

1
2 A bill to be entitled
3 An act relating to water resources; amending s.
4 373.016, F.S.; revising legislative policy;
5 providing construction and application;
6 amending s. 373.019, F.S.; revising
7 definitions; defining "district water
8 management plan," "Florida water plan,"
9 "regional water supply plan," "water resource
10 development," "water resource implementation
11 rule," and "water supply development;" amending
12 s. 373.036, F.S.; eliminating the state water
13 use plan; providing for development of the
14 Florida water plan, to include the water
15 resource implementation rule; providing
16 procedure for rule amendment; requiring water
17 management district governing boards to develop
18 district water management plans; creating s.
19 373.0361, F.S.; providing requirements for
20 regional water supply plans for regions
21 identified in district water management plans;
22 requiring an annual report; amending s.
23 373.042, F.S.; revising minimum flows and
24 levels timing requirements; providing for
25 independent scientific peer review; creating s.
26 373.0421, F.S.; requiring certain
27 considerations in establishment and
28 implementation of minimum flows and levels;
29 providing for implementation of recovery or
30 prevention strategies; amending s. 373.046,
31 F.S.; providing for interdistrict agreements
for implementation of certain regulatory

1 responsibilities; amending s. 373.0693, F.S.;
2 correcting a cross reference; amending s.
3 373.073, F.S.; revising procedure for
4 appointment of members to the water management
5 district governing boards; providing a
6 timetable; amending s. 373.079, F.S.; requiring
7 the Governor to select a governing board member
8 as chair of the governing board; revising
9 procedure for appointment of district executive
10 directors; providing respective authority of
11 the Governor and governing boards; authorizing
12 employment of governing board ombudsmen;
13 revising duties of governing board legal staff;
14 creating s. 373.0831, F.S.; specifying
15 governing board responsibilities for water
16 resource development and responsibilities of
17 other entities for water supply development;
18 providing for priorities for funding; requiring
19 a report; amending s. 373.223, F.S.; providing
20 requirements in considering authorization to
21 transport ground or surface water under a
22 permit for consumptive use of water; providing
23 restrictions; amending s. 373.236, F.S.;
24 revising provisions relating to duration of
25 consumptive use permits; requiring compliance
26 reports and permit modification, under certain
27 circumstances; requiring a proposal for
28 reevaluation of certain areas with contaminated
29 water supplies; amending s. 373.507, F.S.;
30 revising provisions relating to district and
31 basin audits, budgets, and expense reports;

1 requiring districts to furnish copies of
2 documents to specified entities and to respond
3 to comments; amending s. 373.536, F.S.;
4 providing requirements for notice and
5 advertisement of district budget hearings and
6 workshops; providing requirements for budget
7 identification of administrative and operating
8 expenses; providing for certain analysis of
9 budgets; revising requirements for submittal of
10 tentative budgets; amending s. 373.59, F.S.;
11 deleting obsolete language; correcting a cross
12 reference; authorizing use of interests in
13 property acquired under the Water Management
14 Lands Trust Fund for permissible water resource
15 development and water supply development
16 purposes; amending ss. 186.007, 186.009,
17 373.103, 373.114, 373.418, 373.456, 403.031,
18 and 403.0891, F.S., to conform to the act;
19 repealing ss. 373.026(10), 373.039, and
20 403.061(33), F.S., relating to state water
21 policy and the Florida water plan; repealing s.
22 373.0735, F.S., relating to appointment of
23 members to the governing board of the Southwest
24 Florida Water Management District; providing
25 for grandfathering-in of minimum flows and
26 levels for priority waters in Pasco County and
27 Hillsborough County pursuant to provisions of
28 chapter 96-339, Laws of Florida; providing for
29 application of act to Hillsborough River and
30 the Palm River/Tampa By-Pass Canal; amending s.
31 373.1963, F.S.; providing for supplemental

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1 report from the West Coast Regional Water
 2 Supply Authority; providing an effective date.
 3

4 Be It Enacted by the Legislature of the State of Florida:
 5

6 Section 1. 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 2. 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 3. 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.

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1 Section 4. 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. A determination by the governing board
16 that initiation of a regional water supply plan for a specific
17 planning region is not needed pursuant to this section shall
18 be subject to s. 120.569. The governing board shall
19 re-evaluate such a determination at least once every five
20 years and shall initiate a regional water supply plan, if
21 needed, pursuant to this subsection.

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

25 (a) A water supply development component that
26 includes:

27 1. A quantification of the water supply needs for all
28 existing and reasonably projected future uses within the
29 planning horizon. The level-of-certainty planning goal
30 associated with identifying the water supply needs of existing
31

1 and future reasonable-beneficial uses shall be based upon
2 meeting those needs for a 1-in-10 year drought event.

3 2. A list of water source options for water supply
4 development, including traditional and alternative sources,
5 from which local government, government-owned and privately
6 owned utilities, self-suppliers, and others may choose, which
7 will exceed the needs identified in subparagraph 1.

8 3. For each option listed in subparagraph 2., the
9 estimated amount of water available for use and the estimated
10 costs of and potential sources of funding for water supply
11 development.

12 4. A list of water supply development projects that
13 meet the criteria in s. 373.0831(4).

14 (b) A water resource development component that
15 includes:

16 1. A listing of those water resource development
17 projects that support water supply development.

18 2. For each water resource development project listed:

19 a. An estimate of the amount of water to become
20 available through the project.

21 b. The timetable for implementing or constructing the
22 project and the estimated costs for implementing, operating,
23 and maintaining the project.

24 c. Sources of funding and funding needs.

25 d. Who will implement the project and how it will be
26 implemented.

27 (c) The recovery and prevention strategy described in
28 s. 373.0421(2).

29 (d) A funding strategy for water resource development
30 projects, which shall be reasonable and sufficient to pay the
31

1 cost of constructing or implementing all of the listed
2 projects.

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

16 (3) Regional water supply plans initiated or completed
17 by July 1, 1997, shall be revised, if necessary, to include a
18 water supply development component and a water resource
19 development component as described in paragraphs (2)(a) and
20 (b).

21 (4) Governing board approval of a regional water
22 supply plan shall not be subject to the rulemaking
23 requirements of Chapter 120. However, any portion of an
24 approved regional water supply plan which affects the
25 substantial interests of a party shall be subject to s.
26 120.569.

27 (5) By November 15, 1997, and annually thereafter, the
28 department shall submit to the Governor and the Legislature a
29 report on the status of regional water supply planning in each
30 district. The report shall include:
31

1 (a) A compilation of the estimated costs of and
 2 potential sources of funding for water resource development
 3 and water supply development projects, as identified in the
 4 water management district regional water supply plans.

5 (b) A description of each district's progress toward
 6 achieving its water resource development objectives, as
 7 directed by s. 373.0831(3), including the district's
 8 implementation of its 5-year water resource development work
 9 program.

10 (6) Nothing contained in the water supply
 11 development component of the district water management plan
 12 shall be construed to require local governments,
 13 government-owned or privately owned water utilities,
 14 self-suppliers, or other water suppliers to select a water
 15 supply development option identified in the component merely
 16 because it is identified in the plan. However, this
 17 subsection shall not be construed to limit the authority of
 18 the department or governing board under part II.

19 Section 5. Section 373.042, Florida Statutes, 1996
 20 Supplement, is amended to read:

21 373.042 Minimum flows and levels.--

22 (1) Within each section, or the water management
 23 district as a whole, the department or the governing board
 24 shall establish the following:

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

29 (b) Minimum water level. The minimum water level
 30 shall be the level of groundwater in an aquifer and the level
 31

1 of surface water at which further withdrawals would be
2 significantly harmful to the water resources of the area.
3

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

13 (2) By July 1, 1996, the Southwest Florida Water
14 Management District shall amend and submit to the department
15 for review and approval its priority list for the
16 establishment of minimum flows and levels and delineating the
17 order in which the governing board shall establish the minimum
18 flows and levels for surface watercourses, aquifers, and
19 surface water in the counties of Hillsborough, Pasco, and
20 Pinellas. By November 15, 1997, and annually thereafter, each
21 water management district shall submit to the department for
22 review and approval a priority list and schedule for the
23 establishment of minimum flows and levels for surface
24 watercourses, aquifers, and surface waters within the
25 district. The priority list shall also identify those water
26 bodies for which the district will voluntarily undertake
27 independent scientific peer review. By January 1, 1998, and
28 annually thereafter, each water management district shall
29 publish its approved priority list and schedule in the Florida
30 Administrative Weekly.The priority list shall be based upon
31 the importance of the waters to the state or region and the
existence of or potential for significant harm to the water

1 resources or ecology of the state or region, and shall include
 2 those waters which are experiencing or may reasonably be
 3 expected to experience ~~experiencing~~ adverse impacts ~~and those~~
 4 ~~waters which are identified as possible new water supply~~
 5 ~~sources proposing to withdraw 5 million gallons or more per~~
 6 ~~day in the future.~~ ~~The development of~~ The priority list and
 7 schedule shall not be subject to any ~~constitute a point of~~
 8 ~~entry to an administrative~~ proceeding pursuant to chapter 120.
 9 Except as provided in subsection (3), the development of a
 10 priority list and compliance with the schedule for the
 11 establishment of minimum flows and levels pursuant to this
 12 subsection shall satisfy the requirements of subsection (1).

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

25 (4)(a) Upon written request to the department or
 26 governing board by a substantially affected person, or by
 27 decision of the department or governing board, prior to the
 28 establishment of a minimum flow or level and prior to the
 29 filing of any petition for administrative hearing related to
 30 the minimum flow or level, all scientific or technical data,
 31 methodologies, and models, including all scientific and

1 technical assumptions employed in each model, used to
2 establish a minimum flow or level shall be subject to
3 independent scientific peer review. Independent scientific
4 peer review means review by a panel of independent, recognized
5 experts in the fields of hydrology, hydrogeology, limnology,
6 biology, and other scientific disciplines, to the extent
7 relevant to the establishment of the minimum flow or level.

8 (b) If independent scientific peer review is
9 requested, it shall be initiated at an appropriate point
10 agreed upon by the department or governing board and the
11 person or persons requesting the peer review. If no agreement
12 is reached, the department or governing board shall determine
13 the appropriate point at which to initiate peer review. The
14 members of the peer review panel shall be selected within 60
15 days of the point of initiation by agreement of the department
16 or governing board and the person or persons requesting the
17 peer review. If the panel is not selected within the 60-day
18 period, the time limitation may be waived upon the agreement
19 of all parties. If no waiver occurs, the department or
20 governing board may proceed to select the peer review panel.
21 The cost of the peer review shall be borne equally by the
22 district and each party requesting the peer review, to the
23 extent economically feasible. The panel shall submit a final
24 report to the governing board within 120 days after its
25 selection unless the deadline is waived by agreement of all
26 parties. Initiation of peer review pursuant to this paragraph
27 shall toll any applicable deadline under chapter 120 or other
28 law or district rule regarding permitting, rulemaking, or
29 administrative hearings, until 60 days following submittal of
30 the final report. Any such deadlines shall also be tolled for
31 60 days following withdrawal of the request or following

1 agreement of the parties that peer review will no longer be
2 pursued. The department or the governing board shall give
3 significant weight to the final report of the peer review
4 panel when establishing the minimum flow or level.

5 (c) If the final data, methodologies, and models,
6 including all scientific and technical assumptions employed in
7 each model upon which a minimum flow or level is based, have
8 undergone peer review pursuant to this subsection, by request
9 or by decision of the department or governing board, no
10 further peer review shall be required with respect to that
11 minimum flow or level.

12 (d) No minimum flow or level adopted by rule or
13 formally noticed for adoption on or before May 2, 1997, shall
14 be subject to the peer review provided for in this subsection.
15 ~~Prior to the establishment of minimum flows or levels for~~
16 ~~water resources areas identified in subsection (2), and prior~~
17 ~~to filing any petition for administrative hearing, scientific~~
18 ~~or technical data and methodologies, if in dispute, shall,~~
19 ~~upon written request to the governing board by a substantially~~
20 ~~affected person, be subject to independent scientific peer~~
21 ~~review. The members of the peer review panel shall be~~
22 ~~selected by agreement of the parties in interest within 60~~
23 ~~days after receipt of the request. In the event the panel is~~
24 ~~not selected within this time, then, upon the agreement of all~~
25 ~~parties, the time may be waived, or, if no waiver occurs, the~~
26 ~~governing board may proceed to establish the minimum flows and~~
27 ~~levels. The cost of the peer review shall be borne equally by~~
28 ~~the parties selecting the panel, to the extent economically~~
29 ~~feasible. The panel shall conduct at least one public meeting~~
30 ~~of the full panel in accordance with s. 286.011(1) and (6)~~
31 ~~prior to the submission of the final report. The panel shall~~

1 ~~submit a final report to the governing board within 120 days~~
 2 ~~after selection. Upon request by all members of the panel and~~
 3 ~~agreement of the parties, the time for submittal may be~~
 4 ~~extended for up to 30 additional days. In the event the final~~
 5 ~~report is not submitted within such time, the governing board~~
 6 ~~may proceed to establish the minimum flows and levels pursuant~~
 7 ~~to this section. Filing of a request shall toll any applicable~~
 8 ~~deadline under chapter 120, or other law or district rule,~~
 9 ~~until 60 days following submittal of the final report. Any~~
 10 ~~such deadlines shall also be tolled for 60 days following the~~
 11 ~~withdrawal of the request, agreement of the parties that peer~~
 12 ~~review will no longer be pursued, or failure to meet any~~
 13 ~~deadline set forth in this subsection. If the selection of~~
 14 ~~the panel is subject to the requirements of chapter 287, then~~
 15 ~~the panel shall submit its final report to the governing board~~
 16 ~~within 120 days after the completion of the process required~~
 17 ~~pursuant to chapter 287. The governing board shall give~~
 18 ~~significant weight to the final report of the panel in~~
 19 ~~establishing the minimum flow or level, as appropriate. The~~
 20 ~~final report may also be entered into the record by any party~~
 21 ~~to the proceeding in which the minimum flow or level is~~
 22 ~~applicable.~~

23 (5) If a petition for administrative hearing is filed
 24 under chapter 120 challenging the establishment of a the
 25 minimum flow or level ~~flows or levels~~, the report of an the
 26 independent scientific peer review conducted under subsection
 27 (4) is admissible as evidence in the final hearing, and the
 28 administrative law judge hearing officer ~~must~~ render the order
 29 within 120 days after the filing of the petition. The time
 30 limit for rendering the an order shall not be extended except
 31 by agreement of all the parties. To the extent that the

1 parties agree to the findings of the peer review, they may
 2 stipulate that those findings be incorporated as findings of
 3 fact in the final order.

4 Section 6. Section 373.0421, Florida Statutes, is
 5 created to read:

6 373.0421 Establishment and implementation of minimum
 7 flows and levels.--

8 (1) ESTABLISHMENT.--

9 (a) When establishing minimum flows and levels
 10 pursuant to s. 373.042, the department or governing board
 11 shall consider changes and structural alterations to
 12 watersheds, surface waters, and aquifers and the effects such
 13 changes or alterations have had, and the constraints such
 14 changes or alterations have placed, on the hydrology of an
 15 affected watershed, surface water, or aquifer, provided that
 16 nothing in this paragraph shall allow significant harm as
 17 provided by s. 373.042(1) caused by withdrawals.

18 (b) Exclusions.--

19 1. The Legislature recognizes that certain water
 20 bodies no longer serve their historical hydrologic functions.
 21 The Legislature also recognizes that recovery of these water
 22 bodies to historical hydrologic conditions may not be
 23 economically or technically feasible, and that such recovery
 24 effort could cause adverse environmental or hydrologic
 25 impacts. Accordingly, the department or governing board may
 26 determine that setting a minimum flow or level for such a
 27 water body based on its historical condition is not
 28 appropriate.

29 2. The department or the governing board is not
 30 required to establish minimum flows or levels pursuant to s.
 31 373.042 for surface water bodies less than 25 acres in area,

1 unless the water body or bodies, individually or cumulatively,
 2 have significant economic, environmental, or hydrologic value.

3 3. The department or the governing board shall not set
 4 minimum flows or levels pursuant to s. 373.042 for surface
 5 water bodies constructed prior to the requirement for a
 6 permit, or pursuant to an exemption, a permit, or a
 7 reclamation plan which regulates the size, depth, or function
 8 of the surface water body under the provisions of chapter 373,
 9 chapter 378, or chapter 403, unless the constructed surface
 10 water body is of significant hydrologic value or is an
 11 essential element of the water resources of the area.

13 The exclusions of subparagraphs 2 and 3 shall not apply to the
 14 Everglades Protection Area, as defined in s. 373.4592(2)(h).

15 (2) If the existing flow or level in a water body is
 16 below, or is projected to fall within 20 years below, the
 17 applicable minimum flow or level established pursuant to s.
 18 373.042, the department or governing board, as part of the
 19 regional water supply plan described in s. 373.0361, shall
 20 expeditiously implement a recovery or prevention strategy,
 21 which includes the development of additional water supplies
 22 and other actions, consistent with the authority granted by
 23 this chapter, to:

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

26 (b) Prevent the existing flow or level from falling
 27 below the established minimum flow or level.

29 The recovery or prevention strategy shall include phasing or a
 30 timetable which will allow for the provision of sufficient
 31 water supplies for all existing and projected

1 reasonable-beneficial uses, including development of
 2 additional water supplies and implementation of conservation
 3 and other efficiency measures concurrent with to the extent
 4 practical, and to offset, reductions in permitted withdrawals,
 5 consistent with the provisions of this chapter.

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

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

12 373.046 Interagency agreements.--

13 (6) When the geographic area of a project or local
 14 government crosses water management district boundaries, the
 15 affected districts may designate a single affected district by
 16 interagency agreement to implement in that area, under the
 17 rules of the designated district, all or part of the
 18 applicable regulatory responsibilities under chapter 373.
 19 Interagency agreements entered into under this subsection
 20 which apply to the geographic area of a local government must
 21 have the concurrence of the affected local government. The
 22 application under this subsection, by rule, of any existing
 23 district rule that was adopted or formally noticed for
 24 adoption on or before May 11, 1995, is not subject to s.
 25 70.001.

26 Section 8. Paragraph (a) of subsection (8) of section
 27 373.0693, Florida Statutes, is amended to read:

28 373.0693 Basins; basin boards.--

29 (8)(a) At 11:59 p.m. on June 30, 1988, the area
 30 transferred from the Southwest Florida Water Management
 31 District to the St. Johns River Water Management District by

1 change of boundaries pursuant to chapter 76-243, Laws of
 2 Florida, shall cease to be a subdistrict or basin of the St.
 3 Johns River Water Management District known as the Oklawaha
 4 River Basin and said Oklawaha River Basin shall cease to
 5 exist. However, any recognition of an Oklawaha River Basin or
 6 an Oklawaha River Hydrologic Basin for regulatory purposes
 7 shall be unaffected. The area formerly known as the Oklawaha
 8 River Basin shall continue to be part of the St. Johns River
 9 Water Management District. There shall be established by the
 10 governing board of the St. Johns River Water Management
 11 District the Oklawaha River Basin Advisory Council to receive
 12 public input and advise the St. Johns River Water Management
 13 District's governing board on water management issues
 14 affecting the Oklawaha River Basin. The Oklawaha River Basin
 15 Advisory Council shall be appointed by action of the St. Johns
 16 River Water Management District's governing board and shall
 17 include one representative from each county which is wholly or
 18 partly included in the Oklawaha River Basin. The St. Johns
 19 River Water Management District's governing board member
 20 currently serving pursuant to s. 373.073(2)(c)3.
 21 ~~373.073(1)(b)3.c.~~, shall serve as chair of the Oklawaha River
 22 Basin Advisory Council. Members of the Oklawaha River Basin
 23 Advisory Council shall receive no compensation for their
 24 services but are entitled to be reimbursed for per diem and
 25 travel expenses as provided in s. 112.061.

26 Section 9. Section 373.073, Florida Statutes, is
 27 amended to read:

28 373.073 Governing board.--

29 (1)(a) The governing board of each water management
 30 district shall be composed of 9 members who shall reside
 31 within the district, except that the Southwest Florida Water

1 Management District shall be composed of 11 members who shall
 2 reside within the district. Members of the governing boards
 3 shall be appointed by the Governor, subject to confirmation by
 4 the Senate at the next regular session of the Legislature, and
 5 the refusal or failure of the Senate to confirm an appointment
 6 creates a vacancy in the office to which the appointment was
 7 made. The term of office for a governing board member is 4
 8 years and commences on March 2 of the year in which the
 9 appointment is made and terminates on March 1 of the 4th
 10 calendar year of the term. Terms of office of governing board
 11 members shall be staggered to help maintain consistency and
 12 continuity in the exercise of governing board duties and to
 13 minimize disruption in district operations.~~The term of office~~
 14 ~~of members of the board shall be 4 years and shall be~~
 15 ~~construed to commence on March 2 preceding the date of~~
 16 ~~appointment and to terminate March 1 of the year of the end of~~
 17 ~~a term. Members of the governing boards continued under this~~
 18 ~~chapter shall be appointed from the district at large as~~
 19 ~~vacancies occur on the governing boards. Such vacancies shall~~
 20 ~~be filled according to the residency requirements of paragraph~~
 21 ~~(b).~~

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

25 1. In the first year of the Governor's term of office,
 26 the Governor shall appoint three members to the governing
 27 board of each district.

28 2. In the second year of the Governor's term of
 29 office, the Governor shall appoint three members to the
 30 governing board of the Southwest Florida Water Management
 31

1 District and two members to the governing board of each other
 2 district.

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

7 4. In the fourth year of the Governor's term of
 8 office, the Governor shall appoint two members to the
 9 governing board of each district.

10
 11 For any governing board vacancy that occurs before the date
 12 scheduled for the office to be filled under this paragraph,
 13 the Governor shall appoint a person meeting residency
 14 requirements of subsection (2) for a term that will expire on
 15 the date scheduled for the term of that office to terminate
 16 under this subsection. In addition to the residency
 17 requirements for the governing boards as provided by
 18 subsection (2), the Governor shall consider appointing
 19 governing board members to represent an equitable
 20 cross-section of regional interests and technical expertise.

21 (2)(b) Notwithstanding the provisions of any other
 22 general or special law to the contrary, vacancies in the
 23 governing boards of the water management districts shall be
 24 filled according to the following residency requirements,
 25 representing areas designated by the United States Water
 26 Resources Council in United States Geological Survey, River
 27 Basin and Hydrological Unit Map of Florida--1975, Map Series
 28 No. 72:

29 (a)†. Northwest Florida Water Management District:

30 1.a. One member shall reside in the area generally
 31 designated as the "Perdido River Basin-Perdido Bay Coastal

1 Area-Lower Conecuh River-Escambia River Basin" hydrologic
 2 units and that portion of the "Escambia Bay Coastal Area"
 3 hydrologic unit which lies west of Pensacola Bay and Escambia
 4 Bay.

5 2.b. One member shall reside in the area generally
 6 designated as the "Blackwater River Basin-Yellow River
 7 Basin-Choctawhatchee Bay Coastal Area" hydrologic units and
 8 that portion of the "Escambia Bay Coastal Area" hydrologic
 9 unit which lies east of Pensacola Bay and Escambia Bay.

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

13 4.d. One member shall reside in the area generally
 14 designated as the "Lower Chattahoochee-Apalachicola
 15 River-Chipola River Basin-Coastal Area between Ochlockonee
 16 River Apalachicola Rivers-Apalachicola Bay coastal area and
 17 offshore islands" hydrologic units.

18 5.e. One member shall reside in the area generally
 19 designated as the "Ochlockonee River Basin-St. Marks and
 20 Wakulla Rivers and coastal area between Aucilla and
 21 Ochlockonee River Basin" hydrologic units.

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

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

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

28 2.b. One member shall reside in the area generally
 29 designated as the "Coastal Area between Suwannee and Aucilla
 30 Rivers" hydrologic unit.
 31

1 ~~3.c.~~ One member shall reside in the area generally
2 designated as the "Withlacoochee River Basin-Alapaha River
3 Basin-Suwannee River Basin above the Withlacoochee River"
4 hydrologic units.

5 ~~4.d.~~ One member shall reside in the area generally
6 designated as the "Suwannee River Basin below the
7 Withlacoochee River excluding the Santa Fe River Basin"
8 hydrologic unit.

9 ~~5.e.~~ One member shall reside in the area generally
10 designated as the "Santa Fe Basin-Waccasassa River and coastal
11 area between Withlacoochee and Suwannee River" hydrologic
12 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 ~~(c)3.~~ St. Johns River Water Management District:

17 ~~1.a.~~ One member shall reside in the area generally
18 designated as the "St. Mary River Basin-Coastal area between
19 St. Marys and St. Johns Rivers" hydrologic units.

20 ~~2.b.~~ One member shall reside in the area generally
21 designated as the "St. Johns River Basin below Oklawaha
22 River-Coastal area between the St. Johns River and Ponce de
23 Leon Inlet" hydrologic units.

24 ~~3.c.~~ One member shall reside in the area generally
25 designated as the "Oklawaha River Basin" hydrologic unit.

26 ~~4.d.~~ One member shall reside in the area generally
27 designated as the "St. Johns River Basin above the Oklawaha
28 River" hydrologic unit.

29 ~~5.e.~~ One member shall reside in the area generally
30 designated as the "Coastal area between Ponce de Leon Inlet
31

1 and Sebastian Inlet-Coastal area Sebastian Inlet to St. Lucie
2 River" hydrologic 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 (d)4. South Florida Water Management District:

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

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

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

10 4.d. One member shall reside in Collier County, Lee
11 County, Hendry County, or Charlotte County.

12 5.e. One member shall reside in Glades County,
13 Okeechobee County, Highlands County, Polk County, Orange
14 County, or Osceola County.

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

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

21 8.h. No county shall have more than three members on
22 the governing board.

23 (e)5. Southwest Florida Water Management District:

24 1.a. Two members shall reside in Hillsborough County.

25 2.b. One member shall reside in the area consisting of
26 Hillsborough and Pinellas Counties.

27 3.c. Two members shall reside in Pinellas County.

28 4.d. One member shall reside in Manatee County.

29 5.e. One member shall reside in Polk County.

30 6.f. One member shall reside in Pasco County.
31

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

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

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

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

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

17 Section 10. Subsection (2), paragraph (a) of
18 subsection (4), and subsection (5) of section 373.079, Florida
19 Statutes, are amended to read:

20 373.079 Members of governing board; oath of office;
21 staff.--

22 (2) Immediately after their appointment, and every 2
23 years thereafter, the Governor shall select a member of the
24 governing board as chair of the board. Subsequently, ~~members~~
25 ~~composing~~ the governing board shall meet at some convenient
26 place and choose ~~one of their number as chair of the board,~~
27 ~~and~~ some suitable person, who may or may not be a member of
28 the governing board, and who may be required to execute bond
29 for the faithful performance of his or her duties as the
30 governing board may determine, as secretary. Such board shall
31 adopt a seal with a suitable device and shall keep a

1 well-bound book entitled, in effect, "Record of Governing
2 Board of District," in which shall be recorded minutes of
3 all meetings, resolutions, proceedings, certificates, bonds
4 given by all employees, and any and all corporate acts, which
5 book shall at reasonable times be open to the inspection of
6 any citizen of this state or taxpayer in the district or his
7 or her agent or attorney.

8 (4)(a) The governing board of the district is
9 authorized to employ an executive director, ombudsman, and
10 such engineers, other professional persons, and other
11 personnel and assistants as it deems necessary and under such
12 terms and conditions as it may determine and to terminate such
13 employment. The appointment of an executive director by the
14 governing board is subject to approval by the Governor and
15 must be initially confirmed by the Florida Senate. The
16 governing board may delegate all or part of its authority
17 under this paragraph to the executive director. The executive
18 director must be confirmed by the Senate upon employment and
19 must be confirmed or reconfirmed by the Senate during the
20 second regular session of the Legislature following a
21 gubernatorial election.

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

24 (a) Providing legal counsel to the governing board on
25 matters relating to the exercise of its powers and duties and
26 to the executive director and district staff on matters
27 relating to the day-to-day operations of the district;

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

30 (c) Otherwise assisting in the administration of the
31 provisions of this chapter.

1
2 Attorneys employed by the district must represent the legal
3 interest or position of the governing board.

4 Section 11. Section 373.0831, Florida Statutes, is
5 created to read:

6 373.0831 Water resource development; water supply
7 development.--

8 (1) The Legislature finds that:

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

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

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

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

23 (a) Sufficient water be available for all existing and
24 future reasonable-beneficial uses and the natural systems, and
25 that the adverse effects of competition for water supplies be
26 avoided.

27 (b) Water management districts take the lead in
28 identifying and implementing water resource development
29 projects, and be responsible for securing necessary funding
30 for regionally significant water resource development
31 projects.

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

15 (d) Water supply development be conducted in
 16 coordination with water management district regional water
 17 supply planning and water resource development.

18 (3) The water management districts shall fund and
 19 implement water resource development as defined in s. 373.019.
 20 Each governing board shall include in its annual budget the
 21 amount needed for the fiscal year to implement water resource
 22 development projects, as prioritized in its regional water
 23 supply plans.

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

29 1. The project supports establishment of a dependable,
 30 sustainable supply of water which is not otherwise financially
 31 feasible;

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

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

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

13 Section 12. Subsection (2) of section 373.223, Florida
 14 Statutes, is amended to read:

15 373.223 Conditions for a permit.--

16 (2) The governing board or the department may
 17 authorize the holder of a use permit to transport and use
 18 ground or surface water beyond overlying land, across county
 19 boundaries, or outside the watershed from which it is taken if
 20 the governing board or department determines that such
 21 transport and use is consistent with the public interest, and
 22 no local government shall adopt or enforce any law, ordinance,
 23 rule, regulation, or order to the contrary. Except for the
 24 Central and Southern Florida Flood Control Project, when
 25 evaluating whether such a potential transport of ground or
 26 surface water is consistent with the public interest, the
 27 governing board or department may give significant weight to:

28 (a) The proximity of the proposed source of water to
 29 the area in which it is to be used or applied.

30 (b) Other environmentally, economically, and
 31 technically feasible alternatives to the source being

1 proposed, including, but not limited to, desalination, reuse,
 2 stormwater, and aquifer storage and recovery.

3 (c) Cumulative impacts due to groundwater withdrawal.

4 (d) Affected local governments.
 5

6 The governing board may also consider whether or not a
 7 regional water supply authority supplies water in the area. A
 8 permit decision by the governing board based on these
 9 considerations shall not affect any perfected legal challenge
 10 under chapter 120, an administrative challenge under chapter
 11 120, or a judicial challenge, filed prior to the effective
 12 date of this act.

13 Section 13. Section 373.236, Florida Statutes, is
 14 amended to read:

15 373.236 Duration of permits.--

16 (1) Permits shall ~~may~~ be granted for a ~~any~~ period of
 17 ~~time not exceeding~~ 20 years, if requested for that period of
 18 time, if there is sufficient data to provide reasonable
 19 assurance that the conditions for permit issuance will be met
 20 for the duration of the permit; otherwise permits may be
 21 issued for shorter durations which reflect the period for
 22 which such reasonable assurances can be provided. The
 23 governing board or the department may base the duration of
 24 permits on a reasonable system of classification according to
 25 source of supply or type of use, or both.

26 (2) The governing board or the department may
 27 authorize a permit of duration of up to 50 years in the case
 28 of a municipality or other governmental body or of a public
 29 works or public service corporation where such a period is
 30 required to provide for the retirement of bonds for the
 31 construction of waterworks and waste disposal facilities.

1 (3) Where necessary to maintain reasonable assurance
2 that the conditions for issuance of a 20-year permit can
3 continue to be met, the governing board or department, in
4 addition to any conditions required pursuant to s. 373.219,
5 may require a compliance report by the permittee every 5 years
6 during the term of a permit. This report shall contain
7 sufficient data to maintain reasonable assurance that the
8 initial conditions for permit issuance are met. Following
9 review of this report, the governing board or the department
10 may modify the permit to ensure that the use meets the
11 conditions for issuance. Permit modifications pursuant to
12 this subsection shall not be subject to competing
13 applications, provided there is no increase in the permitted
14 allocation or permit duration, and no change in source, except
15 for changes in source requested by the district. This
16 subsection shall not be construed to limit the existing
17 authority of the department or the governing board to modify
18 or revoke a consumptive use permit.

19 Section 14. By January 1, 1998, the Department of
20 Environmental Protection, in coordination with the appropriate
21 water management districts and the Department of Health, shall
22 transmit to the Speaker of the House of Representatives, the
23 President of the Senate, and the Governor a proposal for
24 reevaluating areas of the state which were previously
25 delineated by the Department of Environmental Protection
26 pursuant to s. 376.309(1)(e), Florida Statutes, as having
27 contaminated water supplies, including contamination from
28 ethylene dibromide, in order to ascertain whether or not the
29 contamination has been reduced to levels which do not pose a
30 threat to human health and to determine if the delineated
31 areas should be redrawn or removed. The proposal shall

1 reflect a systematic approach to the reevaluation, with an
 2 emphasis on determining the current state of contamination,
 3 potential remedies, the adequacy of existing remedies such as
 4 requirements for grouting of well-casing, and relief to
 5 affected citizens. The proposal shall also include estimates
 6 of cost and recommendations as to available funding sources
 7 for the reevaluation. Any deletion from, addition to, or
 8 redrawing of the delineation areas shall be based on the
 9 scientific evidence of the reevaluation conducted under this
 10 subparagraph.

11 Section 15. Section 373.507, Florida Statutes, is
 12 amended to read:

13 373.507 Districts and basins; postaudits, budgets,
 14 ~~basins, and taxing authorities; budget and expense reports;~~
 15 ~~audits.--~~

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

22 (2) Each district and basin referred to in this
 23 chapter must, ~~basin, and taxing authority shall~~ make provision
 24 for an annual postaudit of its financial accounts. The
 25 postaudit must ~~These postaudits shall~~ be made in accordance
 26 with the rules of the Auditor General adopted under
 27 ~~promulgated pursuant to~~ ss. 166.241 and 11.47.

28 (3)(a) Each district referred to in this chapter must
 29 furnish copies of the following documents to the Governor, the
 30 President of the Senate, the Speaker of the House of
 31 Representatives, the chairs of all legislative committees and

1 subcommittees with substantive or fiscal jurisdiction over
 2 districts, as determined by the President or Speaker as
 3 applicable, the secretary of the department, and the governing
 4 body of each county in which the district has jurisdiction or
 5 derives any funds for the operations of the district:

6 1. The tentative budget.

7 2. The adopted budget.

8 3. The past year's expenditures.

9 4. The postaudit described in subsection (2).

10 (b) The documents must be furnished by the earlier of
 11 10 days following completion of each document or as otherwise
 12 provided by law.

13 (c) If any entity in paragraph (a) provides written
 14 comments to the district regarding any document furnished, the
 15 district must respond to the comments in writing and furnish
 16 copies of the comments and written responses to the other
 17 entities.

18 Section 16. Subsections (1) and (3), and paragraphs
 19 (a) and (c) of subsection (5), of section 373.536, Florida
 20 Statutes, 1996 Supplement, are amended to read:

21 373.536 District budget and hearing thereon.--

22 (1) The fiscal year of districts created under the
 23 provisions of this chapter shall extend from October 1 of one
 24 year through September 30 of the following year. The budget
 25 officer of the district shall, on or before July 15 of each
 26 year, submit for consideration by the governing board of the
 27 district a tentative budget for the district covering its
 28 proposed operation and requirements for the ensuing fiscal
 29 year. Unless alternative notice requirements are otherwise
 30 provided by law, notice of all budget hearings conducted by
 31 the governing board or district staff must be published in a

1 newspaper of general circulation in each county in which the
2 district lies not less than 5 days nor more than 15 days
3 before the hearing. Budget workshops conducted for the public
4 and not governed by s. 200.065 must be advertised in a
5 newspaper of general circulation in the community or area in
6 which the workshop will occur not less than 5 days nor more
7 than 15 days before the workshop. The tentative budget shall
8 be adopted in accordance with the provisions of s. 200.065;
9 however, if the mailing of the notice of proposed property
10 taxes is delayed beyond September 3 in any county in which the
11 district lies, the district shall advertise its intention to
12 adopt a tentative budget and millage rate, pursuant to s.
13 200.065(3)(g), in a newspaper of general paid circulation in
14 that county. The budget shall set forth, classified by object
15 and purpose, and by fund if so designated, the proposed
16 expenditures of the district for bonds or other debt, for
17 construction, for acquisition of land, for operation and
18 maintenance of the district works, for the conduct of the
19 affairs of the district generally, and for other purposes, to
20 which may be added an amount to be held as a reserve. District
21 administrative and operating expenses must be identified in
22 the budget and allocated among district programs.

23 (3) As provided in s. 200.065(2)(d), the board shall
24 publish one or more notices of its intention to finally adopt
25 a budget for the district for the ensuing fiscal year. The
26 notice shall appear adjacent to an advertisement which shall
27 set forth the tentative budget in full. The notice and
28 advertisement shall be published in one or more newspapers
29 having a combined general circulation in the counties having
30 land in the district. Districts may include explanatory
31 phrases and examples in budget advertisements published under

1 s. 200.065 to clarify or illustrate the effect that the
 2 district budget may have on ad valorem taxes.

3 (5)(a) The Executive Office of the Governor is
 4 authorized to approve or disapprove, in whole or in part, the
 5 budget of each water management district and shall analyze
 6 each budget as to the adequacy of fiscal resources available
 7 to the district and the adequacy of district expenditures
 8 related to water supply, including water resource development
 9 projects identified in the district's regional water supply
 10 plans; water quality; flood protection and floodplain
 11 management; and natural systems. This analysis shall be based
 12 on the particular needs within each water management district
 13 in those four areas of responsibility.

14 (c) Each water management district shall, by August 1
 15 5 of each year, submit for review a tentative budget to the
 16 Governor, the President of the Senate, the Speaker of the
 17 House of Representatives, the chairs of all legislative
 18 committees and subcommittees with substantive or fiscal
 19 jurisdiction over water management districts, the secretary of
 20 the department, and the governing body of each county in which
 21 the district has jurisdiction or derives any funds for the
 22 operations of the district. The tentative budget, which must
 23 include to the Department of Environmental Protection, the
 24 Executive Office of the Governor, and the chairs of the
 25 appropriations committees of the Legislature for review a
 26 tentative budget that includes, but is not limited to, the
 27 following information for the preceding fiscal year and the
 28 current fiscal year, and the proposed amounts for the upcoming
 29 fiscal year, in a standard format prescribed by the Executive
 30 Office of the Governor ~~department~~ which is generally
 31 consistent with the format prescribed by legislative budget

1 instructions for state agencies and the format requirements of
2 s. 216.031:

3 1. The millage rates and the percentage increase above
4 the rolled-back rate, together with a summary of the reasons
5 the increase is required, and the percentage increase in
6 taxable value resulting from new construction;

7 2. For each program area, the salary and benefits,
8 expenses, operating capital outlay, number of authorized
9 positions, and other personal services;

10 3. The total amount in the district budget for each
11 area of responsibility listed in paragraph (a) and for water
12 resource development projects identified in the district's
13 regional water supply plans.

14 ~~4.3.~~ A description of each new, expanded, reduced, or
15 eliminated program;

16 ~~5.4.~~ A 5-year capital improvements plan; ~~and~~

17 6. A proposed five-year water resource development
18 work program, that describes the district's implementation
19 strategy for the water resource development component of each
20 approved regional water supply plan developed or revised
21 pursuant to s. 373.0361. The work program shall address all
22 the elements of the water resource development component in
23 the district's approved regional water supply plans. The
24 Office of the Governor, with the assistance of the department,
25 shall review the proposed work program. The review shall
26 include a written evaluation of its consistency with and
27 furtherance of the district's approved regional water supply
28 plans, and adequacy of proposed expenditures. As part of the
29 review, the Executive Office of the Governor and the
30 department shall afford to all interested parties the
31 opportunity to provide written comments on each district's

1 proposed work program. At least seven days prior to the
 2 adoption of its final budget, the governing board shall state
 3 in writing to the Executive Office of the Governor which
 4 changes recommended in the evaluation it will incorporate into
 5 its work program, or specify the reasons for not incorporating
 6 the changes. The Office of the Governor shall include the
 7 district's responses in the written evaluation and shall
 8 submit a copy of the evaluation to the Legislature; and

9 ~~7.5.~~ The funding sources, including, but not limited
 10 to, ad valorem taxes, Surface Water Improvement and Management
 11 Program funds, other state funds, federal funds, and user fees
 12 and permit fees for each program area.

13 ~~(d) The department shall, by September 5 of the year~~
 14 ~~in which the budget is submitted, after taking into account~~
 15 ~~continuing and proposed program needs, provide its review and~~
 16 ~~comments to the governing board and the Governor. By~~
 17 ~~September 5 of the year in which the budget is submitted, the~~
 18 ~~Executive Office of the Governor and the House and Senate~~
 19 ~~appropriations chairs may transmit to each district comments~~
 20 ~~and objections to the proposed budgets. Each district~~
 21 ~~governing board shall include a response to such comments and~~
 22 ~~objections in the record of the governing board meeting where~~
 23 ~~final adoption of the budget takes place, and the record of~~
 24 ~~this meeting shall be transmitted to the Executive Office of~~
 25 ~~the Governor, the department, and the chairs of the House and~~
 26 ~~Senate appropriations committees.~~

27 (e) The Executive Office of the Governor ~~department~~
 28 shall annually, on or before December 15, file with the
 29 ~~Governor and the~~ Legislature a report that summarizes the
 30 expenditures of the water management districts by program area
 31 and identifies the districts that are not in compliance with

1 the reporting requirements of this section. State funds shall
 2 be withheld from a water management district that fails to
 3 comply with these reporting requirements.

4 Section 17. Subsection (1) and paragraph (a) of
 5 subsection (4) of section 373.59, Florida Statutes, 1996
 6 Supplement, are amended to read:

7 373.59 Water Management Lands Trust Fund.--

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

25 (4)(a) Moneys from the Water Management Lands Trust
 26 Fund shall be used for acquiring the fee or other interest in
 27 lands necessary for water management, water supply, and the
 28 conservation and protection of water resources, except that
 29 such moneys shall not be used for the acquisition of
 30 rights-of-way for canals or pipelines. Such moneys shall also
 31 be used for management, maintenance, and capital improvements.

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

13 Section 18. Paragraph (b) of subsection (4) of section
 14 186.007, Florida Statutes, is amended to read:

15 186.007 State comprehensive plan; preparation;
 16 revision.--

17 (4)

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

26 Section 19. Paragraph (n) of subsection (2) of section
 27 186.009, Florida Statutes, is amended to read:

28 186.009 Growth management portion of the state
 29 comprehensive plan.--

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

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

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

8 Section 20. Subsections (1) and (7) of section
 9 373.103, Florida Statutes, are amended to read:

10 373.103 Powers which may be vested in the governing
 11 board at the department's discretion.--In addition to the
 12 other powers and duties allowed it by law, the governing board
 13 of a water management district may be specifically authorized
 14 by the department to:

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

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

23 Section 21. Subsection (2) of section 373.114, Florida
 24 Statutes, is amended to read:

25 373.114 Land and Water Adjudicatory Commission; review
 26 of district rules and orders; department review of district
 27 rules.--

28 (2) The department shall have the exclusive authority
 29 to review rules of the water management districts, other than
 30 rules relating to internal management of the districts, to
 31 ensure consistency with the ~~state~~ water resource
implementation rule ~~policy~~ as set forth in the rules of the

1 department. Within 30 days after adoption or revision of any
 2 water management district rule, the department shall initiate
 3 a review of such rule pursuant to this section.

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

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

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

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

21 373.418 Rulemaking; preservation of existing
 22 authority.--

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

29 Section 23. Subsection (2) of section 373.456, Florida
 30 Statutes, is amended to read:

Second Engrossed

1 373.456 Approval of surface water improvement and
2 management plans.--

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

7 Section 24. Subsection (14) of section 403.031,
8 Florida Statutes, 1996 Supplement, is amended to read:

9 403.031 Definitions.--In construing this chapter, or
10 rules and regulations adopted pursuant hereto, the following
11 words, phrases, or terms, unless the context otherwise
12 indicates, have the following meanings:

13 (14) "State water resource implementation rule policy"
14 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 Section 25. Subsection (1) and paragraph (a) of
24 subsection (3) of section 403.0891, Florida Statutes, are
25 amended to read:

26 403.0891 State, regional, and local stormwater
27 management plans and programs.--The department, the water
28 management districts, and local governments shall have the
29 responsibility for the development of mutually compatible
30 stormwater management programs.
31

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

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

15 Section 26. Subsection (10) of section 373.026,
16 section 373.039, and subsection (33) of section 403.061,
17 Florida Statutes, are repealed.

18 Section 27. Effective January 1, 1999, section
19 373.0735, Florida Statutes, is repealed.

20 Section 28. Notwithstanding the provisions of sections
21 10 and 11 of this act, the establishment and implementation of
22 minimum flows and levels for priority waters in Pasco County
23 and Hillsborough County listed pursuant to chapter 96-339,
24 Laws of Florida, and peer review of the scientific or
25 technical data and methodologies utilized in establishing said
26 minimum flows and levels shall be governed by the provisions
27 of chapter 96-339, Laws of Florida. The establishment and
28 implementation of minimum flows for the Hillsborough River and
29 the Palm River/Tampa By-Pass Canal shall be governed by the
30 provisions of this act.
31

1 Section 29. Subsection (1) of section 373.1963,
2 Florida Statutes, 1996 Supplement, is amended to read:

3 373.1963 Assistance to West Coast Regional Water
4 Supply Authority.--

5 (Substantial rewording of subsection (1). See
6 s. 373.1963, F.S., 1996 Supp., for present text.)

7 (1) It is the intent of the Legislature to encourage
8 and facilitate the implementation of the changes in governance
9 recommended by the West Coast Regional Water Supply Authority
10 in its report to the Legislature dated February 1, 1997. The
11 Authority shall submit a supplemental report to the Speaker of
12 the House of Representatives and the President of the Senate
13 on the status of implementing its prior recommendations for
14 changes in governance by January 5, 1998. The Authority is
15 authorized to reconstitute its governance under a voluntary
16 interlocal agreement with a term of not less than 20 years.

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