

1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 373.042, F.S.; requiring water management
4 districts to include certain reservations and water
5 bodies in priority lists and schedules; providing for
6 the adoption of certain reservations and minimum flows
7 and levels by the Department of Environmental
8 Protection; requiring water management districts to
9 apply, without adopting by rule, reservations, minimum
10 flows and levels, and recovery and prevention
11 strategies adopted by the department; amending s.
12 373.046, F.S.; authorizing water management districts
13 to enter into interagency agreements for resource
14 management activities under specified conditions;
15 providing applicability; amending s. 373.605, F.S.;
16 authorizing water management districts to provide
17 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:

30
 31 Section 1. Present subsections (4) and (5) of section
 32 373.042, Florida Statutes, are redesignated as subsections (5)
 33 and (6), respectively, a new subsection (4) is added to that
 34 section, and subsection (2) of that section is amended, to read:

35 373.042 Minimum flows and levels.—

36 (2) By November 15, 1997, and annually thereafter, each
 37 water management district shall submit to the department for
 38 review and approval a priority list and schedule for the
 39 establishment of minimum flows and levels for surface
 40 watercourses, aquifers, and surface waters within the district.
 41 The priority list and schedule shall ~~also~~ identify those listed
 42 water bodies for which the district will voluntarily undertake
 43 independent scientific peer review; any reservations proposed by
 44 the district to be established pursuant to s. 373.223(4); and
 45 those listed water bodies that have the potential to be affected
 46 by withdrawals in an adjacent district for which department
 47 adoption of a reservation pursuant to s. 373.223(4) or a minimum
 48 flow or level pursuant to subsection (1) may be appropriate. By
 49 March 1, 2006, and annually thereafter, each water management
 50 district shall include its approved priority list and schedule
 51 in the consolidated annual report required by s. 373.036(7). The
 52 priority list shall be based upon the importance of the waters
 53 to the state or region and the existence of or potential for
 54 significant harm to the water resources or ecology of the state
 55 or region, and shall include those waters which are experiencing
 56 or may reasonably be expected to experience adverse impacts.

57 Each water management district's priority list and schedule
58 shall include all first magnitude springs, and all second
59 magnitude springs within state or federally owned lands
60 purchased for conservation purposes. The specific schedule for
61 establishment of spring minimum flows and levels shall be
62 commensurate with the existing or potential threat to spring
63 flow from consumptive uses. Springs within the Suwannee River
64 Water Management District, or second magnitude springs in other
65 areas of the state, need not be included on the priority list if
66 the water management district submits a report to the Department
67 of Environmental Protection demonstrating that adverse impacts
68 are not now occurring nor are reasonably expected to occur from
69 consumptive uses during the next 20 years. The priority list and
70 schedule shall not be subject to any proceeding pursuant to
71 chapter 120. Except as provided in subsection (3), the
72 development of a priority list and compliance with the schedule
73 for the establishment of minimum flows and levels pursuant to
74 this subsection shall satisfy the requirements of subsection
75 (1).

76 (4) A water management district shall provide the
77 department with technical information and staff support for the
78 development of a reservation, minimum flow or level, or recovery
79 or prevention strategy to be adopted by rule by the department.
80 A reservation, minimum flow or level, or recovery or prevention
81 strategy adopted by rule by the department shall be applied by
82 the water management districts without adoption of such
83 reservation, minimum flow or level, or recovery or prevention
84 strategy by rule.

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

87 373.046 Interagency agreements.—

88 (7) If the geographic area of a resource management
 89 activity, study, or project crosses water management district
 90 boundaries, the affected districts may designate a single
 91 affected district to conduct all or part of the applicable
 92 resource management responsibilities under this chapter, with
 93 the exception of those regulatory responsibilities that are
 94 subject to subsection (6). If funding assistance is provided to
 95 a resource management activity, study, or project, the district
 96 providing the funding must ensure that some or all of the
 97 benefits accrue to the funding district. This subsection does
 98 not impair any interagency agreement in effect on July 1, 2012.

99 Section 3. Section 373.605, Florida Statutes, is amended
 100 to read:

101 373.605 Group insurance for water management districts.—

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

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

112 ~~(2) Any and all insurance agreements in effect as of~~

113 ~~October 1, 1974, which conform to the provisions of this section~~
 114 ~~are hereby ratified.~~

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

117 373.709 Regional water supply planning.—

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

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

135 373.171 Rules.—

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

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