

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 effective date.

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

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

19 373.4595 Lake Okeechobee Protection Program.--

20 (1) FINDINGS AND INTENT.--

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

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

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

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

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

56 by federal cost-sharing programs and opportunities for
57 partnerships with the private sector.

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

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

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

81 b. By January 1, 2001, the district shall obtain permits
82 and complete construction of two of the isolated wetland
83 restoration projects that are part of the Lake Okeechobee Water

84 Retention/Phosphorus Removal Critical Project. The additional
85 isolated wetland projects included in this critical project
86 shall be permitted and constructed by January 1, 2003, to
87 further reduce phosphorus loading to Lake Okeechobee.

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

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

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

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

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

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

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

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

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

133 3. Evaluation.--By January 1, 2004, and every 3 years
 134 thereafter, the district, in cooperation with the coordinating
 135 agencies, shall conduct an evaluation of any further phosphorus
 136 load reductions necessary to achieve compliance with the Lake
 137 Okeechobee total maximum daily load established pursuant to s.
 138 403.067. Additionally, the district shall identify modifications
 139 to facilities of the Lake Okeechobee Construction Project as

140 appropriate if the design objective of 40 parts per billion
 141 (ppb) or the allocation established pursuant to s. 403.067 for
 142 the Lake Okeechobee total maximum daily load established
 143 pursuant to s. 403.067 is not being met. The evaluation shall be
 144 included in the applicable annual progress report submitted
 145 pursuant to paragraph (h)~~(g)~~.

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

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

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167 public-private partnerships. Federal and other nonstate funding
168 shall be maximized to the greatest extent practicable.

169 Section 2. This act shall take effect July 1, 2005.