

HB 605

2015

1 A bill to be entitled

2 An act relating to water conservation; amending s.
3 373.227, F.S.; authorizing local governments to adopt
4 certain residential and nonresidential landscape
5 irrigation conservation measures; amending s. 373.246,
6 F.S.; authorizing water management district governing
7 boards and the Department of Environmental Protection
8 to issue a water shortage notice in a public
9 information release and post such release on the
10 district or department website; directing water
11 management district governing boards in affected and
12 adjacent districts to issue certain orders and provide
13 certain notice when an emergency condition exists due
14 to a water shortage; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Subsection (5) of section 373.227, Florida
19 Statutes, is renumbered as subsection (6), and a new subsection
20 (5) is added to that section, to read:

21 373.227 Water conservation; legislative findings and
22 intent; objectives; comprehensive statewide water conservation
23 program requirements.—

24 (5) A local government may adopt residential and
25 nonresidential landscape irrigation conservation measures that
26 are more restrictive, but not less restrictive, than the

27 conservation measures required by the department or water
 28 management district.

29 Section 2. Subsections (5), (7), and (8) of section
 30 373.246, Florida Statutes, are amended, and a new subsection (8)
 31 is added to that section, to read:

32 373.246 Declaration of water shortage or emergency.—

33 (5) When a water shortage is declared, the governing board
 34 or the department shall publish a ~~cause~~ notice ~~thereof to be~~
 35 ~~published~~ in a prominent place within a newspaper of general
 36 circulation throughout the area or issue a public information
 37 release to a newspaper of general circulation throughout the
 38 area and post the release on the department's or water
 39 management district's website. Publication of such notice or
 40 release will serve as notice to all users in the area of the
 41 condition of water shortage.

42 (7) (a) If an emergency condition exists due to a water
 43 shortage within an ~~any~~ area of a ~~the~~ district, and if the
 44 department, or the executive director of the district with the
 45 concurrence of the governing board, finds that the exercise of
 46 powers under subsection (1) is not sufficient to protect the
 47 public health, safety, or welfare; the health of animals, fish,
 48 or aquatic life; a public water supply; or recreational,
 49 commercial, industrial, agricultural, or other reasonable uses,
 50 the department or the executive director of the district ~~it or~~
 51 ~~he or she~~ may, pursuant to the provisions of s. 373.119, issue
 52 emergency orders reciting the existence of such an emergency and

53 requiring that such action, including, but not limited to,
54 apportioning, rotating, limiting, or prohibiting the use of the
55 water resources of the district, be taken as the department or
56 the executive director deems necessary to meet the emergency.

57 (b)~~(8)~~ An affected party to whom an emergency order is
58 directed under this subsection ~~(7)~~ shall comply immediately, but
59 may challenge such an order in the manner set forth in s.
60 373.119.

61 (8) If an emergency condition exists due to a water
62 shortage within an area of a district where water bodies are
63 reasonably expected to be affected by withdrawals in an adjacent
64 district:

65 (a) The governing board of the affected district shall
66 issue emergency orders reciting the existence of such an
67 emergency and identifying the water bodies that are reasonably
68 expected to be affected by withdrawals in an adjacent district
69 and the portions of the adjacent district that are reasonably
70 expected to affect those water bodies.

71 (b) The governing board of the adjacent district shall
72 issue emergency orders reciting the existence of such an
73 emergency in the portions of the district identified in the
74 emergency orders issued by the affected district.

75 (c) The adjacent district shall notify each permittee
76 within its jurisdiction of the emergency orders in accordance
77 with subsection (6).

78 (d) The orders issued by the affected district shall be in

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79 | effect in the adjacent district and may only be rescinded, in
80 | whole or in part, by the affected district.

81 | Section 3. This act shall take effect July 1, 2015.