

hbd-22 Bill No. CS for SB's 1906 & 550, 1st Eng.
Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Attkisson offered the following:

Amendment (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

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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

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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

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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

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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.

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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

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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 loading originating from these application
20 sites shall not exceed the limits established in the
21 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

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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

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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 loading
19 originating from these application sites shall not exceed the
20 limits established in the district's WOD program.

21 ~~8.6. By July 1, 2001,~~The Department of Agriculture
22 and Consumer Services shall initiate rulemaking requiring
23 entities within the Lake Okeechobee watershed and the
24 remaining areas of Okeechobee, Glades, and Hendry Counties
25 which land-apply animal manure to develop conservation or
26 nutrient management plans that limit application, based upon
27 phosphorus loading. Such rules may include criteria and
28 thresholds for the requirement to develop a conservation or
29 nutrient management plan, requirements for plan approval, and
30 recordkeeping requirements.

31 ~~9.7.~~ Prior to authorizing a discharge into works of

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1 the district, the district shall require responsible parties
2 to demonstrate that proposed changes in land use will not
3 result in increased phosphorus loading over that of existing
4 land uses.

5 10.8- The district, the department, or the Department
6 of Agriculture and Consumer Services, as appropriate, shall
7 implement those alternative nutrient reduction technologies
8 determined to be feasible pursuant to subparagraph (d)6.

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

12 And the title is amended as follows:

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

14

15 insert:

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

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

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