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## SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 15, 1998 Revised: \_\_\_\_\_

Subject: Water Resources

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Branning</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

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### I. Summary:

This bill provides legislative intent regarding the Comprehensive Review Study, or Restudy, for the Central and Southern Florida Project. Authorizes the South Florida Water Management District's participation as local sponsor for the Restudy. Provides for legislative oversight of the Restudy by the Joint Legislative Committee on Everglades Oversight. Provides that the South Florida Water Management District may not execute a project cooperation agreement for any proposed project or operational change resulting from the Restudy unless specifically authorized by the Legislature. Allows the district to proceed with the execution of the project cooperation agreement under certain conditions.

This bill creates section 373.45923, Florida Statutes.

### II. Present Situation:

In 1948, Congress authorized the Central and Southern Florida Flood Control Project (C&SF Project) to provide flood protection and an adequate water supply, to prevent saltwater intrusion, to encourage agricultural and urban development, and to preserve fish and wildlife. The project consisted of a series of water control structures engineered and constructed by the U.S. Army Corps of Engineers. The Central and Southern Florida Flood Control District (the predecessor to the South Florida Water Management District) was established in 1949 by the Florida Legislature to act as local sponsor for the project and to assume operation and maintenance of each section as it was completed. For more than 40 years, the C&SF Project has performed its authorized functions well. However, the project has also had unintended effects on the unique natural environment which constitutes the Everglades and Florida Bay ecosystems.

In 1992, Congress, pursuant to the Water Resources Development Act of 1992, directed the U.S. Army Corps of Engineers (Corps) to restudy the C&SF Project to determine if the project should be modified “due to significantly changed physical, biological, demographic, or economic conditions, with particular reference to modifying the project or its operation for improving the quality of the environment, improving protection of the aquifer, and improving the integrity, capability, and conservation of urban water supplies affected by the project or its operation.”

Although the restudy is being developed by an interdisciplinary professional staff representing numerous agencies, the Corps and the South Florida Water Management District (District) are the primary participants and are jointly funding the efforts on a 50-50 cost sharing basis. The restudy includes three primary steps:

- Reconnaissance study -- to identify problems and opportunities, formulate a set of initial alternatives, and to determine if further detailed studies are warranted. This step was completed in November 1994 with a recommendation to proceed.
- Comprehensive plan -- Section 528 of the Water Resources Development Act of 1996 provided that “The Secretary [of the Army] shall develop, as expeditiously as practicable, a proposed comprehensive plan for the purpose of restoring, preserving, and protecting the South Florida ecosystem. The comprehensive plan shall provide for the protection of water quality in, and the reduction of the loss of fresh water from, the Everglades. The comprehensive plan shall include such features as are necessary to provide for the water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the Central and Southern Florida Project.” This step is currently under development and must be completed by July, 1999.
- Detailed design phase -- a detailed design and an environmental impact statement are completed for each project prior to the initiation of construction. Also, the District and the Corps must enter into a Project Cooperation Agreement for the design, construction, and operation of the project prior to its implementation.

The estimated cost of the restudy through 2002 is \$20 million, with the District and the Corps each contributing \$10 million. Of the District’s share, \$5 million is in the form of cash contributions and \$5 million is in the form of in-kind services. Through the end of FY 1998, the District’s total cash contribution to the restudy will be \$2.3 million. Because final recommendations have yet to be made regarding modifications to the C&SF Project, there is no specific estimate of total implementation costs. Estimates for implementing projects pursuant to the restudy range from \$3 billion to \$5 billion.

### **III. Effect of Proposed Changes:**

This bill creates s. 373.45923, F.S., relating to the Comprehensive Review Study of the Central and Southern Florida Project. This section states that the Legislature finds that the Comprehensive Review Study, or Restudy, for the Central and Southern Florida Project, for

which federal participation was authorized and directed by the Federal Water Resources Development Acts of 1992 and 1996 together with related Congressional resolutions, is of critical importance for sustaining the ecology, economy, and social well-being of South Florida. The South Florida Water Management District's participation as local sponsor for the Restudy is therefore authorized. The Legislature intends to facilitate and support the South Florida Water Management District in its role as local sponsor for the Restudy and to ensure that all projects or operational changes resulting from the Restudy are implemented in a manner consistent with ch. 373, F.S., the Everglades program, and the policy provided by s. 373.016, F.S., including the promotion of the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems.

The Joint Legislative Committee on Everglades Oversight created pursuant to s. 11.80, F.S., is responsible for monitoring all funding and expenditures for projects or operational changes resulting from the Restudy. The South Florida Water Management District shall assist the joint committee by providing any comprehensive plan, preliminary financing plan, feasibility plan, project cooperation agreement, or any proposed plan of action resulting from the Restudy, or any other information determined by the joint committee to be necessary for accomplishing the purposes of this section.

Immediately following the 1998 legislative session, the South Florida Water Management District shall provide to the joint committee all alternatives evaluated by the Restudy to that date, which shall be reviewed by the joint committee as an interim project. The joint committee shall review the comprehensive plan draft during the 45-day public comment period and shall provide the U.S. Army Corps of Engineers and the South Florida Water Management District written comments as it deems appropriate. Such comments shall include, but are not limited to, the extent to which the proposed comprehensive plan is consistent with the goals and objectives of this chapter and considers all competing policy needs within s. 373.016, F.S., as well as all competing water uses. The joint committee shall conduct at least two public hearings before finalizing written comments. Upon completing of the comprehensive plan for the Restudy, the plan shall be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the joint committee.

Unless the project modification is specifically authorized by the Legislature, which authorization may be by a general appropriation, during the next Regular Session following submission of information on project scope, schedules, and costs, the South Florida Water Management District may not execute a project cooperation agreement for any proposed project or operational change resulting from the Restudy, including any action seeking further Congressional authorizations or approvals to modify project works or operations or to acquire land. If the Legislature does not approve, modify, or reject project modifications as described herein, the South Florida Water Management District may proceed with the execution of the project cooperation agreement, provided that the district's financial responsibility under the project cooperation agreement can be met without the need for any future appropriations by the Legislature.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill provides legislative oversight over the expenditure of revenues which may would be used to fund the projects identified in the Restudy.

C. Government Sector Impact:

The Joint Legislative Committee on Everglades Oversight is responsible for monitoring all funding and expenditures for projects or operational changes resulting from the Restudy. The committee is required to review the comprehensive plan and hold at least two public hearings. The South Florida Water Management District would be unable to expend and commit any funds for any of the restoration projects that may be identified without prior approval by the Legislature. If the Legislature does not approve, reject, or modify project modifications, the district may proceed with the execution of the project cooperation provided the district can financially do it without any future legislative appropriations.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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