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LEGISLATIVE ACTION

Senate	.	House
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Floor: WD	.	
03/09/2012 11:19 PM	.	
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Senator Dean moved the following:

**Senate Amendment (with title amendment)**

Between lines 12 and 13

insert:

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

373.042 Minimum flows and levels.—

(2) By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the



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14 establishment of minimum flows and levels for surface  
15 watercourses, aquifers, and surface waters within the district.  
16 The priority list and schedule shall ~~also~~ identify those listed  
17 water bodies for which the district will voluntarily undertake  
18 independent scientific peer review; any reservations proposed by  
19 the district to be established pursuant to s. 373.223(4); and  
20 those listed water bodies that have the potential to be affected  
21 by withdrawals in an adjacent district for which department  
22 adoption of a reservation pursuant to s. 373.223(4) or a minimum  
23 flow or level pursuant to subsection (1) may be appropriate. By  
24 March 1, 2006, and annually thereafter, each water management  
25 district shall include its approved priority list and schedule  
26 in the consolidated annual report required by s. 373.036(7). The  
27 priority list shall be based upon the importance of the waters  
28 to the state or region and the existence of or potential for  
29 significant harm to the water resources or ecology of the state  
30 or region, and shall include those waters which are experiencing  
31 or may reasonably be expected to experience adverse impacts.  
32 Each water management district's priority list and schedule  
33 shall include all first magnitude springs, and all second  
34 magnitude springs within state or federally owned lands  
35 purchased for conservation purposes. The specific schedule for  
36 establishment of spring minimum flows and levels shall be  
37 commensurate with the existing or potential threat to spring  
38 flow from consumptive uses. Springs within the Suwannee River  
39 Water Management District, or second magnitude springs in other  
40 areas of the state, need not be included on the priority list if  
41 the water management district submits a report to the Department  
42 of Environmental Protection demonstrating that adverse impacts



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43 are not now occurring nor are reasonably expected to occur from  
44 consumptive uses during the next 20 years. The priority list and  
45 schedule shall not be subject to any proceeding pursuant to  
46 chapter 120. Except as provided in subsection (3), the  
47 development of a priority list and compliance with the schedule  
48 for the establishment of minimum flows and levels pursuant to  
49 this subsection shall satisfy the requirements of subsection  
50 (1).

51 (4) A water management district shall provide the  
52 department with technical information and staff support for the  
53 development of a reservation, minimum flow or level, or recovery  
54 or prevention strategy to be adopted by rule by the department.  
55 A reservation, minimum flow or level, or recovery or prevention  
56 strategy adopted by rule by the department shall be applied by  
57 the water management districts without adoption of such  
58 reservation, minimum flow or level, or recovery or prevention  
59 strategy by rule.

60 (6) ~~(5)~~ If a petition for administrative hearing is filed  
61 under chapter 120 challenging the establishment of a minimum  
62 flow or level, the report of an independent scientific peer  
63 review conducted under subsection (5) ~~(4)~~ is admissible as  
64 evidence in the final hearing, and the administrative law judge  
65 must render the order within 120 days after the filing of the  
66 petition. The time limit for rendering the order shall not be  
67 extended except by agreement of all the parties. To the extent  
68 that the parties agree to the findings of the peer review, they  
69 may stipulate that those findings be incorporated as findings of  
70 fact in the final order.

71 Section 2. Subsection (7) is added to section 373.046,



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72 Florida Statutes, to read:

73 373.046 Interagency agreements.—

74 (7) If the geographic area of a resource management  
75 activity, study, or project crosses water management district  
76 boundaries, the affected districts may designate a single  
77 affected district to conduct all or part of the applicable  
78 resource management responsibilities under this chapter, with  
79 the exception of those regulatory responsibilities that are  
80 subject to subsection (6). If funding assistance is provided to  
81 a resource management activity, study, or project, the district  
82 providing the funding must ensure that some or all of the  
83 benefits accrue to the funding district. This subsection does  
84 not impair any interagency agreement in effect on July 1, 2012.

85 Section 3. Subsection (3) of section 373.709, Florida  
86 Statutes, is amended to read:

87 373.709 Regional water supply planning.—

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



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101 development jointly with affected water utilities, special  
102 districts, and local governments.

103 Section 4. Subsection (5) is added to section 373.171,  
104 Florida Statutes, to read:

105 373.171 Rules.—

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

110  
111 ===== T I T L E A M E N D M E N T =====

112 And the title is amended as follows:

113 Delete line 3

114 and insert:

115 improvements; amending s. 373.042, F.S.; requiring  
116 water management districts to include certain  
117 reservations and water bodies in priority lists and  
118 schedules; providing for the adoption of certain  
119 reservations and minimum flows and levels by the  
120 Department of Environmental Protection; requiring  
121 water management districts to apply, without adopting  
122 by rule, reservations, minimum flows and levels, and  
123 recovery and prevention strategies adopted by the  
124 department; amending s. 373.046, F.S.; authorizing  
125 water management districts to enter into interagency  
126 agreements for resource management activities under  
127 specified conditions; providing applicability;  
128 amending s. 373.709, F.S., relating to regional water  
129 supply planning; removing a reference to the Southwest



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130 Florida Water Management District; requiring a  
131 regional water supply authority and the applicable  
132 water management district to jointly develop the water  
133 supply component of the regional water supply plan;  
134 amending s. 373.171, F.S.; exempting cooperative  
135 funding programs from certain rulemaking requirements;  
136 creating s. 373.4591, F.S.; requiring a