

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill consolidates many of the annual reporting requirements of the water management districts into a single consolidated annual report.

B. EFFECT OF PROPOSED CHANGES:

PRESENT SITUATION

Consolidated Report

Currently, water management districts are required by statute to submit to the Governor, Legislature, and Department of Environmental Protection (DEP) numerous annual reports relative to their water management responsibilities. Senate Bill 2832 (Ch. 2004-53, L.O.F.), passed during the 2004 Legislative Session, required the South Florida Water Management District (SFWMD) to initiate a pilot project to coordinate, and where appropriate, consolidate legislatively-mandated plans and reports regarding the status of district programs and water resources within the District's jurisdiction. In addition, the bill included legislative findings that the consolidation of reports will allow stakeholders, the Legislature, and the Governor to be better informed, and that increased access to information reported by the District would enhance accountability and ultimately improve protection of Florida's water resources. The bill did not, however, alter the statutory requirements with respect to budgetary reporting.¹

District Water Management Plan

Florida law requires each of the five (5) water management districts to submit a district water management plan (plan).² The plan is designed to address water supply, water quality, flood protection, floodplain management, and natural systems for the water resources within the individual districts. The plan must be based on a 20-year period, and must be updated at least every 5 years.

Each plan must include at least the following:

- ❖ Scientific methods for establishing minimum flows and levels.
- ❖ Identification of one or more alternate water supply planning regions that cover the entire district
- ❖ Technical data and information as required by law.
- ❖ A districtwide water supply assessment which determines the existing uses, the future needs, and the available sources of water, and whether the sources are adequate to meet the needs.
- ❖ Additional completed water supply plans.

The governing board of each water management district is given the authority to issue an order to implement portions of the plan. In developing the plan, water management districts are to give due consideration to several principles concerning environmental and other factors expressed in the overall water policy of the state.

Section 373.0395, F.S., requires each water management district to develop a groundwater basin resource availability inventory for areas in the districts where appropriate. The groundwater basin resource availability inventory includes the designation of prime groundwater recharge areas, criteria to establish minimum flows and levels, suitable areas for future water resource development in the basin, potential availability of consumptive water, and identification of wastewater sources.

¹ Staff Analysis, HB 1745

² s 373.036 (2), F.S.

EFFECT OF PROPOSED CHANGES

Consolidated Report

The bill requires each water management district to annually prepare a consolidated water management district report on the management of water resources. The annual report is to be submitted to the Department of Environmental Protection, the Governor, President of the Senate, and Speaker of the House. The first report is due by March 1, 2006, and copies of the report are to be provided to the chairs of all legislative committees having substantive or fiscal jurisdiction over the water management districts, as well as the governing boards of all county entities having jurisdiction or deriving any funds for operations of the district. Public copies of the report must also be made readily available.

The consolidated annual report must include:

- A district water management plan annual report or the annual strategic plan created by the bill.
- The department-approved minimum flows and levels annual priority list.³
- The annual 5-year capital improvement plan.⁴
- The alternative water supplies annual report.⁵
- The final annual 5-year water resource development work program.⁶
- The Florida Forever Water Management District Work Plan annual report.⁷
- The mitigation donation annual report.⁸

Each of the aforementioned requirements must be addressed in separate chapters of the consolidated report, although elements common to more than one requirement may be consolidated where appropriate. Additional information may also be added.

The South Florida Water Management District (SFWMD) is further required to include the following elements in its consolidated report:

- The Lake Okeechobee Protection Program annual progress report.⁹
- The Everglades annual progress reports.¹⁰
- The Everglades restoration annual report.¹¹
- The Everglades Forever Act annual implementation report.¹²
- The Everglades Trust Fund annual expenditure report.¹³

The bill repeals s. 373.0395, F.S., because the strategic plan requires the identification of a prime groundwater recharge area.

The bill eliminates cross references and outdated language necessary to implement the consolidated annual report.

³ s. 373.042 (2), F.S.

⁴ s. 373.536 (6 (a) 3), F.S.

⁵ s.373.1961 (2) (k), F.S.

⁶ s. 373.536 (6) (a) 4, F.S.

⁷ s. 373.199 (7), F.S.

⁸ s. 373.414 (1) (b) 2, F.S.

⁹ s. 373.4595 (3) (g), F.S.

¹⁰ s. 373.4592 (4) (d) 5, (13) and (14), F.S.

¹¹ s. 373.470 (7), F.S.

¹² s. 11.80 (4), F.S.

¹³ s. 373.45926 (3), F.S.

District Water Management Plan

The bill gives water management districts an option to develop a strategic management plan in lieu of a district water management plan.¹⁴ The strategic plan may be substituted for the district management plan, provided it meets the following minimum requirements:

- ❖ Establishes the district's strategic priorities for at least a future 5-year period
- ❖ Identifies goals, strategies, success indicators, funding sources, deliverables, and milestones to accomplish the strategic priorities
- ❖ The plan development process includes at least one publicly noticed meeting allowing public participation in its development
- ❖ The strategic plan includes as an addendum, an annual work plan report on the implementation of the strategic plan for the previous fiscal year, addressing success indicators, deliverables, and milestones.

C. SECTION DIRECTORY:

- Section 1: Amends s. 11.80 (4), F.S., to include in the consolidated annual report for SFWMD its district report to the Joint Committee on Everglades Oversight. Provides March 1 as the annual deadline.
- Section 2: Amends s. 163.3177 (6)(c), F.S., to delete reference to s. 373.0395, F.S.
- Section 3: Amends s. 193.625 (3)(b), F.S., to delete reference to s. 373.0395, F.S.
- Section 4: Amends s. 373.036 (2) (b), F.S., to delete reference to s. 373.0395, F.S., from technical and data information prepared as a requirement of a district water management plan; creates s. 373.036 (2) (e), F.S., to allow water management districts the option to submit a strategic plan in lieu of the district water management plan; creates s. 373.036 (7), F.S., to require submission of a consolidated water management district annual report.
- Section 5: Amends s. 373.0397 (3), F.S., to delete reference to s. 373.0395, F.S.
- Section 6: Amends s. 373.042 (2), F.S., to require water management districts, by March 1, 2006, to include their approved minimum flows and levels priority list in the consolidated annual report; deletes an obsolete deadline for the inclusion of each district's first and second magnitude springs on a district priority list.
- Section 7: Amends s. 373.145, F.S., to require the water management districts to use effective means of publicly distributing information regarding hydrologic conditioning and consumption of major groundwater sources.
- Section 8: Amends s. 373.1961 (2) (k), F.S., requiring water management districts to include in the consolidated annual report the disbursal of all amounts budgeted for alternative water supplies.
- Section 9: Amends s. 373.199 (7), F.S., to include as part of the consolidated annual report a report on acquisitions during the year as well as amendments to the 5-year work plan.
- Section 10: Amends s. 373.207, F.S., to delete subsection (2), which requires districts to submit annual updates of its work plan concerning abandoned wells.

¹⁴ s. 373.036 (2), F.S.

- Section 11: Amends s. 373.414 (1)(b), F.S., to include in the consolidated annual report all cash donations for wetland mitigation accepted during the previous year; changes the reporting year from calendar to fiscal year.
- Section 12: Amends s. 373.4592 (4) (d), (13) and (14), F.S., to include in the consolidated annual report of the SFWMD a peer-reviewed report regarding a research and monitoring program on the water conditions of the Everglades Protection Area, and an accounting of all moneys used to fund the Everglades Construction Project.
- Section 13: Amends s. 373.45926 (3), F.S., to include in the consolidated annual report of the SFWMD a detailed copy of expenditures from the Everglades Trust Fund.
- Section 14: Amends s. 373.4595 (3) (g), F.S., to include in the consolidated annual report of the SFWMD a report on the implementation of the Lake Okeechobee Protection Program.
- Section 15: Amends s. 373.470, F.S., to include in the consolidated annual report of the SFWMD various fiscal information concerning the Everglades restoration.
- Section 16: Amends s. 373.536 (6) (a) F.S., to include in the consolidated annual reports a 5-year capital improvements plan; changes the deadline to submit the 5-year capital improvements plan to 30 days after the adoption of the final budget; changes the deadline to review the proposed work program to 30 days after the adoption of the final budget; changes the deadline to 45 days after the receipt of the Department of Environmental Protection evaluation for the governing boards to report to the Department of Environmental Protection on recommended changes in the evaluation.
- Section 17: Sets a February 1, 2006, deadline for the water management districts to report to various entities any further recommended changes to consolidate reporting.
- Section 18: Repeals s. 373.0395, F.S.
- Section 19: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The SFWMD reported in 2004 that it estimated a potential savings of \$350,000 to the district as a result of undertaking the pilot program of consolidated reporting. It further estimated a potential savings of nearly \$1,000,000 if consolidated reporting was extended to all water management districts.¹⁵

¹⁵ Staff Analysis, HB 1745

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because the bill does not appear to: require the counties or cities to spend funds or take an action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

The bill does not appear to impact the rulemaking authority of any state agency

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 16, the bill sponsor offered three amendments which passed without objection:

Amendment 1: The Amendment eliminates the reference to reports “associated” with the strategic plan. The strategic plan has no “associated reports”; it is merely a single complete plan. Additionally, it deletes incorrect cross references in the bill.

Amendment 2: Technical change. The amendment corrects a needed reference to “work plan” instead of “strategic plan”. The amendment also clarifies a cross reference.

Amendment 3: Technical change. Clarifies that the information required in sub-paragraph (b) can be addressed in a separate chapter or section (something other than an entire chapter) within the consolidated annual report.