

Bill No. SB 2368

Barcode 442466

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Argenziano)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsection (2) of section 373.042, Florida
Statutes, is amended to read:

373.042 Minimum flows and levels.--

(2)(a) 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
watercourses, aquifers, and surface waters within the
district. The priority list shall also identify those water
bodies for which the district will voluntarily undertake
independent scientific peer review.

(b) By January 1, 1998, and annually thereafter, each
water management district shall publish its approved priority
list and schedule in the Florida Administrative Weekly. The

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1 priority list shall be based upon the importance of the waters
 2 to the state or region and the existence of or potential for
 3 significant harm to the water resources or ecology of the
 4 state or region, and shall include those waters which are
 5 experiencing or may reasonably be expected to experience
 6 adverse impacts.

7 (c) By January 1, 2003, each water management
 8 district's priority list and schedule shall include all first
 9 magnitude springs, and all second magnitude springs within
 10 state or federally owned lands purchased for conservation
 11 purposes. The specific schedule for establishment of spring
 12 minimum flows and levels shall be commensurate with the
 13 existing or potential threat to spring flow from consumptive
 14 uses. ~~Springs within the Suwannee River Water Management~~
 15 ~~District, or second magnitude springs in other areas of the~~
 16 ~~state, need not be included on the priority list if the water~~
 17 ~~management district submits a report to the Department of~~
 18 ~~Environmental Protection demonstrating that adverse impacts~~
 19 ~~are not now occurring nor are reasonably expected to occur~~
 20 ~~from consumptive uses during the next 20 years.~~ The priority
 21 list and schedule shall not be subject to any proceeding
 22 pursuant to chapter 120.

23 (d) By January 1, 2008, the Suwannee River Water
 24 Management District and the Southwest Florida Water Management
 25 District must establish minimum flows and levels for all first
 26 and second magnitude springs remaining on their respective
 27 priority lists on the effective date of this act. Minimum
 28 flows and levels established under this paragraph are not
 29 subject to the independent peer-review provisions of this
 30 section. A minimum flow or level established under this
 31 paragraph shall take effect even if a substantially affected

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1 person files a petition for an administrative hearing under
2 chapter 120 challenging the establishment of the minimum flow
3 or level.

4 (e) Except as provided in subsection (3), the
5 development of a priority list and compliance with the
6 schedule for the establishment of minimum flows and levels
7 pursuant to this subsection shall satisfy the requirements of
8 subsection (1).

9 Section 2. Subsection (12) is added to section 373.59,
10 Florida Statutes, to read:

11 373.59 Water Management Lands Trust Fund.--

12 (12) Notwithstanding the provisions of this section,
13 in the 2005-2006 and 2006-2007 fiscal years, the Suwannee
14 River Water Management District and the Southwest Florida
15 Water Management District may each use not more than \$4
16 million per year of moneys allocated to the respective
17 districts from the Water Management Lands Trust Fund,
18 including any unused portion and interest earnings on those
19 moneys, for the purposes of establishing minimum flows or
20 levels for first and second magnitude springs pursuant to s.
21 370.042(2)(d).

22 Section 3. This act shall take effect upon becoming a
23 law.

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25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete everything before the enacting clause

29
30 and insert:

31 A bill to be entitled

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1 An act relating to minimum flows and levels of
2 surface watercourses; amending s. 373.042,
3 F.S.; deleting a provision under which second
4 magnitude springs are not included on the
5 priority list under certain conditions;
6 requiring the Suwannee River Water Management
7 District and the Southwest Florida Water
8 Management District to establish minimum flows
9 and levels for certain magnitude springs by a
10 certain date; providing that such minimum flows
11 and levels are not subject to independent peer
12 review; requiring that a minimum flow or level
13 take effect notwithstanding the filing of a
14 petition for an administrative hearing;
15 amending s. 373.59, F.S.; authorizing the
16 Suwannee River Water Management District and
17 the Southwest Florida Water Management District
18 to use money from the Water Management Lands
19 Trust Fund for the purpose of establishing
20 minimum flows or levels for first and second
21 magnitude springs; providing an effective date.

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