

Bill No. CS for SB 2316

Amendment No. ____ Barcode 145342

CHAMBER ACTION

Senate

House

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Senator Campbell moved the following amendment:

Senate Amendment (with title amendment)

On page 21, between lines 18 and 19,

insert:

Section 13. 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 14. Section 373.255, Florida Statutes, is created to read:

373.255 Consumptive-use permits; restrictions.--

(1) The Legislature finds that:

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

4 (b) Private market economic forces acting on the
5 supply and allocation of water may not at all times operate
6 consistently with the best interests of the public at large,
7 the natural environment, and the state's industries and
8 agriculture; and

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

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

16 (a) "Permitted quantity" means the amount of water
17 which a user is allowed to withdraw under a permit issued by a
18 water management district, whether the withdrawals under the
19 permit are from the same or different wellheads or
20 surface-water withdrawal locations.

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

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

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

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1 required.

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

5 (5) A proposed transferred permittee must apply for a
6 new consumptive-use permit as to any part of the permitted
7 quantity, and the transfer does not create any presumption of
8 entitlement to a consumptive-use permit or to any particular
9 terms that applied to an original permit, permittee, or
10 permitted quantity.

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

17 (7) A water management district may not authorize the
18 sale or transfer of a permit or of any rights under a permit
19 to a permitted quantity in any manner inconsistent with this
20 section.

21 (8) Each water management district may adopt rules to
22 administer this section.

23 Section 15. If any provision of this act or its
24 application to any person or circumstance is held to be
25 invalid, the invalidity does not affect other provisions or
26 applications of the act which can be given effect without the
27 invalid provision or application, and, to this end, the
28 provisions of this act are severable.

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30 (Redesignate subsequent sections.)
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 3, line 2, after the semicolon,

4

5 insert:

6 amending s. 373.1501, F.S.; providing for
7 restrictions on the sale or transfer of water
8 rights; creating s. 373.255, F.S.; providing
9 for restrictions on permits for the consumptive
10 use of water; providing for severability;

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