

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 221 Water Management
SPONSOR(S): Dean
TIED BILLS: **IDEN./SIM. BILLS:** SB 430

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Lands and Water Resources (Sub)</u>	<u>9 Y, 1 N</u>	<u>McKinnon</u>	<u>Lotspeich</u>
2) <u>Natural Resources</u>	<u>16 Y, 0 N</u>	<u>McKinnon</u>	<u>Lotspeich</u>
3) <u>Agriculture & Environment Apps. (Sub)</u>	<u>12 Y, 0 N</u>	<u>Dixon</u>	<u>Dixon</u>
4) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

HB 221 will create the Citrus/Hernando Waterways Restoration Council (Council). Members of the Council will be appointed by the President of the Senate and the Speaker of the House. Council members from Citrus and Hernando will form separate county task forces to address waterways within their respective counties. Responsibilities of the Council will 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 would create a technical advisory group to the Council consisting of one representative each from the District, the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, the Withlacoochee River Basin Board, Coastal Rivers Basin Board, and the United States Army Corps of Engineers. Members of the technical advisory group, except those from the basin boards, will be required to have training in biology or another scientific discipline.

HB 221 will authorize development of the Citrus/Hernando Waterways restoration program and, contingent upon available funding, direct the appropriate agencies to award contracts through a competitive bidding process to implement the restoration program. The bill could have additional, indeterminate fiscal impacts on the FWCC, and DEP in carrying out their responsibilities related to the Council.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0221d.ap.doc
DATE: April 11, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain: The bill creates additional councils that are charged with reviewing and assisting in the creation of restoration plans.

B. EFFECT OF PROPOSED CHANGES:

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 Southwest Florida Water Management District (District) 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, Chassahowitzka River - are designated “Special Waters” under the Outstanding Florida Waters (OFW) provisions of Rule 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 District 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 impacting 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 long-time 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 Chasshowitzka 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.

The two water-bodies of primary concern — Weeki Wachee River and Springs in Hernando County and the Tsala-Apopka Chain of Lakes in Citrus County, are not on the approved SWIM program priority list developed by the District. The issues regarding these water bodies have been and are being addressed through the existing District and basin board structure.

Effect of Proposed Changes

HB 221 will create the Citrus/Hernando Waterways Restoration Council, consisting of 12 members to be appointed by the President of the Senate and the Speaker of the House of Representatives. The President and Speaker would each appoint:

- 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 each county 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-Apoka Chain of Lakes.

A technical advisory group to the Council would consist of one representative each from the District, the Department of Environmental Protection (DEP), the Department of Transportation (DOT), the Fish and Wildlife Conservation Commission (FWCC), the Coastal Rivers Basin Board, the Withlacoochee River Basin Board, and the United States Army Corps of Engineers (USACOE).

The District will be responsible for providing staff and administrative support to assist the Council in carrying out its duties. Members of the Council will not receive compensation for their services but are entitled to reimbursement for per diem and travel expenses. State and federal agencies shall be responsible for per diem and travel expenses for their respective appointees.

Responsibilities of the Council will 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 to the Speaker of the House of Representatives and the President of the Senate by November 25 of each year.

HB 221 will direct the FWCC and the District, 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 is directed to develop tasks for the enhancement of fish and wildlife habitat, with assistance from the District and in consultation and by agreement with DEP and local governments. These tasks, which are to be considered by the District, DEP, and local governments, are to include: (1) evaluating different methodologies for removal of tussocks and buildup of organic matter and (2) conducting additional studies as required 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 Council's recommended restoration program.

C. SECTION DIRECTORY:

Section 1. The bill creates the Citrus/Hernando Waterways Restoration Council. .

Section 2. The bill creates the Citrus/Hernando Waterways restoration program, which directs the FWCC and the District, 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.

Section 3. This act shall 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 the FWCC, and DEP in carrying out their responsibilities related to the Council.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

2. Expenditures:

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

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Once the Council decides on a course of action and makes a recommendation, initiation of the restoration program will likely result in contracts being entered into with private companies to implement restoration activities. Enhancement activities may result in improved property values for riparian owners.

D. FISCAL COMMENTS:

HB 221 will require the commitment of staff by the District, DEP, DOT, and the FWCC to provide members to the technical advisory group. HB 221 also requires that the District act as the lead entity to provide staff and administrative support to the Council, and that FWC be lead agency with regard to developing the tasks for habitat enhancement. Lastly, HB 221 commits "appropriate agencies" to award contracts to implement the Program.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

a. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not affect municipal or county government.

b. Other:

None.

B. RULE-MAKING AUTHORITY: None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES