

**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.)

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SB 388

INTRODUCER: Senator Hooper

SUBJECT: Citrus/Hernando Waterways Restoration Council

DATE: February 17, 2020

REVISED: \_\_\_\_\_

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

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**I. Summary:**

SB 388 eliminates the Citrus/Hernando Waterways Restoration Council and the Citrus/Hernando Waterways Restoration Program.

**II. Present Situation:**

In 2003, in response to regional concerns for the health of Citrus and Hernando County springs and waterbodies, the Legislature created the Citrus/Hernando Waterways Restoration Council (Council).<sup>1</sup> The Council was created within the Withlacoochee and Coastal Rivers Basin Boards of the Southwest Florida Water Management District (SWFWMD). In 2006, the Legislature expanded the Council and its duties.<sup>2</sup> The Council must consist of 14 voting members: 7 appointed by the President of the Senate and 7 appointed by the Speaker of the House of Representatives. The Council must consist of representatives as follows:

- Two waterfront property owners from both Citrus and Hernando counties, including a property owner from the east side and west side of 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.
- A person from each county with training in biology or another scientific discipline.

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<sup>1</sup> Chapter 2003-287, s. 1, Laws of Fla.; Citrus/Hernando Waterways Restoration Council, *2015 Report to the Legislature*, 1 (2015), available at <https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/2015%20Report%20to%20the%20Legislature.pdf> (last visited Jan. 15, 2020).

<sup>2</sup> Chapter 2006-43, Laws of Fla.

The members of the Council form two separate county task forces to review and make recommendations on specific waterways.<sup>3</sup> The Hernando County Task Force develops plans and recommendations for the waterways in Hernando County, and the Citrus County Task Force develops plans and recommendations for the waterways in Citrus County. The Council or task forces meet at the call of their respective chairs, at the request of six members of the Council or task force, or at the request of the chair of the governing board of SWFWMD. SWFWMD must provide administrative support to the Council and coordinate Council activities along with the Fish and Wildlife Conservation Commission (FWC) and the Department of Environmental Protection (DEP).

There is a technical advisory group to the Council, to which each of the following agencies must appoint one representative: SWFWMD, DEP, FWC, Department of Transportation, Coastal Rivers Basin Board, Withlacoochee River Basin Board, the public works departments of each county, and the U.S. Army Corps of Engineers.<sup>4</sup>

The 2003 legislation also created the Citrus/Hernando Waterways Restoration Program.<sup>5</sup> Under the program, FWC and SWFWMD, in conjunction with DEP, pertinent local governments, and the Council, must review existing restoration proposals to determine the most environmentally sound and economically feasible methods of improving the natural systems of the waterways in the two counties. FWC and other agencies must develop tasks for the enhancement of wildlife habitat. Subject to appropriation by the Legislature and other funding sources, the appropriate agencies must, through competitive bid, award contracts to implement program activities.

The legislation provides for the Council the following powers and duties:

- Review audits and all data specifically related to lake and river restoration techniques and sport fish population recovery strategies, including data and strategies for all of the following as they may apply to Citrus and Hernando County waterways:
  - Shoreline restoration.
  - Sand and other sediment control and removal.
  - Exotic species management.
  - Floating tussock management or removal.
  - Navigation.
  - Water quality.
  - Fish and wildlife habitat improvement.
- Evaluate whether additional studies are needed.
- Explore all possible sources of funding to conduct the restoration activities.
- Report to the President of the Senate and the Speaker of the House of Representatives before November 25 of each year on the progress of the restoration program and any recommendations for the next fiscal year.

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<sup>3</sup> Citrus/Hernando Waterways Restoration Council, *2015 Report to the Legislature*, 3-4, 18-19 (2015), available at <https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/2015%20Report%20to%20the%20Legislature.pdf> (last visited Jan. 15, 2020).

<sup>4</sup> Chapter 2003-287, s. 1, Laws of Fla.

<sup>5</sup> Chapter 2003-287, s. 2, Laws of Fla.

In 2008, the Legislature's Joint Legislative Sunset Committee recommended that the Council be abolished.<sup>6</sup> In 2015, the Council submitted its most recent report to the Legislature.<sup>7</sup>

In 2014, SWFWMD formed the Springs Coast Steering, Management, and Technical Committees.<sup>8</sup> These groups manage and prioritize the district's five first-magnitude spring groups, including developing management plans for spring systems and identifying issues and solutions. SWFWMD's Springs Coast Steering and Management Committees have been active in 2019, including holding public meetings, giving presentations, and developing project lists to submit as funding requests to DEP.<sup>9</sup> According to SWFWMD, much of the work and many of the members of these committees coincide with the charge of the Council, which has not met since 2015.<sup>10</sup>

### III. Effect of Proposed Changes:

SB 388 repeals two chapters in the Laws of Florida:

- Chapter 2003-287, Laws of Fla., which establishes the Citrus/Hernando Waterways Restoration Council (Council) and the Citrus/Hernando Waterways Restoration Program; and
- Chapter 2006-43, Laws of Fla., which increases the number of members on the Council by two, expands the duties of the Council's task forces to include all waterways in Citrus and Hernando counties, and requires the counties' respective public works departments to each appoint a representative to the technical advisory group.

The bill would eliminate the Council and the restoration program.

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

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>6</sup> The Florida Legislature, *Report of the Joint Legislative Sunset Committee*, 11 (Mar. 2008), available at <http://www.leg.state.fl.us/sunset/UserContent/docs/File/final.doc> (last visited Jan. 15, 2020).

<sup>7</sup> Citrus/Hernando Waterways Restoration Council, *2015 Report to the Legislature* (2015), available at <https://www.swfwmd.state.fl.us/sites/default/files/medias/documents/2015%20Report%20to%20the%20Legislature.pdf> (last visited Jan. 15, 2020).

<sup>8</sup> SWFWMD, *Springs Coast Steering, Management and Technical Committees*, <https://www.swfwmd.state.fl.us/projects/springs/springs-coast-steering-management-and-technical-committees> (last visited Jan. 15, 2020).

<sup>9</sup> SWFWMD, *Springs Coast Public Meetings*, <https://www.swfwmd.state.fl.us/projects/springs/springs-coast-public-meetings> (last visited Jan. 15, 2020).

<sup>10</sup> Letter from Cara Martin, Government and Community Affairs Office Chief, SWFWMD, *Citrus/Hernando Waterways Restoration Council* (Sept. 2019)(on file with the Senate Committee on Community Affairs).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill repeals the following chapters of the Laws of Florida: 2003-287 and 2006-43.

**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.