

By Senator Pruitt

28-1351-04

See HB 1003

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

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

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

22           373.4595 Lake Okeechobee Protection Program.--

23           (1) FINDINGS AND INTENT.--

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

30           (k) The Legislature finds that a continuing source of  
31 funding is needed to effectively implement a phosphorus

1 control program that initially targets the most significant  
2 sources contributing to phosphorus loads within the watershed  
3 and continues to address other sources as needed to achieve  
4 the phased phosphorus load reductions required under this  
5 section.

6 (o) It is the intent of the Legislature to provide  
7 funding on a continuing basis for the purpose of implementing  
8 the Lake Okeechobee Protection Plan and achieving phosphorus  
9 load reductions consistent with total maximum daily loads  
10 established pursuant to s. 403.067.

11 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection  
12 program for Lake Okeechobee that achieves phosphorus load  
13 reductions for Lake Okeechobee shall be immediately  
14 implemented as specified in this subsection. The program shall  
15 address the reduction of phosphorus loading to the lake from  
16 both internal and external sources. Phosphorus load reductions  
17 shall be achieved through a phased program of implementation.  
18 Initial implementation actions shall be technology-based,  
19 based upon a consideration of both the availability of  
20 appropriate technology and the cost of such technology, and  
21 shall include phosphorus reduction measures at both the source  
22 and the regional level. The initial phase of phosphorus load  
23 reductions shall be based upon the district's Technical  
24 Publication 81-2 and the district's WOD program, with  
25 subsequent phases of phosphorus load reductions based upon the  
26 total maximum daily loads established in accordance with s.  
27 403.067. In the development and administration of the Lake  
28 Okeechobee Protection Program, the coordinating agencies shall  
29 maximize opportunities provided by federal cost-sharing  
30 programs and opportunities for partnerships with the private  
31 sector.

1 (b) Lake Okeechobee Construction Project.--To improve  
2 the hydrology and water quality of Lake Okeechobee and  
3 downstream receiving waters, the district shall design and  
4 construct the Lake Okeechobee Construction Project.

5 1. Phase I.--Phase I of the Lake Okeechobee  
6 Construction Project shall consist of a series of project  
7 features consistent with the recommendations of the South  
8 Florida Ecosystem Restoration Working Group's Lake Okeechobee  
9 Action Plan. Priority basins for such projects include S-191,  
10 S-154, and Pools D and E in the Lower Kissimmee River. In  
11 order to obtain immediate phosphorus load reductions to Lake  
12 Okeechobee as soon as possible, the following actions shall be  
13 implemented:

14 a. The district shall serve as a full partner with the  
15 Corps of Engineers in the design and construction of the  
16 Grassy Island Ranch and New Palm Dairy stormwater treatment  
17 facilities as components of the Lake Okeechobee Water  
18 Retention/Phosphorus Removal Critical Project. The Corps of  
19 Engineers shall have the lead in design and construction of  
20 these facilities. However, the district shall encourage the  
21 Corps of Engineers to complete a detailed design document by  
22 July 1, 2001. Should delays be encountered in the  
23 implementation of either of these facilities, the district  
24 shall notify the department and recommend corrective actions.

25 b. By January 1, 2001, the district shall obtain  
26 permits and complete construction of two of the isolated  
27 wetland restoration projects that are part of the Lake  
28 Okeechobee Water Retention/Phosphorus Removal Critical  
29 Project. The additional isolated wetland projects included in  
30 this critical project shall be permitted and constructed by  
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1 January 1, 2003, to further reduce phosphorus loading to Lake  
2 Okeechobee.

3 c. By January 31, 2002, the district shall design and  
4 complete implementation of the Lake Okeechobee Tributary  
5 Sediment Removal Pilot Project. This project shall consist of  
6 testing two alternative technologies for trapping and  
7 collecting phosphorus-laden sediment in the secondary drainage  
8 system prior to its discharge into the primary canal system  
9 and Lake Okeechobee, thereby further reducing the total  
10 sediment loading to the lake.

11 d. The district shall work with the Corps of Engineers  
12 to expedite initiation of the design process for the Taylor  
13 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment  
14 Area, a project component of the Restudy. The district shall  
15 propose to the Corps of Engineers that the district take the  
16 lead in the design and construction of the Reservoir Assisted  
17 Stormwater Treatment Area and receive credit towards the local  
18 share of the total cost of the Restudy.

19 2. Phase II.--By January 1, 2004, the district, in  
20 cooperation with the other coordinating agencies and the Corps  
21 of Engineers, shall develop an implementation plan for Phase  
22 II of the Lake Okeechobee Construction Project. Phase II shall  
23 include construction of additional facilities in the priority  
24 basins identified in subparagraph (b)1., as well as facilities  
25 for other basins in the Lake Okeechobee watershed. The  
26 implementation plan shall:

27 a. Identify Lake Okeechobee Construction Project  
28 facilities to be constructed to achieve a design objective of  
29 40 parts per billion (ppb) for phosphorus measured as a  
30 long-term flow weighted average concentration, unless an  
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1 allocation has been established pursuant to s. 403.067 for the  
2 Lake Okeechobee total maximum daily load.

3 b. Identify the size and location of all such Lake  
4 Okeechobee Construction Project facilities.

5 c. Provide a construction schedule for all such Lake  
6 Okeechobee Construction Project facilities, including the  
7 sequencing and specific timeframe for construction of each  
8 Lake Okeechobee Construction Project facility.

9 d. Provide a land acquisition schedule for lands  
10 necessary to achieve the construction schedule.

11 e. Provide a detailed schedule of costs associated  
12 with the construction schedule.

13 f. Identify, to the maximum extent practicable,  
14 impacts on wetlands and state-listed species expected to be  
15 associated with construction of such facilities, including  
16 potential alternatives to minimize and mitigate such impacts,  
17 as appropriate.

18 3. Evaluation.--By January 1, 2004, and every 3 years  
19 thereafter, the district, in cooperation with the coordinating  
20 agencies, shall conduct an evaluation of any further  
21 phosphorus load reductions necessary to achieve compliance  
22 with the Lake Okeechobee total maximum daily load established  
23 pursuant to s. 403.067. Additionally, the district shall  
24 identify modifications to facilities of the Lake Okeechobee  
25 Construction Project as appropriate if the design objective of  
26 40 parts per billion (ppb) or the allocation established  
27 pursuant to s. 403.067 for the Lake Okeechobee total maximum  
28 daily load established pursuant to s. 403.067 is not being  
29 met. The evaluation shall be included in the applicable annual  
30 progress report submitted pursuant to paragraph (h) ~~(g)~~.

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1           4. Coordination and review.--To ensure the timely  
2 implementation of the Lake Okeechobee Construction Project,  
3 the design of project facilities shall be coordinated with the  
4 department and other interested parties to the maximum extent  
5 practicable. Lake Okeechobee Construction Project facilities  
6 shall be reviewed and commented upon by the department prior  
7 to the execution of a construction contract by the district  
8 for that facility.

9           (g) Lake Okeechobee Protection Plan  
10 implementation.--The coordinating agencies shall be jointly  
11 responsible for implementation of the Lake Okeechobee  
12 Protection Plan, consistent with the statutory authority and  
13 responsibility of each agency. Annual funding priorities shall  
14 be jointly established and the highest priority shall be  
15 assigned to programs and projects that address phosphorus  
16 sources that have the highest relative contribution to  
17 phosphorus loading and the greatest potential for phosphorus  
18 reduction. In determining funding priorities, the coordinating  
19 agencies shall also consider the need for regulatory  
20 compliance, the extent to which the program or project is  
21 ready to proceed, and the availability of federal matching  
22 funds or other nonstate funding, including public-private  
23 partnerships. Federal and other nonstate funding shall be  
24 maximized to the greatest extent practicable.

25           Section 2. The sum of \$5 million is appropriated from  
26 the General Revenue Fund to the Department of Environmental  
27 Protection to be deposited into the Lake Okeechobee Protection  
28 Trust Fund created by section 373.45952, Florida Statutes, to  
29 implement the Lake Okeechobee Protection Plan and achieve  
30 phosphorus load reductions consistent with total maximum daily  
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1 loads established pursuant to section 403.067, Florida  
2 Statutes.

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