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DATE: February 14, 2002

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
ANALYSIS**

BILL #: HB 93

RELATING TO: Water Management

SPONSOR(S): Representative Argenziano

TIED BILL(S):

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

- (1) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 11 NAYS 1
 - (2) FISCAL POLICY AND RESOURCES YEAS 10 NAYS 1
 - (3) GENERAL GOVERNMENT APPROPRIATIONS
 - (4) COUNCIL FOR READY INFRASTRUCTURE
 - (5)
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I. SUMMARY:

HB 93 would create the Citrus/Hernando Waterways Restoration Council (Council). Members of the Council will be appointed and serve in an advisory capacity to the governing board of the Southwest Florida Water Management District (District). Council members from Citrus and Hernando would form separate county task forces to address waterways within their respective counties. Responsibilities of the Council would 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 would create an advisory group to the Council. Members of the advisory group, except those from the Withlacoochee River Basin Board and the Coastal Rivers Basin Board, would be required to have training in biology or another scientific discipline.

HB 93 would authorize 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 would authorize the Fish and Wildlife Conservation Commission to conduct a demonstration restoration project on the Tsala-Apopka Chain of Lakes, and would also authorize the District to conduct a demonstration restoration project on the Weeki Wachee river to improve water flow. Finally, HB 93 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.

HB 93 provides that, except as otherwise provided, the act shall take effect upon becoming a law.

On January 23, 2002, the Committee on Natural Resources and Environmental Protection adopted four amendments that are traveling with the bill. Please see "Amendments or Committee Substitute Changes" section.

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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 additional councils that are charged with reviewing and assisting in the creation of restoration plans.

B. PRESENT SITUATION:

Citrus and Hernando Counties are characterized by a number of significant surface water features. Four first-magnitude springs are located in the two counties, including Weeki Wachee 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, 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 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:

HB 93 would create the Citrus/Hernando Waterways Restoration Council, consisting of 12 members to be appointed by the President of the Senate and the Speaker of the House of Representatives. The President and Speaker would each appoint:

- An attorney from each county;
- A member of the Board of Directors of the Chamber of Commerce from each county;
- An environmental engineer from each county.
- A waterfront property owner from each county;
- An engineer from each county; and
- A person from each county with training in biology or another scientific discipline.

Council members from each county would form separate county task forces to make recommendations on waterways within their respective counties. The Hernando County Task Force will develop plans for restoring Weeki Wachee River and Springs and the Citrus County Task Force will develop plans for restoring Tsala-Apoka Chain of Lakes.

Members of the Council would serve in an advisory capacity to the governing board of the Southwest Florida Water Management District. A technical advisory group to the Council 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 Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers (USACOE).

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. 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 and river restoration and sport fish population recovery, including data and strategies for shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, as they are applicable to the Citrus/Hernando waterways;
- 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.

HB 93 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 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 the restoration program recommended by the Council. The FWCC, 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 Tsala-Apopka Chain of Lakes. The purpose of the demonstration project would 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. In addition, the District would be authorized to conduct a demonstration restoration project to improve water flow on the Weeki Wachee River. 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 would take effect upon becoming law.

D. SECTION-BY-SECTION ANALYSIS:

See Effect of Proposed Changes.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The FWCC has estimated that it would require two FTEs, and \$20,000 in FY 2001-02 and \$40,000 in subsequent years, to implement HB 93.

HB 93 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:

None.

2. Expenditures:

HB 93 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. (See Amendment Section)

HB 93 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:

None.

D. FISCAL COMMENTS:

None.

III. 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.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 23, 2002, the Committee on Natural Resources and Environmental Protection adopted four amendments.

Amendment 1: Removes a provision that required the Fish and Wildlife Commission to act as the lead agency.

Amendment 2: Clarifies that the Southwest Florida Water Management District will provide staff and administrative support for the Council created by the bill.

Amendment 3: Clarifies the tasks to be completed by government entities in support of the Council.

Amendment 4: Removes two provisions of the bill. The first provision provided for a \$45,000 appropriation to the Southwest Florida Water Management District for expenditures related to the Council. The second provision removes a requirement that a demonstration restoration project on the Tsala-Apopka Chain of Lakes be implemented by The Fish and Wildlife Conservation Commission.

VI. SIGNATURES:

COMMITTEE ON NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

Prepared by:

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