

By the Committee on Agriculture; and Senator Grimsley

575-03309-13

2013948c1

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;

575-03309-13

2013948c1

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 rapidly urbanizing areas~~ in a manner that will supply
53 adequate and dependable supplies of water where needed without
54 resulting in adverse effects upon the areas from which ~~such~~
55 water is withdrawn. Such efforts should employ ~~use~~ all practical
56 means of obtaining water, including, but not limited to,
57 withdrawals of surface water and groundwater, reuse, and
58 desalination, and will require ~~necessitate not only~~ cooperation

575-03309-13

2013948c1

59 ~~and but also~~ well-coordinated activities. Municipalities,
60 counties, and special districts are encouraged to create
61 multijurisdictional water supply entities or regional water
62 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

575-03309-13

2013948c1

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, provided
96 that such contracts are consistent with the public interest. The
97 contract may provide for contributions to be made by each party
98 to the contract ~~thereto~~, for the division and apportionment of
99 the expenses of acquisitions, construction, operation, and
100 maintenance, and for the division and apportionment of resulting
101 ~~the~~ benefits, services, and products ~~therefrom~~. The contracts
102 may contain other covenants and agreements necessary and
103 appropriate to accomplish their purposes.

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

107 373.709 Regional water supply planning.—

108 (1) The governing board of each water management district
109 shall conduct water supply planning for a ~~any~~ water supply
110 planning region within the district identified in the
111 appropriate district water supply plan under s. 373.036, where
112 it determines that existing sources of water are not adequate to
113 supply water for all existing and future reasonable-beneficial
114 uses and to sustain the water resources and related natural
115 systems for the planning period. The planning must be conducted
116 in an open public process, in coordination and cooperation with

575-03309-13

2013948c1

117 local governments, regional water supply authorities,
118 government-owned and privately owned water and wastewater
119 utilities, multijurisdictional water supply entities, self-
120 suppliers, reuse utilities, the Department of Environmental
121 Protection, the Department of Agriculture and Consumer Services,
122 and other affected and interested parties. The districts shall
123 actively engage in public education and outreach to all affected
124 local entities and their officials, as well as members of the
125 public, in the planning process and in seeking input. During
126 preparation, but before ~~prior to~~ completion of the regional
127 water supply plan, the district shall ~~must~~ conduct at least one
128 public workshop to discuss the technical data and modeling tools
129 anticipated to be used to support the regional water supply
130 plan. The district shall also hold several public meetings to
131 communicate the status, overall conceptual intent, and impacts
132 of the plan on existing and future reasonable-beneficial uses
133 and related natural systems. During the planning process, a
134 local government may choose to prepare its own water supply
135 assessment to determine if existing water sources are adequate
136 to meet existing and projected reasonable-beneficial needs of
137 the local government while sustaining water resources and
138 related natural systems. The local government shall submit such
139 assessment, including the data and methodology used, to the
140 district. The district shall consider the local government's
141 assessment during the formation of the plan. A determination by
142 the governing board that initiation of a regional water supply
143 plan for a specific planning region is not needed pursuant to
144 this section is ~~shall be~~ subject to s. 120.569. The governing
145 board shall reevaluate the ~~such a~~ determination at least once

575-03309-13

2013948c1

146 every 5 years and shall initiate a regional water supply plan,
147 if needed, pursuant to this subsection.

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

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

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

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

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

575-03309-13

2013948c1

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 and agricultural demand projection data
178 and analysis submitted by a local government pursuant to the
179 public workshop described in subsection (1), if the data and
180 analysis support the local government's comprehensive plan. Any
181 adjustment of or deviation from the data provided by the
182 Department of Agriculture and Consumer Services must be fully
183 described, and the original data must be presented along with
184 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

575-03309-13

2013948c1

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
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

575-03309-13

2013948c1

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 to
252 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

575-03309-13

2013948c1

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

575-03309-13

2013948c1

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-in-
309 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 must 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 subsection (1).

318 4. An evaluation of significant uncertainties affecting
319 agricultural production which may require a range of projections

575-03309-13

2013948c1

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.