

Bill No. SB 502

Barcode 851460

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Alexander)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

373.4595 Lake Okeechobee Protection Program.--

(1) FINDINGS AND INTENT.--

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

(b) The Legislature finds that land uses in the Lake
Okeechobee watershed and the construction of the Central and
Southern Florida Project have resulted in adverse changes to
the hydrology and water quality of Lake Okeechobee. These

Bill No. SB 502

Barcode 851460

1 hydrology and water quality changes have resulted in algal
2 blooms and other adverse impacts to water quality both in Lake
3 Okeechobee and in downstream receiving waters.

4 (c) The Legislature finds that improvement to the
5 hydrology and water quality of Lake Okeechobee is essential to
6 the protection of the Everglades.

7 (d) The Legislature also finds that it is imperative
8 for the state, local governments, and agricultural and
9 environmental communities to commit to restoring and
10 protecting Lake Okeechobee and downstream receiving waters,
11 and that a watershed-based approach to address these issues
12 must be developed and implemented immediately.

13 (e) The Legislature finds that phosphorus loads from
14 the Lake Okeechobee watershed have contributed to excessive
15 phosphorus levels in Lake Okeechobee and downstream receiving
16 waters and that a reduction in levels of phosphorus will
17 benefit the ecology of these systems. The excessive levels of
18 phosphorus have also resulted in an accumulation of phosphorus
19 in the sediments of Lake Okeechobee. If not removed, internal
20 phosphorus loads from the sediments are expected to delay
21 responses of the lake to external phosphorus reductions.

22 (f) The Legislature finds that the Lake Okeechobee
23 phosphorus loads set forth in the South Florida Water
24 Management District's Technical Publication 81-2 represent an
25 appropriate basis for the initial phase of phosphorus load
26 reductions to Lake Okeechobee and that subsequent phases of
27 phosphorus load reductions shall be determined by the total
28 maximum daily loads established in accordance with s. 403.067.

29 (g) The Legislature finds that this section, in
30 conjunction with s. 403.067, provides a reasonable means of
31 achieving and maintaining compliance with state water quality

Bill No. SB 502

Barcode 851460

1 standards.

2 (h) The Legislature finds that the implementation of
3 the programs contained in this section is for the benefit of
4 the public health, safety, and welfare and is in the public
5 interest.

6 (i) The Legislature finds that sufficient research has
7 been conducted and sufficient plans developed to immediately
8 initiate the first phase of a program to address the hydrology
9 and water quality problems in Lake Okeechobee and downstream
10 receiving waters.

11 (j) The Legislature finds that in order to achieve the
12 goals and objectives of this section and to effectively
13 implement the Lake Okeechobee Watershed Phosphorus Control
14 Program pursuant to paragraph (3)(c), the state must
15 expeditiously implement the Lake Okeechobee Protection Plan
16 developed pursuant to paragraph (3)(a).

17 (k) The Legislature finds that a continuing source of
18 funding is needed to effectively implement a phosphorus
19 control program that initially targets the most significant
20 sources contributing to phosphorus loads within the watershed
21 and continues to address other sources as needed to achieve
22 the phased phosphorus load reductions required under this
23 section.

24 ~~(l)(j)~~ It is the intent of the Legislature to achieve
25 and maintain compliance with water quality standards in Lake
26 Okeechobee and downstream receiving waters through a phased,
27 comprehensive, and innovative protection program to reduce
28 both internal and external phosphorus loads to Lake Okeechobee
29 through immediate actions to achieve the phosphorus load
30 reductions set forth in Technical Publication 81-2 and
31 long-term solutions based upon the total maximum daily loads

Bill No. SB 502

Barcode 851460

1 established in accordance with s. 403.067. This program shall
 2 be watershed-based, shall provide for consideration of all
 3 potential phosphorus sources, and shall include research and
 4 monitoring, development and implementation of best management
 5 practices, refinement of existing regulations, and structural
 6 and nonstructural projects, including public works.

7 ~~(m)(k)~~ It is the intent of the Legislature that the
 8 Lake Okeechobee Protection Program be developed and
 9 implemented in coordination with and, to the greatest extent
 10 practicable, through the implementation of Restudy project
 11 components and other federal programs in order to maximize
 12 opportunities for the most efficient and timely expenditures
 13 of public funds.

14 ~~(n)(l)~~ It is the intent of the Legislature that the
 15 coordinating agencies encourage and support the development of
 16 creative public-private partnerships and programs, including
 17 opportunities for pollutant trading and credits, to facilitate
 18 or further the restoration of Lake Okeechobee, consistent with
 19 s. 403.067.

20 (o) It is the intent of the Legislature to provide
 21 funding on a continuing basis for the purpose of implementing
 22 the Lake Okeechobee Protection Plan and achieving phosphorus
 23 load reductions consistent with total maximum daily loads
 24 established pursuant to s. 403.067.

25 (2) DEFINITIONS.--As used in this section:

26 (a) "Best management practice" means a practice or
 27 combination of practices determined by the coordinating
 28 agencies, based on research, field-testing, and expert review,
 29 to be the most effective and practicable on-location means,
 30 including economic and technological considerations, for
 31 improving water quality in agricultural and urban discharges.

Bill No. SB 502

Barcode 851460

1 Best management practices for agricultural discharges shall
2 reflect a balance between water quality improvements and
3 agricultural productivity.

4 (b) "Coordinating agencies" means the Department of
5 Agriculture and Consumer Services, the Department of
6 Environmental Protection, and the South Florida Water
7 Management District.

8 (c) "Corps of Engineers" means the United States Army
9 Corps of Engineers.

10 (d) "Department" means the Department of Environmental
11 Protection.

12 (e) "District" means the South Florida Water
13 Management District.

14 (f) "District's WOD program" means the program
15 implemented pursuant to rules adopted as authorized by this
16 section and ss. 373.016, 373.044, 373.085, 373.086, 373.109,
17 373.113, 373.118, 373.451, and 373.453, entitled "Works of the
18 District Basin."

19 (g) "Lake Okeechobee Construction Project" means the
20 construction project developed pursuant to paragraph (3)(b).

21 (h) "Lake Okeechobee Protection Plan" means the plan
22 developed pursuant to this section and ss. 373.451-373.459.

23 (i) "Lake Okeechobee watershed" means Lake Okeechobee
24 and the area surrounding and tributary to Lake Okeechobee,
25 composed of the ~~39~~ surrounding hydrologic basins, as defined
26 by the Lake Okeechobee Protection Plan dated January 1, 2004.
27 ~~South Florida Water Management District SWIM Plan Update dated~~
28 ~~August 8, 1997.~~

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

Bill No. SB 502

Barcode 851460

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

5 (1) "Restudy" means the Comprehensive Review Study of
 6 the Central and Southern Florida Project, for which federal
 7 participation was authorized by the Federal Water Resources
 8 Development Acts of 1992 and 1996 together with related
 9 Congressional resolutions and for which participation by the
 10 South Florida Water Management District is authorized by s.
 11 373.1501. The term includes all actions undertaken pursuant to
 12 the aforementioned authorizations which will result in
 13 recommendations for modifications or additions to the Central
 14 and Southern Florida Project.

15 (m) "Total maximum daily load" means the sum of the
 16 individual wasteload allocations for point sources and the
 17 load allocations for nonpoint sources and natural background.
 18 Prior to determining individual wasteload allocations and load
 19 allocations, the maximum amount of a pollutant that a water
 20 body or water segment can assimilate from all sources without
 21 exceeding water quality standards must first be calculated.

22 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
 23 program for Lake Okeechobee that achieves phosphorus load
 24 reductions for Lake Okeechobee shall be immediately
 25 implemented as specified in this subsection. The program shall
 26 address the reduction of phosphorus loading to the lake from
 27 both internal and external sources. Phosphorus load reductions
 28 shall be achieved through a phased program of implementation.
 29 Initial implementation actions shall be technology-based,
 30 based upon a consideration of both the availability of
 31 appropriate technology and the cost of such technology, and

Bill No. SB 502

Barcode 851460

1 shall include phosphorus reduction measures at both the source
2 and the regional level. The initial phase of phosphorus load
3 reductions shall be based upon the district's Technical
4 Publication 81-2 and the district's WOD program, with
5 subsequent phases of phosphorus load reductions based upon the
6 total maximum daily loads established in accordance with s.
7 403.067. In the development and administration of the Lake
8 Okeechobee Protection Program, the coordinating agencies shall
9 maximize opportunities provided by federal cost-sharing
10 programs and opportunities for partnerships with the private
11 sector.

12 (a) Lake Okeechobee Protection Plan.--~~By January 1,~~
13 ~~2004,~~ The district, in cooperation with the other coordinating
14 agencies, shall complete a Lake Okeechobee Protection Plan in
15 accordance with this section and ss. 373.451-373.459. The plan
16 shall contain an implementation schedule for subsequent phases
17 of phosphorus load reduction consistent with the total maximum
18 daily loads established in accordance with s. 403.067. The
19 plan shall consider and build upon a review and analysis of
20 the following:

21 1. The performance of projects constructed during
22 Phase I of the Lake Okeechobee Construction Project, pursuant
23 to paragraph (b).

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

27 3. Relevant information resulting from the Lake
28 Okeechobee Research and Water Quality Monitoring Program,
29 pursuant to paragraph (d).

30 4. Relevant information resulting from the Lake
31 Okeechobee Exotic Species Control Program, pursuant to

Bill No. SB 502

Barcode 851460

1 paragraph (e).

2 5. Relevant information resulting from the Lake
3 Okeechobee Internal Phosphorus Management Program, pursuant to
4 paragraph (f).

5 (b) Lake Okeechobee Construction Project.--To improve
6 the hydrology and water quality of Lake Okeechobee and
7 downstream receiving waters, the district shall design and
8 construct the Lake Okeechobee Construction Project.

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

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

29 b. ~~By January 1, 2001,~~ The district shall obtain
30 permits and complete construction of two of the isolated
31 wetland restoration projects that are part of the Lake

Bill No. SB 502

Barcode 851460

1 Okeechobee Water Retention/Phosphorus Removal Critical
 2 Project. The additional isolated wetland projects included in
 3 this critical project shall ~~be permitted and constructed by~~
 4 ~~January 1, 2003,~~ to further reduce phosphorus loading to Lake
 5 Okeechobee.

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

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

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

31 a. Identify Lake Okeechobee Construction Project

Bill No. SB 502

Barcode 851460

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

6 b. Identify the size and location of all such Lake
 7 Okeechobee Construction Project facilities.

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

12 d. Provide a land acquisition schedule for lands
 13 necessary to achieve the construction schedule.

14 e. Provide a detailed schedule of costs associated
 15 with the construction schedule.

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

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

Bill No. SB 502

Barcode 851460

1 met. The evaluation shall be included in the applicable annual
2 progress report submitted pursuant to paragraph (g).

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

11 (c) Lake Okeechobee Watershed Phosphorus Control
12 Program.--The Lake Okeechobee Watershed Phosphorus Control
13 Program is designed to be a multifaceted approach to reducing
14 phosphorus loads by improving the management of phosphorus
15 sources within the Lake Okeechobee watershed through continued
16 implementation of existing regulations and best management
17 practices, development and implementation of improved best
18 management practices, improvement and restoration of the
19 hydrologic function of natural and managed systems, and
20 utilization of alternative technologies for nutrient
21 reduction. The coordinating agencies shall facilitate the
22 application of federal programs that offer opportunities for
23 water quality treatment, including preservation, restoration,
24 or creation of wetlands on agricultural lands.

25 1. Agricultural nonpoint source best management
26 practices, developed in accordance with s. 403.067 and
27 designed to achieve the objectives of the Lake Okeechobee
28 Protection Program, shall be implemented on an expedited
29 basis. ~~By March 1, 2001,~~ The coordinating agencies shall
30 develop an interagency agreement pursuant to ss. 373.046 and
31 373.406(5) that assures the development of best management

Bill No. SB 502

Barcode 851460

1 | practices that complement existing regulatory programs and
 2 | specifies how those best management practices are implemented
 3 | and verified. The interagency agreement shall address measures
 4 | to be taken by the coordinating agencies during any best
 5 | management practice reevaluation performed pursuant to
 6 | sub-subparagraph d. The department shall use best professional
 7 | judgment in making the initial determination of best
 8 | management practice effectiveness.

9 | a. As provided in s. 403.067(7)(d), ~~by October 1,~~
 10 | ~~2000,~~ the Department of Agriculture and Consumer Services, in
 11 | consultation with the department, the district, and affected
 12 | parties, shall initiate rule development for interim measures,
 13 | best management practices, conservation plans, nutrient
 14 | management plans, or other measures necessary for Lake
 15 | Okeechobee phosphorus load reduction. The rule shall include
 16 | thresholds for requiring conservation and nutrient management
 17 | plans and criteria for the contents of such plans. Development
 18 | of agricultural nonpoint source best management practices
 19 | shall initially focus on those priority basins listed in
 20 | subparagraph (b)1. The Department of Agriculture and Consumer
 21 | Services, in consultation with the department, the district,
 22 | and affected parties, shall conduct an ongoing program for
 23 | improvement of existing and development of new interim
 24 | measures or best management practices for the purpose of
 25 | adoption of such practices by rule.

26 | b. Where agricultural nonpoint source best management
 27 | practices or interim measures have been adopted by rule of the
 28 | Department of Agriculture and Consumer Services, the owner or
 29 | operator of an agricultural nonpoint source addressed by such
 30 | rule shall either implement interim measures or best
 31 | management practices or demonstrate compliance with the

Bill No. SB 502

Barcode 851460

1 district's WOD program by conducting monitoring prescribed by
 2 the department or the district. Owners or operators of
 3 agricultural nonpoint sources who implement interim measures
 4 or best management practices adopted by rule of the Department
 5 of Agriculture and Consumer Services shall be subject to the
 6 provisions of s. 403.067(7). The Department of Agriculture and
 7 Consumer Services, in cooperation with the department and the
 8 district, shall provide technical and financial assistance for
 9 implementation of agricultural best management practices,
 10 subject to the availability of funds.

11 c. The district or department shall conduct monitoring
 12 at representative sites to verify the effectiveness of
 13 agricultural nonpoint source best management practices.

14 d. Where water quality problems are detected for
 15 agricultural nonpoint sources despite the appropriate
 16 implementation of adopted best management practices, the
 17 Department of Agriculture and Consumer Services, in
 18 consultation with the other coordinating agencies and affected
 19 parties, shall institute a reevaluation of the best management
 20 practices and make appropriate changes to the rule adopting
 21 best management practices.

22 2. Nonagricultural nonpoint source best management
 23 practices, developed in accordance with s. 403.067 and
 24 designed to achieve the objectives of the Lake Okeechobee
 25 Protection Program, shall be implemented on an expedited
 26 basis. ~~By March 1, 2001,~~ The department and the district shall
 27 develop an interagency agreement pursuant to ss. 373.046 and
 28 373.406(5) that assures the development of best management
 29 practices that complement existing regulatory programs and
 30 specifies how those best management practices are implemented
 31 and verified. The interagency agreement shall address measures

Bill No. SB 502

Barcode 851460

1 to be taken by the department and the district during any best
2 management practice reevaluation performed pursuant to
3 sub-subparagraph d.

4 a. The department and the district are directed to
5 work with the University of Florida's Institute of Food and
6 Agricultural Sciences to develop appropriate nutrient
7 application rates for all nonagricultural soil amendments in
8 the watershed. As provided in s. 403.067(7)(c), ~~by January 1,~~
9 ~~2001,~~ the department, in consultation with the district and
10 affected parties, shall develop interim measures, best
11 management practices, or other measures necessary for Lake
12 Okeechobee phosphorus load reduction. Development of
13 nonagricultural nonpoint source best management practices
14 shall initially focus on those priority basins listed in
15 subparagraph (b)1. The department, the district, and affected
16 parties shall conduct an ongoing program for improvement of
17 existing and development of new interim measures or best
18 management practices. The district shall adopt
19 technology-based standards under the district's WOD program
20 for nonagricultural nonpoint sources of phosphorus.

21 b. Where nonagricultural nonpoint source best
22 management practices or interim measures have been developed
23 by the department and adopted by the district, the owner or
24 operator of a nonagricultural nonpoint source shall implement
25 interim measures or best management practices and be subject
26 to the provisions of s. 403.067(7). The department and
27 district shall provide technical and financial assistance for
28 implementation of nonagricultural nonpoint source best
29 management practices, subject to the availability of funds.

30 c. The district or the department shall conduct
31 monitoring at representative sites to verify the effectiveness

Bill No. SB 502

Barcode 851460

1 of nonagricultural nonpoint source best management practices.

2 d. Where water quality problems are detected for
3 nonagricultural nonpoint sources despite the appropriate
4 implementation of adopted best management practices, the
5 department and the district shall institute a reevaluation of
6 the best management practices.

7 3. The provisions of subparagraphs 1. and 2. shall not
8 preclude the department or the district from requiring
9 compliance with water quality standards or with current best
10 management practices requirements set forth in any applicable
11 regulatory program authorized by law for the purpose of
12 protecting water quality. Additionally, subparagraphs 1. and
13 2. are applicable only to the extent that they do not conflict
14 with any rules promulgated by the department that are
15 necessary to maintain a federally delegated or approved
16 program.

17 4. Projects which reduce the phosphorus load
18 originating from domestic wastewater systems within the Lake
19 Okeechobee watershed shall be given funding priority in the
20 department's revolving loan program under s. 403.1835. The
21 department shall coordinate and provide assistance to those
22 local governments seeking financial assistance for such
23 priority projects.

24 5. Projects that make use of private lands, or lands
25 held in trust for Indian tribes, to reduce nutrient loadings
26 or concentrations within a basin by one or more of the
27 following methods: restoring the natural hydrology of the
28 basin, restoring wildlife habitat or impacted wetlands,
29 reducing peak flows after storm events, increasing aquifer
30 recharge, or protecting range and timberland from conversion
31 to development, are eligible for grants available under this

Bill No. SB 502

Barcode 851460

1 section from the coordinating agencies. For projects of
 2 otherwise equal priority, special funding priority will be
 3 given to those projects that make best use of the methods
 4 outlined above that involve public-private partnerships or
 5 that obtain federal match money. Preference ranking above the
 6 special funding priority will be given to projects located in
 7 a rural area of critical economic concern designated by the
 8 Governor. Grant applications may be submitted by any person or
 9 tribal entity, and eligible projects may include, but are not
 10 limited to, the purchase of conservation and flowage
 11 easements, hydrologic restoration of wetlands, creating
 12 treatment wetlands, development of a management plan for
 13 natural resources, and financial support to implement a
 14 management plan.

15 6.a. The department shall require all entities
 16 disposing of domestic wastewater residuals within the Lake
 17 Okeechobee watershed and the remaining areas of Okeechobee,
 18 Glades, and Hendry Counties to develop and submit to the
 19 department an agricultural use plan that limits applications
 20 based upon phosphorus loading. By July 1, 2005, phosphorus
 21 concentrations originating from these application sites shall
 22 not exceed the limits established in the district's WOD
 23 program.

24 b. Private and government-owned utilities within
 25 Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian
 26 River, Okeechobee, Highlands, Hendry, and Glades Counties that
 27 dispose of wastewater residual sludge from utility operations
 28 and septic removal by land spreading in the Lake Okeechobee
 29 watershed may use a line item on local sewer rates to cover
 30 wastewater residual treatment and disposal if such disposal
 31 and treatment is done by approved alternative treatment

Bill No. SB 502

Barcode 851460

1 methodology at a facility located within the areas designated
2 by the Governor as rural areas of critical economic concern
3 pursuant to s. 288.0656. This additional line item is an
4 environmental protection disposal fee above the present sewer
5 rate and shall not be considered a part of the present sewer
6 rate to customers, notwithstanding provisions to the contrary
7 in chapter 367. The fee shall be established by the county
8 commission or its designated assignee in the county in which
9 the alternative method treatment facility is located. The fee
10 shall be calculated to be no higher than that necessary to
11 recover the facility's prudent cost of providing the service.
12 Upon request by an affected county commission, the Florida
13 Public Service Commission will provide assistance in
14 establishing the fee. Further, for utilities and utility
15 authorities that use the additional line item environmental
16 protection disposal fee, such fee shall not be considered a
17 rate increase under the rules of the Public Service Commission
18 and shall be exempt from such rules. Utilities using the
19 provisions of this section may immediately include in their
20 sewer invoicing the new environmental protection disposal fee.
21 Proceeds from this environmental protection disposal fee shall
22 be used for treatment and disposal of wastewater residuals,
23 including any treatment technology that helps reduce the
24 volume of residuals that require final disposal, but such
25 proceeds shall not be used for transportation or shipment
26 costs for disposal or any costs relating to the land
27 application of residuals in the Lake Okeechobee watershed.

28 c. No less frequently than once every 3 years, the
29 Florida Public Service Commission or the county commission
30 through the services of an independent auditor shall perform a
31 financial audit of all facilities receiving compensation from

Bill No. SB 502

Barcode 851460

1 an environmental protection disposal fee. The Florida Public
2 Service Commission or the county commission through the
3 services of an independent auditor shall also perform an audit
4 of the methodology used in establishing the environmental
5 protection disposal fee. The Florida Public Service Commission
6 or the county commission shall, within 120 days after
7 completion of an audit, file the audit report with the
8 President of the Senate and the Speaker of the House of
9 Representatives and shall provide copies to the county
10 commissions of the counties set forth in sub-subparagraph b.
11 The books and records of any facilities receiving compensation
12 from an environmental protection disposal fee shall be open to
13 the Florida Public Service Commission and the Auditor General
14 for review upon request.

15 7. The Department of Health shall require all entities
16 disposing of septage within the Lake Okeechobee watershed and
17 the remaining areas of Okeechobee, Glades, and Hendry Counties
18 to develop and submit to that agency, ~~by July 1, 2003,~~ an
19 agricultural use plan that limits applications based upon
20 phosphorus loading. By July 1, 2005, phosphorus
21 concentrations originating from these application sites shall
22 not exceed the limits established in the district's WOD
23 program.

24 8. The Department of Agriculture and Consumer Services
25 shall initiate rulemaking requiring entities within the Lake
26 Okeechobee watershed and the remaining areas of Okeechobee,
27 Glades, and Hendry Counties which land-apply animal manure to
28 develop conservation or nutrient management plans that limit
29 application, based upon phosphorus loading. Such rules may
30 include criteria and thresholds for the requirement to develop
31 a conservation or nutrient management plan, requirements for

Bill No. SB 502

Barcode 851460

1 plan approval, and recordkeeping requirements.

2 9. Prior to authorizing a discharge into works of the
3 district, the district shall require responsible parties to
4 demonstrate that proposed changes in land use will not result
5 in increased phosphorus loading over that of existing land
6 uses.

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

11 (d) Lake Okeechobee Research and Water Quality
12 Monitoring Program.--~~By January 1, 2001,~~ The district, in
13 cooperation with the other coordinating agencies, shall
14 establish a Lake Okeechobee Research and Water Quality
15 Monitoring Program that builds upon the district's existing
16 Lake Okeechobee research program. The program shall:

17 1. Evaluate all available existing water quality data
18 concerning total phosphorus in the Lake Okeechobee watershed,
19 develop a water quality baseline to represent existing
20 conditions for total phosphorus, monitor long-term ecological
21 changes, including water quality for total phosphorus, and
22 measure compliance with water quality standards for total
23 phosphorus, including the total maximum daily load for Lake
24 Okeechobee as established pursuant to s. 403.067. The district
25 shall also implement a total phosphorus monitoring program at
26 all inflow structures to Lake Okeechobee.

27 2. ~~By July 1, 2003,~~ Develop a Lake Okeechobee water
28 quality model that reasonably represents phosphorus dynamics
29 of the lake and incorporates an uncertainty analysis
30 associated with model predictions.

31 3. ~~By July 1, 2003,~~ Determine the relative

Bill No. SB 502

Barcode 851460

1 contribution of phosphorus from all identifiable sources and
2 all primary and secondary land uses.

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

10 5. ~~By July 1, 2003,~~ Assess current water management
11 practices within the Lake Okeechobee watershed and develop
12 recommendations for structural and operational improvements.
13 Such recommendations shall balance water supply, flood
14 control, estuarine salinity, maintenance of a healthy lake
15 littoral zone, and water quality considerations.

16 6. ~~By July 1, 2003,~~ Evaluate the feasibility of
17 alternative nutrient reduction technologies, including
18 sediment traps, canal and ditch maintenance, fish production
19 or other aquaculture, bioenergy conversion processes, and
20 algal or other biological treatment technologies.

21 (e) Lake Okeechobee Exotic Species Control
22 Program.--~~By June 1, 2002,~~ The coordinating agencies shall
23 identify the exotic species that threaten the native flora and
24 fauna within the Lake Okeechobee watershed and develop and
25 implement measures to protect the native flora and fauna.

26 (f) Lake Okeechobee Internal Phosphorus Management
27 Program.--~~By July 1, 2003,~~ The district, in cooperation with
28 the other coordinating agencies and interested parties, shall
29 complete a Lake Okeechobee internal phosphorus load removal
30 feasibility study. The feasibility study shall be based on
31 technical feasibility, as well as economic considerations, and

Bill No. SB 502

Barcode 851460

1 address all reasonable methods of phosphorus removal. If
2 methods are found to be feasible, the district shall
3 immediately pursue the design, funding, and permitting for
4 implementing such methods.

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

21 (h)(g) Annual progress report.--Each January 1,
22 beginning in 2001, The district shall submit to the Governor,
23 the President of the Senate, and the Speaker of the House of
24 Representatives annual progress reports regarding
25 implementation of this section. The annual report shall
26 include a summary of water quality and habitat conditions in
27 Lake Okeechobee and the Lake Okeechobee watershed and the
28 status of the Lake Okeechobee Construction Project. The
29 district shall prepare the report in cooperation with the
30 other coordinating agencies.

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

Bill No. SB 502

Barcode 851460

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 8-14, delete those lines

4

5 and insert:

6 Protection Plan; revising a definition;

7 providing that the Department of Agriculture

8 and Consumer Services, the Department of

9 Environmental Protection, and the South Florida

10 Water Management District be jointly

11 responsible for implementing the Lake

12 Okeechobee Protection Plan; requiring that

13 annual funding priorities be jointly

14 established; providing criteria for funding

15 priorities; repealing obsolete provisions;

16 providing an effective date.

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