

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 259.032, F.S.; authorizing use of lands
4 acquired under the Conservation and Recreation
5 Lands Trust Fund for permittable water resource
6 development and water supply development
7 purposes; amending s. 367.021, F.S.; defining
8 "environmental compliance costs"; limiting
9 certain determinations of the Florida Public
10 Service Commission; amending s. 367.022, F.S.;
11 providing regulatory exemptions for nonpotable
12 irrigation water and bulk sale of water, under
13 certain circumstances; amending s. 367.081,
14 F.S.; revising procedure in commission rate
15 proceedings for determinations regarding
16 recovery of utility property investments;
17 providing for recovery of environmental
18 compliance costs; amending s. 367.171, F.S.;
19 providing application of the act; amending s.
20 373.016, F.S.; revising legislative policy;
21 providing construction and application;
22 amending s. 373.019, F.S.; revising
23 definitions; defining "district water
24 management plan," "Florida water plan,"
25 "regional water supply plan," "water resource
26 development," "water resource implementation
27 rule," and "water supply development;" amending
28 s. 373.036, F.S.; eliminating the state water
29 use plan; providing for development of the
30 Florida water plan, to include the water
31 resource implementation rule; providing

1 procedure for rule amendment; requiring water
2 management district governing boards to develop
3 district water management plans; creating s.
4 373.0361, F.S.; providing requirements for
5 regional water supply plans for regions
6 identified in district water management plans;
7 requiring an annual report; amending s.
8 373.042, F.S.; establishing exclusions from
9 minimum flows and levels requirements; revising
10 minimum flows and levels timing requirements;
11 providing for independent scientific peer
12 review; creating s. 373.0421, F.S.; requiring
13 certain considerations in establishment and
14 implementation of minimum flows and levels;
15 providing for implementation of recovery or
16 prevention strategies; amending s. 373.046,
17 F.S.; providing for interdistrict agreements
18 for implementation of certain regulatory
19 responsibilities; amending s. 373.0693, F.S.;
20 correcting a cross reference; amending s.
21 373.073, F.S.; revising procedure for
22 appointment of members to the water management
23 district governing boards; providing a
24 timetable; amending s. 373.079, F.S.; revising
25 procedure for appointment of district executive
26 directors; providing respective authority of
27 the Governor and governing boards; authorizing
28 employment of governing board ombudsmen;
29 revising duties of governing board legal staff;
30 creating s. 373.0831, F.S.; specifying
31 governing board responsibilities for water

1 resource development and responsibilities of
2 other entities for water supply development;
3 providing for priorities for funding; requiring
4 a report; amending s. 373.223, F.S.; providing
5 requirements in considering authorization to
6 transport ground or surface water under a
7 permit for consumptive use of water; providing
8 restrictions; amending s. 373.236, F.S.;
9 revising provisions relating to duration of
10 consumptive use permits; requiring compliance
11 reports and permit modification, under certain
12 circumstances; requiring a proposal for
13 reevaluation of certain areas with contaminated
14 water supplies; amending s. 373.507, F.S.;
15 revising provisions relating to district and
16 basin audits, budgets, and expense reports;
17 requiring districts to furnish copies of
18 documents to specified entities and to respond
19 to comments; amending s. 373.536, F.S.;
20 providing requirements for notice and
21 advertisement of district budget hearings and
22 workshops; providing requirements for budget
23 identification of administrative and operating
24 expenses; providing for certain analysis of
25 budgets; revising requirements for submittal of
26 tentative budgets; amending s. 373.59, F.S.;
27 deleting obsolete language; correcting a cross
28 reference; authorizing use of interests in
29 property acquired under the Water Management
30 Lands Trust Fund for permissible water resource
31 development and water supply development

1 purposes; amending ss. 186.007, 186.009,
2 373.103, 373.114, 373.418, 373.456, 403.031,
3 and 403.0891, F.S., to conform to the act;
4 repealing ss. 373.026(10), 373.039, and
5 403.061(33), F.S., relating to state water
6 policy and the Florida water plan; repealing s.
7 373.0735, F.S., relating to appointment of
8 members to the governing board of the Southwest
9 Florida Water Management District; providing
10 for grandfathering-in of minimum flows and
11 levels for priority waters in Pasco County
12 pursuant to provisions of chapter 96-339, Laws
13 of Florida; providing effective dates.
14

15 Be It Enacted by the Legislature of the State of Florida:
16

17 Section 1. Subsection (4) of section 259.032, Florida
18 Statutes, 1996 Supplement, is amended to read:

19 259.032 Conservation and Recreation Lands Trust Fund;
20 purpose.--

21 (4) Lands acquired under this section shall be for use
22 as state-designated parks, recreation areas, preserves,
23 reserves, historic or archaeological sites, geologic or
24 botanical sites, recreational trails, forests, wilderness
25 areas, wildlife management areas, urban open space, or other
26 state-designated recreation or conservation lands; or they
27 shall qualify for such state designation and use if they are
28 to be managed by other governmental agencies or nonstate
29 entities as provided for in this section. Lands acquired under
30 this section may be used for permittable water resource
31 development and water supply development purposes under the

1 following conditions: the minimum flows and levels of
2 priority water bodies on such lands have been established; the
3 project complies with all conditions for issuance of a permit
4 under part II of chapter 373; and the project is compatible
5 with the purposes for which the land was acquired. A water
6 resource development project or water supply development
7 project may not be capitalized from donor county millage
8 revenues when the land for the project was purchased through
9 the Conservation and Recreation Lands Trust Fund and it is
10 anticipated that the project is designed primarily for
11 intercounty transport of ground or surface water.

12 Section 2. Present subsections (7) through (13) of
13 section 367.021, Florida Statutes, are renumbered as
14 subsections (8) through (14), respectively, and a new
15 subsection (7) is added to said section to read:

16 367.021 Definitions.--As used in this chapter, the
17 following words or terms shall have the meanings indicated:

18 (7) "Environmental compliance costs" means all
19 reasonable expenses and a fair return on the prudent
20 investments incurred in complying with federal, state, or
21 local environmental laws, rules, regulations, orders,
22 ordinances, or resolutions, or other such requirements. The
23 commission shall be bound by the determinations, permitting,
24 and enforcement decisions of the United States Environmental
25 Protection Agency, the Department of Environmental Protection,
26 or a water management district, or other entity with
27 jurisdiction, as to the need for, capacity of, and type of
28 facilities, including land and processes, required for
29 compliance, and the need for, capacity of, and type of
30 facilities, including land and processes, required as part of
31 any reuse system or project.

1 Section 3. Subsections (11) and (12) are added to
2 section 367.022, Florida Statutes, 1996 Supplement, to read:

3 367.022 Exemptions.--The following are not subject to
4 regulation by the commission as a utility nor are they subject
5 to the provisions of this chapter, except as expressly
6 provided:

7 (11) Any person providing only nonpotable water for
8 irrigation purposes in a geographic area where potable water
9 service is available from a governmentally or privately owned
10 utility or a private well.

11 (12) The sale for resale of bulk supplies of water to
12 a governmental authority or to a utility regulated pursuant to
13 this chapter either by the commission or the county.

14 Section 4. Subsection (2) of section 367.081, Florida
15 Statutes, is amended to read:

16 367.081 Rates; procedure for fixing and changing.--

17 (2)(a) The commission shall, either upon request or
18 upon its own motion, fix rates which are just, reasonable,
19 compensatory, and not unfairly discriminatory. In every such
20 proceeding, the commission shall consider the value and
21 quality of the service and the cost of providing the service,
22 which shall include, but not be limited to, debt interest; the
23 requirements of the utility for working capital; maintenance,
24 depreciation, tax, and operating expenses incurred in the
25 operation of all property used and useful in the public
26 service; and a fair return on the investment of the utility in
27 property used and useful in the public service. However, the
28 commission shall not allow the inclusion of
29 contributions-in-aid-of-construction in the rate base of any
30 utility during a rate proceeding, nor shall it impute
31 prospective future contributions-in-aid-of-construction

1 against the utility's investment in property used and useful
2 in the public service; and accumulated depreciation on such
3 contributions-in-aid-of-construction shall not be used to
4 reduce the rate base, nor shall depreciation on such
5 contributed assets be considered a cost of providing utility
6 service. ~~The commission shall also consider the investment of~~
7 ~~the utility in land acquired or facilities constructed or to~~
8 ~~be constructed in the public interest within a reasonable time~~
9 ~~in the future, not to exceed, unless extended by the~~
10 ~~commission, 24 months from the end of the historical test~~
11 ~~period used to set final rates.~~

12 1. For purposes of such proceeding, to determine
13 whether utility property, including land acquired or
14 facilities constructed or to be constructed in the public
15 interest, is "used and useful in the public service," the
16 commission shall apply the following:

17 a. Utility property needed to serve current customers
18 shall be considered fully used and useful in the public
19 service.

20 b. Utility property needed to serve customers less
21 than 6 years from the date of the commission's final action on
22 a rate request as provided in subsection (6) shall be
23 considered fully used and useful in the public service.

24 c. Utility property needed to serve customers 6 years
25 or more but not more than 7 years from the date of the
26 commission's final action on a rate request as provided in
27 subsection (6) shall be rebuttably presumed to be used and
28 useful in the public service.

29 d. Utility property needed to serve customers more
30 than 7 years from the date of the commission's final action on
31 a rate request as provided in subsection (6) shall only be

1 considered used and useful in the public service if the
2 commission determines that the utility has presented clear and
3 convincing evidence to justify such treatment.

4 2. Notwithstanding the provisions of subparagraph 1.,
5 the commission shall approve rates for service that allow a
6 utility to recover the full amount of environmental compliance
7 costs from customers. Rates for service shall not include
8 allowance for funds prudently invested or similar charges.

9 (b) In establishing initial rates for a utility, the
10 commission may project the financial and operational data as
11 set out in paragraph (a) to a point in time when the utility
12 is expected to be operating at a reasonable level of capacity.

13 Section 5. Subsections (6) and (8) of section 367.171,
14 Florida Statutes, 1996 Supplement, are amended to read:

15 367.171 Effectiveness of this chapter.--

16 (6) Any county in which utilities as herein defined
17 were regulated by the commission on or after January 1, 1980,
18 which subsequently cease to be so regulated, shall, within 90
19 days of the cessation of commission regulation or the
20 effective date of this act, adopt and follow as minimum
21 standards of regulation the provisions of s. 367.021, s.
22 367.081, except for paragraph (4)(a), and ss. 367.0817 and s.
23 367.082, except that the word "commission" shall be read as
24 "the governing body of such county" when the context implies
25 or admits. The authorized rate of return shall be no less than
26 the weighted cost of the capital of the utility, including
27 debt and equity.

28 (8) Each county which is excluded from the provisions
29 of this chapter shall regulate the rates of all utilities in
30 that county which would otherwise be subject to regulation by
31 the commission pursuant to ss. 367.021, s.~~367.081(1), (2),~~

1 (3), and (6), and 367.0817. The county shall not regulate the
2 rates or charges of any system or facility which would
3 otherwise be exempt from commission regulation pursuant to s.
4 367.022(2). For this purpose the county or its agency shall
5 proceed as though the county or agency is the commission.

6 Section 6. Present subsection (2) of section 373.016,
7 Florida Statutes, is amended, subsections (3) and (4) are
8 renumbered as subsections (4) and (5), respectively, and a new
9 subsection (2) is added to that section, to read:

10 373.016 Declaration of policy.--

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

14 ~~(3)(2)~~ It is further declared to be the policy of the
15 Legislature:

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

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

21 (c) To develop and regulate dams, impoundments,
22 reservoirs, and other works and to provide water storage for
23 beneficial purposes;

24 (d) To promote the availability of sufficient water
25 for all existing and future reasonable-beneficial uses and
26 natural systems;

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

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

31

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)~~(h)~~ To promote recreational development, protect
6 public lands, and assist in maintaining the navigability of
7 rivers and harbors; and

8 (j)~~(i)~~ Otherwise to promote the health, safety, and
9 general welfare of the people of this state.

10

11 In implementing this chapter, the department and the governing
12 board shall construe and apply the policies in this subsection
13 as a whole, and no specific policy is to be construed or
14 applied in isolation from the other policies in this
15 subsection.

16 Section 7. Section 373.019, Florida Statutes, 1996
17 Supplement, is amended to read:

18 373.019 Definitions.--When appearing in this chapter
19 or in any rule, regulation, or order adopted pursuant thereto,
20 the following words shall, unless the context clearly
21 indicates otherwise, mean:

22 (1)~~(13)~~ "Coastal waters" means waters of the Atlantic
23 Ocean or the Gulf of Mexico within the jurisdiction of the
24 state.

25 (2)~~(1)~~ "Department" means the Department of
26 Environmental Protection or its successor agency or agencies.

27 (3) "District water management plan" means the
28 regional water resource plan developed by a governing board
29 under s. 373.036.

30 (4)~~(6)~~ "Domestic use" means the use of water for the
31 individual personal household purposes of drinking, bathing,

1 cooking, or sanitation. All other uses shall not be considered
2 domestic.

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

5 ~~(6)(3)~~ "Governing board" means the governing board of
6 a water management district.

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

10 ~~(8)(14)~~ "Impoundment" means any lake, reservoir, pond,
11 or other containment of surface water occupying a bed or
12 depression in the earth's surface and having a discernible
13 shoreline.

14 ~~(9)(18)~~ "Independent scientific peer review" means the
15 review of scientific data, theories, and methodologies by a
16 panel of independent, recognized experts in the fields of
17 hydrology, hydrogeology, limnology, and other scientific
18 disciplines relevant to the matters being reviewed under s.
19 373.042.

20 ~~(10)(7)~~ "Nonregulated use" means any use of water
21 which is exempted from regulation by the provisions of this
22 chapter.

23 ~~(11)(12)~~ "Other watercourse" means any canal, ditch,
24 or other artificial watercourse in which water usually flows
25 in a defined bed or channel. It is not essential that the
26 flowing be uniform or uninterrupted.

27 ~~(12)(5)~~ "Person" means any and all persons, natural or
28 artificial, including any individual, firm, association,
29 organization, partnership, business trust, corporation,
30 company, the United States of America, and the state and all
31 political subdivisions, regions, districts, municipalities,

1 and public agencies thereof. The enumeration herein is not
2 intended to be exclusive or exhaustive.

3 (13)~~(4)~~ "Reasonable-beneficial use" means the use of
4 water in such quantity as is necessary for economic and
5 efficient utilization for a purpose and in a manner which is
6 both reasonable and consistent with the public interest.

7 (14) "Regional water supply plan" means a detailed
8 water supply plan developed by a governing board under s.
9 373.0361.

10 (15)~~(11)~~ "Stream" means any river, creek, slough, or
11 natural watercourse in which water usually flows in a defined
12 bed or channel. It is not essential that the flowing be
13 uniform or uninterrupted. The fact that some part of the bed
14 or channel has been dredged or improved does not prevent the
15 watercourse from being a stream.

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

21 (17)~~(8)~~ "Water" or "waters in the state" means any and
22 all water on or beneath the surface of the ground or in the
23 atmosphere, including natural or artificial watercourses,
24 lakes, ponds, or diffused surface water and water percolating,
25 standing, or flowing beneath the surface of the ground, as
26 well as all coastal waters within the jurisdiction of the
27 state.

28 (18)~~(2)~~ "Water management district" means any flood
29 control, resource management, or water management district
30 operating under the authority of this chapter.

31

1 (19) "Water resource development" means the
2 formulation and implementation of regional water resource
3 management strategies, including the collection and evaluation
4 of surface water and groundwater data; structural and
5 nonstructural programs to protect and manage water resources;
6 the development of regional water resource implementation
7 programs; the construction, operation, and maintenance of
8 major public works facilities to provide for flood control,
9 surface and underground water storage, and groundwater
10 recharge augmentation; and related technical assistance to
11 local governments and to government-owned and privately owned
12 water utilities.

13 ~~(20)(16)~~ "State Water resource implementation rule
14 policy" means the rule authorized by s. 373.036, which sets
15 ~~comprehensive statewide policy as adopted by the department~~
16 ~~pursuant to ss. 373.026 and 403.061 setting forth goals,~~
17 ~~objectives, and guidance for the development and review of~~
18 ~~programs, rules, and plans relating to water resources, based~~
19 on statutory policies and directives. The waters of the state
20 are among its most basic resources. Such waters should be
21 managed to conserve and protect water resources and to realize
22 the full beneficial use of these resources.

23 (21) "Water supply development" means the planning,
24 design, construction, operation, and maintenance of public or
25 private facilities for water collection, production,
26 treatment, transmission, or distribution for sale, resale, or
27 end use.

28 ~~(22)(17)~~ For the sole purpose of serving as the basis
29 for the unified statewide methodology adopted pursuant to s.
30 373.421(1), as amended, "wetlands" means those areas that are
31 inundated or saturated by surface water or groundwater at a

1 frequency and a duration sufficient to support, and under
2 normal circumstances do support, a prevalence of vegetation
3 typically adapted for life in saturated soils. Soils present
4 in wetlands generally are classified as hydric or alluvial, or
5 possess characteristics that are associated with reducing soil
6 conditions. The prevalent vegetation in wetlands generally
7 consists of facultative or obligate hydrophytic macrophytes
8 that are typically adapted to areas having soil conditions
9 described above. These species, due to morphological,
10 physiological, or reproductive adaptations, have the ability
11 to grow, reproduce, or persist in aquatic environments or
12 anaerobic soil conditions. Florida wetlands generally include
13 swamps, marshes, bayheads, bogs, cypress domes and strands,
14 sloughs, wet prairies, riverine swamps and marshes, hydric
15 seepage slopes, tidal marshes, mangrove swamps and other
16 similar areas. Florida wetlands generally do not include
17 longleaf or slash pine flatwoods with an understory dominated
18 by saw palmetto. Upon legislative ratification of the
19 methodology adopted pursuant to s. 373.421(1), as amended, the
20 limitation contained herein regarding the purpose of this
21 definition shall cease to be effective.

22 (23)~~(15)~~ "Works of the district" means those projects
23 and works, including, but not limited to, structures,
24 impoundments, wells, streams, and other watercourses, together
25 with the appurtenant facilities and accompanying lands, which
26 have been officially adopted by the governing board of the
27 district as works of the district.

28 Section 8. Section 373.036, Florida Statutes, is
29 amended to read:

30 373.036 Florida water plan; district water management
31 plans ~~State water use plan.--~~

1 (1) FLORIDA WATER PLAN.--In cooperation with the water
2 management districts, regional water supply authorities, and
3 others, the department shall develop the Florida water plan.
4 The Florida water plan shall include, but not be limited to:

5 (a) The programs and activities of the department
6 related to water supply, water quality, flood protection and
7 floodplain management, and natural systems.

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

9 (c) The district water management plans.

10 (d) Goals, objectives, and guidance for the
11 development and review of programs, rules, and plans relating
12 to water resources, based on statutory policies and
13 directives. The state water policy rule, renamed the water
14 resource implementation rule pursuant to s. 373.019(20), shall
15 serve as this part of the plan. Amendments or additions to
16 this part of the Florida water plan shall be adopted by the
17 department as part of the water resource implementation rule.
18 In accordance with s. 373.114, the department shall review
19 rules of the water management districts for consistency with
20 this rule. Amendments to the water resource implementation
21 rule must be adopted by the secretary of the department and be
22 submitted to the President of the Senate and the Speaker of
23 the House of Representatives within 7 days after publication
24 in the Florida Administrative Weekly. Amendments shall not
25 become effective until the conclusion of the next regular
26 session of the Legislature following their adoption.

27 ~~(1) The department shall proceed as rapidly as~~
28 ~~possible to study existing water resources in the state; means~~
29 ~~and methods of conserving and augmenting such waters; existing~~
30 ~~and contemplated needs and uses of water for protection and~~
31 ~~procreation of fish and wildlife, irrigation, mining, power~~

1 ~~development, and domestic, municipal, and industrial uses; and~~
2 ~~all other related subjects, including drainage, reclamation,~~
3 ~~flood plain or flood-hazard area zoning, and selection of~~
4 ~~reservoir sites. The department shall cooperate with the~~
5 ~~Executive Office of the Governor, or its successor agency,~~
6 ~~progressively to formulate, as a functional element of a~~
7 ~~comprehensive state plan, an integrated, coordinated plan for~~
8 ~~the use and development of the waters of the state, based on~~
9 ~~the above studies. This plan, with such amendments,~~
10 ~~supplements, and additions as may be necessary from time to~~
11 ~~time, shall be known as the state water use plan.~~

12 (2) DISTRICT WATER MANAGEMENT PLANS.--

13 (a) Each governing board shall develop a district
14 water management plan for water resources within its region,
15 which plan addresses water supply, water quality, flood
16 protection and floodplain management, and natural systems. The
17 district water management plan shall be based on at least a
18 20-year planning period, shall be developed and revised in
19 cooperation with other agencies, regional water supply
20 authorities, units of government, and interested parties, and
21 shall be updated at least once every 5 years. The governing
22 board shall hold a public hearing at least 30 days in advance
23 of completing the development or revision of the district
24 water management plan.

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

27 1. The scientific methodologies for establishing
28 minimum flows and levels under s. 373.042, and all established
29 minimum flows and levels.

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

1 3. Technical data and information prepared under ss.
2 373.0391 and 373.0395.

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

6 a. Existing legal uses, reasonably anticipated future
7 needs, and existing and reasonably anticipated sources of
8 water and conservation efforts; and

9 b. Whether existing and reasonably anticipated sources
10 of water and conservation efforts are adequate to supply water
11 for all existing legal uses and reasonably anticipated future
12 needs and to sustain the water resources and related natural
13 systems.

14 5. Any completed regional water supply plans.

15 (c) If necessary for implementation, the governing
16 board shall adopt by rule or order relevant portions of the
17 district water management plan, to the extent of its statutory
18 authority.

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

22 1.(a) The attainment of maximum reasonable-beneficial
23 use of water resources for such purposes as those referred to
24 in subsection (1).

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

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

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

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

3 6.(f) Presently exercised domestic use and permit
4 rights.

5 7.(g) The preservation and enhancement of the water
6 quality of the state ~~and the provisions of the state water~~
7 ~~quality plan.~~

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

10 ~~(3) During the process of formulating or revising the~~
11 ~~state water use plan, the department shall consult with, and~~
12 ~~carefully evaluate the recommendations of, concerned federal,~~
13 ~~state, and local agencies, particularly the governing boards~~
14 ~~of the water management districts, and other interested~~
15 ~~persons.~~

16 ~~(4) Each governing board is directed to cooperate with~~
17 ~~the department in conducting surveys and investigations of~~
18 ~~water resources, to furnish the department with all available~~
19 ~~data of a technical nature, and to advise and assist the~~
20 ~~department in the formulation and drafting of those portions~~
21 ~~of the state plan applicable to the district.~~

22 ~~(5) The department shall not adopt or modify the state~~
23 ~~water use plan or any portion thereof without first holding a~~
24 ~~public hearing on the matter. At least 90 days in advance of~~
25 ~~such hearing, the department shall notify any affected~~
26 ~~governing boards, and shall give notice of such hearing by~~
27 ~~publication within the affected region pursuant to the~~
28 ~~provisions of chapter 120, except such notice by publication~~
29 ~~shall be extended at least 90 days in advance of such~~
30 ~~hearings.~~

31

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

6 (3)~~(7)~~ The department and governing board shall give
7 careful consideration to the requirements of public recreation
8 and to the protection and procreation of fish and wildlife.
9 The department or governing board may prohibit or restrict
10 other future uses on certain designated bodies of water which
11 may be inconsistent with these objectives.

12 (4)~~(8)~~ The governing board ~~department~~ may designate
13 certain uses in connection with a particular source of supply
14 which, because of the nature of the activity or the amount of
15 water required, would constitute an undesirable use for which
16 the governing board may deny a permit.

17 (5)~~(9)~~ The governing board ~~department~~ may designate
18 certain uses in connection with a particular source of supply
19 which, because of the nature of the activity or the amount of
20 water required, would result in an enhancement or improvement
21 of the water resources of the area. Such uses shall be
22 preferred over other uses in the event of competing
23 applications under the permitting systems authorized by this
24 chapter.

25 (6)~~(10)~~ The department, in cooperation with the
26 Executive Office of the Governor, or its successor agency, may
27 add to the Florida water ~~state water use~~ plan any other
28 information, directions, or objectives it deems necessary or
29 desirable for the guidance of the governing boards or other
30 agencies in the administration and enforcement of this
31 chapter.

1 Section 9. Section 373.0361, Florida Statutes, is
2 created to read:

3 373.0361 Regional water supply planning.--

4 (1) By October 1, 1998, the governing board shall
5 initiate water supply planning for each water supply planning
6 region identified in the district water management plan under
7 s. 373.036, where it determines that sources of water are not
8 adequate for the planning period to supply water for all
9 existing and projected reasonable-beneficial uses and to
10 sustain the water resources and related natural systems. The
11 planning must be conducted in an open public process, in
12 coordination and cooperation with local governments, regional
13 water supply authorities, government-owned and privately owned
14 water utilities, self-suppliers, and other affected and
15 interested parties.

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

19 (a) A water supply development component that
20 includes:

21 1. A quantification of the water supply needs for all
22 existing and reasonably projected future uses within the
23 planning horizon. The level of certainty associated with
24 identifying the water supply needs of existing and future
25 reasonable-beneficial uses shall be based upon the assurance
26 that water would be available to meet those needs for a
27 1-in-10 year drought event.

28 2. A list of water source options for water supply
29 development, including traditional and alternative sources,
30 from which local government, government-owned and privately
31

1 owned utilities, self-suppliers, and others may choose, which
2 will exceed the needs identified in subparagraph 1.

3 3. For each option listed in subparagraph 2., the
4 estimated amount of water available for use and the estimated
5 costs of and potential sources of funding for water supply
6 development.

7 4. A list of water supply development projects.

8 (b) A water resource development component that
9 includes:

10 1. A listing of those water resource development
11 projects that support water supply development.

12 2. For each water resource development project listed:

13 a. An estimate of the amount of water to become
14 available through the project.

15 b. The timetable for implementing or constructing the
16 project and the estimated costs for implementing, operating,
17 and maintaining the project.

18 c. Sources of funding and funding needs.

19 d. Who will implement the project and how it will be
20 implemented.

21 (c) The recovery and prevention strategy described in
22 s. 373.0421(2).

23 (d) A funding strategy for water resource development
24 projects, which shall be reasonable and sufficient to pay the
25 cost of constructing or implementing all of the listed
26 projects.

27 (e) Consideration of how the options addressed in
28 paragraphs (a) and (b) serve the public interest or save costs
29 overall by preventing the loss of natural resources or
30 avoiding greater future expenditures for water resource
31 development or water supply development. However, unless

1 adopted by rule, these considerations do not constitute final
2 agency action.

3 (f) The technical data and information applicable to
4 the planning region which are contained in the district water
5 management plan and are necessary to support the regional
6 water supply plan.

7 (g) The minimum flows and levels established for water
8 resources within the planning region.

9 (3) All portions of the regional water supply plan
10 that impact or affect third parties, including the
11 determination of the water resource development projects to be
12 funded by the district, the financial feasibility of the water
13 resource development projects, the timetable for funding,
14 constructing, and implementing these projects, and the
15 funding, construction, and implementation of projects
16 necessary for the recovery and prevention strategy, shall be
17 adopted by the governing board as a rule pursuant to chapter
18 120.

19 (4) Regional water supply plans initiated or completed
20 by July 1, 1997, shall be revised, if necessary, to include a
21 water supply development component and a water resource
22 development component as described in paragraphs (2)(a) and
23 (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 (6) Nothing contained in the water supply
2 development component of the district water management plan
3 shall be construed to require local governments,
4 government-owned or privately owned water utilities,
5 self-suppliers, or other water suppliers to select a water
6 supply development option identified in the component.

7 Section 10. Section 373.042, Florida Statutes, 1996
8 Supplement, is amended to read:

9 373.042 Minimum flows and levels.--

10 (1) Within each section, or the water management
11 district as a whole, the department or the governing board
12 shall establish the following:

13 (a) Minimum flow for all surface watercourses in the
14 area. The minimum flow for a given watercourse shall be the
15 limit at which further withdrawals would be significantly
16 harmful to the water resources or ecology of the area.

17 (b) Minimum water level. The minimum water level
18 shall be the level of groundwater in an aquifer and the level
19 of surface water at which further withdrawals would be
20 significantly harmful to the water resources of the area.

21 (c) Exclusions.

22 1. The department or the governing board shall not set
23 minimum levels for surface water bodies less than 25 acres in
24 area, unless the surface water body or bodies, individually or
25 cumulatively, have significant economic, environmental, or
26 hydrologic value, or are otherwise a unique natural resource
27 of the state.

28 2. The department or the governing board shall not set
29 minimum flows or levels for surface water bodies constructed
30 prior to the requirement for a permit, or pursuant to an
31 exemption, a permit, or a reclamation plan which regulates the

1 size, depth, or function of the surface water body under the
2 provisions of chapter 373, chapter 378, or chapter 403, unless
3 the constructed surface water body is of unique hydrologic
4 value and an essential element of the water resources of the
5 area.

6 3. The exclusions in subparagraphs 1. and 2. shall not
7 apply to the Everglades Protection Area, as defined in s.
8 373.4592(2)(h).

9
10 The minimum flow and minimum water level shall be calculated
11 by the department and the governing board using the best
12 information available. When appropriate, minimum flows and
13 levels may be calculated to reflect seasonal variations. The
14 department and the governing board shall also consider, and at
15 their discretion may provide for, the protection of
16 nonconsumptive uses in the establishment of minimum flows and
17 levels.

18 (2) By July 1, 1996, the Southwest Florida Water
19 Management District shall amend and submit to the department
20 for review and approval its priority list for the
21 establishment of minimum flows and levels and delineating the
22 order in which the governing board shall establish the minimum
23 flows and levels for surface watercourses, aquifers, and
24 surface water in the counties of Hillsborough, Pasco, and
25 Pinellas. By November 15, 1997, and annually thereafter, each
26 water management district shall submit to the department for
27 review and approval a priority list and schedule for the
28 establishment of minimum flows and levels for surface
29 watercourses, aquifers, and surface waters within the
30 district. The priority list shall identify those water bodies
31 for which the district will voluntarily undertake independent

1 scientific peer review. By January 1, 1998, and annually
2 thereafter, each water management district shall publish its
3 approved priority list and schedule in the Florida
4 Administrative Weekly.The priority list shall be based upon
5 the importance of the waters to the state or region and the
6 existence of or potential for significant harm to the water
7 resources or ecology of the state or region, and shall include
8 those waters which are experiencing or may reasonably be
9 expected to experience ~~experiencing~~ adverse impacts ~~and those~~
10 ~~waters which are identified as possible new water supply~~
11 ~~sources proposing to withdraw 5 million gallons or more per~~
12 ~~day in the future.~~ The development and publishing of the
13 priority list shall not constitute a point of entry to an
14 administrative proceeding pursuant to chapter 120. Except as
15 provided in subsection (3), the development of a priority list
16 and compliance with the schedule for the establishment of
17 minimum flows and levels pursuant to this subsection shall
18 satisfy the requirements of subsection (1).

19 (3) Minimum flows or levels for priority waters in the
20 Counties of Hillsborough, Pasco, and Pinellas ~~subsection (2)~~
21 shall be established by October 1, 1997. Where a minimum flow
22 or level for the priority waters within those counties has not
23 been established by the applicable deadline, the secretary of
24 the department shall, if requested by the governing body of
25 any local government within whose jurisdiction the affected
26 waters are located, establish the minimum flow or level ~~flows~~
27 ~~and levels~~ in accordance with the procedures established by
28 this section. The department's reasonable costs in
29 establishing a minimum flow or level shall, upon request of
30 the secretary, be reimbursed by the ~~applicable~~ district.

31

1 (4)(a) Upon written request to the department or
2 governing board by a substantially affected person, or by
3 decision of the department or governing board, prior to the
4 establishment of a minimum flow or level and prior to the
5 filing of any petition for administrative hearing related to
6 the minimum flow or level, all scientific or technical data,
7 methodologies, and models, including all scientific and
8 technical assumptions employed in each model, used to
9 establish a minimum flow or level shall be subject to
10 independent scientific peer review. Independent scientific
11 peer review means review by a panel of independent, recognized
12 experts in the fields of hydrology, hydrogeology, limnology,
13 biology, and other scientific disciplines, to the extent
14 relevant to the establishment of the minimum flow or level.

15 (b) If independent scientific peer review is
16 requested, it shall be initiated at an appropriate point
17 agreed upon by the department or governing board and the
18 person or persons requesting the peer review. If no agreement
19 is reached, the department or governing board shall determine
20 the appropriate point at which to initiate peer review. The
21 members of the peer review panel shall be selected within 60
22 days of the point of initiation by agreement of the department
23 or governing board and the person or persons requesting the
24 peer review. If the panel is not selected within the 60-day
25 period, the time limitation may be waived upon the agreement
26 of all parties. If no waiver occurs, the department or
27 governing board may proceed to select the peer review panel.
28 The cost of the peer review shall be borne equally by the
29 district and each party requesting the peer review, to the
30 extent economically feasible. The panel shall submit a final
31 report to the governing board within 120 days after its

1 selection unless the deadline is waived by agreement of all
2 parties. Initiation of peer review pursuant to this paragraph
3 shall toll any applicable deadline under chapter 120 or other
4 law or district rule regarding permitting, rulemaking, or
5 administrative hearings, until 60 days following submittal of
6 the final report. Any such deadlines shall also be tolled for
7 60 days following withdrawal of the request or following
8 agreement of the parties that peer review will no longer be
9 pursued. The department or the governing board shall give
10 significant weight to the final report of the peer review
11 panel when establishing the minimum flow or level.

12 (c) If the final data, methodologies, and models,
13 including all scientific and technical assumptions employed in
14 each model upon which a minimum flow or level is based, have
15 undergone peer review pursuant to this subsection, by request
16 or by decision of the department or governing board, no
17 further peer review shall be required with respect to that
18 minimum flow or level.

19 (d) No minimum flow or level adopted by rule or
20 formally noticed for adoption on or before May 2, 1997, shall
21 be subject to the peer review provided for in this subsection.
22 ~~Prior to the establishment of minimum flows or levels for~~
23 ~~water resources areas identified in subsection (2), and prior~~
24 ~~to filing any petition for administrative hearing, scientific~~
25 ~~or technical data and methodologies, if in dispute, shall,~~
26 ~~upon written request to the governing board by a substantially~~
27 ~~affected person, be subject to independent scientific peer~~
28 ~~review. The members of the peer review panel shall be~~
29 ~~selected by agreement of the parties in interest within 60~~
30 ~~days after receipt of the request. In the event the panel is~~
31 ~~not selected within this time, then, upon the agreement of all~~

1 ~~parties, the time may be waived, or, if no waiver occurs, the~~
2 ~~governing board may proceed to establish the minimum flows and~~
3 ~~levels. The cost of the peer review shall be borne equally by~~
4 ~~the parties selecting the panel, to the extent economically~~
5 ~~feasible. The panel shall conduct at least one public meeting~~
6 ~~of the full panel in accordance with s. 286.011(1) and (6)~~
7 ~~prior to the submission of the final report. The panel shall~~
8 ~~submit a final report to the governing board within 120 days~~
9 ~~after selection. Upon request by all members of the panel and~~
10 ~~agreement of the parties, the time for submittal may be~~
11 ~~extended for up to 30 additional days. In the event the final~~
12 ~~report is not submitted within such time, the governing board~~
13 ~~may proceed to establish the minimum flows and levels pursuant~~
14 ~~to this section. Filing of a request shall toll any applicable~~
15 ~~deadline under chapter 120, or other law or district rule,~~
16 ~~until 60 days following submittal of the final report. Any~~
17 ~~such deadlines shall also be tolled for 60 days following the~~
18 ~~withdrawal of the request, agreement of the parties that peer~~
19 ~~review will no longer be pursued, or failure to meet any~~
20 ~~deadline set forth in this subsection. If the selection of~~
21 ~~the panel is subject to the requirements of chapter 287, then~~
22 ~~the panel shall submit its final report to the governing board~~
23 ~~within 120 days after the completion of the process required~~
24 ~~pursuant to chapter 287. The governing board shall give~~
25 ~~significant weight to the final report of the panel in~~
26 ~~establishing the minimum flow or level, as appropriate. The~~
27 ~~final report may also be entered into the record by any party~~
28 ~~to the proceeding in which the minimum flow or level is~~
29 ~~applicable.~~

30 (5) If a petition for administrative hearing is filed
31 under chapter 120 challenging the establishment of a ~~the~~

1 minimum flow or level ~~flows or levels~~, the report of an ~~the~~
2 independent scientific peer review conducted under subsection
3 (4) is admissible as evidence in the final hearing, and the
4 administrative law judge ~~hearing officer~~ must render the order
5 within 120 days after the filing of the petition. The time
6 limit for rendering the ~~an~~ order shall not be extended except
7 by agreement of all the parties. To the extent that the
8 parties agree to the findings of the peer review, they may
9 stipulate that those findings be incorporated as findings of
10 fact in the final order.

11 Section 11. Section 373.0421, Florida Statutes, is
12 created to read:

13 373.0421 Establishment and implementation of minimum
14 flows and levels.--

15 (1)(a) When establishing minimum flows and levels
16 pursuant to s. 373.042, the department or governing board
17 shall consider changes and structural alterations to
18 watersheds, surface waters, and aquifers and the effects such
19 changes or alterations have had, and the constraints such
20 changes or alterations have placed, on the hydrology of an
21 affected watershed, surface water, or aquifer. Nothing in this
22 paragraph shall be construed to grandfather-in significant
23 harm pursuant to s. 373.042 caused by consumptive use
24 withdrawals, as determined by the governing board or the
25 department.

26 (b) The Legislature recognizes that certain water
27 bodies no longer serve their historic hydrologic functions.
28 The Legislature also recognizes that recovery of these water
29 bodies to historic hydrologic conditions may not be
30 economically or technically feasible, and that such recovery
31 effort could cause adverse environmental or hydrologic

1 impacts. Accordingly, the department or governing board may
2 determine that setting a minimum flow or level for such a
3 water body based on its historic hydrologic condition is not
4 appropriate.

5 (2) If the existing flow or level in a water body is
6 below, or is projected to fall within 20 years below, the
7 applicable minimum flow or level established pursuant to s.
8 373.042, the department or governing board, as part of the
9 regional water supply plan described in s. 373.0361, shall
10 expeditiously adopt and implement a recovery or prevention
11 strategy, which includes the development of additional water
12 supplies and other actions, consistent with the authority
13 granted by this chapter, to:

14 (a) Achieve recovery to the established minimum flow
15 or level as soon as practicable; or

16 (b) Prevent the existing flow or level from falling
17 below the established minimum flow or level.

18
19 The recovery or prevention strategy shall include phasing or a
20 timetable which will allow for the provision of sufficient
21 water supplies for all existing and projected
22 reasonable-beneficial uses, including development of
23 additional water supplies and implementation of conservation
24 and other efficiency measures concurrent with to the extent
25 practical, and to offset, reductions in permitted withdrawals,
26 consistent with the provisions of this chapter.

27 (3) The provisions of this section are supplemental to
28 any other specific requirements or authority provided by law.
29 Minimum flows and levels shall be reevaluated periodically and
30 revised as needed.

31

1 Section 12. Subsection (6) is added to section
2 373.046, Florida Statutes, 1996 Supplement, to read:

3 373.046 Interagency agreements.--

4 (6) When the geographic area of a project or local
5 government crosses water management district boundaries, the
6 affected districts may designate a single affected district by
7 interagency agreement to implement in that area, under the
8 rules of the designated district, all or part of the
9 applicable regulatory responsibilities under chapter 373.
10 Interagency agreements entered into under this subsection
11 which apply to the geographic area of a local government must
12 have the concurrence of the affected local government. The
13 application under this subsection, by rule, of any existing
14 district rule that was adopted or formally noticed for
15 adoption on or before May 11, 1995, is not subject to s.
16 70.001.

17 Section 13. Paragraph (a) of subsection (8) of section
18 373.0693, Florida Statutes, is amended to read:

19 373.0693 Basins; basin boards.--

20 (8)(a) At 11:59 p.m. on June 30, 1988, the area
21 transferred from the Southwest Florida Water Management
22 District to the St. Johns River Water Management District by
23 change of boundaries pursuant to chapter 76-243, Laws of
24 Florida, shall cease to be a subdistrict or basin of the St.
25 Johns River Water Management District known as the Oklawaha
26 River Basin and said Oklawaha River Basin shall cease to
27 exist. However, any recognition of an Oklawaha River Basin or
28 an Oklawaha River Hydrologic Basin for regulatory purposes
29 shall be unaffected. The area formerly known as the Oklawaha
30 River Basin shall continue to be part of the St. Johns River
31 Water Management District. There shall be established by the

1 governing board of the St. Johns River Water Management
2 District the Oklawaha River Basin Advisory Council to receive
3 public input and advise the St. Johns River Water Management
4 District's governing board on water management issues
5 affecting the Oklawaha River Basin. The Oklawaha River Basin
6 Advisory Council shall be appointed by action of the St. Johns
7 River Water Management District's governing board and shall
8 include one representative from each county which is wholly or
9 partly included in the Oklawaha River Basin. The St. Johns
10 River Water Management District's governing board member
11 currently serving pursuant to s. 373.073(2)(c)3.

12 ~~373.073(1)(b)3.c.~~, shall serve as chair of the Oklawaha River
13 Basin Advisory Council. Members of the Oklawaha River Basin
14 Advisory Council shall receive no compensation for their
15 services but are entitled to be reimbursed for per diem and
16 travel expenses as provided in s. 112.061.

17 Section 14. Section 373.073, Florida Statutes, is
18 amended to read:

19 373.073 Governing board.--

20 (1)(a) The governing board of each water management
21 district shall be composed of 9 members who shall reside
22 within the district, except that the Southwest Florida Water
23 Management District shall be composed of 11 members who shall
24 reside within the district. Members of the governing boards
25 shall be appointed by the Governor, subject to confirmation by
26 the Senate at the next regular session of the Legislature, and
27 the refusal or failure of the Senate to confirm an appointment
28 creates a vacancy in the office to which the appointment was
29 made. The term of office for a governing board member is 4
30 years and commences on March 2 of the year in which the
31 appointment is made and terminates on March 1 of the 4th

1 calendar year of the term. Terms of office of governing board
2 members shall be staggered to help maintain consistency and
3 continuity in the exercise of governing board duties and to
4 minimize disruption in district operations.~~The term of office~~
5 ~~of members of the board shall be 4 years and shall be~~
6 ~~construed to commence on March 2 preceding the date of~~
7 ~~appointment and to terminate March 1 of the year of the end of~~
8 ~~a term. Members of the governing boards continued under this~~
9 ~~chapter shall be appointed from the district at large as~~
10 ~~vacancies occur on the governing boards. Such vacancies shall~~
11 ~~be filled according to the residency requirements of paragraph~~
12 ~~(b).~~

13 (b) Commencing January 1, 1999, the Governor shall
14 appoint the following number of governing board members in
15 each year of the Governor's 4-year term of office:

16 1. In the first year of the Governor's term of office,
17 the Governor shall appoint three members to the governing
18 board of each district.

19 2. In the second year of the Governor's term of
20 office, the Governor shall appoint three members to the
21 governing board of the Southwest Florida Water Management
22 District and two members to the governing board of each other
23 district.

24 3. In the third year of the Governor's term of office,
25 the Governor shall appoint three members to the governing
26 board of the Southwest Florida Water Management District and
27 two members to the governing board of each other district.

28 4. In the fourth year of the Governor's term of
29 office, the Governor shall appoint two members to the
30 governing board of each district.

31

1 For any governing board vacancy that occurs before the date
2 scheduled for the office to be filled under this paragraph,
3 the Governor shall appoint a person meeting residency
4 requirements of subsection (2) for a term that will expire on
5 the date scheduled for the term of that office to terminate
6 under this subsection. In addition to the residency
7 requirements for the governing boards as provided by
8 subsection (2), the Governor shall consider appointing
9 governing board members to represent an equitable
10 cross-section of regional interests and technical expertise.

11 (2)(b) Notwithstanding the provisions of any other
12 general or special law to the contrary, vacancies in the
13 governing boards of the water management districts shall be
14 filled according to the following residency requirements,
15 representing areas designated by the United States Water
16 Resources Council in United States Geological Survey, River
17 Basin and Hydrological Unit Map of Florida--1975, Map Series
18 No. 72:

19 (a)1. Northwest Florida Water Management District:

20 1.a. One member shall reside in the area generally
21 designated as the "Perdido River Basin-Perdido Bay Coastal
22 Area-Lower Conecuh River-Escambia River Basin" hydrologic
23 units and that portion of the "Escambia Bay Coastal Area"
24 hydrologic unit which lies west of Pensacola Bay and Escambia
25 Bay.

26 2.b. One member shall reside in the area generally
27 designated as the "Blackwater River Basin-Yellow River
28 Basin-Choctawhatchee Bay Coastal Area" hydrologic units and
29 that portion of the "Escambia Bay Coastal Area" hydrologic
30 unit which lies east of Pensacola Bay and Escambia Bay.

31

1 3.c. One member shall reside in the area generally
2 designated as the "Choctawhatchee River Basin-St. Andrews Bay
3 Coastal Area" hydrologic units.

4 4.d. One member shall reside in the area generally
5 designated as the "Lower Chattahoochee-Apalachicola
6 River-Chipola River Basin-Coastal Area between Ochlockonee
7 River Apalachicola Rivers-Apalachicola Bay coastal area and
8 offshore islands" hydrologic units.

9 5.e. One member shall reside in the area generally
10 designated as the "Ochlockonee River Basin-St. Marks and
11 Wakulla Rivers and coastal area between Aucilla and
12 Ochlockonee River Basin" hydrologic units.

13 6.f. Four members shall be appointed at large, except
14 that no county shall have more than two members on the
15 governing board.

16 (b)2. Suwannee River Water Management District:

17 1.a. One member shall reside in the area generally
18 designated as the "Aucilla River Basin" hydrologic unit.

19 2.b. One member shall reside in the area generally
20 designated as the "Coastal Area between Suwannee and Aucilla
21 Rivers" hydrologic unit.

22 3.c. One member shall reside in the area generally
23 designated as the "Withlacoochee River Basin-Alapaha River
24 Basin-Suwannee River Basin above the Withlacoochee River"
25 hydrologic units.

26 4.d. One member shall reside in the area generally
27 designated as the "Suwannee River Basin below the
28 Withlacoochee River excluding the Santa Fe River Basin"
29 hydrologic unit.

30 5.e. One member shall reside in the area generally
31 designated as the "Santa Fe Basin-Waccasassa River and coastal

1 area between Withlacoochee and Suwannee River" hydrologic
2 units.

3 6.f. Four members shall be appointed at large, except
4 that no county shall have more than two members on the
5 governing board.

6 ~~(c)3.~~ St. Johns River Water Management District:

7 1.a. One member shall reside in the area generally
8 designated as the "St. Mary River Basin-Coastal area between
9 St. Marys and St. Johns Rivers" hydrologic units.

10 2.b. One member shall reside in the area generally
11 designated as the "St. Johns River Basin below Oklawaha
12 River-Coastal area between the St. Johns River and Ponce de
13 Leon Inlet" hydrologic units.

14 3.c. One member shall reside in the area generally
15 designated as the "Oklawaha River Basin" hydrologic unit.

16 4.d. One member shall reside in the area generally
17 designated as the "St. Johns River Basin above the Oklawaha
18 River" hydrologic unit.

19 5.e. One member shall reside in the area generally
20 designated as the "Coastal area between Ponce de Leon Inlet
21 and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie
22 River" hydrologic units.

23 6.f. Four members shall be appointed at large, except
24 that no county shall have more than two members on the
25 governing board.

26 ~~(d)4.~~ South Florida Water Management District:

27 1.a. Two members shall reside in Dade County.

28 2.b. One member shall reside in Broward County.

29 3.c. One member shall reside in Palm Beach County.

30 4.d. One member shall reside in Collier County, Lee
31 County, Hendry County, or Charlotte County.

1 ~~5.e.~~ One member shall reside in Glades County,
2 Okeechobee County, Highlands County, Polk County, Orange
3 County, or Osceola County.

4 ~~6.f.~~ Two members, appointed at large, shall reside in
5 an area consisting of St. Lucie, Martin, Palm Beach, Broward,
6 Dade, and Monroe Counties.

7 ~~7.g.~~ One member, appointed at large, shall reside in
8 an area consisting of Collier, Lee, Charlotte, Hendry, Glades,
9 Osceola, Okeechobee, Polk, Highlands, and Orange Counties.

10 ~~8.h.~~ No county shall have more than three members on
11 the governing board.

12 ~~(e)5.~~ Southwest Florida Water Management District:

13 ~~1.a.~~ Two members shall reside in Hillsborough County.

14 ~~2.b.~~ One member shall reside in the area consisting of
15 Hillsborough and Pinellas Counties.

16 ~~3.c.~~ Two members shall reside in Pinellas County.

17 ~~4.d.~~ One member shall reside in Manatee County.

18 ~~5.e.~~ One member shall reside in Polk County.

19 ~~6.f.~~ One member shall reside in Pasco County.

20 ~~7.g.~~ One member shall be appointed at large from Levy,
21 Marion, Citrus, Sumter, Hernando, and Lake Counties.

22 ~~8.h.~~ One member shall be appointed at large from
23 Sarasota, Hardee, DeSoto, Charlotte, and Highlands Counties.

24 ~~9.i.~~ One member shall be appointed at large from Levy,
25 Marion, Citrus, Sumter, Hernando, Lake, Sarasota, Hardee,
26 DeSoto, Charlotte, and Highlands Counties.

27
28 No county described in subparagraph 7., subparagraph 8., or
29 subparagraph 9. ~~sub-subparagraphs g., h., or i.~~ shall have
30 more than one member on the governing board.

31

1 ~~(2) Members of the governing boards shall be appointed~~
2 ~~by the Governor, subject to confirmation by the Senate at the~~
3 ~~next regular session of the Legislature, and the refusal or~~
4 ~~failure of the Senate to confirm an appointment shall create a~~
5 ~~vacancy in the office to which the appointment was made.~~

6 Section 15. Paragraph (a) of subsection (4) and
7 subsection (5) of section 373.079, Florida Statutes, are
8 amended to read:

9 373.079 Members of governing board; oath of office;
10 staff.--

11 (4)(a) From among three recommendations by the
12 governing board, the Governor shall appoint an executive
13 director. The executive director shall serve at the pleasure
14 of the Governor and is responsible for communicating regularly
15 with the governing board, the department, and the Governor
16 regarding water resources issues. The initial appointment of
17 an executive director must be confirmed by the Senate.
18 Executive directors must be reconfirmed by the Senate every 4
19 years.The governing board of the district is authorized to
20 direct the daily activities of the executive director and to
21 employ an ombudsman ~~executive director~~ and such engineers,
22 other professional persons, and other personnel and assistants
23 as it deems necessary and under such terms and conditions as
24 it may determine and to terminate such employment. In the case
25 of the executive director, the governing board may recommend
26 termination to the Governor.~~The appointment of an executive~~
27 ~~director must be initially confirmed by the Florida Senate.~~
28 The governing board may delegate all or part of its authority
29 under this paragraph to the executive director.

30 (5) The governing board may employ a legal staff for
31 the purposes of:

1 (a) Providing legal counsel to the governing board on
2 matters relating to the exercise of its powers and duties and
3 to the executive director and district staff on matters
4 relating to the day-to-day operations of the district;

5 (b) Representing it in all proceedings of an
6 administrative or judicial nature; and

7 (c) Otherwise assisting in the administration of the
8 provisions of this chapter.

9
10 Attorneys employed by the district must represent the legal
11 interest or position of the governing board.

12 Section 16. Section 373.0831, Florida Statutes, is
13 created to read:

14 373.0831 Water resource development; water supply
15 development.--

16 (1) The Legislature finds that:

17 (a) The proper role of the water management districts
18 in water supply is primarily planning and water resource
19 development, but this does not preclude them from providing
20 assistance with water supply development.

21 (b) The proper role of local government, regional
22 water supply authorities, and government-owned and privately
23 owned water utilities in water supply is primarily water
24 supply development, but this does not preclude them from
25 providing assistance with water resource development.

26 (c) Water resource development and water supply
27 development must receive priority attention, where needed, to
28 increase the availability of sufficient water for all existing
29 and future reasonable-beneficial uses and natural systems.

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

1 (a) Sufficient water be available for all existing and
2 future reasonable-beneficial uses and the natural systems, and
3 that the adverse effects of competition for water supplies be
4 avoided.

5 (b) Water management districts take the lead in
6 identifying and implementing water resource development
7 projects, and be responsible for securing necessary funding
8 for regionally significant water resource development
9 projects.

10 (c) Local governments, regional water supply
11 authorities, and government-owned and privately owned water
12 utilities take the lead in securing funds for and implementing
13 water supply development projects. Generally, direct
14 beneficiaries of water supply development projects should pay
15 the costs of the projects from which they benefit, and water
16 supply development projects should continue to be paid for
17 through local funding sources. A water resource development
18 project or water supply development project may not be
19 capitalized from donor county millage revenues when the land
20 for the project was purchased through the Conservation and
21 Recreational Lands Trust Fund and it is anticipated that the
22 project is designed primarily for intercounty transport of
23 ground or surface water.

24 (d) Water supply development be conducted in
25 coordination with water management district regional water
26 supply planning and water resource development.

27 (3) The water management districts shall fund and
28 implement water resource development as defined in s. 373.019.
29 Each governing board shall include in its annual budget the
30 amount needed for the fiscal year to implement water resource
31

1 development projects, as prioritized in its regional water
2 supply plans.

3 (4)(a) Water supply development projects which are
4 consistent with the relevant regional water supply plans and
5 which meet one or more of the following criteria shall receive
6 priority consideration for state or water management district
7 funding assistance:

8 1. The project supports establishment of a dependable,
9 sustainable supply of water which is not otherwise financially
10 feasible;

11 2. The project provides substantial environmental
12 benefits by preventing or limiting adverse water resource
13 impacts, but require funding assistance to be economically
14 competitive with other options; or

15 3. The project significantly implements reuse,
16 storage, recharge, or conservation of water in a manner that
17 contributes to the sustainability of regional water sources.

18 (b) Water supply development projects which meet the
19 criteria in paragraph (a) and also bring about replacement of
20 existing sources in order to help implement a minimum flow or
21 level shall be given first consideration for state or water
22 management district funding assistance.

23 (5) Beginning on January 1, 1998, and each January 1
24 thereafter, each water management district shall report to the
25 Governor and the Legislature on the progress it has made in
26 implementing water resource development. The report must
27 address, at a minimum, all of the elements in the water
28 resource development component described in s. 373.0361.

29 Section 17. Subsection (2) of section 373.223, Florida
30 Statutes, is amended to read:

31 373.223 Conditions for a permit.--

1 (2) The governing board or the department may
2 authorize the holder of a use permit to transport and use
3 ground or surface water beyond overlying land, across county
4 boundaries, or outside the watershed from which it is taken if
5 the governing board or department determines that such
6 transport and use is consistent with the public interest, and
7 no local government shall adopt or enforce any law, ordinance,
8 rule, regulation, or order to the contrary. Except for the
9 Central and Southern Florida Flood Control Project, when
10 evaluating whether such a potential transport of ground or
11 surface water is consistent with the public interest, the
12 governing board or department may give significant weight to:
13 (a) The proximity of the proposed source of water to
14 the area in which it is to be used or applied.
15 (b) Other environmentally, economically, and
16 technically feasible alternatives to the source being
17 proposed, including, but not limited to, desalination, reuse,
18 stormwater, and aquifer storage and recovery.
19 (c) Cumulative impacts due to groundwater withdrawal.
20 (d) Affected local governments.

21
22 The governing board may also consider whether or not a
23 regional water supply authority supplies water in the area. A
24 permit decision by the governing board based on these
25 considerations shall not affect any perfected legal challenge
26 under chapter 120, an administrative challenge under chapter
27 120, or a judicial challenge, filed prior to the effective
28 date of this act.

29 Section 18. Section 373.236, Florida Statutes, is
30 amended to read:

31 373.236 Duration of permits.--

1 (1) Permits shall ~~may~~ be granted for a any period of
2 ~~time not exceeding~~ 20 years, if requested for that period of
3 time, if there is sufficient data to provide reasonable
4 assurance that the conditions for permit issuance will be met
5 for the duration of the permit; otherwise permits may be
6 issued for shorter durations which reflect the period for
7 which such reasonable assurances can be provided. The
8 governing board or the department may base the duration of
9 permits on a reasonable system of classification according to
10 source of supply or type of use, or both.

11 (2) The governing board or the department may
12 authorize a permit of duration of up to 50 years in the case
13 of a municipality or other governmental body or of a public
14 works or public service corporation where such a period is
15 required to provide for the retirement of bonds for the
16 construction of waterworks and waste disposal facilities.

17 (3) Where necessary to maintain reasonable assurance
18 that the conditions for issuance of a 20-year permit can
19 continue to be met, the governing board or department, in
20 addition to any conditions required pursuant to s. 373.219,
21 may require a compliance report by the permittee every 5 years
22 during the term of a permit. This report shall contain
23 sufficient data to maintain reasonable assurance that the
24 initial conditions for permit issuance are met. Following
25 review of this report, the governing board or the department
26 may modify the permit to ensure that the use meets the
27 conditions for issuance. Permit modifications pursuant to
28 this subsection shall not be subject to competing
29 applications, provided there is no increase in the permitted
30 allocation or permit duration, and no change in source, except
31 for changes in source requested by the district. This

1 subsection shall not be construed to limit the existing
2 authority of the department or the governing board to modify
3 or revoke a consumptive use permit.

4 Section 19. By January 1, 1998, the Department of
5 Environmental Protection, in coordination with the appropriate
6 water management districts and the Department of Health, shall
7 transmit to the Speaker of the House of Representatives, the
8 President of the Senate, and the Governor a proposal for
9 reevaluating areas of the state which were previously
10 delineated by the Department of Environmental Protection
11 pursuant to s. 376.309(1)(e), Florida Statutes, as having
12 contaminated water supplies, including contamination from
13 ethylene dibromide, in order to ascertain whether or not the
14 contamination has been reduced to levels which do not pose a
15 threat to human health and to determine if the delineated
16 areas should be redrawn or removed. The proposal shall
17 reflect a systematic approach to the reevaluation, with an
18 emphasis on determining the current state of contamination,
19 potential remedies, the adequacy of existing remedies such as
20 requirements for grouting of well-casing, and relief to
21 affected citizens. The proposal shall also include estimates
22 of cost and recommendations as to available funding sources
23 for the reevaluation. Any deletion from, addition to, or
24 redrawing of the delineation areas shall be based on the
25 scientific evidence of the reevaluation conducted under this
26 subparagraph.

27 Section 20. Section 373.507, Florida Statutes, is
28 amended to read:

29 373.507 Districts and basins; postaudits, budgets,
30 ~~basins, and taxing authorities; budget and expense reports;~~
31 ~~audits.--~~

1 (1) Each ~~district and~~ basin referred to in this
2 chapter ~~must shall~~ furnish a detailed copy of its budget and
3 past year's expenditures to the Governor, the Legislature, and
4 the governing body of each county in which the ~~district or~~
5 basin has jurisdiction or derives any funds for the operations
6 of the ~~district or~~ basin.

7 (2) Each district and basin referred to in this
8 chapter must, basin, and taxing authority shall make provision
9 for an annual postaudit of its financial accounts. The
10 postaudit must ~~These postaudits shall~~ be made in accordance
11 with the rules of the Auditor General adopted under
12 ~~promulgated pursuant to~~ ss. 166.241 and 11.47.

13 (3)(a) Each district referred to in this chapter must
14 furnish copies of the following documents to the Governor, the
15 President of the Senate, the Speaker of the House of
16 Representatives, the chairs of all legislative committees and
17 subcommittees with substantive or fiscal jurisdiction over
18 districts, as determined by the President or Speaker as
19 applicable, the secretary of the department, and the governing
20 body of each county in which the district has jurisdiction or
21 derives any funds for the operations of the district:

- 22 1. The tentative budget.
- 23 2. The adopted budget.
- 24 3. The past year's expenditures.
- 25 4. The postaudit described in subsection (2).

26 (b) The documents must be furnished by the earlier of
27 10 days following completion of each document or as otherwise
28 provided by law.

29 (c) If any entity in paragraph (a) provides written
30 comments to the district regarding any document furnished, the
31 district must respond to the comments in writing and furnish

1 copies of the comments and written responses to the other
2 entities.

3 Section 21. Subsections (1) and (3), and paragraphs
4 (a) and (c) of subsection (5), of section 373.536, Florida
5 Statutes, 1996 Supplement, are amended to read:

6 373.536 District budget and hearing thereon.--

7 (1) The fiscal year of districts created under the
8 provisions of this chapter shall extend from October 1 of one
9 year through September 30 of the following year. The budget
10 officer of the district shall, on or before July 15 of each
11 year, submit for consideration by the governing board of the
12 district a tentative budget for the district covering its
13 proposed operation and requirements for the ensuing fiscal
14 year. Unless alternative notice requirements are otherwise
15 provided by law, notice of all budget hearings conducted by
16 the governing board or district staff must be published in a
17 newspaper of general circulation in each county in which the
18 district lies not less than 5 days nor more than 15 days
19 before the hearing. Budget workshops conducted for the public
20 and not governed by s. 200.065 must be advertised in a
21 newspaper of general circulation in the community or area in
22 which the workshop will occur not less than 5 days nor more
23 than 15 days before the workshop. The tentative budget shall
24 be adopted in accordance with the provisions of s. 200.065;
25 however, if the mailing of the notice of proposed property
26 taxes is delayed beyond September 3 in any county in which the
27 district lies, the district shall advertise its intention to
28 adopt a tentative budget and millage rate, pursuant to s.
29 200.065(3)(g), in a newspaper of general paid circulation in
30 that county. The budget shall set forth, classified by object
31 and purpose, and by fund if so designated, the proposed

1 expenditures of the district for bonds or other debt, for
2 construction, for acquisition of land, for operation and
3 maintenance of the district works, for the conduct of the
4 affairs of the district generally, and for other purposes, to
5 which may be added an amount to be held as a reserve. District
6 administrative and operating expenses must be identified in
7 the budget and allocated among district programs.

8 (3) As provided in s. 200.065(2)(d), the board shall
9 publish one or more notices of its intention to finally adopt
10 a budget for the district for the ensuing fiscal year. The
11 notice shall appear adjacent to an advertisement which shall
12 set forth the tentative budget in full. The notice and
13 advertisement shall be published in one or more newspapers
14 having a combined general circulation in the counties having
15 land in the district. Districts may include explanatory
16 phrases and examples in budget advertisements published under
17 s. 200.065 to clarify or illustrate the effect that the
18 district budget may have on ad valorem taxes.

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

30 (c) Each water management district shall, by August 1
31 5 of each year, submit for review a tentative budget to the

1 Governor, the President of the Senate, the Speaker of the
2 House of Representatives, the chairs of all legislative
3 committees and subcommittees with substantive or fiscal
4 jurisdiction over water management districts, the secretary of
5 the department, and the governing body of each county in which
6 the district has jurisdiction or derives any funds for the
7 operations of the district. The tentative budget, which must
8 ~~include to the Department of Environmental Protection, the~~
9 ~~Executive Office of the Governor, and the chairs of the~~
10 ~~appropriations committees of the Legislature for review a~~
11 ~~tentative budget that includes,~~ but is not limited to, the
12 following information for the preceding fiscal year and the
13 current fiscal year, and the proposed amounts for the upcoming
14 fiscal year, in a standard format prescribed by the Executive
15 Office of the Governor ~~department~~ which is generally
16 consistent with the format prescribed by legislative budget
17 instructions for state agencies and the format requirements of
18 s. 216.031:

19 1. The millage rates and the percentage increase above
20 the rolled-back rate, together with a summary of the reasons
21 the increase is required, and the percentage increase in
22 taxable value resulting from new construction;

23 2. For each program area, the salary and benefits,
24 expenses, operating capital outlay, number of authorized
25 positions, and other personal services;

26 3. The total amount in the district budget for each
27 area of responsibility listed in paragraph (a) and for water
28 resource development projects identified in the district's
29 regional water supply plans.

30 ~~4.3.~~ A description of each new, expanded, reduced, or
31 eliminated program;

1 5.4. A 5-year capital improvements plan; and
2 6.5. The funding sources, including, but not limited
3 to, ad valorem taxes, Surface Water Improvement and Management
4 Program funds, other state funds, federal funds, and user fees
5 and permit fees for each program area.

6 Section 22. Subsection (1) and paragraph (a) of
7 subsection (4) of section 373.59, Florida Statutes, 1996
8 Supplement, are amended to read:

9 373.59 Water Management Lands Trust Fund.--

10 (1) There is established within the Department of
11 Environmental Protection the Water Management Lands Trust Fund
12 to be used as a nonlapsing fund for the purposes of this
13 section. The moneys in this fund are hereby continually
14 appropriated for the purposes of land acquisition, management,
15 maintenance, capital improvements, payments in lieu of taxes,
16 and administration of the fund in accordance with the
17 provisions of this section. ~~In addition, for fiscal year~~
18 ~~1995-1996, moneys in the fund that are not revenues from the~~
19 ~~sale of any bonds and that are not required for debt service~~
20 ~~for any bond issue may be used to fund activities authorized~~
21 ~~under the Surface Water Improvement and Management Act,~~
22 ~~pursuant to ss. 373.451-373.4595, and for the control of~~
23 ~~aquatic weeds pursuant to part II of chapter 369.~~Up to 25
24 percent of the moneys in the fund may be allocated annually to
25 the districts for management, maintenance, and capital
26 improvements pursuant to subsection(8)~~(7)~~.

27 (4)(a) Moneys from the Water Management Lands Trust
28 Fund shall be used for acquiring the fee or other interest in
29 lands necessary for water management, water supply, and the
30 conservation and protection of water resources, except that
31 such moneys shall not be used for the acquisition of

1 rights-of-way for canals or pipelines. Such moneys shall also
2 be used for management, maintenance, and capital improvements.
3 Interests in real property acquired by the districts under
4 this section may be used for permittable water resource
5 development and water supply development purposes under the
6 following conditions: the minimum flows and levels of priority
7 water bodies on such lands have been established; the project
8 complies with all conditions for issuance of a permit under
9 part II of chapter 373; and the project is compatible with the
10 purposes for which the land was acquired. Lands acquired with
11 moneys from the fund shall be managed and maintained in an
12 environmentally acceptable manner and, to the extent
13 practicable, in such a way as to restore and protect their
14 natural state and condition.

15 Section 23. Paragraph (b) of subsection (4) of section
16 186.007, Florida Statutes, is amended to read:

17 186.007 State comprehensive plan; preparation;
18 revision.--

19 (4)

20 (b) The purpose of the growth management portion of
21 the state comprehensive plan is to establish clear, concise,
22 and direct goals, objectives, and policies related to land
23 development, water resources, transportation, and related
24 topics. In doing so, the plan should, where possible, draw
25 upon the work that agencies have invested in the state land
26 development plan, the Florida Transportation Plan, the Florida
27 water ~~state water use~~ plan, and similar planning documents.

28 Section 24. Paragraph (n) of subsection (2) of section
29 186.009, Florida Statutes, is amended to read:

30 186.009 Growth management portion of the state
31 comprehensive plan.--

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

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

7
8 The growth management portion of the state comprehensive plan
9 shall not include a land use map.

10 Section 25. Subsections (1) and (7) of section
11 373.103, Florida Statutes, are amended to read:

12 373.103 Powers which may be vested in the governing
13 board at the department's discretion.--In addition to the
14 other powers and duties allowed it by law, the governing board
15 of a water management district may be specifically authorized
16 by the department to:

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

21 (7) Prepare, in cooperation with the department, that
22 part of the Florida water ~~state water use~~ plan applicable to
23 the district.

24 Section 26. Subsection (2) of section 373.114, Florida
25 Statutes, is amended to read:

26 373.114 Land and Water Adjudicatory Commission; review
27 of district rules and orders; department review of district
28 rules.--

29 (2) The department shall have the exclusive authority
30 to review rules of the water management districts, other than
31 rules relating to internal management of the districts, to

1 ensure consistency with the ~~state~~ water resource
2 implementation rule ~~policy~~ as set forth in the rules of the
3 department. Within 30 days after adoption or revision of any
4 water management district rule, the department shall initiate
5 a review of such rule pursuant to this section.

6 (a) Within 30 days after adoption of a rule, any
7 affected person may request that a hearing be held before the
8 secretary of the department, at which hearing evidence and
9 argument may be presented relating to the consistency of the
10 rule with the state water resource implementation rule ~~policy~~,
11 by filing a request for hearing with the department and
12 serving a copy on the water management district.

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

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

21 Section 27. Subsection (3) of section 373.418, Florida
22 Statutes, is amended to read:

23 373.418 Rulemaking; preservation of existing
24 authority.--

25 (3) The department or governing boards may adopt such
26 rules as are necessary to implement the provisions of this
27 part. Such rules shall be consistent with the state ~~water~~
28 resource implementation rule ~~policy~~ and shall not allow harm
29 to water resources or be contrary to the policy set forth in
30 s. 373.016.

31

1 Section 28. Subsection (2) of section 373.456, Florida
2 Statutes, is amended to read:

3 373.456 Approval of surface water improvement and
4 management plans.--

5 (2) The department shall have the exclusive authority
6 to review the plan to ensure consistency with the ~~state~~ water
7 resource implementation rule policy and the State
8 Comprehensive Plan.

9 Section 29. Subsection (14) of section 403.031,
10 Florida Statutes, 1996 Supplement, is amended to read:

11 403.031 Definitions.--In construing this chapter, or
12 rules and regulations adopted pursuant hereto, the following
13 words, phrases, or terms, unless the context otherwise
14 indicates, have the following meanings:

15 (14) "State water resource implementation rule policy"
16 means the rule authorized by s. 373.036, which sets
17 ~~comprehensive statewide policy as adopted by the department~~
18 ~~pursuant to ss. 373.026 and 403.061, setting~~ forth goals,
19 objectives, and guidance for the development and review of
20 programs, rules, and plans relating to water resources, based
21 on statutory policies and directives. The waters of the state
22 are among its most basic resources. Such waters should be
23 managed to conserve and protect water resources and to realize
24 the full beneficial use of these resources.

25 Section 30. Subsection (1) and paragraph (a) of
26 subsection (3) of section 403.0891, Florida Statutes, are
27 amended to read:

28 403.0891 State, regional, and local stormwater
29 management plans and programs.--The department, the water
30 management districts, and local governments shall have the
31

1 responsibility for the development of mutually compatible
2 stormwater management programs.

3 (1) The department shall include goals in the ~~state~~
4 water resource implementation rule ~~policy~~ for the proper
5 management of stormwater.

6 (3)(a) Each local government required by chapter 163
7 to submit a comprehensive plan, whose plan is submitted after
8 July 1, 1992, and the others when updated after July 1, 1992,
9 in the development of its stormwater management program
10 described by elements within its comprehensive plan shall
11 consider the state water resource implementation rule ~~policy~~,
12 district stormwater management goals, plans approved pursuant
13 to the Surface Water Improvement and Management Act, ss.
14 373.451-373.4595, and technical assistance information
15 provided by the water management districts pursuant to s.
16 373.0391.

17 Section 31. Subsection (10) of section 373.026,
18 section 373.039, and subsection (33) of section 403.061,
19 Florida Statutes, are repealed.

20 Section 32. Effective January 1, 1999, section
21 373.0735, Florida Statutes, is repealed.

22 Section 33. Notwithstanding the provisions of sections
23 10 and 11 of this act, the establishment and implementation of
24 minimum flows and levels for priority waters in Pasco County
25 listed pursuant to chapter 96-339, Laws of Florida, and peer
26 review of the scientific or technical data and methodologies
27 utilized in establishing said minimum flows and levels shall
28 be governed by the provisions of chapter 96-339, Laws of
29 Florida.

30 Section 34. Except as otherwise provided herein, this
31 act shall take effect October 1, 1997.