

By Senator Laurent

17-1093A-99

1 A bill to be entitled
 2 An act relating to water resources; creating s.
 3 373.1501, F.S.; providing legislative findings;
 4 prescribing duties of the South Florida Water
 5 Management District with respect to the Central
 6 and Southern Florida Project; amending s.
 7 373.026, F.S.; prescribing duties of the
 8 Department of Environmental Protection with
 9 respect to the findings and recommendations of
 10 the district; providing for legislative review;
 11 providing an effective date.

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

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 15 Section 1. Section 373.1501, Florida Statutes, is
 16 created to read:

17 373.1501 South Florida Water Management District as
 18 local sponsor.--

19 (1) The Legislature finds that the Comprehensive
 20 Review Study, referred to in this section as the restudy, of
 21 the Central and Southern Florida Project, for which federal
 22 participation was authorized and directed by the Federal Water
 23 Resources Development Acts of 1992 and 1996, together with
 24 related Congressional resolutions, is important for sustaining
 25 the environment, economy, and social well-being of south
 26 Florida. It is the intent of the Legislature to facilitate and
 27 support the restudy through a process concurrent with Federal
 28 Government review and Congressional authorization. It is the
 29 further intent of the Legislature that environmental and other
 30 water supply initiatives contained in the restudy be
 31 implemented through the appropriate processes of this chapter

1 and that all project modifications or operational changes
2 resulting from the restudy be consistent with the balanced
3 policies and purposes of this chapter and specifically s.
4 373.016.

5 (2) The South Florida Water Management District is
6 authorized to act as local sponsor of the project for those
7 project features within the district as provided in this
8 subsection and subject to the oversight of Department of
9 Environmental Protection as further provided in s. 373.026.

10 The district may:

11 (a) Act as local sponsor for all project features
12 previously authorized by Congress;

13 (b) Continue data gathering, analysis, research, and
14 design of project features relating to the restudy and further
15 refine the comprehensive plan of the restudy as a guide and
16 framework for identifying project features to be recommended
17 for authorization;

18 (c) Construct pilot projects that will assist in
19 determining the feasibility of technology included in the
20 restudy comprehensive plan, subject to the approval of the
21 department; and

22 (d) Act as local sponsor for other project
23 modifications or additions that have been approved by the
24 department and confirmed by the Legislature as further
25 provided in s. 373.026.

26 (3) In its role as local sponsor for the project and
27 the restudy, the district shall comply with its
28 responsibilities under this chapter and implement
29 environmental and other water supply initiatives contained in
30 the restudy through appropriate provisions of this chapter.
31 Project modifications or additions resulting from the restudy

1 which are recommended by the district for approval and
2 confirmation shall be developed and designed based upon the
3 following criteria. The district shall:

4 (a) Analyze and evaluate all needs to be met in a
5 comprehensive manner and consider all applicable water
6 resource issues, including water supply, water quality, flood
7 protection, endangered species, and other natural system and
8 habitat needs;

9 (b) Determine that all recommended project
10 modifications and additions are feasible consistent with the
11 principles and guidelines applicable to United States Army
12 Corps of Engineers feasibility studies for civil works
13 projects authorized by Federal Water Resource Development
14 Acts;

15 (c) Determine that the modification or addition is the
16 most efficient and cost-effective use of available funding
17 from all sources;

18 (d) Obtain letters of intent from each state and
19 federal agency with regulatory jurisdiction confirming that
20 the modification or addition is consistent with applicable
21 statutes and rules and is acceptable to each agency and
22 providing reasonable assurance, subject to formal permit or
23 other applicable review, that each component can be built and
24 operated as proposed;

25 (e) Provide in any project cooperation agreement with
26 the Corps of Engineers that land acquisition necessary for
27 implementation of the restudy will be undertaken through state
28 condemnation law in the absence of willing sellers;

29 (f) Provide assurances to existing lawful users that
30 they will not experience water shortages caused by
31 environmental restoration during the restudy implementation

1 and likewise provide assurances that, once restored, the
2 natural environment will not again be degraded by water
3 management practices; and

4 (g) Ensure that physical or operational modifications
5 to the project will not interfere with existing lawful uses
6 and will not adversely affect existing levels of service for
7 flood protection or water use, consistent with state and
8 federal law.

9 (4) The department and the district shall
10 expeditiously pursue implementation of project modifications
11 previously authorized by Congress or the Legislature,
12 including the Everglades Construction Project. Future
13 modifications and additions should compliment rather than
14 replace and not delay project modifications previously
15 authorized.

16 Section 2. Subsection (8) of section 373.026, Florida
17 Statutes, is amended to read:

18 373.026 General powers and duties of the
19 department.--The department, or its successor agency, shall be
20 responsible for the administration of this chapter at the
21 state level. However, it is the policy of the state that, to
22 the greatest extent possible, the department may enter into
23 interagency or interlocal agreements with any other state
24 agency, any water management district, or any local government
25 conducting programs related to or materially affecting the
26 water resources of the state. All such agreements shall be
27 subject to the provisions of s. 373.046. In addition to its
28 other powers and duties, the department shall, to the greatest
29 extent possible:

30 (8)(a) Provide such coordination, cooperation, or
31 approval necessary to the effectuation of any plan or project

1 of the Federal Government in connection with or concerning the
2 waters in the state. Unless otherwise provided by state or
3 federal law, the department shall, subject to confirmation by
4 the Legislature, have the power to approve or disapprove such
5 federal plans or projects on behalf of the state. If such plan
6 or project is for a coastal inlet, the department shall first
7 determine the impact of the plan or project on the sandy
8 beaches in the state. If the department determines that the
9 plan will have a significant adverse impact on the sandy
10 beaches, the department may not approve the plan or project
11 unless it is revised to mitigate those impacts.

12 (b) The department must approve, or approve with
13 amendments, all recommendations of the South Florida Water
14 Management District for modifications to the Central and
15 Southern Florida Project resulting from the restudy, based on
16 the criteria in s. 373.1501, before submission of the
17 modification or addition to Congress for authorization. The
18 department must also approve or approve with amendments all
19 project cooperation agreements between the district and the
20 United States Army Corps of Engineers relating to the restudy.
21 Legislative review shall follow certification by the
22 department of compliance with s. 373.1501 and approval of the
23 district's budget by the Executive Office of the Governor in
24 compliance with s. 373.536.

25 (c)~~(b)~~ The department, subject to confirmation by the
26 Legislature, shall act on behalf of the state in the
27 negotiation and consummation of any agreement or compact with
28 another state or states concerning waters of the state.

29 Section 3. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Provides powers and duties of the South Florida Water Management District as sponsor of the Central and Southern Florida Project and further powers and duties to study the project and recommend modifications and additions. Requires the Department of Environmental Protection to approve the district's proposed modifications and additions before they may be submitted to Congress for approval. Provides for legislative review after the department's approval and after approval of the district's budget by the Executive Office of the Governor.