

1 A bill to be entitled
2 An act relating to water supply; amending s. 373.701,
3 F.S.; providing a legislative declaration that efforts
4 to adequately and dependably meet water needs require
5 the cooperation of utility companies, private
6 landowners, water consumers, and the Department of
7 Agriculture and Consumer Services; amending s.
8 373.703, F.S.; providing that the governing board of a
9 water management district shall assist self-suppliers,
10 among others, in meeting water supply demands in a
11 manner that will give priority to encouraging
12 conservation and reducing adverse environmental
13 effects; providing that the governing board of a water
14 management district may contract with self-suppliers
15 for the purpose of carrying out its powers; amending
16 s. 373.709, F.S.; providing that certain planning by
17 the governing board of a water management district
18 must be conducted in coordination and cooperation with
19 the Department of Agriculture and Consumer Services,
20 among other interested parties; requiring that certain
21 agricultural demand projections be based upon the best
22 available data and providing considerations to
23 determine the best available data; requiring certain
24 information if there is a deviation from the data
25 provided by the Department of Agriculture and Consumer
26 Services; authorizing certain users to propose
27 specific projects for inclusion in the list of water
28 supply development project options; removing

29 | references to alternative water supply projects;
 30 | requiring water management districts to assist in
 31 | developing multijurisdictional approaches to water
 32 | supply project development jointly with affected self-
 33 | suppliers in certain areas; amending s. 570.076, F.S.;
 34 | conforming a cross-reference; amending s. 570.085,
 35 | F.S.; requiring the Department of Agriculture and
 36 | Consumer Services to establish an agricultural water
 37 | supply planning program that includes certain data;
 38 | providing criteria for development of data; providing
 39 | an effective date.

41 | Be It Enacted by the Legislature of the State of Florida:

43 | Section 1. Subsection (3) of section 373.701, Florida
 44 | Statutes, is amended to read:

45 | 373.701 Declaration of policy.—It is declared to be the
 46 | policy of the Legislature:

47 | (3) Cooperative efforts between municipalities, counties,
 48 | utility companies, private landowners, water consumers, water
 49 | management districts, and the Department of Environmental
 50 | Protection, and the Department of Agriculture and Consumer
 51 | Services are necessary ~~mandatory~~ in order to meet the water
 52 | needs of rural and rapidly urbanizing areas in a manner that
 53 | will supply adequate and dependable supplies of water where
 54 | needed without resulting in adverse effects upon the areas from
 55 | which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~
 56 | all practical means of obtaining water, including, but not

57 | limited to, withdrawals of surface water and groundwater, reuse,
 58 | and desalination, and will require ~~necessitate not only~~
 59 | cooperation and ~~but also~~ well-coordinated activities.
 60 | Municipalities, counties, and special districts are encouraged
 61 | to create multijurisdictional water supply entities or regional
 62 | water supply authorities as authorized in s. 373.713 ~~or~~
 63 | ~~multijurisdictional water supply entities.~~

64 | Section 2. Subsections (1), (2), and (9) of section
 65 | 373.703, Florida Statutes, are amended to read:

66 | 373.703 Water production; general powers and duties.—In
 67 | the performance of, and in conjunction with, its other powers
 68 | and duties, the governing board of a water management district
 69 | existing pursuant to this chapter:

70 | (1) Shall engage in planning to assist counties,
 71 | municipalities, special districts, publicly owned and privately
 72 | owned water utilities, multijurisdictional water supply
 73 | entities, ~~or~~ regional water supply authorities, or self-
 74 | suppliers in meeting water supply needs in such manner as will
 75 | give priority to encouraging conservation and reducing adverse
 76 | environmental effects of improper or excessive withdrawals of
 77 | water from concentrated areas. As used in this section and s.
 78 | 373.707, regional water supply authorities are regional water
 79 | authorities created under s. 373.713 or other laws of this
 80 | state.

81 | (2) Shall assist counties, municipalities, special
 82 | districts, publicly owned or privately owned water utilities,
 83 | multijurisdictional water supply entities, ~~or~~ regional water
 84 | supply authorities, or self-suppliers in meeting water supply

85 | needs in such manner as will give priority to encouraging
 86 | conservation and reducing adverse environmental effects of
 87 | improper or excessive withdrawals of water from concentrated
 88 | areas.

89 | (9) May join with one or more other water management
 90 | districts, counties, municipalities, special districts, publicly
 91 | owned or privately owned water utilities, multijurisdictional
 92 | water supply entities, ~~or~~ regional water supply authorities, or
 93 | self-suppliers for the purpose of carrying out ~~any of its~~
 94 | powers, and may contract with such other entities to finance
 95 | acquisitions, construction, operation, and maintenance. The
 96 | contract may provide for contributions to be made by each party
 97 | to the contract thereto, for the division and apportionment of
 98 | the expenses of acquisitions, construction, operation, and
 99 | maintenance, and for the division and apportionment of resulting
 100 | ~~the~~ benefits, services, and products ~~therefrom~~. The contracts
 101 | may contain other covenants and agreements necessary and
 102 | appropriate to accomplish their purposes.

103 | Section 3. Subsection (1), paragraph (a) of subsection
 104 | (2), and subsection (3) of section 373.709, Florida Statutes, is
 105 | amended to read:

106 | 373.709 Regional water supply planning.—

107 | (1) The governing board of each water management district
 108 | shall conduct water supply planning for a ~~any~~ water supply
 109 | planning region within the district identified in the
 110 | appropriate district water supply plan under s. 373.036, where
 111 | it determines that existing sources of water are not adequate to
 112 | supply water for all existing and future reasonable-beneficial

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113 uses and to sustain the water resources and related natural
114 systems for the planning period. The planning must be conducted
115 in an open public process, in coordination and cooperation with
116 local governments, regional water supply authorities,
117 government-owned and privately owned water and wastewater
118 utilities, multijurisdictional water supply entities, self-
119 suppliers, reuse utilities, the Department of Environmental
120 Protection, the Department of Agriculture and Consumer Services,
121 and other affected and interested parties. The districts shall
122 actively engage in public education and outreach to all affected
123 local entities and their officials, as well as members of the
124 public, in the planning process and in seeking input. During
125 preparation, but before ~~prior to~~ completion of the regional
126 water supply plan, the district shall ~~must~~ conduct at least one
127 public workshop to discuss the technical data and modeling tools
128 anticipated to be used to support the regional water supply
129 plan. The district shall also hold several public meetings to
130 communicate the status, overall conceptual intent, and impacts
131 of the plan on existing and future reasonable-beneficial uses
132 and related natural systems. During the planning process, a
133 local government may choose to prepare its own water supply
134 assessment to determine if existing water sources are adequate
135 to meet existing and projected reasonable-beneficial needs of
136 the local government while sustaining water resources and
137 related natural systems. The local government shall submit such
138 assessment, including the data and methodology used, to the
139 district. The district shall consider the local government's
140 assessment during the formation of the plan. A determination by

141 the governing board that initiation of a regional water supply
142 plan for a specific planning region is not needed pursuant to
143 this section is ~~shall be~~ subject to s. 120.569. The governing
144 board shall reevaluate the ~~such a~~ determination at least once
145 every 5 years and shall initiate a regional water supply plan,
146 if needed, pursuant to this subsection.

147 (2) Each regional water supply plan must ~~shall~~ be based on
148 at least a 20-year planning period and must ~~shall~~ include, but
149 need not be limited to:

150 (a) A water supply development component for each water
151 supply planning region identified by the district which
152 includes:

153 1. A quantification of the water supply needs for all
154 existing and future reasonable-beneficial uses within the
155 planning horizon. The level-of-certainty planning goal
156 associated with identifying the water supply needs of existing
157 and future reasonable-beneficial uses must ~~shall~~ be based upon
158 meeting those needs for a 1-in-10-year drought event.

159 a. Population projections used for determining public
160 water supply needs must be based upon the best available data.
161 In determining the best available data, the district shall
162 consider the University of Florida's Bureau of Economic and
163 Business Research (BEBR) medium population projections and ~~any~~
164 population projection data and analysis submitted by a local
165 government pursuant to the public workshop described in
166 subsection (1) if the data and analysis support the local
167 government's comprehensive plan. Any adjustment of or deviation
168 from the BEBR projections must be fully described, and the

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169 original BEBR data must be presented along with the adjusted
170 data.

171 b. Agricultural demand projections used for determining
172 the needs of agricultural self-suppliers must be based upon the
173 best available data. In determining the best available data for
174 agricultural self-supplied water needs, the district shall
175 consider the data indicative of future water supply demands
176 provided by the Department of Agriculture and Consumer Services
177 pursuant to s. 570.085. Any adjustment of or deviation from the
178 data provided by the Department of Agriculture and Consumer
179 Services must be fully described, and the original data must be
180 presented along with the adjusted data.

181 2. A list of water supply development project options,
182 including traditional and alternative water supply project
183 options, from which local government, government-owned and
184 privately owned utilities, regional water supply authorities,
185 multijurisdictional water supply entities, self-suppliers, and
186 others may choose for water supply development. In addition to
187 projects listed by the district, such users may propose specific
188 projects for inclusion in the list of ~~alternative~~ water supply
189 development project options ~~projects~~. If such users propose a
190 project to be listed as a ~~an~~ alternative water supply project,
191 the district shall determine whether it meets the goals of the
192 plan, and, if so, it shall be included in the list. The total
193 capacity of the projects included in the plan must ~~shall~~ exceed
194 the needs identified in subparagraph 1. and ~~shall~~ take into
195 account water conservation and other demand management measures,
196 as well as water resources constraints, including adopted

197 minimum flows and levels and water reservations. Where the
198 district determines it is appropriate, the plan should
199 specifically identify the need for multijurisdictional
200 approaches to project options that, based on planning level
201 analysis, are appropriate to supply the intended uses and that,
202 based on such analysis, appear to be permissible and financially
203 and technically feasible. The list of water supply development
204 options must contain provisions that recognize that alternative
205 water supply options for agricultural self-suppliers are
206 limited.

207 3. For each project option identified in subparagraph 2.,
208 the following must ~~shall~~ be provided:

209 a. An estimate of the amount of water to become available
210 through the project.

211 b. The timeframe in which the project option should be
212 implemented and the estimated planning-level costs for capital
213 investment and operating and maintaining the project.

214 c. An analysis of funding needs and sources of possible
215 funding options. For alternative water supply projects, the
216 water management districts shall provide funding assistance in
217 accordance with s. 373.707(8).

218 d. Identification of the entity that should implement each
219 project option and the current status of project implementation.

220 (3) The water supply development component of a regional
221 water supply plan which deals with or affects public utilities
222 and public water supply for those areas served by a regional
223 water supply authority and its member governments within the
224 boundary of the Southwest Florida Water Management District

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225 shall be developed jointly by the authority and the district. In
226 areas not served by regional water supply authorities, or other
227 multijurisdictional water supply entities, and where
228 opportunities exist to meet water supply needs more efficiently
229 through multijurisdictional projects identified pursuant to
230 paragraph (2) (a), water management districts are directed to
231 assist in developing multijurisdictional approaches to water
232 supply project development jointly with affected water
233 utilities, special districts, self-suppliers, and local
234 governments.

235 Section 4. Paragraph (c) of subsection (2) of section
236 570.076, Florida Statutes, is amended to read:

237 570.076 Environmental Stewardship Certification Program.—
238 The department may, by rule, establish the Environmental
239 Stewardship Certification Program consistent with this section.
240 A rule adopted under this section must be developed in
241 consultation with state universities, agricultural
242 organizations, and other interested parties.

243 (2) The department shall provide an agricultural
244 certification under this program for implementation of one or
245 more of the following criteria:

246 (c) Best management practices adopted by rule pursuant to
247 s. 403.067(7) (c) or s. 570.085(1) (b) ~~570.085(2)~~.

248 Section 5. Section 570.085, Florida Statutes, is amended
249 to read:

250 570.085 Department of Agriculture and Consumer Services;
251 agricultural water conservation and agricultural water supply
252 planning.—

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253 (1) The department shall establish an agricultural water
254 conservation program that includes the following:

255 (a)~~(1)~~ A cost-share program, coordinated where appropriate
256 with the United States Department of Agriculture and other
257 federal, state, regional, and local agencies, for irrigation
258 system retrofit and application of mobile irrigation laboratory
259 evaluations for water conservation as provided in this section
260 and, where applicable, for water quality improvement pursuant to
261 s. 403.067(7)(c).

262 (b)~~(2)~~ The development and implementation of voluntary
263 interim measures or best management practices, adopted by rule,
264 which provide for increased efficiencies in the use and
265 management of water for agricultural production. In the process
266 of developing and adopting rules for interim measures or best
267 management practices, the department shall consult with the
268 Department of Environmental Protection and the water management
269 districts. Such rules may also include a system to assure the
270 implementation of the practices, including recordkeeping
271 requirements. As new information regarding efficient
272 agricultural water use and management becomes available, the
273 department shall reevaluate and revise as needed, the interim
274 measures or best management practices. The interim measures or
275 best management practices may include irrigation retrofit,
276 implementation of mobile irrigation laboratory evaluations and
277 recommendations, water resource augmentation, and integrated
278 water management systems for drought management and flood
279 control and should, to the maximum extent practicable, be
280 designed to qualify for regulatory incentives and other

281 incentives, as determined by the agency having applicable
282 statutory authority.

283 (c)~~(3)~~ Provision of assistance to the water management
284 districts in the development and implementation of a consistent,
285 to the extent practicable, methodology for the efficient
286 allocation of water for agricultural irrigation.

287 (2) The department shall establish an agricultural water
288 supply planning program that includes the following:

289 (a) The development of data indicative of future
290 agricultural water supply demands which must be:

291 1. Based on at least a 20-year planning period.

292 2. Provided to each water management district.

293 3. Considered by each water management district in
294 accordance with ss. 373.036(2) and 373.709(2)(a)1.b.

295 (b) The data on future agricultural water supply demands
296 which are provided to each district must include, but need not
297 be limited to:

298 1. Applicable agricultural crop types or categories.

299 2. Historic estimates of irrigated acreage, current
300 estimates of irrigated acreage, and future projections of
301 irrigated acreage for each applicable crop type or category,
302 spatially for each county, including the historic and current
303 methods and assumptions used to generate the spatial acreage
304 estimates and projections.

305 3. Crop type or category water use coefficients for a 1-
306 in-10 year drought and average year used in calculating historic
307 and current water demands and projected future water demands,
308 including data, methods, and assumptions used to generate the

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309 coefficients. Estimates of historic and current water demands
310 must take into account actual metered data as available.

311 4. An evaluation of significant uncertainties affecting
312 agricultural production which may require a range of projections
313 for future agricultural water supply demands.

314 (c) In developing the data on future agricultural water
315 supply needs described in paragraph (b), the department shall
316 consult with the agricultural industry, the University of
317 Florida Institute of Food and Agricultural Sciences, the
318 Department of Environmental Protection, the water management
319 districts, the National Agricultural Statistics Service, and the
320 United States Geological Survey.

321 (d) The department shall coordinate with each water
322 management district to establish a schedule for provision of
323 data on agricultural water supply needs in order to comply with
324 water supply planning provisions in ss. 373.036(2) and
325 373.709(2) (a)1.b.

326 Section 6. This act shall take effect July 1, 2013.