

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: SB 384

INTRODUCER: Senator Baxley

SUBJECT: Harris Chain of Lakes

DATE: February 10, 2020

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Dyson</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
3.	<u>Dyson</u>	<u>Phelps</u>	<u>RC</u>	Pre-meeting

I. Summary:

SB 384 eliminates the Harris Chain of Lakes Restoration Council and removes the Council's responsibilities in the Harris Chain of Lakes Restoration Program.

II. Present Situation:

The Harris Chain of Lakes

The Harris Chain of Lakes is located north and west of the Orlando metropolitan area in Lake and Orange Counties.¹ The chain contains tens of thousands of acres of lakes and wetlands and is at the headwaters of the Ocklawaha River.² The Harris Chain of Lakes consists of Lake Harris, Little Lake Harris, Lake Apopka, Lake Yale, Lake Eustis, Lake Griffin, Lake Dora, Lake Beauclair, and Lake Carlton.³ These lakes all drain into the 9,400-acre Lake Griffin, then water flows into the Ocklawaha River and into the St. Johns River.⁴ The lakes account for about 75,000 total acres of water and are a major fishing attraction for central Florida.⁵

¹ Harris Chain of Lakes Restoration Council, *Where is the Harris Chain of Lakes and what does the Restoration Council do?*, available at <https://harrischainoflakescouncil.com/> (last visited Nov. 22, 2019).

² *Id.*

³ Florida Fish and Wildlife Conservation Commission, *Harris Chain of Lakes*, available at <https://myfwc.com/fishing/freshwater/sites-forecasts/ne/lake-harris/> (last visited Nov. 22, 2019).

⁴ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (Nov. 2001), available at https://harrischainoflakescouncil.com/annualreports/2001/2001_Annual_Report.pdf (last visited Nov 22, 2019).

⁵ Florida Fish and Wildlife Conservation Commission, *Harris Chain of Lakes*, available at <https://myfwc.com/fishing/freshwater/sites-forecasts/ne/lake-harris/> (last visited Nov. 22, 2019).

Concern about pollution in the lakes began as early as the 1950s.⁶ For decades, the lakes were negatively impacted by discharges of phosphorus from farms and wastewater runoff.⁷ Lake Apopka, at the headwaters of the Harris Chain of Lakes, became Florida's most polluted large lake.⁸ By the year 2000, loss of fish and bird species, declining water quality, and toxic algae were costing the area millions of dollars within the, tourism, recreational boating, and real estate industries.⁹

The lakes were considered to be “impaired water bodies,”¹⁰ which triggered the Department of Environmental Protection to develop total maximum daily loads (TMDLs) for the lakes. TMDLs are the maximum amount of a pollutant allowed to enter a water body so that the waterbody will meet and continue to meet water quality standards.¹¹ In order for an impaired water body to meet TMDL limits, basin area management plans (BMAPs) are one of the practices commonly implemented.¹² Currently, only Lake Harris and Lake Eustis are meeting their TMDLs, but Lakes Apopka, Beauclair, Dora, and Griffin have made significant progress on their average phosphorus concentration since 1990.¹³ The BMAPs for the Harris Chain of Lakes were adopted in 2007,¹⁴ and along with other rejuvenation projects, have contributed to the lakes' progression.¹⁵ As a result of significant efforts by state and local entities, the lakes' fisheries have rebounded. The Harris Chain of Lakes was named one of the 50 best new fishing spots in America by Field and Stream for 2019¹⁶ and was chosen to host the 2018 Bassmaster Team Championship.¹⁷

⁶ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (Nov. 2001), available at https://harrischainoflakescouncil.com/annualreports/2001/2001_Annual_Report.pdf (last visited Nov. 22, 2019).

⁷ St. Johns River Water Management district, *Waterways*, available at <https://www.sjrwmd.com/waterways/lake-griffin/> (last visited Nov 22, 2019).

⁸ *Id.*

⁹ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (Nov. 2001), available at https://harrischainoflakescouncil.com/annualreports/2001/2001_Annual_Report.pdf (last visited Nov. 22, 2019).

¹⁰ Rule 62-303.200(7), F.A.C., defines “impaired water” to mean a waterbody or waterbody segment that does not meet its applicable water quality standards, due in whole or in part to discharges of pollutants from point or nonpoint sources. Generally, a point source means pollution coming from a single place (e.g., a pipe); a nonpoint source indicates pollution coming from more than a single place (e.g., land runoff).

¹¹ EPA, *Overview of Total Maximum Daily Loads* (2018), available at <https://www.epa.gov/tmdl/overview-total-maximum-daily-loads-tmdls> (last visited Oct. 30, 2019).

¹² UF IFAS Extension, *BMAPs, BMPs, and the New Florida Water Bill* (Mar. 7, 2017), available at <https://nwdistrict.ifas.ufl.edu/phag/2017/03/17/bmaps-bmps-and-the-new-florida-water-bill/> (last visited Nov. 22, 2019).

¹³ Email from Adam Lovejoy, Governmental Affairs Director, St. Johns river Water Management District, RE: Harris Chain Status (Nov. 8, 2019) (on file with the Senate Community Affairs Committee)

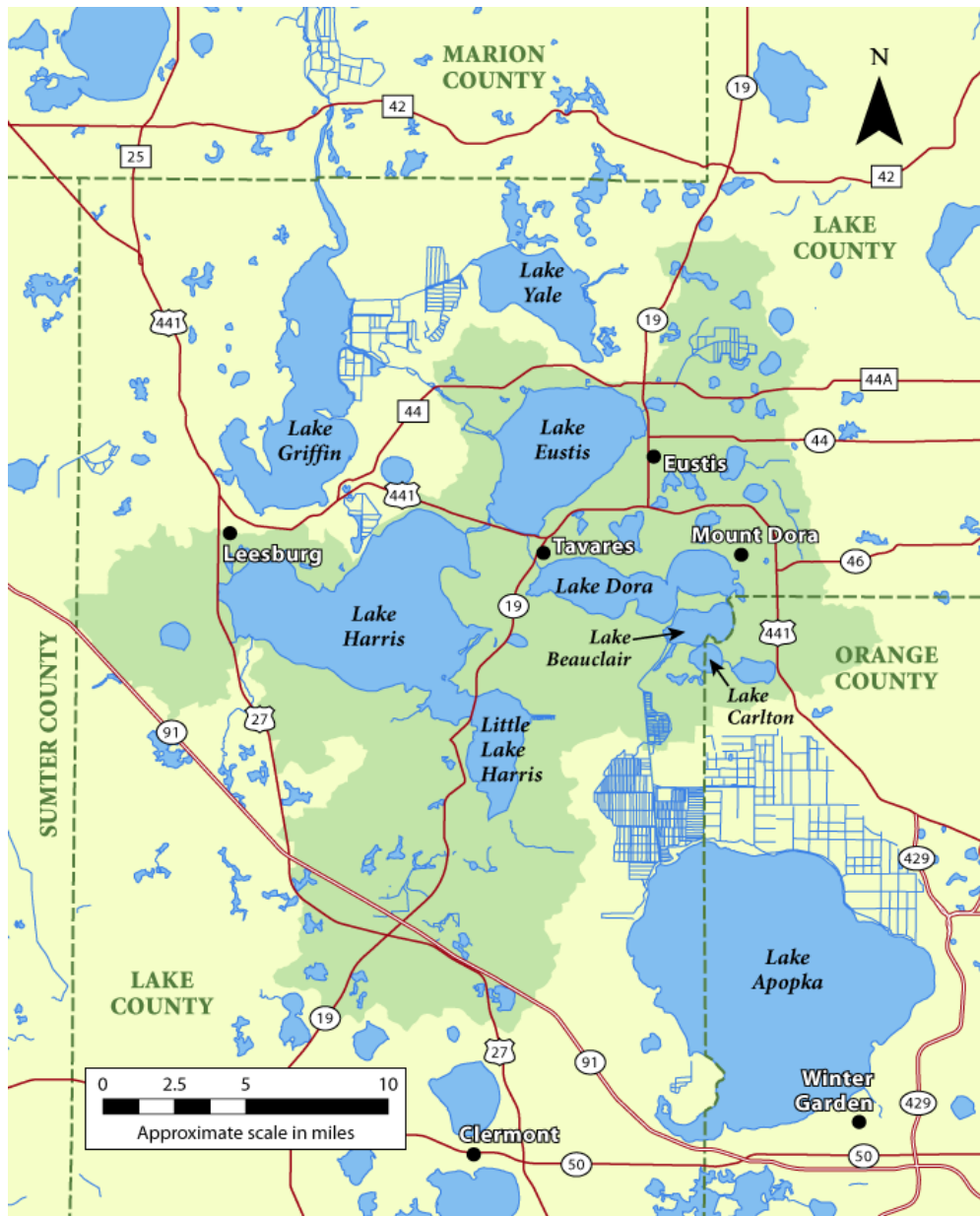
¹⁴ Division of Water Resource Management, *Basin Management Action Plan* (Aug. 14, 2007), available at <https://floridadep.gov/sites/default/files/AdoptedUpOcklawahaBMAP.pdf> (last visited Nov. 22, 2019).

¹⁵ See, e.g., St. Johns River Water Management District, *Waterways*, available at <https://www.sjrwmd.com/waterways/lake-apopka/> (last visited Nov. 22, 2019) (“In response to recent and ongoing restoration efforts, phosphorus concentrations in [Lake Apopka] have declined significantly.”).

¹⁶ Field and Stream, *The 50 Best New Fishing Spots in America* (Sept. 2019), available at <https://www.fieldandstream.com/50-best-new-fishing-spots-in-america/> (last visited Nov. 22, 2019).

¹⁷ Bassmaster, *Team Championship set for Florida's Harris Chain for first time* (May 2018), available at <https://www.bassmaster.com/news/team-championship-set-florida-s-harris-chain-first-time> (last visited Nov. 22, 2019).

A map of the lakes can be seen below:¹⁸



Harris Chain of Lakes Restoration Council

The Harris Chain of Lakes Restoration Council (“the Council”) was officially created by the Florida Legislature during the 2001 Legislative Session to reduce toxic algae, halt excessive growth of aquatic plants, restore the Harris Chain of Lakes’ water quality, and increase the Lakes’ recreational value, especially within the sport fishing industry.¹⁹ The Council is under the

¹⁸ Harris Chain of Lakes Restoration Council, *Where is the Harris Chain of Lakes and what does the Restoration Council do?*, available at <https://harrischainoflakescouncil.com/> (last visited Nov. 22, 2019).

¹⁹ Laws of Florida Chapter 2001-246

umbrella of St. Johns River Water Management District, with assistance from the Fish and Wildlife Conservation Commission, and the Lake County Water Authority.²⁰

The Council's members are appointed by the Lake County Legislative Delegation and consist of nine voting members who are:

- A person with a background in environmental science or regulation;
- A representative of waterfront property owners;
- A representative of the sport fishing industry;
- A person with training in biology or another scientific discipline;
- An attorney;
- An engineer;
- A physician; and
- Two residents of the county who are not required to meet any of the other requirements.²¹

Members of the Council are not paid for their services but are entitled to be reimbursed for per diem and travel expenses incurred during execution of their official duties.²²

The Council's powers and duties include:

- Reviewing audits and all data specifically related to lake restoration techniques and sport fish population recovery strategies, including data and strategies for shoreline restoration, sediment control and removal, exotic species management or removal, navigation, water quality, and fish and wildlife habitat improvement, particularly as they may apply to the Harris Chain of Lakes;²³
- Evaluating whether additional studies are needed;²⁴
- Exploring all possible sources of funding to conduct the restoration activities;²⁵
- Reporting to the President of the Senate and Speaker of the House of Representatives before November 25 of each year on the progress of the Harris Chain of Lakes restoration program and any recommendations for the next fiscal year;²⁶ and
- Acting as advisors to the Governing Board of the St. Johns River Water Management District.²⁷

In their 2018 report, the Council recommended:

- Investigating or studying the feasibility of creating a secondary form of conveyance for water from Lake Apopka, to include Double Run Swamp;
- Requesting SJRWMD expedite the development of minimum flows and levels for the Harris Chain of Lakes prior to 2021;
- Requesting dedicated legislative funding of \$10 million for Hydrilla management on the Harris Chain of Lakes; and

²⁰ Section 373.467, F.S.

²¹ Section 373.467(1)(a), F.S.

²² Section 373.467(6), F.S.

²³ Section 373.467(4)(a), F.S.

²⁴ Section 373.467(4)(b), F.S.

²⁵ Section 373.467(4)(c), F.S.

²⁶ Section 373.467(4)(d), F.S.

²⁷ Section 373.467(1)(a), F.S.

- Increasing monitoring to determine a trigger point for maintenance of Hydrilla in the Harris Chain of Lakes.²⁸

In addition to their duties laid out in s. 373.467, F.S., the Council is also tasked with reviewing existing restoration proposals to determine which are the most environmentally sound and economically feasible methods of improving the fish and wildlife habitat and natural systems of the lakes.²⁹

In 2007, the Office of Program Policy Analysis & Government Accountability issued a Sunset Memorandum on Water Management District Advisory Committees, and concluded that the Council should not be abolished.³⁰ The report stated that “discontinuing the council may decrease the input received by the district on issues related to the Harris Chain of Lakes and implementation of restoration activities.”³¹ However in 2008, the Joint Legislative Sunset Committee recommended that the Council be abolished, stating that “current statutes were adequate to allow for soliciting input, and it was unclear why lake-by-lake enactments were necessary.”³²

Harris Chain of Lakes Restoration Program

Section 373.468, F.S., requires the Florida Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the St. John’s River Water Management, and the Harris Chain of Lakes Restoration Council to:

- Evaluate different methodologies for removing the extensive tussocks³³ and buildup of organic matter along the shoreline and of the aquatic vegetation in the lakes; and
- Conduct any additional studies as recommended by the Harris Chain of Lakes Restoration Council.

The collaborative efforts of these entities in conducting these tasks and in reviewing restoration proposals are the chief responsibilities of the Harris Chain of Lakes restoration program.³⁴

Technical Advisory Group

The Council is advised by a group that consists of one representative from the St. Johns River Water Management District, the Department of Environmental Protection, the Department of Transportation, the Florida Fish and Wildlife Conservation Commission, the Lake County Water

²⁸ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2018), available at https://harrischainoflakescouncil.com/annualreports/2018/2018_HC_Annual_Report.pdf (last visited Nov. 22, 2019).

²⁹ Section 373.468(1), F.S.

³⁰ Office of Program Policy Analysis and Government Accountability, *Sunset Memorandum; Water Management District Advisory Committee* (Sept. 11, 2007), available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/07-S12.pdf> (last visited Nov 22, 2019).

³¹ *Id.*

³² Joint Sunset Committee, *Report of the Joint Legislative Sunset Committee* (Mar. 2008), available at <http://www.leg.state.fl.us/sunset/Pages/Archives.html> (see tab for 2008 Publications, Final Report) (last visited Oct. 17, 2019).

³³ Tussocks are rafts of herbaceous plants that form in water bodies or along coastlines which can block public access, hinder flood control, or impair navigation.

³⁴ Section 373.468, F.S.

Authority, the United States Army Corps of Engineers, and the University of Florida.³⁵ The purpose of the Technical Advisory Group is to provide the Council with scientific information along with both technical data and guidance in their review of various technologies and issues that come before it.³⁶ The representative seats for the Florida Department of Transportation and the U.S. Army Corps of Engineers are currently vacant.³⁷

St. Johns River Water Management District (SJRWMD)

The SJRWMD is an environmental regulatory agency of the state of Florida whose work is focused on ensuring a long-term supply of drinking water, and to protect and restore the health of water bodies in the district's 18 counties in northeast and east-central Florida.³⁸ They provide a representative to the Council's Technical Advisory Group,³⁹ and the chair of the governing board of the SJRWMD can request that the Council convene for a meeting.⁴⁰ The SJRWMD also provides the Council with staff support to carry out their duties⁴¹ and is responsible for per diem and travel expenses for members of the Council that are not appointed from a state or federal agency.⁴²

Florida Fish and Wildlife Conservation Commission (FWC)

The FWC is tasked with managing fish and wildlife resources for their long-term well-being and the benefit of people.⁴³ The FWC is statutorily required to have a representative on the Technical Advisory Group.⁴⁴ FWC is tasked with initiating the Harris Chain of Lakes restoration program recommended by the Council with assistance from the SJRWMD, and in consultation with DEP and pertinent local governments.⁴⁵ The FWC is also authorized to conduct a demonstration restoration project on the Harris Chain of Lakes for the purpose of creating better habitat for fish and wildlife.⁴⁶

Lake County Water Authority

The Lake County Water Authority is a special taxing district created for the following:

- Controlling and conserving the freshwater resources of Lake County;
- Fostering improvements to streams, lakes, and canals in the county;
- Improving the fish and aquatic wildlife of the country by improving the streams, lakes and canals in the county; and

³⁵ Section 373.467(1)(b), F.S.

³⁶ Harris Chain of Lakes Restoration Council, *The council*, available at <https://harrischainoflakescouncil.com/council.html> (last visited Nov. 22, 2019).

³⁷ *Id.*

³⁸ St Johns River Water Management District, *Who we are*, available at <https://www.sjrwmd.com/about/> (last visited Nov. 22, 2019).

³⁹ Section 373.467(1)(b), F.S.

⁴⁰ Section 373.467(3), F.S.

⁴¹ Section 373.467(5), F.S.

⁴² Section 373.467(6), F.S.

⁴³ Florida Fish and Wildlife Commission, *Our Mission*, available at <https://myfwc.com/about/overview/> (last visited Oct. 22, 2019).

⁴⁴ Section 373.467(1)(b), F.S.

⁴⁵ Section 373.468(2), F.S.

⁴⁶ Section 373.468(4), F.S.

- Protecting the freshwater resources of Lake County through assisting local governments in treating stormwater runoff.⁴⁷

In conjunction with the SJRWMD, the Lake County Water Authority regularly updates the Council on the water levels in the lakes.⁴⁸ The Lake County Water Authority is responsible for developing its own 5-year work plan and submitting annual reports to the Legislature, the SJRWMD, and the Lake County Board of Commissioners.⁴⁹ Along with placing a representative on the Technical Advisory Group, the Lake County Water Authority provides financial support to the Council.⁵⁰

Florida Department of Transportation (FDOT)

FDOT is the state's transportation agency and plays an important role regarding the environmental impact of transportation infrastructure. FDOT is a statutorily designated member of the Technical Advisory Group, but no FDOT delegate has been assigned since 2015.⁵¹

Florida Department of Environmental Protection (DEP)

DEP is Florida's lead agency for environmental management and stewardship.⁵² DEP is responsible for developing the TMDLs for the Harris Chain of Lakes⁵³ (among other projects) and adopting the BMAPs. DEP regularly makes presentations at Council meetings and provides a member to the Technical Advisory Group.⁵⁴

U.S. Army Corps of Engineers

The Army Corps of Engineers is the federal agency charged with restoring degraded ecosystems, constructing sustainable facilities, regulating waterways, managing natural resources, and cleaning up contaminated sites from past military activities.⁵⁵ The Corps' seat on the Technical Advisory Group has been vacant since 2010.⁵⁶

⁴⁷ Chs. 2005-314 and 2017-218, Laws of Fla. Electors of the county at large elect the seven members of the authority's governing board.

⁴⁸ See, e.g., Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2018), available at https://harrischainoflakescouncil.com/annualreports/2018/2018_HC_Annual_Report.pdf (last visited Nov. 22, 2019).

⁴⁹ Ch. 2005-314, Laws of Fla.

⁵⁰ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2018), available at https://harrischainoflakescouncil.com/annualreports/2018/2018_HC_Annual_Report.pdf (last visited Nov. 22, 2019).

⁵¹ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2015), available at https://harrischainoflakescouncil.com/annualreports/2015/2015_Annual_Report.pdf (last visited Nov. 22, 2019).

⁵² Florida Department of Environmental Protection, *About DEP*, available at <https://floridadep.gov/about-dep> (last visited Nov. 22, 2019).

⁵³ Florida Department of Environmental Protection, *Total Maximum Daily Load for Total Phosphorus For Lake Harris and Little Lake Harris* (Sept. 19, 2003), available at https://floridadep.gov/sites/default/files/harris_little-harris-tp-tmdl_0.pdf (last visited Nov. 22, 2019).

⁵⁴ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2017), available at https://harrischainoflakescouncil.com/annualreports/2017/2017_HC_Annual_Report.pdf (last visited Nov. 22, 2019).

⁵⁵ Army Corps of Engineers, *Environmental Program*, available at <https://www.usace.army.mil/Missions/Environmental.aspx> (last visited Nov. 22, 2019).

⁵⁶ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2010), available at https://harrischainoflakescouncil.com/annualreports/2010/2010_Annual_Report.pdf (last visited Nov. 22, 2019).

University of Florida

The University of Florida is home to the Institute of Food and Agricultural Sciences (IFAS), whose primary mission is to “develop knowledge in agricultural, human and natural resources and to make that knowledge accessible to sustain and enhance the quality of human life”.⁵⁷ Along with providing a member to the Technical advisory Group, representatives from the University and IFAS have made multiple presentations to the Council in recent years on topics such as water depth, water quality, and aquatic plants in the lakes.⁵⁸

III. Effect of Proposed Changes:

The bill repeals s. 373.467, F.S., eliminating the Harris Chain of Lakes Restoration Council.

The bill amends s. 373.468, F.S., eliminating the Harris Chain of Lakes Restoration Council’s responsibilities in initiating the Harris Chain of Lakes restoration program and in reviewing other restoration proposals.

The bill provides an effective date of July 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

⁵⁷ The University of Florida, *Institute of Food and Agricultural Sciences*, available at <https://ifas.ufl.edu/about-us/> (last visited Nov. 22, 2019).

⁵⁸ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2018), available at https://harrischainoflakescouncil.com/annualreports/2018/2018_HC_Annual_Report.pdf (last visited Nov. 22, 2019).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill would save costs associated with the Harris Chain of Lakes Restoration Council. The Council's 2018 report showed that the Lake County Water Authority's 2017-2018 budget included \$9,850 for the Council's operations.⁵⁹ According to DEP, not having to provide staff to support the Council may result in annual fiscal savings of approximately \$50,000 to the SJRWMD.⁶⁰ Additionally, there would be cost savings related to the support services provided by the Technical Advisory Group.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 373.467 of the Florida Statutes.
This bill substantially amends section 373.468 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

⁵⁹ Harris Chain of Lakes Restoration Council, *Report to the Florida Legislature* (2018), available at https://harrischainoflakescouncil.com/annualreports/2018/2018_HC_Annual_Report.pdf (last visited Nov. 22, 2019).

⁶⁰ Department of Environmental Protection, *Agency Analysis of HB 6025/SB 384* (Oct. 8, 2019) (on file with the Senate Committee on Community Affairs).