

By Senator Campbell

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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 for severability; 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) Private market economic forces acting on the
supply and allocation of water may not at all times operate

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

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

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

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

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

18 (c) "Proposed transferred permittee" means a user who
19 seeks to receive the transfer of all or part of the permitted
20 quantity from a permitted user.

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

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

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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 that applied to an original permit, permittee, or
6 permitted quantity.

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

13 (7) A water management district may not authorize the
14 sale or transfer of a permit or of any rights under a permit
15 to a permitted quantity in any manner inconsistent with this
16 section.

17 (8) Each water management district may adopt rules to
18 administer this section.

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

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

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29 SENATE SUMMARY

30 Provides restrictions on the sale or transfer of water
31 resources.