

By Representatives Putnam and Dockery

1 A bill to be entitled
2 An act relating to water resources; creating s.
3 373.150, F.S.; providing legislative findings
4 and intent; authorizing the South Florida Water
5 Management District to act as local sponsor of
6 the Central and Southern Florida Flood Control
7 Project for specified project features;
8 providing for oversight by the Legislature and
9 the Department of Environmental Protection;
10 requiring specified compliance by the water
11 management district; requiring the
12 implementation of certain environmental and
13 water supply initiatives; requiring project
14 modifications or additions to be developed and
15 designed based upon specified criteria;
16 requiring the Department of Environmental
17 Protection and the water management district to
18 pursue implementation of certain project
19 modifications; requiring the department and the
20 water management district to give priority in
21 funding and construction to certain project
22 modifications and additions; amending s.
23 373.026, F.S.; requiring the department to
24 approve recommendations of the South Florida
25 Water Management District for modifications or
26 additions to the Central and Southern Florida
27 Flood Control Project, based upon certain
28 criteria; requiring the department to approve
29 certain project cooperation agreements;
30 providing for legislative review; providing an
31 effective date.

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

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3 Section 1. Section 373.150, Florida Statutes, is
4 created to read:

5 373.150 South Florida Water Management District as
6 local sponsor of the Central and Southern Florida Flood
7 Control Project.--

8 (1) The Legislature finds that the Comprehensive
9 Review Study of the Central and Southern Florida Flood Control
10 Project for which federal participation was authorized and
11 directed by the Federal Water Resources Development Acts of
12 1992 and 1996, together with related congressional
13 resolutions, is important for sustaining the environment,
14 economy, and social well-being of South Florida. It is the
15 intent of the Legislature to facilitate and support the
16 project restudy through a process concurrent with Federal
17 Government review and congressional authorization. It is
18 further the intent of the Legislature that environmental and
19 other water supply initiatives contained in the restudy be
20 implemented through the appropriate processes of this chapter
21 and that all project modifications or operational changes
22 resulting from the restudy be consistent with the balanced
23 policies and purposes of this chapter and specifically s.
24 373.016.

25 (2) The South Florida Water Management District is
26 authorized to act as local sponsor of the Central and Southern
27 Florida Flood Control Project for those project features
28 within the district as provided in this subsection and subject
29 to the oversight of the Legislature and Department of
30 Environmental Protection as further provided in s. 373.026.
31 The district is authorized to:

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

3 (b) Continue data gathering, analysis, research, and
4 design of project features relating to the restudy and further
5 refine the comprehensive plan of the restudy as a guide and
6 framework for identifying project features to be recommended
7 for authorization;

8 (c) Construct pilot projects that will assist in
9 determining the feasibility of technology included in the
10 restudy comprehensive plan, subject to the approval of the
11 department; and

12 (d) Act as local sponsor for other project
13 modifications or additions that have been approved by the
14 department and confirmed by the Legislature as further
15 provided in s. 373.026.

16 (3) In its role as local sponsor for the project and
17 the restudy, the district shall comply with its
18 responsibilities under this chapter and implement
19 environmental and other water supply initiatives contained in
20 the restudy through appropriate provisions of this chapter.
21 Project modifications or additions resulting from the restudy
22 that are recommended by the district for approval and
23 confirmation shall be developed and designed based upon the
24 criteria in paragraphs (a)-(g). The district shall:

25 (a) Analyze and evaluate all needs to be met in a
26 comprehensive manner and consider all applicable water
27 resource issues, including water supply, water quality, flood
28 protection, endangered species, and other natural system and
29 habitat needs;

30 (b) Determine that all recommended project
31 modifications and additions are feasible consistent with the

1 principles and guidelines applicable to United States Army
2 Corps of Engineers feasibility studies for Civil Works
3 Projects authorized by Federal Water Resource Development
4 Acts;
5 (c) Determine that the modification or addition is the
6 most efficient and cost-effective use of available funding
7 from all sources;
8 (d) Obtain letters of intent from each state and
9 federal agency with regulatory jurisdiction, confirming that
10 the modification or addition is consistent with applicable
11 statutes and rules and is acceptable to each agency, and
12 providing reasonable assurance, subject to formal permit or
13 other applicable review, that each component can be built and
14 operated as proposed;
15 (e) Provide in any project cooperation agreement with
16 the United States Corps of Engineers that land acquisition
17 necessary for implementation of the restudy will be undertaken
18 through state condemnation law in the absence of willing
19 sellers;
20 (f) Provide assurances to existing legal users that
21 they will not experience water shortages caused by
22 environmental restoration during the restudy implementation,
23 and likewise provide assurances that, once restored, the
24 natural environment will not again be degraded by water
25 management practices; and
26 (g) Ensure that physical or operational modifications
27 to the project will not interfere with existing legal uses and
28 will not adversely impact existing levels of service for flood
29 protection or water use, consistent with state and federal
30 law.
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1 (4) The department and the district shall
2 expeditiously pursue implementation of project modifications
3 previously authorized by Congress or the Legislature,
4 including the Everglades Construction Project. Future
5 modifications and additions should compliment rather than
6 replace and not delay project modifications previously
7 authorized.

8 (5) In addition to previously authorized project
9 modifications, the department and the district shall give
10 priority in funding and construction to project modifications
11 and additions providing water quality treatment, including any
12 related storage, in the Florida Keys, the Upper East Coast
13 Planning Area, and the areas tributary to and north of Lake
14 Okeechobee.

15 Section 2. Subsection (10) is added to section
16 373.026, Florida Statutes, to read:

17 373.026 General powers and duties of the
18 department.--The department, or its successor agency, shall be
19 responsible for the administration of this chapter at the
20 state level. However, it is the policy of the state that, to
21 the greatest extent possible, the department may enter into
22 interagency or interlocal agreements with any other state
23 agency, any water management district, or any local government
24 conducting programs related to or materially affecting the
25 water resources of the state. All such agreements shall be
26 subject to the provisions of s. 373.046. In addition to its
27 other powers and duties, the department shall, to the greatest
28 extent possible:

29 (10) Approve, or approve with amendments, all
30 recommendations of the South Florida Water Management District
31 for modifications or additions to the Central and Southern

1 Florida Flood Control Project resulting from the comprehensive
2 review study or restudy of the Central and Southern Florida
3 Flood Control Project, based upon the criteria of s. 373.150,
4 prior to submission of the modification or addition to
5 Congress for authorization. The department shall also approve
6 or approve with amendments all project cooperation agreements
7 between the South Florida Water Management District and the
8 United States Army Corps of Engineers relating to the restudy.
9 Legislative review shall follow certification by the
10 department of compliance with s. 373.150 and approval of the
11 South Florida Water Management District's budget by the
12 Executive Office of the Governor in compliance with s.
13 373.536.

14 Section 3. This act shall take effect upon becoming a
15 law.

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HOUSE SUMMARY

Authorizes the South Florida Water Management District to act as local sponsor of the Central and Southern Florida Flood Control Project for project features specified in the act. Provides for oversight by the Legislature and the Department of Environmental Protection. Requires compliance by the South Florida Water Management District with the provisions of ch. 373, F.S., and requires the implementation of environmental and water supply initiatives contained in the project restudy. Requires that specified project modifications or additions resulting from the project restudy be developed and designed based upon specified criteria. Requires the Department of Environmental Protection and the water management district to pursue implementation of certain project modifications. Requires the department and the water management district to give priority in funding and construction to project modifications and additions providing water quality treatment, including related water storage, in the Florida Keys, the Upper East Coast Planning Area, and areas tributary to and north of Lake Okeechobee.

Requires the Department of Environmental Protection to approve recommendations of the South Florida Water Management District for modifications or additions to the Central and Southern Florida Flood Control Project resulting from the project comprehensive review study or restudy, based upon certain criteria. Requires the department to approve certain project cooperation agreements. Provides for legislative review.