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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 with respect to implementation and funding of the Lake
5 Okeechobee Watershed Phosphorus Control Program and the
6 Lake Okeechobee Protection Program; revising a definition;
7 providing that the Department of Agriculture and Consumer
8 Services, the Department of Environmental Protection, and
9 the South Florida Water Management District be jointly
10 responsible for implementing the Lake Okeechobee
11 Protection Plan; requiring that annual funding priorities
12 be jointly established; providing criteria for determining
13 funding priorities; repealing obsolete provisions;
14 providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Subsections (1), (2), and (3) of section
19 373.4595, Florida Statutes, are amended to read:

20 373.4595 Lake Okeechobee Protection Program.--

21 (1) FINDINGS AND INTENT.--

22 (a) The Legislature finds that Lake Okeechobee is one of
23 the most important water resources of the state, providing many
24 functions benefiting the public interest, including
25 agricultural, public, and environmental water supply; flood
26 control; fishing; navigation and recreation; and habitat to
27 endangered and threatened species and other flora and fauna.

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28 (b) The Legislature finds that land uses in the Lake
29 Okeechobee watershed and the construction of the Central and
30 Southern Florida Project have resulted in adverse changes to the
31 hydrology and water quality of Lake Okeechobee. These hydrology
32 and water quality changes have resulted in algal blooms and
33 other adverse impacts to water quality both in Lake Okeechobee
34 and in downstream receiving waters.

35 (c) The Legislature finds that improvement to the
36 hydrology and water quality of Lake Okeechobee is essential to
37 the protection of the Everglades.

38 (d) The Legislature also finds that it is imperative for
39 the state, local governments, and agricultural and environmental
40 communities to commit to restoring and protecting Lake
41 Okeechobee and downstream receiving waters, and that a
42 watershed-based approach to address these issues must be
43 developed and implemented immediately.

44 (e) The Legislature finds that phosphorus loads from the
45 Lake Okeechobee watershed have contributed to excessive
46 phosphorus levels in Lake Okeechobee and downstream receiving
47 waters and that a reduction in levels of phosphorus will benefit
48 the ecology of these systems. The excessive levels of phosphorus
49 have also resulted in an accumulation of phosphorus in the
50 sediments of Lake Okeechobee. If not removed, internal
51 phosphorus loads from the sediments are expected to delay
52 responses of the lake to external phosphorus reductions.

53 (f) The Legislature finds that the Lake Okeechobee
54 phosphorus loads set forth in the South Florida Water Management
55 District's Technical Publication 81-2 represent an appropriate

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56 basis for the initial phase of phosphorus load reductions to
57 Lake Okeechobee and that subsequent phases of phosphorus load
58 reductions shall be determined by the total maximum daily loads
59 established in accordance with s. 403.067.

60 (g) The Legislature finds that this section, in
61 conjunction with s. 403.067, provides a reasonable means of
62 achieving and maintaining compliance with state water quality
63 standards.

64 (h) The Legislature finds that the implementation of the
65 programs contained in this section is for the benefit of the
66 public health, safety, and welfare and is in the public
67 interest.

68 (i) The Legislature finds that sufficient research has
69 been conducted and sufficient plans developed to immediately
70 initiate the first phase of a program to address the hydrology
71 and water quality problems in Lake Okeechobee and downstream
72 receiving waters.

73 (j) The Legislature finds that in order to achieve the
74 goals and objectives of this section and to effectively
75 implement the Lake Okeechobee Watershed Phosphorus Control
76 Program pursuant to paragraph (3)(c), the state must
77 expeditiously implement the Lake Okeechobee Protection Plan
78 developed pursuant to paragraph (3)(a).

79 (k) The Legislature finds that a continuing source of
80 funding is needed to effectively implement a phosphorus control
81 program that initially targets the most significant sources
82 contributing to phosphorus loads within the watershed and

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83 continues to address other sources as needed to achieve the
 84 phased phosphorus load reductions required under this section.

85 (l)~~(j)~~ It is the intent of the Legislature to achieve and
 86 maintain compliance with water quality standards in Lake
 87 Okeechobee and downstream receiving waters through a phased,
 88 comprehensive, and innovative protection program to reduce both
 89 internal and external phosphorus loads to Lake Okeechobee
 90 through immediate actions to achieve the phosphorus load
 91 reductions set forth in Technical Publication 81-2 and long-term
 92 solutions based upon the total maximum daily loads established
 93 in accordance with s. 403.067. This program shall be watershed-
 94 based, shall provide for consideration of all potential
 95 phosphorus sources, and shall include research and monitoring,
 96 development and implementation of best management practices,
 97 refinement of existing regulations, and structural and
 98 nonstructural projects, including public works.

99 (m)~~(k)~~ It is the intent of the Legislature that the Lake
 100 Okeechobee Protection Program be developed and implemented in
 101 coordination with and, to the greatest extent practicable,
 102 through the implementation of Restudy project components and
 103 other federal programs in order to maximize opportunities for
 104 the most efficient and timely expenditures of public funds.

105 (n)~~(l)~~ It is the intent of the Legislature that the
 106 coordinating agencies encourage and support the development of
 107 creative public-private partnerships and programs, including
 108 opportunities for pollutant trading and credits, to facilitate
 109 or further the restoration of Lake Okeechobee, consistent with
 110 s. 403.067.

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111 (2) DEFINITIONS.--As used in this section:
 112 (a) "Best management practice" means a practice or
 113 combination of practices determined by the coordinating
 114 agencies, based on research, field-testing, and expert review,
 115 to be the most effective and practicable on-location means,
 116 including economic and technological considerations, for
 117 improving water quality in agricultural and urban discharges.
 118 Best management practices for agricultural discharges shall
 119 reflect a balance between water quality improvements and
 120 agricultural productivity.
 121 (b) "Coordinating agencies" means the Department of
 122 Agriculture and Consumer Services, the Department of
 123 Environmental Protection, and the South Florida Water Management
 124 District.
 125 (c) "Corps of Engineers" means the United States Army
 126 Corps of Engineers.
 127 (d) "Department" means the Department of Environmental
 128 Protection.
 129 (e) "District" means the South Florida Water Management
 130 District.
 131 (f) "District's WOD program" means the program implemented
 132 pursuant to rules adopted as authorized by this section and ss.
 133 373.016, 373.044, 373.085, 373.086, 373.109, 373.113, 373.118,
 134 373.451, and 373.453, entitled "Works of the District Basin."
 135 (g) "Lake Okeechobee Construction Project" means the
 136 construction project developed pursuant to paragraph (3)(b).
 137 (h) "Lake Okeechobee Protection Plan" means the plan
 138 developed pursuant to this section and ss. 373.451-373.459.

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139 (i) "Lake Okeechobee watershed" means Lake Okeechobee and
 140 the area surrounding and tributary to Lake Okeechobee, composed
 141 of the 39 surrounding hydrologic basins, as defined by the Lake
 142 Okeechobee Protection Plan dated January 1, 2004 ~~South Florida~~
 143 ~~Water Management District SWIM Plan Update dated August 8, 1997.~~

144 (j) "Lake Okeechobee Watershed Phosphorus Control Program"
 145 means the program developed pursuant to paragraph (3)(c).

146 (k) "Project component" means any structural or
 147 operational change, resulting from the Restudy, to the Central
 148 and Southern Florida Project as it existed and was operated as
 149 of January 1, 1999.

150 (l) "Restudy" means the Comprehensive Review Study of the
 151 Central and Southern Florida Project, for which federal
 152 participation was authorized by the Federal Water Resources
 153 Development Acts of 1992 and 1996 together with related
 154 Congressional resolutions and for which participation by the
 155 South Florida Water Management District is authorized by s.
 156 373.1501. The term includes all actions undertaken pursuant to
 157 the aforementioned authorizations which will result in
 158 recommendations for modifications or additions to the Central
 159 and Southern Florida Project.

160 (m) "Total maximum daily load" means the sum of the
 161 individual wasteload allocations for point sources and the load
 162 allocations for nonpoint sources and natural background. Prior
 163 to determining individual wasteload allocations and load
 164 allocations, the maximum amount of a pollutant that a water body
 165 or water segment can assimilate from all sources without
 166 exceeding water quality standards must first be calculated.

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167 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
 168 program for Lake Okeechobee that achieves phosphorus load
 169 reductions for Lake Okeechobee shall be immediately implemented
 170 as specified in this subsection. The program shall address the
 171 reduction of phosphorus loading to the lake from both internal
 172 and external sources. Phosphorus load reductions shall be
 173 achieved through a phased program of implementation. Initial
 174 implementation actions shall be technology-based, based upon a
 175 consideration of both the availability of appropriate technology
 176 and the cost of such technology, and shall include phosphorus
 177 reduction measures at both the source and the regional level.
 178 The initial phase of phosphorus load reductions shall be based
 179 upon the district's Technical Publication 81-2 and the
 180 district's WOD program, with subsequent phases of phosphorus
 181 load reductions based upon the total maximum daily loads
 182 established in accordance with s. 403.067. In the development
 183 and administration of the Lake Okeechobee Protection Program,
 184 the coordinating agencies shall maximize opportunities provided
 185 by federal cost-sharing programs and opportunities for
 186 partnerships with the private sector.

187 (a) Lake Okeechobee Protection Plan.--~~By January 1, 2004,~~
 188 The district, in cooperation with the other coordinating
 189 agencies, shall complete a Lake Okeechobee Protection Plan in
 190 accordance with this section and ss. 373.451-373.459. The plan
 191 shall contain an implementation schedule for subsequent phases
 192 of phosphorus load reduction consistent with the total maximum
 193 daily loads established in accordance with s. 403.067. The plan

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194 shall consider and build upon a review and analysis of the
 195 following:

196 1. The performance of projects constructed during Phase I
 197 of the Lake Okeechobee Construction Project, pursuant to
 198 paragraph (b).

199 2. Relevant information resulting from the Lake Okeechobee
 200 Watershed Phosphorus Control Program, pursuant to paragraph (c).

201 3. Relevant information resulting from the Lake Okeechobee
 202 Research and Water Quality Monitoring Program, pursuant to
 203 paragraph (d).

204 4. Relevant information resulting from the Lake Okeechobee
 205 Exotic Species Control Program, pursuant to paragraph (e).

206 5. Relevant information resulting from the Lake Okeechobee
 207 Internal Phosphorus Management Program, pursuant to paragraph
 208 (f).

209 (b) Lake Okeechobee Construction Project.--To improve the
 210 hydrology and water quality of Lake Okeechobee and downstream
 211 receiving waters, the district shall design and construct the
 212 Lake Okeechobee Construction Project.

213 1. Phase I.--Phase I of the Lake Okeechobee Construction
 214 Project shall consist of a series of project features consistent
 215 with the recommendations of the South Florida Ecosystem
 216 Restoration Working Group's Lake Okeechobee Action Plan.
 217 Priority basins for such projects include S-191, S-154, and
 218 Pools D and E in the Lower Kissimmee River. In order to obtain
 219 ~~immediate~~ phosphorus load reductions to Lake Okeechobee as soon
 220 as possible, the following actions shall be implemented:

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221 a. The district shall serve as a full partner with the
222 Corps of Engineers in the design and construction of the Grassy
223 Island Ranch and New Palm Dairy stormwater treatment facilities
224 as components of the Lake Okeechobee Water Retention/Phosphorus
225 Removal Critical Project. The Corps of Engineers shall have the
226 lead in design and construction of these facilities. ~~However,~~
227 ~~the district shall encourage the Corps of Engineers to complete~~
228 ~~a detailed design document by July 1, 2001.~~ Should delays be
229 encountered in the implementation of either of these facilities,
230 the district shall notify the department and recommend
231 corrective actions.

232 b. ~~By January 1, 2001,~~ The district shall obtain permits
233 and complete construction of two of the isolated wetland
234 restoration projects that are part of the Lake Okeechobee Water
235 Retention/Phosphorus Removal Critical Project. The additional
236 isolated wetland projects included in this critical project
237 ~~shall be permitted and constructed by January 1, 2003, to~~
238 further reduce phosphorus loading to Lake Okeechobee.

239 ~~e. By January 31, 2002, the district shall design and~~
240 ~~complete implementation of the Lake Okeechobee Tributary~~
241 ~~Sediment Removal Pilot Project. This project shall consist of~~
242 ~~testing two alternative technologies for trapping and collecting~~
243 ~~phosphorus laden sediment in the secondary drainage system prior~~
244 ~~to its discharge into the primary canal system and Lake~~
245 ~~Okeechobee, thereby further reducing the total sediment loading~~
246 ~~to the lake.~~

247 c.d. The district shall work with the Corps of Engineers
248 to expedite initiation of the design process for the Taylor

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249 Creek/Nubbins Slough Reservoir Assisted Stormwater Treatment
250 Area, a project component of the Restudy. The district shall
251 propose to the Corps of Engineers that the district take the
252 lead in the design and construction of the Reservoir Assisted
253 Stormwater Treatment Area and receive credit towards the local
254 share of the total cost of the Restudy.

255 2. Phase II.--~~By January 1, 2004,~~ The district, in
256 cooperation with the other coordinating agencies and the Corps
257 of Engineers, shall develop an implementation plan for Phase II
258 of the Lake Okeechobee Construction Project. Phase II shall
259 include construction of additional facilities in the priority
260 basins identified in subparagraph (b)1., as well as facilities
261 for other basins in the Lake Okeechobee watershed. The
262 implementation plan shall:

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

269 b. Identify the size and location of all such Lake
270 Okeechobee Construction Project facilities.

271 c. Provide a construction schedule for all such Lake
272 Okeechobee Construction Project facilities, including the
273 sequencing and specific timeframe for construction of each Lake
274 Okeechobee Construction Project facility.

275 d. Provide a land acquisition schedule for lands necessary
276 to achieve the construction schedule.

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277 e. Provide a detailed schedule of costs associated with
278 the construction schedule.

279 f. Identify, to the maximum extent practicable, impacts on
280 wetlands and state-listed species expected to be associated with
281 construction of such facilities, including potential
282 alternatives to minimize and mitigate such impacts, as
283 appropriate.

284 3. Evaluation.--By January 1, 2004, and every 3 years
285 thereafter, the district, in cooperation with the coordinating
286 agencies, shall conduct an evaluation of any further phosphorus
287 load reductions necessary to achieve compliance with the Lake
288 Okeechobee total maximum daily load established pursuant to s.
289 403.067. Additionally, the district shall identify modifications
290 to facilities of the Lake Okeechobee Construction Project as
291 appropriate if the design objective of 40 parts per billion
292 (ppb) or the allocation established pursuant to s. 403.067 for
293 the Lake Okeechobee total maximum daily load established
294 pursuant to s. 403.067 is not being met. The evaluation shall be
295 included in the applicable annual progress report submitted
296 pursuant to paragraph (h) ~~(g)~~.

297 4. Coordination and review.--To ensure the timely
298 implementation of the Lake Okeechobee Construction Project, the
299 design of project facilities shall be coordinated with the
300 department and other interested parties to the maximum extent
301 practicable. Lake Okeechobee Construction Project facilities
302 shall be reviewed and commented upon by the department prior to
303 the execution of a construction contract by the district for
304 that facility.

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305 (c) Lake Okeechobee Watershed Phosphorus Control
306 Program.--The Lake Okeechobee Watershed Phosphorus Control
307 Program is designed to be a multifaceted approach to reducing
308 phosphorus loads by improving the management of phosphorus
309 sources within the Lake Okeechobee watershed through continued
310 implementation of existing regulations and best management
311 practices, development and implementation of improved best
312 management practices, improvement and restoration of the
313 hydrologic function of natural and managed systems, and
314 utilization of alternative technologies for nutrient reduction.
315 The coordinating agencies shall facilitate the application of
316 federal programs that offer opportunities for water quality
317 treatment, including preservation, restoration, or creation of
318 wetlands on agricultural lands.

319 1. Agricultural nonpoint source best management practices,
320 developed in accordance with s. 403.067 and designed to achieve
321 the objectives of the Lake Okeechobee Protection Program, shall
322 be implemented on an expedited basis. ~~By March 1, 2001,~~ The
323 coordinating agencies shall develop an interagency agreement
324 pursuant to ss. 373.046 and 373.406(5) that assures the
325 development of best management practices that complement
326 existing regulatory programs and specifies how those best
327 management practices are implemented and verified. The
328 interagency agreement shall address measures to be taken by the
329 coordinating agencies during any best management practice
330 reevaluation performed pursuant to sub-subparagraph d. The
331 department shall use best professional judgment in making the
332 initial determination of best management practice effectiveness.

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333 | a. As provided in s. 403.067(7)(d), ~~by October 1, 2000,~~
 334 | the Department of Agriculture and Consumer Services, in
 335 | consultation with the department, the district, and affected
 336 | parties, shall initiate rule development for interim measures,
 337 | best management practices, conservation plans, nutrient
 338 | management plans, or other measures necessary for Lake
 339 | Okeechobee phosphorus load reduction. The rule shall include
 340 | thresholds for requiring conservation and nutrient management
 341 | plans and criteria for the contents of such plans. Development
 342 | of agricultural nonpoint source best management practices shall
 343 | initially focus on those priority basins listed in subparagraph
 344 | (b)1. The Department of Agriculture and Consumer Services, in
 345 | consultation with the department, the district, and affected
 346 | parties, shall conduct an ongoing program for improvement of
 347 | existing and development of new interim measures or best
 348 | management practices for the purpose of adoption of such
 349 | practices by rule.

350 | b. Where agricultural nonpoint source best management
 351 | practices or interim measures have been adopted by rule of the
 352 | Department of Agriculture and Consumer Services, the owner or
 353 | operator of an agricultural nonpoint source addressed by such
 354 | rule shall either implement interim measures or best management
 355 | practices or demonstrate compliance with the district's WOD
 356 | program by conducting monitoring prescribed by the department or
 357 | the district. Owners or operators of agricultural nonpoint
 358 | sources who implement interim measures or best management
 359 | practices adopted by rule of the Department of Agriculture and
 360 | Consumer Services shall be subject to the provisions of s.

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361 | 403.067(7). The Department of Agriculture and Consumer Services,
 362 | in cooperation with the department and the district, shall
 363 | provide technical and financial assistance for implementation of
 364 | agricultural best management practices, subject to the
 365 | availability of funds.

366 | c. The district or department shall conduct monitoring at
 367 | representative sites to verify the effectiveness of agricultural
 368 | nonpoint source best management practices.

369 | d. Where water quality problems are detected for
 370 | agricultural nonpoint sources despite the appropriate
 371 | implementation of adopted best management practices, the
 372 | Department of Agriculture and Consumer Services, in consultation
 373 | with the other coordinating agencies and affected parties, shall
 374 | institute a reevaluation of the best management practices and
 375 | make appropriate changes to the rule adopting best management
 376 | practices.

377 | 2. Nonagricultural nonpoint source best management
 378 | practices, developed in accordance with s. 403.067 and designed
 379 | to achieve the objectives of the Lake Okeechobee Protection
 380 | Program, shall be implemented on an expedited basis. ~~By March 1,~~
 381 | ~~2001,~~ The department and the district shall develop an
 382 | interagency agreement pursuant to ss. 373.046 and 373.406(5)
 383 | that assures the development of best management practices that
 384 | complement existing regulatory programs and specifies how those
 385 | best management practices are implemented and verified. The
 386 | interagency agreement shall address measures to be taken by the
 387 | department and the district during any best management practice
 388 | reevaluation performed pursuant to sub-subparagraph d.

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389 a. The department and the district are directed to work
390 with the University of Florida's Institute of Food and
391 Agricultural Sciences to develop appropriate nutrient
392 application rates for all nonagricultural soil amendments in the
393 watershed. As provided in s. 403.067(7)(c), ~~by January 1, 2001,~~
394 the department, in consultation with the district and affected
395 parties, shall develop interim measures, best management
396 practices, or other measures necessary for Lake Okeechobee
397 phosphorus load reduction. Development of nonagricultural
398 nonpoint source best management practices shall initially focus
399 on those priority basins listed in subparagraph (b)1. The
400 department, the district, and affected parties shall conduct an
401 ongoing program for improvement of existing and development of
402 new interim measures or best management practices. The district
403 shall adopt technology-based standards under the district's WOD
404 program for nonagricultural nonpoint sources of phosphorus.

405 b. Where nonagricultural nonpoint source best management
406 practices or interim measures have been developed by the
407 department and adopted by the district, the owner or operator of
408 a nonagricultural nonpoint source shall implement interim
409 measures or best management practices and be subject to the
410 provisions of s. 403.067(7). The department and district shall
411 provide technical and financial assistance for implementation of
412 nonagricultural nonpoint source best management practices,
413 subject to the availability of funds.

414 c. The district or the department shall conduct monitoring
415 at representative sites to verify the effectiveness of
416 nonagricultural nonpoint source best management practices.

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417 | d. Where water quality problems are detected for
418 | nonagricultural nonpoint sources despite the appropriate
419 | implementation of adopted best management practices, the
420 | department and the district shall institute a reevaluation of
421 | the best management practices.

422 | 3. The provisions of subparagraphs 1. and 2. shall not
423 | preclude the department or the district from requiring
424 | compliance with water quality standards or with current best
425 | management practices requirements set forth in any applicable
426 | regulatory program authorized by law for the purpose of
427 | protecting water quality. Additionally, subparagraphs 1. and 2.
428 | are applicable only to the extent that they do not conflict with
429 | any rules promulgated by the department that are necessary to
430 | maintain a federally delegated or approved program.

431 | 4. Projects which reduce the phosphorus load originating
432 | from domestic wastewater systems within the Lake Okeechobee
433 | watershed shall be given funding priority in the department's
434 | revolving loan program under s. 403.1835. The department shall
435 | coordinate and provide assistance to those local governments
436 | seeking financial assistance for such priority projects.

437 | 5. Projects that make use of private lands, or lands held
438 | in trust for Indian tribes, to reduce nutrient loadings or
439 | concentrations within a basin by one or more of the following
440 | methods: restoring the natural hydrology of the basin, restoring
441 | wildlife habitat or impacted wetlands, reducing peak flows after
442 | storm events, increasing aquifer recharge, or protecting range
443 | and timberland from conversion to development, are eligible for
444 | grants available under this section from the coordinating

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445 agencies. For projects of otherwise equal priority, special
446 funding priority will be given to those projects that make best
447 use of the methods outlined above that involve public-private
448 partnerships or that obtain federal match money. Preference
449 ranking above the special funding priority will be given to
450 projects located in a rural area of critical economic concern
451 designated by the Governor. Grant applications may be submitted
452 by any person or tribal entity, and eligible projects may
453 include, but are not limited to, the purchase of conservation
454 and flowage easements, hydrologic restoration of wetlands,
455 creating treatment wetlands, development of a management plan
456 for natural resources, and financial support to implement a
457 management plan.

458 6.a. The department shall require all entities disposing
459 of domestic wastewater residuals within the Lake Okeechobee
460 watershed and the remaining areas of Okeechobee, Glades, and
461 Hendry Counties to develop and submit to the department an
462 agricultural use plan that limits applications based upon
463 phosphorus loading. By July 1, 2005, phosphorus concentrations
464 originating from these application sites shall not exceed the
465 limits established in the district's WOD program.

466 b. Private and government-owned utilities within Monroe,
467 Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River,
468 Okeechobee, Highlands, Hendry, and Glades Counties that dispose
469 of wastewater residual sludge from utility operations and septic
470 removal by land spreading in the Lake Okeechobee watershed may
471 use a line item on local sewer rates to cover wastewater
472 residual treatment and disposal if such disposal and treatment

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473 | is done by approved alternative treatment methodology at a
474 | facility located within the areas designated by the Governor as
475 | rural areas of critical economic concern pursuant to s.
476 | 288.0656. This additional line item is an environmental
477 | protection disposal fee above the present sewer rate and shall
478 | not be considered a part of the present sewer rate to customers,
479 | notwithstanding provisions to the contrary in chapter 367. The
480 | fee shall be established by the county commission or its
481 | designated assignee in the county in which the alternative
482 | method treatment facility is located. The fee shall be
483 | calculated to be no higher than that necessary to recover the
484 | facility's prudent cost of providing the service. Upon request
485 | by an affected county commission, the Florida Public Service
486 | Commission will provide assistance in establishing the fee.
487 | Further, for utilities and utility authorities that use the
488 | additional line item environmental protection disposal fee, such
489 | fee shall not be considered a rate increase under the rules of
490 | the Public Service Commission and shall be exempt from such
491 | rules. Utilities using the provisions of this section may
492 | immediately include in their sewer invoicing the new
493 | environmental protection disposal fee. Proceeds from this
494 | environmental protection disposal fee shall be used for
495 | treatment and disposal of wastewater residuals, including any
496 | treatment technology that helps reduce the volume of residuals
497 | that require final disposal, but such proceeds shall not be used
498 | for transportation or shipment costs for disposal or any costs
499 | relating to the land application of residuals in the Lake
500 | Okeechobee watershed.

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501 c. No less frequently than once every 3 years, the Florida
502 Public Service Commission or the county commission through the
503 services of an independent auditor shall perform a financial
504 audit of all facilities receiving compensation from an
505 environmental protection disposal fee. The Florida Public
506 Service Commission or the county commission through the services
507 of an independent auditor shall also perform an audit of the
508 methodology used in establishing the environmental protection
509 disposal fee. The Florida Public Service Commission or the
510 county commission shall, within 120 days after completion of an
511 audit, file the audit report with the President of the Senate
512 and the Speaker of the House of Representatives and shall
513 provide copies to the county commissions of the counties set
514 forth in sub-subparagraph b. The books and records of any
515 facilities receiving compensation from an environmental
516 protection disposal fee shall be open to the Florida Public
517 Service Commission and the Auditor General for review upon
518 request.

519 7. The Department of Health shall require all entities
520 disposing of septage within the Lake Okeechobee watershed and
521 the remaining areas of Okeechobee, Glades, and Hendry Counties
522 to develop and submit to that agency, ~~by July 1, 2003,~~ an
523 agricultural use plan that limits applications based upon
524 phosphorus loading. By July 1, 2005, phosphorus concentrations
525 originating from these application sites shall not exceed the
526 limits established in the district's WOD program.

527 8. The Department of Agriculture and Consumer Services
528 shall initiate rulemaking requiring entities within the Lake

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529 Okeechobee watershed and the remaining areas of Okeechobee,
 530 Glades, and Hendry Counties which land-apply animal manure to
 531 develop conservation or nutrient management plans that limit
 532 application, based upon phosphorus loading. Such rules may
 533 include criteria and thresholds for the requirement to develop a
 534 conservation or nutrient management plan, requirements for plan
 535 approval, and recordkeeping requirements.

536 9. Prior to authorizing a discharge into works of the
 537 district, the district shall require responsible parties to
 538 demonstrate that proposed changes in land use will not result in
 539 increased phosphorus loading over that of existing land uses.

540 10. The district, the department, or the Department of
 541 Agriculture and Consumer Services, as appropriate, shall
 542 implement those alternative nutrient reduction technologies
 543 determined to be feasible pursuant to subparagraph (d)6.

544 (d) Lake Okeechobee Research and Water Quality Monitoring
 545 Program. ~~By January 1, 2001,~~ The district, in cooperation with
 546 the other coordinating agencies, shall establish a Lake
 547 Okeechobee Research and Water Quality Monitoring Program that
 548 builds upon the district's existing Lake Okeechobee research
 549 program. The program shall:

550 1. Evaluate all available existing water quality data
 551 concerning total phosphorus in the Lake Okeechobee watershed,
 552 develop a water quality baseline to represent existing
 553 conditions for total phosphorus, monitor long-term ecological
 554 changes, including water quality for total phosphorus, and
 555 measure compliance with water quality standards for total
 556 phosphorus, including the total maximum daily load for Lake

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557 Okeechobee as established pursuant to s. 403.067. The district
558 shall also implement a total phosphorus monitoring program at
559 all inflow structures to Lake Okeechobee.

560 2. ~~By July 1, 2003,~~ Develop a Lake Okeechobee water
561 quality model that reasonably represents phosphorus dynamics of
562 the lake and incorporates an uncertainty analysis associated
563 with model predictions.

564 3. ~~By July 1, 2003,~~ Determine the relative contribution of
565 phosphorus from all identifiable sources and all primary and
566 secondary land uses.

567 4. ~~By July 1, 2003,~~ Conduct an assessment of the sources
568 of phosphorus from the Upper Kissimmee Chain-of-Lakes and Lake
569 Istokpoga, and their relative contribution to the water quality
570 of Lake Okeechobee. The results of this assessment shall be used
571 by the coordinating agencies to develop interim measures, best
572 management practices, or regulation, as applicable.

573 5. ~~By July 1, 2003,~~ Assess current water management
574 practices within the Lake Okeechobee watershed and develop
575 recommendations for structural and operational improvements.
576 Such recommendations shall balance water supply, flood control,
577 estuarine salinity, maintenance of a healthy lake littoral zone,
578 and water quality considerations.

579 6. ~~By July 1, 2003,~~ Evaluate the feasibility of
580 alternative nutrient reduction technologies, including sediment
581 traps, canal and ditch maintenance, fish production or other
582 aquaculture, bioenergy conversion processes, and algal or other
583 biological treatment technologies.

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584 (e) Lake Okeechobee Exotic Species Control Program.--~~By~~
 585 ~~June 1, 2002,~~ The coordinating agencies shall identify the
 586 exotic species that threaten the native flora and fauna within
 587 the Lake Okeechobee watershed and develop and implement measures
 588 to protect the native flora and fauna.

589 (f) Lake Okeechobee Internal Phosphorus Management
 590 Program.--~~By July 1, 2003,~~ The district, in cooperation with the
 591 other coordinating agencies and interested parties, shall
 592 complete a Lake Okeechobee internal phosphorus load removal
 593 feasibility study. The feasibility study shall be based on
 594 technical feasibility, as well as economic considerations, and
 595 address all reasonable methods of phosphorus removal. If methods
 596 are found to be feasible, the district shall immediately pursue
 597 the design, funding, and permitting for implementing such
 598 methods.

599 (g) Lake Okeechobee Protection Plan implementation.--The
 600 coordinating agencies shall be jointly responsible for
 601 implementing the Lake Okeechobee Protection Plan, consistent
 602 with the statutory authority and responsibility of each agency.
 603 Annual funding priorities shall be jointly established and the
 604 highest priority shall be assigned to programs and projects that
 605 address phosphorus sources that have the highest relative
 606 contribution to phosphorus loading and the greatest potential
 607 for phosphorus reduction. In determining funding priorities, the
 608 coordinating agencies shall also consider the need for
 609 regulatory compliance, the extent to which the program or
 610 project is ready to proceed, and the availability of federal
 611 matching funds or other nonstate funding, including public-

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612 private partnerships. Federal and other nonstate funding shall
613 be maximized to the greatest extent practicable.

614 (h)~~(g)~~ Annual progress report.--Each January 1, ~~beginning~~
615 ~~in 2001~~, the district shall submit to the Governor, the
616 President of the Senate, and the Speaker of the House of
617 Representatives annual progress reports regarding implementation
618 of this section. The annual report shall include a summary of
619 water quality and habitat conditions in Lake Okeechobee and the
620 Lake Okeechobee watershed and the status of the Lake Okeechobee
621 Construction Project. The district shall prepare the report in
622 cooperation with the other coordinating agencies.

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