

By the Committee on Environmental Preservation and Conservation;  
and Senator Dean

592-01541-12

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1 A bill to be entitled

2 An act relating to water management districts;  
3 amending s. 373.046, F.S.; authorizing a district to  
4 designate another single affected district to conduct  
5 resource management responsibilities under an  
6 interagency agreement; requiring that the district  
7 providing funding assistance for an activity, study,  
8 or project receive some or all of the benefits;  
9 amending s. 373.223, F.S.; requiring districts to  
10 apply specific reservations, minimum flows and levels,  
11 and recovery and prevention strategies in determining  
12 certain effects of proposed consumptive uses of water;  
13 providing an exception; providing requirements for the  
14 challenge of specified rules; providing for  
15 applicability; amending s. 373.605, F.S.; authorizing  
16 a district to provide group health insurance for the  
17 employees of another district; removing obsolete  
18 provisions; amending s. 373.709, F.S., relating to  
19 regional water supply planning; removing a reference  
20 to the Southwest Florida Water Management District;  
21 requiring a regional water supply authority and the  
22 applicable water management district to jointly  
23 develop the water supply component of the regional  
24 water supply plan; amending s. 373.171, F.S.;  
25 exempting cooperative funding programs from certain  
26 rulemaking requirements; providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:  
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30 Section 1. Subsection (7) is added to section 373.046,  
31 Florida Statutes, to read:

32 373.046 Interagency agreements.—

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

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

46 373.223 Conditions for a permit.—

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

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59 prevention strategy if the applicant identifies an alternative  
60 strategy to assist with the recovery of or the prevention of  
61 harm to a water body. Any rule applied pursuant to this  
62 subsection which is challenged under s. 120.56 or s. 120.569  
63 shall be defended by the district that adopted the rule. This  
64 subsection does not apply to and may not be considered for any  
65 permit issued before July 1, 2012, including a review of a  
66 compliance report submitted pursuant to s. 373.236, or a permit  
67 modification requested by the permittee unless the permittee  
68 requests an increase in permitted quantities or a transfer of  
69 permitted quantities to a new or existing source.

70 Section 3. Section 373.605, Florida Statutes, is amended to  
71 read:

72 373.605 Group insurance for water management districts.—

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

78 (2) The governing board of a water management district may  
79 provide group insurance for its employees and the employees of  
80 another water management district in the same manner and with  
81 the same provisions and limitations authorized for other public  
82 employees by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

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

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

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88 373.709 Regional water supply planning.—

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

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

106 373.171 Rules.—

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

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