

HB 157

2012

1 A bill to be entitled
 2 An act relating to water management districts;
 3 amending s. 373.046, F.S.; authorizing water
 4 management districts to enter into interagency
 5 agreements for resource management activities under
 6 specified conditions; providing applicability;
 7 amending s. 373.223, F.S.; requiring water management
 8 districts to apply specified reservations, minimum
 9 flows and levels, and recovery and prevention
 10 strategies in determining certain effects of proposed
 11 consumptive uses of water; prohibiting water
 12 management districts from authorizing certain
 13 consumptive uses of water; providing an exception;
 14 providing requirements for the challenge of specified
 15 rules; providing an effective date.

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 17 Be It Enacted by the Legislature of the State of Florida:

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 19 Section 1. Subsection (7) is added to section 373.046,
 20 Florida Statutes, to read:

21 373.046 Interagency agreements.—

22 (7) When the geographic area of a project or local
 23 government or regional water supply authority crosses water
 24 management district boundaries, the affected districts may
 25 designate a single affected district by interagency agreement to
 26 implement in that area all or part of the applicable resource
 27 management responsibilities under this chapter. Interagency
 28 agreements entered into under this subsection which apply to the

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29 geographic area of a local government must have the concurrence
30 of the affected local government. This subsection only applies
31 to resource projects for which a measurable water resource
32 benefit can be demonstrated for the geographic area of the local
33 government or regional water supply authority.

34 Section 2. Subsection (6) is added to section 373.223,
35 Florida Statutes, to read:

36 373.223 Conditions for a permit.—

37 (6) In determining the effect of a proposed consumptive
38 use of water on the water resources of an adjoining district,
39 the governing board shall apply, without adopting by rule, the
40 reservations, minimum flows and levels, and recovery or
41 prevention strategies adopted by the adjoining district. The
42 governing board may not authorize a consumptive use of water
43 that violates any reservation adopted pursuant to subsection (4)
44 or any minimum flow or level adopted pursuant to ss. 373.042 and
45 373.0421, except as provided for in an adopted recovery or
46 prevention strategy. Any rule applied pursuant to this
47 subsection that is challenged under s. 120.56 or s. 120.569
48 shall be defended by the district that adopted the rule.

49 Section 3. This act shall take effect July 1, 2012.