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 HB 727, Engrossed 1

2005 Legislature

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

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Subsection (4) of section 11.80, Florida
 24 Statutes, is amended to read:

25 11.80 Joint Legislative Committee on Everglades
 26 Oversight.--

27 (4) Annually, no later than March ~~January~~ 1, as part of
 28 the consolidated annual report required by s. 373.036(7), the

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29 South Florida Water Management District shall report to the
30 Joint Legislative Committee on Everglades Oversight on the
31 status of the implementation of the Everglades Forever Act. Such
32 report shall include, but is not limited to:

33 (a) Progress on the Everglades Construction Project.

34 (b) Changes to the Everglades Construction Project.

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

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

39 Section 2. Paragraph (c) of subsection (6) of section
40 163.3177, Florida Statutes, is amended to read:

41 163.3177 Required and optional elements of comprehensive
42 plan; studies and surveys.--

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

46 (c) A general sanitary sewer, solid waste, drainage,
47 potable water, and natural groundwater aquifer recharge element
48 correlated to principles and guidelines for future land use,
49 indicating ways to provide for future potable water, drainage,
50 sanitary sewer, solid waste, and aquifer recharge protection
51 requirements for the area. The element may be a detailed
52 engineering plan including a topographic map depicting areas of
53 prime groundwater recharge. The element shall describe the
54 problems and needs and the general facilities that will be
55 required for solution of the problems and needs. The element
56 shall also include a topographic map depicting any areas adopted

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57 | by a regional water management district as prime groundwater
 58 | recharge areas for the Floridan or Biscayne aquifers, ~~pursuant~~
 59 | ~~to s. 373.0395~~. These areas shall be given special consideration
 60 | when the local government is engaged in zoning or considering
 61 | future land use for said designated areas. For areas served by
 62 | septic tanks, soil surveys shall be provided which indicate the
 63 | suitability of soils for septic tanks. By December 1, 2006, the
 64 | element must consider the appropriate water management
 65 | district's regional water supply plan approved pursuant to s.
 66 | 373.0361. The element must include a work plan, covering at
 67 | least a 10-year planning period, for building water supply
 68 | facilities that are identified in the element as necessary to
 69 | serve existing and new development and for which the local
 70 | government is responsible. The work plan shall be updated, at a
 71 | minimum, every 5 years within 12 months after the governing
 72 | board of a water management district approves an updated
 73 | regional water supply plan. Amendments to incorporate the work
 74 | plan do not count toward the limitation on the frequency of
 75 | adoption of amendments to the comprehensive plan.

76 | Section 3. Paragraph (b) of subsection (3) of section
 77 | 193.625, Florida Statutes, is amended to read:

78 | 193.625 High-water recharge lands; classification and
 79 | assessment.--

80 | (3)

81 | (b) Subject to the restrictions set out in this section,
 82 | only lands that are used primarily for bona fide high-water
 83 | recharge purposes may be classified as high-water recharge. The
 84 | term "bona fide high-water recharge purposes" means good faith

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85 high-water recharge use of the land. In determining whether the
86 use of the land for high-water recharge purposes is bona fide,
87 the following factors apply:

88 1. The land use must have been continuous.

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

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

102 4. The land must not be receiving any other special
103 classification.

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

- 107 a. Toxic or hazardous substances;
108 b. Free-flowing saline artesian wells;
109 c. Drainage wells;
110 d. Underground storage tanks; or

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111 e. Any potential pollution source existing on a property
 112 that drains to the property seeking the high-water recharge
 113 classification.

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

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

117

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

123 Section 4. Paragraph (b) of subsection (2) of section
 124 373.036, Florida Statutes, is amended, paragraph (e) is added to
 125 said subsection, and subsection (7) is added to said section, to
 126 read:

127 373.036 Florida water plan; district water management
 128 plans.--

129 (2) DISTRICT WATER MANAGEMENT PLANS.--

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

132 1. The scientific methodologies for establishing minimum
 133 flows and levels under s. 373.042, and all established minimum
 134 flows and levels.

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

137 3. Technical data and information prepared under s. ~~ss.~~
 138 373.0391 and ~~373.0395~~.

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

142 a. Existing legal uses, reasonably anticipated future
 143 needs, and existing and reasonably anticipated sources of water
 144 and conservation efforts; and

145 b. Whether existing and reasonably anticipated sources of
 146 water and conservation efforts are adequate to supply water for
 147 all existing legal uses and reasonably anticipated future needs
 148 and to sustain the water resources and related natural systems.

149 5. Any completed regional water supply plans.

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

157 1. The strategic plan establishes the water management
 158 district's strategic priorities for at least a future 5-year
 159 period.

160 2. The strategic plan identifies the goals, strategies,
 161 success indicators, funding sources, deliverables, and
 162 milestones to accomplish the strategic priorities.

163 3. The strategic plan development process includes at
 164 least one publicly noticed meeting to allow public participation
 165 in its development.

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

170 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
171 REPORT.--

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

184 (b) The consolidated annual report shall contain the
185 following elements, as appropriate to that water management
186 district:

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

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

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

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

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

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

199 7. The mitigation donation annual report required by s.
 200 373.414(1)(b)2.

201 (c) Each of the elements listed in paragraph (b) is to be
 202 addressed in a separate chapter or section within the
 203 consolidated annual report, although information common to more
 204 than one of these elements may be consolidated as deemed
 205 appropriate by the individual water management district.

206 (d) Each water management district may include in the
 207 consolidated annual report such additional information on the
 208 status or management of water resources within the district as
 209 it deems appropriate.

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

213 1. The Lake Okeechobee Protection Program annual progress
 214 report required by s. 373.4595(3)(g).

215 2. The Everglades annual progress reports specified in s.
 216 373.4592(4)(d)5., (13), and (14).

217 3. The Everglades restoration annual report required by
 218 s. 373.470(7).

219 4. The Everglades Forever Act annual implementation report
 220 required by s. 11.80(4).

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

223 Section 5. Section 373.0397, Florida Statutes, is amended
 224 to read:

225 373.0397 Floridan and Biscayne aquifers; designation of
 226 prime groundwater recharge areas.--Upon preparation of an
 227 inventory of prime groundwater recharge areas for the Floridan
 228 or Biscayne aquifers ~~as a part of the requirements of s.~~
 229 ~~373.0395(3)~~, but prior to adoption by the governing board, the
 230 water management district shall publish a legal notice of public
 231 hearing on the designated areas for the Floridan and Biscayne
 232 aquifers, with a map delineating the boundaries of the areas, in
 233 newspapers defined in chapter 50 as having general circulation
 234 within the area to be affected. The notice shall be at least
 235 one-fourth page and shall read as follows:

236
 237 NOTICE OF PRIME RECHARGE
 238 AREA DESIGNATION
 239

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

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

246 A map of the affected areas follows.
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248 The governing board of the water management district shall adopt
 249 a designation of prime groundwater recharge areas to the
 250 Floridan and Biscayne aquifers by rule within 120 days after the
 251 public hearing, subject to the provisions of chapter 120.

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

254 373.042 Minimum flows and levels.--

255 (2) By November 15, 1997, and annually thereafter, each
 256 water management district shall submit to the department for
 257 review and approval a priority list and schedule for the
 258 establishment of minimum flows and levels for surface
 259 watercourses, aquifers, and surface waters within the district.
 260 The priority list shall also identify those water bodies for
 261 which the district will voluntarily undertake independent
 262 scientific peer review. By March 1, 2006 ~~January 1, 1998~~, and
 263 annually thereafter, each water management district shall
 264 include ~~publish~~ its approved priority list and schedule in the
 265 consolidated annual report required by s. 373.036(7) Florida
 266 ~~Administrative Weekly~~. The priority list shall be based upon the
 267 importance of the waters to the state or region and the
 268 existence of or potential for significant harm to the water
 269 resources or ecology of the state or region, and shall include
 270 those waters which are experiencing or may reasonably be
 271 expected to experience adverse impacts. ~~By January 1, 2003,~~ Each
 272 water management district's priority list and schedule shall
 273 include all first magnitude springs, and all second magnitude
 274 springs within state or federally owned lands purchased for
 275 conservation purposes. The specific schedule for establishment

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

291 Section 7. Section 373.145, Florida Statutes, is amended
292 to read:

293 373.145 Information program regarding hydrologic
294 conditioning and consumption of major surface and groundwater
295 sources.--In order to aid in the development of a better
296 understanding of the unique surface and groundwater resources of
297 this state, the water management districts shall develop an
298 information program designed to provide information concerning
299 existing hydrologic conditions of major surface and groundwater
300 sources in this state and suggestions for good conservation
301 practices within those areas. The program shall be developed by
302 December 31, 2002. The water management districts shall utilize
303 the most efficient means to regularly distribute this

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304 information to members of the Legislature, the media, and the
305 public. ~~Beginning January 1, 2003, and on a regular basis no~~
306 ~~less than every 6 months thereafter, the information developed~~
307 ~~pursuant to this section shall be distributed to every member of~~
308 ~~the Florida Senate and the Florida House of Representatives and~~
309 ~~to local print and broadcast news organizations. Each water~~
310 ~~management district shall be responsible for the distribution of~~
311 ~~this information within its established geographic area.~~

312 Section 8. Paragraph (k) of subsection (2) of section
313 373.1961, Florida Statutes, is amended to read:

314 373.1961 Water production.--

315 (2) The Legislature finds that, due to a combination of
316 factors, vastly increased demands have been placed on natural
317 supplies of fresh water, and that, absent increased development
318 of alternative water supplies, such demands may increase in the
319 future. The Legislature also finds that potential exists in the
320 state for the production of significant quantities of
321 alternative water supplies, including reclaimed water, and that
322 water production includes the development of alternative water
323 supplies, including reclaimed water, for appropriate uses. It is
324 the intent of the Legislature that utilities develop reclaimed
325 water systems, where reclaimed water is the most appropriate
326 alternative water supply option, to deliver reclaimed water to
327 as many users as possible through the most cost-effective means,
328 and to construct reclaimed water system infrastructure to their
329 owned or operated properties and facilities where they have
330 reclamation capability. It is also the intent of the Legislature
331 that the water management districts which levy ad valorem taxes

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332 for water management purposes should share a percentage of those
 333 tax revenues with water providers and users, including local
 334 governments, water, wastewater, and reuse utilities, municipal,
 335 industrial, and agricultural water users, and other public and
 336 private water users, to be used to supplement other funding
 337 sources in the development of alternative water supplies. The
 338 Legislature finds that public moneys or services provided to
 339 private entities for such uses constitute public purposes which
 340 are in the public interest. In order to further the development
 341 and use of alternative water supply systems, including reclaimed
 342 water systems, the Legislature provides the following:

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

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

354 373.199 Florida Forever Water Management District Work
 355 Plan.--

356 (7) By June 1, 2001, each district shall file with the
 357 President of the Senate, the Speaker of the House of
 358 Representatives, and the Secretary of Environmental Protection
 359 the initial 5-year work plan as required under subsection (2).

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

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

369 (b) A list of any lands surplused and the amount of
 370 compensation received.

371 (c) The progress of funding, staffing, and resource
 372 management of every project funded pursuant to s. 259.101, s.
 373 259.105, or s. 373.59 for which the district is responsible.

374
 375 The secretary shall submit the report referenced in this
 376 subsection to the Board of Trustees of the Internal Improvement
 377 Trust Fund together with the Acquisition and Restoration
 378 Council's project list as required under s. 259.105.

379 Section 10. Section 373.207, Florida Statutes, is amended
 380 to read:

381 373.207 Abandoned artesian wells.--

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

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

390 (2)~~(b)~~ The location and owner of each known abandoned
 391 well.

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

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

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

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

405 Section 11. Paragraph (b) of subsection (1) of section
 406 373.414, Florida Statutes, is amended to read:

407 373.414 Additional criteria for activities in surface
 408 waters and wetlands.--

409 (1) As part of an applicant's demonstration that an
 410 activity regulated under this part will not be harmful to the
 411 water resources or will not be inconsistent with the overall
 412 objectives of the district, the governing board or the
 413 department shall require the applicant to provide reasonable
 414 assurance that state water quality standards applicable to
 415 waters as defined in s. 403.031(13) will not be violated and

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416 reasonable assurance that such activity in, on, or over surface
417 waters or wetlands, as delineated in s. 373.421(1), is not
418 contrary to the public interest. However, if such an activity
419 significantly degrades or is within an Outstanding Florida
420 Water, as provided by department rule, the applicant must
421 provide reasonable assurance that the proposed activity will be
422 clearly in the public interest.

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

435 1. The department or water management districts may accept
436 the donation of money as mitigation only where the donation is
437 specified for use in a duly noticed environmental creation,
438 preservation, enhancement, or restoration project, endorsed by
439 the department or the governing board of the water management
440 district, which offsets the impacts of the activity permitted
441 under this part. However, the provisions of this subsection
442 shall not apply to projects undertaken pursuant to s. 373.4137
443 or chapter 378. Where a permit is required under this part to

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444 | implement any project endorsed by the department or a water
445 | management district, all necessary permits must have been issued
446 | prior to the acceptance of any cash donation. After the
447 | effective date of this act, when money is donated to either the
448 | department or a water management district to offset impacts
449 | authorized by a permit under this part, the department or the
450 | water management district shall accept only a donation that
451 | represents the full cost to the department or water management
452 | district of undertaking the project that is intended to mitigate
453 | the adverse impacts. The full cost shall include all direct and
454 | indirect costs, as applicable, such as those for land
455 | acquisition, land restoration or enhancement, perpetual land
456 | management, and general overhead consisting of costs such as
457 | staff time, building, and vehicles. The department or the water
458 | management district may use a multiplier or percentage to add to
459 | other direct or indirect costs to estimate general overhead.
460 | Mitigation credit for such a donation shall be given only to the
461 | extent that the donation covers the full cost to the agency of
462 | undertaking the project that is intended to mitigate the adverse
463 | impacts. However, nothing herein shall be construed to prevent
464 | the department or a water management district from accepting a
465 | donation representing a portion of a larger project, provided
466 | that the donation covers the full cost of that portion and
467 | mitigation credit is given only for that portion. The department
468 | or water management district may deviate from the full cost
469 | requirements of this subparagraph to resolve a proceeding
470 | brought pursuant to chapter 70 or a claim for inverse
471 | condemnation. Nothing in this section shall be construed to

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472 require the owner of a private mitigation bank, permitted under
473 s. 373.4136, to include the full cost of a mitigation credit in
474 the price of the credit to a purchaser of said credit.

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

488 3. If the applicant is unable to meet water quality
489 standards because existing ambient water quality does not meet
490 standards, the governing board or the department shall consider
491 mitigation measures proposed by or acceptable to the applicant
492 that cause net improvement of the water quality in the receiving
493 body of water for those parameters which do not meet standards.

494 4. If mitigation requirements imposed by a local
495 government for surface water and wetland impacts of an activity
496 regulated under this part cannot be reconciled with mitigation
497 requirements approved under a permit for the same activity
498 issued under this part, including application of the uniform
499 wetland mitigation assessment method adopted pursuant to

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500 subsection (18), the mitigation requirements for surface water
501 and wetland impacts shall be controlled by the permit issued
502 under this part.

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

506 373.4592 Everglades improvement and management.--

507 (4) EVERGLADES PROGRAM.--

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

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

523 2. The research and monitoring program shall evaluate the
524 ecological and hydrological needs of the Everglades Protection
525 Area, including the minimum flows and levels. Consistent with
526 such needs, the program shall also evaluate water quality
527 standards for the Everglades Protection Area and for the canals

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528 of the EAA, so that these canals can be classified in the manner
529 set forth in paragraph (e) and protected as an integral part of
530 the water management system which includes the STAs of the
531 Everglades Construction Project and allows landowners in the EAA
532 to achieve applicable water quality standards compliance by BMPs
533 and STA treatment to the extent this treatment is available and
534 effective.

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

541 4. The research and monitoring program shall be conducted
542 to allow the department to propose a phosphorus criterion in the
543 Everglades Protection Area, and to evaluate existing state water
544 quality standards applicable to the Everglades Protection Area
545 and existing state water quality standards and classifications
546 applicable to the EAA canals. In developing the phosphorus
547 criterion, the department shall also consider the minimum flows
548 and levels for the Everglades Protection Area and the district's
549 water supply plans for the Lower East Coast.

550 5. Beginning March 1, 2006, as part of the consolidated
551 annual report required by s. 373.036(7) ~~January 1, 2000,~~ the
552 district and the department shall annually issue a peer-reviewed
553 report regarding the research and monitoring program that
554 summarizes all data and findings. ~~The department shall provide~~
555 ~~copies of the report to the Governor, the President of the~~

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556 ~~Senate, and the Speaker of the House of Representatives.~~ The
 557 report shall identify water quality parameters, in addition to
 558 phosphorus, which exceed state water quality standards or are
 559 causing or contributing to adverse impacts in the Everglades
 560 Protection Area.

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

570 (13) ANNUAL REPORTS.--Beginning March 1, 2006, as part of
 571 the consolidated annual report required by s. 373.036(7) January
 572 1, 1992, the district shall report on ~~submit to the department,~~
 573 ~~the Governor, the Speaker of the House of Representatives, the~~
 574 ~~Minority Leader of the House of Representatives, the President~~
 575 ~~of the Senate, and the Minority Leader of the Senate annual~~
 576 ~~progress reports regarding~~ implementation of the section. The
 577 annual report will include a summary of the water conditions in
 578 the Everglades Protection Area, the status of the impacted
 579 areas, the status of the construction of the STAs, the
 580 implementation of the BMPs, and actions taken to monitor and
 581 control exotic species. The district must prepare the report in
 582 coordination with federal and state agencies.

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

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

590 373.45926 Everglades Trust Fund; allocation of revenues
 591 and expenditure of funds for conservation and protection of
 592 natural resources and abatement of water pollution.--

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

605 Section 14. Paragraph (g) of subsection (3) of section
 606 373.4595, Florida Statutes, is amended to read:

607 373.4595 Lake Okeechobee Protection Program.--

608 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
 609 program for Lake Okeechobee that achieves phosphorus load
 610 reductions for Lake Okeechobee shall be immediately implemented

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

628 (g) Annual progress report.--Each March ~~January~~ 1,
 629 beginning in 2006 ~~2001~~, the district shall report on ~~submit to~~
 630 ~~the Governor, the President of the Senate, and the Speaker of~~
 631 ~~the House of Representatives annual progress reports regarding~~
 632 implementation of this section as part of the consolidated
 633 annual report required in s. 373.036(7). The annual report shall
 634 include a summary of water quality and habitat conditions in
 635 Lake Okeechobee and the Lake Okeechobee watershed and the status
 636 of the Lake Okeechobee Construction Project. The district shall
 637 prepare the report in cooperation with the other coordinating
 638 agencies.

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

641 373.470 Everglades restoration.--

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

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

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

654 2. An itemization of expenditures, by source and amount,
 655 made by the state and by each local sponsor during the fiscal
 656 year.

657 3. A description of the purpose for which the funds were
 658 expended.

659 4. The unencumbered balance of funds remaining in trust
 660 funds or other accounts designated for implementation of the
 661 comprehensive plan.

662 5. A schedule of anticipated expenditures for the next
 663 fiscal year.

664 (b) The department shall prepare a detailed report on all
 665 funds expended by the state and credited toward the state's

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666 share of funding for implementation of the comprehensive plan.

667 The report shall include:

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

675 2. A description of the purposes for which the funds were
 676 expended.

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

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

685
 686 The information required in paragraphs (a), (b), and (c) shall
 687 be provided as part of the consolidated annual report required
 688 by s. 373.036(7) annually in a single report to the Governor,
 689 ~~the President of the Senate, and the Speaker of the House of~~
 690 ~~Representatives, and copies of the report must be made available~~
 691 ~~to the public.~~ The initial report is due by November 30, 2000,
 692 and each annual report thereafter is due by March 1 ~~January 31~~.

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693 Section 16. Paragraph (a) of subsection (6) of section
 694 373.536, Florida Statutes, is amended to read:

695 373.536 District budget and hearing thereon.--

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

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

708 1. The adopted budget, to be furnished within 10 days
 709 after its adoption.

710 2. A financial audit of its accounts and records, to be
 711 furnished within 10 days after its acceptance by the governing
 712 board. The audit must be conducted in accordance with the
 713 provisions of s. 11.45 and the rules adopted thereunder. In
 714 addition to the entities named above, the district must provide
 715 a copy of the audit to the Auditor General within 10 days after
 716 its acceptance by the governing board.

717 3. A 5-year capital improvements plan, to be included in
 718 the consolidated annual report required by s. 373.036(7)
 719 ~~furnished within 45 days after the adoption of the final budget.~~

720 The plan must include expected sources of revenue for planned

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721 | improvements and must be prepared in a manner comparable to the
722 | fixed capital outlay format set forth in s. 216.043.

723 | 4. A 5-year water resource development work program to be
724 | furnished within 30 ~~45~~ days after the adoption of the final
725 | budget. The program must describe the district's implementation
726 | strategy for the water resource development component of each
727 | approved regional water supply plan developed or revised under
728 | s. 373.0361. The work program must address all the elements of
729 | the water resource development component in the district's
730 | approved regional water supply plans and must identify which
731 | projects in the work program will provide water, explain how
732 | each water resource development project will produce additional
733 | water available for consumptive uses, estimate the quantity of
734 | water to be produced by each project, and provide an assessment
735 | of the contribution of the district's regional water supply
736 | plans in providing sufficient water to meet the water supply
737 | needs of existing and future reasonable-beneficial uses for a 1-
738 | in-10-year drought event. Within 30 ~~45~~ days after its submittal,
739 | the department shall review the proposed work program and submit
740 | its findings, questions, and comments to the district. The
741 | review must include a written evaluation of the program's
742 | consistency with the furtherance of the district's approved
743 | regional water supply plans, and the adequacy of proposed
744 | expenditures. As part of the review, the department shall give
745 | interested parties the opportunity to provide written comments
746 | on each district's proposed work program. Within 45 ~~60~~ days
747 | after receipt of the department's evaluation, the governing
748 | board shall state in writing to the department which changes

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749 recommended in the evaluation it will incorporate into its work
750 program submitted as part of the March 1 consolidated annual
751 report required by s. 373.036(7) or specify the reasons for not
752 incorporating the changes. The department shall include the
753 district's responses in a final evaluation report and shall
754 submit a copy of the report to the Governor, the President of
755 the Senate, and the Speaker of the House of Representatives.

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

764 Section 18. Section 373.0395, Florida Statutes, is
765 repealed.

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