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1  
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 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

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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

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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, 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

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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

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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

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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

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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

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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

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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

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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

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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.