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CHAMBER ACTION

The Committee on Natural Resources recommends 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 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 Program pursuant to s. 373.4595(3)(c), the state must



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29 expeditiously develop and implement comprehensive nutrient
30 management plans for dairies and other agricultural operations
31 that are contributing to the phosphorus loads from the Lake
32 Okeechobee watershed.

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

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

44 (2)(a) The Department of Agriculture and Consumer Services
45 may provide grants and loans for projects that reduce phosphorus
46 loads by improving the management of agricultural phosphorus
47 sources in the Lake Okeechobee watershed. Grants may provide up
48 to 75 percent of the costs of a project, and loans may be used
49 for the balance of the costs. This financial assistance must be
50 administered in accordance with this section and other
51 applicable law. The Department of Agriculture and Consumer
52 Services may adopt rules to implement this section.
53 Notwithstanding s. 18.10, the Department of Agriculture and
54 Consumer Services may deposit funds in financial institutions
55 that earn less than the prevailing rate for United States
56 Treasury securities with corresponding maturities to enable such



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57 financial institutions to make below-market interest rate loans
58 to entities that receive financial assistance under this
59 section.

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

75 (3) Each January 1, beginning in 2004, the Department of
76 Agriculture and Consumer Services shall submit to the Governor,
77 the President of the Senate, and the Speaker of the House of
78 Representatives an annual progress report regarding
79 implementation of this section. The report must include a
80 prioritized list of projects funded pursuant to this section,
81 indicating which projects have been completed and the projects'
82 costs and which projects are yet to be completed and the
83 projects' estimated costs. This report may be incorporated into
84 the annual report required pursuant to s. 373.4595(3)(g).



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