

By Senator Campbell

33-283-01

1                                   A bill to be entitled  
2           An act relating to water resources; amending s.  
3           373.1501, F.S.; providing for restrictions on  
4           the sale or transfer of water rights; creating  
5           s. 373.255, F.S.; providing for restrictions on  
6           permits for the consumptive use of water;  
7           providing an effective date.

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

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

14           373.1501 South Florida Water Management District as  
15   local sponsor.--

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

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

24           373.255 Consumptive use permits; restrictions.--

25           (1) The Legislature finds that:

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

29           (b) Because water is an essential natural resource,  
30   private market economic forces acting on the supply and  
31   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.

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

27 (4) The sale of any property to which a consumptive  
28 use permit relates does not constitute a proposed transfer or  
29 new use within the meaning of this section.

30 (5) A proposed transferred permittee must apply for a  
31 new consumptive use permit as to any part of the permitted

1 quantity and the transfer does not create any presumption of  
2 entitlement to a consumptive use permit or to any particular  
3 terms of which applied to the original permit, permittee, or  
4 permitted quantity.

5 (6) An application for a new consumptive use permit  
6 sought by a proposed transferred permittee must be considered  
7 based upon conditions as they exist at the time of the  
8 application. Conditions may be imposed on any permit issued to  
9 the proposed transferred permittee which were not previously  
10 imposed on the existing permittee.

11 (7) Water management districts may not authorize the  
12 sale or transfer of a permit or any rights under a permit to a  
13 permitted quantity in any manner inconsistent with this  
14 section.

15 (8) Water management districts may adopt rules to  
16 implement this section.

17 Section 3. If any provision of this act or the  
18 application thereof to any person or circumstance is held  
19 invalid, the invalidity does not affect other provisions or  
20 applications of the act which can be given effect without the  
21 invalid provision or application, and, to this end, the  
22 provisions of this act are declared severable.

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

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27 SENATE SUMMARY

28 Provides restrictions on the sale or transfer of water  
29 resources.

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