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DATE: February 25, 2002

HOUSE OF REPRESENTATIVES
COUNCIL FOR READY INFRASTRUCTURE
ANALYSIS

BILL #: CS/HB 93

RELATING TO: Water Management

SPONSOR(S): Council for Ready Infrastructure and Representative(s) Argenziano

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) NATURAL RESOURCES & ENVIRONMENTAL PROTECTION YEAS 11 NAYS 1
 - (2) FISCAL POLICY AND RESOURCES YEAS 10 NAYS 1
 - (3) GENERAL GOVERNMENT APPROPRIATIONS YEAS 14 NAYS 0
 - (4) COUNCIL FOR READY INFRASTRUCTURE YEAS 16 NAYS 0
 - (5)
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I. SUMMARY:

This bill creates the Citrus/Hernando Waterways Restoration Council (Council). Members of the Council will be appointed and serve in an advisory capacity to the governing board of the Southwest Florida Water Management District (SFWMD). Council members from Citrus and Hernando will form separate county task forces to address waterways within their respective counties. Responsibilities of the Council include reviewing audits and data related to lake restoration and sport fish recovery that apply to Citrus/Hernando waterways, evaluating the need for additional studies, exploring funding sources for restoration activities, and annually reporting to the legislature. The bill also creates an advisory group to the Council. Members of the advisory group, except those from the Withlacoochee River Basin Board and the Coastal Rivers Basin Board, will be required to have training in biology or another scientific discipline.

This bill authorizes development of the Citrus/Hernando Waterways restoration program and, contingent upon available funding, directs the appropriate agencies to award contracts through a competitive bidding process to implement the restoration program. The bill authorizes the SFWMD to conduct a demonstration restoration project on the Weeki Wachee River to improve water flow.

The bill provides that the act shall take effect upon becoming a law.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

Less Government: The bill creates additional councils that are charged with reviewing and assisting in the creation of restoration plans.

B. PRESENT SITUATION:

Citrus and Hernando Counties are characterized by a number of significant surface water features. Four first-magnitude springs are located in the two counties, including Weeki Wachee Springs in Hernando and Crystal River, Homosassa, and Chassahowitzka Springs in Citrus. The Withlacoochee River borders Citrus on the east and north, and Hernando on the east. A comprehensive watershed management plan is being developed by the South Florida Water Management District (SFWMD) for the river’s entire watershed. The Lake Tsala-Apopka Chain of Lakes is addressed as part of this watershed management plan. Three rivers within Citrus County (Crystal River, Homosassa River, and Chassahowitzka River) are designated “Special Waters” under the Outstanding Florida Waters (OFW) provisions of Ch. 62.302.700, Florida Administrative Code. Crystal River is ranked fourth on the District’s priority list for the Surface Water Improvement and Management (SWIM) Program. All three rivers are part of the Springs Coast watershed, for which the SFWMD is developing a comprehensive watershed management plan.

The overall water quality of the surface waters identified above is good, though some localized problems have been identified. For example, high bacterial readings have been found in the headwaters of the Chassahowitzka and attributed to failing septic tanks. There are similar problems found in the Homosassa. Stormwater runoff is affecting all the rivers, as well as the Tsala-Apopka Chain of Lakes. All these systems are currently suffering from drought-related impacts. Tsala-Apopka has vegetation problems because longtime control of lake levels combined with fire repression has significantly reduced the amount of open water, and decaying vegetation has filled up the lake and covered bottoms, affecting fisheries, navigation, and recreation.

Several water quality improvement projects have been implemented to benefit surface waters in Citrus and Hernando Counties. For example, stormwater treatment systems have been implemented at boat ramps on the Chassahowitzka and Tsala-Apopka. Crystal River, as a priority SWIM water body, has received the most attention in terms of improved stormwater treatment. With the possible exception of Crystal River, which is the subject of SWIM planning activities, there are no major restoration projects either planned or underway for surface waters in Citrus and Hernando Counties.

C. EFFECT OF PROPOSED CHANGES:

The bill:

- Creates the Citrus/Hernando Waterways Restoration Council (Council) and outlines membership, procedures, and responsibilities of the Council;
- Creates the Citrus/Hernando Waterways restoration program (program) and directs the FWCC and the SFWMD, in conjunction with the Department of Environmental Protection (DEP), local governments, and the Council to review existing proposals to determine which are the most economically feasible and environmentally sound;
- Establishes initiating procedures whereby tasks are developed and considered for the enhancement of fish and wildlife habitat;
- Provides for contract awards, contingent on funds being available, to implement the program; and
- Authorizes the SFWMD to conduct a demonstration restoration project on the Weeki Wachee River to improve water flow by a sand containment and erosion control project, including other restoration activities related to the water flow problem.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. The bill creates the Citrus/Hernando Waterways Restoration Council. Representatives of the FWCC, the DEP, and the SFWMD will coordinate the Council. The lead agency will be the FWCC. The Council will consist of 12 members, six who will be appointed by the President of the Senate and six who will be appointed by the Speaker of the House of Representatives. The Council will consist of the following representatives:

- A waterfront property owner from each county;
- An attorney from each county;
- A member of the Board of Directors of the Chamber of Commerce from each county;
- An environmental engineer from each county;
- An engineer from each county; and
- A person from each county with training in biology or another scientific discipline.

Council members from Citrus and Hernando Counties will form separate county task forces to make recommendations on waterways within their respective counties. The Hernando County Task Force will develop plans for restoring Weeki Wachee River and Springs, and the Citrus County Task Force will develop plans for restoring Tsala-Apopka Chain of Lakes.

Members of the Council will serve in an advisory capacity to the governing board of the SFWMD. A technical advisory group to the Council will consist of one representative each from the SFWMD, the DEP, the Department of Transportation, the FWCC, the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the U.S. Army Corps of Engineers. These representatives will be appointed by their respective agencies and, with the exception of those from the Withlacoochee River Basin Board, they each will have training in biology or another scientific discipline.

Responsibilities of the Council include:

- Reviewing audits and data related to lake and river restoration and sport fish population recovery, including data and strategies for shoreline restoration, sand and other sediment control and removal, exotic species management, floating tussock management or removal, navigation, water quality, and fish and wildlife habitat improvement, as they are applicable to the Citrus/Hernando waterways;

- Evaluating the need for additional studies;
- Exploring possible funding sources for conducting restoration activities; and
- Providing an annual progress report and recommendations for the next fiscal year to the Speaker of the House of Representatives and the President of the Senate by November 25 of each year.

The SFWMD will be responsible for providing staff to assist the Council in carrying out its duties. Council members will not receive compensation, but will be entitled to per diem and travel expenses incurred during the performance of their Council duties.

Section 2. The bill creates the Citrus/Hernando Waterways restoration program, which directs the FWCC and the SFWMD, in conjunction with DEP, local governments, and the Council, to review existing restoration proposals and to determine which proposals are the most environmentally sound and economically feasible for improving the fish and wildlife habitat and natural systems of Citrus/Hernando waterways. To initiate the restoration program recommended by the Council, the FWCC, with assistance from the SFWMD and in consultation and by agreement with DEP and local governments, is directed to develop tasks for the enhancement of fish and wildlife habitat. The FWCC, SFWMD, DEP, and local governments will be responsible for evaluating different methodologies for removal of tussocks and buildup of organic matter and conducting additional studies as recommended by the Council.

Based upon the availability of legislative appropriations, as well as financial participation by federal, state, and local governments, the appropriate agencies are directed to award by competitive bid contracts to implement activities of the program.

Section 3. The bill authorizes the SFWMD to conduct a demonstration restoration project on the Weeki Wachee River to improve water flow by sand containment and erosion control measures, and additional restoration activities intended to improve water flow.

Section 4. The bill provides that the act will take effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill could have additional, indeterminate fiscal impacts on DEP and DOT in carrying out their respective responsibilities related to the Council.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill could have additional, indeterminate fiscal impacts on the SFWMD in carrying out its responsibilities related to the Council.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds, nor does it require counties or municipalities to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On January 23, 2002, the Committee on Natural Resources & Environmental Protection adopted four amendments:

Amendment 1: Removes a provision that required the FWCC to act as the lead agency.

Amendment 2: Clarifies that the SFWMD will provide staff and administrative support for the Council created by the bill.

Amendment 3: Clarifies the tasks to be completed by government entities in support of the Council.

Amendment 4: Removes two provisions of the bill. The first provision provided for a \$45,000 appropriation to the SFWMD for expenditures related to the Council. The second provision required a demonstration restoration project on the Tsala-Apopka Chain of Lakes be implemented by the FWCC.

On February 21, 2002, the Council for Ready Infrastructure passed HB 93 as a council substitute.

VI. SIGNATURES:

NATURAL RESOURCES & ENVIRONMENTAL PROTECTION:

Prepared by:

Staff Director:

C. Noah McKinnon III

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AS REVISED BY THE COMMITTEE ON FISCAL POLICY AND RESOURCES:

Prepared by:

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AS FURTHER REVISED BY THE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

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AS FURTHER REVISED BY THE COUNCIL FOR READY INFRASTRUCTURE:

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