

A bill to be entitled

An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; expanding the program to include protection of the Caloosahatchee and St. Lucie Rivers and their estuaries; revising legislative findings and intent; providing definitions; providing for the Caloosahatchee and St. Lucie River Estuary Protection Program, including an Estuary Protection Plan, Estuary Construction Project, Estuary Watershed Pollutant Control Program, and Estuary Research, Water Quality, and Habitat Monitoring Program; providing for Estuary Protection Plan implementation and evaluation; providing for estuary protection permits; revising requirements relating to the annual progress report of the South Florida Water Management District; amending s. 373.036, F.S.; conforming a cross-reference to changes made by the act; providing an effective date.

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

Section 1. Section 373.4595, Florida Statutes, is amended to read:

373.4595 Lake Okeechobee and Caloosahatchee and St. Lucie River and Estuary Protection Program.--

(1) FINDINGS AND INTENT.--

(a) The Legislature finds that Lake Okeechobee is one of the most important water resources of the state, providing many functions benefiting the public interest, including

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29 agricultural, public, and environmental water supply; flood
30 control; fishing; navigation and recreation; and habitat to
31 endangered and threatened species and other flora and fauna.

32 (b) The Legislature finds that the Caloosahatchee and St.
33 Lucie Rivers and their estuaries provide significant economic
34 value and natural habitat and biodiversity and are critical
35 water resources of the state.

36 (c) The Legislature finds that the volume, timing, and
37 water quality of discharges to the estuaries of the
38 Caloosahatchee and St. Lucie Rivers are the primary causes of
39 adverse impacts and that excess flows affect seagrasses,
40 oysters, and other living resources, including fisheries, in
41 both systems.

42 (d)~~(b)~~ The Legislature finds that land uses in the Lake
43 Okeechobee watershed and the construction of the Central and
44 Southern Florida Project have resulted in adverse changes to the
45 hydrology and water quality of Lake Okeechobee and the
46 Caloosahatchee and St. Lucie Rivers and their estuaries. ~~These~~
47 ~~hydrology and water quality changes have resulted in algal~~
48 ~~blooms and other adverse impacts to water quality both in Lake~~
49 ~~Okeechobee and in downstream receiving waters.~~

50 (e)~~(e)~~ The Legislature finds that improvement to the
51 hydrology and water quality of Lake Okeechobee and the
52 Caloosahatchee and St. Lucie Rivers and their estuaries is
53 essential to the protection of the Everglades.

54 (f)~~(d)~~ The Legislature also finds that it is imperative
55 for the state, local governments, and agricultural and
56 environmental communities to commit to restoring and protecting

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57 Lake Okeechobee and downstream receiving waters, and that a
58 watershed-based approach to address these issues must be
59 developed and implemented immediately.

60 (g)~~(e)~~ The Legislature finds that phosphorus loads from
61 the Lake Okeechobee watershed have contributed to excessive
62 phosphorus levels in Lake Okeechobee and downstream receiving
63 waters and that a reduction in levels of phosphorus will benefit
64 the ecology of these systems. The excessive levels of phosphorus
65 have also resulted in an accumulation of phosphorus in the
66 sediments of Lake Okeechobee. If not removed, internal
67 phosphorus loads from the sediments are expected to delay
68 responses of the lake to external phosphorus reductions.

69 (h)~~(f)~~ The Legislature finds that the Lake Okeechobee
70 phosphorus loads set forth in the South Florida Water Management
71 District's Technical Publication 81-2 represent an appropriate
72 basis for the initial phase of phosphorus load reductions to
73 Lake Okeechobee and that subsequent phases of phosphorus load
74 reductions shall be determined by the total maximum daily loads
75 established in accordance with s. 403.067.

76 (i)~~(g)~~ The Legislature finds that this section, in
77 conjunction with s. 403.067, provides a reasonable means of
78 achieving and maintaining compliance with state water quality
79 standards.

80 (j)~~(h)~~ The Legislature finds that the implementation of
81 the programs contained in this section is for the benefit of the
82 public health, safety, and welfare and is in the public
83 interest.

84 (k)~~(i)~~ The Legislature finds that sufficient research has

85 | been conducted and sufficient plans developed to immediately
 86 | initiate ~~the first phase of~~ a program to address the hydrology
 87 | and water quality problems in Lake Okeechobee and the
 88 | Caloosahatchee and St. Lucie Rivers and their estuaries
 89 | ~~downstream receiving waters.~~

90 | (l) The Legislature finds that the tidal Caloosahatchee
 91 | and St. Lucie Rivers and their estuaries are affected by the
 92 | quality of waters discharged from Lake Okeechobee and the
 93 | estuaries' respective watersheds.

94 | (m) The Legislature finds that an Estuary Protection
 95 | Program must be developed to identify the adverse hydrologic and
 96 | water quality impacts within, and upstream of, the
 97 | Caloosahatchee and St. Lucie Rivers and their estuaries and that
 98 | solutions to address those impacts be developed and funded.

99 | (n)~~(j)~~ The Legislature finds that in order to achieve the
 100 | goals and objectives of this section and to effectively
 101 | implement the Lake Okeechobee Watershed Phosphorus Control
 102 | Program pursuant to paragraph (3)(c), the state must
 103 | expeditiously implement the Lake Okeechobee Protection Plan
 104 | developed pursuant to paragraph (3)(a).

105 | (o)~~(k)~~ The Legislature finds that a continuing source of
 106 | funding is needed to effectively implement a phosphorus control
 107 | program that initially targets the most significant sources
 108 | contributing to phosphorus loads within the watershed and
 109 | continues to address other sources as needed to achieve the
 110 | phased phosphorus load reductions required under this section.

111 | (p)~~(l)~~ It is the intent of the Legislature to achieve and
 112 | maintain compliance with water quality standards in Lake

113 Okeechobee and downstream receiving waters through a phased,
 114 comprehensive, and innovative protection program to reduce both
 115 internal and external phosphorus loads to Lake Okeechobee
 116 through immediate actions to achieve the phosphorus load
 117 reductions set forth in Technical Publication 81-2 and long-term
 118 solutions based upon the total maximum daily loads established
 119 in accordance with s. 403.067. This program shall be watershed-
 120 based, shall provide for consideration of all potential
 121 phosphorus sources, and shall include research and monitoring,
 122 development and implementation of best management practices,
 123 refinement of existing regulations, and structural and
 124 nonstructural projects, including public works.

125 (q) ~~(m)~~ It is the intent of the Legislature that this
 126 section ~~the Lake Okeechobee Protection Program~~ be developed and
 127 implemented in coordination with and, to the greatest extent
 128 practicable, through the implementation of Restudy project
 129 components and other federal programs in order to maximize
 130 opportunities for the most efficient and timely expenditures of
 131 public funds.

132 (r) ~~(n)~~ It is the intent of the Legislature that the
 133 coordinating agencies encourage and support the development of
 134 creative public-private partnerships and programs, including
 135 opportunities for pollutant trading and credits, to facilitate
 136 or further the restoration of Lake Okeechobee and the
 137 Caloosahatchee and St. Lucie Rivers and their estuaries,
 138 consistent with s. 403.067.

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

140 (a) "Best management practice" means a practice or

141 combination of practices determined by the coordinating
 142 agencies, based on research, field-testing, and expert review,
 143 to be the most effective and practicable on-location means,
 144 including economic and technological considerations, for
 145 improving water quality in agricultural and urban discharges.
 146 Best management practices for agricultural discharges shall
 147 reflect a balance between water quality improvements and
 148 agricultural productivity.

149 (b) "Coordinating agencies" means the Department of
 150 Agriculture and Consumer Services, the Department of
 151 Environmental Protection, and the South Florida Water Management
 152 District.

153 (c) "Corps of Engineers" means the United States Army
 154 Corps of Engineers.

155 (d) "Department" means the Department of Environmental
 156 Protection.

157 (e) "District" means the South Florida Water Management
 158 District.

159 (f) "District's WOD program" means the program implemented
 160 pursuant to rules adopted as authorized by this section and ss.
 161 373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,
 162 373.451, and 373.453, entitled "Works of the District Basin."

163 (g) "Estuary" or "estuaries" means the St. Lucie River and
 164 its tributaries and estuary or the Caloosahatchee River and its
 165 tributaries and estuary or both rivers and their tributaries and
 166 estuaries.

167 (h)~~(g)~~ "Lake Okeechobee Construction Project" means the
 168 construction project developed pursuant to paragraph (3)(b).

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

171 (j)~~(i)~~ "Lake Okeechobee watershed" means Lake Okeechobee
 172 and the area surrounding and tributary to Lake Okeechobee,
 173 composed of the surrounding hydrologic basins, as defined by the
 174 Lake Okeechobee Protection Plan dated January 1, 2004.

175 (k)~~(j)~~ "Lake Okeechobee Watershed Phosphorus Control
 176 Program" means the program developed pursuant to paragraph
 177 (3) (c).

178 (l) "Pollutants" means pollution as defined in s. 403.031.

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

183 (n)~~(l)~~ "Restudy" means the Comprehensive Review Study of
 184 the Central and Southern Florida Project, for which federal
 185 participation was authorized by the Federal Water Resources
 186 Development Acts of 1992 and 1996 together with related
 187 Congressional resolutions and for which participation by the
 188 South Florida Water Management District is authorized by s.
 189 373.1501. The term includes all actions undertaken pursuant to
 190 the aforementioned authorizations which will result in
 191 recommendations for modifications or additions to the Central
 192 and Southern Florida Project.

193 (o)~~(m)~~ "Total maximum daily load" means the sum of the
 194 individual wasteload allocations for point sources and the load
 195 allocations for nonpoint sources and natural background. Prior
 196 to determining individual wasteload allocations and load

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197 allocations, the maximum amount of a pollutant that a water body
198 or water segment can assimilate from all sources without
199 exceeding water quality standards must first be calculated.

200 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
201 program for Lake Okeechobee that achieves phosphorus load
202 reductions for Lake Okeechobee shall be immediately implemented
203 as specified in this subsection. The program shall address the
204 reduction of phosphorus loading to the lake from both internal
205 and external sources. Phosphorus load reductions shall be
206 achieved through a phased program of implementation. Initial
207 implementation actions shall be technology-based, based upon a
208 consideration of both the availability of appropriate technology
209 and the cost of such technology, and shall include phosphorus
210 reduction measures at both the source and the regional level.
211 The initial phase of phosphorus load reductions shall be based
212 upon the district's Technical Publication 81-2 and the
213 district's WOD program, with subsequent phases of phosphorus
214 load reductions based upon the total maximum daily loads
215 established in accordance with s. 403.067. In the development
216 and administration of the Lake Okeechobee Protection Program,
217 the coordinating agencies shall maximize opportunities provided
218 by federal cost-sharing programs and opportunities for
219 partnerships with the private sector.

220 (a) Lake Okeechobee Protection Plan.--The district, in
221 cooperation with the other coordinating agencies, shall complete
222 a Lake Okeechobee Protection Plan in accordance with this
223 section and ss. 373.451-373.459. The plan shall contain an
224 implementation schedule for subsequent phases of phosphorus load

225 reduction consistent with the total maximum daily loads
 226 established in accordance with s. 403.067. The plan shall
 227 consider and build upon a review and analysis of the following:

228 1. The performance of projects constructed during Phase I
 229 of the Lake Okeechobee Construction Project, pursuant to
 230 paragraph (b).

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

233 3. Relevant information resulting from the Lake Okeechobee
 234 Research and Water Quality Monitoring Program, pursuant to
 235 paragraph (d).

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

238 5. Relevant information resulting from the Lake Okeechobee
 239 Internal Phosphorus Management Program, pursuant to paragraph
 240 (f).

241 (b) Lake Okeechobee Construction Project.--To improve the
 242 hydrology and water quality of Lake Okeechobee and downstream
 243 receiving waters, the district shall design and construct the
 244 Lake Okeechobee Construction Project.

245 1. Phase I.--Phase I of the Lake Okeechobee Construction
 246 Project shall consist of a series of project features consistent
 247 with the recommendations of the South Florida Ecosystem
 248 Restoration Working Group's Lake Okeechobee Action Plan.
 249 Priority basins for such projects include S-191, S-154, and
 250 Pools D and E in the Lower Kissimmee River. In order to obtain
 251 phosphorus load reductions to Lake Okeechobee as soon as
 252 possible, the following actions shall be implemented:

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253 a. The district shall serve as a full partner with the
254 Corps of Engineers in the design and construction of the Grassy
255 Island Ranch and New Palm Dairy stormwater treatment facilities
256 as components of the Lake Okeechobee Water Retention/Phosphorus
257 Removal Critical Project. The Corps of Engineers shall have the
258 lead in design and construction of these facilities. Should
259 delays be encountered in the implementation of either of these
260 facilities, the district shall notify the department and
261 recommend corrective actions.

262 b. The district shall obtain permits and complete
263 construction of two of the isolated wetland restoration projects
264 that are part of the Lake Okeechobee Water Retention/Phosphorus
265 Removal Critical Project. The additional isolated wetland
266 projects included in this critical project shall further reduce
267 phosphorus loading to Lake Okeechobee.

268 c. The district shall work with the Corps of Engineers to
269 expedite initiation of the design process for the Taylor
270 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
271 Area, a project component of the Restudy. The district shall
272 propose to the Corps of Engineers that the district take the
273 lead in the design and construction of the Reservoir Assisted
274 Stormwater Treatment Area and receive credit towards the local
275 share of the total cost of the Restudy.

276 2. Phase II.--The district, in cooperation with the other
277 coordinating agencies and the Corps of Engineers, shall develop
278 an implementation plan for Phase II of the Lake Okeechobee
279 Construction Project. Phase II shall include construction of
280 additional facilities in the priority basins identified in

281 subparagraph (b)1., as well as facilities for other basins in
 282 the Lake Okeechobee watershed. The implementation plan shall:

283 a. Identify Lake Okeechobee Construction Project
 284 facilities to be constructed to achieve a design objective of 40
 285 parts per billion (ppb) for phosphorus measured as a long-term
 286 flow weighted average concentration, unless an allocation has
 287 been established pursuant to s. 403.067 for the Lake Okeechobee
 288 total maximum daily load.

289 b. Identify the size and location of all such Lake
 290 Okeechobee Construction Project facilities.

291 c. Provide a construction schedule for all such Lake
 292 Okeechobee Construction Project facilities, including the
 293 sequencing and specific timeframe for construction of each Lake
 294 Okeechobee Construction Project facility.

295 d. Provide a land acquisition schedule for lands necessary
 296 to achieve the construction schedule.

297 e. Provide a detailed schedule of costs associated with
 298 the construction schedule.

299 f. Identify, to the maximum extent practicable, impacts on
 300 wetlands and state-listed species expected to be associated with
 301 construction of such facilities, including potential
 302 alternatives to minimize and mitigate such impacts, as
 303 appropriate.

304 3. Evaluation.--By January 1, 2004, and every 3 years
 305 thereafter, the district, in cooperation with the coordinating
 306 agencies, shall conduct an evaluation of any further phosphorus
 307 load reductions necessary to achieve compliance with the Lake
 308 Okeechobee total maximum daily load established pursuant to s.

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309 403.067. Additionally, the district shall identify modifications
310 to facilities of the Lake Okeechobee Construction Project as
311 appropriate if the design objective of 40 parts per billion
312 (ppb) or the allocation established pursuant to s. 403.067 for
313 the Lake Okeechobee total maximum daily load established
314 pursuant to s. 403.067 is not being met. The evaluation shall be
315 included in the applicable annual progress report submitted
316 pursuant to paragraph (h).

317 4. Coordination and review.--To ensure the timely
318 implementation of the Lake Okeechobee Construction Project, the
319 design of project facilities shall be coordinated with the
320 department and other interested parties to the maximum extent
321 practicable. Lake Okeechobee Construction Project facilities
322 shall be reviewed and commented upon by the department prior to
323 the execution of a construction contract by the district for
324 that facility.

325 (c) Lake Okeechobee Watershed Phosphorus Control
326 Program.--The Lake Okeechobee Watershed Phosphorus Control
327 Program is designed to be a multifaceted approach to reducing
328 phosphorus loads by improving the management of phosphorus
329 sources within the Lake Okeechobee watershed through continued
330 implementation of existing regulations and best management
331 practices, development and implementation of improved best
332 management practices, improvement and restoration of the
333 hydrologic function of natural and managed systems, and
334 utilization of alternative technologies for nutrient reduction.
335 The coordinating agencies shall facilitate the application of
336 federal programs that offer opportunities for water quality

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337 treatment, including preservation, restoration, or creation of
338 wetlands on agricultural lands.

339 1. Agricultural nonpoint source best management practices,
340 developed in accordance with s. 403.067 and designed to achieve
341 the objectives of the Lake Okeechobee Protection Program, shall
342 be implemented on an expedited basis. The coordinating agencies
343 shall develop an interagency agreement pursuant to ss. 373.046
344 and 373.406(5) that assures the development of best management
345 practices that complement existing regulatory programs and
346 specifies how those best management practices are implemented
347 and verified. The interagency agreement shall address measures
348 to be taken by the coordinating agencies during any best
349 management practice reevaluation performed pursuant to sub-
350 subparagraph d. The department shall use best professional
351 judgment in making the initial determination of best management
352 practice effectiveness.

353 a. As provided in s. 403.067(7)(c), the Department of
354 Agriculture and Consumer Services, in consultation with the
355 department, the district, and affected parties, shall initiate
356 rule development for interim measures, best management
357 practices, conservation plans, nutrient management plans, or
358 other measures necessary for Lake Okeechobee phosphorus load
359 reduction. The rule shall include thresholds for requiring
360 conservation and nutrient management plans and criteria for the
361 contents of such plans. Development of agricultural nonpoint
362 source best management practices shall initially focus on those
363 priority basins listed in subparagraph (b)1. The Department of
364 Agriculture and Consumer Services, in consultation with the

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365 department, the district, and affected parties, shall conduct an
366 ongoing program for improvement of existing and development of
367 new interim measures or best management practices for the
368 purpose of adoption of such practices by rule.

369 b. Where agricultural nonpoint source best management
370 practices or interim measures have been adopted by rule of the
371 Department of Agriculture and Consumer Services, the owner or
372 operator of an agricultural nonpoint source addressed by such
373 rule shall either implement interim measures or best management
374 practices or demonstrate compliance with the district's WOD
375 program by conducting monitoring prescribed by the department or
376 the district. Owners or operators of agricultural nonpoint
377 sources who implement interim measures or best management
378 practices adopted by rule of the Department of Agriculture and
379 Consumer Services shall be subject to the provisions of s.
380 403.067(7). The Department of Agriculture and Consumer Services,
381 in cooperation with the department and the district, shall
382 provide technical and financial assistance for implementation of
383 agricultural best management practices, subject to the
384 availability of funds.

385 c. The district or department shall conduct monitoring at
386 representative sites to verify the effectiveness of agricultural
387 nonpoint source best management practices.

388 d. Where water quality problems are detected for
389 agricultural nonpoint sources despite the appropriate
390 implementation of adopted best management practices, the
391 Department of Agriculture and Consumer Services, in consultation
392 with the other coordinating agencies and affected parties, shall

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393 institute a reevaluation of the best management practices and
394 make appropriate changes to the rule adopting best management
395 practices.

396 2. Nonagricultural nonpoint source best management
397 practices, developed in accordance with s. 403.067 and designed
398 to achieve the objectives of the Lake Okeechobee Protection
399 Program, shall be implemented on an expedited basis. The
400 department and the district shall develop an interagency
401 agreement pursuant to ss. 373.046 and 373.406(5) that assures
402 the development of best management practices that complement
403 existing regulatory programs and specifies how those best
404 management practices are implemented and verified. The
405 interagency agreement shall address measures to be taken by the
406 department and the district during any best management practice
407 reevaluation performed pursuant to sub-subparagraph d.

408 a. The department and the district are directed to work
409 with the University of Florida's Institute of Food and
410 Agricultural Sciences to develop appropriate nutrient
411 application rates for all nonagricultural soil amendments in the
412 watershed. As provided in s. 403.067(7)(c), the department, in
413 consultation with the district and affected parties, shall
414 develop interim measures, best management practices, or other
415 measures necessary for Lake Okeechobee phosphorus load
416 reduction. Development of nonagricultural nonpoint source best
417 management practices shall initially focus on those priority
418 basins listed in subparagraph (b)1. The department, the
419 district, and affected parties shall conduct an ongoing program
420 for improvement of existing and development of new interim

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421 measures or best management practices. The district shall adopt
422 technology-based standards under the district's WOD program for
423 nonagricultural nonpoint sources of phosphorus.

424 b. Where nonagricultural nonpoint source best management
425 practices or interim measures have been developed by the
426 department and adopted by the district, the owner or operator of
427 a nonagricultural nonpoint source shall implement interim
428 measures or best management practices and be subject to the
429 provisions of s. 403.067(7). The department and district shall
430 provide technical and financial assistance for implementation of
431 nonagricultural nonpoint source best management practices,
432 subject to the availability of funds.

433 c. The district or the department shall conduct monitoring
434 at representative sites to verify the effectiveness of
435 nonagricultural nonpoint source best management practices.

436 d. Where water quality problems are detected for
437 nonagricultural nonpoint sources despite the appropriate
438 implementation of adopted best management practices, the
439 department and the district shall institute a reevaluation of
440 the best management practices.

441 3. The provisions of subparagraphs 1. and 2. shall not
442 preclude the department or the district from requiring
443 compliance with water quality standards or with current best
444 management practices requirements set forth in any applicable
445 regulatory program authorized by law for the purpose of
446 protecting water quality. Additionally, subparagraphs 1. and 2.
447 are applicable only to the extent that they do not conflict with
448 any rules promulgated by the department that are necessary to

449 maintain a federally delegated or approved program.

450 4. Projects which reduce the phosphorus load originating
451 from domestic wastewater systems within the Lake Okeechobee
452 watershed shall be given funding priority in the department's
453 revolving loan program under s. 403.1835. The department shall
454 coordinate and provide assistance to those local governments
455 seeking financial assistance for such priority projects.

456 5. Projects that make use of private lands, or lands held
457 in trust for Indian tribes, to reduce nutrient loadings or
458 concentrations within a basin by one or more of the following
459 methods: restoring the natural hydrology of the basin, restoring
460 wildlife habitat or impacted wetlands, reducing peak flows after
461 storm events, increasing aquifer recharge, or protecting range
462 and timberland from conversion to development, are eligible for
463 grants available under this section from the coordinating
464 agencies. For projects of otherwise equal priority, special
465 funding priority will be given to those projects that make best
466 use of the methods outlined above that involve public-private
467 partnerships or that obtain federal match money. Preference
468 ranking above the special funding priority will be given to
469 projects located in a rural area of critical economic concern
470 designated by the Governor. Grant applications may be submitted
471 by any person or tribal entity, and eligible projects may
472 include, but are not limited to, the purchase of conservation
473 and flowage easements, hydrologic restoration of wetlands,
474 creating treatment wetlands, development of a management plan
475 for natural resources, and financial support to implement a
476 management plan.

477 6.a. The department shall require all entities disposing
 478 of domestic wastewater residuals within the Lake Okeechobee
 479 watershed and the remaining areas of Okeechobee, Glades, and
 480 Hendry Counties to develop and submit to the department an
 481 agricultural use plan that limits applications based upon
 482 phosphorus loading. By July 1, 2005, phosphorus concentrations
 483 originating from these application sites shall not exceed the
 484 limits established in the district's WOD program.

485 b. Private and government-owned utilities within Monroe,
 486 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
 487 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
 488 of wastewater residual sludge from utility operations and septic
 489 removal by land spreading in the Lake Okeechobee watershed may
 490 use a line item on local sewer rates to cover wastewater
 491 residual treatment and disposal if such disposal and treatment
 492 is done by approved alternative treatment methodology at a
 493 facility located within the areas designated by the Governor as
 494 rural areas of critical economic concern pursuant to s.
 495 288.0656. This additional line item is an environmental
 496 protection disposal fee above the present sewer rate and shall
 497 not be considered a part of the present sewer rate to customers,
 498 notwithstanding provisions to the contrary in chapter 367. The
 499 fee shall be established by the county commission or its
 500 designated assignee in the county in which the alternative
 501 method treatment facility is located. The fee shall be
 502 calculated to be no higher than that necessary to recover the
 503 facility's prudent cost of providing the service. Upon request
 504 by an affected county commission, the Florida Public Service

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505 Commission will provide assistance in establishing the fee.
506 Further, for utilities and utility authorities that use the
507 additional line item environmental protection disposal fee, such
508 fee shall not be considered a rate increase under the rules of
509 the Public Service Commission and shall be exempt from such
510 rules. Utilities using the provisions of this section may
511 immediately include in their sewer invoicing the new
512 environmental protection disposal fee. Proceeds from this
513 environmental protection disposal fee shall be used for
514 treatment and disposal of wastewater residuals, including any
515 treatment technology that helps reduce the volume of residuals
516 that require final disposal, but such proceeds shall not be used
517 for transportation or shipment costs for disposal or any costs
518 relating to the land application of residuals in the Lake
519 Okeechobee watershed.

520 c. No less frequently than once every 3 years, the Florida
521 Public Service Commission or the county commission through the
522 services of an independent auditor shall perform a financial
523 audit of all facilities receiving compensation from an
524 environmental protection disposal fee. The Florida Public
525 Service Commission or the county commission through the services
526 of an independent auditor shall also perform an audit of the
527 methodology used in establishing the environmental protection
528 disposal fee. The Florida Public Service Commission or the
529 county commission shall, within 120 days after completion of an
530 audit, file the audit report with the President of the Senate
531 and the Speaker of the House of Representatives and shall
532 provide copies to the county commissions of the counties set

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533 | forth in sub-subparagraph b. The books and records of any
534 | facilities receiving compensation from an environmental
535 | protection disposal fee shall be open to the Florida Public
536 | Service Commission and the Auditor General for review upon
537 | request.

538 | 7. The Department of Health shall require all entities
539 | disposing of septage within the Lake Okeechobee watershed and
540 | the remaining areas of Okeechobee, Glades, and Hendry Counties
541 | to develop and submit to that agency an agricultural use plan
542 | that limits applications based upon phosphorus loading. By July
543 | 1, 2005, phosphorus concentrations originating from these
544 | application sites shall not exceed the limits established in the
545 | district's WOD program.

546 | 8. The Department of Agriculture and Consumer Services
547 | shall initiate rulemaking requiring entities within the Lake
548 | Okeechobee watershed and the remaining areas of Okeechobee,
549 | Glades, and Hendry Counties which land-apply animal manure to
550 | develop conservation or nutrient management plans that limit
551 | application, based upon phosphorus loading. Such rules may
552 | include criteria and thresholds for the requirement to develop a
553 | conservation or nutrient management plan, requirements for plan
554 | approval, and recordkeeping requirements.

555 | 9. Prior to authorizing a discharge into works of the
556 | district, the district shall require responsible parties to
557 | demonstrate that proposed changes in land use will not result in
558 | increased phosphorus loading over that of existing land uses.

559 | 10. The district, the department, or the Department of
560 | Agriculture and Consumer Services, as appropriate, shall

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561 implement those alternative nutrient reduction technologies
562 determined to be feasible pursuant to subparagraph (d)6.

563 (d) Lake Okeechobee Research and Water Quality Monitoring
564 Program.--The district, in cooperation with the other
565 coordinating agencies, shall establish a Lake Okeechobee
566 Research and Water Quality Monitoring Program that builds upon
567 the district's existing Lake Okeechobee research program. The
568 program shall:

569 1. Evaluate all available existing water quality data
570 concerning total phosphorus in the Lake Okeechobee watershed,
571 develop a water quality baseline to represent existing
572 conditions for total phosphorus, monitor long-term ecological
573 changes, including water quality for total phosphorus, and
574 measure compliance with water quality standards for total
575 phosphorus, including the total maximum daily load for Lake
576 Okeechobee as established pursuant to s. 403.067. The district
577 shall also implement a total phosphorus monitoring program at
578 all inflow structures to Lake Okeechobee.

579 2. Develop a Lake Okeechobee water quality model that
580 reasonably represents phosphorus dynamics of the lake and
581 incorporates an uncertainty analysis associated with model
582 predictions.

583 3. Determine the relative contribution of phosphorus from
584 all identifiable sources and all primary and secondary land
585 uses.

586 4. Conduct an assessment of the sources of phosphorus from
587 the Upper Kissimmee chain-of-lakes and Lake Istokpoga, and their
588 relative contribution to the water quality of Lake Okeechobee.

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589 The results of this assessment shall be used by the coordinating
590 agencies to develop interim measures, best management practices,
591 or regulation, as applicable.

592 5. Assess current water management practices within the
593 Lake Okeechobee watershed and develop recommendations for
594 structural and operational improvements. Such recommendations
595 shall balance water supply, flood control, estuarine salinity,
596 maintenance of a healthy lake littoral zone, and water quality
597 considerations.

598 6. Evaluate the feasibility of alternative nutrient
599 reduction technologies, including sediment traps, canal and
600 ditch maintenance, fish production or other aquaculture,
601 bioenergy conversion processes, and algal or other biological
602 treatment technologies.

603 (e) Lake Okeechobee Exotic Species Control Program.--The
604 coordinating agencies shall identify the exotic species that
605 threaten the native flora and fauna within the Lake Okeechobee
606 watershed and develop and implement measures to protect the
607 native flora and fauna.

608 (f) Lake Okeechobee Internal Phosphorus Management
609 Program.--The district, in cooperation with the other
610 coordinating agencies and interested parties, shall complete a
611 Lake Okeechobee internal phosphorus load removal feasibility
612 study. The feasibility study shall be based on technical
613 feasibility, as well as economic considerations, and address all
614 reasonable methods of phosphorus removal. If methods are found
615 to be feasible, the district shall immediately pursue the
616 design, funding, and permitting for implementing such methods.

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617 (g) Lake Okeechobee Protection Plan implementation.--The
618 coordinating agencies shall be jointly responsible for
619 implementing the Lake Okeechobee Protection Plan, consistent
620 with the statutory authority and responsibility of each agency.
621 Annual funding priorities shall be jointly established, and the
622 highest priority shall be assigned to programs and projects that
623 address phosphorus sources that have the highest relative
624 contribution to phosphorus loading and the greatest potential
625 for phosphorus reduction. In determining funding priorities, the
626 coordinating agencies shall also consider the need for
627 regulatory compliance, the extent to which the program or
628 project is ready to proceed, and the availability of federal
629 matching funds or other nonstate funding, including public-
630 private partnerships. Federal and other nonstate funding shall
631 be maximized to the greatest extent practicable.

632 ~~(h) Annual progress report. Each March 1, beginning in~~
633 ~~2006, the district shall report on implementation of this~~
634 ~~section as part of the consolidated annual report required in s.~~
635 ~~373.036(7). The annual report shall include a summary of water~~
636 ~~quality and habitat conditions in Lake Okeechobee and the Lake~~
637 ~~Okeechobee watershed and the status of the Lake Okeechobee~~
638 ~~Construction Project. The district shall prepare the report in~~
639 ~~cooperation with the other coordinating agencies.~~

640 (4) LAKE OKEECHOBEE PROTECTION PERMITS.--

641 (a) The Legislature finds that the Lake Okeechobee
642 Protection Program will benefit Lake Okeechobee and downstream
643 receiving waters and is consistent with the public interest. The
644 Lake Okeechobee Construction Project and structures discharging

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645 into or from Lake Okeechobee shall be constructed, operated, and
646 maintained in accordance with this section.

647 (b) Permits obtained pursuant to this section are in lieu
648 of all other permits under this chapter or chapter 403, except
649 those issued under s. 403.0885, if applicable. No additional
650 permits are required for the Lake Okeechobee Construction
651 Project or structures discharging into or from Lake Okeechobee,
652 if permitted under this section. Construction activities related
653 to implementation of the Lake Okeechobee Construction Project
654 may be initiated prior to final agency action, or notice of
655 intended agency action, on any permit from the department under
656 this section.

657 (c) Within 90 days of completion of the diversion plans
658 set forth in Department Consent Orders 91-0694, 91-0707, 91-
659 0706, 91-0705, and RT50-205564, owners or operators of existing
660 structures which discharge into or from Lake Okeechobee that are
661 subject to the provisions of s. 373.4592(4)(a) shall apply for a
662 permit from the department to operate and maintain such
663 structures. By September 1, 2000, owners or operators of all
664 other existing structures which discharge into or from Lake
665 Okeechobee shall apply for a permit from the department to
666 operate and maintain such structures. The department shall issue
667 one or more such permits for a term of 5 years upon the
668 demonstration of reasonable assurance that schedules and
669 strategies to achieve and maintain compliance with water quality
670 standards have been provided for, to the maximum extent
671 practicable, and that operation of the structures otherwise
672 complies with provisions of ss. 373.413 and 373.416.

673 1. Permits issued under this paragraph shall also contain
674 reasonable conditions to ensure that discharges of waters
675 through structures:

676 a. Are adequately and accurately monitored;

677 b. Will not degrade existing Lake Okeechobee water quality
678 and will result in an overall reduction of phosphorus input into
679 Lake Okeechobee, as set forth in the district's Technical
680 Publication 81-2 and the total maximum daily load established in
681 accordance with s. 403.067, to the maximum extent practicable;
682 and

683 c. Do not pose a serious danger to public health, safety,
684 or welfare.

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

692 3. By January 1, 2004, the district shall submit to the
693 department a permit modification to the Lake Okeechobee
694 structure permits to incorporate proposed changes necessary to
695 ensure that discharges through the structures covered by this
696 permit achieve state water quality standards, including the
697 total maximum daily load established in accordance with s.
698 403.067. These changes shall be designed to achieve such
699 compliance with state water quality standards no later than
700 January 1, 2015.

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

707 1. The Lake Okeechobee Construction Project facility,
708 based upon the conceptual design documents and any subsequent
709 detailed design documents developed by the district, will
710 achieve the design objectives for phosphorus required in
711 paragraph (3)(b);

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

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

717 4. Any impacts on wetlands or state-listed species
718 resulting from implementation of that facility of the Lake
719 Okeechobee Construction Project are minimized and mitigated, as
720 appropriate.

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

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

727 (g) Permits issued pursuant to this section may be
728 modified, as appropriate, upon review and approval by the

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729 department.

730 (5) CALOOSAHATCHEE AND ST. LUCIE RIVER AND ESTUARY
731 PROTECTION PROGRAM.--A protection program for the estuaries
732 shall be developed and implemented as specified in this
733 subsection. The program shall address the reduction of pollutant
734 loadings to the estuaries, restoration of natural hydrology, and
735 compliance with applicable state water quality standards. The
736 program shall be achieved through a phased program of
737 implementation. In addition, pollutant load reductions based
738 upon adopted total maximum daily loads established in accordance
739 with s. 403.067 shall serve as a program objective. In the
740 development and administration of the program, the coordinating
741 agencies shall maximize opportunities provided by federal and
742 local government cost-sharing programs and opportunities for
743 partnerships with the private sector and local government. The
744 department is directed to develop and adopt total maximum daily
745 loads for the estuaries. The department is further directed to
746 develop and adopt numeric standards for those state water
747 quality parameters that contribute to degradation of estuarine
748 water quality and habitat.

749 (a) Estuary Protection Plan.--No later than January, 1
750 2009, the district, in cooperation with the other coordinating
751 agencies, Martin and Lee Counties, and other affected local
752 governments, shall complete an Estuary Protection Plan in
753 accordance with this subsection. The plan shall contain an
754 implementation schedule for pollutant load reductions consistent
755 with any adopted total maximum daily loads and compliance with
756 applicable state water quality standards. The plan shall

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757 develop, consider, and build upon a review and analysis of the
758 following:

759 1. Relevant information resulting from the Estuary
760 Watershed Pollutant Control Program developed pursuant to this
761 subsection.

762 2. Relevant information resulting from the Estuary
763 Research, Water Quality, and Habitat Monitoring Program
764 developed pursuant to this subsection.

765
766 Data analysis shall include the creation of appropriate
767 hydraulic and water quality models that shall be updated as new
768 information is collected. These models shall be used to develop
769 design objectives for the Estuary Construction Project and
770 improvement of estuarine water quality and habitat.

771 (b) Estuary Construction Project.--To improve the
772 hydrology, water quality, and habitats within the estuaries, the
773 district shall, no later than January 1, 2012, plan, design, and
774 construct the initial phase of estuary construction projects. In
775 doing so, the district shall:

776 1. Develop and designate the Estuary Construction Project
777 facilities to be constructed to achieve stated goals and
778 objectives of the Estuary Protection Plan.

779 2. Identify the size and location of all such Estuary
780 Construction Project facilities.

781 3. Provide a construction schedule for all such Estuary
782 Construction Project facilities, including the sequencing and
783 specific timeframe for construction of each Estuary Construction
784 Project facility.

785 4. Provide a schedule for the acquisition of lands or
 786 sufficient interests necessary to achieve the construction
 787 schedule.

788 5. Provide a schedule of costs and benefits associated
 789 with each construction project and identify funding sources.

791 To ensure the timely implementation to the Estuary Construction
 792 Project, the design of project facilities shall be coordinated
 793 with the department, Lee and Martin Counties, other interested
 794 parties, and other affected local governments.

795 (c) Estuary Watershed Pollutant Control Program.--The
 796 Estuary Watershed Pollutant Control Program is designed to be a
 797 multifaceted approach to reducing pollutant loads by improving
 798 the management of pollutant sources within the estuary
 799 watersheds through continued implementation of existing
 800 regulations and best management practices, development and
 801 implementation of improved best management practices,
 802 improvement and restoration of the hydrologic function of
 803 natural and managed systems, and utilization of alternative
 804 technologies for pollutant reduction. The coordinating agencies
 805 shall facilitate the utilization of federal programs that offer
 806 opportunities for water quality treatment, including
 807 preservation, restoration, or creation of wetlands on
 808 agricultural lands.

809 1. Nonpoint source best management practices, designed to
 810 achieve the objectives of the Estuary Protection Program, shall
 811 be implemented on an expedited basis. The coordinating agencies
 812 shall develop an intergovernmental agreement that ensures the

813 development of best management practices that complement
814 existing regulatory programs and specifies how such best
815 management practices are implemented and verified. The
816 coordinating agencies may enter into intergovernmental
817 agreements with local governments. The coordinating agencies
818 shall develop an intergovernmental agreement with Lee County or
819 Martin County or both counties to implement this subsection
820 within their respective geographic boundaries.

821 2. The district or department shall conduct monitoring at
822 representative sites as selected by scientific and statistical
823 methods to verify the effectiveness of nonpoint source best
824 management practices.

825 3. Where water quality problems are detected for nonpoint
826 sources, despite the appropriate implementation of adopted best
827 management practices, the department or Department of
828 Agriculture and Consumer Services, as appropriate, pursuant to
829 s.403.067, in consultation with the other coordinating agencies
830 and affected parties, shall institute a reevaluation of the best
831 management practices and adopt by rule more effective best
832 management practices.

833 4. Nothing in this subsection precludes the department or
834 the district from requiring compliance with water quality
835 standards, adopted total maximum daily loads, or current best
836 management practices requirements set forth in any applicable
837 regulatory program authorized by law for the purpose of
838 protecting water quality. This subsection is applicable only to
839 the extent that it does do not conflict with any rules
840 promulgated by the department or district that are necessary to

841 maintain a federally delegated or approved program.

842 5. Projects that make use of private lands, or lands held
843 in trust for Indian tribes, to reduce pollutant loadings or
844 concentrations within a basin, or that reduce the volume of
845 harmful discharges from Lake Okeechobee or the estuary
846 watersheds, by one or more of the following methods: restoring
847 the natural hydrology of the basin, restoring wildlife habitat
848 or impacted wetlands, reducing peak flows after storm events, or
849 increasing aquifer recharge, are eligible for grants available
850 under this section from the coordinating agencies. In addition,
851 special funding priority will be given to projects that obtain
852 federal or local government match money. Preference ranking
853 above the special funding priority shall be given to projects
854 located in a rural area of critical economic concern designated
855 by the Governor. Grant applications may be submitted by any
856 person or tribal entity, and eligible projects may include, but
857 are not limited to, the purchase of conservation and flowage
858 easements, hydrologic restoration of wetlands, creation of
859 treatment wetlands, development of a management plan for natural
860 resources, and financial support to implement the management
861 plan.

862 6. Prior to authorizing a discharge into the estuaries,
863 the district shall require responsible parties to demonstrate
864 that proposed changes in land use will not result in increased
865 pollutant loading and increased runoff volume over that of
866 existing land uses.

867 (d) Estuary Research, Water Quality, and Habitat
868 Monitoring Program.--The district, in cooperation with the other

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869 coordinating agencies and other local governments, shall
870 establish an Estuary Research, Water Quality, and Habitat
871 Monitoring Program that builds upon the district's existing
872 research program. The program shall:

873 1. Evaluate all available existing water quality data
874 concerning total pollutants in the estuaries' watersheds,
875 develop a water quality baseline to represent existing
876 conditions, and measure compliance with water quality standards,
877 achievement of salinity targets, and total maximum daily loads
878 for the estuaries. The district shall also implement pollutant
879 monitoring programs at representative sites as selected by
880 scientific and statistical methods to quantify inflows to the
881 estuaries.

882 2. Develop and improve estuary water quality models that
883 reasonably represent the dynamics of the estuaries and
884 incorporate an uncertainty analysis associated with model
885 predictions.

886 3. Determine the relative contribution of pollutants and
887 runoff from all major sources.

888 4. Evaluate all available estuarine research, habitat
889 monitoring data, and restoration data, develop a habitat
890 baseline to represent existing and desired future conditions,
891 and measure success in enhancing habitat values.

892 5. Conduct an assessment of the water volumes and timing
893 from the upstream Lake Okeechobee watershed, including the
894 Kissimmee chain-of-lakes and Lake Istokpoga and its watershed
895 and the lower portion of the Lake Okeechobee watershed, and
896 their relative contribution to the water level changes in Lake

897 Okeechobee. The results of this assessment shall be used by the
898 coordinating agencies to develop operational and structural
899 measures or regulations, as applicable, to benefit the
900 estuaries.

901 6. Assess current water management practices within the
902 estuary watersheds and develop recommendations for structural,
903 nonstructural, and operational improvements. Such
904 recommendations shall consider and balance water supply, flood
905 control, estuarine salinity, estuarine habitat, and water
906 quality considerations.

907 (e) Estuary Protection Plan implementation.--The
908 coordinating agencies shall be jointly responsible for
909 implementing the Estuary Protection Plan, consistent with the
910 statutory authority and responsibility of each agency. Annual
911 funding priorities shall be jointly established, and the highest
912 priority shall be assigned to programs and projects that have
913 the greatest potential for achieving the goals and objectives of
914 the plan. In determining funding priorities, the coordinating
915 agencies shall also consider the need for regulatory compliance,
916 the extent to which the program or project is ready to proceed,
917 and the availability of federal or local government matching
918 funds. Federal and other nonstate funding shall be maximized to
919 the greatest extent practicable.

920 (f) Evaluation.--By March 1, 2012, and every 3 years
921 thereafter, the district, in cooperation with the coordinating
922 agencies, shall conduct an evaluation of any pollutant load
923 reduction goals, or other goals, as stated in the Estuary
924 Protection Plan. Additionally, the district shall identify

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925 modifications to facilities of the Estuary Construction Project,
926 as appropriate, or any other elements of the Estuary Protection
927 Plan. The evaluation shall be included in the annual progress
928 report submitted pursuant to subsection (7).

929 (h) Estuary protection permits.--

930 1. The Legislature finds that the Estuary Protection
931 Program will benefit the Caloosahatchee and St. Lucie estuaries
932 and is consistent with the public interest.

933 2. Permits obtained pursuant to this subsection are in
934 lieu of all other permits under this chapter or chapter 403,
935 except those issued under s. 403.0885, if applicable. No
936 additional permits are required for the Estuary Construction
937 Project, if permitted under this subsection.

938 3. The department shall issue one or more such permits for
939 a term of 5 years upon the demonstration of reasonable assurance
940 that schedules and strategies to achieve and maintain stated
941 goals of the Estuary Protection Plan have been provided for, to
942 the maximum extent practicable, and that operation of the
943 projects otherwise complies with provisions of ss. 373.413 and
944 373.416.

945 4. Permits issued under this paragraph shall also contain
946 reasonable conditions to ensure that discharges of waters
947 through structures:

948 a. Are adequately and accurately monitored;

949 b. Will not degrade existing estuary water quality and
950 will result in an overall reduction of pollutant inputs into the
951 estuary and the total maximum daily load established in
952 accordance with s. 403.067, to the maximum extent practicable;

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953 and

954 c. Do not pose a serious danger to public health, safety,
955 or welfare.

956 5. The district shall submit to the department a permit
957 modification to the Estuary Construction Plan permits to
958 incorporate proposed changes necessary to ensure that discharges
959 from the projects covered by this permit achieve state water
960 quality standards, including the total maximum daily loads
961 established in accordance with s. 403.067.

962 6. Such permits shall be issued for a term of 5 years upon
963 the demonstration of reasonable assurances that:

964 a. The Estuary Construction Project facility, based upon
965 the conceptual design documents and any subsequent detailed
966 design documents developed by the district, will achieve the
967 design objectives establish pursuant to this subsection;

968 b. For water quality standards, the quality of water
969 discharged from the facility is of equal or better quality than
970 the inflows;

971 c. Discharges from the facility do not pose a serious
972 danger to public health, safety, or welfare; and

973 d. Any impacts on wetlands or state-listed species
974 resulting from implementation of that facility of the Estuary
975 Construction Project are minimized and mitigated, as
976 appropriate.

977 7. At least 60 days prior to the expiration of any permit
978 issued under this subsection, the permittee may apply for
979 renewal of the permit for a period of 5 years.

980 8. Permits issued under this subsection may include any

981 standard conditions provided by department rule which are
 982 appropriate and consistent with this subsection.

983 9. Permits issued pursuant to this subsection may be
 984 modified, as appropriate, upon review and approval by the
 985 department.

986 (6) (5) RESTRICTIONS ON WATER DIVERSIONS.--The South
 987 Florida Water Management District shall not divert waters to the
 988 St. Lucie River, the Indian River estuary, the Caloosahatchee
 989 River or its estuary, or the Everglades National Park, in such a
 990 way that the state water quality standards are violated, that
 991 the nutrients in such diverted waters adversely affect
 992 indigenous vegetation communities or wildlife, or that fresh
 993 waters diverted to the St. Lucie River or the Caloosahatchee or
 994 Indian River estuaries adversely affect the estuarine vegetation
 995 or wildlife, unless the receiving waters will biologically
 996 benefit by the diversion. However, diversion is permitted when
 997 an emergency is declared by the water management district, if
 998 the Secretary of Environmental Protection concurs.

999 (7) ANNUAL PROGRESS REPORT.--The district shall report on
 1000 implementation of this section as part of the consolidated
 1001 annual report required in s. 373.036(7). The annual report shall
 1002 include:

1003 (a) A summary of water quality and habitat conditions in
 1004 Lake Okeechobee, the Lake Okeechobee watershed, and the status
 1005 of the Lake Okeechobee Construction Project.

1006 (b) A summary of water quality and habitat conditions in
 1007 the estuaries and the estuary watersheds and the status of the
 1008 Estuary Construction Project.

1009
 1010 The district shall prepare the report in cooperation with the
 1011 other coordinating agencies as well as affected local
 1012 governments.

1013 (8)~~(6)~~ PRESERVATION OF PROVISIONS RELATING TO THE
 1014 EVERGLADES.--Nothing in this section shall be construed to
 1015 modify any provision of s. 373.4592.

1016 (9)~~(7)~~ RIGHTS OF SEMINOLE TRIBE OF FLORIDA.--Nothing in
 1017 this section is intended to diminish or alter the governmental
 1018 authority and powers of the Seminole Tribe of Florida, or
 1019 diminish or alter the rights of that tribe, including, but not
 1020 limited to, rights under the water rights compact among the
 1021 Seminole Tribe of Florida, the state, and the South Florida
 1022 Water Management District as enacted by Pub. L. No. 100-228, 101
 1023 Stat. 1556, and chapter 87-292, Laws of Florida, and codified in
 1024 s. 285.165, and rights under any other agreement between the
 1025 Seminole Tribe of Florida and the state or its agencies. No land
 1026 of the Seminole Tribe of Florida shall be used for water storage
 1027 or stormwater treatment without the consent of the tribe.

1028 (10)~~(8)~~ RELATIONSHIP TO STATE WATER QUALITY
 1029 STANDARDS.--Nothing in this section shall be construed to modify
 1030 any existing state water quality standard.

1031 (11)~~(9)~~ PRESERVATION OF AUTHORITY.--Nothing in this
 1032 section shall be construed to restrict the authority otherwise
 1033 granted to agencies pursuant to chapters 373 and 403, and
 1034 provisions of this section shall be deemed supplemental to the
 1035 authority granted to agencies pursuant to chapters 373 and 403.

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1036 Section 2. Paragraph (e) of subsection (7) of section
 1037 373.036, Florida Statutes, is amended to read:

1038 373.036 Florida water plan; district water management
 1039 plans.--

1040 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
 1041 REPORT.--

1042 (e) In addition to the elements specified in paragraph
 1043 (b), the South Florida Water Management District shall include
 1044 in the consolidated annual report the following elements:

1045 1. The Lake Okeechobee Protection Program annual progress
 1046 report required by s. 373.4595 (7) ~~(3)~~ ~~(g)~~.

1047 2. The Everglades annual progress reports specified in s.
 1048 373.4592(4)(d)5., (13), and (14).

1049 3. The Everglades restoration annual report required by s.
 1050 373.470(7).

1051 4. The Everglades Forever Act annual implementation report
 1052 required by s. 11.80(4).

1053 5. The Everglades Trust Fund annual expenditure report
 1054 required by s. 373.45926(3).

1055 Section 3. This act shall take effect July 1, 2007.