

By the Committee on Natural Resources; and Senator Pruitt

312-2121-03

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

(b) The Legislature also finds that a continuing
source of funding is needed to effectively implement a
phosphorus control program that initially targets the most
significant sources contributing to phosphorus loads within
the watershed and that continues to address other sources as

1 needed to achieve the phased phosphorus load reductions
2 required by s. 373.4595. The Legislature intends that dairies
3 receive priority attention in implementing this section.

4 (c) It is therefore the intent of the Legislature to
5 provide funding on a continuing basis for the purpose of
6 implementing phosphorus control measures within the Lake
7 Okeechobee watershed.

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

23 (b) Projects shall be ranked based upon their
24 potential for phosphorus reduction and funded in priority
25 order. Project rankings shall be determined through a
26 comprehensive nutrient management assessment that determines
27 discharge water quality for each project site. The Department
28 of Agriculture and Consumer Services, in cooperation with the
29 department and the South Florida Water Management District
30 shall assign the highest priority to those projects that are
31 located on sites that have the highest relative contributions

1 to phosphorus loading and the greatest potential for
2 phosphorus reductions, but may also consider the need to
3 achieve regulatory compliance, the project's readiness to
4 proceed, and the availability of federal or other nonstate
5 funding, including public-private partnerships. Federal
6 funding shall be maximized to the greatest extent practicable.

7 (3) Each January 1, beginning in 2004, the Department
8 of Agriculture and Consumer Services shall submit to the
9 Governor, the President of the Senate, and the Speaker of the
10 House of Representatives an annual progress report regarding
11 implementation of this section. The report must include a
12 prioritized list of projects funded pursuant to this section,
13 indicating which projects have been completed and their costs
14 and which projects are yet to be completed and their estimated
15 costs. This report may be incorporated into the annual report
16 required pursuant to s. 373.4595(3)(g).

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

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19 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
20 COMMITTEE SUBSTITUTE FOR
21 Senate Bill 2358

22 The committee substitute removes the fiscal impact of the
23 original bill by deleting a \$65 million appropriation over 6
24 fiscal years.
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