

## Florida Water Resources Monitoring Council

### AUTHORITY

The 2010 Florida Statutes(including Special Session A)

#### Title XXVIII

#### Chapter 373

NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE      WATER RESOURCES

**373.026 General powers and duties of the department.**—The department, or its successor agency, shall be responsible for the administration of this chapter at the state level. However, it is the policy of the state that, to the greatest extent possible, the department may enter into interagency or interlocal agreements with any other state agency, any water management district, or any local government conducting programs related to or materially affecting the water resources of the state. All such agreements shall be subject to the provisions of s. 373.046. In addition to its other powers and duties, the department shall, to the greatest extent possible:

- (1) Conduct, independently or in cooperation with other agencies, topographic surveys, research, and investigations into all aspects of water use and water quality.
- (2) Be the central repository for all scientific and factual information generated by local governments, water management districts, and state agencies relating to water resources and, to that end, collect, maintain, and make available such information to public and private users within the state and assist in the acquisition of scientific and factual data from water management districts, local governments, and the United States Geological Survey. All local governments, water management districts, and state agencies are directed to cooperate with the department or its agents in making available to it for this purpose such scientific and factual data as they may have, generate, or possess, as the department deems necessary. The department is authorized to prescribe the format and ensure quality control for all data collected or submitted.

(a) Additionally, the department shall annually publish a bibliography of all water resource investigations conducted in the state.

(b) The department is additionally directed to establish priorities for the development of a computerized groundwater database upon the following principles:

1. Regions deemed prone to groundwater contamination due to land use.
2. Regions that have an identifiable direct connection with any confined aquifer utilized as a drinking water aquifer.
3. Any region dependent on a single-source aquifer.

**(3) Cooperate with other state agencies, water management districts, and regional, county, or other local governmental organizations or agencies created for the purpose of utilizing and conserving the waters in this state; assist such organizations and agencies in**

**coordinating the use of their facilities; and participate in an exchange of ideas, knowledge, and data with such organizations and agencies. For this purpose, the department may maintain an advisory staff of experts.**

(4) Prepare and provide for dissemination to the public of current and useful information relating to the water resources of the state.

(5) Identify by continuing study those areas of the state where saltwater intrusion is a threat to freshwater resources and report its findings to the water management districts, boards of county commissioners, and public concerned.

(6) Conduct, either independently or in cooperation with any person or governmental agency, a program of study, research, and experimentation and evaluation in the field of weather modification.

(7) Exercise general supervisory authority over all water management districts. The department may exercise any power herein authorized to be exercised by a water management district.

(8)(a) Provide such coordination, cooperation, or approval necessary to the effectuation of any plan or project of the Federal Government in connection with or concerning the waters in the state. Unless otherwise provided by state or federal law, the department shall, subject to confirmation by the Legislature, have the power to approve or disapprove such federal plans or projects on behalf of the state. If such plan or project is for a coastal inlet, the department shall first determine the impact of the plan or project on the sandy beaches in the state. If the department determines that the plan will have a significant adverse impact on the sandy beaches, the department may not approve the plan or project unless it is revised to mitigate those impacts.

(b) To ensure to the greatest extent possible that project components will go forward as planned, the department shall collaborate with the South Florida Water Management District in implementing the comprehensive plan as defined in s. 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as defined in s. 373.4595(2), and the River Watershed Protection Plans as defined in s. 373.4595(2). Before any project component is submitted to Congress for authorization or receives an appropriation of state funds, the department must approve, or approve with amendments, each project component within 60 days following formal submittal of the project component to the department. Prior to the release of state funds for the implementation of the comprehensive plan, department approval shall be based upon a determination of the South Florida Water Management District's compliance with s. 373.1501(5). Once a project component is approved, the South Florida Water Management District shall provide to the Joint Legislative Committee on Everglades Oversight a schedule for implementing the project component, the estimated total cost of the project component, any existing federal or nonfederal credits, the estimated remaining federal and nonfederal share of costs, and an estimate of the amount of state funds that will be needed to implement the project component. All requests for an appropriation of state funds needed to implement the project component shall be submitted to the department, and

such requests shall be included in the department's annual request to the Governor. Prior to the release of state funds for the implementation of the Lake Okeechobee Watershed Protection Plan or the River Watershed Protection Plans, on an annual basis, the South Florida Water Management District shall prepare an annual work plan as part of the consolidated annual report required in s. 373.036(7). Upon a determination by the secretary of the annual work plan's consistency with the goals and objectives of s. 373.4595, the secretary may approve the release of state funds. Any modifications to the annual work plan shall be submitted to the secretary for review and approval.

(c) Notwithstanding paragraph (b), the use of state funds for land purchases from willing sellers is authorized for projects within the South Florida Water Management District's approved 5-year plan of acquisition pursuant to s. 373.59 or within the South Florida Water Management District's approved Florida Forever water management district work plan pursuant to s. 373.199.

(d) The Executive Office of the Governor, pursuant to its duties under s. 373.536(5) to approve or disapprove, in whole or in part, the budget of each water management district, shall review all proposed expenditures for project components in the district's budget.

(e) The department, subject to confirmation by the Legislature, shall act on behalf of the state in the negotiation and consummation of any agreement or compact with another state or states concerning waters of the state.

(9)(a) Hold annually a conference on water resources developmental programs. Each agency, commission, district, municipality, or political subdivision of the state responsible for a specific water resources development program requiring federal assistance shall present at such conference its programs and projects and the needs thereof. Notice of the time and place of the annual conference on water resources developmental programs shall be extended by mail at least 30 days prior to the date of such conference to any person who has filed a written request for notification with the department. Adequate opportunity shall be afforded for participation at the conference by interested members of the general public.

(b) Upon termination of the water conference, the department shall select those projects for presentation in the Florida program of public works which best represent the public welfare and interest of the people of the state as required for the proper development, use, conservation, and protection of the waters of the state and land resources affected thereby. Thereafter, the department shall present to the appropriate committees and agencies of the Federal Government a program of public works for Florida, requesting authorization for funds for each project.

**History.**—s. 5, part I, ch. 72-299; s. 4, ch. 74-114; s. 38, ch. 79-65; s. 2, ch. 83-310; s. 11, ch. 86-138; s. 21, ch. 87-97; s. 7, ch. 89-279; s. 252, ch. 94-356; s. 26, ch. 97-160; s. 2, ch. 99-143; s. 1, ch. 2001-172; s. 2, ch. 2007-253; s. 79, ch. 2008-4.

## Florida Administrative Code

Rule Chapter: 62-40

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### **62-40.540 Water Data.**

(1) All local governments, water management districts, and state agencies are directed by Section 373.026(2), F.S., to cooperate with the Department in making available to the Department such scientific or factual data as they may possess. The Department shall prescribe the format and ensure the quality control for all water quality data collected or submitted.

(2) The Department is the state's lead water quality monitoring agency and central repository for surface water and ground water information. The Department shall coordinate Department, District, state agency, and local government water quality monitoring activities to improve data and reduce costs.

(3) The Department's FLORIDA STORET water quality data base shall be the central repository of the state's water quality data. To assure that it is readily available to the public and for use in the Department's watershed management program, all appropriate water quality data collected by the Department, Districts, local governments, and state agencies shall be placed in the FLORIDA STORET system within one year of collection.

(4) The Department's biennial state water quality assessment (the "305(b) Report") shall be the state's general guide to water quality assessment and should be used as the basis for assessments unless more recent, more accurate, or more detailed information is available. The 305(b) report shall be based, in part, on the assessment methodology set forth in Chapter 62-303, F.A.C.

(5) Appropriate monitoring of water quality and water withdrawal shall be required of permittees.

(6) The Districts shall implement a strategy for measuring, estimating, and reporting withdrawal and use of water by permitted and exempted users. Thresholds for measurement requirements and reporting applicable to permittees shall be established and adopted by rule; however, all water use permits for more than an annual average of 100,000 gallons per day shall require that the use be measured by a cost-effective method. This information shall be reported to the Districts at reasonable intervals. The Districts are encouraged to summarize and analyze water use in the District at least annually.

(7) The Department and the Districts shall coordinate in the development and implementation of a standardized computerized statewide data base and methodology to track activities authorized by environmental resource permits in wetlands and waters of the state. The data base will be designed to provide for the rapid exchange of information between the Department and the Districts. The Department will serve as the central repository for environmental resource permit data and shall specify the data base organization and electronic format in which the data are to be provided by the Districts.

*Specific Authority 373.026(7), 373.036(1)(d), 373.043, 373.171 FS. Law Implemented 373.023, 373.026, 373.036(1)(d), 373.103, 373.171, 373.413, 373.414, 373.418, FS. History—New 7-20-95, Amended 5-7-05.*