CHAPTER 2005-29

House Bill No. 155

An act relating to the Lake Okeechobee Protection Program; amending s. 373.4595, F.S.; providing legislative findings with respect to implementation and funding of the Lake Okeechobee Watershed Phosphorus Control Program and the Lake Okeechobee Protection Program; revising a definition; providing that the Department of Agriculture and Consumer Services, the Department of Environmental Protection, and the South Florida Water Management District be jointly responsible for implementing the Lake Okeechobee Protection Plan; requiring that annual funding priorities be jointly established; providing criteria for determining funding priorities; repealing obsolete provisions; providing an effective date.

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

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

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

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

(e) The Legislature finds that phosphorus loads from the Lake Okeechobee watershed have contributed to excessive phosphorus levels in Lake Okeechobee and downstream receiving waters and that a reduction in levels of phosphorus will benefit the ecology of these systems. The excessive levels of phosphorus have also resulted in an accumulation of phosphorus in the sediments of Lake Okeechobee. If not removed, internal phosphorus loads

from the sediments are expected to delay responses of the lake to external phosphorus reductions.

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

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

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

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

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

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

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

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

(n)~~(1)~~ It is the intent of the Legislature that the coordinating agencies encourage and support the development of creative public-private partnerships and programs, including opportunities for pollutant trading and credits, to facilitate or further the restoration of Lake Okeechobee, consistent with s. 403.067.

(2) DEFINITIONS.—As used in this section:

(a) "Best management practice" means a practice or combination of practices determined by the coordinating agencies, based on research, field-testing, and expert review, to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality in agricultural and urban discharges. Best management practices for agricultural discharges shall reflect a balance between water quality improvements and agricultural productivity.

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

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

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

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

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

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

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

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

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

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

(l) "Restudy" means the Comprehensive Review Study of the Central and Southern Florida Project, for which federal participation was authorized by the Federal Water Resources Development Acts of 1992 and 1996 together

with related Congressional resolutions and for which participation by the South Florida Water Management District is authorized by s. 373.1501. The term includes all actions undertaken pursuant to the aforementioned authorizations which will result in recommendations for modifications or additions to the Central and Southern Florida Project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Lake Okeechobee Watershed Phosphorus Control Program.—The Lake Okeechobee Watershed Phosphorus Control Program is designed to be a multifaceted approach to reducing phosphorus loads by improving the management of phosphorus sources within the Lake Okeechobee watershed through continued implementation of existing regulations and best management practices, development and implementation of improved best management practices, improvement and restoration of the hydrologic function of natural and managed systems, and utilization of alternative technologies for nutrient reduction. The coordinating agencies shall facilitate the application of federal programs that offer opportunities for water quality treatment,

including preservation, restoration, or creation of wetlands on agricultural lands.

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

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

b. Where agricultural nonpoint source best management practices or interim measures have been adopted by rule of the Department of Agriculture and Consumer Services, the owner or operator of an agricultural nonpoint source addressed by such rule shall either implement interim measures or best management practices or demonstrate compliance with the district's WOD program by conducting monitoring prescribed by the department or the district. Owners or operators of agricultural nonpoint sources who implement interim measures or best management practices adopted by rule of the Department of Agriculture and Consumer Services shall be subject to the provisions of s. 403.067(7). The Department of Agriculture and Consumer Services, in cooperation with the department and the district, shall provide technical and financial assistance for implementation of agricultural best management practices, subject to the availability of funds.

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

d. Where water quality problems are detected for agricultural nonpoint sources despite the appropriate implementation of adopted best management practices, the Department of Agriculture and Consumer Services, in

consultation with the other coordinating agencies and affected parties, shall institute a reevaluation of the best management practices and make appropriate changes to the rule adopting best management practices.

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

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

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

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

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

3. The provisions of subparagraphs 1. and 2. shall not preclude the department or the district from requiring compliance with water quality standards or with current best management practices requirements set

forth in any applicable regulatory program authorized by law for the purpose of protecting water quality. Additionally, subparagraphs 1. and 2. are applicable only to the extent that they do not conflict with any rules promulgated by the department that are necessary to maintain a federally delegated or approved program.

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

5. Projects that make use of private lands, or lands held in trust for Indian tribes, to reduce nutrient loadings or concentrations within a basin by one or more of the following methods: restoring the natural hydrology of the basin, restoring wildlife habitat or impacted wetlands, reducing peak flows after storm events, increasing aquifer recharge, or protecting range and timberland from conversion to development, are eligible for grants available under this section from the coordinating agencies. For projects of otherwise equal priority, special funding priority will be given to those projects that make best use of the methods outlined above that involve public-private partnerships or that obtain federal match money. Preference ranking above the special funding priority will be given to projects located in a rural area of critical economic concern designated by the Governor. Grant applications may be submitted by any person or tribal entity, and eligible projects may include, but are not limited to, the purchase of conservation and flowage easements, hydrologic restoration of wetlands, creating treatment wetlands, development of a management plan for natural resources, and financial support to implement a management plan.

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

b. Private and government-owned utilities within Monroe, Dade, Broward, Palm Beach, Martin, St. Lucie, Indian River, Okeechobee, Highlands, Hendry, and Glades Counties that dispose of wastewater residual sludge from utility operations and septic removal by land spreading in the Lake Okeechobee watershed may use a line item on local sewer rates to cover wastewater residual treatment and disposal if such disposal and treatment is done by approved alternative treatment methodology at a facility located within the areas designated by the Governor as rural areas of critical economic concern pursuant to s. 288.0656. This additional line item is an environmental protection disposal fee above the present sewer rate and shall not be considered a part of the present sewer rate to customers, notwithstanding provisions to the contrary in chapter 367. The fee shall be established by the county commission or its designated assignee in the county in which the alternative method treatment facility is located. The fee shall be calculated

to be no higher than that necessary to recover the facility's prudent cost of providing the service. Upon request by an affected county commission, the Florida Public Service Commission will provide assistance in establishing the fee. Further, for utilities and utility authorities that use the additional line item environmental protection disposal fee, such fee shall not be considered a rate increase under the rules of the Public Service Commission and shall be exempt from such rules. Utilities using the provisions of this section may immediately include in their sewer invoicing the new environmental protection disposal fee. Proceeds from this environmental protection disposal fee shall be used for treatment and disposal of wastewater residuals, including any treatment technology that helps reduce the volume of residuals that require final disposal, but such proceeds shall not be used for transportation or shipment costs for disposal or any costs relating to the land application of residuals in the Lake Okeechobee watershed.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) Lake Okeechobee Internal Phosphorus Management Program.—~~By July 1, 2003,~~ The district, in cooperation with the other coordinating agencies and interested parties, shall complete a Lake Okeechobee internal phosphorus load removal feasibility study. The feasibility study shall be based

on technical feasibility, as well as economic considerations, and address all reasonable methods of phosphorus removal. If methods are found to be feasible, the district shall immediately pursue the design, funding, and permitting for implementing such methods.

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

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

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

Approved by the Governor May 10, 2005.

Filed in Office Secretary of State May 10, 2005.