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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.; 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:

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 28           Section 1.   Subsections (4) and (5) of section 373.042,

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29 Florida Statutes, are renumbered as subsections (5) and (6),  
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

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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57 | or federally owned lands purchased for conservation purposes.  
 58 | The specific schedule for establishment of spring minimum flows  
 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  
 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

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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  
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.