

By Representatives Goode and Horan

1                                   A bill to be entitled  
2           An act relating to water policy; amending s.  
3           367.081, F.S.; directing the Public Service  
4           Commission to consider additional factors in  
5           setting water utility rates; authorizing  
6           conservation rates; amending s. 373.016, F.S.;  
7           revising legislative declaration of water  
8           policy; amending s. 373.019, F.S.; revising  
9           definitions; defining "district water  
10          management plan," "Florida water plan,"  
11          "regional water supply plan," "water resource  
12          development," "water resource implementation  
13          rule," and "water supply development"; amending  
14          s. 373.036, F.S.; eliminating the state water  
15          use plan; providing for development of the  
16          Florida water plan, to include the water  
17          resource implementation rule; providing  
18          procedure for rule amendment; requiring water  
19          management district governing boards to develop  
20          district water management plans; creating s.  
21          373.0361, F.S.; providing requirements for  
22          regional water supply plans for regions  
23          identified in district water management plans;  
24          requiring an annual report; creating s.  
25          373.038, F.S.; establishing responsibilities  
26          for water resource development and water supply  
27          development; providing for funding; amending s.  
28          373.046, F.S.; providing for certain  
29          designation of district regulatory authority by  
30          interagency agreement; amending s. 373.536,  
31          F.S.; directing the Executive Office of the

1 Governor to analyze water management district  
2 budgets under revised criteria; amending ss.  
3 186.007, 186.009, 373.103, 373.114, 373.418,  
4 373.456, 403.031, and 403.0891, F.S., to  
5 conform to the act; requiring coordination of  
6 the Public Service Commission, Department of  
7 Environmental Protection, and water management  
8 districts in the regulation of certain water  
9 utilities; repealing ss. 373.026(10), 373.039,  
10 and 403.061(33), F.S., relating to state water  
11 policy and the Florida water plan; providing an  
12 effective date.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

16 Section 1. Subsection (3) of section 367.081, Florida  
17 Statutes, is amended, and subsection (9) is added to said  
18 section, to read:

19 367.081 Rates; procedure for fixing and changing.--

20 (3) The commission, in fixing rates, may determine the  
21 prudent cost of providing service during the period of time  
22 the rates will be in effect following the entry of a final  
23 order relating to the rate request of the utility and may use  
24 such costs to determine the revenue requirements that will  
25 allow the utility to earn a fair rate of return on its rate  
26 base. In doing so, the commission shall presume correctness or  
27 prudence on the part of a utility that makes an improvement  
28 that is approved by the Department of Environmental Protection  
29 or is necessary to comply with a water management district  
30 requirement to use an alternative source or conservation  
31 technique. The commission shall allow its regulated utilities

1 a reasonable time for cost recovery, including the planning  
2 period prescribed by the Department of Environmental  
3 Protection.

4 (9) The commission may set conservation rates.

5 Section 2. Section 373.016, Florida Statutes, is  
6 amended to read:

7 373.016 Declaration of policy.--

8 (1) The waters in the state are among its basic  
9 resources. Such waters have not heretofore been conserved or  
10 fully managed ~~controlled~~ so as to realize their full  
11 beneficial use.

12 (2) The department and the governing board shall take  
13 into account cumulative impacts on water resources and manage  
14 those resources in a manner to ensure their sustainability.

15 (3)~~(2)~~ It is further declared to be the policy of the  
16 Legislature:

17 (a) To provide for the management of water and related  
18 land resources;

19 (b) To promote the conservation, development, and  
20 proper utilization of surface and ground water;

21 (c) To promote the availability of sufficient water  
22 for all existing and future reasonable-beneficial uses and the  
23 environment, through water resource development and water  
24 supply development;

25 (d)~~(c)~~ To develop and regulate dams, impoundments,  
26 reservoirs, and other works and to provide water storage for  
27 beneficial purposes;

28 (e)~~(d)~~ To prevent damage from floods, soil erosion,  
29 and excessive drainage;

30 (f)~~(e)~~ To minimize degradation of water resources  
31 caused by the discharge of stormwater;

1           (g)~~(f)~~ To preserve natural resources, fish, and  
2 wildlife;  
3           (h)~~(g)~~ To promote the public policy set forth in s.  
4 403.021;  
5           (i) To ensure the protection of water resources on  
6 state lands;  
7           (j)~~(h)~~ To promote recreational development, protect  
8 public lands, and assist in maintaining the navigability of  
9 rivers and harbors; and  
10           (k)~~(i)~~ Otherwise to promote the health, safety, and  
11 general welfare of the people of this state.  
12           (4)~~(3)~~ The Legislature recognizes that the water  
13 resource problems of the state vary from region to region,  
14 both in magnitude and complexity. It is therefore the intent  
15 of the Legislature to vest in the Department of Environmental  
16 Protection or its successor agency the power and  
17 responsibility to accomplish the conservation, protection, and  
18 management, ~~and control~~ of the waters of the state and with  
19 sufficient flexibility and discretion to accomplish these ends  
20 through delegation of appropriate powers to the various water  
21 management districts. The department may exercise any power  
22 herein authorized to be exercised by a water management  
23 district; however, to the greatest extent practicable, such  
24 power should be delegated to the governing board of a water  
25 management district.  
26           (5)~~(4)~~ It is further declared the policy of the  
27 Legislature that each water management district, to the extent  
28 consistent with effective management practices, shall  
29 approximate its fiscal and budget policies and procedures to  
30 those of the state.  
31

1           Section 3. Section 373.019, Florida Statutes, 1996  
2 Supplement, is amended to read:

3           373.019 Definitions.--When appearing in this chapter  
4 or in any rule, regulation, or order adopted pursuant thereto,  
5 the following words shall, unless the context clearly  
6 indicates otherwise, mean:

7           (1)~~(13)~~ "Coastal waters" means waters of the Atlantic  
8 Ocean or the Gulf of Mexico within the jurisdiction of the  
9 state.

10           (2)~~(11)~~ "Department" means the Department of  
11 Environmental Protection or its successor agency or agencies.

12           (3) "District water management plan" means the  
13 regional water resource plan developed by a governing board  
14 under s. 373.036.

15           (4)~~(6)~~ "Domestic use" means the use of water for the  
16 individual personal household purposes of drinking, bathing,  
17 cooking, or sanitation. All other uses shall not be considered  
18 domestic.

19           (5) "Florida water plan" means the state-level water  
20 resource plan developed by the department under s. 373.036.

21           (6)~~(3)~~ "Governing board" means the governing board of  
22 a water management district.

23           (7)~~(9)~~ "Groundwater" means water beneath the surface  
24 of the ground, whether or not flowing through known and  
25 definite channels.

26           (8)~~(14)~~ "Impoundment" means any lake, reservoir, pond,  
27 or other containment of surface water occupying a bed or  
28 depression in the earth's surface and having a discernible  
29 shoreline.

30           (9)~~(18)~~ "Independent scientific peer review" means the  
31 review of scientific data, theories, and methodologies by a

1 panel of independent, recognized experts in the fields of  
2 hydrology, hydrogeology, limnology, and other scientific  
3 disciplines relevant to the matters being reviewed under s.  
4 373.042.

5 (10)~~(7)~~ "Nonregulated use" means any use of water  
6 which is exempted from regulation by the provisions of this  
7 chapter.

8 (11)~~(12)~~ "Other watercourse" means any canal, ditch,  
9 or other artificial watercourse in which water usually flows  
10 in a defined bed or channel. It is not essential that the  
11 flowing be uniform or uninterrupted.

12 (12)~~(5)~~ "Person" means any and all persons, natural or  
13 artificial, including any individual, firm, association,  
14 organization, partnership, business trust, corporation,  
15 company, the United States of America, and the state and all  
16 political subdivisions, regions, districts, municipalities,  
17 and public agencies thereof. The enumeration herein is not  
18 intended to be exclusive or exhaustive.

19 (13)~~(4)~~ "Reasonable-beneficial use" means the use of  
20 water in such quantity as is necessary for economic and  
21 efficient utilization for a purpose and in a manner which is  
22 both reasonable and consistent with the public interest.

23 (14) "Regional water supply plan" means a detailed  
24 water supply plan developed by a governing board under s.  
25 373.0361.

26 (15)~~(11)~~ "Stream" means any river, creek, slough, or  
27 natural watercourse in which water usually flows in a defined  
28 bed or channel. It is not essential that the flowing be  
29 uniform or uninterrupted. The fact that some part of the bed  
30 or channel has been dredged or improved does not prevent the  
31 watercourse from being a stream.

1           ~~(16)(10)~~ "Surface water" means water upon the surface  
2 of the earth, whether contained in bounds created naturally or  
3 artificially or diffused. Water from natural springs shall be  
4 classified as surface water when it exits from the spring onto  
5 the earth's surface.

6           ~~(17)(8)~~ "Water" or "waters in the state" means any and  
7 all water on or beneath the surface of the ground or in the  
8 atmosphere, including natural or artificial watercourses,  
9 lakes, ponds, or diffused surface water and water percolating,  
10 standing, or flowing beneath the surface of the ground, as  
11 well as all coastal waters within the jurisdiction of the  
12 state.

13           ~~(18)(2)~~ "Water management district" means any flood  
14 control, resource management, or water management district  
15 operating under the authority of this chapter.

16           ~~(19)~~ "Water resource development" means the  
17 formulation and implementation of regional water resource  
18 management strategies, including the collection and evaluation  
19 of surface water and groundwater data; structural and  
20 nonstructural programs to protect and manage water resources;  
21 the development of regional water resource implementation  
22 programs; the construction, operation, and maintenance of  
23 major public works facilities to provide for flood control,  
24 surface and underground water storage, and groundwater  
25 recharge augmentation; and related technical assistance to  
26 local governments and to government-owned and privately owned  
27 water utilities.

28           ~~(20)(16)~~ "~~State~~ Water resource implementation rule  
29 policy" means the rule authorized by s. 373.036, which sets  
30 ~~comprehensive statewide policy as adopted by the department~~  
31 ~~pursuant to ss. 373.026 and 403.061 setting forth goals,~~

1 objectives, and guidance for the development and review of  
2 programs, rules, and plans relating to water resources, based  
3 on statutory policies and directives. The waters of the state  
4 are among its most basic resources. Such waters should be  
5 managed to conserve and protect water resources and to realize  
6 the full beneficial use of these resources.

7 (21) "Water supply development" means the planning,  
8 design, construction, operation, and maintenance of public or  
9 private facilities for water collection, treatment,  
10 transmission, or distribution for sale, resale, or end use.

11 (22)~~(17)~~ For the sole purpose of serving as the basis  
12 for the unified statewide methodology adopted pursuant to s.  
13 373.421(1), as amended, "wetlands" means those areas that are  
14 inundated or saturated by surface water or groundwater at a  
15 frequency and a duration sufficient to support, and under  
16 normal circumstances do support, a prevalence of vegetation  
17 typically adapted for life in saturated soils. Soils present  
18 in wetlands generally are classified as hydric or alluvial, or  
19 possess characteristics that are associated with reducing soil  
20 conditions. The prevalent vegetation in wetlands generally  
21 consists of facultative or obligate hydrophytic macrophytes  
22 that are typically adapted to areas having soil conditions  
23 described above. These species, due to morphological,  
24 physiological, or reproductive adaptations, have the ability  
25 to grow, reproduce, or persist in aquatic environments or  
26 anaerobic soil conditions. Florida wetlands generally include  
27 swamps, marshes, bayheads, bogs, cypress domes and strands,  
28 sloughs, wet prairies, riverine swamps and marshes, hydric  
29 seepage slopes, tidal marshes, mangrove swamps and other  
30 similar areas. Florida wetlands generally do not include  
31 longleaf or slash pine flatwoods with an understory dominated



1 by saw palmetto. Upon legislative ratification of the  
2 methodology adopted pursuant to s. 373.421(1), as amended, the  
3 limitation contained herein regarding the purpose of this  
4 definition shall cease to be effective.

5 (23)~~(15)~~ "Works of the district" means those projects  
6 and works, including, but not limited to, structures,  
7 impoundments, wells, streams, and other watercourses, together  
8 with the appurtenant facilities and accompanying lands, which  
9 have been officially adopted by the governing board of the  
10 district as works of the district.

11 Section 4. Section 373.036, Florida Statutes, is  
12 amended to read:

13 373.036 Florida water plan; district water management  
14 plans ~~State water use plan.~~--

15 (1) FLORIDA WATER PLAN.--In cooperation with the water  
16 management districts and others, the department shall develop  
17 the Florida water plan. The Florida water plan shall include,  
18 but not be limited to:

19 (a) The programs and activities of the department  
20 related to water supply, water quality, flood protection and  
21 floodplain management, and natural systems.

22 (b) The water quality standards of the department.

23 (c) The district water management plans.

24 (d) Goals, objectives, and guidance for the  
25 development and review of programs, rules, and plans relating  
26 to water resources, based on statutory policies and  
27 directives. The existing state water policy rule, Chapter  
28 62-40, Florida Administrative Code, shall serve as this part  
29 of the plan, shall be known as the "water resource  
30 implementation rule," and shall be so renamed upon its next  
31 amendment. Amendments or additions to this part of the Florida

1 water plan shall be adopted by the department as part of the  
2 water resource implementation rule. In accordance with s.  
3 373.114, the department shall review rules of the water  
4 management districts for consistency with this rule.  
5 Amendments to the water resource implementation rule must be  
6 adopted by the secretary of the department and be submitted to  
7 the President of the Senate and the Speaker of the House of  
8 Representatives within 7 days after publication in the Florida  
9 Administrative Weekly. Amendments shall not become effective  
10 until the conclusion of the next regular session of the  
11 Legislature following their adoption.

12 ~~(1) The department shall proceed as rapidly as~~  
13 ~~possible to study existing water resources in the state; means~~  
14 ~~and methods of conserving and augmenting such waters; existing~~  
15 ~~and contemplated needs and uses of water for protection and~~  
16 ~~procreation of fish and wildlife, irrigation, mining, power~~  
17 ~~development, and domestic, municipal, and industrial uses; and~~  
18 ~~all other related subjects, including drainage, reclamation,~~  
19 ~~flood plain or flood-hazard area zoning, and selection of~~  
20 ~~reservoir sites. The department shall cooperate with the~~  
21 ~~Executive Office of the Governor, or its successor agency,~~  
22 ~~progressively to formulate, as a functional element of a~~  
23 ~~comprehensive state plan, an integrated, coordinated plan for~~  
24 ~~the use and development of the waters of the state, based on~~  
25 ~~the above studies. This plan, with such amendments,~~  
26 ~~supplements, and additions as may be necessary from time to~~  
27 ~~time, shall be known as the state water use plan.~~

28 (2) DISTRICT WATER MANAGEMENT PLANS.--

29 (a) Each governing board shall develop a district  
30 water management plan for water resources within its region,  
31 which plan addresses water supply, water quality, flood

1 protection and floodplain management, and natural systems. The  
2 district water management plan shall be based on at least a  
3 20-year planning period, shall be developed and revised in  
4 cooperation with other agencies, units of government, and  
5 interested parties, and shall be updated at least once every 5  
6 years. The governing board shall hold a public hearing at  
7 least 30 days in advance of completing the development or  
8 revision of the district water management plan.

9 (b) The district water management plan shall include,  
10 but not be limited to:

11 1. The scientific methodologies for establishing  
12 minimum flows and levels under s. 373.042, and all established  
13 minimum flows and levels.

14 2. Identification of one or more water supply planning  
15 regions that singly or together encompass the entire district.

16 3. Technical data and information prepared under ss.  
17 373.0391 and 373.0395.

18 4. A districtwide water supply assessment, to be  
19 completed no later than July 1, 1998, which determines for  
20 each water supply planning region:

21 a. Existing legal uses, reasonably anticipated future  
22 needs, and existing and reasonably anticipated sources of  
23 water and conservation efforts; and

24 b. Whether existing and reasonably anticipated sources  
25 of water and conservation efforts are adequate to supply water  
26 for all existing legal uses and reasonably anticipated future  
27 needs and to sustain the water resources and related natural  
28 systems.

29 5. Any completed regional water supply plans.

30 (c) If necessary for implementation, the governing  
31 board shall adopt by rule or order relevant portions of the

1 district water management plan, to the extent of its statutory  
2 authority.

3 ~~(d)(2)~~ In the formulation of the district water  
4 management state water use plan, the governing board  
5 ~~department~~ shall give due consideration to:

6 1.(a) The attainment of maximum reasonable-beneficial  
7 use of water resources ~~for such purposes as those referred to~~  
8 ~~in subsection (1).~~

9 2.(b) The maximum economic development of the water  
10 resources consistent with other uses.

11 3.(c) The management control of water resources ~~such~~  
12 ~~waters~~ for such purposes as environmental protection,  
13 drainage, flood control, and water storage.

14 4.(d) The quantity of water available for application  
15 to a reasonable-beneficial use.

16 5.(e) The prevention of wasteful, uneconomical,  
17 impractical, or unreasonable uses of water resources.

18 6.(f) Presently exercised domestic use and permit  
19 rights.

20 7.(g) The preservation and enhancement of the water  
21 quality of the state ~~and the provisions of the state water~~  
22 ~~quality plan.~~

23 8.(h) The state water resources policy as expressed by  
24 this chapter.

25 ~~(3)~~ ~~During the process of formulating or revising the~~  
26 ~~state water use plan, the department shall consult with, and~~  
27 ~~carefully evaluate the recommendations of, concerned federal,~~  
28 ~~state, and local agencies, particularly the governing boards~~  
29 ~~of the water management districts, and other interested~~  
30 ~~persons.~~

31

1           ~~(4)~~ Each governing board is directed to cooperate with  
2 the department in conducting surveys and investigations of  
3 water resources, to furnish the department with all available  
4 data of a technical nature, and to advise and assist the  
5 department in the formulation and drafting of those portions  
6 of the state plan applicable to the district.

7           ~~(5)~~ The department shall not adopt or modify the state  
8 water use plan or any portion thereof without first holding a  
9 public hearing on the matter. At least 90 days in advance of  
10 such hearing, the department shall notify any affected  
11 governing boards, and shall give notice of such hearing by  
12 publication within the affected region pursuant to the  
13 provisions of chapter 120, except such notice by publication  
14 shall be extended at least 90 days in advance of such  
15 hearings.

16           ~~(6)~~ For the purposes of this plan the department may,  
17 in consultation with the affected governing board, divide each  
18 water management district into sections which shall conform as  
19 nearly as practicable to hydrologically controllable areas and  
20 describe all water resources within each area.

21           (3)~~(7)~~ The department and governing board shall give  
22 careful consideration to the requirements of public recreation  
23 and to the protection and procreation of fish and wildlife.  
24 The department or governing board may prohibit or restrict  
25 other future uses on certain designated bodies of water which  
26 may be inconsistent with these objectives.

27           (4)~~(8)~~ The governing board ~~department~~ may designate  
28 certain uses in connection with a particular source of supply  
29 which, because of the nature of the activity or the amount of  
30 water required, would constitute an undesirable use for which  
31 the governing board may deny a permit.

1           ~~(5)(9)~~ The governing board ~~department~~ may designate  
2 certain uses in connection with a particular source of supply  
3 which, because of the nature of the activity or the amount of  
4 water required, would result in an enhancement or improvement  
5 of the water resources of the area. Such uses shall be  
6 preferred over other uses in the event of competing  
7 applications under the permitting systems authorized by this  
8 chapter.

9           ~~(6)(10)~~ The department, in cooperation with the  
10 Executive Office of the Governor, or its successor agency, may  
11 add to the Florida water ~~state water use~~ plan any other  
12 information, directions, or objectives it deems necessary or  
13 desirable for the guidance of the governing boards or other  
14 agencies in the administration and enforcement of this  
15 chapter.

16           Section 5. Section 373.0361, Florida Statutes, is  
17 created to read:

18           373.0361 Regional water supply planning.--

19           (1) By October 1, 1998, the governing board shall  
20 initiate water supply planning for each water supply planning  
21 region identified in the district water management plan under  
22 s. 373.036, where it determines that sources of water are not  
23 adequate for the planning period to supply water for all  
24 existing and projected reasonable-beneficial uses and to  
25 sustain the water resources and related natural systems. The  
26 planning must be conducted in an open public process, in  
27 coordination and cooperation with local governments,  
28 government-owned and privately owned water utilities,  
29 self-suppliers, and other affected and interested parties.

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1           (2) Each regional water supply plan shall be based on  
2 at least a 20-year planning period and shall include, but not  
3 be limited to:

4           (a) A water supply development component that  
5 includes:

6           1. A quantification of the water supply needs for all  
7 existing and reasonably projected future uses within the  
8 planning horizon.

9           2. A list of water source options for water supply  
10 development, including traditional and alternative sources,  
11 from which local government, government-owned and privately  
12 owned utilities, self-suppliers, and others may choose, which  
13 will exceed the needs identified in subparagraph 1.

14           3. For each option listed in subparagraph 2., the  
15 estimated amount of water available for use and the estimated  
16 costs of and potential sources of funding for water supply  
17 development.

18           4. A list of water supply development projects that  
19 are of greater public good, as defined in s. 373.038(4).

20           (b) A water resource development component that  
21 includes:

22           1. A listing of those water resource development  
23 projects that support water supply development.

24           2. For each water resource development project listed:

25           a. An estimate of the amount of water to become  
26 available through the project.

27           b. The timetable for implementing or constructing the  
28 project and the estimated costs for implementing and  
29 maintaining the project.

30           c. Sources of funding and funding needs.

31

1           d. Who will implement the project and how it will be  
2 implemented.

3           (c) Consideration of how the options addressed in  
4 paragraphs (a) and (b) serve the public interest or save costs  
5 overall by preventing the loss of natural resources or  
6 avoiding greater future expenditures for water resource  
7 development or water supply development. However, unless  
8 adopted by rule, these considerations do not constitute final  
9 agency action.

10           (d) The technical data and information applicable to  
11 the planning region which are contained in the district water  
12 management plan and are necessary to support the regional  
13 water supply plan.

14           (e) The minimum flows and levels established for water  
15 resources within the planning region.

16           (3) If necessary for implementation, the governing  
17 board shall adopt by rule or order relevant portions of the  
18 regional water supply plan, to the extent of its statutory  
19 authority.

20           (4) Regional water supply plans initiated or completed  
21 by July 1, 1997, shall be revised, if necessary, to include a  
22 water supply development component and a water resource  
23 development component under paragraphs (2)(a) and (b).

24           (5) Beginning November 15, 1997, and annually  
25 thereafter, the department shall submit to the Governor and  
26 the Legislature a report on the status of regional water  
27 supply planning in each district. This report shall include a  
28 compilation of the estimated costs of and potential sources of  
29 funding for water resource development and water supply  
30 development projects, as identified in the water management  
31 district regional water supply plans.



1           Section 6. Section 373.038, Florida Statutes, is  
2 created to read:

3           373.038 Water resource development; water supply  
4 development.--

5           (1) The Legislature finds that:

6           (a) The proper role of the water management districts  
7 in water supply is primarily planning and water resource  
8 development, but this does not preclude them from providing  
9 assistance with water supply development.

10          (b) The proper role of local government, regional  
11 water supply authorities, and government-owned and privately  
12 owned water utilities in water supply is primarily water  
13 supply development, but this does not preclude them from  
14 providing assistance with water resource development.

15          (c) Water resource development and water supply  
16 development must receive priority attention, where needed, to  
17 increase the availability of sufficient water for all existing  
18 and future reasonable-beneficial uses and the environment.

19          (2) It is the intent of the Legislature that:

20          (a) Water management districts take the lead in  
21 identifying and implementing water resource development  
22 projects, and be responsible for securing necessary funding  
23 for regionally significant water resource development  
24 projects.

25          (b) Local governments and government-owned and  
26 privately owned water utilities take the lead in securing  
27 funds for and implementing water supply development projects.  
28 Generally, direct beneficiaries of water supply development  
29 projects should pay the costs of the projects from which they  
30 benefit, and water supply development projects should continue  
31 to be paid for through local funding sources.

1           (c) Water supply development be conducted in  
2 coordination with water management district regional water  
3 supply planning and water resource development.

4           (3) The water management districts shall fund and  
5 implement water resource development as defined in s. 373.019.  
6 Each governing board shall include in its annual budget the  
7 amount needed for the fiscal year to implement water resource  
8 development projects, as prioritized in its regional water  
9 supply plans.

10           (4)(a) Water supply development projects that are  
11 identified in water management district regional water supply  
12 plans as being of greater public good are eligible for funding  
13 assistance from the state and the water management districts.

14           (b) To be of greater public good, a project must be of  
15 regional or statewide significance, must be found to be  
16 consistent with the relevant regional water supply plan, and  
17 must:

18           1. Support establishment of a dependable, sustainable  
19 supply of water which is not otherwise financially feasible;

20           2. Be environmentally superior to other available  
21 alternatives in preventing or limiting adverse water resource  
22 impacts, but require funding assistance to be economically  
23 competitive with other options; or

24           3. Significantly implement reuse, storage, recharge,  
25 or conservation of water in a manner that contributes to the  
26 sustainability of regional water sources.

27           Section 7. Subsection (6) is added to section 373.046,  
28 Florida Statutes, 1996 Supplement, to read:

29           373.046 Interagency agreements.--

30           (6) When the geographic area of a project or local  
31 government crosses water management district boundaries, the

1 affected districts may designate a single affected district by  
2 interagency agreement to implement in that area, under the  
3 rules of the designated district, all or part of the  
4 applicable regulatory responsibilities under chapter 373.  
5 Interagency agreements entered into under this subsection  
6 which apply to the geographic area of a local government must  
7 have the concurrence of the affected local government. The  
8 application, under this subsection, by rule of any existing  
9 district rule that was adopted or formally noticed for  
10 adoption on or before May 11, 1995, is not subject to s.  
11 70.001.

12 Section 8. Paragraphs (a) and (c) of subsection (5) of  
13 section 373.536, Florida Statutes, 1996 Supplement, are  
14 amended to read:

15 373.536 District budget and hearing thereon.--

16 (5)(a) The Executive Office of the Governor is  
17 authorized to approve or disapprove, in whole or in part, the  
18 budget of each water management district and shall analyze  
19 each budget as to the adequacy of district expenditures  
20 related to water supply, including water resource development  
21 projects identified in the district's regional water supply  
22 plans; water quality; flood protection and floodplain  
23 management; and natural systems. This analysis shall be based  
24 on the particular needs within each water management district  
25 in those four areas of responsibility and on the available  
26 fiscal resources of the district.

27 (c) Each water management district shall, by August 5  
28 of each year, submit to the Department of Environmental  
29 Protection, the Executive Office of the Governor, and the  
30 chairs of the appropriations committees of the Legislature for  
31 review a tentative budget that includes, but is not limited

1 to, the following information for the preceding fiscal year  
2 and the current fiscal year, and the proposed amounts for the  
3 upcoming fiscal year, in a standard format prescribed by the  
4 department which is generally consistent with the format  
5 prescribed by legislative budget instructions for state  
6 agencies and the format requirements of s. 216.031:

7 1. The millage rates and the percentage increase above  
8 the rolled-back rate, together with a summary of the reasons  
9 the increase is required, and the percentage increase in  
10 taxable value resulting from new construction;

11 2. For each program area, the salary and benefits,  
12 expenses, operating capital outlay, number of authorized  
13 positions, and other personal services;

14 3. The total amount in the district budget for each  
15 area of responsibility listed in paragraph (a) and for water  
16 resource development projects identified in the district's  
17 regional water supply plans.

18 ~~4.3.~~ A description of each new, expanded, reduced, or  
19 eliminated program;

20 ~~5.4.~~ A 5-year capital improvements plan; and

21 ~~6.5.~~ The funding sources, including, but not limited  
22 to, ad valorem taxes, Surface Water Improvement and Management  
23 Program funds, other state funds, federal funds, and user fees  
24 and permit fees for each program area.

25 Section 9. Paragraph (b) of subsection (4) of section  
26 186.007, Florida Statutes, is amended to read:

27 186.007 State comprehensive plan; preparation;  
28 revision.--

29 (4)

30 (b) The purpose of the growth management portion of  
31 the state comprehensive plan is to establish clear, concise,

1 and direct goals, objectives, and policies related to land  
2 development, water resources, transportation, and related  
3 topics. In doing so, the plan should, where possible, draw  
4 upon the work that agencies have invested in the state land  
5 development plan, the Florida Transportation Plan, the Florida  
6 water ~~state water use~~ plan, and similar planning documents.

7 Section 10. Paragraph (n) of subsection (2) of section  
8 186.009, Florida Statutes, is amended to read:

9 186.009 Growth management portion of the state  
10 comprehensive plan.--

11 (2) The growth management portion of the state  
12 comprehensive plan shall:

13 (n) Set forth recommendations on how to integrate the  
14 Florida water ~~state water use~~ plan required by s. 373.036, the  
15 state land development plan required by s. 380.031(17), and  
16 transportation plans required by chapter 339.

17  
18 The growth management portion of the state comprehensive plan  
19 shall not include a land use map.

20 Section 11. Subsections (1) and (7) of section  
21 373.103, Florida Statutes, are amended to read:

22 373.103 Powers which may be vested in the governing  
23 board at the department's discretion.--In addition to the  
24 other powers and duties allowed it by law, the governing board  
25 of a water management district may be specifically authorized  
26 by the department to:

27 (1) Administer and enforce all provisions of this  
28 chapter, including the permit systems established in parts II,  
29 III, and IV of this chapter, consistent with the ~~state~~ water  
30 resource implementation rule ~~policy~~.

31

1           (7) Prepare, in cooperation with the department, that  
2 part of the Florida water ~~state water use~~ plan applicable to  
3 the district.

4           Section 12. Subsection (2) of section 373.114, Florida  
5 Statutes, is amended to read:

6           373.114 Land and Water Adjudicatory Commission; review  
7 of district rules and orders; department review of district  
8 rules.--

9           (2) The department shall have the exclusive authority  
10 to review rules of the water management districts, other than  
11 rules relating to internal management of the districts, to  
12 ensure consistency with the ~~state~~ water resource  
13 implementation rule ~~policy~~ as set forth in the rules of the  
14 department. Within 30 days after adoption or revision of any  
15 water management district rule, the department shall initiate  
16 a review of such rule pursuant to this section.

17           (a) Within 30 days after adoption of a rule, any  
18 affected person may request that a hearing be held before the  
19 secretary of the department, at which hearing evidence and  
20 argument may be presented relating to the consistency of the  
21 rule with the state water resource implementation rule ~~policy~~,  
22 by filing a request for hearing with the department and  
23 serving a copy on the water management district.

24           (b) If the department determines that the rule is  
25 inconsistent with the ~~state~~ water resource implementation rule  
26 ~~policy~~, it may order the water management district to initiate  
27 rulemaking proceedings to amend or repeal the rule.

28           (c) An order of the department requiring amendment or  
29 repeal of a rule may be appealed to the Land and Water  
30 Adjudicatory Commission by the water management district or  
31 any other party to the proceeding before the secretary.

1           Section 13. Subsection (3) of section 373.418, Florida  
2 Statutes, is amended to read:

3           373.418 Rulemaking; preservation of existing  
4 authority.--

5           (3) The department or governing boards may adopt such  
6 rules as are necessary to implement the provisions of this  
7 part. Such rules shall be consistent with the ~~state~~ water  
8 resource implementation rule policy and shall not allow harm  
9 to water resources or be contrary to the policy set forth in  
10 s. 373.016.

11           Section 14. Subsection (2) of section 373.456, Florida  
12 Statutes, is amended to read:

13           373.456 Approval of surface water improvement and  
14 management plans.--

15           (2) The department shall have the exclusive authority  
16 to review the plan to ensure consistency with the ~~state~~ water  
17 resource implementation rule policy and the State  
18 Comprehensive Plan.

19           Section 15. Subsection (14) of section 403.031,  
20 Florida Statutes, 1996 Supplement, is amended to read:

21           403.031 Definitions.--In construing this chapter, or  
22 rules and regulations adopted pursuant hereto, the following  
23 words, phrases, or terms, unless the context otherwise  
24 indicates, have the following meanings:

25           (14) "~~State~~ Water resource implementation rule policy"  
26 means the rule authorized by s. 373.036, which sets  
27 ~~comprehensive statewide policy as adopted by the department~~  
28 ~~pursuant to ss. 373.026 and 403.061, setting forth goals,~~  
29 objectives, and guidance for the development and review of  
30 programs, rules, and plans relating to water resources, based  
31 on statutory policies and directives. The waters of the state

1 are among its most basic resources. Such waters should be  
2 managed to conserve and protect water resources and to realize  
3 the full beneficial use of these resources.

4 Section 16. Subsection (1) and paragraph (a) of  
5 subsection (3) of section 403.0891, Florida Statutes, are  
6 amended to read:

7 403.0891 State, regional, and local stormwater  
8 management plans and programs.--The department, the water  
9 management districts, and local governments shall have the  
10 responsibility for the development of mutually compatible  
11 stormwater management programs.

12 (1) The department shall include goals in the ~~state~~  
13 water resource implementation rule policy for the proper  
14 management of stormwater.

15 (3)(a) Each local government required by chapter 163  
16 to submit a comprehensive plan, whose plan is submitted after  
17 July 1, 1992, and the others when updated after July 1, 1992,  
18 in the development of its stormwater management program  
19 described by elements within its comprehensive plan shall  
20 consider the state water resource implementation rule policy,  
21 district stormwater management goals, plans approved pursuant  
22 to the Surface Water Improvement and Management Act, ss.  
23 373.451-373.4595, and technical assistance information  
24 provided by the water management districts pursuant to s.  
25 373.0391.

26 Section 17. The Florida Public Service Commission, the  
27 Department of Environmental Protection, and the water  
28 management districts shall coordinate their rule requirements  
29 and timeframes for cost recovery for water and wastewater  
30 systems regulated under chapter 367, Florida Statutes.  
31



