

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/HB 513 Comprehensive Review Study of the Central and Southern Florida Project
SPONSOR(S): State Affairs Committee; Bartleman, Busatta Cabrera and others
TIED BILLS: IDEN./SIM. BILLS: CS/SB 1326

FINAL HOUSE FLOOR ACTION: 113 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/HB 513 passed the House on February 24, 2022, and subsequently passed the Senate on March 2, 2022.

The Central and Southern Florida Project (Project) was authorized by Congress in the 1948 Flood Control Act. The multi-purpose Project provides flood control; water supply for municipal, industrial, and agricultural uses; prevention of saltwater intrusion; water supply for the Everglades National Park; and protection of fish and wildlife resources. The Project involves an area of approximately 18,000 square miles, which includes all or part of 18 counties in central and southern Florida, and includes approximately 1,000 miles each of levees and canals, 150 water control structures, and 16 major pump stations.

The Central and Southern Florida Project Comprehensive Review Study (restudy) was authorized by Congress in 1992, and again in 1996, to review and reassess the Project. The restudy serves as a recommended framework for modifications to the Project. Additionally, in 2000, Congress authorized the Comprehensive Everglades Restoration Plan (CERP), which created a framework for modifications and operational changes to the Project needed to restore, preserve, and protect the south Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection. The South Florida Water Management District (SFWMD) is the local sponsor for both the Project and CERP.

By October 1, 2023, and each October 1 thereafter, the bill requires SFWMD to prepare and submit a consolidated annual report on the status of the United States Army Corps of Engineers Section 216 Central and Southern Florida Project Infrastructure Resiliency Study to the Office of Economic and Demographic Research, the Department of Environmental Protection, the Governor, and the Legislature.

The bill may have an insignificant negative fiscal impact on state government that can be absorbed within existing resources. It does not appear to have a fiscal impact on local governments.

The bill was approved by the Governor on May 26, 2022, ch. 2022-147, L.O.F., and will become effective on July 1, 2022.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Background

Central and Southern Florida Project

The Central and Southern Florida Project (Project) was authorized by Congress in the 1948 Flood Control Act.¹ It is a multi-purpose Project that provides flood control; water supply for municipal, industrial, and agricultural uses; prevention of saltwater intrusion; water supply for the Everglades National Park; and protection of fish and wildlife resources.² The Project involves an area of approximately 18,000 square miles, which includes all or part of 18 counties in central and southern Florida,³ and includes approximately 1,000 miles each of levees and canals, 150 water control structures, and 16 major pump stations.⁴

The Project provides an east coast protective levee, extending from the Homestead area north to the eastern shore of Lake Okeechobee near the St. Lucie Canal.⁵ There are three conservation areas for water impoundment in the Everglades area, west of the protective levee, with control structures to transfer water as necessary.⁶ There are also local protective works along the lower east coast with an encirclement of the Lake Okeechobee agricultural area by levees and canals.⁷ Enlargement of portions of the Miami, North New River, Hillsboro, and West Palm Beach Canals and existing Lake Okeechobee levees are part of the Project.⁸

The Project provides water control and protection from the recurrence of flood waters for the highly developed urban area along the lower east coast of Florida, for the agricultural areas around Lake Okeechobee, in the Upper St. Johns and Kissimmee River Basin, and in south Miami-Dade County.⁹ Other project functions include the conservation of floodwaters for beneficial uses during dry seasons¹⁰ and the delivery of water to Everglades National Park according to a set schedule.¹¹

The U.S. Army Corps of Engineers (Corps) operates and maintains project works on the St. Lucie Canal, Caloosahatchee River, Lake Okeechobee levees, channels, and major spillways, and the main outlets for Water Conservation Areas 1, 2A, and 3A.¹² The South Florida Water Management District (SFWMD) operates the remainder of the Project in accordance with regulations prescribed by the Corps. SFWMD is authorized to act as local sponsor of the Project for those Project features located within the district.¹³ As the local sponsor, SFWMD has an essential role with the Corps in developing

¹ Section 373.470(2)(g), F.S., defines the Project as the Central and Southern Florida Project authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in s. 203 of the Flood Control Act of 1948, and any modification to the Project authorized by law.

² Corps, *Fact Sheet Central and Southern Florida Project*, available at [https://www.saj.usace.army.mil/Portals/44/docs/CongressionalFS/2015/CSF_Project_\(C\)_CFS15.pdf](https://www.saj.usace.army.mil/Portals/44/docs/CongressionalFS/2015/CSF_Project_(C)_CFS15.pdf) (last visited Jan. 5, 2022).

³ Corps, *Central & Southern (C&SF) Project*, <https://www.saj.usace.army.mil/About/Congressional-Fact-Sheets-2021/C-SF-Project-C/> (last visited Jan. 4, 2022).

⁴ Corps, *The Central and Southern Florida Project Comprehensive Review Study, Final Feasibility Report and Programmatic Environmental Impact Statement* (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf (last visited Jan. 4, 2022).

⁵ Corps, *Fact Sheet C&SF O&M*, [https://www.saj.usace.army.mil/Portals/44/docs/CongressionalFS/2015/CSF_\(OM\)_CFS15.pdf](https://www.saj.usace.army.mil/Portals/44/docs/CongressionalFS/2015/CSF_(OM)_CFS15.pdf) (last visited Jan 4, 2022).

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Section 373.1501(4), F.S.

water management criteria for the Project and is responsible for allocation of water from Project storage, except where mandated by federal law.

Restudy and Comprehensive Everglades Restoration Plan

The Central and Southern Florida Project Comprehensive Review Study (restudy) was authorized by Congress in 1992, and again in 1996, to review and reassess the Project.¹⁴ The restudy serves as a recommended framework for modifications to the Project.¹⁵ Additionally, in 2000, Congress authorized the Comprehensive Everglades Restoration Plan (CERP), which created a framework for modifications and operational changes to the Project needed to restore, preserve, and protect the south Florida ecosystem while providing for other water-related needs of the region, including water supply and flood protection.¹⁶ SFWMD also acts as the local sponsor for CERP. CERP is a 50-50 partnership between the state and the federal government.¹⁷

The Corps has conducted an initial appraisal to review the significant changes impacting the Project that have taken place since the Project's inception in 1948 and make recommendations for additional future studies.¹⁸ The Corps concluded in the appraisal that an Updated Project Feasibility Study should be conducted.¹⁹ Additionally, SFWMD has requested to initiate the Central and South Florida Flood Resiliency Study.²⁰ This study would analyze the Project to assess which infrastructure is at the highest risk of impact from a changing climate and address flood vulnerabilities, water supply needs, and surge protection.²¹

Effect of the Bill

By October 1, 2023, and each October 1 thereafter, the bill requires SFWMD to prepare and submit a consolidated annual report regarding the status of the Corps Section 216 Central and Southern Florida Project Infrastructure Resiliency Study to the Office of Economic and Demographic Research, the Department of Environmental Protection, the Governor, and the Legislature.

The bill requires the report to include the following:

- A summary of the findings in SFWMD's annual sea level rise and flood resiliency plan.
- A list of structures that are expected to fall below the expected service level in the next five years.
- Initial recommendations for the refurbishment or replacement of the structures expected to fall below service level in the next five years, including:
 - Future cost estimates and timelines for the refurbishment or replacement of the most vulnerable structures; and
 - An estimate of project costs and current funds available to implement the recommendations for each vulnerable structure based on a 10-year horizon.
- A summary of the state and federal funds expended toward the implementation of the Corps Section 216 Central and Southern Florida Project Infrastructure Resiliency Study and other

¹⁴ Corps, *The Central and Southern Florida Project Comprehensive Review Study Final Feasibility Report and Programmatic Environmental Impact Statement* (April 1999), available at https://www.sfwmd.gov/sites/default/files/documents/CENTRAL_AND_SOUTHERN_FLORIDA_PROJECT_COMPREHENSIVE_REVIEW_STUDY.pdf (last visited Jan. 4, 2022).

¹⁵ *Id.* at xiv.

¹⁶ 33 U.S.C. § 385.8(a); s. 373.470(2)(b), F.S., the Comprehensive Plan is the Final Feasibility Report and Programmatic Environmental Impact Statement published in 1999.

¹⁷ SFWMD, *CERP Project Planning*, <https://www.sfwmd.gov/our-work/cerp-project-planning#:~:text=What%20is%20CERP%3F,Florida%20and%20the%20federal%20government> (last visited Jan. 5, 2022).

¹⁸ SFWMD, *Initial Appraisal Report for the Central and Southern Florida Project*, available at <https://www.sfwmd.gov/sites/default/files/documents/CSF-Sect216-Initial-Appraisal-Report-Final.pdf> (last visited Jan. 5, 2022).

¹⁹ *Id.*

²⁰ SFWMD, *Central and Southern Florida Flood Resiliency Study*, <https://www.sfwmd.gov/our-work/central-and-southern-florida-flood-resiliency-study> (last visited Jan. 4, 2022).

²¹ *Id.*

directly related flood control infrastructure resiliency projects of SFWMD through June 30 of each year.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

The bill may have an insignificant negative fiscal impact on SFWMD associated with conducting the annual report that can be absorbed within their existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.