Florida Senate - 2005

CS for SB 2368

 $\mathbf{B}\mathbf{y}$ the Committee on Environmental Preservation; and Senator Argenziano

592-1995-05

1	A bill to be entitled
2	An act relating to minimum flows and levels of
3	surface watercourses; amending s. 373.042,
4	F.S.; deleting a provision under which second
5	magnitude springs are not included on the
б	priority list under certain conditions;
7	requiring the Suwannee River Water Management
8	District and the Southwest Florida Water
9	Management District to establish minimum flows
10	and levels for certain magnitude springs by a
11	certain date; providing that such minimum flows
12	and levels are not subject to independent peer
13	review; requiring that a minimum flow or level
14	take effect notwithstanding the filing of a
15	petition for an administrative hearing;
16	amending s. 373.59, F.S.; authorizing the
17	Suwannee River Water Management District and
18	the Southwest Florida Water Management District
19	to use money from the Water Management Lands
20	Trust Fund for the purpose of establishing
21	minimum flows or levels for first and second
22	magnitude springs; providing an effective date.
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24	Be It Enacted by the Legislature of the State of Florida:
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26	Section 1. Subsection (2) of section 373.042, Florida
27	Statutes, is amended to read:
28	373.042 Minimum flows and levels
29	(2) <u>(a)</u> By November 15, 1997, and annually thereafter,
30	each water management district shall submit to the department
31	for review and approval a priority list and schedule for the
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establishment of minimum flows and levels for surface 1 2 watercourses, aquifers, and surface waters within the district. The priority list shall also identify those water 3 bodies for which the district will voluntarily undertake 4 independent scientific peer review. 5 б (b) By January 1, 1998, and annually thereafter, each 7 water management district shall publish its approved priority list and schedule in the Florida Administrative Weekly. The 8 priority list shall be based upon the importance of the waters 9 to the state or region and the existence of or potential for 10 significant harm to the water resources or ecology of the 11 12 state or region, and shall include those waters which are 13 experiencing or may reasonably be expected to experience adverse impacts. 14 (c) By January 1, 2003, each water management 15 district's priority list and schedule shall include all first 16 17 magnitude springs, and all second magnitude springs within state or federally owned lands purchased for conservation 18 purposes. The specific schedule for establishment of spring 19 minimum flows and levels shall be commensurate with the 20 21 existing or potential threat to spring flow from consumptive 22 uses. Springs within the Suwannee River Water Management 23 District, or second magnitude springs in other areas of the 2.4 state, need not be included on the priority list if the water 25 management district submits a report to the Department of 26 Environmental Protection demonstrating that adverse impacts 27 are not now occurring nor are reasonably expected to occur 2.8 from consumptive uses during the next 20 years. The priority list and schedule shall not be subject to any proceeding 29 30 pursuant to chapter 120. 31

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1	(d) By January 1, 2008, the Suwannee River Water
2	Management District and the Southwest Florida Water Management
3	District must establish minimum flows and levels for all first
4	and second magnitude springs remaining on their respective
5	priority lists on the effective date of this act. Minimum
б	flows and levels established under this paragraph are not
7	subject to the independent peer-review provisions of this
8	section. A minimum flow or level established under this
9	paragraph shall take effect even if a substantially affected
10	person files a petition for an administrative hearing under
11	chapter 120 challenging the establishment of the minimum flow
12	or level.
13	(e) Except as provided in subsection (3), the
14	development of a priority list and compliance with the
15	schedule for the establishment of minimum flows and levels
16	pursuant to this subsection shall satisfy the requirements of
17	subsection (1).
18	Section 2. Subsection (12) is added to section 373.59,
19	Florida Statutes, to read:
20	373.59 Water Management Lands Trust Fund
21	(12) Notwithstanding the provisions of this section,
22	in the 2005-2006 and 2006-2007 fiscal years, the Suwannee
23	River Water Management District and the Southwest Florida
24	<u>Water Management District may each use not more than \$4</u>
25	million per year of moneys allocated to the respective
26	districts from the Water Management Lands Trust Fund,
27	including any unused portion and interest earnings on those
28	moneys, for the purposes of establishing minimum flows or
29	levels for first and second magnitude springs pursuant to s.
30	<u>370.042(2)(d).</u>
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1	Section 3. This act shall take effect upon becoming a
2	law.
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4	STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN COMMITTEE SUBSTITUTE FOR
5	<u>Senate Bill 2368</u>
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7	within the Suwannee River Water Management District and secon magnitude springs in other areas of the state need not be included on the water management district's minimum flows and levels priority list under certain conditions.
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10	Provides that by January 1, 2008, the Suwannee River Water Management District and the Southwest Florida Water Management
11	District must establish minimum flows and levels for all first and second magnitude springs remaining on their respective
12	priority lists on the effective date of the bill. Such minimum flows and levels are not subject to independent peer review. A
13	minimum flow or level shall take effect even if a substantially affected person files a petition for an
14	administrative hearing under ch. 120, F.S.
15	For the next 2 fiscal years, the Suwannee River Water Management District and the Southwest Florida Water Management
16 17	District may each use not more than \$4 million per year of certain specified moneys for the establishment of minimum flows and lowels for first and accord magnitude apprings
18	flows and levels for first and second magnitude springs.
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