

By the Committees on Government Efficiency Appropriations;
 Environmental Preservation; and Senator Atwater

593-2118-05

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.

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

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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.--

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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.
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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
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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, and provided further that nothing in
10 this section affects any other provision or requirement of law
11 concerning the completion of regional water supply plans:

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

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

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

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

25 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
26 REPORT.--

27 (a) By March 1, 2006, and annually thereafter, each
28 water management district shall prepare and submit to the
29 department, the Governor, the President of the Senate, and the
30 Speaker of the House of Representatives a consolidated water
31 management district annual report on the management of water

1 resources. In addition, copies must be provided by the water
2 management districts to the chairs of all legislative
3 committees having substantive or fiscal jurisdiction over the
4 districts and the governing board of each county in the
5 district having jurisdiction or deriving any funds for
6 operations of the district. Copies of the consolidated annual
7 report must be made available to the public either in printed
8 or electronic format.

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

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

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

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

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

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

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

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

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

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1 (d) Each water management district may include in the
2 consolidated annual report such additional information on the
3 status or management of water resources within the district as
4 it considers appropriate.

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

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

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

12 3. The Everglades restoration annual report required
13 by s. 373.470(7).

14 4. The Everglades Forever Act annual implementation
15 report required by s. 11.80(4).

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

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

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

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NOTICE OF PRIME RECHARGE
AREA DESIGNATION

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

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

A map of the affected areas follows.

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

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

373.042 Minimum flows and levels.--

(2) By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the establishment of minimum flows and levels for surface watercourses, aquifers, and surface waters within the district. The priority list shall also identify those water bodies for which the district will voluntarily undertake independent scientific peer review. By March 1, 2006 ~~January 1, 1998~~, and annually thereafter, each water management district shall include ~~publish~~ its approved priority list and schedule in the consolidated annual report required by s. 373.036(7) ~~Florida Administrative Weekly~~. The priority list

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

25 Section 7. Section 373.145, Florida Statutes, is
26 amended to read:

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

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

16 | Section 8. Paragraph (k) of subsection (2) of section
17 | 373.1961, Florida Statutes, is amended to read:

18 | 373.1961 Water production.--

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

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

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

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

30 373.199 Florida Forever Water Management District Work
31 Plan.--

1 (7) By June 1, 2001, each district shall file with the
2 President of the Senate, the Speaker of the House of
3 Representatives, and the Secretary of Environmental Protection
4 the initial 5-year work plan as required under subsection (2).
5 By March 1 ~~January 1~~ of each year thereafter, as part of the
6 consolidated annual report required by s. 373.036(7), each
7 district shall ~~file with the President of the Senate, the~~
8 ~~Speaker of the House of Representatives, and the Secretary of~~
9 ~~Environmental Protection~~ a report on ~~of~~ acquisitions completed
10 during the year together with modifications or additions to
11 its 5-year work plan. Included in the report shall be:

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

15 (b) A list of any lands surplused and the amount of
16 compensation received.

17 (c) The progress of funding, staffing, and resource
18 management of every project funded pursuant to s. 259.101, s.
19 259.105, or s. 373.59 for which the district is responsible.

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21 The secretary shall submit the report referenced in this
22 subsection to the Board of Trustees of the Internal
23 Improvement Trust Fund together with the Acquisition and
24 Restoration Council's project list as required under s.
25 259.105.

26 Section 10. Section 373.207, Florida Statutes, is
27 amended to read:

28 373.207 Abandoned artesian wells.--

29 ~~(1)~~ Each water management district shall develop a
30 work plan which identifies the location of all known abandoned
31 artesian wells within its jurisdictional boundaries and

1 defines the actions which the district must take in order to
2 ensure that each such well is plugged on or before January 1,
3 1992. The work plan shall include the following:

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

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

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

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

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

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

21 Section 11. Paragraph (b) of subsection (1) of section
22 373.414, Florida Statutes, is amended to read:

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

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

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

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

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

1 After the effective date of this act, when money is donated to
2 either the department or a water management district to offset
3 impacts authorized by a permit under this part, the department
4 or the water management district shall accept only a donation
5 that represents the full cost to the department or water
6 management district of undertaking the project that is
7 intended to mitigate the adverse impacts. The full cost shall
8 include all direct and indirect costs, as applicable, such as
9 those for land acquisition, land restoration or enhancement,
10 perpetual land management, and general overhead consisting of
11 costs such as staff time, building, and vehicles. The
12 department or the water management district may use a
13 multiplier or percentage to add to other direct or indirect
14 costs to estimate general overhead. Mitigation credit for
15 such a donation shall be given only to the extent that the
16 donation covers the full cost to the agency of undertaking the
17 project that is intended to mitigate the adverse impacts.
18 However, nothing herein shall be construed to prevent the
19 department or a water management district from accepting a
20 donation representing a portion of a larger project, provided
21 that the donation covers the full cost of that portion and
22 mitigation credit is given only for that portion. The
23 department or water management district may deviate from the
24 full cost requirements of this subparagraph to resolve a
25 proceeding brought pursuant to chapter 70 or a claim for
26 inverse condemnation. Nothing in this section shall be
27 construed to require the owner of a private mitigation bank,
28 permitted under s. 373.4136, to include the full cost of a
29 mitigation credit in the price of the credit to a purchaser of
30 said credit.
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1 2. The department and each water management district
2 shall report by March 1 ~~to the Executive Office of the~~
3 ~~Governor by January 31~~ of each year, as part of the
4 consolidated annual report required by s. 373.036(7), all cash
5 donations accepted under subparagraph 1. during the preceding
6 water management district fiscal ~~calendar~~ year for wetland
7 mitigation purposes. The report shall exclude those
8 contributions pursuant to s. 373.4137. The report shall
9 include a description of the endorsed mitigation projects and,
10 except for projects governed by s. 373.4135(6), shall address,
11 as applicable, success criteria, project implementation status
12 and timeframe, monitoring, long-term management, provisions
13 for preservation, and full cost accounting.

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

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

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

4 373.4592 Everglades improvement and management.--

5 (4) EVERGLADES PROGRAM.--

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

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

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

3 3. The research and monitoring program shall include
4 research seeking to optimize the design and operation of the
5 STAs, including research to reduce outflow concentrations, and
6 to identify other treatment and management methods and
7 regulatory programs that are superior to STAs in achieving the
8 intent and purposes of this section.

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

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

30 6. The district shall continue research seeking to
31 optimize the design and operation of STAs and to identify

1 other treatment and management methods that are superior to
2 STAs in achieving optimum water quality and water quantity for
3 the benefit of the Everglades. The district shall optimize the
4 design and operation of the STAs described in the Everglades
5 Construction Project prior to expanding their size. Additional
6 methods to achieve compliance with water quality standards
7 shall not be limited to more intensive management of the STAs.

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

22 (14) EVERGLADES FUND.--The South Florida Water
23 Management District is directed to separately account for all
24 moneys used for the purpose of funding the Everglades
25 Construction Project, as part of the consolidated report
26 required by s. 373.036(7).

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

29 373.45926 Everglades Trust Fund; allocation of
30 revenues and expenditure of funds for conservation and
31

1 protection of natural resources and abatement of water
2 pollution.--

3 (3) The South Florida Water Management District shall
4 furnish, as part of the consolidated annual report required by
5 s. 373.036(7) ~~on a quarterly basis~~, a detailed copy of its
6 expenditures from the Everglades Trust Fund to the Governor,
7 the President of the Senate, and the Speaker of the House of
8 Representatives, and shall make copies available to the
9 public. The information shall be provided in a format approved
10 by the Joint Legislative Committee on Everglades Oversight. At
11 the direction of the Joint Legislative Committee on Everglades
12 Oversight, an audit may be made from time to time by the
13 Auditor General, and such audit shall be within the authority
14 of said Auditor General to make.

15 Section 14. Paragraph (g) of subsection (3) of section
16 373.4595, Florida Statutes, is amended to read:

17 373.4595 Lake Okeechobee Protection Program.--

18 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
19 program for Lake Okeechobee that achieves phosphorus load
20 reductions for Lake Okeechobee shall be immediately
21 implemented as specified in this subsection. The program shall
22 address the reduction of phosphorus loading to the lake from
23 both internal and external sources. Phosphorus load reductions
24 shall be achieved through a phased program of implementation.
25 Initial implementation actions shall be technology-based,
26 based upon a consideration of both the availability of
27 appropriate technology and the cost of such technology, and
28 shall include phosphorus reduction measures at both the source
29 and the regional level. The initial phase of phosphorus load
30 reductions shall be based upon the district's Technical
31 Publication 81-2 and the district's WOD program, with

1 subsequent phases of phosphorus load reductions based upon the
2 total maximum daily loads established in accordance with s.
3 403.067. In the development and administration of the Lake
4 Okeechobee Protection Program, the coordinating agencies shall
5 maximize opportunities provided by federal cost-sharing
6 programs and opportunities for partnerships with the private
7 sector.

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

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

21 373.470 Everglades restoration.--

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

28 (a) The district, in cooperation with the department,
29 shall provide the following information as it relates to
30 implementation of the comprehensive plan:
31

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

4 2. An itemization of expenditures, by source and
5 amount, made by the state and by each local sponsor during the
6 fiscal year.

7 3. A description of the purpose for which the funds
8 were expended.

9 4. The unencumbered balance of funds remaining in
10 trust funds or other accounts designated for implementation of
11 the comprehensive plan.

12 5. A schedule of anticipated expenditures for the next
13 fiscal year.

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

18 1. A description of all expenditures, by source and
19 amount, from the Conservation and Recreation Lands Trust Fund,
20 the Land Acquisition Trust Fund, the Preservation 2000 Trust
21 Fund, the Florida Forever Trust Fund, the Save Our Everglades
22 Trust Fund, and other named funds or accounts for the
23 acquisition or construction of project components or other
24 features or facilities that benefit the comprehensive plan.

25 2. A description of the purposes for which the funds
26 were expended.

27 3. The unencumbered fiscal-year-end balance that
28 remains in each trust fund or account identified in
29 subparagraph 1.

30 (c) The district, in cooperation with the department,
31 shall provide a detailed report on progress made in the

1 implementation of the comprehensive plan, including the status
2 of all project components initiated after the effective date
3 of this act or the date of the last report prepared under this
4 subsection, whichever is later.

5
6 The information required in paragraphs (a), (b), and (c) shall
7 be provided as part of the consolidated annual report required
8 by s. 373.036(7) annually in a single report to the Governor,
9 the President of the Senate, and the Speaker of the House of
10 Representatives, and copies of the report must be made
11 available to the public. The initial report is due by November
12 30, 2000, and each annual report thereafter is due by March 1
13 January 31.

14 Section 16. Paragraph (a) of subsection (6) of section
15 373.536, Florida Statutes, is amended to read:

16 373.536 District budget and hearing thereon.--

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

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

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

1 2. A financial audit of its accounts and records, to
2 be furnished within 10 days after its acceptance by the
3 governing board. The audit must be conducted in accordance
4 with the provisions of s. 11.45 and the rules adopted
5 thereunder. In addition to the entities named above, the
6 district must provide a copy of the audit to the Auditor
7 General within 10 days after its acceptance by the governing
8 board.

9 3. A 5-year capital improvements plan, to be included
10 in the consolidated annual report required by s. 373.036(7)
11 ~~furnished within 45 days after the adoption of the final~~
12 ~~budget~~. The plan must include expected sources of revenue for
13 planned improvements and must be prepared in a manner
14 comparable to the fixed capital outlay format ~~set forth~~ in s.
15 216.043.

16 4. A 5-year water resource development work program to
17 be furnished within 30 ~~45~~ days after the adoption of the final
18 budget. The program must describe the district's
19 implementation strategy for the water resource development
20 component of each approved regional water supply plan
21 developed or revised under s. 373.0361. The work program must
22 address all the elements of the water resource development
23 component in the district's approved regional water supply
24 plans and must identify which projects in the work program
25 will provide water, explain how each water resource
26 development project will produce additional water available
27 for consumptive uses, estimate the quantity of water to be
28 produced by each project, and provide an assessment of the
29 contribution of the district's regional water supply plans in
30 providing sufficient water to meet the water supply needs of
31 existing and future reasonable-beneficial uses for a

1 | 1-in-10-year drought event. Within ~~30~~ 45 days after its
2 | submittal, the department shall review the proposed work
3 | program and submit its findings, questions, and comments to
4 | the district. The review must include a written evaluation of
5 | the program's consistency with the furtherance of the
6 | district's approved regional water supply plans, and the
7 | adequacy of proposed expenditures. As part of the review, the
8 | department shall give interested parties the opportunity to
9 | provide written comments on each district's proposed work
10 | program. Within 45 ~~60~~ days after receipt of the department's
11 | evaluation, the governing board shall state in writing to the
12 | department which changes recommended in the evaluation it will
13 | incorporate into its work program submitted as part of the
14 | March 1 consolidated annual report required by s. 373.036(7)
15 | or specify the reasons for not incorporating the changes. The
16 | department shall include the district's responses in a final
17 | evaluation report and shall submit a copy of the report to the
18 | Governor, the President of the Senate, and the Speaker of the
19 | House of Representatives.

20 | Section 17. By February 1, 2006, the Department of
21 | Environmental Protection, after consultation with the five
22 | water management districts, shall recommend to the Governor,
23 | the President of the Senate, and the Speaker of the House of
24 | Representatives any additional changes to or consolidation of
25 | the existing planning and reporting requirements in chapter
26 | 373, Florida Statutes, which it deems appropriate to
27 | efficiently and effectively protect and use the state's water
28 | resources.

29 | Section 18. Section 373.0395, Florida Statutes, is
30 | repealed.

31 |

1 Section 19. This act shall take effect upon becoming a
2 law.

3
4 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
5 COMMITTEE SUBSTITUTE FOR
6 CS/SB 2462

7 The committee substitute for the committee substitute
8 clarifies that the bill's provision allowing a water
9 management district board to substitute an annual strategic
10 plan for the required district water management plan and
11 annual report does not affect any other provision or
12 requirement of law concerning the completion of the regional
13 water supply plan.