

By Senator Campbell

33-642-00

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A bill to be entitled
An act relating to water resources; amending s.
373.1501, F.S.; providing for restrictions on
the sale or transfer of water rights; creating
s. 373.255, F.S.; providing for restrictions on
permits for the consumptive use of water;
providing an effective date.

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

Section 1. Present subsection (8) of section 373.1501,
Florida Statutes, is redesignated as subsection (9), and a new
subsection (8) is added to that section to read:

373.1501 South Florida Water Management District as
local sponsor.--

(8) Ownership rights to any water may not be conveyed
to a private person, including any right to sell or resell
water to other private persons or governmental entities, nor
may consumptive use permit rights to resell water be granted
to private or governmental persons in return for investment or
participation in any project component of the restudy.

Section 2. Section 373.255, Florida Statutes, is
created to read:

373.255 Consumptive use permits; restrictions.--

(1) The Legislature finds that:

(a) Water is a natural resource that is essential to
the economic health of the state and should remain as a
publicly owned and controlled resource;

(b) Because water is an essential natural resource,
private market economic forces acting on the supply and
allocation of water may not at all times operate consistently

1 with the best interests of the public at large, the natural
2 environment, and the state's industries and agriculture; and

3 (c) The role of water management districts in ensuring
4 that use of the state's water supply is consistent with the
5 immediate and long-term best interest of the public should be
6 preserved, notwithstanding benefits that may be derived from
7 any use of private market forces in the water supply which is
8 otherwise authorized by the Legislature.

9 (2) As used in this section, the term:

10 (a) "Permitted quantity" means the amount of water
11 which a user is allowed to withdraw under a permit issued by a
12 water management district, whether the withdrawals under the
13 permit are from the same or different wellheads or
14 surface-water withdrawal locations.

15 (b) "Permittee" means a user who has a valid
16 consumptive water use permit.

17 (c) "Proposed transferred permittee" means a user who
18 seeks to receive the transfer of all or part of the permitted
19 quantity from a permitted user, including any transfer of
20 water withdrawals associated with a conveyance of property or
21 any real property rights.

22 (3) A permittee may not sell or transfer any rights it
23 has under a consumptive use permit, including any portion of a
24 permitted quantity, to a proposed transferred permittee. Any
25 attempted sale or transfer of a permitted quantity must be
26 considered a new use by the proposed transferred permittee for
27 which application for a new consumptive use permit is
28 required.

29 (4) The sale of any property to which a consumptive
30 use permit relates gives rise to a new use for which a
31 consumptive use permit must be applied.

1 (5) A proposed transferred permittee must apply for a
2 new consumptive use permit as to any part of the permitted
3 quantity and the transfer does not create any presumption of
4 entitlement to a consumptive use permit or to any particular
5 terms of which applied to the original permit, permittee, or
6 permitted quantity. If any proposed transferred permittee
7 elects to acquire land before obtaining a consumptive use
8 permit from a water management district, the action is
9 considered a voluntary risk assumed by the proposed
10 transferred permittee, and the fact of the prior acquisition is
11 not admissible in any administrative or judicial proceeding
12 relating to consumptive use permitting under this chapter,
13 including any appeal taken from a water management district
14 decision.

15 (6) An application for a new consumptive use permit
16 sought by a proposed transferred permittee must be considered
17 based upon conditions as they exist at the time of the
18 application. Conditions may be imposed on any permit issued to
19 the proposed transferred permittee which were not previously
20 imposed on the existing permittee.

21 (7) Water management districts may not authorize the
22 sale or transfer of a permit or any rights under a permit to a
23 permitted quantity in any manner inconsistent with this
24 section.

25 (8) Water management districts may adopt rules to
26 implement this section.

27 Section 3. If any provision of this act or the
28 application thereof to any person or circumstance is held
29 invalid, the invalidity does not affect other provisions or
30 applications of the act which can be given effect without the
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1 invalid provision or application, and, to this end, the
2 provisions of this act are declared severable.

3 Section 4. This act shall take effect upon becoming a
4 law.

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7 SENATE SUMMARY

8 Provides restrictions on the sale or transfer of water
9 resources.

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