

By Senator Pruitt

28-894B-03

1 A bill to be entitled
 2 An act relating to the Lake Okeechobee
 3 Watershed Phosphorus Control Program; creating
 4 s. 373.45951, F.S.; providing legislative
 5 findings and intent; authorizing the Department
 6 of Agriculture and Consumer Services to provide
 7 financial assistance to certain projects that
 8 benefit the program's intent; providing
 9 funding; providing for the adoption of rules;
 10 requiring the department to submit an annual
 11 report to the Governor and Legislature;
 12 providing an effective date.

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

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

18 373.45951 Lake Okeechobee Watershed Phosphorus
 19 Control.--

20 (1)(a) The Legislature finds that in order to achieve
 21 the goals and objectives of s. 373.4595, and to effectively
 22 implement the Lake Okeechobee Watershed Phosphorus Control
 23 Program pursuant to s. 373.4595(3)(c), the state must
 24 expeditiously develop and implement comprehensive nutrient
 25 management plans for dairies and other agricultural operations
 26 that are contributing to the phosphorus loads from the Lake
 27 Okeechobee watershed.

28 (b) The Legislature further finds that dairies and
 29 other agricultural operations within the Lake Okeechobee
 30 watershed as defined in s. 373.4595(2)(i) are contributing
 31 significantly to phosphorus loads within the watershed and

1 intends that dairies receive priority attention in
2 implementing this section.

3 (c) The Legislature also finds that a continuing
4 source of funding is needed to effectively implement a
5 phosphorus control program that initially targets the most
6 significant sources contributing to phosphorus loads within
7 the watershed and that continues to address other sources as
8 needed to achieve the phased phosphorus load reductions
9 required by s. 373.4595.

10 (d) It is therefore the intent of the Legislature to
11 provide funding on a continuing basis for the purpose of
12 implementing phosphorus control measures within the Lake
13 Okeechobee watershed.

14 (2)(a) The Department of Agriculture and Consumer
15 Services may provide grants and loans for projects that reduce
16 phosphorus loads by improving the management of agricultural
17 phosphorus sources in the Lake Okeechobee watershed. Grants
18 may provide up to 75 percent of the costs of a project and
19 loans may be used for the balance of the costs. This financial
20 assistance must be administered in accordance with this
21 section and other applicable law. The Department of
22 Agriculture and Consumer Services may adopt rules to implement
23 this section, and, notwithstanding s. 18.10, may deposit funds
24 in financial institutions that earn less than the prevailing
25 rate for United States Treasury Securities with corresponding
26 maturities to enable such financial institutions to make
27 below-market interest rate loans to entities that receive
28 financial assistance under this section.

29 (b) Projects shall be ranked based upon their
30 potential for phosphorus reduction and funded in priority
31 order. Project rankings shall be determined through a

1 comprehensive nutrient management assessment that determines
2 discharge water quality for each project site. The Department
3 of Agriculture and Consumer Services, in cooperation with the
4 department and the South Florida Water Management District
5 shall assign the highest priority to those projects that are
6 located on sites that have the highest relative contributions
7 to phosphorus loading and the greatest potential for
8 phosphorus reductions, but may also consider the need to
9 achieve regulatory compliance, the project's readiness to
10 proceed, and the availability of federal or other nonstate
11 funding, including public-private partnerships. Federal
12 funding shall be maximized to the greatest extent practicable.

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

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

20 (c) Funds deposited pursuant to paragraphs (a) and (b)
21 shall be used by the appropriate coordinating agency, as
22 defined in s. 373.4595(2)(b), solely for the purposes set
23 forth in s. 373.4595(3)(c) and consistent with this section.

24 (4) Each January 1, beginning in 2004, the department
25 shall submit to the Governor, the President of the Senate, and
26 the Speaker of the House of Representatives an annual progress
27 report regarding implementation of this section. The report
28 must include a prioritized list of projects funded pursuant to
29 this section, indicating which projects have been completed
30 and their costs and which projects are yet to be completed and

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1 their estimated costs. This report may be incorporated into
2 the annual report required pursuant to s. 373.4595(3)(g).

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

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6 SENATE SUMMARY

7 Provides for the Department of Agriculture and Consumer
8 Services to provide financial assistance for certain
9 projects that improve the management of phosphorus
10 sources in the Lake Okeechobee Watershed. Provides
11 guidelines for the implementation of such assistance.
12 Requires a report.

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