

By Senator Grimsley

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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;

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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.

40  
 41 Be It Enacted by the Legislature of the State of Florida:

42  
 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~~

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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 the  
67 performance of, and in conjunction with, its other powers and  
68 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

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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 (2),  
104 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  
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,

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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,

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

170 b. Agricultural demand projections used for determining the  
171 needs of agricultural self-suppliers must be based upon the best  
172 available data. In determining the best available data for  
173 agricultural self-supplied water needs, the district shall  
174 consider the data indicative of future water supply demands

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175 provided by the Department of Agriculture and Consumer Services  
176 pursuant to s. 570.085. Any adjustment of or deviation from the  
177 data provided by the Department of Agriculture and Consumer  
178 Services must be fully described, and the original data must be  
179 presented along with the adjusted data.

180       2. A list of water supply development project options,  
181 including traditional and alternative water supply project  
182 options, from which local government, government-owned and  
183 privately owned utilities, regional water supply authorities,  
184 multijurisdictional water supply entities, self-suppliers, and  
185 others may choose for water supply development. In addition to  
186 projects listed by the district, such users may propose specific  
187 projects for inclusion in the list of ~~alternative~~ water supply  
188 development project options ~~projects~~. If such users propose a  
189 project to be listed as a ~~an alternative~~ water supply project,  
190 the district shall determine whether it meets the goals of the  
191 plan, and, if so, it shall be included in the list. The total  
192 capacity of the projects included in the plan must ~~shall~~ exceed  
193 the needs identified in subparagraph 1. and ~~shall~~ take into  
194 account water conservation and other demand management measures,  
195 as well as water resources constraints, including adopted  
196 minimum flows and levels and water reservations. Where the  
197 district determines it is appropriate, the plan should  
198 specifically identify the need for multijurisdictional  
199 approaches to project options that, based on planning level  
200 analysis, are appropriate to supply the intended uses and that,  
201 based on such analysis, appear to be permissible and financially  
202 and technically feasible. The list of water supply development  
203 options must contain provisions that recognize that alternative

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204 water supply options for agricultural self-suppliers are  
205 limited.

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

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

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

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

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

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



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233 governments.

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

236 570.076 Environmental Stewardship Certification Program.—  
237 The department may, by rule, establish the Environmental  
238 Stewardship Certification Program consistent with this section.  
239 A rule adopted under this section must be developed in  
240 consultation with state universities, agricultural  
241 organizations, and other interested parties.

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

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

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

249 570.085 Department of Agriculture and Consumer Services;  
250 agricultural water conservation and agricultural water supply  
251 planning.—

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

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

261 (b) ~~(2)~~ The development and implementation of voluntary

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

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

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

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

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

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291 2. Provided to each water management district.

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

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

297 1. Applicable agricultural crop types or categories.

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

304 3. Crop type or category water use coefficients for a 1-in-  
305 10 year drought and average year used in calculating historic  
306 and current water demands and projected future water demands,  
307 including data, methods, and assumptions used to generate the  
308 coefficients. Estimates of historic and current water demands  
309 must take into account actual metered data as available.

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

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

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

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