

By the Committees on Budget Subcommittee on General Government Appropriations; and Environmental Preservation and Conservation; and Senator Dean

601-02248-12

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1 A bill to be entitled
2 An act relating to water management districts;
3 amending s. 373.042, F.S.; providing that any person
4 substantially affected by a reservation, proposed
5 minimum flow or level, or recovery or prevention
6 strategy in an adjoining district may request a
7 preliminary review by the Department of Environmental
8 Protection; amending s. 373.046, F.S.; authorizing a
9 district to designate another single affected district
10 to conduct resource management responsibilities under
11 an interagency agreement; requiring that the district
12 providing funding assistance for an activity, study,
13 or project receive some or all of the benefits;
14 amending s. 373.223, F.S.; requiring districts to
15 apply specific reservations, minimum flows and levels,
16 and recovery and prevention strategies in determining
17 certain effects of proposed consumptive uses of water;
18 providing an exception; providing requirements for the
19 challenge of specified rules; providing for
20 applicability; amending s. 373.605, F.S.; authorizing
21 a district to provide group health insurance for the
22 employees of another district; removing obsolete
23 provisions; amending s. 373.709, F.S., relating to
24 regional water supply planning; removing a reference
25 to the Southwest Florida Water Management District;
26 requiring a regional water supply authority and the
27 applicable water management district to jointly
28 develop the water supply component of the regional
29 water supply plan; amending s. 373.171, F.S.;

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30 exempting cooperative funding programs from certain
31 rulemaking requirements; providing an effective date.
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33 Be It Enacted by the Legislature of the State of Florida:
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35 Section 1. Present subsection (5) of section 373.042,
36 Florida Statutes, is renumbered as subsection (6), and a new
37 subsection (5) is added to that section, to read:

38 373.042 Minimum flows and levels.—

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

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

53 373.046 Interagency agreements.—

54 (7) If the geographic area of a resource management
55 activity, study, or project crosses water management district
56 boundaries, the affected districts may designate a single
57 affected district to conduct all or part of the applicable
58 resource management responsibilities under this chapter, with

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59 the exception of those regulatory responsibilities that are
60 subject to subsection (6). If funding assistance is provided to
61 a resource management activity, study, or project, the district
62 providing the funding must ensure that some or all the benefits
63 accrue to the funding district. This subsection may not impair
64 any interagency agreement in effect on July 1, 2012.

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

67 373.223 Conditions for a permit.-

68 (6) In determining the effect of a proposed consumptive use
69 of water on the water resources of an adjoining district, the
70 governing board shall apply, without adopting by rule, the
71 reservations, minimum flows and levels, and recovery or
72 prevention strategies adopted by rule after July 1, 2012, by the
73 adjoining district. The governing board may not authorize a
74 consumptive use of water which violates any reservation adopted
75 pursuant to subsection (4) or any minimum flow or level adopted
76 pursuant to ss. 373.042 and 373.0421 after July 1, 2012, unless
77 such permit is issued in accordance with the recovery or
78 prevention strategy adopted by rule by the adjoining district.
79 The district may grant a variance from the recovery or
80 prevention strategy if the applicant identifies an alternative
81 strategy to assist with the recovery of or the prevention of
82 harm to a water body. Any rule applied pursuant to this
83 subsection which is challenged under s. 120.56 or s. 120.569
84 shall be defended by the district that adopted the rule. This
85 subsection does not apply to and may not be considered for any
86 permit issued before July 1, 2012, including a review of a
87 compliance report submitted pursuant to s. 373.236. However, a

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88 district must consider the reservations, minimum flows and
89 levels, and recovery or prevention strategies adopted by rule on
90 or after July 1, 2012, by the adjoining district if a
91 modification of a permit issued before July 1, 2012, is
92 requested by the permittee to increase permitted quantities or
93 to transfer permitted quantities to a new or existing source
94 that increases the impact to the reservation or minimum flow or
95 level.

96 Section 4. Section 373.605, Florida Statutes, is amended to
97 read:

98 373.605 Group insurance for water management districts.—

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

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

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

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

114 373.709 Regional water supply planning.—

115 (3) The water supply development component of a regional
116 water supply plan which deals with or affects public utilities

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

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

132 373.171 Rules.—

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

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