

STORAGE NAME: h1669.ric.doc
DATE: April 20, 2001

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

BILL #: HB 1669
RELATING TO: Water Management
SPONSOR(S): Representative(s) Paul and Gibson

TIED BILL(S):

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

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

I. SUMMARY:

The bill creates the Harris Chain of Lakes Restoration Council (Council) within the St. Johns River Water Management District (District). The Council would be appointed by the Lake County legislative delegation and serve as advisors to the governing board of the District. Responsibilities of the Council would include reviewing audits and data related to lake restoration and sport fish recovery that apply to the Harris Chain of Lakes, evaluating the need for additional studies, exploring funding sources for restoration activities, and annually reporting to the legislature. The bill also would create an advisory group to the Council consisting 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 Lake County Water Authority, the United States Army Corps of Engineers, and the University of Florida.

The bill also authorizes development of a restoration program for the Harris Chain of Lakes. The FWCC, with assistance from the District and in consultation and by agreement with DEP and pertinent local governments, is directed to initiate the restoration program. Based upon the availability of funding through legislative appropriations, the appropriate agencies shall award competitively bid contracts to implement restoration activities.

The bill appropriates \$100,000 from the General Revenue Fund to the FWCC to conduct a demonstration restoration project on the Harris Chain of Lakes. It also 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 the act shall take effect upon becoming law.

On April 11, 2001, the Committee of Natural Resources & Environmental Protection adopted a technical amendment to the bill, which is traveling with the bill, to correct a reference to the "St. Johns River Water Management District." The Committee then passed the bill as amended.

On April 17, 2001, the Committee on General Government Appropriations adopted one amendment that removed the appropriation from the bill.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" 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:

B. PRESENT SITUATION:

The Harris Chain of Lakes is part of the Upper Ocklawaha River Basin. Historically, the rivers and lakes within the basin have been negatively impacted by canal construction and other navigational improvements, conversion of sawgrass marsh and lake bottom for muck farming, and discharges of untreated sewage and industrial effluent. Major restoration activities have been undertaken for Lake Apopka and the Lake Griffin Restoration Task Force has recommended an array of complementary projects to benefit Lake Griffin. Basin-wide restoration is being addressed by the St. Johns River Water Management District (District) through the Upper Ocklawaha River Basin Initiative, which consists of two Surface Water Improvement and Management (SWIM) Projects – the Upper Ocklawaha River Basin and Lake Apopka. The District has developed a five-year plan consisting of a number of projects to be funded through a combination of state, federal, and District funding. One such project will retrofit stormwater systems for existing developments that discharge untreated stormwater into the Harris Chain of Lakes. This project will be funded through a 50-50 cost share by the District and Lake County.

The SWIM program was created in 1987 to develop and implement plans and programs for restoring and protecting water bodies of regional and statewide significance. In developing SWIM plans for water bodies, the Department of Environmental Protection and water management districts are directed to cooperate with the Fish and Wildlife Conservation Commission, the Department of Community Affairs, the Department of Agriculture and local governments. Section 373.451, F.S., directed each water management district to develop and maintain a priority list of water bodies within each water management district. For each priority water body, a SWIM restoration plan had to be developed. Section 373.453, F.S., provided that, in developing their respective priority lists, water management districts were to give consideration to certain named water bodies. Those named water bodies include Lake Okeechobee, Biscayne Bay, the Indian River Lagoon system, Tampa Bay, Lake Apopka, and the Lower St. Johns River.

The success of the SWIM Program has always been limited by a lack of sufficient funding to implement the plans. In a report prepared by the Office of Program Policy Analysis and Government Accountability (OPPAGA), it was found that the SWIM program has insufficient funding to meet the program's requirements for the 29 water bodies that have SWIM plans.

C. EFFECT OF PROPOSED CHANGES:

The bill would create the Harris Chain of Lakes Restoration Council (Council), to include:

- A representative of waterfront property owners;
- A representative of the sport fishing industry;
- An environmental engineer;
- A person with training in biology or another scientific discipline;
- A person with training as an attorney;
- A physician;
- A person with training as an engineer; and
- Two Lake County residents who do not meet any of the other qualifications for membership.

Members of the Council would be appointed by the Lake County legislative delegation and serve in an advisory capacity to the governing board of the St. Johns River Water Management District (District). Members could not be appointed to any council, board, or commission of any agency represented on the advisory group to the Council. The advisory group would 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 Lake County Water Authority, the United States Army Corps of Engineers (USACOE), and the University of Florida.

The District would be responsible for providing staff to assist the Council in carrying out its duties. Council members would not receive compensation, but would be entitled to per diem and travel expenses incurred during the performance of their Council duties, to be reimbursed by the District. The bill would appropriate \$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 would include:

- 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 Harris Chain of Lakes;
- Evaluating the need for additional studies;
- Exploring possible funding sources for conducting restoration activities; and
- 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 would direct 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 the Harris Chain of Lakes. 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 would 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 would authorize the FWCC to conduct a demonstration restoration project on the Harris Chain Of Lakes. The purpose of the demonstration project would be to create better habitat for fish

and wildlife. The bill would appropriate \$100,000 from the General Revenue Fund to the FWCC for the purpose of conducting the demonstration project.

The act would take effect upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

Please see "Effect of Proposed Changes".

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

The bill would appropriate from the General Revenue Fund to the FWCC the sum of \$100,000 for the purpose of conducting the Harris Chain of Lakes demonstration project.

The bill could have additional, indeterminate fiscal impacts on the FWCC, 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 would appropriate 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 April 11, 2001, the Committee of Natural Resources & Environmental Protection adopted a technical amendment to the bill, which is traveling with the bill, to correct a reference to the "St. Johns River Water Management District." The Committee then passed the bill as amended.

On April 17, 2001, the Committee on General Government Appropriations adopted one amendment that removed the appropriation and is traveling with the bill.

VII. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION:

Prepared by:

W. Ray Scott

Staff Director:

Wayne Kiger

AS REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Juliette Noble

Staff Director:

Lynn Dixon

STORAGE NAME: h1669.ric.doc

DATE: April 20, 2001

PAGE: 6

AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

Prepared by:

Council Director:

C. Scott Jenkins

Thomas J. Randle