

WATER MANAGEMENT, 1990

CHARLES R. "CHUCK" SMITH
State Representative, District 47
Brooksville, FL

The Florida Legislative Committee on Environmental Regulation has been assigned the simple task of assuring that Florida's citizens have water clean enough to drink and air fit to breathe. This is the committee's mission statement as dictated by the Speaker of the House and we are moving forward in attempting to accomplish this mission.

I will refrain from discussing solid waste, hazardous waste, and air quality and will concentrate on water as this is your primary interest. The committee has 49 bills filed this session of which 35 percent deal with water resources. I would like to briefly discuss these water related bills and end up by giving you some idea what we expect to accomplish this session.

I filed HB 947 at the request of the Secretary of the Department of Environmental Regulation which creates a federal designation of Outstanding National Resource Waters. Such designates must be ratified by the House and the Senate and currently only two regions have been nominated by the Environmental Regulation Commission. They are Biscayne Bay National Park and the Everglades National Park. There is to be no further degradation of water quality in these water bodies with all current adjacent land use, including farming, grandfathered in.

I have also sponsored HB 1001 for the Secretary of the Department of Environmental Regulation. I feel this bill is important to moving Florida toward achieving a 95 percent efficiency in providing its citizens safe drinking water. The bill establishes administrative fines for those drinking water supply systems which fail to meet timely reporting requirements as well as failure to achieve safe bacterial standards. An operating license is created with revenues to be spent to provide engineering assistance and annual inspections for drinking water systems.

HB 2455 is our version of the water management district sundown bill. The bill was passed early in the session and resides at this time in Senate messages. That means we have the Senate bill on the floor and intend to amend their bill and send it back to the Senate for passage. Presently, the amendment removes the district governing boards from the ten-year sundown review provisions, requires the appropriate legislative staff oversight each of the districts regulatory programs on a five year schedule, requires the districts to advertise all future rule adoptions in local newspapers, requires House and Senate staff review all water management district budgets on an annual basis, and finally, requires district governing board appointments to be on a staggered basis.

After spending two years traveling around the state taking testimony from citizens (including farmers) and receiving their comments on water management districts and suggestions on how we could improve water management in Florida, HB 1017 was born. This bill addresses a number of issues which would improve upon the efficiency of water management operations.

Provisions of the bill would require that governing board members be representative of industrial, agricultural, development and environmental interests. The governing boards would also be authorized to delegate certain permitting authority to executive directors, providing that the board would automatically make permit decisions upon which objections were filed. This provision should help in streamlining the permitting process, especially for temporary farming permits.

HB 1017 further requires the DER and the water management districts to begin workshops on dredge and fill delegation or transfer and requires the DER and water management districts to formulate a plan for presentation to the Legislature prior to December 1, 1990. This provision was a recommendation of a committee oversight report which examined permit duplication. Currently, permit applicants are experiencing duplication in the areas of the DER's dredge and fill jurisdiction and the water management districts' management and storage of surface water (MSSW) jurisdiction.

Also incorporated in the present draft of the bill are the same provisions which have been incorporated in the proposed House amendment to the Senate bill on water management district sundown as was previously discussed.

In summary, the bill attempts to improve upon the district's operation and its accountability to its residents.

Finally, a very important bill to South Florida's future water supply problem and the Everglades National Park is being worked on by my committee. This bill, HB 3037 by Representative Saunders, creates a stormwater utility within the boundaries of the Everglades Agricultural Area Environmental District. As written, the bill would place the South Florida Water Management District in the position to impose a stormwater utility fee upon the farming lands within the Everglades Agricultural Area. Funds would be used to construct and operate water detention areas within the EAA. Such facilities are purported to be crucial in reducing the phosphorus loading of water which is discharged into the water conservation areas as outlined in the Everglades Surface Water Improvement Plan.

I have looked at the situation in South Florida for many years and I do not presently believe that HB 3037 alone will solve the problems in a fair and equitable manner; therefore, I decided to start the two parties negotiating and am hopeful a fair solution can be achieved before the end of this legislative session.

I have talked to scientists on both sides of this issue and have achieved agreement from these experts that the ultimate problem facing Florida's Everglades National Park is an issue of both quality and quantity, and that the Everglades Agriculture Area is only responsible for approximately fifty percent of the perceived excess nutrients discharged.

My desire is to see an effective nutrient removal project initiated between the agriculture community in the Everglades Agricultural Area and the South Florida Water Management District. Hopefully, the use of man-made wetlands to sheet flow nutrient-laden water combined with best management practices and other elements in the Everglades SWIM plan will begin the long step toward restoring water quality and quantity to the Everglades.

I hope this information has provided you with a good update on water management legislation which is currently before the legislative bodies. I appreciate the opportunity to be of service to you.