

Bill No. SB 2462

Barcode 080520

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Argenziano)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (4) of section 11.80, Florida
Statutes, is amended to read:

11.80 Joint Legislative Committee on Everglades
Oversight.--

(4) Annually, no later than March ~~January~~ 1, as part
of the consolidated annual report required by s. 373.036(7),

the South Florida Water Management District shall report to
the Joint Legislative Committee on Everglades Oversight on the
status of the implementation of the Everglades Forever Act.

Such report shall include, but is not limited to:

- (a) Progress on the Everglades Construction Project.
- (b) Changes to the Everglades Construction Project.
- (c) Actual revenues, compared to projected revenues.
- (d) Projected acquisition costs, construction costs,

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1 operation and maintenance costs, and projected revenues, over
2 the succeeding 5 years.

3 Section 2. Paragraph (c) of subsection (6) of section
4 163.3177, Florida Statutes, is amended to read:

5 163.3177 Required and optional elements of
6 comprehensive plan; studies and surveys.--

7 (6) In addition to the requirements of subsections
8 (1)-(5), the comprehensive plan shall include the following
9 elements:

10 (c) A general sanitary sewer, solid waste, drainage,
11 potable water, and natural groundwater aquifer recharge
12 element correlated to principles and guidelines for future
13 land use, indicating ways to provide for future potable water,
14 drainage, sanitary sewer, solid waste, and aquifer recharge
15 protection requirements for the area. The element may be a
16 detailed engineering plan including a topographic map
17 depicting areas of prime groundwater recharge. The element
18 shall describe the problems and needs and the general
19 facilities that will be required for solution of the problems
20 and needs. The element shall also include a topographic map
21 depicting any areas adopted by a regional water management
22 district as prime groundwater recharge areas for the Floridan
23 or Biscayne aquifers, ~~pursuant to s. 373.0395~~. These areas
24 shall be given special consideration when the local government
25 is engaged in zoning or considering future land use for said
26 designated areas. For areas served by septic tanks, soil
27 surveys shall be provided which indicate the suitability of
28 soils for septic tanks. By December 1, 2006, the element must
29 consider the appropriate water management district's regional
30 water supply plan approved pursuant to s. 373.0361. The
31 element must include a work plan, covering at least a 10-year

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1 | planning period, for building water supply facilities that are
 2 | identified in the element as necessary to serve existing and
 3 | new development and for which the local government is
 4 | responsible. The work plan shall be updated, at a minimum,
 5 | every 5 years within 12 months after the governing board of a
 6 | water management district approves an updated regional water
 7 | supply plan. Amendments to incorporate the work plan do not
 8 | count toward the limitation on the frequency of adoption of
 9 | amendments to the comprehensive plan.

10 | Section 3. Paragraph (b) of subsection (3) of section
 11 | 193.625, Florida Statutes, is amended to read:

12 | 193.625 High-water recharge lands; classification and
 13 | assessment.--

14 | (3)

15 | (b) Subject to the restrictions set out in this
 16 | section, only lands that are used primarily for bona fide
 17 | high-water recharge purposes may be classified as high-water
 18 | recharge. The term "bona fide high-water recharge purposes"
 19 | means good faith high-water recharge use of the land. In
 20 | determining whether the use of the land for high-water
 21 | recharge purposes is bona fide, the following factors apply:

- 22 | 1. The land use must have been continuous.
- 23 | 2. The land use must be vacant residential, vacant
 24 | commercial, vacant industrial, vacant institutional,
 25 | nonagricultural, or single-family residential. The maintenance
 26 | of one single-family residential dwelling on part of the land
 27 | does not in itself preclude a high-water recharge
 28 | classification.

29 | 3. The land must be located within a prime groundwater
 30 | recharge area ~~established in accordance with s. 373.0395~~ or in
 31 | an area considered by the appropriate water management

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1 district to supply significant groundwater recharge.
 2 Significant groundwater recharge shall be assessed by the
 3 appropriate water management district on the basis of
 4 hydrologic characteristics of the soils and underlying
 5 geologic formations.

6 4. The land must not be receiving any other special
 7 classification.

8 5. There must not be in the vicinity of the land any
 9 activity that has the potential to contaminate the ground
 10 water, including, but not limited to, the presence of:

- 11 a. Toxic or hazardous substances;
- 12 b. Free-flowing saline artesian wells;
- 13 c. Drainage wells;
- 14 d. Underground storage tanks; or
- 15 e. Any potential pollution source existing on a
 16 property that drains to the property seeking the high-water
 17 recharge classification.

18 6. The owner of the property has entered into a
 19 contract with the county as provided in subsection (5).

20 7. The parcel of land must be at least 10 acres.

21
 22 Notwithstanding the provisions of this paragraph, the property
 23 appraiser shall use the best available information on the
 24 high-water recharge characteristics of lands when making a
 25 final determination to grant or deny an application for
 26 high-water recharge assessment for the lands.

27 Section 4. Paragraph (b) of subsection (2) of section
 28 373.036, Florida Statutes, is amended, paragraph (e) is added
 29 to that subsection, and subsection (7) is added to that
 30 section, to read:

31 373.036 Florida water plan; district water management

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1 plans.--

2 (2) DISTRICT WATER MANAGEMENT PLANS.--

3 (b) The district water management plan shall include,
4 but not be limited to:

5 1. The scientific methodologies for establishing
6 minimum flows and levels under s. 373.042, and all established
7 minimum flows and levels.

8 2. Identification of one or more water supply planning
9 regions that singly or together encompass the entire district.

10 3. Technical data and information prepared under s.
11 ~~ss. 373.0391 and 373.0395.~~

12 4. A districtwide water supply assessment, to be
13 completed no later than July 1, 1998, which determines for
14 each water supply planning region:

15 a. Existing legal uses, reasonably anticipated future
16 needs, and existing and reasonably anticipated sources of
17 water and conservation efforts; and

18 b. Whether existing and reasonably anticipated sources
19 of water and conservation efforts are adequate to supply water
20 for all existing legal uses and reasonably anticipated future
21 needs and to sustain the water resources and related natural
22 systems.

23 5. Any completed regional water supply plans.

24 (e) At its option, a governing board may substitute an
25 annual strategic plan for the requirement to develop a
26 district water management plan and the district water
27 management plan annual report required by subparagraph
28 (7)(b)1., provided that the strategic plan meets the following
29 minimum requirements:

30 1. The strategic plan establishes the water management
31 district's strategic priorities for at least a future 5-year

1 period.

2 2. The strategic plan identifies the goals,
3 strategies, success indicators, funding sources, deliverables,
4 and milestones to accomplish the strategic priorities.

5 3. The strategic plan development process includes at
6 least one publicly noticed meeting to allow public
7 participation in its development.

8 4. The strategic plan includes separately, as an
9 addendum, an annual work plan report on the implementation of
10 the strategic plan for the previous fiscal year, addressing
11 success indicators, deliverables, and milestones.

12 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
13 REPORT.--

14 (a) By March 1, 2006, and annually thereafter, each
15 water management district shall prepare and submit to the
16 department, the Governor, the President of the Senate, and the
17 Speaker of the House of Representatives a consolidated water
18 management district annual report on the management of water
19 resources. In addition, copies must be provided by the water
20 management districts to the chairs of all legislative
21 committees having substantive or fiscal jurisdiction over the
22 districts and the governing board of each county in the
23 district having jurisdiction or deriving any funds for
24 operations of the district. Copies of the consolidated annual
25 report must be made available to the public, either in printed
26 or electronic format.

27 (b) The consolidated annual report shall contain the
28 following elements, as appropriate to that water management
29 district:

30 1. A district water management plan annual report or
31 the annual work plan report allowed in subparagraph (2)(e)4.

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1 2. The department-approved minimum flows and levels
2 annual priority list and schedule required by s. 373.042(2).

3 3. The annual 5-year capital improvements plan
4 required by s. 373.536(6)(a)3.

5 4. The alternative water supplies annual report
6 required by s. 373.1961(2)(k).

7 5. The final annual 5-year water resource development
8 work program required by s. 373.536(6)(a)4.

9 6. The Florida Forever Water Management District Work
10 Plan annual report required by s. 373.199(7).

11 7. The mitigation donation annual report required by
12 s. 373.414(1)(b)2.

13 (c) Each of the elements listed in paragraph (b) is to
14 be addressed in a separate chapter or section within the
15 consolidated annual report, although information common to
16 more than one of these elements may be consolidated as deemed
17 appropriate by the individual water management district.

18 (d) Each water management district may include in the
19 consolidated annual report such additional information on the
20 status or management of water resources within the district as
21 it deems appropriate.

22 (e) In addition to the elements specified in paragraph
23 (b), the South Florida Water Management District shall include
24 in the consolidated annual report the following elements:

25 1. The Lake Okeechobee Protection Program annual
26 progress report required by s. 373.4595(3)(g).

27 2. The Everglades annual progress reports specified in
28 s. 373.4592(4)(d)5., (13), and (14).

29 3. The Everglades restoration annual report required
30 by s. 373.470(7).

31 4. The Everglades Forever Act annual implementation

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1 report required by s. 11.80(4).

2 5. The Everglades Trust Fund annual expenditure report
3 required by s. 373.45926(3).

4 Section 5. Section 373.0397, Florida Statutes, is
5 amended to read:

6 373.0397 Floridan and Biscayne aquifers; designation
7 of prime groundwater recharge areas.--Upon preparation of an
8 inventory of prime groundwater recharge areas for the Floridan
9 or Biscayne aquifers ~~as a part of the requirements of s.~~
10 ~~373.0395(3)~~, but prior to adoption by the governing board, the
11 water management district shall publish a legal notice of
12 public hearing on the designated areas for the Floridan and
13 Biscayne aquifers, with a map delineating the boundaries of
14 the areas, in newspapers defined in chapter 50 as having
15 general circulation within the area to be affected. The notice
16 shall be at least one-fourth page and shall read as follows:

17
18 NOTICE OF PRIME RECHARGE

19 AREA DESIGNATION

20
21 The (name of taxing authority) proposes to designate
22 specific land areas as areas of prime recharge to the (name
23 of aquifer) Aquifer.

24 All concerned citizens are invited to attend a public
25 hearing on the proposed designation to be held on (date and
26 time) at (meeting place) .

27 A map of the affected areas follows.

28
29 The governing board of the water management district shall
30 adopt a designation of prime groundwater recharge areas to the
31 Floridan and Biscayne aquifers by rule within 120 days after

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1 the public hearing, subject to the provisions of chapter 120.

2 Section 6. Subsection (2) of section 373.042, Florida
3 Statutes, is amended to read:

4 373.042 Minimum flows and levels.--

5 (2) By November 15, 1997, and annually thereafter,
6 each water management district shall submit to the department
7 for review and approval a priority list and schedule for the
8 establishment of minimum flows and levels for surface
9 watercourses, aquifers, and surface waters within the
10 district. The priority list shall also identify those water
11 bodies for which the district will voluntarily undertake
12 independent scientific peer review. By March 1, 2006 ~~January~~
13 ~~1, 1998~~, and annually thereafter, each water management
14 district shall include ~~publish~~ its approved priority list and
15 schedule in the consolidated annual report required by s.
16 373.036(7) ~~Florida Administrative Weekly~~. The priority list
17 shall be based upon the importance of the waters to the state
18 or region and the existence of or potential for significant
19 harm to the water resources or ecology of the state or region,
20 and shall include those waters which are experiencing or may
21 reasonably be expected to experience adverse impacts. ~~By~~
22 ~~January 1, 2003~~, Each water management district's priority
23 list and schedule shall include all first magnitude springs,
24 and all second magnitude springs within state or federally
25 owned lands purchased for conservation purposes. The specific
26 schedule for establishment of spring minimum flows and levels
27 shall be commensurate with the existing or potential threat to
28 spring flow from consumptive uses. Springs within the Suwannee
29 River Water Management District, or second magnitude springs
30 in other areas of the state, need not be included on the
31 priority list if the water management district submits a

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1 report to the Department of Environmental Protection
2 demonstrating that adverse impacts are not now occurring nor
3 are reasonably expected to occur from consumptive uses during
4 the next 20 years. The priority list and schedule shall not be
5 subject to any proceeding pursuant to chapter 120. Except as
6 provided in subsection (3), the development of a priority list
7 and compliance with the schedule for the establishment of
8 minimum flows and levels pursuant to this subsection shall
9 satisfy the requirements of subsection (1).

10 Section 7. Section 373.145, Florida Statutes, is
11 amended to read:

12 373.145 Information program regarding hydrologic
13 conditioning and consumption of major surface and groundwater
14 sources.--In order to aid in the development of a better
15 understanding of the unique surface and groundwater resources
16 of this state, the water management districts shall develop an
17 information program designed to provide information concerning
18 existing hydrologic conditions of major surface and
19 groundwater sources in this state and suggestions for good
20 conservation practices within those areas. The program shall
21 be developed by December 31, 2002. The water management
22 districts shall utilize the most efficient means to regularly
23 distribute this information to members of the Legislature, the
24 media, and the public. Beginning January 1, 2003, and on a
25 regular basis no less than every 6 months thereafter, the
26 information developed pursuant to this section shall be
27 distributed to every member of the Florida Senate and the
28 Florida House of Representatives and to local print and
29 broadcast news organizations. Each water management district
30 shall be responsible for the distribution of this information
31 within its established geographic area.

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1 Section 8. Paragraph (k) of subsection (2) of section
2 373.1961, Florida Statutes, is amended to read:

3 373.1961 Water production.--

4 (2) The Legislature finds that, due to a combination
5 of factors, vastly increased demands have been placed on
6 natural supplies of fresh water, and that, absent increased
7 development of alternative water supplies, such demands may
8 increase in the future. The Legislature also finds that
9 potential exists in the state for the production of
10 significant quantities of alternative water supplies,
11 including reclaimed water, and that water production includes
12 the development of alternative water supplies, including
13 reclaimed water, for appropriate uses. It is the intent of the
14 Legislature that utilities develop reclaimed water systems,
15 where reclaimed water is the most appropriate alternative
16 water supply option, to deliver reclaimed water to as many
17 users as possible through the most cost-effective means, and
18 to construct reclaimed water system infrastructure to their
19 owned or operated properties and facilities where they have
20 reclamation capability. It is also the intent of the
21 Legislature that the water management districts which levy ad
22 valorem taxes for water management purposes should share a
23 percentage of those tax revenues with water providers and
24 users, including local governments, water, wastewater, and
25 reuse utilities, municipal, industrial, and agricultural water
26 users, and other public and private water users, to be used to
27 supplement other funding sources in the development of
28 alternative water supplies. The Legislature finds that public
29 moneys or services provided to private entities for such uses
30 constitute public purposes which are in the public interest.

31 In order to further the development and use of alternative

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1 water supply systems, including reclaimed water systems, the
2 Legislature provides the following:

3 (k) By March 1 ~~January 30~~ of each year, as part of the
4 consolidated annual report required by s. 373.036(7), each
5 water management district shall submit a report on ~~an annual~~
6 ~~report to the Governor, the President of the Senate, and the~~
7 ~~Speaker of the House of Representatives which accounts for the~~
8 disbursal of all budgeted amounts pursuant to this subsection.
9 Such report shall describe all projects funded and shall
10 account separately for moneys provided through grants,
11 matching grants, revolving loans, and the use of district
12 lands or facilities.

13 Section 9. Subsection (7) of section 373.199, Florida
14 Statutes, is amended to read:

15 373.199 Florida Forever Water Management District Work
16 Plan.--

17 (7) By June 1, 2001, each district shall file with the
18 President of the Senate, the Speaker of the House of
19 Representatives, and the Secretary of Environmental Protection
20 the initial 5-year work plan as required under subsection (2).
21 By March ~~January~~ 1 of each year thereafter, as part of the
22 consolidated annual report required by s. 373.036(7), each
23 district shall ~~file with the President of the Senate, the~~
24 ~~Speaker of the House of Representatives, and the Secretary of~~
25 ~~Environmental Protection~~ a report on ~~of~~ acquisitions completed
26 during the year together with modifications or additions to
27 its 5-year work plan. Included in the report shall be:

28 (a) A description of land management activity for each
29 property or project area owned by the water management
30 district.

31 (b) A list of any lands surplused and the amount of

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1 compensation received.

2 (c) The progress of funding, staffing, and resource
3 management of every project funded pursuant to s. 259.101, s.
4 259.105, or s. 373.59 for which the district is responsible.

5
6 The secretary shall submit the report referenced in this
7 subsection to the Board of Trustees of the Internal
8 Improvement Trust Fund together with the Acquisition and
9 Restoration Council's project list as required under s.
10 259.105.

11 Section 10. Section 373.207, Florida Statutes, is
12 amended to read:

13 373.207 Abandoned artesian wells.--

14 ~~(1)~~ Each water management district shall develop a
15 work plan which identifies the location of all known abandoned
16 artesian wells within its jurisdictional boundaries and
17 defines the actions which the district must take in order to
18 ensure that each such well is plugged on or before January 1,
19 1992. The work plan shall include the following:

20 ~~(1)(a)~~ An initial inventory which accounts for all
21 known abandoned artesian wells in the district.

22 ~~(2)(b)~~ The location and owner of each known abandoned
23 well.

24 ~~(3)(c)~~ The methodology proposed by the district to
25 accomplish the plugging of all known abandoned wells within
26 the district on or before January 1, 1992.

27 ~~(4)(d)~~ Data relating to costs to be incurred for the
28 plugging of all wells, including the per-well cost and
29 personnel costs.

30 ~~(5)(e)~~ A schedule of priority for the plugging of
31 wells, which schedule is established to mitigate damage to the

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1 groundwater resource due to water quality degradation.

2 ~~(2) Each water management district shall submit an~~
3 ~~annual update of its work plan to the Secretary of~~
4 ~~Environmental Protection by January 1 of each year, until all~~
5 ~~wells identified by the plan are plugged.~~

6 Section 11. Paragraph (b) of subsection (1) of section
7 373.414, Florida Statutes, is amended to read:

8 373.414 Additional criteria for activities in surface
9 waters and wetlands.--

10 (1) As part of an applicant's demonstration that an
11 activity regulated under this part will not be harmful to the
12 water resources or will not be inconsistent with the overall
13 objectives of the district, the governing board or the
14 department shall require the applicant to provide reasonable
15 assurance that state water quality standards applicable to
16 waters as defined in s. 403.031(13) will not be violated and
17 reasonable assurance that such activity in, on, or over
18 surface waters or wetlands, as delineated in s. 373.421(1), is
19 not contrary to the public interest. However, if such an
20 activity significantly degrades or is within an Outstanding
21 Florida Water, as provided by department rule, the applicant
22 must provide reasonable assurance that the proposed activity
23 will be clearly in the public interest.

24 (b) If the applicant is unable to otherwise meet the
25 criteria set forth in this subsection, the governing board or
26 the department, in deciding to grant or deny a permit, shall
27 consider measures proposed by or acceptable to the applicant
28 to mitigate adverse effects that may be caused by the
29 regulated activity. Such measures may include, but are not
30 limited to, onsite mitigation, offsite mitigation, offsite
31 regional mitigation, and the purchase of mitigation credits

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1 from mitigation banks permitted under s. 373.4136. It shall be
 2 the responsibility of the applicant to choose the form of
 3 mitigation. The mitigation must offset the adverse effects
 4 caused by the regulated activity.

5 1. The department or water management districts may
 6 accept the donation of money as mitigation only where the
 7 donation is specified for use in a duly noticed environmental
 8 creation, preservation, enhancement, or restoration project,
 9 endorsed by the department or the governing board of the water
 10 management district, which offsets the impacts of the activity
 11 permitted under this part. However, the provisions of this
 12 subsection shall not apply to projects undertaken pursuant to
 13 s. 373.4137 or chapter 378. Where a permit is required under
 14 this part to implement any project endorsed by the department
 15 or a water management district, all necessary permits must
 16 have been issued prior to the acceptance of any cash donation.
 17 After the effective date of this act, when money is donated to
 18 either the department or a water management district to offset
 19 impacts authorized by a permit under this part, the department
 20 or the water management district shall accept only a donation
 21 that represents the full cost to the department or water
 22 management district of undertaking the project that is
 23 intended to mitigate the adverse impacts. The full cost shall
 24 include all direct and indirect costs, as applicable, such as
 25 those for land acquisition, land restoration or enhancement,
 26 perpetual land management, and general overhead consisting of
 27 costs such as staff time, building, and vehicles. The
 28 department or the water management district may use a
 29 multiplier or percentage to add to other direct or indirect
 30 costs to estimate general overhead. Mitigation credit for such
 31 a donation shall be given only to the extent that the donation

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1 covers the full cost to the agency of undertaking the project
2 that is intended to mitigate the adverse impacts. However,
3 nothing herein shall be construed to prevent the department or
4 a water management district from accepting a donation
5 representing a portion of a larger project, provided that the
6 donation covers the full cost of that portion and mitigation
7 credit is given only for that portion. The department or water
8 management district may deviate from the full cost
9 requirements of this subparagraph to resolve a proceeding
10 brought pursuant to chapter 70 or a claim for inverse
11 condemnation. Nothing in this section shall be construed to
12 require the owner of a private mitigation bank, permitted
13 under s. 373.4136, to include the full cost of a mitigation
14 credit in the price of the credit to a purchaser of said
15 credit.

16 2. The department and each water management district
17 shall report by March 1 to the Executive Office of the
18 Governor by January 31 of each year, as part of the
19 consolidated annual report required by s. 373.036(7), all cash
20 donations accepted under subparagraph 1. during the preceding
21 water management district fiscal calendar year for wetland
22 mitigation purposes. The report shall exclude those
23 contributions pursuant to s. 373.4137. The report shall
24 include a description of the endorsed mitigation projects and,
25 except for projects governed by s. 373.4135(6), shall address,
26 as applicable, success criteria, project implementation status
27 and timeframe, monitoring, long-term management, provisions
28 for preservation, and full cost accounting.

29 3. If the applicant is unable to meet water quality
30 standards because existing ambient water quality does not meet
31 standards, the governing board or the department shall

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1 consider mitigation measures proposed by or acceptable to the
2 applicant that cause net improvement of the water quality in
3 the receiving body of water for those parameters which do not
4 meet standards.

5 4. If mitigation requirements imposed by a local
6 government for surface water and wetland impacts of an
7 activity regulated under this part cannot be reconciled with
8 mitigation requirements approved under a permit for the same
9 activity issued under this part, including application of the
10 uniform wetland mitigation assessment method adopted pursuant
11 to subsection (18), the mitigation requirements for surface
12 water and wetland impacts shall be controlled by the permit
13 issued under this part.

14 Section 12. Paragraph (d) of subsection (4) and
15 subsections (13) and (14) of section 373.4592, Florida
16 Statutes, are amended to read:

17 373.4592 Everglades improvement and management.--

18 (4) EVERGLADES PROGRAM.--

19 (d) Everglades research and monitoring program.--

20 1. The department and the district shall review and
21 evaluate available water quality data for the Everglades
22 Protection Area and tributary waters and identify any
23 additional information necessary to adequately describe water
24 quality in the Everglades Protection Area and tributary
25 waters. The department and the district shall also initiate a
26 research and monitoring program to generate such additional
27 information identified and to evaluate the effectiveness of
28 the BMPs and STAs, as they are implemented, in improving water
29 quality and maintaining designated and existing beneficial
30 uses of the Everglades Protection Area and tributary waters.
31 As part of the program, the district shall monitor all

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1 discharges into the Everglades Protection Area for purposes of
2 determining compliance with state water quality standards.

3 2. The research and monitoring program shall evaluate
4 the ecological and hydrological needs of the Everglades
5 Protection Area, including the minimum flows and levels.
6 Consistent with such needs, the program shall also evaluate
7 water quality standards for the Everglades Protection Area and
8 for the canals of the EAA, so that these canals can be
9 classified in the manner set forth in paragraph (e) and
10 protected as an integral part of the water management system
11 which includes the STAs of the Everglades Construction Project
12 and allows landowners in the EAA to achieve applicable water
13 quality standards compliance by BMPs and STA treatment to the
14 extent this treatment is available and effective.

15 3. The research and monitoring program shall include
16 research seeking to optimize the design and operation of the
17 STAs, including research to reduce outflow concentrations, and
18 to identify other treatment and management methods and
19 regulatory programs that are superior to STAs in achieving the
20 intent and purposes of this section.

21 4. The research and monitoring program shall be
22 conducted to allow the department to propose a phosphorus
23 criterion in the Everglades Protection Area, and to evaluate
24 existing state water quality standards applicable to the
25 Everglades Protection Area and existing state water quality
26 standards and classifications applicable to the EAA canals. In
27 developing the phosphorus criterion, the department shall also
28 consider the minimum flows and levels for the Everglades
29 Protection Area and the district's water supply plans for the
30 Lower East Coast.

31 5. Beginning March 1, 2006, as part of the

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1 consolidated annual report required by s. 373.036(7) January
 2 ~~1, 2000~~, the district and the department shall annually issue
 3 a peer-reviewed report regarding the research and monitoring
 4 program that summarizes all data and findings. ~~The department~~
 5 ~~shall provide copies of the report to the Governor, the~~
 6 ~~President of the Senate, and the Speaker of the House of~~
 7 ~~Representatives.~~ The report shall identify water quality
 8 parameters, in addition to phosphorus, which exceed state
 9 water quality standards or are causing or contributing to
 10 adverse impacts in the Everglades Protection Area.

11 6. The district shall continue research seeking to
 12 optimize the design and operation of STAs and to identify
 13 other treatment and management methods that are superior to
 14 STAs in achieving optimum water quality and water quantity for
 15 the benefit of the Everglades. The district shall optimize the
 16 design and operation of the STAs described in the Everglades
 17 Construction Project prior to expanding their size. Additional
 18 methods to achieve compliance with water quality standards
 19 shall not be limited to more intensive management of the STAs.

20 (13) ANNUAL REPORTS.--Beginning March 1, 2006, as part
 21 of the consolidated annual report required by s. 373.036(7)
 22 ~~January 1, 1992~~, the district shall report on ~~submit to the~~
 23 ~~department, the Governor, the Speaker of the House of~~
 24 ~~Representatives, the Minority Leader of the House of~~
 25 ~~Representatives, the President of the Senate, and the Minority~~
 26 ~~Leader of the Senate annual progress reports regarding~~
 27 implementation of the section. The annual report will include
 28 a summary of the water conditions in the Everglades Protection
 29 Area, the status of the impacted areas, the status of the
 30 construction of the STAs, the implementation of the BMPs, and
 31 actions taken to monitor and control exotic species. The

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1 | district must prepare the report in coordination with federal
2 | and state agencies.

3 | (14) EVERGLADES FUND.--The South Florida Water
4 | Management District is directed to separately account for all
5 | moneys used for the purpose of funding the Everglades
6 | Construction Project as part of the consolidated annual report
7 | required by s. 373.036(7).

8 | Section 13. Subsection (3) of section 373.45926,
9 | Florida Statutes, is amended to read:

10 | 373.45926 Everglades Trust Fund; allocation of
11 | revenues and expenditure of funds for conservation and
12 | protection of natural resources and abatement of water
13 | pollution.--

14 | (3) The South Florida Water Management District shall
15 | furnish, as part of the consolidated annual report required by
16 | s. 373.036(7) on a quarterly basis, a detailed copy of its
17 | expenditures from the Everglades Trust Fund to the Governor,
18 | the President of the Senate, and the Speaker of the House of
19 | Representatives, and shall make copies available to the
20 | public. The information shall be provided in a format approved
21 | by the Joint Legislative Committee on Everglades Oversight. At
22 | the direction of the Joint Legislative Committee on Everglades
23 | Oversight, an audit may be made from time to time by the
24 | Auditor General, and such audit shall be within the authority
25 | of said Auditor General to make.

26 | Section 14. Paragraph (g) of subsection (3) of section
27 | 373.4595, Florida Statutes, is amended to read:

28 | 373.4595 Lake Okeechobee Protection Program.--

29 | (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
30 | program for Lake Okeechobee that achieves phosphorus load
31 | reductions for Lake Okeechobee shall be immediately

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1 implemented as specified in this subsection. The program shall
2 address the reduction of phosphorus loading to the lake from
3 both internal and external sources. Phosphorus load reductions
4 shall be achieved through a phased program of implementation.
5 Initial implementation actions shall be technology-based,
6 based upon a consideration of both the availability of
7 appropriate technology and the cost of such technology, and
8 shall include phosphorus reduction measures at both the source
9 and the regional level. The initial phase of phosphorus load
10 reductions shall be based upon the district's Technical
11 Publication 81-2 and the district's WOD program, with
12 subsequent phases of phosphorus load reductions based upon the
13 total maximum daily loads established in accordance with s.
14 403.067. In the development and administration of the Lake
15 Okeechobee Protection Program, the coordinating agencies shall
16 maximize opportunities provided by federal cost-sharing
17 programs and opportunities for partnerships with the private
18 sector.

19 (g) Annual progress report.--Each March ~~January~~ 1,
20 beginning in 2006 ~~2001~~, the district shall report on ~~submit to~~
21 ~~the Governor, the President of the Senate, and the Speaker of~~
22 ~~the House of Representatives annual progress reports regarding~~
23 implementation of this section as part of the consolidated
24 annual report required in s. 373.036(7). The annual report
25 shall include a summary of water quality and habitat
26 conditions in Lake Okeechobee and the Lake Okeechobee
27 watershed and the status of the Lake Okeechobee Construction
28 Project. The district shall prepare the report in cooperation
29 with the other coordinating agencies.

30 Section 15. Subsection (7) of section 373.470, Florida
31 Statutes, is amended to read:

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1 373.470 Everglades restoration.--

2 (7) ANNUAL REPORT.--To provide enhanced oversight of
3 and accountability for the financial commitments established
4 under this section and the progress made in the implementation
5 of the comprehensive plan, the following information must be
6 prepared annually as part of the consolidated annual report
7 required by s. 373.036(7):

8 (a) The district, in cooperation with the department,
9 shall provide the following information as it relates to
10 implementation of the comprehensive plan:

11 1. An identification of funds, by source and amount,
12 received by the state and by each local sponsor during the
13 fiscal year.

14 2. An itemization of expenditures, by source and
15 amount, made by the state and by each local sponsor during the
16 fiscal year.

17 3. A description of the purpose for which the funds
18 were expended.

19 4. The unencumbered balance of funds remaining in
20 trust funds or other accounts designated for implementation of
21 the comprehensive plan.

22 5. A schedule of anticipated expenditures for the next
23 fiscal year.

24 (b) The department shall prepare a detailed report on
25 all funds expended by the state and credited toward the
26 state's share of funding for implementation of the
27 comprehensive plan. The report shall include:

28 1. A description of all expenditures, by source and
29 amount, from the Conservation and Recreation Lands Trust Fund,
30 the Land Acquisition Trust Fund, the Preservation 2000 Trust
31 Fund, the Florida Forever Trust Fund, the Save Our Everglades

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1 Trust Fund, and other named funds or accounts for the
2 acquisition or construction of project components or other
3 features or facilities that benefit the comprehensive plan.

4 2. A description of the purposes for which the funds
5 were expended.

6 3. The unencumbered fiscal-year-end balance that
7 remains in each trust fund or account identified in
8 subparagraph 1.

9 (c) The district, in cooperation with the department,
10 shall provide a detailed report on progress made in the
11 implementation of the comprehensive plan, including the status
12 of all project components initiated after the effective date
13 of this act or the date of the last report prepared under this
14 subsection, whichever is later.

15
16 The information required in paragraphs (a), (b), and (c) shall
17 be provided as part of the consolidated annual report required
18 by s. 373.036(7) annually in a single report to the Governor,
19 the President of the Senate, and the Speaker of the House of
20 Representatives, and copies of the report must be made
21 available to the public. The initial report is due by November
22 30, 2000, and each annual report thereafter is due by March 1
23 January 31.

24 Section 16. Paragraph (a) of subsection (6) of section
25 373.536, Florida Statutes, is amended to read:

26 373.536 District budget and hearing thereon.--

27 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS
28 PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

29 (a) Each district must, by the date specified for each
30 item, furnish copies of the following documents to the
31 Governor, the President of the Senate, the Speaker of the

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1 House of Representatives, the chairs of all legislative
 2 committees and subcommittees having substantive or fiscal
 3 jurisdiction over the districts, as determined by the
 4 President of the Senate or the Speaker of the House of
 5 Representatives as applicable, the secretary of the
 6 department, and the governing board of each county in which
 7 the district has jurisdiction or derives any funds for the
 8 operations of the district:

9 1. The adopted budget, to be furnished within 10 days
 10 after its adoption.

11 2. A financial audit of its accounts and records, to
 12 be furnished within 10 days after its acceptance by the
 13 governing board. The audit must be conducted in accordance
 14 with the provisions of s. 11.45 and the rules adopted
 15 thereunder. In addition to the entities named above, the
 16 district must provide a copy of the audit to the Auditor
 17 General within 10 days after its acceptance by the governing
 18 board.

19 3. A 5-year capital improvements plan, to be included
 20 in the consolidated annual report required by s. 373.036(7)
 21 ~~furnished within 45 days after the adoption of the final~~
 22 ~~budget~~. The plan must include expected sources of revenue for
 23 planned improvements and must be prepared in a manner
 24 comparable to the fixed capital outlay format set forth in s.
 25 216.043.

26 4. A 5-year water resource development work program to
 27 be furnished within 30 ~~45~~ days after the adoption of the final
 28 budget. The program must describe the district's
 29 implementation strategy for the water resource development
 30 component of each approved regional water supply plan
 31 developed or revised under s. 373.0361. The work program must

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1 address all the elements of the water resource development
 2 component in the district's approved regional water supply
 3 plans and must identify which projects in the work program
 4 will provide water, explain how each water resource
 5 development project will produce additional water available
 6 for consumptive uses, estimate the quantity of water to be
 7 produced by each project, and provide an assessment of the
 8 contribution of the district's regional water supply plans in
 9 providing sufficient water to meet the water supply needs of
 10 existing and future reasonable-beneficial uses for a
 11 1-in-10-year drought event. Within 30 ~~45~~ days after its
 12 submittal, the department shall review the proposed work
 13 program and submit its findings, questions, and comments to
 14 the district. The review must include a written evaluation of
 15 the program's consistency with the furtherance of the
 16 district's approved regional water supply plans, and the
 17 adequacy of proposed expenditures. As part of the review, the
 18 department shall give interested parties the opportunity to
 19 provide written comments on each district's proposed work
 20 program. Within 45 ~~60~~ days after receipt of the department's
 21 evaluation, the governing board shall state in writing to the
 22 department which changes recommended in the evaluation it will
 23 incorporate into its work program submitted as part of the
 24 March 1 consolidated annual report required by s. 373.036(7)
 25 or specify the reasons for not incorporating the changes. The
 26 department shall include the district's responses in a final
 27 evaluation report and shall submit a copy of the report to the
 28 Governor, the President of the Senate, and the Speaker of the
 29 House of Representatives.

30 Section 17. By February 1, 2006, the Department of
 31 Environmental Protection, after consultation with the five

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1 water management districts, shall recommend to the Governor,
 2 the President of the Senate, and the Speaker of the House of
 3 Representatives any additional changes to or consolidation of
 4 the existing planning and reporting requirements of chapter
 5 373, Florida Statutes, that it deems appropriate to
 6 efficiently and effectively protect and use the state's water
 7 resources.

8 Section 18. Section 373.0395, Florida Statutes, is
 9 repealed.

10 Section 19. This act shall take effect July 1, 2005.

11
 12

13 ===== T I T L E A M E N D M E N T =====

14 And the title is amended as follows:

15 Delete everything before the enacting clause

16
 17

and insert:

18 A bill to be entitled
 19 An act relating to water management district
 20 planning and reporting; amending s. 373.036,
 21 F.S.; authorizing submission of an annual
 22 strategic plan in lieu of other district water
 23 management plan information and providing
 24 requirements therefor; requiring water
 25 management districts to submit a consolidated
 26 annual report and providing requirements
 27 therefor; correcting a cross-reference;
 28 amending ss. 11.80, 163.3177, 193.625,
 29 373.0397, 373.042, 373.145, 373.1961, 373.199,
 30 373.207, 373.414, 373.4592, 373.45926,
 31 373.4595, 373.470, and 373.536, F.S.; revising

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1 certain reporting requirements and
2 cross-references to conform; directing the
3 Department of Environmental Protection to
4 recommend to the Governor and Legislature
5 additional changes to or consolidation of
6 planning and reporting requirements of ch. 373,
7 F.S., relating to water resources; repealing s.
8 373.0395, F.S., relating to groundwater basin
9 resource availability inventories; providing an
10 effective date.

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