

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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

11.80 Joint Legislative Committee on Everglades Oversight.--

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

(a) Progress on the Everglades Construction Project.

(b) Changes to the Everglades Construction Project.

(c) Actual revenues, compared to projected revenues.

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

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

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

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

(c) A general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element

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52 correlated to principles and guidelines for future land use,
53 indicating ways to provide for future potable water, drainage,
54 sanitary sewer, solid waste, and aquifer recharge protection
55 requirements for the area. The element may be a detailed
56 engineering plan including a topographic map depicting areas of
57 prime groundwater recharge. The element shall describe the
58 problems and needs and the general facilities that will be
59 required for solution of the problems and needs. The element
60 shall also include a topographic map depicting any areas adopted
61 by a regional water management district as prime groundwater
62 recharge areas for the Floridan or Biscayne aquifers, ~~pursuant~~
63 ~~to s. 373.0395~~. These areas shall be given special consideration
64 when the local government is engaged in zoning or considering
65 future land use for said designated areas. For areas served by
66 septic tanks, soil surveys shall be provided which indicate the
67 suitability of soils for septic tanks. By December 1, 2006, the
68 element must consider the appropriate water management
69 district's regional water supply plan approved pursuant to s.
70 373.0361. The element must include a work plan, covering at
71 least a 10-year planning period, for building water supply
72 facilities that are identified in the element as necessary to
73 serve existing and new development and for which the local
74 government is responsible. The work plan shall be updated, at a
75 minimum, every 5 years within 12 months after the governing
76 board of a water management district approves an updated
77 regional water supply plan. Amendments to incorporate the work
78 plan do not count toward the limitation on the frequency of
79 adoption of amendments to the comprehensive plan.

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

82 193.625 High-water recharge lands; classification and
83 assessment.--

84 (3)

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

92 1. The land use must have been continuous.

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

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

106 4. The land must not be receiving any other special
107 classification.

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108 5. There must not be in the vicinity of the land any
109 activity that has the potential to contaminate the ground water,
110 including, but not limited to, the presence of:

- 111 a. Toxic or hazardous substances;
- 112 b. Free-flowing saline artesian wells;
- 113 c. Drainage wells;
- 114 d. Underground storage tanks; or
- 115 e. Any potential pollution source existing on a property
116 that drains to the property seeking the high-water recharge
117 classification.

118 6. The owner of the property has entered into a contract
119 with the county as provided in subsection (5).

120 7. The parcel of land must be at least 10 acres.

121
122 Notwithstanding the provisions of this paragraph, the property
123 appraiser shall use the best available information on the high-
124 water recharge characteristics of lands when making a final
125 determination to grant or deny an application for high-water
126 recharge assessment for the lands.

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

131 373.036 Florida water plan; district water management
132 plans.--

133 (2) DISTRICT WATER MANAGEMENT PLANS.--

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

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

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

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

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

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

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

153 5. Any completed regional water supply plans.

154 (e) At its option, a governing board may substitute an
155 annual strategic plan for the requirement to develop a district
156 water management plan and the district water management plan
157 annual report required by subparagraph (7)(b)1., provided that
158 nothing herein affects any other provision or requirement of law
159 concerning the completion of the regional water supply plan and
160 the strategic plan meets the following minimum requirements:

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

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

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

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

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

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

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

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

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219 2. The Everglades annual progress reports specified in s.
 220 373.4592(4)(d)5., (13), and (14).

221 3. The Everglades restoration annual report required by
 222 s. 373.470(7).

223 4. The Everglades Forever Act annual implementation report
 224 required by s. 11.80(4).

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

227 Section 5. Section 373.0397, Florida Statutes, is amended
 228 to read:

229 373.0397 Floridan and Biscayne aquifers; designation of
 230 prime groundwater recharge areas.--Upon preparation of an
 231 inventory of prime groundwater recharge areas for the Floridan
 232 or Biscayne aquifers ~~as a part of the requirements of s.~~
 233 ~~373.0395(3)~~, but prior to adoption by the governing board, the
 234 water management district shall publish a legal notice of public
 235 hearing on the designated areas for the Floridan and Biscayne
 236 aquifers, with a map delineating the boundaries of the areas, in
 237 newspapers defined in chapter 50 as having general circulation
 238 within the area to be affected. The notice shall be at least
 239 one-fourth page and shall read as follows:

241 NOTICE OF PRIME RECHARGE
 242 AREA DESIGNATION

243
 244 The (name of taxing authority) proposes to designate
 245 specific land areas as areas of prime recharge to the (name of
 246 aquifer) Aquifer.

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

250 A map of the affected areas follows.

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

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

258 373.042 Minimum flows and levels.--

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

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275 | expected to experience adverse impacts. ~~By January 1, 2003,~~ Each
 276 | water management district's priority list and schedule shall
 277 | include all first magnitude springs, and all second magnitude
 278 | springs within state or federally owned lands purchased for
 279 | conservation purposes. The specific schedule for establishment
 280 | of spring minimum flows and levels shall be commensurate with
 281 | the existing or potential threat to spring flow from consumptive
 282 | uses. Springs within the Suwannee River Water Management
 283 | District, or second magnitude springs in other areas of the
 284 | state, need not be included on the priority list if the water
 285 | management district submits a report to the Department of
 286 | Environmental Protection demonstrating that adverse impacts are
 287 | not now occurring nor are reasonably expected to occur from
 288 | consumptive uses during the next 20 years. The priority list and
 289 | schedule shall not be subject to any proceeding pursuant to
 290 | chapter 120. Except as provided in subsection (3), the
 291 | development of a priority list and compliance with the schedule
 292 | for the establishment of minimum flows and levels pursuant to
 293 | this subsection shall satisfy the requirements of subsection
 294 | (1).

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

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

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

316 Section 8. Paragraph (k) of subsection (2) of section
 317 373.1961, Florida Statutes, is amended to read:

318 373.1961 Water production.--

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

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

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

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

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

360 | (7) By June 1, 2001, each district shall file with the
361 | President of the Senate, the Speaker of the House of
362 | Representatives, and the Secretary of Environmental Protection
363 | the initial 5-year work plan as required under subsection (2).
364 | By March ~~January~~ 1 of each year thereafter, as part of the
365 | consolidated annual report required by s. 373.036(7), each
366 | district shall ~~file with the President of the Senate, the~~
367 | ~~Speaker of the House of Representatives, and the Secretary of~~
368 | ~~Environmental Protection~~ a report on ~~of~~ acquisitions completed
369 | during the year together with modifications or additions to its
370 | 5-year work plan. Included in the report shall be:

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

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

375 | (c) The progress of funding, staffing, and resource
376 | management of every project funded pursuant to s. 259.101, s.
377 | 259.105, or s. 373.59 for which the district is responsible.

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

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

385 | 373.207 Abandoned artesian wells.--

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

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

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

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

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

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

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

409 Section 11. Paragraph (b) of subsection (1) of section
410 373.414, Florida Statutes, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

510 | 373.4592 Everglades improvement and management.--

511 | (4) EVERGLADES PROGRAM.--

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

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

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

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

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

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

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

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

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

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

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

587 (14) EVERGLADES FUND.--The South Florida Water Management
 588 District is directed to separately account for all moneys used
 589 for the purpose of funding the Everglades Construction Project
 590 as part of the consolidated annual report required by s.
 591 373.036(7).

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

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

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

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

609 Section 14. Paragraph (g) of subsection (3) of section
610 373.4595, Florida Statutes, is amended to read:

611 373.4595 Lake Okeechobee Protection Program.--

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

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

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

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

645 373.470 Everglades restoration.--

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

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

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

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

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

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

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

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

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

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

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

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

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

697 Section 16. Paragraph (a) of subsection (6) of section
 698 373.536, Florida Statutes, is amended to read:

699 373.536 District budget and hearing thereon.--

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

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

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

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

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

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

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

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

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

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

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