

By the Committee on Environmental Preservation; and Senator
Atwater

592-1949-05

1 A bill to be entitled
2 An act relating to water resource planning and
3 reporting; amending s. 373.036, F.S.;
4 authorizing submission of an annual strategic
5 plan in lieu of other district water management
6 plan information and providing requirements
7 therefor; requiring water management districts
8 to submit a consolidated annual report and
9 providing requirements therefor; correcting a
10 cross-reference; amending ss. 11.80, 163.3177,
11 193.625, 373.0397, 373.042, 373.145, 373.1961,
12 373.199, 373.207, 373.414, 373.4592, 373.45926,
13 373.4595, 373.470, and 373.536, F.S.; revising
14 certain reporting requirements and
15 cross-references to conform; directing the
16 Department of Environmental Protection to
17 recommend to the Governor and Legislature
18 additional changes to or consolidation of
19 planning and reporting requirements of ch. 373,
20 F.S., relating to water resources; repealing s.
21 373.0395, F.S., relating to groundwater basin
22 resource availability inventories; providing an
23 effective date.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Subsection (4) of section 11.80, Florida
28 Statutes, is amended to read:
29 11.80 Joint Legislative Committee on Everglades
30 Oversight.--
31

1 (4) Annually, no later than ~~March~~ January 1, as part
2 of the consolidated annual report required by s. 373.036(7),
3 the South Florida Water Management District shall report to
4 the Joint Legislative Committee on Everglades Oversight on the
5 status of the implementation of the Everglades Forever Act.

6 Such report shall include, but is not limited to:

7 (a) Progress on the Everglades Construction Project.

8 (b) Changes to the Everglades Construction Project.

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

10 (d) Projected acquisition costs, construction costs,
11 operation and maintenance costs, and projected revenues, over
12 the succeeding 5 years.

13 Section 2. Paragraph (c) of subsection (6) of section
14 163.3177, Florida Statutes, is amended to read:

15 163.3177 Required and optional elements of
16 comprehensive plan; studies and surveys.--

17 (6) In addition to the requirements of subsections
18 (1)-(5), the comprehensive plan shall include the following
19 elements:

20 (c) A general sanitary sewer, solid waste, drainage,
21 potable water, and natural groundwater aquifer recharge
22 element correlated to principles and guidelines for future
23 land use, indicating ways to provide for future potable water,
24 drainage, sanitary sewer, solid waste, and aquifer recharge
25 protection requirements for the area. The element may be a
26 detailed engineering plan including a topographic map
27 depicting areas of prime groundwater recharge. The element
28 shall describe the problems and needs and the general
29 facilities that will be required for solution of the problems
30 and needs. The element shall also include a topographic map
31 depicting any areas adopted by a regional water management

1 district as prime groundwater recharge areas for the Floridan
2 or Biscayne aquifers, ~~pursuant to s. 373.0395~~. These areas
3 shall be given special consideration when the local government
4 is engaged in zoning or considering future land use for said
5 designated areas. For areas served by septic tanks, soil
6 surveys shall be provided which indicate the suitability of
7 soils for septic tanks. By December 1, 2006, the element must
8 consider the appropriate water management district's regional
9 water supply plan approved pursuant to s. 373.0361. The
10 element must include a work plan, covering at least a 10-year
11 planning period, for building water supply facilities that are
12 identified in the element as necessary to serve existing and
13 new development and for which the local government is
14 responsible. The work plan shall be updated, at a minimum,
15 every 5 years within 12 months after the governing board of a
16 water management district approves an updated regional water
17 supply plan. Amendments to incorporate the work plan do not
18 count toward the limitation on the frequency of adoption of
19 amendments to the comprehensive plan.

20 Section 3. Paragraph (b) of subsection (3) of section
21 193.625, Florida Statutes, is amended to read:

22 193.625 High-water recharge lands; classification and
23 assessment.--

24 (3)

25 (b) Subject to the restrictions set out in this
26 section, only lands that are used primarily for bona fide
27 high-water recharge purposes may be classified as high-water
28 recharge. The term "bona fide high-water recharge purposes"
29 means good faith high-water recharge use of the land. In
30 determining whether the use of the land for high-water
31 recharge purposes is bona fide, the following factors apply:

- 1 1. The land use must have been continuous.
- 2 2. The land use must be vacant residential, vacant
3 commercial, vacant industrial, vacant institutional,
4 nonagricultural, or single-family residential. The
5 maintenance of one single-family residential dwelling on part
6 of the land does not in itself preclude a high-water recharge
7 classification.
- 8 3. The land must be located within a prime groundwater
9 recharge area ~~established in accordance with s. 373.0395~~ or in
10 an area considered by the appropriate water management
11 district to supply significant groundwater recharge.
12 Significant groundwater recharge shall be assessed by the
13 appropriate water management district on the basis of
14 hydrologic characteristics of the soils and underlying
15 geologic formations.
- 16 4. The land must not be receiving any other special
17 classification.
- 18 5. There must not be in the vicinity of the land any
19 activity that has the potential to contaminate the ground
20 water, including, but not limited to, the presence of:
- 21 a. Toxic or hazardous substances;
22 b. Free-flowing saline artesian wells;
23 c. Drainage wells;
24 d. Underground storage tanks; or
25 e. Any potential pollution source existing on a
26 property that drains to the property seeking the high-water
27 recharge classification.
- 28 6. The owner of the property has entered into a
29 contract with the county as provided in subsection (5).
- 30 7. The parcel of land must be at least 10 acres.
- 31

1 Notwithstanding the provisions of this paragraph, the property
2 appraiser shall use the best available information on the
3 high-water recharge characteristics of lands when making a
4 final determination to grant or deny an application for
5 high-water recharge assessment for the lands.

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

10 373.036 Florida water plan; district water management
11 plans.--

12 (2) DISTRICT WATER MANAGEMENT PLANS.--

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

15 1. The scientific methodologies for establishing
16 minimum flows and levels under s. 373.042, and all established
17 minimum flows and levels.

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

20 3. Technical data and information prepared under s.
21 ~~ss.~~ 373.0391 ~~and 373.0395~~.

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

25 a. Existing legal uses, reasonably anticipated future
26 needs, and existing and reasonably anticipated sources of
27 water and conservation efforts; and

28 b. Whether existing and reasonably anticipated sources
29 of water and conservation efforts are adequate to supply water
30 for all existing legal uses and reasonably anticipated future
31

1 needs and to sustain the water resources and related natural
2 systems.

3 5. Any completed regional water supply plans.

4 (e) At its option, a governing board may substitute an
5 annual strategic plan for the requirement to develop a
6 district water management plan and the district water
7 management plan annual report required by subparagraph
8 (7)(b)1., provided that the strategic plan meets the following
9 minimum requirements:

10 1. The strategic plan establishes the water management
11 district's strategic priorities for at least a future 5-year
12 period.

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

16 3. The strategic plan development process includes at
17 least one publicly noticed meeting to allow public
18 participation in its development.

19 4. The strategic plan includes separately, as an
20 addendum, an annual work plan report on the implementation of
21 the strategic plan for the previous fiscal year, addressing
22 success indicators, deliverables, and milestones.

23 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
24 REPORT.--

25 (a) By March 1, 2006, and annually thereafter, each
26 water management district shall prepare and submit to the
27 department, the Governor, the President of the Senate, and the
28 Speaker of the House of Representatives a consolidated water
29 management district annual report on the management of water
30 resources. In addition, copies must be provided by the water
31 management districts to the chairs of all legislative

1 committees having substantive or fiscal jurisdiction over the
2 districts and the governing board of each county in the
3 district having jurisdiction or deriving any funds for
4 operations of the district. Copies of the consolidated annual
5 report must be made available to the public either in printed
6 or electronic format.

7 (b) The consolidated water management district annual
8 report must contain the following elements, as appropriate to
9 the water management district:

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

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

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

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

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

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

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

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

29 (d) Each water management district may include in the
30 consolidated annual report such additional information on the
31

1 status or management of water resources within the district as
2 it considers appropriate.

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

6 1. The Lake Okeechobee Protection Program annual
7 report required by s. 373.4595(3)(g).

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

10 3. The Everglades restoration annual report required
11 by s. 373.470(7).

12 4. The Everglades Forever Act annual implementation
13 report required by s. 11.80(4).

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

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

18 373.0397 Floridan and Biscayne aquifers; designation
19 of prime groundwater recharge areas.--Upon preparation of an
20 inventory of prime groundwater recharge areas for the Floridan
21 or Biscayne aquifers ~~as a part of the requirements of s.~~
22 ~~373.0395(3)~~, but prior to adoption by the governing board, the
23 water management district shall publish a legal notice of
24 public hearing on the designated areas for the Floridan and
25 Biscayne aquifers, with a map delineating the boundaries of
26 the areas, in newspapers defined in chapter 50 as having
27 general circulation within the area to be affected. The
28 notice shall be at least one-fourth page and shall read as
29 follows:

30
31

NOTICE OF PRIME RECHARGE

1 AREA DESIGNATION

2
3 The ...(name of taxing authority)... proposes to
4 designate specific land areas as areas of prime recharge to
5 the ...(name of aquifer)... Aquifer.

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

9 A map of the affected areas follows.

10
11 The governing board of the water management district shall
12 adopt a designation of prime groundwater recharge areas to the
13 Floridan and Biscayne aquifers by rule within 120 days after
14 the public hearing, subject to the provisions of chapter 120.

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

17 373.042 Minimum flows and levels.--

18 (2) By November 15, 1997, and annually thereafter,
19 each water management district shall submit to the department
20 for review and approval a priority list and schedule for the
21 establishment of minimum flows and levels for surface
22 watercourses, aquifers, and surface waters within the
23 district. The priority list shall also identify those water
24 bodies for which the district will voluntarily undertake
25 independent scientific peer review. By March 1, 2006 ~~January~~
26 ~~1, 1998~~, and annually thereafter, each water management
27 district shall include ~~publish~~ its approved priority list and
28 schedule in the consolidated annual report required by s.
29 373.036(7) ~~Florida Administrative Weekly~~. The priority list
30 shall be based upon the importance of the waters to the state
31 or region and the existence of or potential for significant

1 | harm to the water resources or ecology of the state or region,
2 | and shall include those waters which are experiencing or may
3 | reasonably be expected to experience adverse impacts. ~~By~~
4 | ~~January 1, 2003,~~ Each water management district's priority
5 | list and schedule shall include all first magnitude springs,
6 | and all second magnitude springs within state or federally
7 | owned lands purchased for conservation purposes. The specific
8 | schedule for establishment of spring minimum flows and levels
9 | shall be commensurate with the existing or potential threat to
10 | spring flow from consumptive uses. Springs within the Suwannee
11 | River Water Management District, or second magnitude springs
12 | in other areas of the state, need not be included on the
13 | priority list if the water management district submits a
14 | report to the Department of Environmental Protection
15 | demonstrating that adverse impacts are not now occurring nor
16 | are reasonably expected to occur from consumptive uses during
17 | the next 20 years. The priority list and schedule shall not
18 | be subject to any proceeding pursuant to chapter 120. Except
19 | as provided in subsection (3), the development of a priority
20 | list and compliance with the schedule for the establishment of
21 | minimum flows and levels pursuant to this subsection shall
22 | satisfy the requirements of subsection (1).

23 | Section 7. Section 373.145, Florida Statutes, is
24 | amended to read:

25 | 373.145 Information program regarding hydrologic
26 | conditioning and consumption of major surface and groundwater
27 | sources.--In order to aid in the development of a better
28 | understanding of the unique surface and groundwater resources
29 | of this state, the water management districts shall develop an
30 | information program designed to provide information concerning
31 | existing hydrologic conditions of major surface and

1 groundwater sources in this state and suggestions for good
2 conservation practices within those areas. The program shall
3 be developed by December 31, 2002. The water management
4 districts shall use the most efficient means to regularly
5 distribute the information to members of the Legislature, the
6 media, and the public ~~Beginning January 1, 2003, and on a~~
7 ~~regular basis no less than every 6 months thereafter, the~~
8 ~~information developed pursuant to this section shall be~~
9 ~~distributed to every member of the Florida Senate and the~~
10 ~~Florida House of Representatives and to local print and~~
11 ~~broadcast news organizations. Each water management district~~
12 ~~shall be responsible for the distribution of this information~~
13 ~~within its established geographic area.~~

14 Section 8. Paragraph (k) of subsection (2) of section
15 373.1961, Florida Statutes, is amended to read:

16 373.1961 Water production.--

17 (2) The Legislature finds that, due to a combination
18 of factors, vastly increased demands have been placed on
19 natural supplies of fresh water, and that, absent increased
20 development of alternative water supplies, such demands may
21 increase in the future. The Legislature also finds that
22 potential exists in the state for the production of
23 significant quantities of alternative water supplies,
24 including reclaimed water, and that water production includes
25 the development of alternative water supplies, including
26 reclaimed water, for appropriate uses. It is the intent of the
27 Legislature that utilities develop reclaimed water systems,
28 where reclaimed water is the most appropriate alternative
29 water supply option, to deliver reclaimed water to as many
30 users as possible through the most cost-effective means, and
31 to construct reclaimed water system infrastructure to their

1 owned or operated properties and facilities where they have
2 reclamation capability. It is also the intent of the
3 Legislature that the water management districts which levy ad
4 valorem taxes for water management purposes should share a
5 percentage of those tax revenues with water providers and
6 users, including local governments, water, wastewater, and
7 reuse utilities, municipal, industrial, and agricultural water
8 users, and other public and private water users, to be used to
9 supplement other funding sources in the development of
10 alternative water supplies. The Legislature finds that public
11 moneys or services provided to private entities for such uses
12 constitute public purposes which are in the public interest.
13 In order to further the development and use of alternative
14 water supply systems, including reclaimed water systems, the
15 Legislature provides the following:

16 (k) By March 1 ~~January 30~~ of each year, as part of the
17 consolidated annual report required by s. 373.036(7), each
18 water management district shall submit a report on ~~an annual~~
19 ~~report to the Governor, the President of the Senate, and the~~
20 ~~Speaker of the House of Representatives which accounts for the~~
21 disbursal of all budgeted amounts pursuant to this subsection.
22 Such report shall describe all projects funded and shall
23 account separately for moneys provided through grants,
24 matching grants, revolving loans, and the use of district
25 lands or facilities.

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

28 373.199 Florida Forever Water Management District Work
29 Plan.--

30 (7) By June 1, 2001, each district shall file with the
31 President of the Senate, the Speaker of the House of

1 Representatives, and the Secretary of Environmental Protection
2 the initial 5-year work plan as required under subsection (2).
3 By March 1 ~~January 1~~ of each year thereafter, as part of the
4 consolidated annual report required by s. 373.036(7), each
5 district shall ~~file with the President of the Senate, the~~
6 ~~Speaker of the House of Representatives, and the Secretary of~~
7 ~~Environmental Protection~~ a report on ~~of~~ acquisitions completed
8 during the year together with modifications or additions to
9 its 5-year work plan. Included in the report shall be:

10 (a) A description of land management activity for each
11 property or project area owned by the water management
12 district.

13 (b) A list of any lands surplused and the amount of
14 compensation received.

15 (c) The progress of funding, staffing, and resource
16 management of every project funded pursuant to s. 259.101, s.
17 259.105, or s. 373.59 for which the district is responsible.

18
19 The secretary shall submit the report referenced in this
20 subsection to the Board of Trustees of the Internal
21 Improvement Trust Fund together with the Acquisition and
22 Restoration Council's project list as required under s.
23 259.105.

24 Section 10. Section 373.207, Florida Statutes, is
25 amended to read:

26 373.207 Abandoned artesian wells.--

27 ~~(1)~~ Each water management district shall develop a
28 work plan which identifies the location of all known abandoned
29 artesian wells within its jurisdictional boundaries and
30 defines the actions which the district must take in order to
31

1 ensure that each such well is plugged on or before January 1,
2 1992. The work plan shall include the following:

3 (1)(a) An initial inventory which accounts for all
4 known abandoned artesian wells in the district.

5 (2)(b) The location and owner of each known abandoned
6 well.

7 (3)(c) The methodology proposed by the district to
8 accomplish the plugging of all known abandoned wells within
9 the district on or before January 1, 1992.

10 (4)(d) Data relating to costs to be incurred for the
11 plugging of all wells, including the per-well cost and
12 personnel costs.

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

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

20 Section 11. Paragraph (b) of subsection (1) of section
21 373.414, Florida Statutes, is amended to read:

22 373.414 Additional criteria for activities in surface
23 waters and wetlands.--

24 (1) As part of an applicant's demonstration that an
25 activity regulated under this part will not be harmful to the
26 water resources or will not be inconsistent with the overall
27 objectives of the district, the governing board or the
28 department shall require the applicant to provide reasonable
29 assurance that state water quality standards applicable to
30 waters as defined in s. 403.031(13) will not be violated and
31 reasonable assurance that such activity in, on, or over

1 surface waters or wetlands, as delineated in s. 373.421(1), is
2 not contrary to the public interest. However, if such an
3 activity significantly degrades or is within an Outstanding
4 Florida Water, as provided by department rule, the applicant
5 must provide reasonable assurance that the proposed activity
6 will be clearly in the public interest.

7 (b) If the applicant is unable to otherwise meet the
8 criteria set forth in this subsection, the governing board or
9 the department, in deciding to grant or deny a permit, shall
10 consider measures proposed by or acceptable to the applicant
11 to mitigate adverse effects that may be caused by the
12 regulated activity. Such measures may include, but are not
13 limited to, onsite mitigation, offsite mitigation, offsite
14 regional mitigation, and the purchase of mitigation credits
15 from mitigation banks permitted under s. 373.4136. It shall
16 be the responsibility of the applicant to choose the form of
17 mitigation. The mitigation must offset the adverse effects
18 caused by the regulated activity.

19 1. The department or water management districts may
20 accept the donation of money as mitigation only where the
21 donation is specified for use in a duly noticed environmental
22 creation, preservation, enhancement, or restoration project,
23 endorsed by the department or the governing board of the water
24 management district, which offsets the impacts of the activity
25 permitted under this part. However, the provisions of this
26 subsection shall not apply to projects undertaken pursuant to
27 s. 373.4137 or chapter 378. Where a permit is required under
28 this part to implement any project endorsed by the department
29 or a water management district, all necessary permits must
30 have been issued prior to the acceptance of any cash donation.
31 After the effective date of this act, when money is donated to

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

30 | 2. The department and each water management district
31 | shall report by March 1 ~~to the Executive Office of the~~

1 ~~Governor by January 31~~ of each year, as part of the
2 consolidated annual report required by s. 373.036(7), all cash
3 donations accepted under subparagraph 1. during the preceding
4 water management district fiscal calendar year for wetland
5 mitigation purposes. The report shall exclude those
6 contributions pursuant to s. 373.4137. The report shall
7 include a description of the endorsed mitigation projects and,
8 except for projects governed by s. 373.4135(6), shall address,
9 as applicable, success criteria, project implementation status
10 and timeframe, monitoring, long-term management, provisions
11 for preservation, and full cost accounting.

12 3. If the applicant is unable to meet water quality
13 standards because existing ambient water quality does not meet
14 standards, the governing board or the department shall
15 consider mitigation measures proposed by or acceptable to the
16 applicant that cause net improvement of the water quality in
17 the receiving body of water for those parameters which do not
18 meet standards.

19 4. If mitigation requirements imposed by a local
20 government for surface water and wetland impacts of an
21 activity regulated under this part cannot be reconciled with
22 mitigation requirements approved under a permit for the same
23 activity issued under this part, including application of the
24 uniform wetland mitigation assessment method adopted pursuant
25 to subsection (18), the mitigation requirements for surface
26 water and wetland impacts shall be controlled by the permit
27 issued under this part.

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

31 373.4592 Everglades improvement and management.--

1 (4) EVERGLADES PROGRAM.--

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

3 1. The department and the district shall review and
4 evaluate available water quality data for the Everglades
5 Protection Area and tributary waters and identify any
6 additional information necessary to adequately describe water
7 quality in the Everglades Protection Area and tributary
8 waters. The department and the district shall also initiate a
9 research and monitoring program to generate such additional
10 information identified and to evaluate the effectiveness of
11 the BMPs and STAs, as they are implemented, in improving water
12 quality and maintaining designated and existing beneficial
13 uses of the Everglades Protection Area and tributary waters.
14 As part of the program, the district shall monitor all
15 discharges into the Everglades Protection Area for purposes of
16 determining compliance with state water quality standards.

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

29 3. The research and monitoring program shall include
30 research seeking to optimize the design and operation of the
31 STAs, including research to reduce outflow concentrations, and

1 to identify other treatment and management methods and
2 regulatory programs that are superior to STAs in achieving the
3 intent and purposes of this section.

4 4. The research and monitoring program shall be
5 conducted to allow the department to propose a phosphorus
6 criterion in the Everglades Protection Area, and to evaluate
7 existing state water quality standards applicable to the
8 Everglades Protection Area and existing state water quality
9 standards and classifications applicable to the EAA canals. In
10 developing the phosphorus criterion, the department shall also
11 consider the minimum flows and levels for the Everglades
12 Protection Area and the district's water supply plans for the
13 Lower East Coast.

14 5. Beginning March 1, 2006, as part of the
15 consolidated annual report required by s. 373.036(7) ~~January~~
16 ~~1, 2000~~, the district and the department shall annually issue
17 a peer-reviewed report regarding the research and monitoring
18 program that summarizes all data and findings. ~~The department~~
19 ~~shall provide copies of the report to the Governor, the~~
20 ~~President of the Senate, and the Speaker of the House of~~
21 ~~Representatives.~~ The report shall identify water quality
22 parameters, in addition to phosphorus, which exceed state
23 water quality standards or are causing or contributing to
24 adverse impacts in the Everglades Protection Area.

25 6. The district shall continue research seeking to
26 optimize the design and operation of STAs and to identify
27 other treatment and management methods that are superior to
28 STAs in achieving optimum water quality and water quantity for
29 the benefit of the Everglades. The district shall optimize the
30 design and operation of the STAs described in the Everglades
31 Construction Project prior to expanding their size. Additional

1 methods to achieve compliance with water quality standards
2 shall not be limited to more intensive management of the STAs.

3 (13) ANNUAL REPORTS.--Beginning March 1, 2006 ~~January~~
4 ~~1, 1992, as part of the consolidated annual report required by~~
5 s. 373.036(7), the district shall report on ~~submit to the~~
6 ~~department, the Governor, the Speaker of the House of~~
7 ~~Representatives, the Minority Leader of the House of~~
8 ~~Representatives, the President of the Senate, and the Minority~~
9 ~~Leader of the Senate annual progress reports regarding~~
10 implementation of the section. The annual report must ~~will~~
11 include a summary of the water conditions in the Everglades
12 Protection Area, the status of the impacted areas, the status
13 of the construction of the STAs, the implementation of the
14 BMPs, and actions taken to monitor and control exotic species.
15 The district must prepare the report in coordination with
16 federal and state agencies.

17 (14) EVERGLADES FUND.--The South Florida Water
18 Management District is directed to separately account for all
19 moneys used for the purpose of funding the Everglades
20 Construction Project, as part of the consolidated report
21 required by s. 373.036(7).

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

24 373.45926 Everglades Trust Fund; allocation of
25 revenues and expenditure of funds for conservation and
26 protection of natural resources and abatement of water
27 pollution.--

28 (3) The South Florida Water Management District shall
29 furnish, as part of the consolidated annual report required by
30 s. 373.036(7) ~~on a quarterly basis~~, a detailed copy of its
31 expenditures from the Everglades Trust Fund to the Governor,

1 | the President of the Senate, and the Speaker of the House of
2 | Representatives, and shall make copies available to the
3 | public. The information shall be provided in a format approved
4 | by the Joint Legislative Committee on Everglades Oversight. At
5 | the direction of the Joint Legislative Committee on Everglades
6 | Oversight, an audit may be made from time to time by the
7 | Auditor General, and such audit shall be within the authority
8 | of said Auditor General to make.

9 | Section 14. Paragraph (g) of subsection (3) of section
10 | 373.4595, Florida Statutes, is amended to read:

11 | 373.4595 Lake Okeechobee Protection Program.--

12 | (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
13 | program for Lake Okeechobee that achieves phosphorus load
14 | reductions for Lake Okeechobee shall be immediately
15 | implemented as specified in this subsection. The program shall
16 | address the reduction of phosphorus loading to the lake from
17 | both internal and external sources. Phosphorus load reductions
18 | shall be achieved through a phased program of implementation.
19 | Initial implementation actions shall be technology-based,
20 | based upon a consideration of both the availability of
21 | appropriate technology and the cost of such technology, and
22 | shall include phosphorus reduction measures at both the source
23 | and the regional level. The initial phase of phosphorus load
24 | reductions shall be based upon the district's Technical
25 | Publication 81-2 and the district's WOD program, with
26 | subsequent phases of phosphorus load reductions based upon the
27 | total maximum daily loads established in accordance with s.
28 | 403.067. In the development and administration of the Lake
29 | Okeechobee Protection Program, the coordinating agencies shall
30 | maximize opportunities provided by federal cost-sharing
31 |

1 | programs and opportunities for partnerships with the private
2 | sector.

3 | (g) Annual progress report.--~~Each March 1~~ Each January
4 | ~~17~~, beginning in 2006 ~~2001~~, the district shall report on ~~submit~~
5 | ~~to the Governor, the President of the Senate, and the Speaker~~
6 | ~~of the House of Representatives annual progress reports~~
7 | ~~regarding~~ implementation of this section as part of the
8 | consolidated annual report required in s. 373.036(7). The
9 | annual report shall include a summary of water quality and
10 | habitat conditions in Lake Okeechobee and the Lake Okeechobee
11 | watershed and the status of the Lake Okeechobee Construction
12 | Project. The district shall prepare the report in cooperation
13 | with the other coordinating agencies.

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

16 | 373.470 Everglades restoration.--

17 | (7) ANNUAL REPORT.--To provide enhanced oversight of
18 | and accountability for the financial commitments established
19 | under this section and the progress made in the implementation
20 | of the comprehensive plan, the following information must be
21 | prepared annually, as part of the consolidated annual report
22 | required by s. 373.036(7):

23 | (a) The district, in cooperation with the department,
24 | shall provide the following information as it relates to
25 | implementation of the comprehensive plan:

26 | 1. An identification of funds, by source and amount,
27 | received by the state and by each local sponsor during the
28 | fiscal year.

29 | 2. An itemization of expenditures, by source and
30 | amount, made by the state and by each local sponsor during the
31 | fiscal year.

1 3. A description of the purpose for which the funds
2 were expended.

3 4. The unencumbered balance of funds remaining in
4 trust funds or other accounts designated for implementation of
5 the comprehensive plan.

6 5. A schedule of anticipated expenditures for the next
7 fiscal year.

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

12 1. A description of all expenditures, by source and
13 amount, from the Conservation and Recreation Lands Trust Fund,
14 the Land Acquisition Trust Fund, the Preservation 2000 Trust
15 Fund, the Florida Forever Trust Fund, the Save Our Everglades
16 Trust Fund, and other named funds or accounts for the
17 acquisition or construction of project components or other
18 features or facilities that benefit the comprehensive plan.

19 2. A description of the purposes for which the funds
20 were expended.

21 3. The unencumbered fiscal-year-end balance that
22 remains in each trust fund or account identified in
23 subparagraph 1.

24 (c) The district, in cooperation with the department,
25 shall provide a detailed report on progress made in the
26 implementation of the comprehensive plan, including the status
27 of all project components initiated after the effective date
28 of this act or the date of the last report prepared under this
29 subsection, whichever is later.

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1 The information required in paragraphs (a), (b), and (c) shall
2 be provided as part of the consolidated annual report required
3 by s. 373.036(7) annually in a single report to the Governor,
4 ~~the President of the Senate, and the Speaker of the House of~~
5 ~~Representatives, and copies of the report must be made~~
6 ~~available to the public.~~ The initial report is due by November
7 30, 2000, and each annual report thereafter is due by March 1
8 ~~January 31.~~

9 Section 16. Paragraph (a) of subsection (6) of section
10 373.536, Florida Statutes, is amended to read:

11 373.536 District budget and hearing thereon.--

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

14 (a) Each district must, by the date specified for each
15 item, furnish copies of the following documents to the
16 Governor, the President of the Senate, the Speaker of the
17 House of Representatives, the chairs of all legislative
18 committees and subcommittees having substantive or fiscal
19 jurisdiction over the districts, as determined by the
20 President of the Senate or the Speaker of the House of
21 Representatives as applicable, the secretary of the
22 department, and the governing board of each county in which
23 the district has jurisdiction or derives any funds for the
24 operations of the district:

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

27 2. A financial audit of its accounts and records, to
28 be furnished within 10 days after its acceptance by the
29 governing board. The audit must be conducted in accordance
30 with the provisions of s. 11.45 and the rules adopted
31 thereunder. In addition to the entities named above, the

1 district must provide a copy of the audit to the Auditor
2 General within 10 days after its acceptance by the governing
3 board.

4 3. A 5-year capital improvements plan, to be included
5 in the consolidated annual report required by s. 373.036(7)
6 ~~furnished within 45 days after the adoption of the final~~
7 ~~budget~~. The plan must include expected sources of revenue for
8 planned improvements and must be prepared in a manner
9 comparable to the fixed capital outlay format ~~set forth~~ in s.
10 216.043.

11 4. A 5-year water resource development work program to
12 be furnished within 30 ~~45~~ days after the adoption of the final
13 budget. The program must describe the district's
14 implementation strategy for the water resource development
15 component of each approved regional water supply plan
16 developed or revised under s. 373.0361. The work program must
17 address all the elements of the water resource development
18 component in the district's approved regional water supply
19 plans and must identify which projects in the work program
20 will provide water, explain how each water resource
21 development project will produce additional water available
22 for consumptive uses, estimate the quantity of water to be
23 produced by each project, and provide an assessment of the
24 contribution of the district's regional water supply plans in
25 providing sufficient water to meet the water supply needs of
26 existing and future reasonable-beneficial uses for a
27 1-in-10-year drought event. Within 30 ~~45~~ days after its
28 submittal, the department shall review the proposed work
29 program and submit its findings, questions, and comments to
30 the district. The review must include a written evaluation of
31 the program's consistency with the furtherance of the

1 district's approved regional water supply plans, and the
2 adequacy of proposed expenditures. As part of the review, the
3 department shall give interested parties the opportunity to
4 provide written comments on each district's proposed work
5 program. Within ~~45~~ 60 days after receipt of the department's
6 evaluation, the governing board shall state in writing to the
7 department which changes recommended in the evaluation it will
8 incorporate into its work program submitted as part of the
9 March 1 consolidated annual report required by s. 373.036(7)
10 or specify the reasons for not incorporating the changes. The
11 department shall include the district's responses in a final
12 evaluation report and shall submit a copy of the report to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives.

15 Section 17. By February 1, 2006, the Department of
16 Environmental Protection, after consultation with the five
17 water management districts, shall recommend to the Governor,
18 the President of the Senate, and the Speaker of the House of
19 Representatives any additional changes to or consolidation of
20 the existing planning and reporting requirements in chapter
21 373, Florida Statutes, which it deems appropriate to
22 efficiently and effectively protect and use the state's water
23 resources.

24 Section 18. Section 373.0395, Florida Statutes, is
25 repealed.

26 Section 19. This act shall take effect upon becoming a
27 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 2462

The committee substitute reorders the sections of the bill and provides for a series of technical drafting changes. In addition two new provisions were added to make additional conforming changes needed as a result of the creation of the new annual report.