

1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 373.042, F.S.; providing for certain
4 affected persons to request a review of a proposed
5 minimum flow or level, reservation, or recovery or
6 prevention strategy by the Department of Environmental
7 Protection; suspending rulemaking timeframes under ch.
8 120 during such review; requiring the department to
9 provide comments; providing construction; amending s.
10 373.046, F.S.; authorizing water management districts
11 to enter into interagency agreements for resource
12 management activities under specified conditions;
13 providing applicability; amending s. 373.223, F.S.;
14 requiring water management districts to apply
15 specified reservations, minimum flows and levels, and
16 recovery and prevention strategies in determining
17 certain effects of proposed consumptive uses of water;
18 prohibiting water management districts from
19 authorizing certain consumptive uses of water;
20 providing an exception; providing requirements for the
21 challenge of specified rules; providing applicability;
22 amending s. 373.605, F.S.; authorizing water
23 management districts to provide group insurance for
24 employees of other water management districts;
25 removing obsolete provisions; amending s. 373.709,
26 F.S., relating to regional water supply planning;
27 removing a reference to the Southwest Florida Water
28 Management District; requiring a regional water supply

29 authority and the applicable water management district
 30 to jointly develop the water supply component of the
 31 regional water supply plan; amending s. 373.171, F.S.;
 32 exempting cooperative funding programs from certain
 33 rulemaking requirements; providing an effective date.

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

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37 Section 1. Present subsection (5) of section 373.042,
 38 Florida Statutes, is renumbered as subsection (6), and a new
 39 subsection (5) is added to that section to read:

40 373.042 Minimum flows and levels.—

41 (5) A person substantially affected under s. 373.223(6) by
 42 a proposed establishment of a minimum flow or level,
 43 reservation, or recovery or prevention strategy in an adjoining
 44 district may request a preliminary review by the department
 45 before the rule adoption hearing by the governing board. Such a
 46 request shall be made within 21 days after publication of the
 47 notice of proposed rulemaking and shall suspend the applicable
 48 rulemaking timeframes under s. 120.54 for 30 days, during which
 49 time the department shall review the proposed rule and provide
 50 comments for consideration by the governing board. The review
 51 under this subsection is separate from the review under s.
 52 373.114(2).

53 Section 2. Subsection (7) is added to section 373.046,
 54 Florida Statutes, to read:

55 373.046 Interagency agreements.—

56 (7) If the geographic area of a resource management

57 activity, study, or project crosses water management district
58 boundaries, the affected districts may designate a single
59 affected district to conduct all or part of the applicable
60 resource management responsibilities under this chapter, with
61 the exception of those regulatory responsibilities that are
62 subject to subsection (6). If funding assistance is provided to
63 a resource management activity, study, or project, the district
64 providing the funding must ensure that some or all of the
65 benefits accrue to the funding district. This subsection does
66 not impair any interagency agreement in effect on July 1, 2012.

67 Section 3. Subsection (6) is added to section 373.223,
68 Florida Statutes, to read:

69 373.223 Conditions for a permit.—

70 (6) In determining the effect of a proposed consumptive
71 use of water on the water resources of an adjoining district,
72 the governing board shall apply, without adopting by rule, the
73 reservations, minimum flows and levels, and recovery or
74 prevention strategies adopted by rule after July 1, 2012, by the
75 adjoining district. The governing board may not authorize a
76 consumptive use of water that violates any reservation adopted
77 pursuant to subsection (4) or any minimum flow or level adopted
78 pursuant to ss. 373.042 and 373.0421 after July 1, 2012, unless
79 such permit is issued in accordance with the recovery or
80 prevention strategy adopted by rule by the adjoining district.
81 The governing board may grant a variance from the recovery or
82 prevention strategy if the applicant identifies an alternative
83 strategy to assist with the recovery of or the prevention of
84 harm to a water body. Any rule applied pursuant to this

85 subsection that is challenged under s. 120.56 or s. 120.569
86 shall be defended by the district that adopted the rule. This
87 subsection does not apply to and may not be considered for any
88 permit issued before July 1, 2012, including a review of a
89 compliance report submitted pursuant to s. 373.236. However, the
90 governing board must consider the reservations, minimum flows
91 and levels, and recovery or prevention strategies adopted by
92 rule after July 1, 2012, by the adjoining district if a
93 modification of a permit issued prior to July 1, 2012, is
94 requested by the permittee to increase permitted quantities or
95 to transfer permitted quantities to a new or existing source
96 that increases the impact to the minimum flow or level or
97 reservation.

98 Section 4. Section 373.605, Florida Statutes, is amended
99 to read:

100 373.605 Group insurance for water management districts.—

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

106 (2) The governing board of a water management district may
107 provide group insurance for its employees and the employees of
108 another water management district in the same manner and with
109 the same provisions and limitations authorized for other public
110 employees by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

111 ~~(2) Any and all insurance agreements in effect as of~~
112 ~~October 1, 1974, which conform to the provisions of this section~~

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113 ~~are hereby ratified.~~

114 Section 5. Subsection (3) of section 373.709, Florida
115 Statutes, is amended to read:

116 373.709 Regional water supply planning.—

117 (3) The water supply development component of a regional
118 water supply plan which deals with or affects public utilities
119 and public water supply for those areas served by a regional
120 water supply authority and its member governments ~~within the~~
121 ~~boundary of the Southwest Florida Water Management District~~
122 shall be developed jointly by the authority and the applicable
123 water management district. In areas not served by regional water
124 supply authorities, or other multijurisdictional water supply
125 entities, and where opportunities exist to meet water supply
126 needs more efficiently through multijurisdictional projects
127 identified pursuant to paragraph (2) (a), water management
128 districts are directed to assist in developing
129 multijurisdictional approaches to water supply project
130 development jointly with affected water utilities, special
131 districts, and local governments.

132 Section 6. Subsection (5) is added to section 373.171,
133 Florida Statutes, to read:

134 373.171 Rules.—

135 (5) Cooperative funding programs are not subject to the
136 rulemaking requirements of chapter 120. However, any portion of
137 an approved program which affects the substantial interests of a
138 party is subject to s. 120.569.

139 Section 7. This act shall take effect July 1, 2012.