

CHAMBER ACTION

1 The Water & Natural Resources Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

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

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23 relating to groundwater basin resource availability
24 inventories; providing an effective date.

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

27
28 Section 1. Subsection (4) of section 11.80, Florida
29 Statutes, is amended to read:

30 11.80 Joint Legislative Committee on Everglades
31 Oversight.--

32 (4) Annually, no later than March ~~January~~ 1, as part of
33 the consolidated annual report required by s. 373.036(7), the
34 South Florida Water Management District shall report to the
35 Joint Legislative Committee on Everglades Oversight on the
36 status of the implementation of the Everglades Forever Act. Such
37 report shall include, but is not limited to:

- 38 (a) Progress on the Everglades Construction Project.
- 39 (b) Changes to the Everglades Construction Project.
- 40 (c) Actual revenues, compared to projected revenues.
- 41 (d) Projected acquisition costs, construction costs,
42 operation and maintenance costs, and projected revenues, over
43 the succeeding 5 years.

44 Section 2. Paragraph (c) of subsection (6) of section
45 163.3177, Florida Statutes, is amended to read:

46 163.3177 Required and optional elements of comprehensive
47 plan; studies and surveys.--

48 (6) In addition to the requirements of subsections (1)-
49 (5), the comprehensive plan shall include the following
50 elements:

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51 (c) A general sanitary sewer, solid waste, drainage,
 52 potable water, and natural groundwater aquifer recharge element
 53 correlated to principles and guidelines for future land use,
 54 indicating ways to provide for future potable water, drainage,
 55 sanitary sewer, solid waste, and aquifer recharge protection
 56 requirements for the area. The element may be a detailed
 57 engineering plan including a topographic map depicting areas of
 58 prime groundwater recharge. The element shall describe the
 59 problems and needs and the general facilities that will be
 60 required for solution of the problems and needs. The element
 61 shall also include a topographic map depicting any areas adopted
 62 by a regional water management district as prime groundwater
 63 recharge areas for the Floridan or Biscayne aquifers, ~~pursuant~~
 64 ~~to s. 373.0395~~. These areas shall be given special consideration
 65 when the local government is engaged in zoning or considering
 66 future land use for said designated areas. For areas served by
 67 septic tanks, soil surveys shall be provided which indicate the
 68 suitability of soils for septic tanks. By December 1, 2006, the
 69 element must consider the appropriate water management
 70 district's regional water supply plan approved pursuant to s.
 71 373.0361. The element must include a work plan, covering at
 72 least a 10-year planning period, for building water supply
 73 facilities that are identified in the element as necessary to
 74 serve existing and new development and for which the local
 75 government is responsible. The work plan shall be updated, at a
 76 minimum, every 5 years within 12 months after the governing
 77 board of a water management district approves an updated
 78 regional water supply plan. Amendments to incorporate the work

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79 | plan do not count toward the limitation on the frequency of
80 | adoption of amendments to the comprehensive plan.

81 | Section 3. Paragraph (b) of subsection (3) of section
82 | 193.625, Florida Statutes, is amended to read:

83 | 193.625 High-water recharge lands; classification and
84 | assessment.--

85 | (3)

86 | (b) Subject to the restrictions set out in this section,
87 | only lands that are used primarily for bona fide high-water
88 | recharge purposes may be classified as high-water recharge. The
89 | term "bona fide high-water recharge purposes" means good faith
90 | high-water recharge use of the land. In determining whether the
91 | use of the land for high-water recharge purposes is bona fide,
92 | the following factors apply:

93 | 1. The land use must have been continuous.

94 | 2. The land use must be vacant residential, vacant
95 | commercial, vacant industrial, vacant institutional,
96 | nonagricultural, or single-family residential. The maintenance
97 | of one single-family residential dwelling on part of the land
98 | does not in itself preclude a high-water recharge
99 | classification.

100 | 3. The land must be located within a prime groundwater
101 | recharge area ~~established in accordance with s. 373.0395~~ or in
102 | an area considered by the appropriate water management district
103 | to supply significant groundwater recharge. Significant
104 | groundwater recharge shall be assessed by the appropriate water
105 | management district on the basis of hydrologic characteristics
106 | of the soils and underlying geologic formations.

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- 107 4. The land must not be receiving any other special
108 classification.
- 109 5. There must not be in the vicinity of the land any
110 activity that has the potential to contaminate the ground water,
111 including, but not limited to, the presence of:
- 112 a. Toxic or hazardous substances;
 - 113 b. Free-flowing saline artesian wells;
 - 114 c. Drainage wells;
 - 115 d. Underground storage tanks; or
 - 116 e. Any potential pollution source existing on a property
117 that drains to the property seeking the high-water recharge
118 classification.
- 119 6. The owner of the property has entered into a contract
120 with the county as provided in subsection (5).
- 121 7. The parcel of land must be at least 10 acres.

122

123 Notwithstanding the provisions of this paragraph, the property
124 appraiser shall use the best available information on the high-
125 water recharge characteristics of lands when making a final
126 determination to grant or deny an application for high-water
127 recharge assessment for the lands.

128 Section 4. Paragraph (b) of subsection (2) of section
129 373.036, Florida Statutes, is amended, paragraph (e) is added to
130 said subsection, and subsection (7) is added to said section, to
131 read:

132 373.036 Florida water plan; district water management
133 plans.--

134 (2) DISTRICT WATER MANAGEMENT PLANS.--

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

137 1. The scientific methodologies for establishing minimum
138 flows and levels under s. 373.042, and all established minimum
139 flows and levels.

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

142 3. Technical data and information prepared under s. ~~ss.~~
143 373.0391 and ~~373.0395.~~

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

147 a. Existing legal uses, reasonably anticipated future
148 needs, and existing and reasonably anticipated sources of water
149 and conservation efforts; and

150 b. Whether existing and reasonably anticipated sources of
151 water and conservation efforts are adequate to supply water for
152 all existing legal uses and reasonably anticipated future needs
153 and to sustain the water resources and related natural systems.

154 5. Any completed regional water supply plans.

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

160 1. The strategic plan establishes the water management
161 district's strategic priorities for at least a future 5-year
162 period.

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

166 3. The strategic plan development process includes at
167 least one publicly noticed meeting to allow public participation
168 in its development.

169 4. The strategic plan includes separately, as an addendum,
170 an annual work plan report on the implementation of the
171 strategic plan for the previous fiscal year, addressing success
172 indicators, deliverables, and milestones.

173 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
174 REPORT.--

175 (a) By March 1, 2006, and annually thereafter, each water
176 management district shall prepare and submit to the department,
177 the Governor, the President of the Senate, and the Speaker of
178 the House of Representatives a consolidated water management
179 district annual report on the management of water resources. In
180 addition, copies must be provided by the water management
181 districts to the chairs of all legislative committees having
182 substantive or fiscal jurisdiction over the districts and the
183 governing board of each county in the district having
184 jurisdiction or deriving any funds for operations of the
185 district. Copies of the consolidated annual report must be made
186 available to the public, either in printed or electronic format.

187 (b) The consolidated annual report shall contain the
188 following elements, as appropriate to that water management
189 district:

- 190 1. A district water management plan annual report or the
 191 annual work plan report allowed in subparagraph (2)(e)4.
- 192 2. The department-approved minimum flows and levels annual
 193 priority list and schedule required by s. 373.042(2).
- 194 3. The annual 5-year capital improvements plan required by
 195 s. 373.536(6)(a)3.
- 196 4. The alternative water supplies annual report required
 197 by s. 373.1961(2)(k).
- 198 5. The final annual 5-year water resource development work
 199 program required by s. 373.536(6)(a)4.
- 200 6. The Florida Forever Water Management District Work Plan
 201 annual report required by s. 373.199(7).
- 202 7. The mitigation donation annual report required by s.
 203 373.414(1)(b)2.
- 204 (c) Each of the elements listed in paragraph (b) is to be
 205 addressed in a separate chapter or section within the
 206 consolidated annual report, although information common to more
 207 than one of these elements may be consolidated as deemed
 208 appropriate by the individual water management district.
- 209 (d) Each water management district may include in the
 210 consolidated annual report such additional information on the
 211 status or management of water resources within the district as
 212 it deems appropriate.
- 213 (e) In addition to the elements specified in paragraph
 214 (b), the South Florida Water Management District shall include
 215 in the consolidated annual report the following elements:
- 216 1. The Lake Okeechobee Protection Program annual progress
 217 report required by s. 373.4595(3)(g).

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

249 A map of the affected areas follows.

250

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

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

257 373.042 Minimum flows and levels.--

258 (2) By November 15, 1997, and annually thereafter, each
259 water management district shall submit to the department for
260 review and approval a priority list and schedule for the
261 establishment of minimum flows and levels for surface
262 watercourses, aquifers, and surface waters within the district.
263 The priority list shall also identify those water bodies for
264 which the district will voluntarily undertake independent
265 scientific peer review. By March 1, 2006 ~~January 1, 1998~~, and
266 annually thereafter, each water management district shall
267 include ~~publish~~ its approved priority list and schedule in the
268 consolidated annual report required by s. 373.036(7) Florida
269 ~~Administrative Weekly~~. The priority list shall be based upon the
270 importance of the waters to the state or region and the
271 existence of or potential for significant harm to the water
272 resources or ecology of the state or region, and shall include
273 those waters which are experiencing or may reasonably be

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274 | expected to experience adverse impacts. ~~By January 1, 2003,~~ Each
 275 | water management district's priority list and schedule shall
 276 | include all first magnitude springs, and all second magnitude
 277 | springs within state or federally owned lands purchased for
 278 | conservation purposes. The specific schedule for establishment
 279 | of spring minimum flows and levels shall be commensurate with
 280 | the existing or potential threat to spring flow from consumptive
 281 | uses. Springs within the Suwannee River Water Management
 282 | District, or second magnitude springs in other areas of the
 283 | state, need not be included on the priority list if the water
 284 | management district submits a report to the Department of
 285 | Environmental Protection demonstrating that adverse impacts are
 286 | not now occurring nor are reasonably expected to occur from
 287 | consumptive uses during the next 20 years. The priority list and
 288 | schedule shall not be subject to any proceeding pursuant to
 289 | chapter 120. Except as provided in subsection (3), the
 290 | development of a priority list and compliance with the schedule
 291 | for the establishment of minimum flows and levels pursuant to
 292 | this subsection shall satisfy the requirements of subsection
 293 | (1).

294 | Section 7. Section 373.145, Florida Statutes, is amended
 295 | to read:

296 | 373.145 Information program regarding hydrologic
 297 | conditioning and consumption of major surface and groundwater
 298 | sources.--In order to aid in the development of a better
 299 | understanding of the unique surface and groundwater resources of
 300 | this state, the water management districts shall develop an
 301 | information program designed to provide information concerning

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302 existing hydrologic conditions of major surface and groundwater
 303 sources in this state and suggestions for good conservation
 304 practices within those areas. The program shall be developed by
 305 December 31, 2002. The water management districts shall utilize
 306 the most efficient means to regularly distribute this
 307 information to members of the Legislature, the media, and the
 308 public. ~~Beginning January 1, 2003, and on a regular basis no~~
 309 ~~less than every 6 months thereafter, the information developed~~
 310 ~~pursuant to this section shall be distributed to every member of~~
 311 ~~the Florida Senate and the Florida House of Representatives and~~
 312 ~~to local print and broadcast news organizations. Each water~~
 313 ~~management district shall be responsible for the distribution of~~
 314 ~~this information within its established geographic area.~~

315 Section 8. Paragraph (k) of subsection (2) of section
 316 373.1961, Florida Statutes, is amended to read:

317 373.1961 Water production.--

318 (2) The Legislature finds that, due to a combination of
 319 factors, vastly increased demands have been placed on natural
 320 supplies of fresh water, and that, absent increased development
 321 of alternative water supplies, such demands may increase in the
 322 future. The Legislature also finds that potential exists in the
 323 state for the production of significant quantities of
 324 alternative water supplies, including reclaimed water, and that
 325 water production includes the development of alternative water
 326 supplies, including reclaimed water, for appropriate uses. It is
 327 the intent of the Legislature that utilities develop reclaimed
 328 water systems, where reclaimed water is the most appropriate
 329 alternative water supply option, to deliver reclaimed water to

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330 as many users as possible through the most cost-effective means,
331 and to construct reclaimed water system infrastructure to their
332 owned or operated properties and facilities where they have
333 reclamation capability. It is also the intent of the Legislature
334 that the water management districts which levy ad valorem taxes
335 for water management purposes should share a percentage of those
336 tax revenues with water providers and users, including local
337 governments, water, wastewater, and reuse utilities, municipal,
338 industrial, and agricultural water users, and other public and
339 private water users, to be used to supplement other funding
340 sources in the development of alternative water supplies. The
341 Legislature finds that public moneys or services provided to
342 private entities for such uses constitute public purposes which
343 are in the public interest. In order to further the development
344 and use of alternative water supply systems, including reclaimed
345 water systems, the Legislature provides the following:

346 (k) By March 1 ~~January 30~~ of each year, as part of the
347 consolidated annual report required by s. 373.036(7), each water
348 management district shall submit a report on ~~an annual report to~~
349 ~~the Governor, the President of the Senate, and the Speaker of~~
350 ~~the House of Representatives which accounts for~~ the disbursement of
351 all budgeted amounts pursuant to this subsection. Such report
352 shall describe all projects funded and shall account separately
353 for moneys provided through grants, matching grants, revolving
354 loans, and the use of district lands or facilities.

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

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357 | 373.199 Florida Forever Water Management District Work
358 | Plan.--

359 | (7) By June 1, 2001, each district shall file with the
360 | President of the Senate, the Speaker of the House of
361 | Representatives, and the Secretary of Environmental Protection
362 | the initial 5-year work plan as required under subsection (2).
363 | By March ~~January~~ 1 of each year thereafter, as part of the
364 | consolidated annual report required by s. 373.036(7), each
365 | district shall ~~file with the President of the Senate, the~~
366 | ~~Speaker of the House of Representatives, and the Secretary of~~
367 | ~~Environmental Protection~~ a report on ~~of~~ acquisitions completed
368 | during the year together with modifications or additions to its
369 | 5-year work plan. Included in the report shall be:

370 | (a) A description of land management activity for each
371 | property or project area owned by the water management district.

372 | (b) A list of any lands surplused and the amount of
373 | compensation received.

374 | (c) The progress of funding, staffing, and resource
375 | management of every project funded pursuant to s. 259.101, s.
376 | 259.105, or s. 373.59 for which the district is responsible.

377 |
378 | The secretary shall submit the report referenced in this
379 | subsection to the Board of Trustees of the Internal Improvement
380 | Trust Fund together with the Acquisition and Restoration
381 | Council's project list as required under s. 259.105.

382 | Section 10. Section 373.207, Florida Statutes, is amended
383 | to read:

384 | 373.207 Abandoned artesian wells.--

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

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

393 (2)~~(b)~~ The location and owner of each known abandoned
394 well.

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

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

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

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

408 Section 11. Paragraph (b) of subsection (1) of section
409 373.414, Florida Statutes, is amended to read:

410 373.414 Additional criteria for activities in surface
411 waters and wetlands.--

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412 (1) As part of an applicant's demonstration that an
 413 activity regulated under this part will not be harmful to the
 414 water resources or will not be inconsistent with the overall
 415 objectives of the district, the governing board or the
 416 department shall require the applicant to provide reasonable
 417 assurance that state water quality standards applicable to
 418 waters as defined in s. 403.031(13) will not be violated and
 419 reasonable assurance that such activity in, on, or over surface
 420 waters or wetlands, as delineated in s. 373.421(1), is not
 421 contrary to the public interest. However, if such an activity
 422 significantly degrades or is within an Outstanding Florida
 423 Water, as provided by department rule, the applicant must
 424 provide reasonable assurance that the proposed activity will be
 425 clearly in the public interest.

426 (b) If the applicant is unable to otherwise meet the
 427 criteria set forth in this subsection, the governing board or
 428 the department, in deciding to grant or deny a permit, shall
 429 consider measures proposed by or acceptable to the applicant to
 430 mitigate adverse effects that may be caused by the regulated
 431 activity. Such measures may include, but are not limited to,
 432 onsite mitigation, offsite mitigation, offsite regional
 433 mitigation, and the purchase of mitigation credits from
 434 mitigation banks permitted under s. 373.4136. It shall be the
 435 responsibility of the applicant to choose the form of
 436 mitigation. The mitigation must offset the adverse effects
 437 caused by the regulated activity.

438 1. The department or water management districts may accept
 439 the donation of money as mitigation only where the donation is

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440 specified for use in a duly noticed environmental creation,
441 preservation, enhancement, or restoration project, endorsed by
442 the department or the governing board of the water management
443 district, which offsets the impacts of the activity permitted
444 under this part. However, the provisions of this subsection
445 shall not apply to projects undertaken pursuant to s. 373.4137
446 or chapter 378. Where a permit is required under this part to
447 implement any project endorsed by the department or a water
448 management district, all necessary permits must have been issued
449 prior to the acceptance of any cash donation. After the
450 effective date of this act, when money is donated to either the
451 department or a water management district to offset impacts
452 authorized by a permit under this part, the department or the
453 water management district shall accept only a donation that
454 represents the full cost to the department or water management
455 district of undertaking the project that is intended to mitigate
456 the adverse impacts. The full cost shall include all direct and
457 indirect costs, as applicable, such as those for land
458 acquisition, land restoration or enhancement, perpetual land
459 management, and general overhead consisting of costs such as
460 staff time, building, and vehicles. The department or the water
461 management district may use a multiplier or percentage to add to
462 other direct or indirect costs to estimate general overhead.
463 Mitigation credit for such a donation shall be given only to the
464 extent that the donation covers the full cost to the agency of
465 undertaking the project that is intended to mitigate the adverse
466 impacts. However, nothing herein shall be construed to prevent
467 the department or a water management district from accepting a

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468 donation representing a portion of a larger project, provided
 469 that the donation covers the full cost of that portion and
 470 mitigation credit is given only for that portion. The department
 471 or water management district may deviate from the full cost
 472 requirements of this subparagraph to resolve a proceeding
 473 brought pursuant to chapter 70 or a claim for inverse
 474 condemnation. Nothing in this section shall be construed to
 475 require the owner of a private mitigation bank, permitted under
 476 s. 373.4136, to include the full cost of a mitigation credit in
 477 the price of the credit to a purchaser of said credit.

478 2. The department and each water management district shall
 479 report by March 1 ~~to the Executive Office of the Governor by~~
 480 ~~January 31~~ of each year, as part of the consolidated annual
 481 report required by s. 373.036(7), all cash donations accepted
 482 under subparagraph 1. during the preceding water management
 483 district fiscal calendar year for wetland mitigation purposes.
 484 The report shall exclude those contributions pursuant to s.
 485 373.4137. The report shall include a description of the endorsed
 486 mitigation projects and, except for projects governed by s.
 487 373.4135(6), shall address, as applicable, success criteria,
 488 project implementation status and timeframe, monitoring, long-
 489 term management, provisions for preservation, and full cost
 490 accounting.

491 3. If the applicant is unable to meet water quality
 492 standards because existing ambient water quality does not meet
 493 standards, the governing board or the department shall consider
 494 mitigation measures proposed by or acceptable to the applicant

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495 | that cause net improvement of the water quality in the receiving
496 | body of water for those parameters which do not meet standards.

497 | 4. If mitigation requirements imposed by a local
498 | government for surface water and wetland impacts of an activity
499 | regulated under this part cannot be reconciled with mitigation
500 | requirements approved under a permit for the same activity
501 | issued under this part, including application of the uniform
502 | wetland mitigation assessment method adopted pursuant to
503 | subsection (18), the mitigation requirements for surface water
504 | and wetland impacts shall be controlled by the permit issued
505 | under this part.

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

509 | 373.4592 Everglades improvement and management.--

510 | (4) EVERGLADES PROGRAM.--

511 | (d) Everglades research and monitoring program.--

512 | 1. The department and the district shall review and
513 | evaluate available water quality data for the Everglades
514 | Protection Area and tributary waters and identify any additional
515 | information necessary to adequately describe water quality in
516 | the Everglades Protection Area and tributary waters. The
517 | department and the district shall also initiate a research and
518 | monitoring program to generate such additional information
519 | identified and to evaluate the effectiveness of the BMPs and
520 | STAs, as they are implemented, in improving water quality and
521 | maintaining designated and existing beneficial uses of the
522 | Everglades Protection Area and tributary waters. As part of the

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523 | program, the district shall monitor all discharges into the
 524 | Everglades Protection Area for purposes of determining
 525 | compliance with state water quality standards.

526 | 2. The research and monitoring program shall evaluate the
 527 | ecological and hydrological needs of the Everglades Protection
 528 | Area, including the minimum flows and levels. Consistent with
 529 | such needs, the program shall also evaluate water quality
 530 | standards for the Everglades Protection Area and for the canals
 531 | of the EAA, so that these canals can be classified in the manner
 532 | set forth in paragraph (e) and protected as an integral part of
 533 | the water management system which includes the STAs of the
 534 | Everglades Construction Project and allows landowners in the EAA
 535 | to achieve applicable water quality standards compliance by BMPs
 536 | and STA treatment to the extent this treatment is available and
 537 | effective.

538 | 3. The research and monitoring program shall include
 539 | research seeking to optimize the design and operation of the
 540 | STAs, including research to reduce outflow concentrations, and
 541 | to identify other treatment and management methods and
 542 | regulatory programs that are superior to STAs in achieving the
 543 | intent and purposes of this section.

544 | 4. The research and monitoring program shall be conducted
 545 | to allow the department to propose a phosphorus criterion in the
 546 | Everglades Protection Area, and to evaluate existing state water
 547 | quality standards applicable to the Everglades Protection Area
 548 | and existing state water quality standards and classifications
 549 | applicable to the EAA canals. In developing the phosphorus
 550 | criterion, the department shall also consider the minimum flows

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551 and levels for the Everglades Protection Area and the district's
552 water supply plans for the Lower East Coast.

553 5. Beginning March 1, 2006, as part of the consolidated
554 annual report required by s. 373.036(7) January 1, 2000, the
555 district and the department shall annually issue a peer-reviewed
556 report regarding the research and monitoring program that
557 summarizes all data and findings. ~~The department shall provide~~
558 ~~copies of the report to the Governor, the President of the~~
559 ~~Senate, and the Speaker of the House of Representatives.~~ The
560 report shall identify water quality parameters, in addition to
561 phosphorus, which exceed state water quality standards or are
562 causing or contributing to adverse impacts in the Everglades
563 Protection Area.

564 6. The district shall continue research seeking to
565 optimize the design and operation of STAs and to identify other
566 treatment and management methods that are superior to STAs in
567 achieving optimum water quality and water quantity for the
568 benefit of the Everglades. The district shall optimize the
569 design and operation of the STAs described in the Everglades
570 Construction Project prior to expanding their size. Additional
571 methods to achieve compliance with water quality standards shall
572 not be limited to more intensive management of the STAs.

573 (13) ANNUAL REPORTS.--Beginning March 1, 2006, as part of
574 the consolidated annual report required by s. 373.036(7) January
575 1, 1992, the district shall report on ~~submit to the department,~~
576 ~~the Governor, the Speaker of the House of Representatives, the~~
577 ~~Minority Leader of the House of Representatives, the President~~
578 ~~of the Senate, and the Minority Leader of the Senate annual~~

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579 | ~~progress reports regarding~~ implementation of the section. The
 580 | annual report will include a summary of the water conditions in
 581 | the Everglades Protection Area, the status of the impacted
 582 | areas, the status of the construction of the STAs, the
 583 | implementation of the BMPs, and actions taken to monitor and
 584 | control exotic species. The district must prepare the report in
 585 | coordination with federal and state agencies.

586 | (14) EVERGLADES FUND.--The South Florida Water Management
 587 | District is directed to separately account for all moneys used
 588 | for the purpose of funding the Everglades Construction Project
 589 | as part of the consolidated annual report required by s.
 590 | 373.036(7).

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

593 | 373.45926 Everglades Trust Fund; allocation of revenues
 594 | and expenditure of funds for conservation and protection of
 595 | natural resources and abatement of water pollution.--

596 | (3) The South Florida Water Management District shall
 597 | furnish, as part of the consolidated annual report required by
 598 | s. 373.036(7) ~~on a quarterly basis~~, a detailed copy of its
 599 | expenditures from the Everglades Trust Fund to the Governor, the
 600 | President of the Senate, and the Speaker of the House of
 601 | Representatives, and shall make copies available to the public.
 602 | The information shall be provided in a format approved by the
 603 | Joint Legislative Committee on Everglades Oversight. At the
 604 | direction of the Joint Legislative Committee on Everglades
 605 | Oversight, an audit may be made from time to time by the Auditor

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606 General, and such audit shall be within the authority of said
607 Auditor General to make.

608 Section 14. Paragraph (g) of subsection (3) of section
609 373.4595, Florida Statutes, is amended to read:

610 373.4595 Lake Okeechobee Protection Program.--

611 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
612 program for Lake Okeechobee that achieves phosphorus load
613 reductions for Lake Okeechobee shall be immediately implemented
614 as specified in this subsection. The program shall address the
615 reduction of phosphorus loading to the lake from both internal
616 and external sources. Phosphorus load reductions shall be
617 achieved through a phased program of implementation. Initial
618 implementation actions shall be technology-based, based upon a
619 consideration of both the availability of appropriate technology
620 and the cost of such technology, and shall include phosphorus
621 reduction measures at both the source and the regional level.
622 The initial phase of phosphorus load reductions shall be based
623 upon the district's Technical Publication 81-2 and the
624 district's WOD program, with subsequent phases of phosphorus
625 load reductions based upon the total maximum daily loads
626 established in accordance with s. 403.067. In the development
627 and administration of the Lake Okeechobee Protection Program,
628 the coordinating agencies shall maximize opportunities provided
629 by federal cost-sharing programs and opportunities for
630 partnerships with the private sector.

631 (g) Annual progress report.--Each March ~~January~~ 1,
632 beginning in 2006 ~~2001~~, the district shall report on ~~submit to~~
633 ~~the Governor, the President of the Senate, and the Speaker of~~

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634 | ~~the House of Representatives annual progress reports regarding~~
 635 | implementation of this section as part of the consolidated
 636 | annual report required in s. 373.036(7). The annual report shall
 637 | include a summary of water quality and habitat conditions in
 638 | Lake Okeechobee and the Lake Okeechobee watershed and the status
 639 | of the Lake Okeechobee Construction Project. The district shall
 640 | prepare the report in cooperation with the other coordinating
 641 | agencies.

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

644 | 373.470 Everglades restoration.--

645 | (7) ANNUAL REPORT.--To provide enhanced oversight of and
 646 | accountability for the financial commitments established under
 647 | this section and the progress made in the implementation of the
 648 | comprehensive plan, the following information must be prepared
 649 | annually as part of the consolidated annual report required by
 650 | s. 373.036(7):

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

654 | 1. An identification of funds, by source and amount,
 655 | received by the state and by each local sponsor during the
 656 | fiscal year.

657 | 2. An itemization of expenditures, by source and amount,
 658 | made by the state and by each local sponsor during the fiscal
 659 | year.

660 | 3. A description of the purpose for which the funds were
 661 | expended.

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662 4. The unencumbered balance of funds remaining in trust
663 funds or other accounts designated for implementation of the
664 comprehensive plan.

665 5. A schedule of anticipated expenditures for the next
666 fiscal year.

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

671 1. A description of all expenditures, by source and
672 amount, from the Conservation and Recreation Lands Trust Fund,
673 the Land Acquisition Trust Fund, the Preservation 2000 Trust
674 Fund, the Florida Forever Trust Fund, the Save Our Everglades
675 Trust Fund, and other named funds or accounts for the
676 acquisition or construction of project components or other
677 features or facilities that benefit the comprehensive plan.

678 2. A description of the purposes for which the funds were
679 expended.

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

682 (c) The district, in cooperation with the department,
683 shall provide a detailed report on progress made in the
684 implementation of the comprehensive plan, including the status
685 of all project components initiated after the effective date of
686 this act or the date of the last report prepared under this
687 subsection, whichever is later.

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

696 Section 16. Paragraph (a) of subsection (6) of section
 697 373.536, Florida Statutes, is amended to read:

698 373.536 District budget and hearing thereon.--

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

701 (a) Each district must, by the date specified for each
 702 item, furnish copies of the following documents to the Governor,
 703 the President of the Senate, the Speaker of the House of
 704 Representatives, the chairs of all legislative committees and
 705 subcommittees having substantive or fiscal jurisdiction over the
 706 districts, as determined by the President of the Senate or the
 707 Speaker of the House of Representatives as applicable, the
 708 secretary of the department, and the governing board of each
 709 county in which the district has jurisdiction or derives any
 710 funds for the operations of the district:

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

713 2. A financial audit of its accounts and records, to be
 714 furnished within 10 days after its acceptance by the governing
 715 board. The audit must be conducted in accordance with the
 716 provisions of s. 11.45 and the rules adopted thereunder. In

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717 addition to the entities named above, the district must provide
718 a copy of the audit to the Auditor General within 10 days after
719 its acceptance by the governing board.

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

726 4. A 5-year water resource development work program to be
727 furnished within 30 ~~45~~ days after the adoption of the final
728 budget. The program must describe the district's implementation
729 strategy for the water resource development component of each
730 approved regional water supply plan developed or revised under
731 s. 373.0361. The work program must address all the elements of
732 the water resource development component in the district's
733 approved regional water supply plans and must identify which
734 projects in the work program will provide water, explain how
735 each water resource development project will produce additional
736 water available for consumptive uses, estimate the quantity of
737 water to be produced by each project, and provide an assessment
738 of the contribution of the district's regional water supply
739 plans in providing sufficient water to meet the water supply
740 needs of existing and future reasonable-beneficial uses for a 1-
741 in-10-year drought event. Within 30 ~~45~~ days after its submittal,
742 the department shall review the proposed work program and submit
743 its findings, questions, and comments to the district. The
744 review must include a written evaluation of the program's

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745 consistency with the furtherance of the district's approved
 746 regional water supply plans, and the adequacy of proposed
 747 expenditures. As part of the review, the department shall give
 748 interested parties the opportunity to provide written comments
 749 on each district's proposed work program. Within 45 ~~60~~ days
 750 after receipt of the department's evaluation, the governing
 751 board shall state in writing to the department which changes
 752 recommended in the evaluation it will incorporate into its work
 753 program submitted as part of the March 1 consolidated annual
 754 report required by s. 373.036(7) or specify the reasons for not
 755 incorporating the changes. The department shall include the
 756 district's responses in a final evaluation report and shall
 757 submit a copy of the report to the Governor, the President of
 758 the Senate, and the Speaker of the House of Representatives.

759 Section 17. By February 1, 2006, the Department of
 760 Environmental Protection, after consultation with the five water
 761 management districts, shall recommend to the Governor, the
 762 President of the Senate, and the Speaker of the House of
 763 Representatives any additional changes to or consolidation of
 764 the existing planning and reporting requirements of chapter 373,
 765 Florida Statutes, that it deems appropriate to efficiently and
 766 effectively protect and utilize the state's water resources.

767 Section 18. Section 373.0395, Florida Statutes, is
 768 repealed.

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