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CHAMBER ACTION

The Committee on Natural Resources recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to water management districts; amending s. 373.0693, F.S.; authorizing basin board boundaries within the Southwest Florida Water Management District to be amended by governing board resolution; amending s. 373.451, F.S.; revising legislative intent with respect to the Surface Water Improvement and Management Act; deleting requirement that state and local funds be provided for certain purposes; amending s. 373.453, F.S.; revising criteria to be applied in determining the priority of water bodies under surface water and management plans and programs; providing that the South Florida Water Management District shall give priority to the restoration needs of the Lake Worth Lagoon; providing for periodic lists of water bodies of regional or statewide significance; authorizing participation by additional persons in the development of plans and programs; deleting certain reporting requirements; requiring identification of potential funding sources for the plans and programs;



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29 requiring review of plans developed by water management
30 districts by various state agencies within a specified
31 time; deleting the requirement that state agencies be on
32 certain advisory committees; authorizing water management
33 districts to enter into contracts with governmental
34 agencies regarding the development and implementation of
35 water improvement and management programs; amending s.
36 373.459, F.S.; providing for appropriation of funds for
37 surface water improvement and management activities by
38 water management districts; providing for release of funds
39 by the Department of Environmental Protection; repealing
40 s. 373.455, F.S., relating to review of surface water
41 improvement and management plans; repealing s. 373.456,
42 F.S., relating to approval of surface water improvement
43 and management plans; repealing s. 373.457, F.S., relating
44 to implementation of surface water improvement and
45 management plans and programs; amending ss. 259.101,
46 373.4136, 403.067, and 403.1835, F.S.; deleting cross
47 references; providing an effective date.

48

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

50

51 Section 1. Subsection (11) of section 373.0693, Florida
52 Statutes, is amended to read:

53 373.0693 Basins; basin boards.--

54 ~~(11)(a) Basins existing within the Southwest Florida Water~~
55 ~~Management District, as described in rule 40D-0.061, Florida~~
56 ~~Administrative Code, may not be abolished or combined without~~



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57 | ~~the approval of the Legislature, except that the entire area~~
58 | ~~lying to the East of the Hillsborough County line and presently~~
59 | ~~located within the Hillsborough Basin is hereby annexed into the~~
60 | ~~Peace River Basin. Within the Southwest Florida Water Management~~
61 | ~~District, the entire area lying to the East of the Hillsborough~~
62 | ~~County line and presently located within the Alafia Basin is~~
63 | ~~hereby annexed into the Peace River Basin.~~

64 | ~~(b) Assets or liabilities of the basin located in those~~
65 | ~~areas transferred from the Hillsborough and Alafia Basins into~~
66 | ~~the Peace River Basin pursuant to this section, including funds~~
67 | ~~held in trust, shall be transferred to the Peace River Basin.~~

68 | Section 2. Subsections (5), (7), and (8) of section
69 | 373.451, Florida Statutes, are amended to read:

70 | 373.451 Short title; legislative findings and intent.--

71 | (5) The Legislature finds that many surface water problems
72 | can be and have been corrected and prevented through plans and
73 | programs for surface water improvement and management that are
74 | developed ~~planned, designed,~~ and implemented by the water
75 | management districts, the department, and local governments.

76 | (7) It is also the intent of the Legislature that the
77 | department, the water management districts, and others ~~shall~~
78 | ~~conduct or coordinate statewide research by the water management~~
79 | ~~districts or others~~ to provide a better scientific understanding
80 | of the causes and effects of surface water pollution and of the
81 | destruction of natural systems in order to improve and manage
82 | surface waters and associated natural systems.

83 | ~~(8) The state, through the department, shall provide funds~~
84 | ~~to assist with the implementation of the district plans and~~



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85 | ~~programs under this act. However, to achieve the goals of this~~
86 | ~~act, cooperation and funding is necessary from the state, the~~
87 | ~~water management districts, and local governments.~~

88 | Section 3. Section 373.453, Florida Statutes, is amended
89 | to read:

90 | 373.453 Surface water improvement and management plans and
91 | programs.--

92 | (1)(a) Each water management district, in cooperation with
93 | the department, the Department of Agriculture and Consumer
94 | Services, the Department of Community Affairs, the Fish and
95 | Wildlife Conservation Commission, ~~and~~ local governments, and
96 | others, shall ~~prepare and~~ maintain a list that prioritizes ~~which~~
97 | ~~shall prioritize~~ water bodies of regional or statewide
98 | significance within the ~~each~~ water management district. The list
99 | shall be reviewed and updated every 5 ~~3~~ years. ~~The list shall be~~
100 | ~~based on criteria adopted by rule of the department and shall~~
101 | ~~assign priorities to the water bodies based on their need for~~
102 | ~~protection and restoration.~~

103 | (b) Criteria to be used in developing the lists developed
104 | ~~by the department~~ shall include, but ~~need~~ not be limited to,
105 | consideration of violations of water quality standards occurring
106 | in the water body, the amounts of nutrients entering the water
107 | body and the water body's trophic state, water bodies on the
108 | department's list of impaired waters, water bodies with
109 | established total maximum daily loads, the existence of or need
110 | for a continuous aquatic weed control program in the water body,
111 | the biological condition of the water body, reduced fish and
112 | wildlife values, ~~and~~ threats to agricultural and urban water



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113 | supplies, threats to and public recreational opportunities, the
114 | management of the water body through federal, state, or local
115 | water quality programs or plans, and public input.

116 | (c) In maintaining ~~developing~~ their respective priority
117 | water body lists, water management districts shall give
118 | consideration to the following priority areas:

119 | 1. The South Florida Water Management District shall give
120 | priority to the restoration needs of Lake Okeechobee, Biscayne
121 | Bay, the Lake Worth Lagoon, and the Indian River Lagoon system
122 | and their tributaries.

123 | 2. The Southwest Florida Water Management District shall
124 | give priority to the restoration needs of Tampa Bay and its
125 | tributaries.

126 | 3. The St. Johns River Water Management District shall
127 | give priority to the restoration needs of Lake Apopka, the Lower
128 | St. Johns River, and the Indian River Lagoon system and their
129 | tributaries.

130 | (2) Unless otherwise provided by law ~~Once the priority~~
131 | ~~lists are approved by the department,~~ the water management
132 | districts, in cooperation with state agencies, ~~the department,~~
133 | ~~the Fish and Wildlife Conservation Commission, the Department of~~
134 | ~~Community Affairs, the Department of Agriculture and Consumer~~
135 | ~~Services, and local governments, and others, may shall~~ develop
136 | surface water improvement and management plans and programs for
137 | the water bodies identified ~~based~~ on the priority lists. ~~The~~
138 | ~~department shall establish a uniform format for such plans and a~~
139 | ~~schedule for reviewing and updating the plans. These Plans~~



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140 developed pursuant to this subsection shall include, but not be
141 limited to:

142 (a) A description of the water body system, its historical
143 and current uses, its hydrology, and ~~a history of~~ the conditions
144 which have led to the need for restoration or protection;

145 (b) An identification of all governmental units that have
146 jurisdiction over the water body and its drainage basin within
147 the approved surface water improvement and management plan area,
148 including local, regional, state, and federal units;

149 (c) A description of land uses within the drainage basin
150 of the priority water body ~~within the approved surface water~~
151 ~~improvement and management plan area~~ and those of important
152 tributaries, ~~point and nonpoint sources of pollution, and~~
153 ~~permitted discharge activities;~~

154 (d) Identification ~~A list of the owners~~ of point and
155 nonpoint sources of water pollution that are discharged into the
156 ~~each~~ water body and its important tributaries ~~tributary thereto~~
157 ~~and that adversely affect the public interest, including~~
158 ~~separate lists of those sources that are:~~

- 159 1. ~~Operating without a permit;~~
160 2. ~~Operating with a temporary operating permit; and~~
161 3. ~~Presently violating effluent limits or water quality~~
162 ~~standards.~~

163
164 ~~The plan shall also include recommendations and schedules for~~
165 ~~bringing all sources into compliance with state standards when~~
166 ~~not contrary to the public interest. This paragraph does not~~
167 ~~authorize any existing or future violation of any applicable~~



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168 ~~statute, regulation, or permit requirement, and does not~~
169 ~~diminish the authority of the department or the water management~~
170 ~~district;~~

171 (e) A description of strategies and a schedule for related
172 management actions ~~potential strategies~~ for restoring or
173 protecting the water body to Class III or better, including
174 those needed to help achieve state-adopted total maximum daily
175 loads for the water body;

176 ~~(f) A listing of studies that are being or have been~~
177 ~~prepared for the water body;~~

178 ~~(g) A description of the research and feasibility studies~~
179 ~~which will be performed to determine the particular strategy or~~
180 ~~strategies to restore or protect the water body;~~

181 ~~(f)(h)~~ A description of the management actions ~~measures~~
182 needed to ~~manage and~~ maintain the water body once it has been
183 restored and to prevent future degradation; and

184 ~~(i) A schedule for restoration and protection of the water~~
185 ~~body; and~~

186 ~~(g)(j)~~ An estimate of the funding needed to carry out the
187 restoration or protection strategies and a listing of available
188 and potential funding sources and amounts.

189 (3) ~~Each water management district shall be responsible~~
190 ~~for planning and coordinating restoration or protection~~
191 ~~strategies for the priority water bodies within the district~~
192 ~~which have been approved by the department as water bodies of~~
193 ~~regional and statewide significance in need of protection or~~
194 ~~restoration.~~ The governing board of the appropriate water
195 management district shall hold at least one public hearing and



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196 public ~~workshop~~ workshops in the vicinity of a priority ~~the~~
197 water body for which a plan is being developed to obtain ~~under~~
198 ~~consideration as may be necessary for obtaining~~ public input
199 prior to finalizing the surface water improvement and management
200 plan ~~plans~~ for the water body ~~bodies on the priority list~~. The
201 water management district shall then forward a copy of the plan
202 ~~plans~~ to the department, the Fish and Wildlife Conservation
203 Commission, the Department of Agriculture and Consumer Services,
204 ~~and to~~ appropriate local governmental units for their review and
205 comment within 45 calendar days after the date the plan is
206 forwarded to them. The department shall specifically comment on
207 the likelihood that implementing the plan will significantly
208 improve or protect water quality and associated natural systems.
209 At the end of the 45-day review period, the water management
210 district may proceed to approve the plan, whether or not
211 comments have been submitted.

212 (4) Plans shall be updated as necessary to ensure that
213 they effectively address the restoration and protection needs of
214 the priority water bodies and that they reflect current
215 scientific understandings and budgetary adjustments. If a
216 district determines that modifications of or additions to a plan
217 are necessary, such modifications or additions shall be subject
218 to the review process established in this section. ~~Each~~
219 ~~September 1, the water management districts shall submit a~~
220 ~~funding proposal for the next state fiscal year to the~~
221 ~~department for its review and approval. The proposal shall~~
222 ~~specify the activities that need state funding and the amounts~~
223 ~~of funding, and shall describe the specific restoration or~~



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224 ~~protection activities proposed. The department shall review~~
225 ~~water management district funding proposals and shall consider~~
226 ~~them in making its annual budget request.~~

227 (5) The governing board of each water management district
228 is encouraged to appoint advisory committees as necessary to
229 assist in formulating and evaluating strategies for water body
230 protection and restoration activities and to increase public
231 awareness and intergovernmental cooperation. Such committees
232 should include representatives of ~~the Fish and Wildlife~~
233 ~~Conservation Commission, the Department of Agriculture and~~
234 ~~Consumer Services,~~ appropriate local governments, state and
235 federal agencies, existing advisory councils for the priority
236 ~~subject~~ water body, and representatives of the public who use
237 the water body.

238 (6) The water management districts may contract with
239 appropriate state, local, and regional agencies and others to
240 perform various tasks associated with the development and
241 implementation of ~~the~~ surface water improvement and management
242 plans and programs.

243 Section 4. Section 373.459, Florida Statutes, is amended
244 to read:

245 373.459 Funds for surface water improvement and
246 management.--

247 (1) Legislative appropriations provided to the water
248 management districts for surface water improvement and
249 management activities shall be available for detailed planning
250 and plan and program implementation.



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251 (2)~~(1)~~ The Ecosystem Management and Restoration Trust Fund
252 shall be used for the deposit of funds appropriated by the
253 Legislature for the purposes of ss. 373.451-373.4595. The
254 department shall administer all funds appropriated to or
255 received for surface water improvement and management
256 activities. Expenditure of the moneys shall be limited to the
257 costs of detailed planning ~~for~~ and plan and program
258 ~~implementation of programs prepared~~ for priority surface water
259 bodies waters. Moneys from the fund shall not be expended for
260 planning for, or construction or expansion of, treatment
261 facilities for domestic or industrial waste disposal.

262 (3)~~(2)~~ The ~~secretary of the~~ department shall authorize the
263 release of money from the fund in accordance with the provisions
264 of s. 373.501(2) and procedures in s. 373.59(4) and (5) within
265 ~~30 days after receipt of a request adopted by the governing~~
266 ~~board of a water management district or by the executive~~
267 ~~director when authority has been delegated by the governing~~
268 ~~board, certifying that the money is needed for detailed planning~~
269 ~~for or implementation of plans approved pursuant to ss. 373.453,~~
270 ~~373.455, and 373.456. A water management district may not~~
271 ~~receive more than 50 percent of the moneys appropriated to the~~
272 ~~fund for the purposes of ss. 373.451-373.4595 in any fiscal year~~
273 ~~unless otherwise provided for by law. Each year after funds are~~
274 ~~appropriated, each water management district shall receive the~~
275 ~~amount requested pursuant to s. 373.453(4) or 10 percent of the~~
276 ~~money appropriated for the purposes of ss. 373.451-373.4595,~~
277 ~~whichever is less. The department shall allocate the remaining~~
278 ~~money in the appropriation for such purposes annually, based~~



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279 ~~upon the specific needs of the districts. The department, at its~~
280 ~~discretion, may include any funds allocated to a district for~~
281 ~~such purposes in previous years which remain unencumbered by the~~
282 ~~district on July 1, to the amount of money to be distributed~~
283 ~~based upon specific needs of the districts.~~

284 ~~(3) The amount of money that may be released to a water~~
285 ~~management district from the fund for approved plans, or~~
286 ~~continuations of approved plans, to improve and manage the~~
287 ~~surface waters described in ss. 373.451-373.4595 is limited to~~
288 ~~not more than 60 percent of the amount of money necessary for~~
289 ~~the approved plans of the South Florida Water Management~~
290 ~~District, the Southwest Florida Water Management District, and~~
291 ~~the St. Johns River Water Management District, and not more than~~
292 ~~80 percent of the amount of money necessary for the approved~~
293 ~~plans of the Northwest Florida Water Management District and the~~
294 ~~Suwannee River Water Management District. The remaining funds~~
295 ~~necessary for the approved plans shall be provided by the~~
296 ~~district.~~

297 ~~(4) Moneys in the fund that ~~which~~ are not needed to meet~~
298 ~~current obligations incurred under this section shall be~~
299 ~~transferred to the State Board of Administration, to the credit~~
300 ~~of the trust fund, to be invested in the manner provided by law.~~
301 ~~Interest received on such investments shall be credited to the~~
302 ~~trust fund.~~

303 ~~Section 5. Sections 373.455, 373.456, and 373.457, Florida~~
304 ~~Statutes, are repealed.~~

305 ~~Section 6. Paragraph (b) of subsection (3) of section~~
306 ~~259.101, Florida Statutes, is amended to read:~~



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307 | 259.101 Florida Preservation 2000 Act.--
 308 | (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
 309 | costs of issuance, the costs of funding reserve accounts, and
 310 | other costs with respect to the bonds, the proceeds of bonds
 311 | issued pursuant to this act shall be deposited into the Florida
 312 | Preservation 2000 Trust Fund created by s. 375.045. In fiscal
 313 | year 2000-2001, for each Florida Preservation 2000 program
 314 | described in paragraphs (a)-(g), that portion of each program's
 315 | total remaining cash balance which, as of June 30, 2000, is in
 316 | excess of that program's total remaining appropriation balances
 317 | shall be redistributed by the department and deposited into the
 318 | Save Our Everglades Trust Fund for land acquisition. For
 319 | purposes of calculating the total remaining cash balances for
 320 | this redistribution, the Florida Preservation 2000 Series 2000
 321 | bond proceeds, including interest thereon, and the fiscal year
 322 | 1999-2000 General Appropriations Act amounts shall be deducted
 323 | from the remaining cash and appropriation balances,
 324 | respectively. The remaining proceeds shall be distributed by the
 325 | Department of Environmental Protection in the following manner:
 326 | (b) Thirty percent to the Department of Environmental
 327 | Protection for the purchase of water management lands pursuant
 328 | to s. 373.59, to be distributed among the water management
 329 | districts as provided in that section. Funds received by each
 330 | district may also be used for acquisition of lands necessary to
 331 | implement surface water improvement and management plans
 332 | ~~approved in accordance with s. 373.456~~ or for acquisition of
 333 | lands necessary to implement the Everglades Construction Project
 334 | authorized by s. 373.4592.



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335
336 Local governments may use federal grants or loans, private
337 donations, or environmental mitigation funds, including
338 environmental mitigation funds required pursuant to s. 338.250,
339 for any part or all of any local match required for the purposes
340 described in this subsection. Bond proceeds allocated pursuant
341 to paragraph (c) may be used to purchase lands on the priority
342 lists developed pursuant to s. 259.035. Title to lands purchased
343 pursuant to paragraphs (a), (d), (e), (f), and (g) shall be
344 vested in the Board of Trustees of the Internal Improvement
345 Trust Fund. Title to lands purchased pursuant to paragraph (c)
346 may be vested in the Board of Trustees of the Internal
347 Improvement Trust Fund. The board of trustees shall hold title
348 to land protection agreements and conservation easements that
349 were or will be acquired pursuant to s. 380.0677, and the
350 Southwest Florida Water Management District and the St. Johns
351 River Water Management District shall monitor such agreements
352 and easements within their respective districts until the state
353 assumes this responsibility.

354 Section 7. Paragraph (a) of subsection (6) of section
355 373.4136, Florida Statutes, is amended to read:

356 373.4136 Establishment and operation of mitigation
357 banks.--

358 (6) MITIGATION SERVICE AREA.--The department or water
359 management district shall establish a mitigation service area
360 for each mitigation bank permit. The department or water
361 management district shall notify and consider comments received
362 on the proposed mitigation service area from each local



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363 government within the proposed mitigation service area. Except
364 as provided herein, mitigation credits may be withdrawn and used
365 only to offset adverse impacts in the mitigation service area.
366 The boundaries of the mitigation service area shall depend upon
367 the geographic area where the mitigation bank could reasonably
368 be expected to offset adverse impacts. Mitigation service areas
369 may overlap, and mitigation service areas for two or more
370 mitigation banks may be approved for a regional watershed.

371 (a) In determining the boundaries of the mitigation
372 service area, the department or the water management district
373 shall consider the characteristics, size, and location of the
374 mitigation bank and, at a minimum, the extent to which the
375 mitigation bank:

376 1. Contributes to a regional integrated ecological
377 network;

378 2. Will significantly enhance the water quality or
379 restoration of an offsite receiving water body that is
380 designated as an Outstanding Florida Water, a Wild and Scenic
381 River, an aquatic preserve, a water body designated in a plan
382 approved ~~adopted~~ pursuant to ~~s. 373.456~~ of the Surface Water
383 Improvement and Management Act, or a nationally designated
384 estuarine preserve;

385 3. Will provide for the long-term viability of endangered
386 or threatened species or species of special concern;

387 4. Is consistent with the objectives of a regional
388 management plan adopted or endorsed by the department or water
389 management districts; and



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390 5. Can reasonably be expected to offset specific types of
391 wetland impacts within a specific geographic area. A mitigation
392 bank need not be able to offset all expected impacts within its
393 service area.

394 Section 8. Paragraph (b) of subsection (3) and paragraph
395 (a) of subsection (7) of section 403.067, Florida Statutes, are
396 amended to read:

397 403.067 Establishment and implementation of total maximum
398 daily loads.--

399 (3) ASSESSMENT.--

400 (b) The department shall adopt by rule a methodology for
401 determining those waters which are impaired. The rule shall
402 provide for consideration as to whether water quality standards
403 codified in chapter 62-302, Florida Administrative Code, are
404 being exceeded, based on objective and credible data, studies
405 and reports, including surface water improvement and management
406 plans approved by water management districts ~~under s. 373.456~~
407 and pollutant load reduction goals developed according to
408 department rule. Such rule also shall set forth:

409 1. Water quality sample collection and analysis
410 requirements, accounting for ambient background conditions,
411 seasonal and other natural variations;

412 2. Approved methodologies;

413 3. Quality assurance and quality control protocols;

414 4. Data modeling; and

415 5. Other appropriate water quality assessment measures.

416 (7) IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--



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417 (a) The department shall be the lead agency in
418 coordinating the implementation of the total maximum daily loads
419 through water quality protection programs. Application of a
420 total maximum daily load by a water management district shall be
421 consistent with this section and shall not require the issuance
422 of an order or a separate action pursuant to s. 120.536(1) or s.
423 120.54 for adoption of the calculation and allocation previously
424 established by the department. Such programs may include, but
425 are not limited to:

- 426 1. Permitting and other existing regulatory programs;
- 427 2. Nonregulatory and incentive-based programs, including
428 best management practices, cost sharing, waste minimization,
429 pollution prevention, and public education;
- 430 3. Other water quality management and restoration
431 activities, for example surface water improvement and management
432 plans approved by water management districts ~~under s. 373.456~~ or
433 watershed or basin management plans developed pursuant to this
434 subsection;
- 435 4. Pollutant trading or other equitable economically based
436 agreements;
- 437 5. Public works including capital facilities; or
- 438 6. Land acquisition.

439 Section 9. Paragraph (e) of subsection (7) of section
440 403.1835, Florida Statutes, is amended to read:

441 403.1835 Water pollution control financial assistance.--

442 (7) Eligible projects must be given priority according to
443 the extent each project is intended to remove, mitigate, or
444 prevent adverse effects on surface or ground water quality and



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445 public health. The relative costs of achieving environmental and
446 public health benefits must be taken into consideration during
447 the department's assignment of project priorities. The
448 department shall adopt a priority system by rule. In developing
449 the priority system, the department shall give priority to
450 projects that:

451 (e) Assist in the implementation of surface water
452 improvement and management plans ~~approved under s. 373.456~~ and
453 pollutant load reduction goals developed under state water
454 policy;

455 Section 10. This act shall take effect upon becoming a
456 law.

457