

By Senator Dean

5-00393-13

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1                   A bill to be entitled  
2           An act relating to water management districts;  
3           amending s. 373.042, F.S.; requiring water management  
4           districts to include certain reservations and water  
5           bodies in priority lists and schedules; providing for  
6           the adoption of certain reservations and minimum flows  
7           and levels by the Department of Environmental  
8           Protection; requiring water management districts to  
9           apply, without adopting by rule, the reservations,  
10          minimum flows and levels, and recovery and prevention  
11          strategies adopted by the department; amending s.  
12          373.046, F.S.; authorizing water management districts  
13          to enter into interagency agreements for resource  
14          management activities under specified conditions;  
15          providing applicability; amending s. 373.171, F.S.;  
16          exempting cooperative funding programs from certain  
17          rulemaking requirements; amending s. 373.709, F.S.,  
18          relating to regional water supply planning; removing a  
19          reference to the Southwest Florida Water Management  
20          District; requiring a regional water supply authority  
21          and the applicable water management district to  
22          jointly develop the water supply component of the  
23          regional water supply plan; providing an effective  
24          date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
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28           Section 1. Subsections (4) and (5) of section 373.042,  
29           Florida Statutes, are renumbered as subsections (5) and (6),

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30 respectively, a new subsection (4) is added to that section, and  
31 subsection (2) of that section is amended, to read:

32 373.042 Minimum flows and levels.—

33 (2) By November 15, 1997, and annually thereafter, each  
34 water management district shall submit to the department for  
35 review and approval a priority list and schedule for the  
36 establishment of minimum flows and levels for surface  
37 watercourses, aquifers, and surface waters within the district.  
38 The priority list and schedule shall ~~also~~ identify those listed  
39 water bodies for which the district will voluntarily undertake  
40 independent scientific peer review; any reservations proposed by  
41 the district to be established pursuant to s. 373.223(4); and  
42 those listed water bodies that have the potential to be affected  
43 by withdrawals in an adjacent district for which the  
44 department's adoption of a reservation pursuant to s. 373.223(4)  
45 or a minimum flow or level pursuant to subsection (1) may be  
46 appropriate. By March 1, 2006, and annually thereafter, each  
47 water management district shall include its approved priority  
48 list and schedule in the consolidated annual report required by  
49 s. 373.036(7). The priority list shall be based upon the  
50 importance of the waters to the state or region and the  
51 existence of or potential for significant harm to the water  
52 resources or ecology of the state or region, and shall include  
53 those waters which are experiencing or may reasonably be  
54 expected to experience adverse impacts. Each water management  
55 district's priority list and schedule shall include all first  
56 magnitude springs, and all second magnitude springs within state  
57 or federally owned lands purchased for conservation purposes.  
58 The specific schedule for establishment of spring minimum flows

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59 and levels shall be commensurate with the existing or potential  
60 threat to spring flow from consumptive uses. Springs within the  
61 Suwannee River Water Management District, or second magnitude  
62 springs in other areas of the state, need not be included on the  
63 priority list if the water management district submits a report  
64 to the Department of Environmental Protection demonstrating that  
65 adverse impacts are not now occurring nor are reasonably  
66 expected to occur from consumptive uses during the next 20  
67 years. The priority list and schedule is ~~shall~~ not be subject to  
68 any proceeding pursuant to chapter 120. Except as provided in  
69 subsection (3), the development of a priority list and  
70 compliance with the schedule for the establishment of minimum  
71 flows and levels pursuant to this subsection satisfies ~~shall~~  
72 ~~satisfy~~ the requirements of subsection (1).

73 (4) A water management district shall provide the  
74 department with technical information and staff support for the  
75 development of a reservation, minimum flow or level, or recovery  
76 or prevention strategy to be adopted by the department by rule.  
77 A water management district shall apply any reservation, minimum  
78 flow or level, or recovery or prevention strategy adopted by the  
79 department by rule without the district's adoption by rule of  
80 such reservation, minimum flow or level, or recovery or  
81 prevention strategy.

82 Section 2. Subsection (7) is added to section 373.046,  
83 Florida Statutes, to read:

84 373.046 Interagency agreements.—

85 (7) If the geographic area of a resource management  
86 activity, study, or project crosses water management district  
87 boundaries, the affected districts may designate a single

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88 affected district to conduct all or part of the applicable  
89 resource management responsibilities under this chapter, with  
90 the exception of those regulatory responsibilities that are  
91 subject to subsection (6). If funding assistance is provided to  
92 a resource management activity, study, or project, the district  
93 providing the funding must ensure that some or all of the  
94 benefits accrue to the funding district. This subsection does  
95 not impair any interagency agreement in effect on July 1, 2013.

96 Section 3. Subsection (5) is added to section 373.171,  
97 Florida Statutes, to read:

98 373.171 Rules.—

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

103 Section 4. Subsection (3) of section 373.709, Florida  
104 Statutes, is amended to read:

105 373.709 Regional water supply planning.—

106 (3) The water supply development component of a regional  
107 water supply plan which deals with or affects public utilities  
108 and public water supply for those areas served by a regional  
109 water supply authority and its member governments ~~within the~~  
110 ~~boundary of the Southwest Florida Water Management District~~  
111 shall be developed jointly by the authority and the applicable  
112 water management district. In areas not served by regional water  
113 supply authorities, or other multijurisdictional water supply  
114 entities, and where opportunities exist to meet water supply  
115 needs more efficiently through multijurisdictional projects  
116 identified pursuant to paragraph (2) (a), water management

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117 districts are directed to assist in developing  
118 multijurisdictional approaches to water supply project  
119 development jointly with affected water utilities, special  
120 districts, and local governments.

121 Section 5. This act shall take effect July 1, 2013.