

By Senator Brown-Waite

10-644B-02

1 A bill to be entitled
2 An act relating to water use permits; amending
3 s. 373.223, F.S.; prohibiting the issuance of
4 permits for the use of water from springs until
5 minimum flows and levels have been established
6 by the governing boards of water management
7 districts or the Department of Environmental
8 Protection; providing an effective date.

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

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12 Section 1. Section 373.223, Florida Statutes, is
13 amended to read:

14 373.223 Conditions for a permit.--

15 (1) To obtain a permit pursuant to the provisions of
16 this chapter, the applicant must establish that the proposed
17 use of water:

18 (a) Is a reasonable-beneficial use as defined in s.
19 373.019;

20 (b) Will not interfere with any presently existing
21 legal use of water; and

22 (c) Is consistent with the public interest.

23 (2) The governing board or the department may
24 authorize the holder of a use permit to transport and use
25 ground or surface water beyond overlying land, across county
26 boundaries, or outside the watershed from which it is taken if
27 the governing board or department determines that such
28 transport and use is consistent with the public interest, and
29 no local government shall adopt or enforce any law, ordinance,
30 rule, regulation, or order to the contrary.

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1 (3) Except for the transport and use of water supplied
2 by the Central and Southern Florida Flood Control Project, and
3 anywhere in the state when the transport and use of water is
4 supplied exclusively for bottled water as defined in s.
5 500.03(1)(d), any water use permit applications pending as of
6 April 1, 1998, with the Northwest Florida Water Management
7 District and self-suppliers of water for which the proposed
8 water source and area of use or application are located on
9 contiguous private properties, when evaluating whether a
10 potential transport and use of ground or surface water across
11 county boundaries is consistent with the public interest,
12 pursuant to paragraph (1)(c), the governing board or
13 department shall consider:

14 (a) The proximity of the proposed water source to the
15 area of use or application.

16 (b) All impoundments, streams, groundwater sources, or
17 watercourses that are geographically closer to the area of use
18 or application than the proposed source, and that are
19 technically and economically feasible for the proposed
20 transport and use.

21 (c) All economically and technically feasible
22 alternatives to the proposed source, including, but not
23 limited to, desalination, conservation, reuse of nonpotable
24 reclaimed water and stormwater, and aquifer storage and
25 recovery.

26 (d) The potential environmental impacts that may
27 result from the transport and use of water from the proposed
28 source, and the potential environmental impacts that may
29 result from use of the other water sources identified in
30 paragraphs (b) and (c).

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1 (e) Whether existing and reasonably anticipated
2 sources of water and conservation efforts are adequate to
3 supply water for existing legal uses and reasonably
4 anticipated future needs of the water supply planning region
5 in which the proposed water source is located.

6 (f) Consultations with local governments affected by
7 the proposed transport and use.

8 (g) The value of the existing capital investment in
9 water-related infrastructure made by the applicant.

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11 Where districtwide water supply assessments and regional water
12 supply plans have been prepared pursuant to ss. 373.036 and
13 373.0361, the governing board or the department shall use the
14 applicable plans and assessments as the basis for its
15 consideration of the applicable factors in this subsection.

16 (4) The governing board or the department, by
17 regulation, may reserve from use by permit applicants, water
18 in such locations and quantities, and for such seasons of the
19 year, as in its judgment may be required for the protection of
20 fish and wildlife or the public health and safety. Such
21 reservations shall be subject to periodic review and revision
22 in the light of changed conditions. However, all presently
23 existing legal uses of water shall be protected so long as
24 such use is not contrary to the public interest.

25 (5) The governing board or the department may not
26 approve a permit for the use of water from a spring either
27 directly from the spring head or from the area near the spring
28 head which would impact the normal flows from the spring,
29 until the governing board or the department has established
30 the minimum flows and levels for the spring and the related
31 groundwater supplies. However, all presently existing legal

1 uses of water from springs shall be protected so long as such
2 use is not contrary to the public interest.

3 Section 2. This act shall take effect upon becoming a
4 law.

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7 SENATE SUMMARY

8 Prohibits the issuance of permits for the use of water
9 from springs until minimum flows and levels have been
10 established.

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