



821404

LEGISLATIVE ACTION

Senate	.	House
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Floor: WD	.	
03/09/2012 04:43 PM	.	
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Senator Garcia moved the following:

Senate Amendment (with title amendment)

Between lines 245 and 246

insert:

Section 4. Present subsections (4) and (5) of section 373.042, Florida Statutes, are redesignated as subsections (5) and (6), respectively, a new subsection (4) is added to that section, and subsection (2) of that section is amended, to read:

373.042 Minimum flows and levels.—

(2) By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the establishment of minimum flows and levels for surface



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14 watercourses, aquifers, and surface waters within the district.
15 The priority list and schedule shall ~~also~~ identify those listed
16 water bodies for which the district will voluntarily undertake
17 independent scientific peer review; any reservations proposed by
18 the district to be established pursuant to s. 373.223(4); and
19 those listed water bodies that have the potential to be affected
20 by withdrawals in an adjacent district for which department
21 adoption of a reservation pursuant to s. 373.223(4) or a minimum
22 flow or level pursuant to subsection (1) may be appropriate. By
23 March 1, 2006, and annually thereafter, each water management
24 district shall include its approved priority list and schedule
25 in the consolidated annual report required by s. 373.036(7). The
26 priority list shall be based upon the importance of the waters
27 to the state or region and the existence of or potential for
28 significant harm to the water resources or ecology of the state
29 or region, and shall include those waters which are experiencing
30 or may reasonably be expected to experience adverse impacts.
31 Each water management district's priority list and schedule
32 shall include all first magnitude springs, and all second
33 magnitude springs within state or federally owned lands
34 purchased for conservation purposes. The specific schedule for
35 establishment of spring minimum flows and levels shall be
36 commensurate with the existing or potential threat to spring
37 flow from consumptive uses. Springs within the Suwannee River
38 Water Management District, or second magnitude springs in other
39 areas of the state, need not be included on the priority list if
40 the water management district submits a report to the Department
41 of Environmental Protection demonstrating that adverse impacts
42 are not now occurring nor are reasonably expected to occur from



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43 consumptive uses during the next 20 years. The priority list and
44 schedule shall not be subject to any proceeding pursuant to
45 chapter 120. Except as provided in subsection (3), the
46 development of a priority list and compliance with the schedule
47 for the establishment of minimum flows and levels pursuant to
48 this subsection shall satisfy the requirements of subsection
49 (1).

50 (4) A water management district shall provide the
51 department with technical information and staff support for the
52 development of a reservation, minimum flow or level, or recovery
53 or prevention strategy to be adopted by rule by the department.
54 A reservation, minimum flow or level, or recovery or prevention
55 strategy adopted by rule by the department shall be applied by
56 the water management districts without adoption of such
57 reservation, minimum flow or level, or recovery or prevention
58 strategy by rule.

59 Section 5. Subsection (7) is added to section 373.046,
60 Florida Statutes, to read:

61 373.046 Interagency agreements.-

62 (7) If the geographic area of a resource management
63 activity, study, or project crosses water management district
64 boundaries, the affected districts may designate a single
65 affected district to conduct all or part of the applicable
66 resource management responsibilities under this chapter, with
67 the exception of those regulatory responsibilities that are
68 subject to subsection (6). If funding assistance is provided to
69 a resource management activity, study, or project, the district
70 providing the funding must ensure that some or all of the
71 benefits accrue to the funding district. This subsection does



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72 not impair any interagency agreement in effect on July 1, 2012.

73 Section 6. Subsection (3) of section 373.709, Florida
74 Statutes, is amended to read:

75 373.709 Regional water supply planning.—

76 (3) The water supply development component of a regional
77 water supply plan which deals with or affects public utilities
78 and public water supply for those areas served by a regional
79 water supply authority and its member governments ~~within the~~
80 ~~boundary of the Southwest Florida Water Management District~~
81 shall be developed jointly by the authority and the applicable
82 water management district. In areas not served by regional water
83 supply authorities, or other multijurisdictional water supply
84 entities, and where opportunities exist to meet water supply
85 needs more efficiently through multijurisdictional projects
86 identified pursuant to paragraph (2)(a), water management
87 districts are directed to assist in developing
88 multijurisdictional approaches to water supply project
89 development jointly with affected water utilities, special
90 districts, and local governments.

91 Section 7. Subsection (5) is added to section 373.171,
92 Florida Statutes, to read:

93 373.171 Rules.—

94 (5) Cooperative funding programs are not subject to the
95 rulemaking requirements of chapter 120. However, any portion of
96 an approved program which affects the substantial interests of a
97 party is subject to s. 120.569.

98
99 ===== T I T L E A M E N D M E N T =====

100 And the title is amended as follows:



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101 Delete line 29
102 and insert:
103 for construction of the act; amending s. 373.042,
104 F.S.; requiring water management districts to include
105 certain reservations and water bodies in priority
106 lists and schedules; providing for the adoption of
107 certain reservations and minimum flows and levels by
108 the Department of Environmental Protection; requiring
109 water management districts to apply, without adopting
110 by rule, reservations, minimum flows and levels, and
111 recovery and prevention strategies adopted by the
112 department; amending s. 373.046, F.S.; authorizing
113 water management districts to enter into interagency
114 agreements for resource management activities under
115 specified conditions; providing applicability;
116 amending s. 373.709, F.S., relating to regional water
117 supply planning; removing a reference to the Southwest
118 Florida Water Management District; requiring a
119 regional water supply authority and the applicable
120 water management district to jointly develop the water
121 supply component of the regional water supply plan;
122 amending s. 373.171, F.S.; exempting cooperative
123 funding programs from certain rulemaking requirements;
124 amending ss. 373.036,