



HB 0407

2003

1 A bill to be entitled

2 An act relating to water management district regulation of  
3 interdistrict projects; amending s. 373.046, F.S.;  
4 revising provisions relating to permits for consumptive  
5 use of water under certain circumstances; providing a  
6 definition; amending s. 373.2295, F.S.; providing a  
7 limitation on interdistrict transfer and use of  
8 groundwater; revising provisions relating to  
9 administration of pt. II of ch. 373, F.S.; providing for  
10 applicability; providing an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (6) of section 373.046, Florida  
15 Statutes, is amended to read:

16 373.046 Interagency agreements.--

17 (6) When the geographic area of a ~~project or~~ local  
18 government crosses water management district boundaries, the  
19 affected districts may designate a single affected district by  
20 interagency agreement to implement in that area, under the rules  
21 of the designated district, all or part of the applicable  
22 regulatory responsibilities under this chapter, including any  
23 permit for consumptive use of water under part II of this  
24 chapter. When the geographic area of a project crosses water  
25 management district boundaries, the affected districts shall  
26 designate a single affected district by interagency agreement to  
27 implement in that area, under rules of the designated district,  
28 all of the applicable regulatory responsibilities required under  
29 this chapter, including any permit for consumptive use of water  
30 under part II of this chapter. As used in this subsection,



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31 "project" includes a water utility service area. With regard to  
 32 projects existing on the effective date of this act, the water  
 33 management districts shall enter into such agreement within 1  
 34 year after receipt of a written request or for some longer  
 35 period of time agreed to by the project owner. For new projects,  
 36 the water management districts shall enter into such agreement  
 37 within 1 year after filing the first permit application under  
 38 this chapter or for some longer period of time agreed to by the  
 39 project owner. In the event the water management districts do  
 40 not enter into such an agreement within the applicable time  
 41 period, the project owner may designate a district to regulate  
 42 the project under rules established by the designated district  
 43 which include all applicable regulatory responsibilities  
 44 authorized by this chapter. Interagency agreements entered into  
 45 under this subsection which apply to the geographic area of a  
 46 local government must have the concurrence of the affected local  
 47 government. The application under this subsection, by rule, of  
 48 any existing district rule that was adopted or formally noticed  
 49 for adoption on or before May 11, 1995, is not subject to s.  
 50 70.001.

51 Section 2. Subsections (1) and (9) of section 373.2295,  
 52 Florida Statutes, are amended to read:

53 373.2295 Interdistrict transfers of groundwater.--

54 (1) As used in this section, "interdistrict transfer and  
 55 use" means a consumptive water use which involves the withdrawal  
 56 of groundwater from a point within one water management district  
 57 for use outside the boundaries of that district but does not  
 58 include a withdrawal and use within the same county.

59 (9) In administering this part, the department or the  
 60 water management districts may enter into interagency



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61 agreements, including agreements entered into pursuant to s.  
62 373.046(6) which designate a single affected district to  
63 implement the provisions of this section under the rules of the  
64 designated district. However, such agreements are not subject to  
65 the provisions of s. 373.046 and chapter 120.

66 Section 3. The amendments to subsection (6) of section  
67 373.046, Florida Statutes, shall supersede any conflicting  
68 provisions contained in any other law, general, special, or  
69 local, applicable to regulation of projects that cross water  
70 management district boundaries. However, any interagency  
71 agreement entered into and consistent with subsection (6) of  
72 section 373.046, Florida Statutes, prior to the effective date  
73 of this act shall be approved.

74 Section 4. This act shall take effect upon becoming a law.