



HB 0735

2003

1 A bill to be entitled

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

7
8 Be It Enacted by the Legislature of the State of Florida:

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

13 373.1501 South Florida Water Management District as local
14 sponsor.--

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

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

23 373.255 Consumptive-use permits; restrictions.--

24 (1) The Legislature finds that:

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

28 (b) Private market economic forces acting on the supply
29 and allocation of water may not at all times operate
30 consistently with the best interests of the public at large, the



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31 natural environment, and the state's industries and agriculture;
32 and

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

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

40 (a) "Permitted quantity" means the amount of water which a
41 user is allowed to withdraw under a permit issued by a water
42 management district, whether the withdrawals under the permit
43 are from the same or different wellheads or surface-water
44 withdrawal locations.

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

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

50 (3) A permittee may not sell or transfer any rights it has
51 under a consumptive-use permit, including any portion of a
52 permitted quantity, to a proposed transferred permittee. Any
53 attempted sale or transfer of a permitted quantity must be
54 considered a new use by the proposed transferred permittee for
55 which application for a new consumptive use permit is required.

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

59 (5) A proposed transferred permittee must apply for a new
60 consumptive-use permit as to any part of the permitted quantity,



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61 and the transfer does not create any presumption of entitlement
62 to a consumptive-use permit or to any particular terms that
63 applied to an original permit, permittee, or permitted quantity.

64 (6) An application for a new consumptive-use permit sought
65 by a proposed transferred permittee must be evaluated based upon
66 conditions as they exist at the time of the application.

67 Conditions may be imposed on any permit issued to the proposed
68 transferred permittee which were not previously imposed on the
69 existing permittee.

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

73 (8) Each water management district may adopt rules to
74 administer this section.

75 Section 3. If any provision of this act or its application
76 to any person or circumstance is held to be invalid, the
77 invalidity does not affect other provisions or applications of
78 the act which can be given effect without the invalid provision
79 or application, and, to this end, the provisions of this act are
80 severable.

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