

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 applicability; amending s. 373.605,  
16          F.S.; authorizing water management districts to  
17          provide group insurance for employees of other water  
18          management districts; removing obsolete provisions;  
19          amending s. 373.709, F.S., relating to regional water  
20          supply planning; removing a reference to the Southwest  
21          Florida Water Management District; requiring a  
22          regional water supply authority and the applicable  
23          water management district to jointly develop the water  
24          supply component of the regional water supply plan;  
25          amending s. 373.171, F.S.; exempting cooperative  
26          funding programs from certain rulemaking requirements;  
27          providing an effective date.  
28

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

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

33 373.046 Interagency agreements.—

34 (7) If the geographic area of a resource management  
 35 activity, study, or project crosses water management district  
 36 boundaries, the affected districts may designate a single  
 37 affected district to conduct all or part of the applicable  
 38 resource management responsibilities under this chapter, with  
 39 the exception of those regulatory responsibilities that are  
 40 subject to subsection (6). If funding assistance is provided to  
 41 a resource management activity, study, or project, the district  
 42 providing the funding must ensure that some or all of the  
 43 benefits accrue to the funding district. This subsection does  
 44 not impair any interagency agreement in effect on July 1, 2012.

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

47 373.223 Conditions for a permit.—

48 (6) In determining the effect of a proposed consumptive  
 49 use of water on the water resources of an adjoining district,  
 50 the governing board shall apply, without adopting by rule, the  
 51 reservations, minimum flows and levels, and recovery or  
 52 prevention strategies adopted by rule after July 1, 2012, by the  
 53 adjoining district. The governing board may not authorize a  
 54 consumptive use of water that violates any reservation adopted  
 55 pursuant to subsection (4) or any minimum flow or level adopted  
 56 pursuant to ss. 373.042 and 373.0421 after July 1, 2012, unless

57 such permit is issued in accordance with the recovery or  
 58 prevention strategy adopted by rule by the adjoining district.  
 59 The governing board may grant a variance from the recovery or  
 60 prevention strategy if the applicant identifies an alternative  
 61 strategy to assist with the recovery of or the prevention of  
 62 harm to a water body. Any rule applied pursuant to this  
 63 subsection that is challenged under s. 120.56 or s. 120.569  
 64 shall be defended by the district that adopted the rule. This  
 65 subsection does not apply to and may not be considered for any  
 66 permit issued before July 1, 2012, including a review of a  
 67 compliance report submitted pursuant to s. 373.236. However, the  
 68 governing board must consider the reservations, minimum flows  
 69 and levels, and recovery strategies adopted by rule after July  
 70 1, 2012, by the adjoining district if a modification of a permit  
 71 issued prior to July 1, 2012, is requested by the permittee to  
 72 increase permitted quantities or to transfer permitted  
 73 quantities to a new or existing source.

74 Section 3. Section 373.605, Florida Statutes, is amended  
 75 to read:

76 373.605 Group insurance for water management districts.—

77 (1) The governing board of a ~~any~~ water management district  
 78 ~~may is hereby authorized and empowered to~~ provide group  
 79 insurance for its employees in the same manner and with the same  
 80 provisions and limitations authorized for other public employees  
 81 by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

82 (2) The governing board of a water management district may  
 83 provide group insurance for its employees and the employees of  
 84 another water management district in the same manner and with

85 the same provisions and limitations authorized for other public  
 86 employees by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

87 ~~(2) Any and all insurance agreements in effect as of~~  
 88 ~~October 1, 1974, which conform to the provisions of this section~~  
 89 ~~are hereby ratified.~~

90 Section 4. Subsection (3) of section 373.709, Florida  
 91 Statutes, is amended to read:

92 373.709 Regional water supply planning.—

93 (3) The water supply development component of a regional  
 94 water supply plan which deals with or affects public utilities  
 95 and public water supply for those areas served by a regional  
 96 water supply authority and its member governments ~~within the~~  
 97 ~~boundary of the Southwest Florida Water Management District~~  
 98 shall be developed jointly by the authority and the applicable  
 99 water management district. In areas not served by regional water  
 100 supply authorities, or other multijurisdictional water supply  
 101 entities, and where opportunities exist to meet water supply  
 102 needs more efficiently through multijurisdictional projects  
 103 identified pursuant to paragraph (2)(a), water management  
 104 districts are directed to assist in developing  
 105 multijurisdictional approaches to water supply project  
 106 development jointly with affected water utilities, special  
 107 districts, and local governments.

108 Section 5. Subsection (5) is added to section 373.171,  
 109 Florida Statutes, to read:

110 373.171 Rules.—

111 (5) Cooperative funding programs are not subject to the  
 112 rulemaking requirements of chapter 120. However, any portion of

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113 | an approved program which affects the substantial interests of a  
114 | party is subject to s. 120.569.

115 | Section 6. This act shall take effect July 1, 2012.