 817 the tax collector to the district. Each tax collector shall be
 818 paid a commission equal to the actual cost of collection, not to
 819 exceed 2 percent, on the amount of Everglades agricultural
 820 privilege taxes collected and remitted. Notwithstanding any
 821 general law or special act to the contrary, Everglades
 822 agricultural privilege taxes shall not be included on the notice
 823 of proposed property taxes provided for in s. 200.069.

824 (c) The initial Everglades agricultural privilege tax roll
 825 shall be certified for the tax notices mailed in November 1994.
 826 Incentive credits to the Everglades agricultural privilege taxes
 827 to be included on the initial Everglades agricultural privilege
 828 tax roll, if any, shall be based upon the total phosphorus load
 829 reduction for the year ending April 30, 1993. The Everglades



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830 agricultural privilege taxes for each year shall be computed in
831 the following manner:

832 1. Annual Everglades agricultural privilege taxes shall be
833 charged for the privilege of conducting an agricultural trade or
834 business on each acre of real property or portion thereof. The
835 annual Everglades agricultural privilege tax shall be \$24.89 per
836 acre for the tax notices mailed in November 1994 through
837 November 1997; \$27 per acre for the tax notices mailed in
838 November 1998 through November 2001; \$31 per acre for the tax
839 notices mailed in November 2002 through November 2005; and \$35
840 per acre for the tax notices mailed in November 2006 through
841 November 2013.

842 2. It is the intent of the Legislature to encourage the
843 performance of best management practices to maximize the
844 reduction of phosphorus loads at points of discharge from the
845 EAA by providing an incentive credit against the Everglades
846 agricultural privilege taxes set forth in subparagraph 1. The
847 total phosphorus load reduction shall be measured for the entire
848 EAA by comparing the actual measured total phosphorus load
849 attributable to the EAA for each annual period ending on April
850 30 to the total estimated phosphorus load that would have
851 occurred during the 1979-1988 base period using the model for
852 total phosphorus load determinations provided in chapter 40E-63,
853 Florida Administrative Code, utilizing the technical information
854 and procedures contained in Section IV-EAA Period of Record Flow
855 and Phosphorus Load Calculations; Section V-Monitoring
856 Requirements; and Section VI-Phosphorus Load Allocations and
857 Compliance Calculations of the Draft Technical Document in
858 Support of chapter 40E-63, Florida Administrative Code - Works
859 of the District within the Everglades, March 3, 1992, and the



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860 Standard Operating Procedures for Water Quality Collection in
861 Support of the Everglades Water Condition Report, dated February
862 18, 1994. The model estimates the total phosphorus load that
863 would have occurred during the 1979-1988 base period by
864 substituting the rainfall conditions for such annual period
865 ending April 30 for the conditions that were used to calibrate
866 the model for the 1979-1988 base period. The data utilized to
867 calculate the actual loads attributable to the EAA shall be
868 adjusted to eliminate the effect of any load and flow that were
869 not included in the 1979-1988 base period as defined in chapter
870 40E-63, Florida Administrative Code. The incorporation of the
871 method of measuring the total phosphorus load reduction provided
872 in this subparagraph is intended to provide a legislatively
873 approved aid to the governing board of the district in making an
874 annual ministerial determination of any incentive credit.

875 3. Phosphorus load reductions calculated in the manner
876 described in subparagraph 2. and rounded to the nearest whole
877 percentage point for each annual period beginning on May 1 and
878 ending on April 30 shall be used to compute incentive credits to
879 the Everglades agricultural privilege taxes to be included on
880 the annual tax notices mailed in November of the next ensuing
881 calendar year. Incentive credits, if any, will reduce the
882 Everglades agricultural privilege taxes set forth in
883 subparagraph 1. only to the extent that the phosphorus load
884 reduction exceeds 25 percent. Subject to subparagraph 4., the
885 reduction of phosphorus load by each percentage point in excess
886 of 25 percent, computed for the 12-month period ended on April
887 30 of the calendar year immediately preceding certification of
888 the Everglades agricultural privilege tax, shall result in the
889 following incentive credits: \$0.33 per acre for the tax notices



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890 mailed in November 1994 through November 1997; \$0.54 per acre
 891 for the tax notices mailed in November 1998 through November
 892 2001; \$0.61 per acre for the tax notices mailed in November 2002
 893 through November 2005, and \$0.65 per acre for the tax notices
 894 mailed in November 2006 through November 2013. The determination
 895 of incentive credits, if any, shall be documented by resolution
 896 of the governing board of the district adopted prior to or at
 897 the time of the adoption of its resolution certifying the annual
 898 Everglades agricultural privilege tax roll to the appropriate
 899 tax collector.

900 4. Notwithstanding subparagraph 3., incentive credits for
 901 the performance of best management practices shall not reduce
 902 the minimum annual Everglades agricultural privilege tax to less
 903 than \$24.89 per acre, which annual Everglades agricultural
 904 privilege tax as adjusted in the manner required by paragraph
 905 (e) shall be known as the "minimum tax." To the extent that the
 906 application of incentive credits for the performance of best
 907 management practices would reduce the annual Everglades
 908 agricultural privilege tax to an amount less than the minimum
 909 tax, then the unused or excess incentive credits for the
 910 performance of best management practices shall be carried
 911 forward, on a phosphorus load percentage basis, to be applied as
 912 incentive credits in subsequent years. Any unused or excess
 913 incentive credits remaining after certification of the
 914 Everglades agricultural privilege tax roll for the tax notices
 915 mailed in November 2013 shall be canceled.

916 5. Notwithstanding the schedule of Everglades agricultural
 917 privilege taxes set forth in subparagraph 1., the owner, lessee,
 918 or other appropriate interestholder of any property shall be
 919 entitled to have the Everglades agricultural privilege tax for



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920 any parcel of property reduced to the minimum tax, commencing
 921 with the tax notices mailed in November 1996 for parcels of
 922 property participating in the early baseline option as defined
 923 in chapter 40E-63, Florida Administrative Code, and with the tax
 924 notices mailed in November 1997 for parcels of property not
 925 participating in the early baseline option, upon compliance with
 926 the requirements set forth in this subparagraph. The owner,
 927 lessee, or other appropriate interestholder shall file an
 928 application with the executive director of the district prior to
 929 July 1 for consideration of reduction to the minimum tax on the
 930 Everglades agricultural privilege tax roll to be certified for
 931 the tax notice mailed in November of the same calendar year and
 932 shall have the burden of proving the reduction in phosphorus
 933 load attributable to such parcel of property. The phosphorus
 934 load reduction for each discharge structure serving the parcel
 935 shall be measured as provided in chapter 40E-63, Florida
 936 Administrative Code, and the permit issued for such property
 937 pursuant to chapter 40E-63, Florida Administrative Code. A
 938 parcel of property which has achieved the following annual
 939 phosphorus load reduction standards shall have the minimum tax
 940 included on the annual tax notice mailed in November of the next
 941 ensuing calendar year: 30 percent or more for the tax notices
 942 mailed in November 1994 through November 1997; 35 percent or
 943 more for the tax notices mailed in November 1998 through
 944 November 2001; 40 percent or more for the tax notices mailed in
 945 November 2002 through November 2005; and 45 percent or more for
 946 the tax notices mailed in November 2006 through November 2013.
 947 In addition, any parcel of property that achieves an annual flow
 948 weighted mean concentration of 50 parts per billion (ppb) of
 949 phosphorus at each discharge structure serving the property for



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950 any year ending April 30 shall have the minimum tax included on
 951 the annual tax notice mailed in November of the next ensuing
 952 calendar year. Any annual phosphorus reductions that exceed the
 953 amount necessary to have the minimum tax included on the annual
 954 tax notice for any parcel of property shall be carried forward
 955 to the subsequent years' phosphorus load reduction to determine
 956 if the minimum tax shall be included on the annual tax notice.
 957 The governing board of the district shall deny or grant the
 958 application by resolution adopted prior to or at the time of the
 959 adoption of its resolution certifying the annual Everglades
 960 agricultural privilege tax roll to the appropriate tax
 961 collector.

962 6. The annual Everglades agricultural privilege tax for
 963 the tax notices mailed in November 2014 through November 2016
 964 shall be \$25 per acre and for tax notices mailed in November
 965 2017 and thereafter shall be \$10 per acre.

966 (d) For purposes of this paragraph, "vegetable acreage"
 967 means, for each tax year, any portion of a parcel of property
 968 used for a period of not less than 8 months for the production
 969 of vegetable crops, including sweet corn, during the 12 months
 970 ended September 30 of the year preceding the tax year. Land
 971 preparation, crop rotation, and fallow periods shall not
 972 disqualify property from classification as vegetable acreage if
 973 such property is actually used for the production of vegetable
 974 crops.

975 1. It is hereby determined by the Legislature that
 976 vegetable farming in the EAA is subject to volatile market
 977 conditions and is particularly subject to crop loss or damage
 978 due to freezes, flooding, and drought. It is further determined
 979 by the Legislature that, due to the foregoing factors,



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980 imposition of an Everglades agricultural privilege tax upon
 981 vegetable acreage in excess of the minimum tax could create a
 982 severe economic hardship and impair the production of vegetable
 983 crops. Notwithstanding the schedule of Everglades agricultural
 984 privilege taxes set forth in subparagraph (c)1., the Everglades
 985 agricultural privilege tax for vegetable acreage shall be the
 986 minimum tax, and vegetable acreage shall not be entitled to any
 987 incentive credits.

988 2. If either the Governor, the President of the United
 989 States, or the United States Department of Agriculture declares
 990 the existence of a state of emergency or disaster resulting from
 991 extreme natural conditions impairing the ability of vegetable
 992 acreage to produce crops, payment of the Everglades agricultural
 993 privilege taxes imposed for the privilege of conducting an
 994 agricultural trade or business on such property shall be
 995 deferred for a period of 1 year, and all subsequent annual
 996 payments shall be deferred for the same period.

997 a. If the declaration occurs between April 1 and October
 998 31, the Everglades agricultural privilege tax to be included on
 999 the next annual tax notice will be deferred to the subsequent
 1000 annual tax notice.

1001 b. If the declaration occurs between November 1 and March
 1002 31 and the Everglades agricultural privilege tax included on the
 1003 most recent tax notice has not been paid, such Everglades
 1004 agricultural privilege tax will be deferred to the next annual
 1005 tax notice.

1006 c. If the declaration occurs between November 1 and March
 1007 31 and the Everglades agricultural privilege tax included on the
 1008 most recent tax notice has been paid, the Everglades



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1009 agricultural privilege tax to be included on the next annual tax
 1010 notice will be deferred to the subsequent annual tax notice.

1011 3. In the event payment of Everglades agricultural
 1012 privilege taxes is deferred pursuant to this paragraph, the
 1013 district must record a notice in the official records of each
 1014 county in which vegetable acreage subject to such deferment is
 1015 located. The recorded notice must describe each parcel of
 1016 property as to which Everglades agricultural privilege taxes
 1017 have been deferred and the amount deferred for such property. If
 1018 all or any portion of the property as to which Everglades
 1019 agricultural privilege taxes have been deferred ceases to be
 1020 classified as agricultural under the provisions of chapter 193
 1021 or otherwise subject to the Everglades agricultural privilege
 1022 tax, all deferred amounts must be included on the tax notice for
 1023 such property mailed in November of the first tax year for which
 1024 such property is not subject to the Everglades agricultural
 1025 privilege tax. After a property owner has paid all outstanding
 1026 Everglades agricultural privilege taxes, including any deferred
 1027 amounts, the district shall provide the property owner with a
 1028 recordable instrument evidencing the payment of all outstanding
 1029 amounts.

1030 4. The owner, lessee, or other appropriate interestholder
 1031 must file an application with the executive director of the
 1032 district prior to July 1 for classification of a portion of the
 1033 property as vegetable acreage on the Everglades agricultural
 1034 privilege tax roll to be certified for the tax notice mailed in
 1035 November of the same calendar year and shall have the burden of
 1036 proving the number of acres used for the production of vegetable
 1037 crops during the year in which incentive credits are determined
 1038 and the period of such use. The governing board of the district



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1039 shall deny or grant the application by resolution adopted prior
 1040 to or at the time of the adoption of its resolution certifying
 1041 the annual Everglades agricultural privilege tax roll to the
 1042 appropriate tax collector.

1043 5. This paragraph does not relieve vegetable acreage from
 1044 the performance of best management practices specified in
 1045 chapter 40E-63, Florida Administrative Code.

1046 (e) If, for any tax year, the number of acres subject to
 1047 the Everglades agricultural privilege tax is less than the
 1048 number of acres included on the Everglades agricultural
 1049 privilege tax roll certified for the tax notices mailed in
 1050 November 1994, the minimum tax shall be subject to increase in
 1051 the manner provided in this paragraph. In determining the number
 1052 of acres subject to the Everglades agricultural privilege tax
 1053 for purposes of this paragraph, property acquired by a not-for-
 1054 profit entity for purposes of conservation and preservation, the
 1055 United States, or the state, or any agency thereof, and removed
 1056 from the Everglades agricultural privilege tax roll after
 1057 January 1, 1994, shall be treated as subject to the tax even
 1058 though no tax is imposed or due: in its entirety, for tax
 1059 notices mailed prior to November 2000; to the extent its area
 1060 exceeds 4 percent of the total area of property subject to the
 1061 Everglades agricultural tax, for tax notices mailed in November
 1062 2000 through November 2005; and to the extent its area exceeds 8
 1063 percent of the total area of property subject to the Everglades
 1064 agricultural tax, for tax notices mailed in November 2006 and
 1065 thereafter. For each tax year, the district shall determine the
 1066 amount, if any, by which the sum of the following exceeds
 1067 \$12,367,000:



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1068 1. The product of the minimum tax multiplied by the number
 1069 of acres subject to the Everglades agricultural privilege tax;
 1070 and

1071 2. The ad valorem tax increment, as defined in this
 1072 subparagraph.

1073
 1074 The aggregate of such annual amounts, less any portion
 1075 previously applied to eliminate or reduce future increases in
 1076 the minimum tax, as described in this paragraph, shall be known
 1077 as the "excess tax amount." If for any tax year, the amount
 1078 computed by multiplying the minimum tax by the number of acres
 1079 then subject to the Everglades agricultural privilege tax is
 1080 less than \$12,367,000, the excess tax amount shall be applied in
 1081 the following manner. If the excess tax amount exceeds such
 1082 difference, an amount equal to the difference shall be deducted
 1083 from the excess tax amount and applied to eliminate any increase
 1084 in the minimum tax. If such difference exceeds the excess tax
 1085 amount, the excess tax amount shall be applied to reduce any
 1086 increase in the minimum tax. In such event, a new minimum tax
 1087 shall be computed by subtracting the remaining excess tax amount
 1088 from \$12,367,000 and dividing the result by the number of acres
 1089 subject to the Everglades agricultural privilege tax for such
 1090 tax year. For purposes of this paragraph, the "ad valorem tax
 1091 increment" means 50 percent of the difference between the amount
 1092 of ad valorem taxes actually imposed by the district for the
 1093 immediate prior tax year against property included on the
 1094 Everglades agricultural privilege tax roll certified for the tax
 1095 notices mailed in November 1994 that was not subject to the
 1096 Everglades agricultural privilege tax during the immediate prior
 1097 tax year and the amount of ad valorem taxes that would have been



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1098 imposed against such property for the immediate prior tax year
 1099 if the taxable value of each acre had been equal to the average
 1100 taxable value of all other land classified as agricultural
 1101 within the EAA for such year; however, the ad valorem tax
 1102 increment for any year shall not exceed the amount that would
 1103 have been derived from such property from imposition of the
 1104 minimum tax during the immediate prior tax year.

1105 (f) Any owner, lessee, or other appropriate interestholder
 1106 of property subject to the Everglades agricultural privilege tax
 1107 may contest the Everglades agricultural privilege tax by filing
 1108 an action in circuit court.

1109 1. No action may be brought to contest the Everglades
 1110 agricultural privilege tax after 60 days from the date the tax
 1111 notice that includes the Everglades agricultural privilege tax
 1112 is mailed by the tax collector. Before an action to contest the
 1113 Everglades agricultural privilege tax may be brought, the
 1114 taxpayer shall pay to the tax collector the amount of the
 1115 Everglades agricultural privilege tax which the taxpayer admits
 1116 in good faith to be owing. The tax collector shall issue a
 1117 receipt for the payment, and the receipt shall be filed with the
 1118 complaint. Payment of an Everglades agricultural privilege tax
 1119 shall not be deemed an admission that such tax was due and shall
 1120 not prejudice the right to bring a timely action to challenge
 1121 such tax and seek a refund. No action to contest the Everglades
 1122 agricultural privilege tax may be maintained, and such action
 1123 shall be dismissed, unless all Everglades agricultural privilege
 1124 taxes imposed in years after the action is brought, which the
 1125 taxpayer in good faith admits to be owing, are paid before they
 1126 become delinquent. The requirements of this subparagraph are
 1127 jurisdictional.



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1128 2. In any action involving a challenge of the Everglades
1129 agricultural privilege tax, the court shall assess all costs. If
1130 the court finds that the amount of tax owed by the taxpayer is
1131 greater than the amount the taxpayer has in good faith admitted
1132 and paid, it shall enter judgment against the taxpayer for the
1133 deficiency and for interest on the deficiency at the rate of 12
1134 percent per year from the date the tax became delinquent. If it
1135 finds that the amount of tax which the taxpayer has admitted to
1136 be owing is grossly disproportionate to the amount of tax found
1137 to be due and that the taxpayer's admission was not made in good
1138 faith, the court shall also assess a penalty at the rate of 25
1139 percent of the deficiency per year from the date the tax became
1140 delinquent. The court may issue injunctions to restrain the sale
1141 of property for any Everglades agricultural privilege tax which
1142 appears to be contrary to law or equity.

1143 (g) Notwithstanding any contrary provisions in chapter
1144 120, or any provision of any other law, an action in circuit
1145 court shall be the exclusive remedy to challenge the assessment
1146 of an Everglades agricultural privilege tax and owners of
1147 property subject to the Everglades agricultural privilege tax
1148 shall have no right or standing to initiate administrative
1149 proceedings under chapter 120 to challenge the assessment of an
1150 Everglades agricultural privilege tax, including specifically,
1151 and without limitation, the annual certification by the district
1152 governing board of the Everglades agricultural privilege tax
1153 roll to the appropriate tax collector, the annual calculation of
1154 any incentive credit for phosphorus level reductions, the denial
1155 of an application for exclusion from the Everglades agricultural
1156 privilege tax, the calculation of the minimum tax adjustments
1157 provided in paragraph (e), the denial of an application for



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1158 reduction to the minimum tax, and the denial of any application
 1159 for classification as vegetable acreage, deferment of payment
 1160 for vegetable acreage, or correction of any alleged error in the
 1161 Everglades agricultural privilege tax roll.

1162 (h) In recognition of the findings set forth in subsection
 1163 (1), the Legislature finds that the assessment and use of the
 1164 Everglades agricultural privilege tax is a matter of concern to
 1165 all areas of Florida and the Legislature intends this act to be
 1166 a general law authorization of the tax within the meaning of s.
 1167 9, Art. VII of the State Constitution and that payment of the
 1168 tax complies with the obligations of owners and users of land
 1169 under s. 7(b), Art. II of the State Constitution.

1170 (7) C-139 AGRICULTURAL PRIVILEGE TAX.--

1171 (a) There is hereby imposed an annual C-139 agricultural
 1172 privilege tax for the privilege of conducting an agricultural
 1173 trade or business on:

1174 1. All real property located within the C-139 Basin that
 1175 is classified as agricultural under the provisions of chapter
 1176 193; and

1177 2. Leasehold or other interests in real property located
 1178 within the C-139 Basin owned by the United States, the state, or
 1179 any agency thereof permitting the property to be used for
 1180 agricultural purposes in a manner that would result in such
 1181 property being classified as agricultural under the provisions
 1182 of chapter 193 if not governmentally owned, whether or not such
 1183 property is actually classified as agricultural under the
 1184 provisions of chapter 193.

1185
 1186 It is hereby determined by the Legislature that the privilege of
 1187 conducting an agricultural trade or business on such property



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1188 constitutes a reasonable basis for imposing the C-139
1189 agricultural privilege tax and that logical differences exist
1190 between the agricultural use of such property and the use of
1191 other property within the C-139 Basin for residential or
1192 nonagricultural commercial use. The C-139 agricultural privilege
1193 tax shall constitute a lien against the property, or the
1194 leasehold or other interest in governmental property permitting
1195 such property to be used for agricultural purposes, described on
1196 the C-139 agricultural privilege tax roll. The lien shall be in
1197 effect from January 1 of the year the tax notice is mailed until
1198 discharged by payment and shall be equal in rank and dignity
1199 with the liens of all state, county, district, or municipal
1200 taxes and non-ad valorem assessments imposed pursuant to general
1201 law, special act, or local ordinance and shall be superior in
1202 dignity to all other liens, titles, and claims.

1203 (b) The C-139 agricultural privilege tax, other than for
1204 leasehold or other interests in governmental property permitting
1205 such property to be used for agricultural purposes, shall be
1206 collected in the manner provided for ad valorem taxes. By
1207 September 15 of each year, the governing board of the district
1208 shall certify by resolution a C-139 agricultural privilege tax
1209 roll on compatible electronic medium to the tax collector of
1210 each county in which a portion of the C-139 Basin is located.
1211 The district shall also produce one copy of the roll in printed
1212 form which shall be available for inspection by the public. The
1213 district shall post the C-139 agricultural privilege tax for
1214 each parcel on the roll. The tax collector shall not accept any
1215 such roll that is not certified on compatible electronic medium
1216 and that does not contain the posting of the C-139 agricultural
1217 privilege tax for each parcel. It is the responsibility of the



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1218 district that such rolls be free of errors and omissions.
 1219 Alterations to such rolls may be made by the executive director
 1220 of the district, or a designee, up to 10 days before
 1221 certification. If the tax collector or any taxpayer discovers
 1222 errors or omissions on such roll, such person may request the
 1223 district to file a corrected roll or a correction of the amount
 1224 of any C-139 agricultural privilege tax. Other than for
 1225 leasehold or other interests in governmental property permitting
 1226 such property to be used for agricultural purposes, C-139
 1227 agricultural privilege taxes collected pursuant to this section
 1228 shall be included in the combined notice for ad valorem taxes
 1229 and non-ad valorem assessments provided for in s. 197.3635. Such
 1230 C-139 agricultural privilege taxes shall be listed in the
 1231 portion of the combined notice utilized for non-ad valorem
 1232 assessments. A separate mailing is authorized only as a solution
 1233 to the most exigent factual circumstances. However, if a tax
 1234 collector cannot merge a C-139 agricultural privilege tax roll
 1235 to produce such a notice, the tax collector shall mail a
 1236 separate notice of C-139 agricultural privilege taxes or shall
 1237 direct the district to mail such a separate notice. In deciding
 1238 whether a separate mailing is necessary, the tax collector shall
 1239 consider all costs to the district and taxpayers of such a
 1240 separate mailing and the adverse effects to the taxpayers of
 1241 delayed and multiple notices. The district shall bear all costs
 1242 associated with any separate notice. C-139 agricultural
 1243 privilege taxes collected pursuant to this section shall be
 1244 subject to all collection provisions of chapter 197, including
 1245 provisions relating to discount for early payment, prepayment by
 1246 installment method, deferred payment, penalty for delinquent
 1247 payment, and issuance and sale of tax certificates and tax deeds



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1248 for nonpayment. C-139 agricultural privilege taxes for leasehold
 1249 or other interests in property owned by the United States, the
 1250 state, or any agency thereof permitting such property to be used
 1251 for agricultural purposes shall be included on the notice
 1252 provided pursuant to s. 196.31, a copy of which shall be
 1253 provided to lessees or other interestholders registering with
 1254 the district, and shall be collected from the lessee or other
 1255 appropriate interestholder and remitted to the district
 1256 immediately upon collection. C-139 agricultural privilege taxes
 1257 included on the statement provided pursuant to s. 196.31 shall
 1258 be due and collected on or prior to the next April 1 following
 1259 provision of the notice. Proceeds of the C-139 agricultural
 1260 privilege taxes shall be distributed by the tax collector to the
 1261 district. Each tax collector shall be paid a commission equal to
 1262 the actual cost of collection, not to exceed 2 percent, on the
 1263 amount of C-139 agricultural privilege taxes collected and
 1264 remitted. Notwithstanding any general law or special act to the
 1265 contrary, C-139 agricultural privilege taxes shall not be
 1266 included on the notice of proposed property taxes provided in s.
 1267 200.069.

1268 (c)1. The initial C-139 agricultural privilege tax roll
 1269 shall be certified for the tax notices mailed in November 1994.
 1270 The C-139 agricultural privilege taxes for the tax notices
 1271 mailed in November 1994 through November 2002 ~~2013~~ shall be
 1272 computed by dividing \$654,656 by the number of acres included on
 1273 the C-139 agricultural privilege tax roll for such year,
 1274 excluding any property located within the C-139 Annex.

1275 2. The C-139 agricultural privilege tax for the tax
 1276 notices mailed in November 2003 through November 2013 shall be
 1277 computed by dividing \$654,656 by the number of acres included on



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1278 the C-139 agricultural privilege tax roll for November 2001,
 1279 excluding any property located within the C-139 Annex.

1280 3. The C-139 agricultural privilege taxes for the tax
 1281 notices mailed in November 2014 and thereafter shall be \$1.80
 1282 per acre.

1283 (d) For purposes of this paragraph, "vegetable acreage"
 1284 means, for each tax year, any portion of a parcel of property
 1285 used for a period of not less than 8 months for the production
 1286 of vegetable crops, including sweet corn, during the 12 months
 1287 ended September 30 of the year preceding the tax year. Land
 1288 preparation, crop rotation, and fallow periods shall not
 1289 disqualify property from classification as vegetable acreage if
 1290 such property is actually used for the production of vegetable
 1291 crops.

1292 1. If either the Governor, the President of the United
 1293 States, or the United States Department of Agriculture declares
 1294 the existence of a state of emergency or disaster resulting from
 1295 extreme natural conditions impairing the ability of vegetable
 1296 acreage to produce crops, payment of the C-139 agricultural
 1297 privilege taxes imposed for the privilege of conducting an
 1298 agricultural trade or business on such property shall be
 1299 deferred for a period of 1 year, and all subsequent annual
 1300 payments shall be deferred for the same period.

1301 a. If the declaration occurs between April 1 and October
 1302 31, the C-139 agricultural privilege tax to be included on the
 1303 next annual tax notice will be deferred to the subsequent annual
 1304 tax notice.

1305 b. If the declaration occurs between November 1 and March
 1306 31 and the C-139 agricultural privilege tax included on the most



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1307 recent tax notice has not been paid, such C-139 agricultural
 1308 privilege tax will be deferred to the next annual tax notice.

1309 c. If the declaration occurs between November 1 and March
 1310 31 and the C-139 agricultural privilege tax included on the most
 1311 recent tax notice has been paid, the C-139 agricultural
 1312 privilege tax to be included on the next annual tax notice will
 1313 be deferred to the subsequent annual tax notice.

1314 2. In the event payment of C-139 agricultural privilege
 1315 taxes is deferred pursuant to this paragraph, the district must
 1316 record a notice in the official records of each county in which
 1317 vegetable acreage subject to such deferment is located. The
 1318 recorded notice must describe each parcel of property as to
 1319 which C-139 agricultural privilege taxes have been deferred and
 1320 the amount deferred for such property. If all or any portion of
 1321 the property as to which C-139 agricultural privilege taxes have
 1322 been deferred ceases to be classified as agricultural under the
 1323 provisions of chapter 193 or otherwise subject to the C-139
 1324 agricultural privilege tax, all deferred amounts must be
 1325 included on the tax notice for such property mailed in November
 1326 of the first tax year for which such property is not subject to
 1327 the C-139 agricultural privilege tax. After a property owner has
 1328 paid all outstanding C-139 agricultural privilege taxes,
 1329 including any deferred amounts, the district shall provide the
 1330 property owner with a recordable instrument evidencing the
 1331 payment of all outstanding amounts.

1332 3. The owner, lessee, or other appropriate interestholder
 1333 shall file an application with the executive director of the
 1334 district prior to July 1 for classification of a portion of the
 1335 property as vegetable acreage on the C-139 agricultural
 1336 privilege tax roll to be certified for the tax notice mailed in



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1337 November of the same calendar year and shall have the burden of
1338 proving the number of acres used for the production of vegetable
1339 crops during the year in which incentive credits are determined
1340 and the period of such use. The governing board of the district
1341 shall deny or grant the application by resolution adopted prior
1342 to or at the time of the adoption of its resolution certifying
1343 the annual C-139 agricultural privilege tax roll to the
1344 appropriate tax collector.

1345 4. This paragraph does not relieve vegetable acreage from
1346 the performance of best management practices specified in
1347 chapter 40E-63, Florida Administrative Code.

1348 (e) Any owner, lessee, or other appropriate interestholder
1349 of property subject to the C-139 agricultural privilege tax may
1350 contest the C-139 agricultural privilege tax by filing an action
1351 in circuit court.

1352 1. No action may be brought to contest the C-139
1353 agricultural privilege tax after 60 days from the date the tax
1354 notice that includes the C-139 agricultural privilege tax is
1355 mailed by the tax collector. Before an action to contest the C-
1356 139 agricultural privilege tax may be brought, the taxpayer
1357 shall pay to the tax collector the amount of the C-139
1358 agricultural privilege tax which the taxpayer admits in good
1359 faith to be owing. The tax collector shall issue a receipt for
1360 the payment and the receipt shall be filed with the complaint.
1361 Payment of an C-139 agricultural privilege tax shall not be
1362 deemed an admission that such tax was due and shall not
1363 prejudice the right to bring a timely action to challenge such
1364 tax and seek a refund. No action to contest the C-139
1365 agricultural privilege tax may be maintained, and such action
1366 shall be dismissed, unless all C-139 agricultural privilege



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1367 taxes imposed in years after the action is brought, which the
1368 taxpayer in good faith admits to be owing, are paid before they
1369 become delinquent. The requirements of this paragraph are
1370 jurisdictional.

1371 2. In any action involving a challenge of the C-139
1372 agricultural privilege tax, the court shall assess all costs. If
1373 the court finds that the amount of tax owed by the taxpayer is
1374 greater than the amount the taxpayer has in good faith admitted
1375 and paid, it shall enter judgment against the taxpayer for the
1376 deficiency and for interest on the deficiency at the rate of 12
1377 percent per year from the date the tax became delinquent. If it
1378 finds that the amount of tax which the taxpayer has admitted to
1379 be owing is grossly disproportionate to the amount of tax found
1380 to be due and that the taxpayer's admission was not made in good
1381 faith, the court shall also assess a penalty at the rate of 25
1382 percent of the deficiency per year from the date the tax became
1383 delinquent. The court may issue injunctions to restrain the sale
1384 of property for any C-139 agricultural privilege tax which
1385 appears to be contrary to law or equity.

1386 (f) Notwithstanding any contrary provisions in chapter
1387 120, or any provision of any other law, an action in circuit
1388 court shall be the exclusive remedy to challenge the assessment
1389 of an C-139 agricultural privilege tax and owners of property
1390 subject to the C-139 agricultural privilege tax shall have no
1391 right or standing to initiate administrative proceedings under
1392 chapter 120 to challenge the assessment of an C-139 agricultural
1393 privilege tax including specifically, and without limitation,
1394 the annual certification by the district governing board of the
1395 C-139 agricultural privilege tax roll to the appropriate tax
1396 collector, the denial of an application for exclusion from the



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1397 C-139 agricultural privilege tax, and the denial of any
 1398 application for classification as vegetable acreage, deferment
 1399 of payment for vegetable acreage, or correction of any alleged
 1400 error in the C-139 agricultural privilege tax roll.

1401 (g) In recognition of the findings set forth in subsection
 1402 (1), the Legislature finds that the assessment and use of the C-
 1403 139 agricultural privilege tax is a matter of concern to all
 1404 areas of Florida and the Legislature intends this section to be
 1405 a general law authorization of the tax within the meaning of s.
 1406 9, Art. VII of the State Constitution.

1407 (10) LONG-TERM COMPLIANCE PERMITS.--By December 31, 2006,
 1408 the department and the district shall take such action as may be
 1409 necessary to implement the pre-2006 projects and strategies of
 1410 the Long-Term Plan so that water delivered to the Everglades
 1411 Protection Area achieves, in all parts of the Everglades
 1412 Protection Area, state water quality standards, including the
 1413 phosphorus criterion and moderating provisions, to the maximum
 1414 extent practicable. Under no circumstances shall the project or
 1415 strategy cause or contribute to violation of state water quality
 1416 standards, in all parts of the Everglades Protection Area.

1417 (a) By December 31, 2003, the district shall submit to the
 1418 department an application for a permit modification to
 1419 incorporate proposed changes to the Everglades Construction
 1420 Project and other district works delivering water to the
 1421 Everglades Protection Area as needed to implement the pre-2006
 1422 projects and strategies of the Long-Term Plan in all permits
 1423 issued by the department, including and the permits issued
 1424 pursuant to subsection (9). These changes shall be designed to
 1425 achieve state water quality standards, including compliance with
 1426 the phosphorus criterion and moderating provisions, to the



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1427 maximum extent practicable. Under no circumstances shall the
1428 project or strategy cause or contribute to violation of state
1429 water quality standards. During the implementation of the Long-
1430 Term Plan, permits issued by the department shall be technology
1431 based and shall not include numeric discharge limits as provided
1432 in subparagraph (4)(e)3. ~~the other state water quality standards~~
1433 ~~by December 31, 2006.~~

1434 (b) If the Everglades Construction Project or other
1435 discharges to the Everglades Protection Area are not in
1436 compliance with state water quality standards, the permit
1437 application shall include:

1438 1. A plan for achieving compliance with the phosphorus
1439 criterion in the Everglades Protection Area.

1440 2. A plan for achieving compliance in the Everglades
1441 Protection Area with state water quality standards other than
1442 the phosphorus criterion.

1443 3. Proposed cost estimates for the plans referred to in
1444 subparagraphs 1. and 2.

1445 4. Proposed funding mechanisms for the plans referred to
1446 in subparagraphs 1. and 2.

1447 5. Proposed schedules for implementation of the plans
1448 referred to in subparagraphs 1. and 2.

1449 (c) If the Everglades Construction Project or other
1450 discharges to the Everglades Protection Area are in compliance
1451 with state water quality standards, including the phosphorus
1452 criterion, the permit application shall include:

1453 1. A plan for maintaining compliance with the phosphorus
1454 criterion in the Everglades Protection Area.



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1455 2. A plan for maintaining compliance in the Everglades
 1456 Protection Area with state water quality standards other than
 1457 the phosphorus criterion.

1458 (16) DEFINITION OF C-139 BASIN.--For purposes of this
 1459 section:

1460 (a) "C-139 Basin" or "Basin" means the following described
 1461 property: beginning at the intersection of an easterly extension
 1462 of the south bank of Deer Fence Canal with the center line of
 1463 South Florida Water Management District's Levee 3 in Section 33,
 1464 Township 46 South, Range 34 East, Hendry County, Florida;
 1465 thence, westerly along said easterly extension and along the
 1466 South bank of said Deer Fence Canal to where it intersects the
 1467 center line of State Road 846 in Section 33, Township 46 South,
 1468 Range 32 East; thence, departing from said top of bank to the
 1469 center line of said State Road 846, westerly along said center
 1470 line of said State Road 846 to the West line of Section 4,
 1471 Township 47 South, Range 31 East; thence, northerly along the
 1472 West line of said section 4, and along the west lines of
 1473 Sections 33 and 28, Township 46 South, Range 31 East, to the
 1474 northwest corner of said Section 28; thence, easterly along the
 1475 North line of said Section 28 to the North one-quarter ($N^{1/4}$)
 1476 corner of said Section 28; thence, northerly along the West line
 1477 of the Southeast one-quarter ($SE^{1/4}$) of Section 21, Township 46
 1478 South, Range 31 East, to the northwest corner of said Southeast
 1479 one-quarter ($SE^{1/4}$) of Section 21; thence, easterly along the
 1480 North line of said Southeast one-quarter ($SE^{1/4}$) of Section 21 to
 1481 the northeast corner of said Southeast one-quarter ($SE^{1/4}$) of
 1482 Section 21; thence, northerly along the East line of said
 1483 Section 21 and the East line of Section 16, Township 46 South,
 1484 Range 31, East, to the northeast corner thereof; thence,



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1485 westerly along the North line of said Section 16, to the
 1486 northwest corner thereof; thence, northerly along the West line
 1487 of Sections 9 and 4, Township 46 South, Range 31, East, to the
 1488 northwest corner of said Section 4; thence, westerly along the
 1489 North lines of Section 5 and Section 6, Township 46 South, Range
 1490 31 East, to the South one-quarter ($S^{1/4}$) corner of Section 31,
 1491 Township 45 South, Range 31 East; thence, northerly to the South
 1492 one-quarter ($S^{1/4}$) corner of Section 30, Township 45 South, Range
 1493 31 East; thence, easterly along the South line of said Section
 1494 30 and the South lines of Sections 29 and 28, Township 45 South,
 1495 Range 31 East, to the Southeast corner of said Section 28;
 1496 thence, northerly along the East line of said Section 28 and the
 1497 East lines of Sections 21 and 16, Township 45 South, Range 31
 1498 East, to the Northwest corner of the Southwest one-quarter of
 1499 the Southwest one-quarter ($SW^{1/4}$ of the $SW^{1/4}$) of Section 15,
 1500 Township 45 South, Range 31 East; thence, northeasterly to the
 1501 east one-quarter ($E^{1/4}$) corner of Section 15, Township 45 South,
 1502 Range 31 East; thence, northerly along the East line of said
 1503 Section 15, and the East line of Section 10, Township 45 South,
 1504 Range 31 East, to the center line of a road in the Northeast
 1505 one-quarter ($NE^{1/4}$) of said Section 10; thence, generally
 1506 easterly and northeasterly along the center line of said road to
 1507 its intersection with the center line of State Road 832; thence,
 1508 easterly along said center line of said State Road 832 to its
 1509 intersection with the center line of State Road 833; thence,
 1510 northerly along said center line of said State Road 833 to the
 1511 north line of Section 9, Township 44 South, Range 32 East;
 1512 thence, easterly along the North line of said Section 9 and the
 1513 north lines of Sections 10, 11 and 12, Township 44 South, Range
 1514 32 East, to the northeast corner of Section 12, Township 44



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1515 South, Range 32 East; thence, easterly along the North line of
 1516 Section 7, Township 44 South, Range 33 East, to the center line
 1517 of Flaghole Drainage District Levee, as it runs to the east near
 1518 the northwest corner of said Section 7, Township 44 South, Range
 1519 33 East; thence, easterly along said center line of the Flaghole
 1520 Drainage District Levee to where it meets the center line of
 1521 South Florida Water Management District's Levee 1 at Flag Hole
 1522 Road; thence, continue easterly along said center line of said
 1523 Levee 1 to where it turns south near the Northwest corner of
 1524 Section 12, Township 44 South, Range 33 East; thence, Southerly
 1525 along said center line of said Levee 1 to where the levee turns
 1526 east near the Southwest corner of said Section 12; thence,
 1527 easterly along said center line of said Levee 1 to where it
 1528 turns south near the Northeast corner of Section 17, Township 44
 1529 South, Range 34 East; thence, southerly along said center line
 1530 of said Levee 1 and the center line of South Florida Water
 1531 Management District's Levee 2 to the intersection with the north
 1532 line of Section 33, Township 45 South, Range 34 East; thence,
 1533 easterly along the north line of said Section 33 to the
 1534 northeast corner of said Section 33; thence, southerly along the
 1535 east line of said Section 33 to the southeast corner of said
 1536 Section 33; thence, southerly along the east line of Section 4,
 1537 Township 46 South, Range 34 East to the southeast corner of said
 1538 Section 4; thence, westerly along the south line of said Section
 1539 4 to the intersection with the centerline of South Florida Water
 1540 Management District's Levee 2; thence, southerly along said
 1541 Levee 2 centerline and South Florida Water Management District's
 1542 Levee 3 centerline to the POINT OF BEGINNING. Sections 21, 28,
 1543 and 33, Township 46 South, Range 31 East, are not included
 1544 within the boundary of the C-139 Basin.



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1545 (b) If the district issues permits in accordance with all
 1546 applicable rules allowing water from the "C-139 Annex" to flow
 1547 into the drainage system for the C-139 Basin, the C-139 Annex
 1548 shall be added to the C-139 Basin for all tax years thereafter,
 1549 commencing with the next C-139 agricultural privilege tax roll
 1550 certified after issuance of such permits. "C-139 Annex" means
 1551 the following described property: that part of the S.E. ¹/₄ of
 1552 Section 32, Township 46 South, Range 34 East and that portion of
 1553 Sections 5 and 6, Township 47 South, Range 34 East lying west of
 1554 the L-3 Canal and South of the Deer Fence Canal; all of Sections
 1555 7, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, and 34, and that
 1556 portion of Sections 8, 9, 16, 21, 22, 26, 27, 35, and 36 lying
 1557 south and west of the L-3 Canal, in Township 47 South, Range 34
 1558 East; and all of Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 and
 1559 that portion of Section 1 lying south and west of the L-3 Canal
 1560 all in Township 48 South, Range 34 East.

1561 ~~(17) SHORT TITLE. This section shall be known as the~~
 1562 ~~"Everglades Forever Act."~~

1563 Section 2. Section 3 of chapter 96-412, Laws of Florida,
 1564 and section 84 of chapter 96-321, Laws of Florida, are repealed.

1565 Section 3. This act shall take effect upon becoming a law.