

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 a definition; providing that the
14 governing board of a water management district may
15 contract with self-suppliers for the purpose of
16 carrying out its powers; amending s. 373.709, F.S.;
17 providing that certain planning by the governing board
18 of a water management district must be conducted in
19 coordination and cooperation with the Department of
20 Agriculture and Consumer Services, among other
21 interested parties; requiring that certain
22 agricultural demand projections be based upon the best
23 available data and providing considerations to
24 determine the best available data; requiring certain
25 information if there is a deviation from the data
26 provided by the Department of Agriculture and Consumer
27 Services; authorizing certain users to propose
28 specific projects for inclusion in the list of water

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

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

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

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

48 | (3) Cooperative efforts between municipalities, counties,
 49 | utility companies, private landowners, water consumers, water
 50 | management districts, and the Department of Environmental
 51 | Protection, and the Department of Agriculture and Consumer
 52 | Services are necessary ~~mandatory~~ in order to meet the water
 53 | needs of rural and rapidly urbanizing areas in a manner that
 54 | will supply adequate and dependable supplies of water where
 55 | needed without resulting in adverse effects upon the areas from
 56 | which ~~such~~ water is withdrawn. Such efforts should employ ~~use~~

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

65 | Section 2. Subsections (1), (2), and (9) of section
 66 | 373.703, Florida Statutes, are amended to read:

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

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

84 | (2) Shall assist counties, municipalities, special

CS/HB 1063

2013

85 | districts, publicly owned or privately owned water utilities,
86 | multijurisdictional water supply entities, ~~or~~ regional water
87 | supply authorities, or self-suppliers in meeting water supply
88 | needs in such manner as will give priority to encouraging
89 | conservation and reducing adverse environmental effects of
90 | improper or excessive withdrawals of water from concentrated
91 | areas.

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

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

110 | 373.709 Regional water supply planning.—

111 | (1) The governing board of each water management district
112 | shall conduct water supply planning for a ~~any~~ water supply

113 | planning region within the district identified in the
114 | appropriate district water supply plan under s. 373.036, where
115 | it determines that existing sources of water are not adequate to
116 | supply water for all existing and future reasonable-beneficial
117 | uses and to sustain the water resources and related natural
118 | systems for the planning period. The planning must be conducted
119 | in an open public process, in coordination and cooperation with
120 | local governments, regional water supply authorities,
121 | government-owned and privately owned water and wastewater
122 | utilities, multijurisdictional water supply entities, self-
123 | suppliers, reuse utilities, the Department of Environmental
124 | Protection, the Department of Agriculture and Consumer Services,
125 | and other affected and interested parties. The districts shall
126 | actively engage in public education and outreach to all affected
127 | local entities and their officials, as well as members of the
128 | public, in the planning process and in seeking input. During
129 | preparation, but before ~~prior to~~ completion of the regional
130 | water supply plan, the district shall ~~must~~ conduct at least one
131 | public workshop to discuss the technical data and modeling tools
132 | anticipated to be used to support the regional water supply
133 | plan. The district shall also hold several public meetings to
134 | communicate the status, overall conceptual intent, and impacts
135 | of the plan on existing and future reasonable-beneficial uses
136 | and related natural systems. During the planning process, a
137 | local government may choose to prepare its own water supply
138 | assessment to determine if existing water sources are adequate
139 | to meet existing and projected reasonable-beneficial needs of
140 | the local government while sustaining water resources and

141 related natural systems. The local government shall submit such
142 assessment, including the data and methodology used, to the
143 district. The district shall consider the local government's
144 assessment during the formation of the plan. A determination by
145 the governing board that initiation of a regional water supply
146 plan for a specific planning region is not needed pursuant to
147 this section is ~~shall be~~ subject to s. 120.569. The governing
148 board shall reevaluate the ~~such a~~ determination at least once
149 every 5 years and shall initiate a regional water supply plan,
150 if needed, pursuant to this subsection.

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

154 (a) A water supply development component for each water
155 supply planning region identified by the district which
156 includes:

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

163 a. Population projections used for determining public
164 water supply needs must be based upon the best available data.
165 In determining the best available data, the district shall
166 consider the University of Florida's Bureau of Economic and
167 Business Research (BEBR) medium population projections and ~~any~~
168 population projection data and analysis submitted by a local

169 government pursuant to the public workshop described in
170 subsection (1) if the data and analysis support the local
171 government's comprehensive plan. Any adjustment of or deviation
172 from the BEBR projections must be fully described, and the
173 original BEBR data must be presented along with the adjusted
174 data.

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

185 2. A list of water supply development project options,
186 including traditional and alternative water supply project
187 options, from which local government, government-owned and
188 privately owned utilities, regional water supply authorities,
189 multijurisdictional water supply entities, self-suppliers, and
190 others may choose for water supply development. In addition to
191 projects listed by the district, such users may propose specific
192 projects for inclusion in the list of alternative water supply
193 projects. If such users propose a project to be listed as an
194 alternative water supply project, the district shall determine
195 whether it meets the goals of the plan, and, if so, it shall be
196 included in the list. The total capacity of the projects

197 included in the plan must ~~shall~~ exceed the needs identified in
198 subparagraph 1. and ~~shall~~ take into account water conservation
199 and other demand management measures, as well as water resources
200 constraints, including adopted minimum flows and levels and
201 water reservations. Where the district determines it is
202 appropriate, the plan should specifically identify the need for
203 multijurisdictional approaches to project options that, based on
204 planning level analysis, are appropriate to supply the intended
205 uses and that, based on such analysis, appear to be permissible
206 and financially and technically feasible. The list of water
207 supply development options must contain provisions that
208 recognize that alternative water supply options for agricultural
209 self-suppliers are limited.

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

212 a. An estimate of the amount of water to become available
213 through the project.

214 b. The timeframe in which the project option should be
215 implemented and the estimated planning-level costs for capital
216 investment and operating and maintaining the project.

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

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

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

CS/HB 1063

2013

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

238 Section 4. Paragraph (c) of subsection (2) of section
239 570.076, Florida Statutes, is amended to read:

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

246 (2) The department shall provide an agricultural
247 certification under this program for implementation of one or
248 more of the following criteria:

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

251 Section 5. Section 570.085, Florida Statutes, is amended
252 to read:

253 570.085 Department of Agriculture and Consumer Services;
 254 agricultural water conservation and agricultural water supply
 255 planning.—

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

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

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

281 | water management systems for drought management and flood
 282 | control and should, to the maximum extent practicable, be
 283 | designed to qualify for regulatory incentives and other
 284 | incentives, as determined by the agency having applicable
 285 | statutory authority.

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

290 | (2) The department shall establish an agricultural water
 291 | supply planning program that includes the following:

292 | (a) The development of data indicative of future
 293 | agricultural water supply demands which must be:

- 294 | 1. Based on at least a 20-year planning period.
- 295 | 2. Provided to each water management district.
- 296 | 3. Considered by each water management district in
 297 | accordance with ss. 373.036(2) and 373.709(2)(a)1.b.

298 | (b) The data on future agricultural water supply demands
 299 | which are provided to each district must include, but need not
 300 | be limited to:

- 301 | 1. Applicable agricultural crop types or categories.
- 302 | 2. Historic estimates of irrigated acreage, current
 303 | estimates of irrigated acreage, and future projections of
 304 | irrigated acreage for each applicable crop type or category,
 305 | spatially for each county, including the historic and current
 306 | methods and assumptions used to generate the spatial acreage
 307 | estimates and projections.

308 | 3. Crop type or category water use coefficients for a 1-

309 in-10 year drought and average year used in calculating historic
310 and current water demands and projected future water demands,
311 including data, methods, and assumptions used to generate the
312 coefficients. Estimates of historic and current water demands
313 must take into account actual metered data as available.
314 Projected future water demands shall incorporate appropriate
315 potential water conservation factors based upon data collected
316 as part of the department's agricultural water conservation
317 program pursuant to s. 570.085(1).

318 4. An evaluation of significant uncertainties affecting
319 agricultural production which may require a range of projections
320 for future agricultural water supply demands.

321 (c) In developing the data on future agricultural water
322 supply needs described in paragraph (b), the department shall
323 consult with the agricultural industry, the University of
324 Florida Institute of Food and Agricultural Sciences, the
325 Department of Environmental Protection, the water management
326 districts, the National Agricultural Statistics Service, and the
327 United States Geological Survey.

328 (d) The department shall coordinate with each water
329 management district to establish a schedule for provision of
330 data on agricultural water supply needs in order to comply with
331 water supply planning provisions in ss. 373.036(2) and
332 373.709(2)(a)1.b.

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