



HB 1463

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CHAMBER ACTION

The Committee on Agriculture offered the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Lake Okeechobee Watershed Phosphorus Control Program; creating s. 373.45951, F.S.; providing legislative findings and intent; authorizing the Department of Agriculture and Consumer Services to provide financial assistance to certain projects that benefit the program's intent; providing funding; providing for the adoption of rules; requiring the department to submit an annual report to the Governor and Legislature; providing an effective date.

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

Section 1. Section 373.45951, Florida Statutes, is created to read:

373.45951 Lake Okeechobee Watershed Phosphorus Control.--

(1)(a) The Legislature finds that in order to achieve the goals and objectives of s. 373.4595, and to effectively implement the Lake Okeechobee Watershed Phosphorus Control



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29 Program pursuant to s. 373.4595(3)(c), the state must  
30 expeditiously develop and implement comprehensive nutrient  
31 management plans for dairies and other agricultural operations  
32 that are contributing to the phosphorus loads from the Lake  
33 Okeechobee watershed.

34 (b) The Legislature also finds that a continuing source of  
35 funding is needed to effectively implement a phosphorus control  
36 program that initially targets the most significant sources  
37 contributing to phosphorus loads within the watershed and that  
38 continues to address other sources as needed to achieve the  
39 phased phosphorus load reductions required by s. 373.4595.

40 (c) The Legislature intends to provide funding on a  
41 continuing basis for the purpose of implementing phosphorus  
42 control measures within the Lake Okeechobee watershed and also  
43 intends that dairies receive priority attention in implementing  
44 this section.

45 (2)(a) The Department of Agriculture and Consumer Services  
46 may provide grants and loans for projects that reduce phosphorus  
47 loads by improving the management of agricultural phosphorus  
48 sources in the Lake Okeechobee watershed. Grants may provide up  
49 to 75 percent of the costs of a project, and loans may be used  
50 for the balance of the costs. This financial assistance must be  
51 administered in accordance with this section and other  
52 applicable law. The Department of Agriculture and Consumer  
53 Services may adopt rules to implement this section.

54 Notwithstanding s. 18.10, the Department of Agriculture and  
55 Consumer Services may deposit funds in financial institutions  
56 that earn less than the prevailing rate for United States



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57 Treasury securities with corresponding maturities to enable such  
58 financial institutions to make below-market interest rate loans  
59 to entities that receive financial assistance under this  
60 section.

61 (b) Projects shall be ranked based upon their potential  
62 for phosphorus reduction and funded in priority order. Project  
63 rankings shall be determined through a comprehensive nutrient  
64 management assessment that determines discharge water quality  
65 for each project site. The Department of Agriculture and  
66 Consumer Services, in cooperation with the department and the  
67 South Florida Water Management District, shall assign the  
68 highest priority to those projects that are located on sites  
69 that have the highest relative contributions to phosphorus  
70 loading and the greatest potential for phosphorus reductions,  
71 but may also consider the need to achieve regulatory compliance,  
72 the project's readiness to proceed, and the availability of  
73 federal or other nonstate funding, including public-private  
74 partnerships. Federal funding shall be maximized to the greatest  
75 extent practicable.

76 (3)(a) For fiscal year 2003-2004, \$15 million of state  
77 funds shall be deposited into the Lake Okeechobee Protection  
78 Trust Fund created by s. 373.45952.

79 (b) For each year of the 5 consecutive years beginning in  
80 fiscal year 2004-2005, not less than \$10 million of state funds  
81 shall be deposited into the Lake Okeechobee Protection Trust  
82 Fund.

83 (c) Funds deposited pursuant to paragraphs (a) and (b)  
84 shall be used by the appropriate coordinating agency, as defined



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85 in s. 373.4595(2)(b), solely for the purposes set forth in s.  
86 373.4595(3)(c) and consistent with this section.

87 (4) Each January 1, beginning in 2004, the Department of  
88 Agriculture and Consumer Services shall submit to the Governor,  
89 the President of the Senate, and the Speaker of the House of  
90 Representatives an annual progress report regarding  
91 implementation of this section. The report must include a  
92 prioritized list of projects funded pursuant to this section,  
93 indicating which projects have been completed and the projects'  
94 costs and which projects are yet to be completed and the  
95 projects' estimated costs. This report may be incorporated into  
96 the annual report required pursuant to s. 373.4595(3)(g).

97 Section 2. This act shall take effect July 1, 2003.