

By Senator Atwater

25-726-05

1   A bill to be entitled

2           An act relating to water resource planning and

3           reporting; amending s. 373.036, F.S.; deleting

4           a requirement for a water management district

5           to use an inventory of groundwater resource

6           availability information in its district plan;

7           authorizing the governing board of each water

8           management district to substitute a strategic

9           plan for a water management plan and a water

10          resource development 5-year work program

11          otherwise required; providing criteria for the

12          substitute plan; providing for consolidation of

13          specified reports, plans, or accountings

14          required of water management districts into an

15          annual report; providing for distribution of

16          the consolidated annual district report;

17          authorizing inclusion of information in the

18          consolidated report; providing for the format

19          of the consolidated report; requiring the

20          consolidated report of the South Florida Water

21          Management District to include additional

22          specified plans, reports, and accountings;

23          repealing s. 373.0395, F.S., relating to an

24          inventory of groundwater resource availability

25          by each district, which regional planning

26          councils, counties, and municipalities must

27          review and reflect in local comprehensive

28          planning; amending s. 373.0397, F.S.;

29          eliminating a requirement that notice of a

30          public hearing on designation of prime

31          groundwater recharge areas to the Floridan and

1 Biscayne aquifers by the governing board of the  
2 South Florida Water Management District be  
3 published upon preparation of the inventory of  
4 groundwater resource availability, to conform;  
5 amending s. 11.80, F.S.; revising the deadline  
6 for a report on implementation of the  
7 Everglades Forever Act by the South Florida  
8 Water Management District; including such  
9 report in the consolidated annual report;  
10 amending s. 373.042, F.S.; revising the  
11 deadline for a report by each district on the  
12 priority list and schedule for minimum flows  
13 and levels of certain waters; eliminating  
14 requirement that the list and schedule be  
15 published in the Florida Administrative Weekly;  
16 including the report in the consolidated annual  
17 report; amending s. 373.145, F.S.; eliminating  
18 a requirement that the districts distribute  
19 information regarding conditions of major  
20 surface and groundwater sources and suggested  
21 conservation practices at least every 6 months;  
22 requiring that the districts distribute such  
23 information to the public, the members of the  
24 Legislature, and the media; eliminating a  
25 requirement that each district distribute such  
26 information in its geographic area; amending s.  
27 373.1961, F.S.; revising the deadline for a  
28 report by each district regarding dispersal of  
29 moneys or facilities to water providers and  
30 users to develop alternative water supplies;  
31 including the report in the consolidated annual

1 report; amending s. 373.199, F.S.; revising the  
2 deadline for a report by each district  
3 regarding acquisitions under or modifications  
4 to its Florida Forever 5-year work plan;  
5 including the report in the consolidated annual  
6 report; amending s. 373.207, F.S.; eliminating  
7 a requirement that each district provide an  
8 annual report of its work plan regarding  
9 abandoned artesian wells to the Department of  
10 Environmental Protection; amending s. 373.414,  
11 F.S.; revising the deadline and reporting  
12 period for a report by the districts and the  
13 Department of Environmental Protection  
14 regarding projects or donations to mitigate  
15 wetland impacts; including the report in the  
16 consolidated annual report; amending s.  
17 373.4592, F.S.; revising the deadline for a  
18 report on the Everglades research and  
19 monitoring program by the South Florida Water  
20 Management District and the Department of  
21 Environmental Protection; revising the deadline  
22 for a report by the South Florida Water  
23 Management District regarding implementation of  
24 provisions regarding Everglades improvement and  
25 management; including such reports, and an  
26 accounting required of the South Florida Water  
27 Management District regarding moneys used for  
28 the Everglades Construction project, in the  
29 district's consolidated annual report; amending  
30 s. 373.45926, F.S.; including a report by the  
31 South Florida Water Management District

1 regarding expenditures from the Everglades  
2 Trust Fund in the district's consolidated  
3 annual report; amending s. 373.4595, F.S.;  
4 revising the deadline for a report on  
5 implementation of the Lake Okeechobee  
6 Protection Program by the South Florida Water  
7 Management District; including the report in  
8 the district's consolidated annual report;  
9 amending s. 373.470, F.S.; revising the  
10 deadline for a report by the South Florida  
11 Water Management District regarding financial  
12 commitments and implementation of a plan  
13 relating to Everglades restoration; including  
14 the report in the district's consolidated  
15 report; amending s. 373.536, F.S.; revising the  
16 deadline for reports by each district regarding  
17 its 5-year capital improvements plan and its  
18 5-year water resource development work program;  
19 including the reports in each district's  
20 consolidated annual report; revising the  
21 deadline for review by the Department of  
22 Environmental Protection of each district's  
23 5-year water resource development work plan;  
24 directing the Department of Environmental  
25 Protection, in consultation with the districts,  
26 to recommend additional reforms or  
27 consolidations of planning and reporting  
28 requirements; providing an effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

1           Section 1. Paragraph (b) of subsection (2) of section  
2 373.036, Florida Statutes, is amended, paragraph (e) is added  
3 to that subsection, and subsection (7) is added to that  
4 section, to read:

5           373.036 Florida water plan; district water management  
6 plans.--

7           (2) DISTRICT WATER MANAGEMENT PLANS.--

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

10           1. The scientific methodologies for establishing  
11 minimum flows and levels under s. 373.042, and all established  
12 minimum flows and levels.

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

15           3. Technical data and information prepared under s.  
16 ~~ss.~~ 373.0391 ~~and 373.0395~~.

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

20           a. Existing legal uses, reasonably anticipated future  
21 needs, and existing and reasonably anticipated sources of  
22 water and conservation efforts; and

23           b. Whether existing and reasonably anticipated sources  
24 of water and conservation efforts are adequate to supply water  
25 for all existing legal uses and reasonably anticipated future  
26 needs and to sustain the water resources and related natural  
27 systems.

28           5. Any completed regional water supply plans.

29           (e) A governing board may develop and submit an annual  
30 strategic plan to substitute for the district water management  
31 district plan required in subsection (2) and the final 5-year

1 water resource development work program required by s.  
2 373.536(6), if the substitute plan:  
3       1. Establishes the water management district's  
4 strategic priorities for a future period that includes, at  
5 minimum, 5 years;  
6       2. Identifies the goals, strategies, success  
7 indicators, funding sources, deliverables, and milestones to  
8 accomplish such strategic purposes;  
9       3. Was developed following a process that includes at  
10 least one publicly noticed meeting to allow timely public  
11 input before finalization of the plan; and  
12       4. Includes separately, as an addendum, an annual work  
13 plan report on the implementation of the strategic plan for  
14 the previous fiscal year, addressing success indicators,  
15 deliverables, and milestones.  
16       (7)(a) By March 1, 2006, and annually thereafter, each  
17 water management district shall prepare and submit to the  
18 department, the Governor, the President of the Senate, and the  
19 Speaker of the House of Representatives a consolidated water  
20 management district annual report on the management of water  
21 resources. Each district must provide a copy to each chair of  
22 any legislative committees having substantive or fiscal  
23 jurisdiction over the districts and to the governing board of  
24 each county within that district's boundaries or which derives  
25 any funds from operations of the district. Each district must  
26 also make copies available to the public in printed or  
27 electronic format.  
28       (b) The consolidated water management district annual  
29 report must contain the following elements, as appropriate to  
30 the water management district that prepares the report:  
31

1           1. The annual report of a district water management  
2 plan required, or the option for the annual substitute  
3 strategic plan allowed, by s. 373.036(2).

4           2. The district priority list and schedule regarding  
5 minimum flows and levels of certain waters which have been  
6 approved under s. 373.042(2) by the department.

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

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

11           5. The annual report accounting for dispersals  
12 regarding alternative water supply system projects as required  
13 by s. 373.1961(2).

14           6. The annual report of modifications or additions to  
15 the Florida Forever Water Management District Work Plan and  
16 acquisitions completed under that plan as required by s.  
17 373.199(7).

18           7. The report of wetland mitigation projects or cash  
19 donations accepted for wetland mitigation as required by s.  
20 373.414(1).

21           (c) Each of the elements in paragraph (b) must be  
22 addressed in a separate chapter in the consolidated annual  
23 report, although information common to more than one of these  
24 elements may be consolidated as deemed appropriate by the  
25 water management district that prepares the consolidated  
26 report.

27           (d) Each water management district may include in the  
28 consolidated annual report such additional information on the  
29 status or management of water resources within the district as  
30 it deems appropriate.

31

1           (e) In addition to the elements specified in paragraph  
2 (b), the South Florida Water Management District shall include  
3 in its consolidated annual report the following elements:

4           1. The annual progress report regarding the Lake  
5 Okeechobee Protection Program required by s. 373.4595(3)(g);

6           2. The annual report regarding the Everglades research  
7 and monitoring program required by s. 373.4592(4)(d), the  
8 annual progress report regarding the Everglades required by s.  
9 373.4592(13), and the separate accounting required by s.  
10 373.4592(14);

11           3. The annual report regarding Everglades restoration  
12 required by s. 373.470(7);

13           4. The annual report on the status of restoration  
14 required by s. 373.470(7);

15           5. The annual report on the status of implementation  
16 of the Everglades Forever Act required by s. 11.80; and

17           6. The report regarding expenditures from the  
18 Everglades Trust Fund required by s. 373.45926(3).

19           Section 2. Section 373.0395, Florida Statutes, is  
20 repealed.

21           Section 3. Section 373.0397, Florida Statutes, is  
22 amended to read:

23           373.0397 Floridan and Biscayne aquifers; designation  
24 of prime groundwater recharge areas.--Upon preparation of an  
25 inventory of prime groundwater recharge areas for the Floridan  
26 or Biscayne aquifers ~~as a part of the requirements of s.~~  
27 ~~373.0395(3)~~, but prior to adoption by the governing board, the  
28 water management district shall publish a legal notice of  
29 public hearing on the designated areas for the Floridan and  
30 Biscayne aquifers, with a map delineating the boundaries of  
31 the areas, in newspapers defined in chapter 50 as having



1 | general circulation within the area to be affected. The  
2 | notice shall be at least one-fourth page and shall read as  
3 | follows:

4 |  
5 | NOTICE OF PRIME RECHARGE  
6 | AREA DESIGNATION  
7 |

8 | The ...(name of taxing authority)... proposes to  
9 | designate specific land areas as areas of prime recharge to  
10 | the ...(name of aquifer)... Aquifer.

11 | All concerned citizens are invited to attend a public  
12 | hearing on the proposed designation to be held on ...(date and  
13 | time)... at ...(meeting place)....

14 | A map of the affected areas follows.  
15 |

16 | The governing board of the water management district shall  
17 | adopt a designation of prime groundwater recharge areas to the  
18 | Floridan and Biscayne aquifers by rule within 120 days after  
19 | the public hearing, subject to the provisions of chapter 120.

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

22 | 11.80 Joint Legislative Committee on Everglades  
23 | Oversight.--

24 | (4) Annually, no later than ~~March~~ January 1, the South  
25 | Florida Water Management District shall report to the Joint  
26 | Legislative Committee on Everglades Oversight, as part of the  
27 | consolidated annual report required by s. 373.036(7), on the  
28 | status of the implementation of the Everglades Forever Act.  
29 | Such report shall include, but is not limited to:

- 30 | (a) Progress on the Everglades Construction Project.  
31 | (b) Changes to the Everglades Construction Project.

1 (c) Actual revenues, compared to projected revenues.

2 (d) Projected acquisition costs, construction costs,  
3 operation and maintenance costs, and projected revenues, over  
4 the succeeding 5 years.

5 Section 5. Subsection (2) of section 373.042, Florida  
6 Statutes, is amended to read:

7 373.042 Minimum flows and levels.--

8 (2) By November 15, 1997, and annually thereafter,  
9 each water management district shall submit to the department  
10 for review and approval a priority list and schedule for the  
11 establishment of minimum flows and levels for surface  
12 watercourses, aquifers, and surface waters within the  
13 district. The priority list shall also identify those water  
14 bodies for which the district will voluntarily undertake  
15 independent scientific peer review. By March 1, 2006 ~~January~~  
16 ~~1, 1998~~, and annually thereafter, each water management  
17 district shall include ~~publish~~ its approved priority list and  
18 schedule in the consolidated annual report required by s.  
19 373.036(7) ~~Florida Administrative Weekly~~. The priority list  
20 shall be based upon the importance of the waters to the state  
21 or region and the existence of or potential for significant  
22 harm to the water resources or ecology of the state or region,  
23 and shall include those waters which are experiencing or may  
24 reasonably be expected to experience adverse impacts. ~~By~~  
25 ~~January 1, 2003~~, Each water management district's priority  
26 list and schedule shall include all first magnitude springs,  
27 and all second magnitude springs within state or federally  
28 owned lands purchased for conservation purposes. The specific  
29 schedule for establishment of spring minimum flows and levels  
30 shall be commensurate with the existing or potential threat to  
31 spring flow from consumptive uses. Springs within the Suwannee

1 River Water Management District, or second magnitude springs  
2 in other areas of the state, need not be included on the  
3 priority list if the water management district submits a  
4 report to the Department of Environmental Protection  
5 demonstrating that adverse impacts are not now occurring nor  
6 are reasonably expected to occur from consumptive uses during  
7 the next 20 years. The priority list and schedule shall not  
8 be subject to any proceeding pursuant to chapter 120. Except  
9 as provided in subsection (3), the development of a priority  
10 list and compliance with the schedule for the establishment of  
11 minimum flows and levels pursuant to this subsection shall  
12 satisfy the requirements of subsection (1).

13 Section 6. Section 373.145, Florida Statutes, is  
14 amended to read:

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

1 ~~broadcast news organizations. Each water management district~~  
2 ~~shall be responsible for the distribution of this information~~  
3 ~~within its established geographic area.~~

4 Section 7. Paragraph (k) of subsection (2) of section  
5 373.1961, Florida Statutes, is amended to read:

6 373.1961 Water production.--

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

1 moneys or services provided to private entities for such uses  
2 constitute public purposes which are in the public interest.  
3 In order to further the development and use of alternative  
4 water supply systems, including reclaimed water systems, the  
5 Legislature provides the following:

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

16 Section 8. Subsection (7) of section 373.199, Florida  
17 Statutes, is amended to read:

18 373.199 Florida Forever Water Management District Work  
19 Plan.--

20 (7) By June 1, 2001, each district shall file with the  
21 President of the Senate, the Speaker of the House of  
22 Representatives, and the Secretary of Environmental Protection  
23 the initial 5-year work plan as required under subsection (2).  
24 By March 1, 2006, and January 1 of each year thereafter, as  
25 part of the consolidated annual report required by s.  
26 373.036(7), each district shall file ~~with the President of the~~  
27 ~~Senate, the Speaker of the House of Representatives, and the~~  
28 ~~Secretary of Environmental Protection~~ a report on the ~~of~~  
29 acquisitions completed during the year together with  
30 modifications or additions to its 5-year work plan. Included  
31 in the report shall be:

1 (a) A description of land management activity for each  
2 property or project area owned by the water management  
3 district.

4 (b) A list of any lands surplused and the amount of  
5 compensation received.

6 (c) The progress of funding, staffing, and resource  
7 management of every project funded pursuant to s. 259.101, s.  
8 259.105, or s. 373.59 for which the district is responsible.

9  
10 The secretary shall submit the report referenced in this  
11 subsection to the Board of Trustees of the Internal  
12 Improvement Trust Fund together with the Acquisition and  
13 Restoration Council's project list as required under s.  
14 259.105.

15 Section 9. Section 373.207, Florida Statutes, is  
16 amended to read:

17 373.207 Abandoned artesian wells.--

18 ~~(1)~~ Each water management district shall develop a  
19 work plan which identifies the location of all known abandoned  
20 artesian wells within its jurisdictional boundaries and  
21 defines the actions which the district must take in order to  
22 ensure that each such well is plugged on or before January 1,  
23 1992. The work plan shall include the following:

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

26 (2)~~(b)~~ The location and owner of each known abandoned  
27 well.

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

31

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

4        ~~(5)(e)~~ A schedule of priority for the plugging of  
5 wells, which schedule is established to mitigate damage to the  
6 groundwater resource due to water quality degradation.

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

11        Section 10. Paragraph (b) of subsection (1) of section  
12 373.414, Florida Statutes, is amended to read:

13        373.414 Additional criteria for activities in surface  
14 waters and wetlands.--

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

29        (b) If the applicant is unable to otherwise meet the  
30 criteria set forth in this subsection, the governing board or  
31 the department, in deciding to grant or deny a permit, shall

1 consider measures proposed by or acceptable to the applicant  
2 to mitigate adverse effects that may be caused by the  
3 regulated activity. Such measures may include, but are not  
4 limited to, onsite mitigation, offsite mitigation, offsite  
5 regional mitigation, and the purchase of mitigation credits  
6 from mitigation banks permitted under s. 373.4136. It shall  
7 be the responsibility of the applicant to choose the form of  
8 mitigation. The mitigation must offset the adverse effects  
9 caused by the regulated activity.

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



1 costs such as staff time, building, and vehicles. The  
2 department or the water management district may use a  
3 multiplier or percentage to add to other direct or indirect  
4 costs to estimate general overhead. Mitigation credit for  
5 such a donation shall be given only to the extent that the  
6 donation covers the full cost to the agency of undertaking the  
7 project that is intended to mitigate the adverse impacts.  
8 However, nothing herein shall be construed to prevent the  
9 department or a water management district from accepting a  
10 donation representing a portion of a larger project, provided  
11 that the donation covers the full cost of that portion and  
12 mitigation credit is given only for that portion. The  
13 department or water management district may deviate from the  
14 full cost requirements of this subparagraph to resolve a  
15 proceeding brought pursuant to chapter 70 or a claim for  
16 inverse condemnation. Nothing in this section shall be  
17 construed to require the owner of a private mitigation bank,  
18 permitted under s. 373.4136, to include the full cost of a  
19 mitigation credit in the price of the credit to a purchaser of  
20 said credit.

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

1 and timeframe, monitoring, long-term management, provisions  
2 for preservation, and full cost accounting.

3           3. If the applicant is unable to meet water quality  
4 standards because existing ambient water quality does not meet  
5 standards, the governing board or the department shall  
6 consider mitigation measures proposed by or acceptable to the  
7 applicant that cause net improvement of the water quality in  
8 the receiving body of water for those parameters which do not  
9 meet standards.

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

19           Section 11. Paragraph (d) of subsection (4) and  
20 subsections (13) and (14) of section 373.4592, Florida  
21 Statutes, are amended to read:

22           373.4592 Everglades improvement and management.--

23           (4) ~~EVERGLADES PROGRAM.--~~

24           (d) ~~Everglades research and monitoring program.--~~

25           1. The department and the district shall review and  
26 evaluate available water quality data for the Everglades  
27 Protection Area and tributary waters and identify any  
28 additional information necessary to adequately describe water  
29 quality in the Everglades Protection Area and tributary  
30 waters. The department and the district shall also initiate a  
31 research and monitoring program to generate such additional

1 information identified and to evaluate the effectiveness of  
2 the BMPs and STAs, as they are implemented, in improving water  
3 quality and maintaining designated and existing beneficial  
4 uses of the Everglades Protection Area and tributary waters.  
5 As part of the program, the district shall monitor all  
6 discharges into the Everglades Protection Area for purposes of  
7 determining compliance with state water quality standards.

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

20         3. The research and monitoring program shall include  
21 research seeking to optimize the design and operation of the  
22 STAs, including research to reduce outflow concentrations, and  
23 to identify other treatment and management methods and  
24 regulatory programs that are superior to STAs in achieving the  
25 intent and purposes of this section.

26         4. The research and monitoring program shall be  
27 conducted to allow the department to propose a phosphorus  
28 criterion in the Everglades Protection Area, and to evaluate  
29 existing state water quality standards applicable to the  
30 Everglades Protection Area and existing state water quality  
31 standards and classifications applicable to the EAA canals. In

1 developing the phosphorus criterion, the department shall also  
2 consider the minimum flows and levels for the Everglades  
3 Protection Area and the district's water supply plans for the  
4 Lower East Coast.

5           5. Beginning March 1, 2006, as part of the  
6 consolidated annual report required by s. 373.036(7) ~~January~~  
7 ~~1, 2000~~, the district and the department shall annually issue  
8 a peer-reviewed report regarding the research and monitoring  
9 program that summarizes all data and findings. ~~The department~~  
10 ~~shall provide copies of the report to the Governor, the~~  
11 ~~President of the Senate, and the Speaker of the House of~~  
12 ~~Representatives.~~ The report shall identify water quality  
13 parameters, in addition to phosphorus, which exceed state  
14 water quality standards or are causing or contributing to  
15 adverse impacts in the Everglades Protection Area.

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

25           (13) ANNUAL REPORTS.--Beginning March 1, 2006 ~~January~~  
26 ~~1, 1992~~, the district shall, as part of the consolidated  
27 annual report required by s. 373.036(7), report on ~~submit to~~  
28 ~~the department, the Governor, the Speaker of the House of~~  
29 ~~Representatives, the Minority Leader of the House of~~  
30 ~~Representatives, the President of the Senate, and the Minority~~  
31 ~~Leader of the Senate annual progress reports regarding~~

1 implementation of this ~~the~~ section. The annual report must  
2 ~~will~~ include a summary of the water conditions in the  
3 Everglades Protection Area, the status of the impacted areas,  
4 the status of the construction of the STAs, the implementation  
5 of the BMPs, and actions taken to monitor and control exotic  
6 species. The district must prepare the report in coordination  
7 with federal and state agencies.

8 (14) EVERGLADES FUND.--The South Florida Water  
9 Management District is directed to separately account for all  
10 moneys used for the purpose of funding the Everglades  
11 Construction Project, as part of the consolidated report  
12 required by s. 373.036(7).

13 Section 12. Subsection (3) of section 373.45926,  
14 Florida Statutes, is amended to read:

15 373.45926 Everglades Trust Fund; allocation of  
16 revenues and expenditure of funds for conservation and  
17 protection of natural resources and abatement of water  
18 pollution.--

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

31

1           Section 13. Paragraph (g) of subsection (3) of section  
2 373.4595, Florida Statutes, is amended to read:

3           373.4595 Lake Okeechobee Protection Program.--

4           (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection  
5 program for Lake Okeechobee that achieves phosphorus load  
6 reductions for Lake Okeechobee shall be immediately  
7 implemented as specified in this subsection. The program shall  
8 address the reduction of phosphorus loading to the lake from  
9 both internal and external sources. Phosphorus load reductions  
10 shall be achieved through a phased program of implementation.  
11 Initial implementation actions shall be technology-based,  
12 based upon a consideration of both the availability of  
13 appropriate technology and the cost of such technology, and  
14 shall include phosphorus reduction measures at both the source  
15 and the regional level. The initial phase of phosphorus load  
16 reductions shall be based upon the district's Technical  
17 Publication 81-2 and the district's WOD program, with  
18 subsequent phases of phosphorus load reductions based upon the  
19 total maximum daily loads established in accordance with s.  
20 403.067. In the development and administration of the Lake  
21 Okeechobee Protection Program, the coordinating agencies shall  
22 maximize opportunities provided by federal cost-sharing  
23 programs and opportunities for partnerships with the private  
24 sector.

25           (g) Annual progress report.--Beginning March 1, 2006  
26 ~~Each January 1, beginning in 2001, the district shall, as part~~  
27 ~~of the consolidated annual report required by s. 373.036(7),~~  
28 ~~report on the submit to the Governor, the President of the~~  
29 ~~Senate, and the Speaker of the House of Representatives annual~~  
30 ~~progress reports regarding~~ implementation of this section. The  
31 annual report shall include a summary of water quality and

1 habitat conditions in Lake Okeechobee and the Lake Okeechobee  
2 watershed and the status of the Lake Okeechobee Construction  
3 Project. The district shall prepare the report in cooperation  
4 with the other coordinating agencies.

5 Section 14. Subsection (7) of section 373.470, Florida  
6 Statutes, is amended to read:

7 373.470 Everglades restoration.--

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

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

17 1. An identification of funds, by source and amount,  
18 received by the state and by each local sponsor during the  
19 fiscal year.

20 2. An itemization of expenditures, by source and  
21 amount, made by the state and by each local sponsor during the  
22 fiscal year.

23 3. A description of the purpose for which the funds  
24 were expended.

25 4. The unencumbered balance of funds remaining in  
26 trust funds or other accounts designated for implementation of  
27 the comprehensive plan.

28 5. A schedule of anticipated expenditures for the next  
29 fiscal year.

30 (b) The department shall prepare a detailed report on  
31 all funds expended by the state and credited toward the

1 state's share of funding for implementation of the  
2 comprehensive plan. The report shall include:

3 1. A description of all expenditures, by source and  
4 amount, from the Conservation and Recreation Lands Trust Fund,  
5 the Land Acquisition Trust Fund, the Preservation 2000 Trust  
6 Fund, the Florida Forever Trust Fund, the Save Our Everglades  
7 Trust Fund, and other named funds or accounts for the  
8 acquisition or construction of project components or other  
9 features or facilities that benefit the comprehensive plan.

10 2. A description of the purposes for which the funds  
11 were expended.

12 3. The unencumbered fiscal-year-end balance that  
13 remains in each trust fund or account identified in  
14 subparagraph 1.

15 (c) The district, in cooperation with the department,  
16 shall provide a detailed report on progress made in the  
17 implementation of the comprehensive plan, including the status  
18 of all project components initiated after the effective date  
19 of this act or the date of the last report prepared under this  
20 subsection, whichever is later.

21  
22 The information required in paragraphs (a), (b), and (c) shall  
23 be provided as part of the consolidated annual report required  
24 by s. 373.036(7) annually in a single report to the Governor,  
25 ~~the President of the Senate, and the Speaker of the House of~~  
26 ~~Representatives, and copies of the report must be made~~  
27 ~~available to the public.~~ The initial report is due by November  
28 30, 2000, and each annual report thereafter is due by March 1  
29 ~~January 31.~~

30 Section 15. Paragraph (a) of subsection (6) of section  
31 373.536, Florida Statutes, is amended to read:



1           373.536 District budget and hearing thereon.--

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

4           (a) Each district must, by the date specified for each  
5 item, furnish copies of the following documents to the  
6 Governor, the President of the Senate, the Speaker of the  
7 House of Representatives, the chairs of all legislative  
8 committees and subcommittees having substantive or fiscal  
9 jurisdiction over the districts, as determined by the  
10 President of the Senate or the Speaker of the House of  
11 Representatives as applicable, the secretary of the  
12 department, and the governing board of each county in which  
13 the district has jurisdiction or derives any funds for the  
14 operations of the district:

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

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

25           3. A 5-year capital improvements plan, to be included  
26 in the consolidated annual report required by s. 373.036(7)  
27 ~~furnished within 45 days after the adoption of the final~~  
28 ~~budget~~. The plan must include expected sources of revenue for  
29 planned improvements and must be prepared in a manner  
30 comparable to the fixed capital outlay format ~~set forth~~ in s.  
31 216.043.

1           4. A 5-year water resource development work program to  
2 be furnished within 45 days after the adoption of the final  
3 budget. The program must describe the district's  
4 implementation strategy for the water resource development  
5 component of each approved regional water supply plan  
6 developed or revised under s. 373.0361. The work program must  
7 address all the elements of the water resource development  
8 component in the district's approved regional water supply  
9 plans and must identify which projects in the work program  
10 will provide water, explain how each water resource  
11 development project will produce additional water available  
12 for consumptive uses, estimate the quantity of water to be  
13 produced by each project, and provide an assessment of the  
14 contribution of the district's regional water supply plans in  
15 providing sufficient water to meet the water supply needs of  
16 existing and future reasonable-beneficial uses for a  
17 1-in-10-year drought event. Within 30 ~~45~~ days after its  
18 submittal, the department shall review the proposed work  
19 program and submit its findings, questions, and comments to  
20 the district. The review must include a written evaluation of  
21 the program's consistency with the furtherance of the  
22 district's approved regional water supply plans, and the  
23 adequacy of proposed expenditures. As part of the review, the  
24 department shall give interested parties the opportunity to  
25 provide written comments on each district's proposed work  
26 program. Within 45 ~~60~~ days after receipt of the department's  
27 evaluation, the governing board shall state in writing to the  
28 department which changes recommended in the evaluation it will  
29 incorporate into its work program submitted as part of the  
30 March 1 consolidated annual report required by s. 373.036(7)  
31 or specify the reasons for not incorporating the changes. The

1 department shall include the district's responses in a final  
2 evaluation report and shall submit a copy of the report to the  
3 Governor, the President of the Senate, and the Speaker of the  
4 House of Representatives.

5           Section 16. By February 1, 2006, the Department of  
6 Environmental Protection, after consultation with the five  
7 water management districts, shall recommend to the President  
8 of the Senate and the Speaker of the House of Representatives  
9 any reforms or consolidations, in addition to those made by  
10 this act, to the planning and reporting requirements in  
11 chapter 373, Florida Statutes, which the department deems  
12 appropriate to efficiently and effectively protect and use the  
13 state's water resources.

14           Section 17. This act shall take effect upon becoming a  
15 law.

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SENATE SUMMARY

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3 Repeals s. 373.0395, F.S., relating to an inventory of  
4 groundwater resource availability by each water  
5 management district which regional planning councils,  
6 counties, and municipalities must review and reflect in  
7 local comprehensive planning. Makes a conforming  
8 amendment to delete the requirement to use groundwater  
9 resource inventory information. Makes conforming  
10 amendment to delete a requirement that notice of a public  
11 hearing on designation of prime groundwater recharge  
12 areas to the Floridan and Biscayne aquifers by the  
13 governing board of the South Florida Water Management  
14 District be published upon preparation of the inventory.  
15 Eliminates the requirement that each district provide an  
16 annual report of the district's work plan regarding  
17 abandoned artesian wells to the Department of  
18 Environmental Protection. Authorizes the governing board  
19 of each district to substitute a strategic plan for a  
20 water management plan and a water resource development  
21 5-year work program otherwise required. Provides for  
22 consolidation of specified reports, plans, or accountings  
23 required of water management districts into an annual  
24 report. Provides for distribution of the consolidated  
25 annual district report. Requires the consolidated report  
26 of the South Florida Water Management District to include  
27 additional specified plans and reports. Changes the  
28 deadline for: a report on implementation of the  
29 Everglades Forever Act by the South Florida Water  
30 Management District; a report by each district on the  
31 priority list and schedule regarding the minimum flows  
and levels of certain waters, a report by each district  
regarding dispersal of moneys or facilities to water  
providers and users to develop alternative water  
supplies, a report by each district regarding  
acquisitions under or modifications to that district's  
Florida Forever 5-year work plan, a report by the  
districts and the Department of Environmental Protection  
regarding projects or donations to mitigate wetland  
impacts, a report on the Everglades research and  
monitoring program by the South Florida Water Management  
District and the Department of Environmental Protection.  
Changes the deadline for a report on implementation of  
the Lake Okeechobee Protection Program by the South  
Florida Water Management District, a report by the South  
Florida Water Management District regarding financial  
commitments and implementation of a plan relating to  
Everglades restoration, reports by each district  
regarding its 5-year capital improvements plan and its  
5-year water resource development work program, and  
review by the Department of Environmental Protection of  
the districts' 5-year water resource development work  
plans. Changes the deadline for a report by the South  
Florida Water Management District regarding  
implementation of provisions regarding Everglades  
improvement and management. Includes such reports, and an  
accounting required of the South Florida Water Management  
District regarding moneys used for the Everglades  
Construction project, in the district's consolidated  
annual report. Includes a report by the South Florida

1 | Water Management District regarding Everglades Trust Fund  
2 | expenditures in the district's consolidated annual  
3 | report. Directs the Department of Environmental  
4 | Protection to recommend additional reforms or  
5 | consolidations of planning and reporting requirements.  
6 | Eliminates a requirement that the districts distribute  
7 | information regarding conditions of major surface and  
8 | groundwater sources and suggested conservation practices  
9 | at least every 6 months. (See bill for details.)  
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