

1 expeditiously implement the Lake Okeechobee Protection Plan
2 developed pursuant to paragraph (3)(a).

3 (k) The Legislature finds that a continuing source of
4 funding is needed to effectively implement a phosphorus
5 control program that initially targets the most significant
6 sources contributing to phosphorus loads within the watershed
7 and continues to address other sources as needed to achieve
8 the phased phosphorus load reductions required under this
9 section.

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

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

1 Okeechobee Protection Program, the coordinating agencies shall
2 maximize opportunities provided by federal cost-sharing
3 programs and opportunities for partnerships with the private
4 sector.

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

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

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

30 a. Identify Lake Okeechobee Construction Project
31 facilities to be constructed to achieve a design objective of

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

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

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

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

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

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

20 3. Evaluation.--By January 1, 2004, and every 3 years
21 thereafter, the district, in cooperation with the coordinating
22 agencies, shall conduct an evaluation of any further
23 phosphorus load reductions necessary to achieve compliance
24 with the Lake Okeechobee total maximum daily load established
25 pursuant to s. 403.067. Additionally, the district shall
26 identify modifications to facilities of the Lake Okeechobee
27 Construction Project as appropriate if the design objective of
28 40 parts per billion (ppb) or the allocation established
29 pursuant to s. 403.067 for the Lake Okeechobee total maximum
30 daily load established pursuant to s. 403.067 is not being
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1 met. The evaluation shall be included in the applicable annual
2 progress report submitted pursuant to paragraph ~~(h)~~ ~~(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 (g) Lake Okeechobee Protection Plan
12 implementation.--The coordinating agencies shall be jointly
13 responsible for implementing the Lake Okeechobee Protection
14 Plan, consistent with the statutory authority and
15 responsibility of each agency. Annual funding priorities shall
16 be jointly established and the highest priority shall be
17 assigned to programs and projects that address phosphorus
18 sources that have the highest relative contribution to
19 phosphorus loading and the greatest potential for phosphorus
20 reduction. In determining funding priorities, the coordinating
21 agencies shall also consider the need for regulatory
22 compliance, the extent to which the program or project is
23 ready to proceed, and the availability of federal matching
24 funds or other nonstate funding, including public-private
25 partnerships. Federal and other nonstate funding shall be
26 maximized to the greatest extent practicable.

27 Section 2. This act shall take effect July 1, 2005.
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SENATE SUMMARY

Requires specified state agencies to jointly implement
and establish funding priorities for the Lake Okeechobee
Protection Plan in order to achieve certain
phosphorus-load reductions.