

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 407 w/CS Water Management/Interdistrict Water Projects

SPONSOR(S): McInvale

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Public Lands & Water Resources (Sub)</u>	<u>10 Y, 0 N</u>	<u>McKinnon</u>	<u>Lotspeich</u>
2) <u>Natural Resources</u>	<u>15 Y, 0 N w/CS</u>	<u>McKinnon</u>	<u>Lotspeich</u>
3) <u>Local Government & Veterans Affairs</u>	<u></u>	<u>Grayson</u>	<u>Highsmith-Smith</u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

This bill ratifies pre-existing agreements between water management districts authorizing the issuance of permits for the interdistrict withdrawal and use of water within one county.

This bill amends the definition, as found in existing law, of "interdistrict transfer and use" to clarify that it does not include a withdrawal and use within the same county.

The bill is not expected to impact state or local budgets. The bill is expected to have a positive fiscal impact on private water utilities.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0407c.lgv.doc

DATE: April 4, 2003

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

This bill is intended to address the implementation of regulatory authority when the jurisdictional boundaries of two or more water management districts (WMD) overlap within a single county and an interdistrict water transfer is proposed to occur entirely within the same county.

The bill amends the existing definition of “interdistrict transfer and use,” as it relates to interdistrict groundwater transfers, to clarify that it does not include a withdrawal and use within the same county. Thus, when a groundwater transfer is proposed to occur within a single county, even if the transfer straddles two WMDs, such a transfer does not require the duplicative interdistrict review by both WMDs.

The bill ratifies pre-existing agreements between water management districts authorizing the issuance of permits for the interdistrict withdrawal and use of water within one county.

Background

According to the Sponsor, this bill allows one-stop permitting for water resource projects that cross water management district boundaries. In Central Florida, three of the state’s WMDs converge.¹ For this reason, water resource projects, even those occurring within the same county, can require two or more of the same type of permit; one for each WMD where the project is located. As examples:

- The Orlando Utilities Commission must obtain two water use permits for one utility system.
- Polk County must get three water use permits for one utility system.
- Orange County must obtain four water use permits for two utility systems.

The existing duplication appears not to be an efficient use of WMD resources and is costly for these permittees.

In August 1999, the Orlando Utilities Commission (OUC) submitted a consumptive use permit application to the St. Johns River Water Management District (SJRWMD). OUC’s service area, even though located entirely within Orange County, crosses the boundary between the SJRWMD and the South Florida Water Management District (SFWMD), and OUC operates wellfields in both WMDs. As a part of OUC’s operation of these wellfields, interdistrict transfers of groundwater occur. Historically, OUC has received separate consumptive use permits from the two WMDs.

At the Board meetings for both the SJRWMD (4/8-9/03) and the SFWMD (4/10/03), the respective Boards will consider preliminary approval of an interagency agreement that will establish the SJRWMD

¹ St. Johns River, South West Florida, and South Florida Water Management District.

as the lead WMD to issue a single system-wide consumptive use permit to OUC for the withdrawal and use of groundwater for OUC's water system and service area in Orange County.

C. SECTION DIRECTORY:

Section 1. Amends s. 373.2295, F.S., to exclude the withdrawal and use of groundwater occurring within the same county from the definition of "interdistrict transfer and use" relating to groundwater transfers.

Section 2. Amends s. 373.2295, F.S., to ratify pre existing pre-existing agreements between water management districts authorizing the issuance of permits for the interdistrict withdrawal and use of water within one county.

Section 3. Provides an effective date of upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill is expected to reduce the cost of obtaining certain consumptive use permits when an interdistrict groundwater transfer occurs entirely within the same county.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

According to a representative of the Orlando Utilities Commission, the bill is expected to save up to \$500,000 in duplicative permit application and processing fees and costs.²

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

² Charles Fletcher, Esq., De La Parte & Gilbert, P.A., 4/4/03.

This bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

There do not appear to be any technical drafting issues.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Natural Resources Committee, at its meeting of March 26, 2003, favorably adopted a committee substitute. The committee substitute:

- Excludes groundwater transfer and use occurring entirely within one county from the definition, as related to groundwater transfers, of "interdistrict transfer and use."
- Ratifies pre existing interdistrict agreements authorizing the issuance of permits for the interdistrict withdrawal and use of water occurring entirely within the same county.