



PCB NR 03-01

2003

1                                   A bill to be entitled  
 2           An act relating to Everglades Restoration; amending s.  
 3           373.4592, F.S.; providing definitions; providing for  
 4           implementation of a Long-Term Plan; providing for the use  
 5           of ad valorem tax proceeds; providing a schedule for  
 6           Everglades Construction Project enhancements; deleting  
 7           obsolete provisions; providing for C-139 Basin BMPs;  
 8           providing for the computation of the C-139 agricultural  
 9           privilege tax; providing for long-term compliance permits;  
 10          providing an effective date.

11  
 12 Be It Enacted by the Legislature of the State of Florida:

13  
 14           Section 1. Subsection (17) of section 373.4592, Florida  
 15 Statute, is repealed, and subsections (1), (2), (3), (4), (7),  
 16 (10, and (16), and the directory language, of said section are  
 17 amended to read:

18           373.4592 Everglades Forever Act; Everglades improvement and  
 19 management.—

20           (1) FINDINGS AND INTENT.--

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

29           (b) The Legislature finds that, although the district and  
 30 the department have developed plans and programs for the  
 31 improvement and management of the surface waters tributary to the



PCB NR 03-01

2003

32 Everglades Protection Area, implementation of those plans and  
 33 programs has not been as timely as is necessary to restore and  
 34 protect unique flora and fauna of the Everglades, including the  
 35 Everglades National Park and the Arthur R. Marshall Loxahatchee  
 36 National Wildlife Refuge. Therefore, the Legislature determines  
 37 that an appropriate method to proceed with Everglades restoration  
 38 and protection is to authorize the district to proceed  
 39 expeditiously with implementation of the Everglades Program.

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

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

55 (e) It is the intent of the Legislature to pursue  
 56 comprehensive and innovative solutions to issues of water  
 57 quality, water quantity, hydroperiod, and invasion of exotic  
 58 species which face the Everglades ecosystem. The Legislature  
 59 recognizes that the Everglades ecosystem must be restored both in  
 60 terms of water quality and water quantity and must be preserved  
 61 and protected in a manner that is long term and comprehensive.  
 62 The Legislature further recognizes that the EAA and adjacent



## PCB NR 03-01

2003

63 areas provide a base for an agricultural industry, which in turn  
64 provides important products, jobs, and income regionally and  
65 nationally. It is the intent of the Legislature to preserve  
66 natural values in the Everglades while also maintaining the  
67 quality of life for all residents of South Florida, including  
68 those in agriculture, and to minimize the impact on South Florida  
69 jobs, including agricultural, tourism, and natural resource-  
70 related jobs, all of which contribute to a robust regional  
71 economy.

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

88 (g) The Legislature finds that the Statement of Principles  
89 of July 1993, the Everglades Construction Project, and the  
90 regulatory requirements of this section provide a sound basis for  
91 the state's long-term cleanup and restoration objectives for the  
92 Everglades. It is the intent of the Legislature to provide a  
93 sufficient period of time for construction, testing, and



PCB NR 03-01

2003

94 research, so that the benefits of the Everglades Construction  
 95 Project will be determined and maximized prior to requiring  
 96 additional measures. The Legislature finds that STAs and BMPs are  
 97 currently the best available technology for achieving the interim  
 98 water quality goals of the Everglades Program. A combined program  
 99 of agricultural BMPs, STAs, and requirements of this section is a  
 100 reasonable method of achieving interim total phosphorus discharge  
 101 reductions. The Everglades Program is an appropriate foundation  
 102 on which to build a long-term program to ultimately achieve  
 103 restoration and protection of the Everglades Protection Area.

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

116 (i) It is the intent of the Legislature that implementation  
 117 of the Long-Term Plan defined in subsection (2) be integrated  
 118 with the implementation of the Comprehensive Plan as defined in  
 119 s. 373.470(2) (a) so that unnecessary and duplicative costs are  
 120 avoided.

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

122 (a) "Best management practice" or "BMP" means a practice or  
 123 combination of practices determined by the district, in  
 124 cooperation with the department, based on research, field-



PCB NR 03-01

2003

125 testing, and expert review, to be the most effective and  
 126 practicable, including economic and technological considerations,  
 127 on-farm means of improving water quality in agricultural  
 128 discharges to a level that balances water quality improvements  
 129 and agricultural productivity.

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

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

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

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

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

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

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

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

154 ~~(j)-(i)~~ "Master permit" means a single permit issued to a  
 155 legally responsible entity defined by rule, authorizing the



PCB NR 03-01

2003

156 construction, alteration, maintenance, or operation of multiple  
 157 stormwater management systems that may be owned or operated by  
 158 different persons and which provides an opportunity to achieve  
 159 collective compliance with applicable department and district  
 160 rules and the provisions of this section.

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

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

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

170 (3) EVERGLADES LONG-TERM ~~SWIM~~ PLAN.—

171 (a) The Legislature finds that the Everglades Program  
 172 required by this section establishes more extensive and  
 173 comprehensive requirements for surface water improvement and  
 174 management within the Everglades than the SWIM plan requirements  
 175 provided in ss. 373.451-373.456. In order to avoid duplicative  
 176 requirements, and in order to conserve the resources available to  
 177 the district, the SWIM plan requirements of those sections shall  
 178 not apply to the Everglades Protection Area and the EAA during  
 179 the term of the Everglades Program, and the district will neither  
 180 propose, or ~~nor~~ take final agency action on, any Everglades SWIM  
 181 plan for those areas until the Everglades Program is fully  
 182 implemented. ~~; however,~~ Funds ~~under~~ under s. 259.101(3)(b) may be  
 183 used for acquisition of lands necessary to implement the  
 184 Everglades Construction Project, to the extent these funds are  
 185 identified in the Statement of Principles of July 1993. The  
 186 district's actions in implementing the Everglades Construction



PCB NR 03-01

2003

187 Project relating to the responsibilities of the EAA and C-139  
 188 Basin for funding and water quality compliance in the EAA and the  
 189 Everglades Protection Area shall be governed by this section.  
 190 Other strategies or activities in the March 1992 Everglades SWIM  
 191 plan may be implemented if otherwise authorized by law.

192 (b) The Legislature finds that the Long-Term Plan provides  
 193 the best available phosphorus reduction technology based upon a  
 194 combination of the BMPs and STAs described in the Plan as the  
 195 Pre-2006 Projects and Strategies. To identify and develop  
 196 incremental optimization measures for further phosphorus  
 197 reduction, revisions to the Long-Term Plan shall be incorporated  
 198 through an adaptive management approach including a Process  
 199 Development and Engineering component. No later than December  
 200 31, 2008, and each 5 years thereafter, the department shall  
 201 review and approve the incremental optimization measures for  
 202 phosphorus reduction.

203 (c) The Long-Term Plan shall be implemented for an initial  
 204 13-year phase (2003-2016) followed by a 10-year phase (2017-2026)  
 205 to achieve consistency with the Plan objective for obtaining a  
 206 predicted long-term geometric mean phosphorus concentration in  
 207 discharges to the Everglades Protection Area that is within the  
 208 upper annual concentration limit of the criterion as calculated  
 209 by the department in the January 1, 2003 Everglades Consolidated  
 210 Report. The department shall review and approve projects in the  
 211 10-year phase of the Long-Term Plan for consistency with this  
 212 section.

213 (4) EVERGLADES PROGRAM.--

214 (a) *Everglades Construction Project*.--The district shall  
 215 implement the Everglades Construction Project. By the time of  
 216 completion of the project, the state, district, or other  
 217 governmental authority shall purchase the inholdings in the



PCB NR 03-01

2003

218 Rotenberger and such other lands necessary to achieve a 2:1  
 219 mitigation ratio for the use of Brown's Farm and other similar  
 220 lands, including those needed for the STA 1 Inflow and  
 221 Distribution Works. The inclusion of public lands as part of the  
 222 project is for the purpose of treating waters not coming from the  
 223 EAA for hydroperiod restoration. It is the intent of the  
 224 Legislature that the district aggressively pursue the  
 225 implementation of the Everglades Construction Project in  
 226 accordance with the schedule in this subsection. The Legislature  
 227 recognizes that adherence to the schedule is dependent upon  
 228 factors beyond the control of the district, including the timely  
 229 receipt of funds from all contributors. The district shall take  
 230 all reasonable measures to complete timely performance of the  
 231 schedule in this section in order to finish the Everglades  
 232 Construction Project. The district shall not delay implementation  
 233 of the project beyond the time delay caused by those  
 234 circumstances and conditions that prevent timely performance. The  
 235 district shall not levy ad valorem taxes in excess of 0.1 mill  
 236 within the Okeechobee Basin for the purposes of the design,  
 237 construction, and acquisition of the Everglades Construction  
 238 Project. The ad valorem tax proceeds not exceeding 0.1 mill  
 239 levied within the Okeechobee Basin for such purposes shall be  
 240 used to fund design and construction of the enhancements to the  
 241 Everglades Construction Project described in the Long-Term Plan  
 242 and shall be the sole direct district contribution from district  
 243 ad valorem taxes appropriated or expended for the design,  
 244 construction, and acquisition of the Everglades Construction  
 245 Project unless the Legislature by specific amendment to this  
 246 section increases the 0.1 mill ad valorem tax contribution,  
 247 increases the agricultural privilege taxes, or otherwise  
 248 reallocates the relative contribution by ad valorem taxpayers and



PCB NR 03-01

2003

249 taxpayers paying the agricultural privilege taxes toward the  
 250 funding of the design, construction, and acquisition of the  
 251 Everglades Construction Project. Notwithstanding the provisions  
 252 of s. 200.069 to the contrary, any millage levied under the 0.1  
 253 mill limitation in this paragraph shall be included as a separate  
 254 entry on the Notice of Proposed Property Taxes pursuant to s.  
 255 200.069. Once the STAs are completed, the district shall allow  
 256 these areas to be used by the public for recreational purposes in  
 257 the manner set forth in s. 373.1391(1) ~~s. 373.59(11)~~, considering  
 258 the suitability of these lands for such uses. These lands shall  
 259 be made available for recreational use unless the district  
 260 governing board can demonstrate that such uses are incompatible  
 261 with the restoration goals of the Everglades Construction Project  
 262 or the water quality and hydrological purposes of the STAs or  
 263 would otherwise adversely impact the implementation of the  
 264 project. The district shall give preferential consideration to  
 265 the hiring of agricultural workers displaced as a result of the  
 266 Everglades Construction Project, consistent with their  
 267 qualifications and abilities, for the construction and operation  
 268 of these STAs. The following milestones apply to the completion  
 269 of the Everglades Construction Project as depicted in the  
 270 February 15, 1994, conceptual design document:

271 1. The district must complete the final design of the STA 1  
 272 East and West and pursue STA 1 East project components as part of  
 273 a cost-shared program with the Federal Government. The district  
 274 must be the local sponsor of the federal project that will  
 275 include STA 1 East, and STA 1 West if so authorized by federal  
 276 law. ~~Land acquisition shall be completed for STA 1 West by April~~  
 277 ~~1, 1996, and for STA 1 East by July 1, 1998;~~

278 2. Construction of STA 1 East is to be completed under the  
 279 direction of the United States Army Corps of Engineers in



PCB NR 03-01

2003

280 conjunction with the currently authorized C-51 flood control  
 281 project by ~~July 1, 2002;~~

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

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

289 4.5. The district must complete construction of STA 3/4 by  
 290 October 1, 2003;

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

293 ~~7. The district must complete construction of STA 6 by~~  
 294 ~~October 1, 1997.~~

295 5. By December 31, 2006, the district must complete  
 296 construction of enhancements to the Everglades Construction  
 297 Project recommended in the Long-Term Plan.

298 ~~6.8.~~ East Beach Water Control District, South Shore Drainage  
 299 District, South Florida Conservancy District, East Shore Water  
 300 Control District, and the lessee of agricultural lease number  
 301 3420 shall complete any system modifications described in the  
 302 Everglades Construction Project to the extent that funds are  
 303 available from the Everglades Fund. These entities shall divert  
 304 the discharges described within the Everglades Construction  
 305 Project within 60 days of completion of construction of the  
 306 appropriate STA. Such required modifications shall be deemed to  
 307 be a part of each district's plan of reclamation pursuant to  
 308 chapter 298.

309 (b) *Everglades water supply and hydroperiod improvement and*  
 310 *restoration.--*



## PCB NR 03-01

2003

311 1. A comprehensive program to revitalize the Everglades  
312 shall include programs and projects to improve the water quantity  
313 reaching the Everglades Protection Area at optimum times and  
314 improve hydroperiod deficiencies in the Everglades ecosystem. To  
315 the greatest extent possible, wasteful discharges of fresh water  
316 to tide shall be reduced, and water conservation practices and  
317 reuse measures shall be implemented by water users, consistent  
318 with law. Water supply management must include improvement of  
319 water quantity reaching the Everglades, correction of long-  
320 standing hydroperiod problems, and an increase in the total  
321 quantity of water flowing through the system. Water supply  
322 management must provide water supply for the Everglades National  
323 Park, the urban and agricultural areas, and the Florida Bay and  
324 must replace water previously available from the coastal ridge  
325 areas of southern Dade County. The Everglades Construction  
326 Project redirects some water currently lost to tide. It is an  
327 important first step in completing hydroperiod improvement.

328 2. The district shall operate the Everglades Construction  
329 Project as specified in the February 15, 1994, conceptual design  
330 document, to provide additional inflows to the Everglades  
331 Protection Area. The increased flow from the project shall be  
332 directed to the Everglades Protection Area as needed to achieve  
333 an average annual increase of 28 percent compared to the baseline  
334 years of 1979 to 1988. Consistent with the design of the  
335 Everglades Construction Project and without demonstratively  
336 reducing water quality benefits, the regulatory releases will be  
337 timed and distributed to the Everglades Protection Area to  
338 maximize environmental benefits.

339 3. The district shall operate the Everglades Construction  
340 Project in accordance with the February 15, 1994, conceptual  
341 design document to maximize the water quantity benefits and



## PCB NR 03-01

2003

342 improve the hydroperiod of the Everglades Protection Area. All  
343 reductions of flow to the Everglades Protection Area from BMP  
344 implementation will be replaced. The district shall develop a  
345 model to be used for quantifying the amount of water to be  
346 replaced. ~~The district shall publish in the Florida~~  
347 ~~Administrative Weekly a notice of rule development on the model~~  
348 ~~no later than July 1, 1994, and a notice of rulemaking no later~~  
349 ~~than July 1, 1995.~~ The timing and distribution of this replaced  
350 water will be directed to the Everglades Protection Area to  
351 maximize the natural balance of the Everglades Protection Area.

352 4. The Legislature recognizes the complexity of the  
353 Everglades watershed, as well as legal mandates under Florida and  
354 federal law. As local sponsor of the Central and Southern Florida  
355 Flood Control Project, the district must coordinate its water  
356 supply and hydroperiod programs with the Federal Government.  
357 Federal planning, research, operating guidelines, and  
358 restrictions for the Central and Southern Florida Flood Control  
359 Project now under review by federal agencies will provide  
360 important components of the district's Everglades Program. The  
361 department and district shall use their best efforts to seek the  
362 amendment of the authorized purposes of the project to include  
363 water quality protection, hydroperiod restoration, and  
364 environmental enhancement as authorized purposes of the Central  
365 and Southern Florida Flood Control Project, in addition to the  
366 existing purposes of water supply, flood protection, and allied  
367 purposes. Further, the department and the district shall use  
368 their best efforts to request that the Federal Government include  
369 in the evaluation of the regulation schedule for Lake Okeechobee  
370 a review of the regulatory releases, so as to facilitate releases  
371 of water into the Everglades Protection Area which further  
372 improve hydroperiod restoration.



## PCB NR 03-01

2003

373 5. The district, through cooperation with the federal and  
374 state agencies, shall develop other programs and methods to  
375 increase the water flow and improve the hydroperiod of the  
376 Everglades Protection Area.

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

381 7. The district shall proceed to expeditiously implement  
382 the minimum flows and levels for the Everglades Protection Area  
383 as required by s. 373.042 and shall expeditiously complete the  
384 Lower East Coast Water Supply Plan.

385 (c) *STA 3/4 modification.*--The Everglades Program will  
386 contribute to the restoration of the Rotenberger and Holey Land  
387 tracts. The Everglades Construction Project provides a first step  
388 toward restoration by improving hydroperiod with treated water  
389 for the Rotenberger tract and by providing a source of treated  
390 water for the Holey Land. It is further the intent of the  
391 Legislature that the easternmost tract of the Holey Land, known  
392 as the "Toe of the Boot," be removed from STA 3/4 under the  
393 circumstances set forth in this paragraph. The district shall  
394 proceed to modify the Everglades Construction Project, provided  
395 that the redesign achieves at least as many environmental and  
396 hydrological benefits as are included in the original design,  
397 including treatment of waters from sources other than the EAA,  
398 and does not delay construction of STA 3/4. The district is  
399 authorized to use eminent domain to acquire alternative lands,  
400 only if such lands are located within 1 mile of the northern  
401 border of STA 3/4.

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



## PCB NR 03-01

2003

403           1. The ~~By January 1996,~~ the department and the district  
404 shall review and evaluate available water quality data for the  
405 Everglades Protection Area and tributary waters and identify any  
406 additional information necessary to adequately describe water  
407 quality in the Everglades Protection Area and tributary waters.  
408 The ~~By such date,~~ the department and the district shall also  
409 initiate a research and monitoring program to generate such  
410 additional information identified and to evaluate the  
411 effectiveness of the BMPs and STAs, as they are implemented, in  
412 improving water quality and maintaining designated and existing  
413 beneficial uses of the Everglades Protection Area and tributary  
414 waters. As part of the program, the district shall monitor all  
415 discharges into the Everglades Protection Area for purposes of  
416 determining compliance with state water quality standards.

417           2. The research and monitoring program shall evaluate the  
418 ecological and hydrological needs of the Everglades Protection  
419 Area, including the minimum flows and levels. Consistent with  
420 such needs, the program shall also evaluate water quality  
421 standards for the Everglades Protection Area and for the canals  
422 of the EAA, so that these canals can be classified in the manner  
423 set forth in paragraph (e) and protected as an integral part of  
424 the water management system which includes the STAs of the  
425 Everglades Construction Project and allows landowners in the EAA  
426 to achieve applicable water quality standards compliance by BMPs  
427 and STA treatment to the extent this treatment is available and  
428 effective.

429           3. The research and monitoring program shall include  
430 research seeking to optimize the design and operation of the  
431 STAs, including research to reduce outflow concentrations, and to  
432 identify other treatment and management methods and regulatory



PCB NR 03-01

2003

433 programs that are superior to STAs in achieving the intent and  
 434 purposes of this section.

435 4. The research and monitoring program shall be conducted  
 436 to allow completion by December 2001 of any research necessary to  
 437 allow the department to propose a phosphorus criterion in the  
 438 Everglades Protection Area, and to evaluate existing state water  
 439 quality standards applicable to the Everglades Protection Area  
 440 and existing state water quality standards and classifications  
 441 applicable to the EAA canals. In developing the phosphorus  
 442 criterion, the department shall also consider the minimum flows  
 443 and levels for the Everglades Protection Area and the district's  
 444 water supply plans for the Lower East Coast.

445 5. The district, in cooperation with the department, shall  
 446 prepare a peer-reviewed interim report regarding the research and  
 447 monitoring program, which shall be submitted no later than  
 448 January 1, 1999, to the Governor, the President of the Senate,  
 449 and the Speaker of the House of Representatives for their review.  
 450 The interim report shall summarize all data and findings  
 451 available as of July 1, 1998, on the effectiveness of STAs and  
 452 BMPs in improving water quality. The interim report shall also  
 453 include a summary of the then-available data and findings related  
 454 to the following: the Lower East Coast Water Supply Plan of the  
 455 district, the United States Environmental Protection Agency  
 456 Everglades Mercury Study, the United States Army Corps of  
 457 Engineers South Florida Ecosystem Restoration Study, the results  
 458 of research and monitoring of water quality and quantity in the  
 459 Everglades region, the degree of phosphorus discharge reductions  
 460 achieved by BMPs and agricultural operations in the region, the  
 461 current information on the ecological and hydrological needs of  
 462 the Everglades, and the costs and benefits of phosphorus  
 463 reduction alternatives. Prior to finalizing the interim report,



## PCB NR 03-01

2003

464 the district shall conduct at least one scientific workshop and  
465 two public hearings on its proposed interim report. One public  
466 hearing must be held in Palm Beach County and the other must be  
467 held in either Dade or Broward County. The interim report shall  
468 be used by the department and the district in making any  
469 decisions regarding the implementation of the Everglades  
470 Construction Project subsequent to the completion of the interim  
471 report. The construction of STAs 3/4 shall not be commenced until  
472 90 days after the interim report has been submitted to the  
473 Governor and the Legislature.

474 6. Beginning January 1, 2000, the district and the  
475 department shall annually issue a peer-reviewed report regarding  
476 the research and monitoring program that summarizes all data and  
477 findings. The department shall provide copies of the report to  
478 the Governor, the President of the Senate, and the Speaker of the  
479 House of Representatives. The report shall identify water quality  
480 parameters, in addition to phosphorus, which exceed state water  
481 quality standards or are causing or contributing to adverse  
482 impacts in the Everglades Protection Area.

483 7. The district shall continue research seeking to optimize  
484 the design and operation of STAs and to identify other treatment  
485 and management methods that are superior to STAs in achieving  
486 optimum water quality and water quantity for the benefit of the  
487 Everglades. The district shall optimize the design and operation  
488 of the STAs described in the Everglades Construction Project  
489 prior to expanding their size. Additional methods to achieve  
490 compliance with water quality standards shall not be limited to  
491 more intensive management of the STAs.

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



PCB NR 03-01

2003

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

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

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

501

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

503 2. ~~By December 31, 2001, the department shall file a notice~~  
 504 ~~of rulemaking in the Florida Administrative Weekly to establish a~~  
 505 ~~phosphorus criterion in the Everglades Protection Area.~~ In no  
 506 case shall such phosphorus criterion allow waters in the  
 507 Everglades Protection Area to be altered so as to cause an  
 508 imbalance in the natural populations of aquatic flora or fauna.  
 509 The phosphorus criterion shall be 10 parts per billion (ppb) in  
 510 the Everglades Protection Area in the event the department does  
 511 not adopt by rule such criterion by December 31, 2003. However,  
 512 in the event the department fails to adopt a phosphorus criterion  
 513 on or before December 31, 2002, any person whose substantial  
 514 interests would be affected by the rulemaking shall have the  
 515 right, on or before February 28, 2003, to petition for a writ of  
 516 mandamus to compel the department to adopt by rule such  
 517 criterion. Venue for the mandamus action must be Leon County. The  
 518 court may stay implementation of the 10 parts per billion (ppb)  
 519 criterion during the pendency of the mandamus proceeding upon a  
 520 demonstration by the petitioner of irreparable harm in the  
 521 absence of such relief. The department's phosphorus criterion,  
 522 whenever adopted, shall supersede the 10 parts per billion (ppb)  
 523 criterion otherwise established by this section, but shall not be



PCB NR 03-01

2003

524 lower than the natural conditions of the Everglades Protection  
 525 Area and shall take into account spatial and temporal  
 526 variability.

527 3. The department shall use the best available information  
 528 to define relationships between waters discharged to, and the  
 529 resulting water quality in, the Everglades Protection Area. The  
 530 department or the district shall use these relationships to  
 531 establish discharge limits in permits for discharges into the EAA  
 532 canals and the Everglades Protection Area necessary to prevent an  
 533 imbalance in the natural populations of aquatic flora or fauna in  
 534 the Everglades Protection Area, and to provide a net improvement  
 535 in the areas already impacted. Compliance with the phosphorus  
 536 criterion shall be based upon a long-term geometric mean of  
 537 concentration levels to be measured at sampling stations  
 538 recognized from the research to be reasonably representative of  
 539 receiving waters in the Everglades Protection Area, and so  
 540 located so as to assure that the Everglades Protection Area is  
 541 not altered so as to cause an imbalance in natural populations of  
 542 aquatic flora and fauna and to assure a net improvement in the  
 543 areas already impacted. For the Everglades National Park and the  
 544 Arthur R. Marshall Loxahatchee National Wildlife Refuge, the  
 545 method for measuring compliance with the phosphorus criterion  
 546 shall be in a manner consistent with Appendices A and B,  
 547 respectively, of the settlement agreement dated July 26, 1991,  
 548 entered in case No. 88-1886-Civ-Hoeveler, United States District  
 549 Court for the Southern District of Florida, that recognizes and  
 550 provides for incorporation of relevant research.

551 4. The department's evaluation of any other water quality  
 552 standards must include the department's antidegradation standards  
 553 and EAA canal classifications. In recognition of the special  
 554 nature of the conveyance canals of the EAA, as a component of the



## PCB NR 03-01

2003

555 classification process, the department is directed to formally  
556 recognize by rulemaking existing actual beneficial uses of the  
557 conveyance canals in the EAA. This shall include recognition of  
558 the Class III designated uses of recreation, propagation and  
559 maintenance of a healthy, well-balanced population of fish and  
560 wildlife, the integrated water management purposes for which the  
561 Central and Southern Florida Flood Control Project was  
562 constructed, flood control, conveyance of water to and from Lake  
563 Okeechobee for urban and agricultural water supply, Everglades  
564 hydroperiod restoration, conveyance of water to the STAs, and  
565 navigation.

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

567 1. The district, in cooperation with the department, shall  
568 develop and implement a water quality monitoring program to  
569 evaluate the effectiveness of the BMPs in achieving and  
570 maintaining compliance with state water quality standards and  
571 restoring and maintaining designated and existing beneficial  
572 uses. The program shall include an analysis of the effectiveness  
573 of the BMPs in treating constituents that are not being  
574 significantly improved by the STAs. The monitoring program shall  
575 include monitoring of appropriate parameters at representative  
576 locations.

577 2. The district shall continue to require and enforce the  
578 BMP and other requirements of chapters 40E-61 and 40E-63, Florida  
579 Administrative Code, during the terms of the existing permits  
580 issued pursuant to those rules. Chapter 40E-61, Florida  
581 Administrative Code, may be amended to include the BMPs required  
582 by chapter 40E-63, Florida Administrative Code. Prior to the  
583 expiration of existing permits, and during each 5-year term of  
584 subsequent permits as provided for in this section, those rules  
585 shall be amended to implement a comprehensive program of



PCB NR 03-01

2003

586 research, testing, and implementation of BMPs that will address  
 587 all water quality standards within the EAA and Everglades  
 588 Protection Area. Under this program:

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

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

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

599 d. The district shall conduct research in cooperation with  
 600 EAA landowners to identify water quality parameters that are not  
 601 being significantly improved either by the STAs or the BMPs, and  
 602 to identify further BMP strategies needed to address these  
 603 parameters.

604 3. The Legislature finds that through the implementation of  
 605 the Everglades BMPs Program and the implementation of the  
 606 Everglades Construction Project, reasonable further progress will  
 607 be made towards addressing water quality requirements of the EAA  
 608 canals and the Everglades Protection Area. Permittees within the  
 609 EAA and the C-139 Basin who are in full compliance with the  
 610 conditions of permits under chapters 40E-61 and 40E-63, Florida  
 611 Administrative Code, have made all payments required under the  
 612 Everglades Program, and are in compliance with subparagraph  
 613 (a)8., if applicable, shall not be required to implement  
 614 additional water quality improvement measures, prior to December  
 615 31, 2006, other than those required by subparagraph 2., with the  
 616 following exceptions:



PCB NR 03-01

2003

617 a. Nothing in this subparagraph shall limit the existing  
 618 authority of the department or the district to limit or regulate  
 619 discharges that pose a significant danger to the public health  
 620 and safety; and

621 b. New land uses and new stormwater management facilities  
 622 other than alterations to existing agricultural stormwater  
 623 management systems for water quality improvements shall not be  
 624 accorded the compliance established by this section. Permits may  
 625 be required to implement improvements or alterations to existing  
 626 agricultural water management systems.

627 4. As of December 31, 2006, all permits, including those  
 628 issued prior to that date, shall require implementation of  
 629 additional water quality measures, taking into account the water  
 630 quality treatment actually provided by the STAs and the  
 631 effectiveness of the BMPs. As of that date, no permittee's  
 632 discharge shall cause or contribute to any violation of water  
 633 quality standards in the Everglades Protection Area.

634 5. Effective immediately, landowners within the C-139 Basin  
 635 shall not collectively exceed an annual average loading of  
 636 phosphorus ~~of 28.7 metric tons~~ based proportionately on the  
 637 historical rainfall for the C-139 Basin over the period of  
 638 October 1, 1978, to September 30, 1988. New surface inflows shall  
 639 not increase the annual average loading of phosphorus stated  
 640 above. Provided that the C-139 Basin does not exceed this annual  
 641 average loading, all landowners within the Basin shall be in  
 642 compliance for that year. Compliance determinations for  
 643 individual landowners within the C-139 Basin for remedial action,  
 644 if the Basin is determined by the district to be out of  
 645 compliance for that year, shall be based on the landowners'  
 646 proportional share of the total phosphorus loading of ~~28.7 metric~~  
 647 ~~tons~~. The total phosphorus discharge load shall be determined as



PCB NR 03-01

2003

648 set forth in Appendix B2 of Rule 40E-63, Everglades Program,  
 649 Florida Administrative Code ~~by a method consistent with Appendix~~  
 650 ~~40E-63-3, Florida Administrative Code, disregarding the 25-~~  
 651 ~~percent phosphorus reduction factor.~~

652 6. The district, in cooperation with the department, shall  
 653 develop and implement a water quality monitoring program to  
 654 evaluate the quality of the discharge from the C-139 Basin. Upon  
 655 determination by the department or the district that the C-139  
 656 Basin is exceeding any presently existing water quality  
 657 standards, the district shall require landowners within the C-139  
 658 Basin to implement BMPs appropriate to the land uses within the  
 659 C-139 Basin consistent with subparagraph 2. Thereafter, the  
 660 provisions of subparagraphs 2.-4. shall apply to the landowners  
 661 within the C-139 Basin.

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

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

666 2. In addition, the district shall establish a program to  
 667 coordinate with federal, state, or other governmental entities  
 668 the control of continued expansion and the removal of these  
 669 exotic species. The district's program shall give high priority  
 670 to species affecting the largest areal extent within the  
 671 Everglades Protection Area.

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

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

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



PCB NR 03-01

2003

679           2. Leasehold or other interests in real property located  
 680 within the C-139 Basin owned by the United States, the state, or  
 681 any agency thereof permitting the property to be used for  
 682 agricultural purposes in a manner that would result in such  
 683 property being classified as agricultural under the provisions of  
 684 chapter 193 if not governmentally owned, whether or not such  
 685 property is actually classified as agricultural under the  
 686 provisions of chapter 193.

687  
 688 It is hereby determined by the Legislature that the privilege of  
 689 conducting an agricultural trade or business on such property  
 690 constitutes a reasonable basis for imposing the C-139  
 691 agricultural privilege tax and that logical differences exist  
 692 between the agricultural use of such property and the use of  
 693 other property within the C-139 Basin for residential or  
 694 nonagricultural commercial use. The C-139 agricultural privilege  
 695 tax shall constitute a lien against the property, or the  
 696 leasehold or other interest in governmental property permitting  
 697 such property to be used for agricultural purposes, described on  
 698 the C-139 agricultural privilege tax roll. The lien shall be in  
 699 effect from January 1 of the year the tax notice is mailed until  
 700 discharged by payment and shall be equal in rank and dignity with  
 701 the liens of all state, county, district, or municipal taxes and  
 702 non-ad valorem assessments imposed pursuant to general law,  
 703 special act, or local ordinance and shall be superior in dignity  
 704 to all other liens, titles, and claims.

705           (b) The C-139 agricultural privilege tax, other than for  
 706 leasehold or other interests in governmental property permitting  
 707 such property to be used for agricultural purposes, shall be  
 708 collected in the manner provided for ad valorem taxes. By  
 709 September 15 of each year, the governing board of the district



PCB NR 03-01

2003

710 shall certify by resolution a C-139 agricultural privilege tax  
 711 roll on compatible electronic medium to the tax collector of each  
 712 county in which a portion of the C-139 Basin is located. The  
 713 district shall also produce one copy of the roll in printed form  
 714 which shall be available for inspection by the public. The  
 715 district shall post the C-139 agricultural privilege tax for each  
 716 parcel on the roll. The tax collector shall not accept any such  
 717 roll that is not certified on compatible electronic medium and  
 718 that does not contain the posting of the C-139 agricultural  
 719 privilege tax for each parcel. It is the responsibility of the  
 720 district that such rolls be free of errors and omissions.  
 721 Alterations to such rolls may be made by the executive director  
 722 of the district, or a designee, up to 10 days before  
 723 certification. If the tax collector or any taxpayer discovers  
 724 errors or omissions on such roll, such person may request the  
 725 district to file a corrected roll or a correction of the amount  
 726 of any C-139 agricultural privilege tax. Other than for leasehold  
 727 or other interests in governmental property permitting such  
 728 property to be used for agricultural purposes, C-139 agricultural  
 729 privilege taxes collected pursuant to this section shall be  
 730 included in the combined notice for ad valorem taxes and non-ad  
 731 valorem assessments provided for in s. 197.3635. Such C-139  
 732 agricultural privilege taxes shall be listed in the portion of  
 733 the combined notice utilized for non-ad valorem assessments. A  
 734 separate mailing is authorized only as a solution to the most  
 735 exigent factual circumstances. However, if a tax collector cannot  
 736 merge a C-139 agricultural privilege tax roll to produce such a  
 737 notice, the tax collector shall mail a separate notice of C-139  
 738 agricultural privilege taxes or shall direct the district to mail  
 739 such a separate notice. In deciding whether a separate mailing is  
 740 necessary, the tax collector shall consider all costs to the



PCB NR 03-01

2003

741 district and taxpayers of such a separate mailing and the adverse  
 742 effects to the taxpayers of delayed and multiple notices. The  
 743 district shall bear all costs associated with any separate  
 744 notice. C-139 agricultural privilege taxes collected pursuant to  
 745 this section shall be subject to all collection provisions of  
 746 chapter 197, including provisions relating to discount for early  
 747 payment, prepayment by installment method, deferred payment,  
 748 penalty for delinquent payment, and issuance and sale of tax  
 749 certificates and tax deeds for nonpayment. C-139 agricultural  
 750 privilege taxes for leasehold or other interests in property  
 751 owned by the United States, the state, or any agency thereof  
 752 permitting such property to be used for agricultural purposes  
 753 shall be included on the notice provided pursuant to s. 196.31, a  
 754 copy of which shall be provided to lessees or other  
 755 interestholders registering with the district, and shall be  
 756 collected from the lessee or other appropriate interestholder and  
 757 remitted to the district immediately upon collection. C-139  
 758 agricultural privilege taxes included on the statement provided  
 759 pursuant to s. 196.31 shall be due and collected on or prior to  
 760 the next April 1 following provision of the notice. Proceeds of  
 761 the C-139 agricultural privilege taxes shall be distributed by  
 762 the tax collector to the district. Each tax collector shall be  
 763 paid a commission equal to the actual cost of collection, not to  
 764 exceed 2 percent, on the amount of C-139 agricultural privilege  
 765 taxes collected and remitted. Notwithstanding any general law or  
 766 special act to the contrary, C-139 agricultural privilege taxes  
 767 shall not be included on the notice of proposed property taxes  
 768 provided in s. 200.069.

769 (c)1. The initial C-139 agricultural privilege tax roll  
 770 shall be certified for the tax notices mailed in November 1994.  
 771 The C-139 agricultural privilege taxes for the tax notices mailed



PCB NR 03-01

2003

772 in November 1994 through November 2013 shall be computed by  
 773 dividing \$654,656 by the number of acres included on the C-139  
 774 agricultural privilege tax roll for such year, excluding any  
 775 property located within the C-139 Annex. The C-139 agricultural  
 776 privilege taxes for the tax notices mailed in November 2014 and  
 777 thereafter shall be \$1.80 per acre.

778 2. The C-139 agricultural privilege taxes for the tax  
 779 notices mailed in November 2003 through November 2013 shall be  
 780 computed by dividing \$654,656 by the number of acres included on  
 781 the C-139 agricultural privilege tax roll for November 2002.

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

785 (d) For purposes of this paragraph, "vegetable acreage"  
 786 means, for each tax year, any portion of a parcel of property  
 787 used for a period of not less than 8 months for the production of  
 788 vegetable crops, including sweet corn, during the 12 months ended  
 789 September 30 of the year preceding the tax year. Land  
 790 preparation, crop rotation, and fallow periods shall not  
 791 disqualify property from classification as vegetable acreage if  
 792 such property is actually used for the production of vegetable  
 793 crops.

794 1. If either the Governor, the President of the United  
 795 States, or the United States Department of Agriculture declares  
 796 the existence of a state of emergency or disaster resulting from  
 797 extreme natural conditions impairing the ability of vegetable  
 798 acreage to produce crops, payment of the C-139 agricultural  
 799 privilege taxes imposed for the privilege of conducting an  
 800 agricultural trade or business on such property shall be deferred  
 801 for a period of 1 year, and all subsequent annual payments shall  
 802 be deferred for the same period.



PCB NR 03-01

2003

803 a. If the declaration occurs between April 1 and October  
 804 31, the C-139 agricultural privilege tax to be included on the  
 805 next annual tax notice will be deferred to the subsequent annual  
 806 tax notice.

807 b. If the declaration occurs between November 1 and March  
 808 31 and the C-139 agricultural privilege tax included on the most  
 809 recent tax notice has not been paid, such C-139 agricultural  
 810 privilege tax will be deferred to the next annual tax notice.

811 c. If the declaration occurs between November 1 and March  
 812 31 and the C-139 agricultural privilege tax included on the most  
 813 recent tax notice has been paid, the C-139 agricultural privilege  
 814 tax to be included on the next annual tax notice will be deferred  
 815 to the subsequent annual tax notice.

816 2. In the event payment of C-139 agricultural privilege  
 817 taxes is deferred pursuant to this paragraph, the district must  
 818 record a notice in the official records of each county in which  
 819 vegetable acreage subject to such deferment is located. The  
 820 recorded notice must describe each parcel of property as to which  
 821 C-139 agricultural privilege taxes have been deferred and the  
 822 amount deferred for such property. If all or any portion of the  
 823 property as to which C-139 agricultural privilege taxes have been  
 824 deferred ceases to be classified as agricultural under the  
 825 provisions of chapter 193 or otherwise subject to the C-139  
 826 agricultural privilege tax, all deferred amounts must be included  
 827 on the tax notice for such property mailed in November of the  
 828 first tax year for which such property is not subject to the C-  
 829 139 agricultural privilege tax. After a property owner has paid  
 830 all outstanding C-139 agricultural privilege taxes, including any  
 831 deferred amounts, the district shall provide the property owner  
 832 with a recordable instrument evidencing the payment of all  
 833 outstanding amounts.



PCB NR 03-01

2003

834 3. The owner, lessee, or other appropriate interestholder  
 835 shall file an application with the executive director of the  
 836 district prior to July 1 for classification of a portion of the  
 837 property as vegetable acreage on the C-139 agricultural privilege  
 838 tax roll to be certified for the tax notice mailed in November of  
 839 the same calendar year and shall have the burden of proving the  
 840 number of acres used for the production of vegetable crops during  
 841 the year in which incentive credits are determined and the period  
 842 of such use. The governing board of the district shall deny or  
 843 grant the application by resolution adopted prior to or at the  
 844 time of the adoption of its resolution certifying the annual C-  
 845 139 agricultural privilege tax roll to the appropriate tax  
 846 collector.

847 4. This paragraph does not relieve vegetable acreage from  
 848 the performance of best management practices specified in chapter  
 849 40E-63, Florida Administrative Code.

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

854 1. No action may be brought to contest the C-139  
 855 agricultural privilege tax after 60 days from the date the tax  
 856 notice that includes the C-139 agricultural privilege tax is  
 857 mailed by the tax collector. Before an action to contest the C-  
 858 139 agricultural privilege tax may be brought, the taxpayer shall  
 859 pay to the tax collector the amount of the C-139 agricultural  
 860 privilege tax which the taxpayer admits in good faith to be  
 861 owing. The tax collector shall issue a receipt for the payment  
 862 and the receipt shall be filed with the complaint. Payment of an  
 863 C-139 agricultural privilege tax shall not be deemed an admission  
 864 that such tax was due and shall not prejudice the right to bring



## PCB NR 03-01

2003

865 a timely action to challenge such tax and seek a refund. No  
866 action to contest the C-139 agricultural privilege tax may be  
867 maintained, and such action shall be dismissed, unless all C-139  
868 agricultural privilege taxes imposed in years after the action is  
869 brought, which the taxpayer in good faith admits to be owing, are  
870 paid before they become delinquent. The requirements of this  
871 paragraph are jurisdictional.

872 2. In any action involving a challenge of the C-139  
873 agricultural privilege tax, the court shall assess all costs. If  
874 the court finds that the amount of tax owed by the taxpayer is  
875 greater than the amount the taxpayer has in good faith admitted  
876 and paid, it shall enter judgment against the taxpayer for the  
877 deficiency and for interest on the deficiency at the rate of 12  
878 percent per year from the date the tax became delinquent. If it  
879 finds that the amount of tax which the taxpayer has admitted to  
880 be owing is grossly disproportionate to the amount of tax found  
881 to be due and that the taxpayer's admission was not made in good  
882 faith, the court shall also assess a penalty at the rate of 25  
883 percent of the deficiency per year from the date the tax became  
884 delinquent. The court may issue injunctions to restrain the sale  
885 of property for any C-139 agricultural privilege tax which  
886 appears to be contrary to law or equity.

887 (f) Notwithstanding any contrary provisions in chapter 120,  
888 or any provision of any other law, an action in circuit court  
889 shall be the exclusive remedy to challenge the assessment of an  
890 C-139 agricultural privilege tax and owners of property subject  
891 to the C-139 agricultural privilege tax shall have no right or  
892 standing to initiate administrative proceedings under chapter 120  
893 to challenge the assessment of an C-139 agricultural privilege  
894 tax including specifically, and without limitation, the annual  
895 certification by the district governing board of the C-139



## PCB NR 03-01

2003

896 agricultural privilege tax roll to the appropriate tax collector,  
897 the denial of an application for exclusion from the C-139  
898 agricultural privilege tax, and the denial of any application for  
899 classification as vegetable acreage, deferment of payment for  
900 vegetable acreage, or correction of any alleged error in the C-  
901 139 agricultural privilege tax roll.

902 (g) In recognition of the findings set forth in subsection  
903 (1), the Legislature finds that the assessment and use of the C-  
904 139 agricultural privilege tax is a matter of concern to all  
905 areas of Florida and the Legislature intends this section to be a  
906 general law authorization of the tax within the meaning of s. 9,  
907 Art. VII of the State Constitution.

908 (10) LONG-TERM COMPLIANCE PERMITS.--By December 31, 2006,  
909 the department and the district shall take such action as may be  
910 necessary to implement the Pre-2006 Projects and Strategies of  
911 the Long-Term Plan so that water delivered to the Everglades  
912 Protection Area achieves the Long-Term Plan objective in all  
913 parts of the Everglades Protection Area and, to the maximum  
914 extent practicable, state water quality standards, including the  
915 phosphorus criterion and moderating provisions ~~, in all parts of~~  
916 ~~the Everglades Protection Area.~~

917 (a) By December 31, 2003, the district shall submit to the  
918 department an application for permit modification to incorporate  
919 proposed changes to the Everglades Construction Project, permits  
920 issued pursuant to subsection (9), and other district works  
921 delivering water to the Everglades Protection Area as needed to  
922 implement the Pre-2006 Projects and Strategies of the Long-Term  
923 Plan. In all permits issued by the department, these changes  
924 shall be designed to achieve the Plan objective of obtaining a  
925 predicted long-term geometric mean phosphorus concentration in  
926 discharges to the Everglades Protection Area that is within the



PCB NR 03-01

2003

927 upper annual concentration limit of the criterion as calculated  
 928 by the department in the January 1, 2003 Everglades Consolidated  
 929 Report, and to the maximum extent practicable, compliance with  
 930 other state water quality standards, including the phosphorus  
 931 criterion and moderating provisions. ~~By December 31, 2003, the~~  
 932 ~~district shall submit to the department a permit modification to~~  
 933 ~~incorporate proposed changes to the Everglades Construction~~  
 934 ~~Project and the permits issued pursuant to subsection (9). These~~  
 935 ~~changes shall be designed to achieve compliance with the~~  
 936 ~~phosphorus criterion and the other state water quality standards~~  
 937 ~~by December 31, 2006.~~

938 ~~(b) If the Everglades Construction Project or other~~  
 939 ~~discharges to the Everglades Protection Area are not in~~  
 940 ~~compliance with state water quality standards, the permit~~  
 941 ~~application shall include:~~

942 ~~—— 1. A plan for achieving compliance with the phosphorus~~  
 943 ~~criterion in the Everglades Protection Area.~~

944 ~~—— 2. A plan for achieving compliance in the Everglades~~  
 945 ~~Protection Area with state water quality standards other than the~~  
 946 ~~phosphorus criterion.~~

947 ~~—— 3. Proposed cost estimates for the plans referred to in~~  
 948 ~~subparagraphs 1. and 2.~~

949 ~~—— 4. Proposed funding mechanisms for the plans referred to in~~  
 950 ~~subparagraphs 1. and 2.~~

951 ~~—— 5. Proposed schedules for implementation of the plans~~  
 952 ~~referred to in subparagraphs 1. and 2.~~

953 (b)-(e) If the Everglades Construction Project or other  
 954 discharges to the Everglades Protection Area are in compliance  
 955 with state water quality standards, including the phosphorus  
 956 criterion, the permit application shall include:



PCB NR 03-01

2003

957 | 1. A plan for maintaining compliance with the phosphorus  
 958 | criterion in the Everglades Protection Area.

959 | 2. A plan for maintaining compliance in the Everglades  
 960 | Protection Area with state water quality standards other than the  
 961 | phosphorus criterion.

962 | (16) DEFINITION OF C-139 BASIN.--For purposes of this  
 963 | section:

964 | (a) "C-139 Basin" or "Basin" means the following described  
 965 | property: beginning at the intersection of an easterly extension  
 966 | of the south bank of Deer Fence Canal with the center line of  
 967 | South Florida Water Management District's Levee 3 in Section 33,  
 968 | Township 46 South, Range 34 East, Hendry County, Florida; thence,  
 969 | westerly along said easterly extension and along the South bank  
 970 | of said Deer Fence Canal to where it intersects the center line  
 971 | of State Road 846 in Section 33, Township 46 South, Range 32  
 972 | East; thence, departing from said top of bank to the center line  
 973 | of said State Road 846, westerly along said center line of said  
 974 | State Road 846 to the West line of Section 4, Township 47 South,  
 975 | Range 31 East; thence, northerly along the West line of said  
 976 | section 4, and along the west lines of Sections 33 and 28,  
 977 | Township 46 South, Range 31 East, to the northwest corner of said  
 978 | Section 28; thence, easterly along the North line of said Section  
 979 | 28 to the North one-quarter ( $N^{1/4}$ ) corner of said Section 28;  
 980 | thence, northerly along the West line of the Southeast one-  
 981 | quarter ( $SE^{1/4}$ ) of Section 21, Township 46 South, Range 31 East,  
 982 | to the northwest corner of said Southeast one-quarter ( $SE^{1/4}$ ) of  
 983 | Section 21; thence, easterly along the North line of said  
 984 | Southeast one-quarter ( $SE^{1/4}$ ) of Section 21 to the northeast  
 985 | corner of said Southeast one-quarter ( $SE^{1/4}$ ) of Section 21;  
 986 | thence, northerly along the East line of said Section 21 and the  
 987 | East line of Section 16, Township 46 South, Range 31, East, to



PCB NR 03-01

2003

988 the northeast corner thereof; thence, westerly along the North  
 989 line of said Section 16, to the northwest corner thereof; thence,  
 990 northerly along the West line of Sections 9 and 4, Township 46  
 991 South, Range 31, East, to the northwest corner of said Section 4;  
 992 thence, westerly along the North lines of Section 5 and Section  
 993 6, Township 46 South, Range 31 East, to the South one-quarter  
 994 (S<sup>1/4</sup>) corner of Section 31, Township 45 South, Range 31 East;  
 995 thence, northerly to the South one-quarter (S<sup>1/4</sup>) corner of  
 996 Section 30, Township 45 South, Range 31 East; thence, easterly  
 997 along the South line of said Section 30 and the South lines of  
 998 Sections 29 and 28, Township 45 South, Range 31 East, to the  
 999 Southeast corner of said Section 28; thence, northerly along the  
 1000 East line of said Section 28 and the East lines of Sections 21  
 1001 and 16, Township 45 South, Range 31 East, to the Northwest corner  
 1002 of the Southwest one-quarter of the Southwest one-quarter (SW<sup>1/4</sup>  
 1003 of the SW <sup>1/4</sup>) of Section 15, Township 45 South, Range 31 East;  
 1004 thence, northeasterly to the east one-quarter (E<sup>1/4</sup>) corner of  
 1005 Section 15, Township 45 South, Range 31 East; thence, northerly  
 1006 along the East line of said Section 15, and the East line of  
 1007 Section 10, Township 45 South, Range 31 East, to the center line  
 1008 of a road in the Northeast one-quarter (NE<sup>1/4</sup>) of said Section  
 1009 10; thence, generally easterly and northeasterly along the center  
 1010 line of said road to its intersection with the center line of  
 1011 State Road 832; thence, easterly along said center line of said  
 1012 State Road 832 to its intersection with the center line of State  
 1013 Road 833; thence, northerly along said center line of said State  
 1014 Road 833 to the north line of Section 9, Township 44 South, Range  
 1015 32 East; thence, easterly along the North line of said Section 9  
 1016 and the north lines of Sections 10, 11 and 12, Township 44 South,  
 1017 Range 32 East, to the northeast corner of Section 12, Township 44  
 1018 South, Range 32 East; thence, easterly along the North line of



PCB NR 03-01

2003

1019 Section 7, Township 44 South, Range 33 East, to the center line  
 1020 of Flaghole Drainage District Levee, as it runs to the east near  
 1021 the northwest corner of said Section 7, Township 44 South, Range  
 1022 33 East; thence, easterly along said center line of the Flaghole  
 1023 Drainage District Levee to where it meets the center line of  
 1024 South Florida Water Management District's Levee 1 at Flag Hole  
 1025 Road; thence, continue easterly along said center line of said  
 1026 Levee 1 to where it turns south near the Northwest corner of  
 1027 Section 12, Township 44 South, Range 33 East; thence, Southerly  
 1028 along said center line of said Levee 1 to where the levee turns  
 1029 east near the Southwest corner of said Section 12; thence,  
 1030 easterly along said center line of said Levee 1 to where it turns  
 1031 south near the Northeast corner of Section 17, Township 44 South,  
 1032 Range 34 East; thence, southerly along said center line of said  
 1033 Levee 1 and the center line of South Florida Water Management  
 1034 District's Levee 2 to the intersection with the north line of  
 1035 Section 33, Township 45 South, Range 34 East; thence, easterly  
 1036 along the north line of said Section 33 to the northeast corner  
 1037 of said Section 33; thence, southerly along the east line of said  
 1038 Section 33 to the southeast corner of said Section 33; thence,  
 1039 southerly along the east line of Section 4, Township 46 South,  
 1040 Range 34 East to the southeast corner of said Section 4; thence,  
 1041 westerly along the south line of said Section 4 to the  
 1042 intersection with the centerline of South Florida Water  
 1043 Management District's Levee 2; thence, southerly along said Levee  
 1044 2 centerline and South Florida Water Management District's Levee  
 1045 3 centerline to the POINT OF BEGINNING. Sections 21, 28, and 33,  
 1046 Township 46 South, Range 31 East, are not included within the  
 1047 boundary of the C-139 Basin.

1048 (b) If the district issues permits in accordance with all  
 1049 applicable rules allowing water from the "C-139 Annex" to flow



PCB NR 03-01

2003

1050 into the drainage system for the C-139 Basin, the C-139 Annex  
 1051 shall be added to the C-139 Basin for all tax years thereafter,  
 1052 commencing with the next C-139 agricultural privilege tax roll  
 1053 certified after issuance of such permits. "C-139 Annex" means the  
 1054 following described property: that part of the S.E. <sup>1</sup>/<sub>4</sub> of  
 1055 Section 32, Township 46 South, Range 34 East and that portion of  
 1056 Sections 5 and 6, Township 47 South, Range 34 East lying west of  
 1057 the L-3 Canal and South of the Deer Fence Canal; all of Sections  
 1058 7, 17, 18, 19, 20, 28, 29, 30, 31, 32, 33, and 34, and that  
 1059 portion of Sections 8, 9, 16, 21, 22, 26, 27, 35, and 36 lying  
 1060 south and west of the L-3 Canal, in Township 47 South, Range 34  
 1061 East; and all of Sections 2, 3, 4, 5, 6, 8, 9, 10, and 11 and  
 1062 that portion of Section 1 lying south and west of the L-3 Canal  
 1063 all in Township 48 South, Range 34 East.

1064 ~~(17) SHORT TITLE. This section shall be known as the~~  
 1065 ~~"Everglades Forever Act."~~

1066 Section 2. Section 3 of Chapter 96-412, Laws of Florida,  
 1067 and Section 84 of Chapter 96-321, Laws of Florida, are repealed.

1068 Section 3. This act shall take effect upon becoming a law.