

By the Committee on Appropriations; and Senator Pruitt

309-2362-04

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 effective date.

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

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

21 373.4595 Lake Okeechobee Protection Program.--

22 (1) FINDINGS AND INTENT.--

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

29 (k) The Legislature finds that a continuing source of
30 funding is needed to effectively implement a phosphorus
31 control program that initially targets the most significant

1 sources contributing to phosphorus loads within the watershed
2 and continues to address other sources as needed to achieve
3 the phased phosphorus load reductions required under this
4 section.

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

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

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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. This act shall take effect July 1, 2004.

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27 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
28 COMMITTEE SUBSTITUTE FOR
29 Senate Bill 2694

30 The committee substitute removes the appropriation of \$5
31 million from the General Revenue Fund to the Department of
 Environmental Protection.