

2013244er

1
2 An act relating to water management districts;
3 amending s. 373.042, F.S.; requiring water management
4 districts to include certain reservations and water
5 bodies in priority lists and schedules; providing for
6 the adoption of certain reservations and minimum flows
7 and levels by the Department of Environmental
8 Protection; requiring water management districts to
9 apply, without adopting by rule, the reservations,
10 minimum flows and levels, and recovery and prevention
11 strategies adopted by the department; amending s.
12 373.046, F.S.; authorizing water management districts
13 to enter into interagency agreements for resource
14 management activities under specified conditions;
15 providing applicability; amending s. 373.171, F.S.;
16 exempting cooperative funding programs from certain
17 rulemaking requirements; amending s. 373.709, F.S.,
18 relating to regional water supply planning; removing a
19 reference to the Southwest Florida Water Management
20 District; requiring a regional water supply authority
21 and the applicable water management district to
22 jointly develop the water supply component of the
23 regional water supply plan; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (4) and (5) of section 373.042,
29 Florida Statutes, are renumbered as subsections (5) and (6),

2013244er

30 respectively, a new subsection (4) is added to that section, and
31 subsection (2) of that section is amended, to read:

32 373.042 Minimum flows and levels.—

33 (2) By November 15, 1997, and annually thereafter, each
34 water management district shall submit to the department for
35 review and approval a priority list and schedule for the
36 establishment of minimum flows and levels for surface
37 watercourses, aquifers, and surface waters within the district.
38 The priority list and schedule shall ~~also~~ identify those listed
39 water bodies for which the district will voluntarily undertake
40 independent scientific peer review; any reservations proposed by
41 the district to be established pursuant to s. 373.223(4); and
42 those listed water bodies that have the potential to be affected
43 by withdrawals in an adjacent district for which the
44 department's adoption of a reservation pursuant to s. 373.223(4)
45 or a minimum flow or level pursuant to subsection (1) may be
46 appropriate. By March 1, 2006, and annually thereafter, each
47 water management district shall include its approved priority
48 list and schedule in the consolidated annual report required by
49 s. 373.036(7). The priority list shall be based upon the
50 importance of the waters to the state or region and the
51 existence of or potential for significant harm to the water
52 resources or ecology of the state or region, and shall include
53 those waters which are experiencing or may reasonably be
54 expected to experience adverse impacts. Each water management
55 district's priority list and schedule shall include all first
56 magnitude springs, and all second magnitude springs within state
57 or federally owned lands purchased for conservation purposes.
58 The specific schedule for establishment of spring minimum flows

2013244er

59 and levels shall be commensurate with the existing or potential
60 threat to spring flow from consumptive uses. Springs within the
61 Suwannee River Water Management District, or second magnitude
62 springs in other areas of the state, need not be included on the
63 priority list if the water management district submits a report
64 to the Department of Environmental Protection demonstrating that
65 adverse impacts are not now occurring nor are reasonably
66 expected to occur from consumptive uses during the next 20
67 years. The priority list and schedule is ~~shall~~ not be subject to
68 any proceeding pursuant to chapter 120. Except as provided in
69 subsection (3), the development of a priority list and
70 compliance with the schedule for the establishment of minimum
71 flows and levels pursuant to this subsection satisfies ~~shall~~
72 ~~satisfy~~ the requirements of subsection (1).

73 (4) A water management district shall provide the
74 department with technical information and staff support for the
75 development of a reservation, minimum flow or level, or recovery
76 or prevention strategy to be adopted by the department by rule.
77 A water management district shall apply any reservation, minimum
78 flow or level, or recovery or prevention strategy adopted by the
79 department by rule without the district's adoption by rule of
80 such reservation, minimum flow or level, or recovery or
81 prevention strategy.

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

84 373.046 Interagency agreements.—

85 (7) If the geographic area of a resource management
86 activity, study, or project crosses water management district
87 boundaries, the affected districts may designate a single

2013244er

88 affected district to conduct all or part of the applicable
89 resource management responsibilities under this chapter, with
90 the exception of those regulatory responsibilities that are
91 subject to subsection (6). If funding assistance is provided to
92 a resource management activity, study, or project, the district
93 providing the funding must ensure that some or all of the
94 benefits accrue to the funding district. This subsection does
95 not impair any interagency agreement in effect on July 1, 2013.

96 Section 3. Subsection (5) is added to section 373.171,
97 Florida Statutes, to read:

98 373.171 Rules.—

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

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

105 373.709 Regional water supply planning.—

106 (3) The water supply development component of a regional
107 water supply plan which deals with or affects public utilities
108 and public water supply for those areas served by a regional
109 water supply authority and its member governments ~~within the~~
110 ~~boundary of the Southwest Florida Water Management District~~
111 shall be developed jointly by the authority and the applicable
112 water management district. In areas not served by regional water
113 supply authorities, or other multijurisdictional water supply
114 entities, and where opportunities exist to meet water supply
115 needs more efficiently through multijurisdictional projects
116 identified pursuant to paragraph (2) (a), water management

2013244er

117 districts are directed to assist in developing
118 multijurisdictional approaches to water supply project
119 development jointly with affected water utilities, special
120 districts, and local governments.

121 Section 5. This act shall take effect July 1, 2013.