

Amendment No.      (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Attkisson offered the following:

**Amendment to Amendment (354873) (with title amendment)**

On page 99, between lines 17 and 18,

insert:

Section 36. Paragraph (c) of subsection (3) of section 373.4595, Florida Statutes, is amended to read:

373.4595 Lake Okeechobee Protection Program.--

(3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection program for Lake Okeechobee that achieves phosphorus load reductions for Lake Okeechobee shall be immediately implemented as specified in this subsection. The program shall address the reduction of phosphorus loading to the lake from both internal and external sources. Phosphorus load reductions shall be achieved through a phased program of implementation. Initial implementation actions shall be technology-based, based upon a consideration of both the availability of appropriate technology and the cost of such technology, and shall include phosphorus reduction measures at both the source and the regional level. The initial phase of phosphorus load

1 reductions shall be based upon the district's Technical  
2 Publication 81-2 and the district's WOD program, with  
3 subsequent phases of phosphorus load reductions based upon the  
4 total maximum daily loads established in accordance with s.  
5 403.067. In the development and administration of the Lake  
6 Okeechobee Protection Program, the coordinating agencies shall  
7 maximize opportunities provided by federal cost-sharing  
8 programs and opportunities for partnerships with the private  
9 sector.

10 (c) Lake Okeechobee Watershed Phosphorus Control  
11 Program.--The Lake Okeechobee Watershed Phosphorus Control  
12 Program is designed to be a multifaceted approach to reducing  
13 phosphorus loads by improving the management of phosphorus  
14 sources within the Lake Okeechobee watershed through continued  
15 implementation of existing regulations and best management  
16 practices, development and implementation of improved best  
17 management practices, improvement and restoration of the  
18 hydrologic function of natural and managed systems, and  
19 utilization of alternative technologies for nutrient  
20 reduction. The coordinating agencies shall facilitate the  
21 application of federal programs that offer opportunities for  
22 water quality treatment, including preservation, restoration,  
23 or creation of wetlands on agricultural lands.

24 1. Agricultural nonpoint source best management  
25 practices, developed in accordance with s. 403.067 and  
26 designed to achieve the objectives of the Lake Okeechobee  
27 Protection Program, shall be implemented on an expedited  
28 basis. By March 1, 2001, the coordinating agencies shall  
29 develop an interagency agreement pursuant to ss. 373.046 and  
30 373.406(5) that assures the development of best management  
31 practices that complement existing regulatory programs and

1 specifies how those best management practices are implemented  
2 and verified. The interagency agreement shall address measures  
3 to be taken by the coordinating agencies during any best  
4 management practice reevaluation performed pursuant to  
5 sub-subparagraph d. The department shall use best professional  
6 judgment in making the initial determination of best  
7 management practice effectiveness.

8 a. As provided in s. 403.067(7)(d), by October 1,  
9 2000, the Department of Agriculture and Consumer Services, in  
10 consultation with the department, the district, and affected  
11 parties, shall initiate rule development for interim measures,  
12 best management practices, conservation plans, nutrient  
13 management plans, or other measures necessary for Lake  
14 Okeechobee phosphorus load reduction. The rule shall include  
15 thresholds for requiring conservation and nutrient management  
16 plans and criteria for the contents of such plans. Development  
17 of agricultural nonpoint source best management practices  
18 shall initially focus on those priority basins listed in  
19 subparagraph (b)1. The Department of Agriculture and Consumer  
20 Services, in consultation with the department, the district,  
21 and affected parties, shall conduct an ongoing program for  
22 improvement of existing and development of new interim  
23 measures or best management practices for the purpose of  
24 adoption of such practices by rule.

25 b. Where agricultural nonpoint source best management  
26 practices or interim measures have been adopted by rule of the  
27 Department of Agriculture and Consumer Services, the owner or  
28 operator of an agricultural nonpoint source addressed by such  
29 rule shall either implement interim measures or best  
30 management practices or demonstrate compliance with the  
31 district's WOD program by conducting monitoring prescribed by

1 the department or the district. Owners or operators of  
2 agricultural nonpoint sources who implement interim measures  
3 or best management practices adopted by rule of the Department  
4 of Agriculture and Consumer Services shall be subject to the  
5 provisions of s. 403.067(7). The Department of Agriculture and  
6 Consumer Services, in cooperation with the department and the  
7 district, shall provide technical and financial assistance for  
8 implementation of agricultural best management practices,  
9 subject to the availability of funds.

10 c. The district or department shall conduct monitoring  
11 at representative sites to verify the effectiveness of  
12 agricultural nonpoint source best management practices.

13 d. Where water quality problems are detected for  
14 agricultural nonpoint sources despite the appropriate  
15 implementation of adopted best management practices, the  
16 Department of Agriculture and Consumer Services, in  
17 consultation with the other coordinating agencies and affected  
18 parties, shall institute a reevaluation of the best management  
19 practices and make appropriate changes to the rule adopting  
20 best management practices.

21 2. Nonagricultural nonpoint source best management  
22 practices, developed in accordance with s. 403.067 and  
23 designed to achieve the objectives of the Lake Okeechobee  
24 Protection Program, shall be implemented on an expedited  
25 basis. By March 1, 2001, the department and the district shall  
26 develop an interagency agreement pursuant to ss. 373.046 and  
27 373.406(5) that assures the development of best management  
28 practices that complement existing regulatory programs and  
29 specifies how those best management practices are implemented  
30 and verified. The interagency agreement shall address measures  
31 to be taken by the department and the district during any best

1 management practice reevaluation performed pursuant to  
2 sub-subparagraph d.

3           a. The department and the district are directed to  
4 work with the University of Florida's Institute of Food and  
5 Agricultural Sciences to develop appropriate nutrient  
6 application rates for all nonagricultural soil amendments in  
7 the watershed. As provided in s. 403.067(7)(c), by January 1,  
8 2001, the department, in consultation with the district and  
9 affected parties, shall develop interim measures, best  
10 management practices, or other measures necessary for Lake  
11 Okeechobee phosphorus load reduction. Development of  
12 nonagricultural nonpoint source best management practices  
13 shall initially focus on those priority basins listed in  
14 subparagraph (b)1. The department, the district, and affected  
15 parties shall conduct an ongoing program for improvement of  
16 existing and development of new interim measures or best  
17 management practices. The district shall adopt  
18 technology-based standards under the district's WOD program  
19 for nonagricultural nonpoint sources of phosphorus.

20           b. Where nonagricultural nonpoint source best  
21 management practices or interim measures have been developed  
22 by the department and adopted by the district, the owner or  
23 operator of a nonagricultural nonpoint source shall implement  
24 interim measures or best management practices and be subject  
25 to the provisions of s. 403.067(7). The department and  
26 district shall provide technical and financial assistance for  
27 implementation of nonagricultural nonpoint source best  
28 management practices, subject to the availability of funds.

29           c. The district or the department shall conduct  
30 monitoring at representative sites to verify the effectiveness  
31 of nonagricultural nonpoint source best management practices.

1           d. Where water quality problems are detected for  
2 nonagricultural nonpoint sources despite the appropriate  
3 implementation of adopted best management practices, the  
4 department and the district shall institute a reevaluation of  
5 the best management practices.

6           3. The provisions of subparagraphs 1. and 2. shall not  
7 preclude the department or the district from requiring  
8 compliance with water quality standards or with current best  
9 management practices requirements set forth in any applicable  
10 regulatory program authorized by law for the purpose of  
11 protecting water quality. Additionally, subparagraphs 1. and  
12 2. are applicable only to the extent that they do not conflict  
13 with any rules promulgated by the department that are  
14 necessary to maintain a federally delegated or approved  
15 program.

16           4. Projects which reduce the phosphorus load  
17 originating from domestic wastewater systems within the Lake  
18 Okeechobee watershed shall be given funding priority in the  
19 department's revolving loan program under s. 403.1835. The  
20 department shall coordinate and provide assistance to those  
21 local governments seeking financial assistance for such  
22 priority projects.

23           5. Projects that make use of private lands to reduce  
24 nutrient loadings or concentrations within a basin by one or  
25 more of the following methods: restoring the natural  
26 hydrology of the basin, restoring wildlife habitat or impacted  
27 wetlands, reducing peak flows after storm events, increasing  
28 aquifer recharge, or protecting range and timberland from  
29 conversion to development, are eligible for grants available  
30 under this section from the coordinating agencies. For  
31 projects of otherwise equal priority, special funding priority

1 will be given to those projects that make best use of the  
2 methods outlined above that involve public-private  
3 partnerships or that obtain federal match money. Preference  
4 ranking above the special funding priority will be given to  
5 projects located in a rural area of critical economic concern  
6 designated by the Governor. Grant applications may be  
7 submitted by any person, and eligible projects may include,  
8 but are not limited to, the purchase of conservation and  
9 flowage easements, hydrologic restoration of wetlands,  
10 creating treatment wetlands, development of a management plan  
11 for natural resources, and financial support to implement a  
12 management plan.

13 6.5.a. The department shall require all entities  
14 disposing of domestic wastewater residuals within the Lake  
15 Okeechobee watershed and the remaining areas of Okeechobee,  
16 Glades, and Hendry Counties to develop and submit to the  
17 department ~~by July 1, 2001,~~ an agricultural use plan that  
18 limits applications based upon phosphorus loading. By July 1,  
19 2005, phosphorus concentrations ~~loading~~ originating from these  
20 application sites shall not exceed the limits established in  
21 the district's WOD program.

22 b. Private and government-owned utilities within  
23 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian  
24 River, Okeechobee, Highlands, Hendry, and Glades counties that  
25 dispose of wastewater residual sludge from utility operations  
26 and septic removal by land spreading in the Lake Okeechobee  
27 watershed may use a line item on local sewer rates to cover  
28 wastewater residual treatment and disposal if such disposal  
29 and treatment is done by approved alternative treatment  
30 methodology at a facility located within the areas designated  
31 by the Governor as rural areas of critical economic concern

1 pursuant to s. 288.0656. This additional line item is an  
2 environmental protection disposal fee above the present sewer  
3 rate and shall not be considered a part of the present sewer  
4 rate to customers, notwithstanding provisions to the contrary  
5 in chapter 367. The fee shall be established by the county  
6 commission or its designated assignee in the county in which  
7 the alternative method treatment facility is located. The fee  
8 shall be calculated to be no higher than that necessary to  
9 recover the facility's prudent cost of providing the service.  
10 Upon request by an affected county commission, the Florida  
11 Public Service Commission will provide assistance in  
12 establishing the fee. Further, for utilities and utility  
13 authorities that use the additional line item environmental  
14 protection disposal fee, such fee shall not be considered a  
15 rate increase under the rules of the Public Service Commission  
16 and shall be exempt from such rules. Utilities using the  
17 provisions of this section may immediately include in their  
18 sewer invoicing the new environmental protection disposal fee.  
19 Proceeds from this environmental protection disposal fee shall  
20 be used for treatment and disposal of wastewater residuals,  
21 including any treatment technology that helps reduce the  
22 volume of residuals that require final disposal, but such  
23 proceeds shall not be used for transportation or shipment  
24 costs for disposal or any costs relating to the land  
25 application of residuals in the Lake Okeechobee watershed.

26 c. No less frequently than once every 3 years, the  
27 Florida Public Service Commission or the county commission  
28 through the services of an independent auditor shall perform a  
29 financial audit of all facilities receiving compensation from  
30 an environmental protection disposal fee. The Florida Public  
31 Service Commission or the county commission through the



1 services of an independent auditor shall also perform an audit  
2 of the methodology used in establishing the environmental  
3 protection disposal fee. The Florida Public Service Commission  
4 or the county commission shall, within 120 days after  
5 completion of an audit, file the audit report with the  
6 President of the Senate and the Speaker of the House of  
7 Representatives and shall provide copies to the county  
8 commissions of the counties set forth in sub-subparagraph b.  
9 The books and records of any facilities receiving compensation  
10 from an environmental protection disposal fee shall be open to  
11 the Florida Public Service Commission and the Auditor General  
12 for review upon request.

13 7. The Department of Health shall require all entities  
14 disposing of septage within the Lake Okeechobee watershed and  
15 the remaining areas of Okeechobee, Glades, and Hendry Counties  
16 to develop and submit to that agency, by July 1, 2003, an  
17 agricultural use plan that limits applications based upon  
18 phosphorus loading. By July 1, 2005, phosphorus  
19 concentrations originating from these application sites shall  
20 not exceed the limits established in the district's WOD  
21 program.

22 ~~8.6. By July 1, 2001,~~The Department of Agriculture  
23 and Consumer Services shall initiate rulemaking requiring  
24 entities within the Lake Okeechobee watershed and the  
25 remaining areas of Okeechobee, Glades, and Hendry Counties  
26 which land-apply animal manure to develop conservation or  
27 nutrient management plans that limit application, based upon  
28 phosphorus loading. Such rules may include criteria and  
29 thresholds for the requirement to develop a conservation or  
30 nutrient management plan, requirements for plan approval, and  
31 recordkeeping requirements.

1           ~~9.7.~~ Prior to authorizing a discharge into works of  
2 the district, the district shall require responsible parties  
3 to demonstrate that proposed changes in land use will not  
4 result in increased phosphorus loading over that of existing  
5 land uses.

6           ~~10.8.~~ The district, the department, or the Department  
7 of Agriculture and Consumer Services, as appropriate, shall  
8 implement those alternative nutrient reduction technologies  
9 determined to be feasible pursuant to subparagraph (d)6.

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12 ===== T I T L E    A M E N D M E N T =====

13 And the title is amended as follows:

14           On page 105, line 16, after the semicolon,

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16 insert:

17           amending s. 373.4595, F.S.; providing  
18           eligibility requirements for projects that  
19           reduce nutrient outputs on private lands for  
20           grants available from coordinating agencies;  
21           providing additional entities required to  
22           develop agricultural use plans limiting  
23           residual applications based on phosphorus  
24           loading; providing a deadline for meeting  
25           phosphorus concentration limitations  
26           established in the water management district's  
27           WOD program; requiring certain entities to  
28           develop and submit agricultural use plans  
29           limiting septage applications based on  
30           phosphorus loading to the Department of Health  
31           by a specified date; providing a deadline for

1 meeting phosphorus concentrations limitations  
2 established in the water management district's  
3 WOD program; providing additional entities  
4 required to develop conservation or nutrient  
5 management plans limiting the land application  
6 of manure based on phosphorus loading;  
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