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1 A bill to be entitled
 2 An act relating to the Lake Okeechobee Protection Program;
 3 amending s. 373.4595, F.S.; providing legislative findings
 4 and intent with respect to implementation and funding of
 5 the Lake Okeechobee Watershed Phosphorus Control Program
 6 and the Lake Okeechobee Protection Program; providing for
 7 implementation and funding of the Lake Okeechobee
 8 Protection Plan; providing an appropriation; providing an
 9 effective date.

10
 11 Be It Enacted by the Legislature of the State of Florida:

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 13 Section 1. Paragraphs (j), (k), and (l) of subsection (1)
 14 of section 373.4595, Florida Statutes, are redesignated as
 15 paragraphs (l), (m), and (n), respectively, and new paragraphs
 16 (j), (k), and (o) are added to said subsection, paragraph (b) of
 17 subsection (3) is amended, paragraph (g) of said subsection is
 18 redesignated as paragraph (h), and a new paragraph (g) is added
 19 to said subsection, to read:

20 373.4595 Lake Okeechobee Protection Program.--

21 (1) FINDINGS AND INTENT.--

22 (j) The Legislature finds that in order to achieve the
 23 goals and objectives of this section and to effectively
 24 implement the Lake Okeechobee Watershed Phosphorus Control
 25 Program pursuant to paragraph (3)(c), the state must
 26 expeditiously implement the Lake Okeechobee Protection Plan
 27 developed pursuant to paragraph (3)(a).

28 (k) The Legislature finds that a continuing source of
 29 funding is needed to effectively implement a phosphorus control

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 program that initially targets the most significant sources
 31 contributing to phosphorus loads within the watershed and
 32 continues to address other sources as needed to achieve the
 33 phased phosphorus load reductions required under this section.

34 (o) It is the intent of the Legislature to provide funding
 35 on a continuing basis for the purpose of implementing the Lake
 36 Okeechobee Protection Plan and achieving phosphorus load
 37 reductions consistent with total maximum daily loads established
 38 pursuant to s. 403.067.

39 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
 40 program for Lake Okeechobee that achieves phosphorus load
 41 reductions for Lake Okeechobee shall be immediately implemented
 42 as specified in this subsection. The program shall address the
 43 reduction of phosphorus loading to the lake from both internal
 44 and external sources. Phosphorus load reductions shall be
 45 achieved through a phased program of implementation. Initial
 46 implementation actions shall be technology-based, based upon a
 47 consideration of both the availability of appropriate technology
 48 and the cost of such technology, and shall include phosphorus
 49 reduction measures at both the source and the regional level.
 50 The initial phase of phosphorus load reductions shall be based
 51 upon the district's Technical Publication 81-2 and the
 52 district's WOD program, with subsequent phases of phosphorus
 53 load reductions based upon the total maximum daily loads
 54 established in accordance with s. 403.067. In the development
 55 and administration of the Lake Okeechobee Protection Program,
 56 the coordinating agencies shall maximize opportunities provided
 57 by federal cost-sharing programs and opportunities for
 58 partnerships with the private sector.

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59 (b) *Lake Okeechobee Construction Project*.--To improve the
 60 hydrology and water quality of Lake Okeechobee and downstream
 61 receiving waters, the district shall design and construct the
 62 Lake Okeechobee Construction Project.

63 1. Phase I.--Phase I of the Lake Okeechobee Construction
 64 Project shall consist of a series of project features consistent
 65 with the recommendations of the South Florida Ecosystem
 66 Restoration Working Group's Lake Okeechobee Action Plan.
 67 Priority basins for such projects include S-191, S-154, and
 68 Pools D and E in the Lower Kissimmee River. In order to obtain
 69 immediate phosphorus load reductions to Lake Okeechobee as soon
 70 as possible, the following actions shall be implemented:

71 a. The district shall serve as a full partner with the
 72 Corps of Engineers in the design and construction of the Grassy
 73 Island Ranch and New Palm Dairy stormwater treatment facilities
 74 as components of the Lake Okeechobee Water Retention/Phosphorus
 75 Removal Critical Project. The Corps of Engineers shall have the
 76 lead in design and construction of these facilities. However,
 77 the district shall encourage the Corps of Engineers to complete
 78 a detailed design document by July 1, 2001. Should delays be
 79 encountered in the implementation of either of these facilities,
 80 the district shall notify the department and recommend
 81 corrective actions.

82 b. By January 1, 2001, the district shall obtain permits
 83 and complete construction of two of the isolated wetland
 84 restoration projects that are part of the Lake Okeechobee Water
 85 Retention/Phosphorus Removal Critical Project. The additional
 86 isolated wetland projects included in this critical project

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87 shall be permitted and constructed by January 1, 2003, to
 88 further reduce phosphorus loading to Lake Okeechobee.

89 c. By January 31, 2002, the district shall design and
 90 complete implementation of the Lake Okeechobee Tributary
 91 Sediment Removal Pilot Project. This project shall consist of
 92 testing two alternative technologies for trapping and collecting
 93 phosphorus-laden sediment in the secondary drainage system prior
 94 to its discharge into the primary canal system and Lake
 95 Okeechobee, thereby further reducing the total sediment loading
 96 to the lake.

97 d. The district shall work with the Corps of Engineers to
 98 expedite initiation of the design process for the Taylor
 99 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
 100 Area, a project component of the Restudy. The district shall
 101 propose to the Corps of Engineers that the district take the
 102 lead in the design and construction of the Reservoir Assisted
 103 Stormwater Treatment Area and receive credit towards the local
 104 share of the total cost of the Restudy.

105 2. Phase II.--By January 1, 2004, the district, in
 106 cooperation with the other coordinating agencies and the Corps
 107 of Engineers, shall develop an implementation plan for Phase II
 108 of the Lake Okeechobee Construction Project. Phase II shall
 109 include construction of additional facilities in the priority
 110 basins identified in subparagraph (b)1., as well as facilities
 111 for other basins in the Lake Okeechobee watershed. The
 112 implementation plan shall:

113 a. Identify Lake Okeechobee Construction Project
 114 facilities to be constructed to achieve a design objective of 40
 115 parts per billion (ppb) for phosphorus measured as a long-term

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116 flow weighted average concentration, unless an allocation has
 117 been established pursuant to s. 403.067 for the Lake Okeechobee
 118 total maximum daily load.

119 b. Identify the size and location of all such Lake
 120 Okeechobee Construction Project facilities.

121 c. Provide a construction schedule for all such Lake
 122 Okeechobee Construction Project facilities, including the
 123 sequencing and specific timeframe for construction of each Lake
 124 Okeechobee Construction Project facility.

125 d. Provide a land acquisition schedule for lands necessary
 126 to achieve the construction schedule.

127 e. Provide a detailed schedule of costs associated with
 128 the construction schedule.

129 f. Identify, to the maximum extent practicable, impacts on
 130 wetlands and state-listed species expected to be associated with
 131 construction of such facilities, including potential
 132 alternatives to minimize and mitigate such impacts, as
 133 appropriate.

134 3. Evaluation.--By January 1, 2004, and every 3 years
 135 thereafter, the district, in cooperation with the coordinating
 136 agencies, shall conduct an evaluation of any further phosphorus
 137 load reductions necessary to achieve compliance with the Lake
 138 Okeechobee total maximum daily load established pursuant to s.
 139 403.067. Additionally, the district shall identify modifications
 140 to facilities of the Lake Okeechobee Construction Project as
 141 appropriate if the design objective of 40 parts per billion
 142 (ppb) or the allocation established pursuant to s. 403.067 for
 143 the Lake Okeechobee total maximum daily load established
 144 pursuant to s. 403.067 is not being met. The evaluation shall be

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145 included in the applicable annual progress report submitted
 146 pursuant to paragraph (h)~~(g)~~.

147 4. Coordination and review.--To ensure the timely
 148 implementation of the Lake Okeechobee Construction Project, the
 149 design of project facilities shall be coordinated with the
 150 department and other interested parties to the maximum extent
 151 practicable. Lake Okeechobee Construction Project facilities
 152 shall be reviewed and commented upon by the department prior to
 153 the execution of a construction contract by the district for
 154 that facility.

155 (g) Lake Okeechobee Protection Plan implementation.--The
 156 coordinating agencies shall be jointly responsible for
 157 implementation of the Lake Okeechobee Protection Plan,
 158 consistent with the statutory authority and responsibility of
 159 each agency. Annual funding priorities shall be jointly
 160 established and the highest priority shall be assigned to
 161 programs and projects that address phosphorus sources that have
 162 the highest relative contribution to phosphorus loading and the
 163 greatest potential for phosphorus reduction. In determining
 164 funding priorities, the coordinating agencies shall also
 165 consider the need for regulatory compliance, the extent to which
 166 the program or project is ready to proceed, and the availability
 167 of federal matching funds or other nonstate funding, including
 168 public-private partnerships. Federal and other nonstate funding
 169 shall be maximized to the greatest extent practicable.

170 Section 2. The sum of \$5,000,000 is appropriated from the
 171 General Revenue Fund to the Department of Environmental
 172 Protection to be deposited into the Lake Okeechobee Protection
 173 Trust Fund created by s. 373.45952, Florida Statutes, to

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174 implement the Lake Okeechobee Protection Plan and achieve
175 phosphorus load reductions consistent with total maximum daily
176 loads established pursuant to s. 403.067, Florida Statutes.

177 Section 3. This act shall take effect July 1, 2004.