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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
12/07/2011	.	
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The Committee on Environmental Preservation and Conservation
(Dean) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

373.046 Interagency agreements.—

(7) If the geographic area of a resource management
activity, study, or project crosses water management district
boundaries, the affected districts may designate a single
affected district to conduct all or part of the applicable
resource management responsibilities under this chapter, with
the exception of those regulatory responsibilities that are



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14 subject to subsection (6). If funding assistance is provided to
15 a resource management activity, study, or project, the district
16 providing the funding must ensure that some or all the benefits
17 accrue to the funding district. This subsection may not impair
18 any interagency agreement in effect on July 1, 2012.

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

21 373.223 Conditions for a permit.-

22 (6) In determining the effect of a proposed consumptive use
23 of water on the water resources of an adjoining district, the
24 governing board shall apply, without adopting by rule, the
25 reservations, minimum flows and levels, and recovery or
26 prevention strategies adopted by rule by the adjoining district.
27 The governing board may not authorize a consumptive use of water
28 which violates any reservation adopted pursuant to subsection
29 (4) or any minimum flow or level adopted pursuant to ss. 373.042
30 and 373.0421, unless such permit is issued in accordance with
31 the recovery or prevention strategy adopted by rule by the
32 adjoining district. The district may grant a variance from the
33 recovery or prevention strategy if the applicant identifies an
34 alternative strategy to assist with the recovery of or the
35 prevention of harm to a water body. Any rule applied pursuant to
36 this subsection which is challenged under s. 120.56 or s.
37 120.569 shall be defended by the district that adopted the rule.
38 This subsection does not apply to and may not be considered for
39 any permit issued before July 1, 2012, including a review of a
40 compliance report submitted pursuant to s. 373.236, or a permit
41 modification requested by the permittee unless the permittee
42 requests an increase in permitted quantities or a transfer of



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43 permitted quantities to a new or existing source.

44 Section 3. Section 373.605, Florida Statutes, is amended to
45 read:

46 373.605 Group insurance for water management districts.—

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

52 (2) The governing board of a water management district may
53 provide group insurance for its employees and the employees of
54 another water management district in the same manner and with
55 the same provisions and limitations authorized for other public
56 employees by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

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

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

62 373.709 Regional water supply planning.—

63 (3) The water supply development component of a regional
64 water supply plan which deals with or affects public utilities
65 and public water supply for those areas served by a regional
66 water supply authority and its member governments ~~within the~~
67 ~~boundary of the Southwest Florida Water Management District~~
68 shall be developed jointly by the authority and the applicable
69 water management district. In areas not served by regional water
70 supply authorities, or other multijurisdictional water supply
71 entities, and where opportunities exist to meet water supply



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72 needs more efficiently through multijurisdictional projects
73 identified pursuant to paragraph (2)(a), water management
74 districts are directed to assist in developing
75 multijurisdictional approaches to water supply project
76 development jointly with affected water utilities, special
77 districts, and local governments.

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

80 373.171 Rules.—

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

85 Section 6. This act shall take effect July 2012.

86
87 ===== T I T L E A M E N D M E N T =====

88 And the title is amended as follows:

89 Delete everything before the enacting clause
90 and insert:

91 A bill to be entitled
92 An act relating to water management districts;
93 amending s. 373.046, F.S.; authorizing a district to
94 designate another single affected district to conduct
95 resource management responsibilities under an
96 interagency agreement; requiring that the district
97 providing funding assistance for an activity, study,
98 or project receive some or all of the benefits;
99 amending s. 373.223, F.S.; requiring districts to
100 apply specific reservations, minimum flows and levels,



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101 and recovery and prevention strategies in determining
102 certain effects of proposed consumptive uses of water;
103 providing an exception; providing requirements for the
104 challenge of specified rules; providing for
105 applicability; amending s. 373.605, F.S.; authorizing
106 a district to provide group health insurance for the
107 employees of another district; removing obsolete
108 provisions; amending s. 373.709, F.S., relating to
109 regional water supply planning; removing a reference
110 to the Southwest Florida Water Management District;
111 requiring a regional water supply authority and the
112 applicable water management district to jointly
113 develop the water supply component of the regional
114 water supply plan; amending s. 373.171, F.S.;
115 exempting cooperative funding programs from certain
116 rulemaking requirements; providing an effective date.