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**DATE:** April 20, 2001

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE  
COUNCIL FOR READY INFRASTRUCTURE  
ANALYSIS**

**BILL #:** CS/HB 161  
**RELATING TO:** Water Management  
**SPONSOR(S):** Committee on Natural Resources & Environmental Protection, Representative(s)  
Argenziano and Russell

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 12 NAYS 0
- (2) FISCAL POLICY & RESOURCES YEAS 11 NAYS 0
- (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 12 NAYS 0
- (4) COUNCIL FOR READY INFRASTRUCTURE YEAS 17 NAYS 0
- (5)

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**I. SUMMARY:**

The bill creates the Citrus/Hernando Waterways Restoration Council (Council). Members of the Council will be appointed by the President of the Senate and the Speaker of the House and serve in an advisory capacity to the governing board of the Southwest Florida Water Management District (District). Council members from Citrus and Hernando counties will form separate county task forces to address waterways within their respective counties. Responsibilities of the Council will include reviewing audits and data related to lake restoration and sport fish recovery that apply to Citrus/Hernando waterways, evaluating the need for additional studies, exploring funding sources for restoration activities, and annually reporting to the Legislature. The bill also creates a technical advisory group to the Council and provides for its composition.

The bill authorizes development of the Citrus/Hernando Waterways Restoration Program and, contingent upon available funding, direct the appropriate agencies award contracts through a competitive bidding process to implement the restoration program. The bill authorizes the Fish and Wildlife Conservation Commission to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes, for which purpose \$100,000 will be appropriated from the General Revenue Fund to the Commission, and will also authorize the District to conduct a demonstration restoration project on the Weekiwachee to improve water flow. Finally, the bill appropriates \$45,000 from the General Revenue Fund to the District for the purpose of paying administrative, per diem, and travel expenses of the Council.

The bill provides that, except as otherwise provided, the Act shall take effect upon becoming a law.

**On April 11, 2001, the Committee on Fiscal Policy & Resources adopted four amendments that are traveling with the bill. Please see Section VI of the analysis.**

**On April 17, 2001, the Committee on General Government Appropriations adopted a strike-everything amendment that is explained in the Amendment or Committee Substitute Changes section of this analysis. The amendment is traveling with the bill. Please see Section VI of the analysis.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |  |   |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill creates an advisory council of private citizens to provide recommendations to the governing board of the Southwest Florida Water Management District.

B. PRESENT SITUATION:

Citrus and Hernando counties are characterized by a number of significant surface water features. Four first-magnitude springs (having an average discharge in excess of 64.6 million gallons per day) are located in the two counties, including Weekiwachee Springs in Hernando and Crystal River, Homosassa, and Chassahowitzka Springs in Citrus. The Withlacoochee River borders Citrus on the east and north, and Hernando on the east. A comprehensive watershed management plan is being developed by the Southwest Florida Water Management District (District) for the river's entire watershed. The Lake Tsala-Apopka Chain of Lakes is addressed as part of this watershed management plan. Three rivers within Citrus County -- Crystal River, Homosassa River, and Chassahowitzka River -- are designated "Special Waters" under the Outstanding Florida Waters (OFW) provisions of ch. 62.302.700, Florida Administrative Code. Crystal River is ranked fourth on the District's priority list for the Surface Water Improvement and Management (SWIM) Program. All three rivers are part of the Springs Coast watershed, for which the District is developing a comprehensive watershed management plan.

The overall water quality of the surface waters identified above is good, though some localized problems have been identified. For example, high bacterial readings have been found in the headwaters of the Chassahowitzka and attributed to failing septic tanks. There are similar problems found in the Homosassa. Stormwater runoff is impacting all the rivers as well as the Tsala-Apopka Chain of Lakes. All these systems are currently suffering from drought-related impacts. Tsala-Apopka has vegetation problems because longtime control of lake levels combined with fire repression has significantly reduced the amount of open water, and decaying vegetation has filled up the lake and covered bottoms affecting fisheries, navigation, and recreation.

Several water quality improvement projects have been implemented to benefit surface waters in the Citrus and Hernando counties. For example, stormwater treatment systems have been implemented at boat ramps on the Chassahowitzka and Tsala-Apopka. Crystal River, as a priority SWIM water body, has received the most attention in terms of improved stormwater treatment. With the possible exception of Crystal River, which is the subject of SWIM planning activities, there are no major restoration projects either planned or underway for surface waters in Citrus and Hernando counties.

C. EFFECT OF PROPOSED CHANGES:

The bill creates the Citrus/Hernando Waterways Restoration Council (Council), consisting of 12 members to be appointed by the President of the Senate and the Speaker of the House of Representatives. The president appoints:

- o An attorney from each county;
- o A member of the Board of Directors of the Chamber of Commerce from each county; and
- o An environmental engineer from each county.

The Speaker appoints:

- o A waterfront property owner from each county;
- o An engineer from each county; and
- o A person from each county with training in biology or another scientific discipline.

Council members from each county will form separate county task forces to make recommendations on waterways within their respective counties.

Members of the Council will serve in an advisory capacity to the governing board of the District. A technical advisory group to the Council will consist of one representative each from the District, the Department of Environmental Protection (DEP), the Department of Transportation (DOT), the Fish and Wildlife Conservation Commission (FWCC), the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers (USACOE).

The District will be responsible for providing staff to assist the Council in carrying out its duties. Council members would not receive compensation, but will be entitled to per diem and travel expenses incurred during the performance of their Council duties, to be reimbursed by the District. The bill appropriates \$45,000 from the General Revenue Fund to the District for the purpose of paying administrative, per diem, and travel expenses of the Council.

Responsibilities of the Council include:

- o Reviewing audits and data related to lake restoration and sport fish population recovery, including data and strategies for shoreline restoration, sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, that are applicable to the Citrus/Hernando waterways;
- o Evaluating the need for additional studies;
- o Exploring possible funding sources for conducting restoration activities; and
- o Providing an annual progress report to the Speaker of the House of Representatives and the President of the Senate by November 25 of each year.

The bill directs the FWCC and the District, in conjunction with DEP, local governments, and the Council, to review existing restoration proposals and to determine which proposals are the most environmentally sound and economically feasible for improving the fish and wildlife habitat and natural systems of Citrus/Hernando waterways. The FWCC, with assistance from the District and in consultation and by agreement with DEP and local governments, is directed to develop tasks to initiate a restoration program recommended by the Council. The District, DEP, and local governments will be responsible for evaluating different methodologies for removal of tussocks and buildup of organic matter and conducting additional studies as recommended by the Council.

Based upon the availability of legislative appropriations, as well as financial participation by federal, state, and local governments, the appropriate agencies are directed to award by competitive bid contracts to implement activities of the Council's recommended restoration program.

The bill authorizes the FWCC to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes. The purpose of the demonstration project will be to remove overlying undesirable vegetation and associated organic material down to mineralized soil to allow for the establishment of a more desirable aquatic plant community and to create improved fish and wildlife habitat. Proper permits would be required for conducting the demonstration project. The bill appropriates \$100,000 from the General Revenue Fund to the FWCC for the purpose of conducting the demonstration project. In addition, the District is authorized to conduct a demonstration restoration project to improve water flow on the Weeki Wachee. The District project is to include sand containment and erosion control measures, and additional restoration activities intended to improve water flow.

Except as otherwise provided, the Act will take effect upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The bill appropriates from the General Revenue Fund to the FWCC the sum of \$100,000 for the purpose of conducting the Tsala-Apopka Chain of Lakes demonstration project. The FWCC has estimated that it requires two FTEs, and \$20,000 in FY 2001-02 and \$40,000 in subsequent years, to implement the bill.

The bill could have additional, indeterminate fiscal impacts on DEP and DOT in carrying out their respective responsibilities related to the Council.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

The bill appropriates from the General Revenue Fund to the District the sum of \$45,000 for the purpose of paying administrative, per diem, and travel expenses of the Council.

The bill could have additional, indeterminate fiscal impacts on the District in carrying out its responsibilities related to the Council.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds, nor does it require counties or municipalities to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 14, 2001, the Committee on Natural Resources & Environmental Protection adopted a strike everything amendment to HB 161, modifying the manner in which Council members would be appointed, providing for separate county task forces, and authorizing the Weeki Wachee demonstration restoration project. An amendment to the amendment was also adopted to eliminate a provision requiring the Council to meet at the request of the governing board of the District. The Committee then adopted HB 161 as a committee substitute.

On April 11, 2001, the Committee on Fiscal Policy & Resources adopted four amendments without objection, which will travel with the bill, and then reported the bill favorably. Amendment 1 corrects the name of the Withlacoochee and Coastal River Basins; amendment 2 replaces the Southwest Florida Water Management District with the Florida Fish and Wildlife Conservation Commission as the lead agency for the Council; amendment 3 clarifies the role of the Commission when initiating the restoration program; and amendment 4 clarifies that the demonstration project needs proper permits.

On April 17, 2001, the Committee on General Government Appropriations adopted a strike everything amendment that provided the following changes to the original bill:

- Corrects the name of the Withlacoochee and Coastal River Basins;
- Clarifies the role of the FWCC when initiating the restoration program;
- Clarifies that the demonstration project needs proper permits
- Removes the appropriations.

VII. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

W. Ray Scott

Wayne Kiger

AS REVISED BY THE COMMITTEE ON FISCAL POLICY & RESOURCES:

Prepared by:

Staff Director:

Douglas Pile

Greg Turbeville

AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Staff Director:

Juliette Noble

Lynn Dixon

AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:

Council Director:

C. Scott Jenkins

Thomas J. Randle