

1                                   A bill to be entitled  
 2           An act relating to water supply policy, planning, and  
 3           production; creating part VII of ch. 373, F.S.; relating  
 4           to water supply policy, planning, and production; creating  
 5           373.701, F.S.; providing a declaration of policy; creating  
 6           s. 373.703, F.S.; providing definitions; creating s.  
 7           373.705, F.S.; providing for the powers and duties of  
 8           water management district governing boards; creating s.  
 9           373.707, F.S.; requiring the Department of Environmental  
 10          Protection to develop the Florida water supply plan;  
 11          providing components of the plan; requiring water  
 12          management district governing boards to develop water  
 13          supply plans for their respective regions; providing  
 14          components of district water supply plans; creating s.  
 15          373.709, F.S.; providing legislative findings and intent  
 16          with respect to water resource development and water  
 17          supply development; requiring water management districts  
 18          to fund and implement water resource development;  
 19          specifying water supply development projects which are  
 20          eligible to receive priority consideration for state or  
 21          water management district funding assistance; creating s.  
 22          373.711, F.S.; providing legislative findings and intent  
 23          with respect to alternative water supplies; requiring the  
 24          governing boards of the water management districts where  
 25          regional water supply planning has been initiated to  
 26          include in their annual budgets an amount to assist in the  
 27          development of alternative water supply projects;

28 providing funding priority for projects; providing that  
29 governing boards are encouraged to establish revolving  
30 loan funds; providing requirements with respect to such  
31 revolving loan funds; providing legislative intent with  
32 respect to the development of rate structures by the  
33 appropriate rate-setting authorities for all water, waste  
34 water, and reclaimed water and other alternative water  
35 supply utilities in the service area of a funded utility;  
36 specifying intended purposes of such rate structures;  
37 providing that funding assistance provided by the water  
38 management districts for a water reuse system project may  
39 include specified grant or loan conditions; providing  
40 requirements for eligibility for funding of projects;  
41 requiring specified written notice; providing for  
42 application of revenues; requiring governing boards to  
43 make written guidelines for disbursement of revenues  
44 available annually; providing components of such  
45 guidelines; requiring the governing board of each water  
46 management district to establish a process for disbursement  
47 of funds for alternative water supply projects; providing  
48 that provisions governing alternative water supplies are  
49 not subject to the rulemaking requirements of the  
50 Administrative Procedures Act; requiring water management  
51 districts to submit annual reports accounting for the  
52 disbursement of all budget amounts; requiring the Florida  
53 Public Service Commission to allow entities under its  
54 jurisdiction constructing alternative water supply

55 facilities to recover specified costs through their rate  
56 structure; providing that every component of an  
57 alternative water supply facility constructed by an  
58 investor-owned utility shall be recovered in current  
59 rates; requiring the Florida Public Service Commission to  
60 use a 20-year period when determining the cost of  
61 providing services and property used and useful; creating  
62 s. 373.713, F.S.; requiring a water management district  
63 governing board to conduct water supply planning for each  
64 region identified in the district water supply plan;  
65 providing procedures and requirements with respect to  
66 regional water supply plans; providing for joint  
67 development of a specified water supply development  
68 component of a regional water supply plan within the  
69 boundaries of the Southwest Florida Water Management  
70 District; providing that approval of a regional water  
71 supply plan is not subject to the rulemaking requirements  
72 of the Administrative Procedures Act; requiring the  
73 department to submit annual reports on the status of  
74 regional water supply planning in each district; providing  
75 construction with respect to the water supply development  
76 component of a regional water supply plan; requiring water  
77 management districts to present to certain entities the  
78 relevant portions of a regional water supply plan;  
79 requiring certain entities to provide written notification  
80 to water management districts as to the implementation of  
81 water supply project options; requiring water management

82 districts to notify local governments of the need for  
83 alternative water supply projects; creating s. 373.715,  
84 F.S.; requiring water management districts to assist local  
85 governments in the development and future revision of  
86 local government comprehensive plan elements or public  
87 facilities reports related to water resource issues;  
88 creating s. 373.717, F.S.; providing for the creation of  
89 regional water supply authorities; providing purpose of  
90 such authorities; specifying considerations with respect  
91 to the creation of a proposed authority; specifying  
92 authority of a regional water supply authority; providing  
93 authority of specified entities to convey title, dedicate  
94 land, or grant land-use rights to a regional water supply  
95 authority for specified purposes; providing preferential  
96 rights of counties and municipalities to purchase water  
97 from regional water supply authorities; providing  
98 exemption for specified water supply authorities from  
99 consideration of certain factors and submissions;  
100 providing applicability of such exemptions; creating s.  
101 373.719, F.S.; authorizing the West Coast Regional Water  
102 Supply Authority and its member governments to  
103 reconstitute the authority's governance and rename the  
104 authority under a voluntary interlocal agreement;  
105 providing compliance requirements with respect to the  
106 interlocal agreement; providing for supersession of  
107 conflicting general or special laws; providing  
108 requirements with respect to annual budgets; specifying

109 | the annual millage for the authority; authorizing the  
 110 | authority to request the governing board of the district  
 111 | to levy ad valorem taxes within the boundaries of the  
 112 | authority to finance authority functions; providing  
 113 | requirements and procedures with respect to the collection  
 114 | of such taxes; amending ss. 120.52, 163.3167, 163.3177,  
 115 | 163.3191, 186.009, 189.404, 189.4155, 189.4156, 367.021,  
 116 | F.S.; conforming cross references; amending s. 373.016,  
 117 | F.S., relating to the declaration of policy, to conform;  
 118 | amending s. 373.019, relating to definitions, to conform;  
 119 | amending s. 373.036, F.S.; relating to the Florida water  
 120 | plan and district water management plans, to include the  
 121 | Florida water supply plan and district water supply plans  
 122 | and make other conforming changes; amending s. 373.042,  
 123 | F.S.; providing for minimum flow and level provisions for  
 124 | alternative water supply project options; amending ss.  
 125 | 373.0421 and 373.0695, F.S.; conforming cross references;  
 126 | amending s. 373.223, F.S.; providing for alternative water  
 127 | supply projects to be consistent with the public interest;  
 128 | conforming cross references; amending ss. 373.2234 and  
 129 | 373.229, F.S.; conforming cross references; amending s.  
 130 | 373.236, F.S.; providing for a 20-year permit duration for  
 131 | alternative water supply projects; amending ss. 373.421,  
 132 | 373.536, 373.59, 378.212, 378.404, 403.031, 403.813,  
 133 | 403.0891, 556.102, and 682.02, F.S.; conforming cross  
 134 | references; renumbering s. 373.71, F.S., relating to the  
 135 | Apalachicola-Chattahoochee-Flint River Basin Compact, to

136 clarify retention of the section in part VI of ch. 373,  
 137 F.S.; repealing s. 373.0361, F.S., relating to regional  
 138 water supply planning; repealing s. 373.0391, F.S.,  
 139 relating to technical assistance to local governments;  
 140 repealing s. 373.0831, F.S., relating to water resource  
 141 and water supply development; repealing s. 373.196, F.S.,  
 142 relating to legislative findings; repealing s. 373.1961,  
 143 F.S., relating to water production; repealing s. 373.1962,  
 144 F.S., relating to regional water supply authorities;  
 145 repealing s. 373.1963, F.S., relating to assistance to the  
 146 West Coast Regional Water Supply Authority; providing an  
 147 effective date.

148

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

150

151 Section 1. Part VII of chapter 373, Florida Statutes,  
 152 consisting of sections 373.701, 373.703, 373.705, 373.707,  
 153 373.709, 373.711, 373.713, 373.715, 373.717, and 373.719, is  
 154 created to read:

155

156 PART VII

157 WATER SUPPLY POLICY, PLANNING, AND PRODUCTION

158

159 373.701 Declaration of policy.--It is declared to be the  
 160 policy of the Legislature that:

161       (1) Water constitutes a public resource benefiting the  
 162 entire state, therefore, water supply planning in the state  
 163 should be conducted on a state and regional basis.

164       (2) The availability of sufficient water for all existing  
 165 and future reasonable-beneficial uses and natural systems shall  
 166 be promoted.

167       (3) In order to protect the state's water resources and to  
 168 meet the current and future needs of those areas with abundant  
 169 water, the Legislature directs the department and the water  
 170 management districts to encourage the use of water from sources  
 171 nearest the area of use or application whenever practicable.  
 172 Such sources shall include all naturally occurring water sources  
 173 and all alternative water sources, including, but not limited  
 174 to, desalination, conservation, reuse of nonpotable reclaimed  
 175 water and stormwater, and aquifer storage and recovery.

176       (4) In establishing the policy outlined in subsection (3),  
 177 the Legislature realizes that, under certain circumstances, the  
 178 need to transport water from distant sources may be necessary  
 179 for environmental, technical, or economic reasons.

180       (5) Cooperative efforts between municipalities, counties,  
 181 water management districts, and the Department of Environmental  
 182 Protection are mandatory in order to meet the water needs of  
 183 rapidly urbanizing areas in a manner which will supply adequate  
 184 and dependable supplies of water where needed without resulting  
 185 in adverse effects upon the areas from whence such water is  
 186 withdrawn. Such efforts should utilize all practical means of  
 187 obtaining water, including, but not limited to, withdrawals of

188 surface water and groundwater, the recycling of waste water, and  
 189 desalination and will necessitate not only cooperation but also  
 190 well-coordinated activities.

191 (6) Municipalities and counties are encouraged to create  
 192 regional water supply authorities and multi-jurisdictional water  
 193 supply entities as authorized herein.

194 (7) Nothing herein shall be construed to preclude the  
 195 various municipalities and counties from continuing to operate  
 196 existing water production and transmission facilities or to  
 197 enter into cooperative agreements with other municipalities and  
 198 counties for the purpose of meeting their respective needs for  
 199 dependable and adequate supplies of water, provided the  
 200 obtaining of water through such operations shall not be done in  
 201 a manner which results in adverse effects upon the areas from  
 202 whence such water is withdrawn.

203 Section 2. Section 373.703, Florida Statutes, is created  
 204 to read:

205 373.703 Definitions.--When appearing in this chapter or in  
 206 any rule, regulation, or order adopted pursuant thereto, the  
 207 following words shall, unless the context clearly indicates  
 208 otherwise, mean:

209 (1) "Alternative water supply" means a supply of water  
 210 from a source other than fresh water from a traditional surface  
 211 water or groundwater source and includes, but is not limited to,  
 212 saltwater and brackish surface water and groundwater; sources  
 213 made available through enhanced storage capacity; water that has  
 214 been reclaimed after one or more public supply, municipal,



215 industrial, commercial, or agricultural uses; stormwater; and  
216 any other non-traditional sources of water supply that have been  
217 treated in accordance with applicable rules and standards  
218 sufficient to supply the intended use.

219 (2) "District water supply plan" means the regional plan  
220 developed by a governing board under s. 373.707.

221 (3) "Florida water supply plan" means the state-level plan  
222 developed by the department under s. 373.707.

223 (4) "Multi-jurisdictional water supply entity" means two  
224 or more water utilities organized into a larger entity for the  
225 purpose of more efficiently pursuing water supply development  
226 projects listed pursuant to s. 373.713(2)(a)(3).

227 (5) "Regional water supply plan" means a detailed water  
228 supply plan developed by a governing board under s. 373.713.

229 (6) "Water resource development" means the formulation and  
230 implementation of regional water resource management strategies,  
231 including the collection and evaluation of surface water and  
232 groundwater data; structural and nonstructural programs to  
233 protect and manage water resources; the development of regional  
234 water resource implementation programs; the construction,  
235 operation, and maintenance of major public works facilities to  
236 provide for surface and underground water storage and  
237 groundwater recharge augmentation; and related technical  
238 assistance to local governments and to government-owned and  
239 privately owned water utilities.

240 (7) "Water supply development" means the planning, design,  
241 construction, operation, and maintenance of public or private

242 facilities for water collection, production, treatment,  
 243 transmission, or distribution for sale, resale, or end use.

244 Section 3. Section 373.705, Florida Statutes, is created  
 245 to read:

246 373.705 Powers and duties.--In the performance of, and in  
 247 conjunction with, its other powers and duties, the governing  
 248 board of a water management district existing pursuant to this  
 249 chapter:

250 (1) Shall engage in planning to assist counties,  
 251 municipalities, special districts, private utilities, or  
 252 regional water supply authorities in meeting water supply needs  
 253 in a manner that will give priority to encouraging conservation  
 254 and reducing adverse environmental effects of improper or  
 255 excessive withdrawals of water from concentrated areas. As used  
 256 in this section, regional water supply authorities are regional  
 257 water authorities created under s. 373.717 or other laws of this  
 258 state.

259 (2) Shall assist counties, municipalities, special  
 260 districts, private utilities, multi-jurisdictional water supply  
 261 entities, and regional water supply authorities in meeting water  
 262 supply needs in a manner that will give priority to encouraging  
 263 conservation and reducing adverse environmental effects of  
 264 improper or excessive withdrawals of water from concentrated  
 265 areas.

266 (3) May establish, design, construct, operate, and  
 267 maintain water production and transmission facilities for the  
 268 purpose of supplying water to counties, municipalities, special

269 districts, private utilities, multi-jurisdictional water supply  
 270 entities, or regional water supply authorities. The permit  
 271 required by part II of this chapter for a water management  
 272 district engaged in water production and transmission shall be  
 273 granted, denied, or granted with conditions by the department.

274 (4) Shall not engage in local distribution.

275 (5) Shall not deprive, directly or indirectly, any county  
 276 wherein water is withdrawn of the prior right to the reasonable  
 277 and beneficial use of water which is required to supply  
 278 adequately the reasonable and beneficial needs of the county or  
 279 any of the inhabitants or property owners therein.

280 (6) May provide water and financial assistance to regional  
 281 water supply authorities and multi-jurisdictional water supply  
 282 entities but may not provide water to counties and  
 283 municipalities which are located within the area of such  
 284 authority or entity without the specific approval of the  
 285 authority or entity or, in the event of the authority's or  
 286 entity's disapproval, the approval of the Governor and Cabinet  
 287 sitting as the Land and Water Adjudicatory Commission. The  
 288 district may supply water at rates and upon terms mutually  
 289 agreed to by the parties or, if they do not agree, as set by the  
 290 governing board and specifically approved by the Governor and  
 291 Cabinet sitting as the Land and Water Adjudicatory Commission.

292 (7) May acquire title to such interest as is necessary in  
 293 real property, by purchase, gift, devise, lease, eminent domain,  
 294 or otherwise, for water production and transmission consistent  
 295 with this section. However, the district shall not use any of

296 the eminent domain powers herein granted to acquire water  
 297 already devoted to reasonable and beneficial use or any water  
 298 production or transmission facilities owned by any county,  
 299 municipality, or regional water supply authority. The district  
 300 may exercise eminent domain powers outside of its district  
 301 boundaries for the acquisition of pumpage facilities, storage  
 302 areas, transmission facilities, and the normal appurtenances  
 303 thereto, provided that at least 45 days prior to the exercise of  
 304 eminent domain, the district notifies the district where the  
 305 property is located after public notice and the district where  
 306 the property is located does not object within 45 days after  
 307 notification of such exercise of eminent domain authority.

308 (8) In addition to the power to issue revenue bonds  
 309 pursuant to s. 373.584, may issue revenue bonds for the purposes  
 310 of paying the costs and expenses incurred in carrying out the  
 311 purposes of this part or refunding obligations of the district  
 312 issued pursuant to this section. Such revenue bonds shall be  
 313 secured by, and be payable from, revenues derived from the  
 314 operation, lease, or use of its water production and  
 315 transmission facilities and other water-related facilities and  
 316 from the sale of water or services relating thereto. Such  
 317 revenue bonds may not be secured by, or be payable from, moneys  
 318 derived by the district from the Water Management Lands Trust  
 319 Fund or from ad valorem taxes received by the district. All  
 320 provisions of s. 373.584 relating to the issuance of revenue  
 321 bonds which are not inconsistent with this section shall apply  
 322 to the issuance of revenue bonds pursuant to this section. The

323 district may also issue bond anticipation notes in accordance  
 324 with the provisions of s. 373.584.

325 (9) May join with one or more other water management  
 326 districts, counties, municipalities, private utilities, multi-  
 327 jurisdictional water supply entities, or regional water supply  
 328 authorities for the purpose of carrying out any of its powers  
 329 and may contract with such other entities to finance  
 330 acquisitions, construction, operation, and maintenance. The  
 331 contract may provide for contributions to be made by each party  
 332 thereto for the division and apportionment of the expenses of  
 333 acquisitions, construction, operation, and maintenance and for  
 334 the division and apportionment of the benefits, services, and  
 335 products therefrom. The contracts may contain other covenants  
 336 and agreements necessary and appropriate to accomplish their  
 337 purposes.

338 Section 4. Section 373.707, Florida Statutes, is created  
 339 to read:

340 373.707 Florida water supply plan; district water supply  
 341 plans.--

342 (1) In cooperation with the water management districts,  
 343 regional water supply authorities, and others, the department  
 344 shall develop the Florida water supply plan. The Florida water  
 345 supply plan shall include, but not be limited to:

346 (a) The programs and activities of the department related  
 347 to water supply.

348 (b) The district water supply plans.

349 (c) Goals, objectives, and guidance for the development  
350 and review of programs, rules, and plans relating to water  
351 supply based on statutory policies and directives.

352 (2)(a) Each governing board shall develop a district water  
353 supply plan for its region. The district water supply plan shall  
354 be based on at least a 20-year planning period, shall be  
355 developed and revised in cooperation with other agencies,  
356 regional water supply authorities, units of government, and  
357 interested parties and shall be updated at least once every 5  
358 years. The governing board shall hold a public hearing at least  
359 30 days in advance of completing the development or revision of  
360 the district water supply plan.

361 (b) The district water supply plan shall include, but not  
362 be limited to:

363 1. The scientific methodologies for establishing minimum  
364 flows and levels under s. 373.042 and all established minimum  
365 flows and levels.

366 2. Identification of one or more water supply planning  
367 regions that singly or together encompass the entire district.

368 3. Technical data and information prepared under s.  
369 373.715.

370 4. A districtwide water supply assessment which determines  
371 for each water supply planning region:

372 a. Existing legal uses, reasonably anticipated future  
373 needs, and existing and reasonably anticipated sources of water  
374 and conservation efforts.

375 b. Whether existing and reasonably anticipated sources of  
 376 water and conservation efforts are adequate to supply water for  
 377 all existing legal uses and reasonably anticipated future needs  
 378 and to sustain the water resources and related natural systems.

379 5. Any completed regional water supply plans prepared  
 380 pursuant to s. 373.713.

381 (c) If necessary for implementation, the governing board  
 382 shall adopt by rule or order relevant portions of the district  
 383 water supply plan to the extent of its statutory authority.

384 (d) In the formulation of the district water supply plan,  
 385 the governing board shall give due consideration to:

386 1. The attainment of maximum reasonable-beneficial use of  
 387 water resources.

388 2. The maximum economic development of the water resources  
 389 consistent with other uses.

390 3. The management of water resources for such purposes as  
 391 environmental protection, drainage, flood control, and water  
 392 storage.

393 4. The quantity of water available for application to a  
 394 reasonable-beneficial use.

395 5. The prevention of wasteful, uneconomical, impractical,  
 396 or unreasonable uses of water resources.

397 6. Presently exercised domestic use and permit rights.

398 7. The state water resources policy as expressed by this  
 399 chapter.

400 (3) The department and governing board shall give careful  
 401 consideration to the requirements of public recreation and to

402 the protection and propagation of fish and wildlife. The  
 403 department or governing board may prohibit or restrict other  
 404 future uses on certain designated bodies of water which may be  
 405 inconsistent with these objectives.

406 (4) The governing board may designate certain uses in  
 407 connection with a particular source of supply which, because of  
 408 the nature of the activity or the amount of water required,  
 409 would constitute an undesirable use for which the governing  
 410 board may deny a permit.

411 (5) The governing board may designate certain uses in  
 412 connection with a particular source of supply which, because of  
 413 the nature of the activity or the amount of water required,  
 414 would result in an enhancement or improvement of the water  
 415 resources of the area. Such uses shall be preferred over other  
 416 uses in the event of competing applications under the permitting  
 417 systems authorized by this chapter.

418 (6) The department, in cooperation with the Executive  
 419 Office of the Governor, or its successor agency may add to the  
 420 Florida water supply plan any other information, directions, or  
 421 objectives it deems necessary or desirable for the guidance of  
 422 the governing boards or other agencies in the administration and  
 423 enforcement of this chapter.

424 Section 5. Section 373.709, Florida Statutes, is created  
 425 to read:

426 373.709 Water resource development; water supply  
 427 development.--

428 (1) The Legislature finds that:



429 (a) The proper role of the water management districts in  
 430 water supply is primarily planning and water resource  
 431 development, but this does not preclude them from providing  
 432 assistance with water supply development.

433 (b) The proper role of local government, regional water  
 434 supply authorities, and government-owned and privately owned  
 435 water utilities in water supply is primarily water supply  
 436 development, but this does not preclude them from providing  
 437 assistance with water resource development.

438 (c) Water resource development and water supply  
 439 development must receive priority attention, where needed, to  
 440 increase the availability of sufficient water for all existing  
 441 and future reasonable-beneficial uses and natural systems.

442 (2) It is the intent of the Legislature that:

443 (a) Sufficient water be available for all existing and  
 444 future reasonable-beneficial uses and the natural systems and  
 445 that the adverse effects of competition for water supplies be  
 446 avoided.

447 (b) Water management districts take the lead in  
 448 identifying and implementing water resource development projects  
 449 and are responsible for securing necessary funding for  
 450 regionally significant water resource development projects.

451 (c) Local governments, regional water supply authorities,  
 452 and government-owned and privately owned water utilities take  
 453 the lead in securing funds for and implementing water supply  
 454 development projects. Generally, direct beneficiaries of water  
 455 supply development projects should pay the costs of the projects

456 from which they benefit, and water supply development projects  
 457 should continue to be paid for through local funding sources.

458 (d) Water supply development be conducted in coordination  
 459 with water management district regional water supply planning  
 460 and water resource development.

461 (3) The water management districts shall fund and  
 462 implement water resource development as defined in s. 373.703.  
 463 The water management districts are encouraged to implement their  
 464 responsibility for water resource development and to assist in  
 465 water supply development as expeditiously as possible in areas  
 466 subject to regional water supply plans.

467 (4) Each governing board shall include in its annual  
 468 budget an amount to be made available for the fiscal year to  
 469 assist in implementing alternative water supply development  
 470 projects listed pursuant to s. 373.713(2)(a)3.

471 (5)(a) Water supply development projects which are  
 472 included in the relevant regional water supply plans and which  
 473 meet one or more of the following criteria shall receive  
 474 priority consideration for state or water management district  
 475 funding assistance:

476 1. The project supports establishment of a dependable,  
 477 sustainable supply of water from alternative water supplies;

478 2. The project provides substantial environmental benefits  
 479 by preventing or limiting adverse water resource impacts but  
 480 requires funding assistance to be economically competitive with  
 481 other options; or

482           3. The project significantly implements the reuse,  
 483 storage, recharge, or conservation of water in a manner that  
 484 contributes to the sustainability of regional water sources.

485           4. The project significantly contributes to a recovery  
 486 plan pursuant to s. 373.0421 for a minimum flow or level  
 487 established by a governing board.

488           (b) Water supply development projects which meet the  
 489 criteria in paragraph (a) and also bring about replacement of  
 490 existing sources in order to help implement a minimum flow or  
 491 level shall be given first consideration for state or water  
 492 management district funding assistance.

493           (c) If a proposed alternative water supply development  
 494 project is identified in the relevant approved regional water  
 495 supply plan, the project shall receive:

496           1. A 20-year consumptive use permit if it otherwise meets  
 497 the permit requirements under ss. 373.223 and 373.236 and rules  
 498 adopted thereunder.

499           2. Consideration for priority funding pursuant to s.  
 500 373.711 if the project meets one of the criteria in this  
 501 subsection.

502           Section 6. Section 373.711, Florida Statutes, is created  
 503 to read:

504           373.711 Alternative water supplies.--

505           (1)(a) The Legislature finds that, due to a combination of  
 506 factors, vastly increased demands have been placed on natural  
 507 supplies of fresh water and that, absent increased development

508 of alternative water supplies, such demands may increase in the  
 509 future.

510 (b) The Legislature also finds that potential exists in  
 511 the state for the production of significant quantities of  
 512 alternative water supplies and that water production includes  
 513 the development of alternative water supplies for appropriate  
 514 uses.

515 (c) The Legislature finds that public moneys or services  
 516 provided to private entities for such uses constitute public  
 517 purposes which are in the public interest.

518 (2)(a) It is the intent of the Legislature that utilities  
 519 develop reclaimed water systems, where reclaimed water is the  
 520 most appropriate alternative water supply option, to deliver  
 521 reclaimed water to as many users as possible through the most  
 522 cost-effective means and to construct reclaimed water system  
 523 infrastructure to their owned or operated properties and  
 524 facilities where they have reclamation capability.

525 (b) It is the intent of the Legislature that the water  
 526 management districts which levy ad valorem taxes for water  
 527 management purposes share a percentage of those tax revenues  
 528 with water providers and users, including local governments,  
 529 water, waste water, and reuse utilities, municipal, industrial,  
 530 and agricultural water users, and other public and private water  
 531 users, to be used to supplement other funding sources in the  
 532 development of alternative water supplies.

533 (c) It is the intent of the Legislature that, for each  
 534 reclaimed water utility or any other utility which receives

535 funds pursuant to this subsection, the appropriate rate-setting  
 536 authorities should develop rate structures for all water, waste  
 537 water, reclaimed water, and other alternative water supply  
 538 utilities in the service area of the funded utility, which  
 539 accomplish the following:

540 1. Provide meaningful progress toward the development and  
 541 implementation of alternative water supply systems, including  
 542 reclaimed water systems.

543 2. Promote the conservation of fresh water withdrawn from  
 544 natural systems.

545 3. Provide for an appropriate distribution of costs for  
 546 all water, waste water, and alternative water supply utilities,  
 547 including reclaimed water utilities, among all of the users of  
 548 those utilities.

549 4. Prohibit rate discrimination within classes of utility  
 550 users.

551 (3) In order to further the development and use of  
 552 alternative water supplies, including reclaimed water, the  
 553 Legislature provides the following:

554 (a) The governing boards of the water management districts  
 555 where regional water supply planning has been initiated pursuant  
 556 to s. 373.713 shall include in their annual budgets an amount to  
 557 assist in the development of alternative water supply projects  
 558 listed pursuant to s. 373.713(2)(a)(3), pursuant to the  
 559 requirements of this subsection. Such amounts shall be made  
 560 available to governmental and investor-owned utilities, special  
 561 districts, regional water supply authorities, and other multi-

562 jurisdictional water supply entities through grants, matching  
563 grants, revolving loans, or the use of district lands or  
564 facilities pursuant to the requirements of this subsection and  
565 guidelines established by the districts. In making grants or  
566 loans, funding priority must be given to projects in accordance  
567 with s. 373.709(5).

568 (b) Without diminishing amounts available through other  
569 means described in this paragraph, the governing boards are  
570 encouraged to consider establishing revolving loan funds to  
571 expand the total funds available to accomplish the objectives of  
572 this section. A revolving loan fund created under this paragraph  
573 must be a nonlapsing fund from which the water management  
574 district may make loans with interest rates below prevailing  
575 market rates to public or private entities for the purposes  
576 described in this section. The governing board may adopt  
577 resolutions to establish revolving loan funds which must specify  
578 the details of the administration of the fund, the procedures  
579 for applying for loans from the fund, the criteria for awarding  
580 loans from the fund, the initial capitalization of the fund, and  
581 the goals for future capitalization of the fund in subsequent  
582 budget years. Revolving loan funds created under this paragraph  
583 must be used to expand the total sums and sources of cooperative  
584 funding available for the development of alternative water  
585 supplies. The Legislature does not intend for the creation of  
586 revolving loan funds to supplant or otherwise reduce existing  
587 sources or amounts of funds currently available through other  
588 means.

589       (4) Funding assistance provided by the water management  
 590 districts for a water reuse system project may include the  
 591 following grant or loan conditions for that project if the water  
 592 management district determines that such conditions will  
 593 encourage water use efficiency:

594       (a) Metering of reclaimed water use for the following  
 595 activities: residential irrigation, agricultural irrigation,  
 596 industrial uses, except for electric utilities as defined in s.  
 597 366.02(2), landscape irrigation, irrigation of other public  
 598 access areas, commercial and institutional uses such as toilet  
 599 flushing, and transfers to other reclaimed water utilities.

600       (b) Implementation of reclaimed water rate structures  
 601 based on actual use of reclaimed water for the types of reuse  
 602 activities listed in subparagraph 1.

603       (c) Implementation of education programs to inform the  
 604 public about water issues, water conservation, and the  
 605 importance and proper use of reclaimed water.

606       (d) Development of location data for key reuse facilities.

607       (5) In order to be eligible for funding pursuant to this  
 608 subsection, a project must be consistent with a local government  
 609 comprehensive plan, and the governing body of the local  
 610 government must require all appropriate new facilities within  
 611 the project's service area to connect to and use the project's  
 612 alternative water supplies. The appropriate local government  
 613 must provide written notification to the appropriate district  
 614 that the proposed project is consistent with the local  
 615 government comprehensive plan.

616 (6) Any and all revenues disbursed pursuant to this  
617 section shall be applied only for the payment of capital costs  
618 for alternative water supply projects listed pursuant to s.  
619 373.713 (2)(a)3. which contribute to meeting the existing and  
620 future reasonable-beneficial uses identified within a regional  
621 water supply plan.

622 (7)(a) The governing boards shall establish a process for  
623 the disbursement of revenues pursuant to this subsection.

624 (b) After conducting one or more hearings to solicit  
625 public input on eligible projects, the governing board of each  
626 water management district shall select projects for funding  
627 assistance based upon the project being identified or listed as  
628 an alternative water supply development option in the regional  
629 water supply plan pursuant to s. 373.713(2)(a)3. and by  
630 considering factors established by each governing board,  
631 including, but not limited to, the following:

632 1. Projects identified as a priority for funding pursuant  
633 to s. 373.709(5)(a).

634 2. Projects that are the most cost-effective in using  
635 alternative water supplies.

636 3. Projects serving multi-jurisdictional water supply  
637 entities pursuant to the terms of an interlocal agreement or  
638 other institutional arrangement, especially those projects that  
639 interconnect separate utility supply systems, share a uniform  
640 production cost and uniform per-gallon or blended wholesale  
641 rate.



642 4. Projects with the local governments providing the  
 643 higher percentage of the total costs of the projects.

644 5. Projects serving those local governments with the lower  
 645 per capita use of potable water.

646 6. Projects that reduce the consumption of traditional  
 647 supplies and will have the effect of making traditional supplies  
 648 available for the benefit of the natural system or other  
 649 reasonable-beneficial uses.

650 7. Projects that supplement an existing supply or  
 651 traditional source that has been reduced for existing and  
 652 reasonably projected future reasonable-beneficial uses by the  
 653 adoption of a minimum flow or level or a reservation.

654 8. Projects that reduce competition between existing and  
 655 future users.

656 9. Projects where the applicant has established a goal-  
 657 based water conservation program pursuant to s. 373.227 and is  
 658 demonstrating measurable progress toward achieving these goals.

659 (8) All revenues made available pursuant to this section  
 660 must be encumbered by the governing board when it approves  
 661 projects sufficient to expend the available revenues.

662 (9) This section shall not be subject to the rulemaking  
 663 requirements of chapter 120.

664 (10) By January 30 of each year, each water management  
 665 district shall submit an annual report to the Governor, the  
 666 President of the Senate, and the Speaker of the House of  
 667 Representatives which accounts for the disbursal of all budgeted  
 668 amounts pursuant to this subsection. Such report shall describe

669 all alternative water supply projects funded as well as the  
670 quantity of new water created as a result of such projects and  
671 shall account separately for any other moneys provided through  
672 grants, matching grants, revolving loans, and the use of  
673 district lands or facilities to implement regional water supply  
674 plans.

675 (11) The Florida Public Service Commission shall allow  
676 entities under its jurisdiction constructing, or participating  
677 in constructing, facilities which provide alternative water  
678 supplies to recover the full, prudently incurred cost of such  
679 facilities through their rate structure. If the construction or  
680 participation in construction is pursuant to, or in furtherance  
681 of, a regional water supply plan approved by the water  
682 management district having jurisdiction, the cost shall be  
683 deemed to be prudently incurred. Every component of an  
684 alternative water supply facility constructed by an investor-  
685 owned utility shall be recovered in current rates.

686 (12) The Florida Public Service Commission, when  
687 determining the cost of providing services and a property used  
688 and useful in the public service pursuant to s. 367.081 for  
689 facilities providing alternative water supplies, shall use the  
690 period of 20 years as the period needed to serve customers.

691 Section 7. Section 373.713, Florida Statutes, is created  
692 to read:

693 373.713 Regional water supply planning.--

694 (1) The governing board of each water management district  
695 shall conduct water supply planning for any water supply

696 planning region within the district identified in the  
697 appropriate district water supply plan under s. 373.707, where  
698 it determines that existing sources of water are not adequate to  
699 supply water for all existing and future reasonable-beneficial  
700 uses and to sustain the water resources and related natural  
701 systems for the planning period. The planning must be conducted  
702 in an open public process, in coordination and cooperation with  
703 local governments, regional water supply authorities,  
704 government-owned and privately owned water utilities, self-  
705 suppliers, and other affected and interested parties. The  
706 districts will actively engage in public education and outreach  
707 to all affected local entities and their officials, as well as  
708 members of the public, in the planning process and in seeking  
709 input. During preparation but prior to completion of the  
710 regional water supply plan, the district must conduct at least  
711 one public workshop to discuss the technical data and modeling  
712 tools anticipated to be used to support the regional water  
713 supply plan. The district shall also hold several public  
714 hearings to communicate the status, overall conceptual intent,  
715 and impacts of the plan on existing and future reasonable-  
716 beneficial uses and natural systems. A determination by the  
717 governing board that initiation of a regional water supply plan  
718 for a specific planning region is not needed pursuant to this  
719 section shall be subject to s. 120.569. The governing board  
720 shall reevaluate such a determination at least once every 5  
721 years and shall initiate a regional water supply plan, if  
722 needed, pursuant to this subsection.

723        (2) Each regional water supply plan shall be based on at  
724 least a 20-year planning period and shall include, but not be  
725 limited to:

726        (a) A water supply development component for each water  
727 supply planning region identified by the district that includes:

728        1. A quantification of the water supply needs for all  
729 existing and future reasonable-beneficial uses within the  
730 planning horizon. The level-of-certainty planning goal  
731 associated with identifying the water supply needs of existing  
732 and future reasonable-beneficial uses shall be based upon  
733 meeting those needs for a 1-in-10-year drought event. Population  
734 projections used for determining public water supply needs must  
735 be based upon the best available data. In determining the best  
736 available data, the district shall consider the University of  
737 Florida's Bureau of Economic and Business Research (BEBR) medium  
738 population projections and any population projection data and  
739 analysis submitted by a local government pursuant to the public  
740 workshop described in subsection (1) if the data and analysis  
741 support the local government's comprehensive plan. Any  
742 adjustment of or deviation from the BEBR projections must be  
743 fully described, and the original BEBR data must be presented  
744 along with the adjusted data.

745        2. A specific assessment of the impacts of minimum flows  
746 and levels established pursuant to ss. 373.042 and 373.0421 and  
747 reservations of water made pursuant to the provisions of s.  
748 373.223(4) on the water supply needs of existing and future  
749 reasonable-beneficial uses during the planning period together

750 with an estimation of the amount of water needed to offset such  
751 impacts, based upon the most recent and up-to-date  
752 professionally accepted data, and how and when such impacts can  
753 be offset and whether and what, if any, new alternative water  
754 supplies will be needed to offset such impacts.

755 3. A list of water supply development project options,  
756 including traditional and alternative water supply project  
757 options, from which local government, government-owned and  
758 privately owned utilities, self-suppliers, and others may choose  
759 for water supply development. The total capacity of the project  
760 options, in conjunction with water conservation and other demand  
761 management measures, and taking into account the estimated  
762 amount of water needed to offset impacts pursuant to  
763 subparagraph 2., shall exceed the needs identified in  
764 subparagraph 1. Where applicable, the plan should specifically  
765 identify the need for multi-jurisdictional approaches to project  
766 options that, based on planning level analysis, are appropriate  
767 to supply the intended uses and, based on such analysis, appear  
768 to be permissible and financially and technically feasible.

769 4. For each project option identified in subparagraph 3.,  
770 the following shall be provided:

771 a. An estimate of the amount of water to become available  
772 through the project.

773 b. The timetable in which the project option should be  
774 implemented to provide sustainable water supplies adequate to  
775 meet existing and future anticipated uses, including

776 environmental uses, and estimated costs for capital investment  
777 and operating and maintaining the project.

778 c. An analysis of funding needs and sources of possible  
779 funding options.

780 d. Who should implement each project option and, for each  
781 entity or entities identified to implement, the current status  
782 of those entities in implementing the project option.

783 (b) A water resource development component that includes:

784 1. A listing of those water resource development projects  
785 that support water supply development.

786 2. For each water resource development project listed:

787 a. An estimate of the amount of water to become available  
788 through the project.

789 b. The timetable for implementing or constructing the  
790 project and the estimated costs for implementing, operating, and  
791 maintaining the project.

792 c. Sources of funding and funding needs.

793 d. Who will implement the project and how it will be  
794 implemented.

795 (c) The recovery and prevention strategy described in s.  
796 373.0421(2).

797 (d) A funding strategy for water resource development  
798 projects, which shall be reasonable and sufficient to pay the  
799 cost of constructing or implementing all of the listed projects.

800 (e) Consideration of how the project options addressed in  
801 paragraph (a) serve the public interest or save costs overall by  
802 preventing the loss of natural resources or avoiding greater

803 future expenditures for water resource development or water  
 804 supply development. However, unless adopted by rule, these  
 805 considerations do not constitute final agency action.

806 (f) The technical data and information applicable to each  
 807 planning region which are necessary to support the regional  
 808 water supply plan.

809 (g) The minimum flows and levels established for water  
 810 resources within each planning region.

811 (h) Reservations of water adopted by rule pursuant to s.  
 812 373.223(4) within each planning region.

813 (i) Identification of surface waters or aquifers for which  
 814 minimum flows and levels are scheduled to be adopted.

815 (j) An analysis, developed in cooperation with the  
 816 department, of areas or instances in which the variance  
 817 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
 818 create water supply development or water resource development  
 819 projects.

820 (3) The water supply development component of a regional  
 821 water supply plan which deals with or affects public utilities  
 822 and public water supply for those areas served by a regional  
 823 water supply authority and its member governments within the  
 824 boundary of the Southwest Florida Water Management District  
 825 shall be developed jointly by the authority and the district. In  
 826 areas not served by regional water supply authorities or other  
 827 multi-jurisdictional water supply entities and where  
 828 opportunities exist to meet water supply needs more efficiently  
 829 through multi-jurisdictional projects identified pursuant to s.

830 373.713(2)(a)3., water management districts are directed to  
831 assist in developing multi-jurisdictional approaches to water  
832 supply project development jointly with affected water  
833 utilities, special districts, and local governments.

834 (4) Governing board approval of a regional water supply  
835 plan shall not be subject to the rulemaking requirements of  
836 chapter 120. However, any portion of an approved regional water  
837 supply plan which affects the substantial interests of a party  
838 shall be subject to s. 120.569.

839 (5) Annually and in conjunction with the reporting  
840 requirements of s. 373.536(6)(a)4., the department shall submit  
841 to the Governor and the Legislature a report on the status of  
842 regional water supply planning in each district. The report  
843 shall include:

844 (a) A compilation of the estimated costs of and potential  
845 sources of funding for water resource development and water  
846 supply development projects as identified in the water  
847 management district regional water supply plans.

848 (b) The percentage and amount, by district, of district ad  
849 valorem tax revenues or other district funds made available to  
850 develop alternative water supplies as defined in s. 373.703(1).

851 (c) A description of each district's progress toward  
852 achieving its water resource development objectives, including  
853 the district's implementation of its 5-year water resource  
854 development work program.

855 (d) An assessment of the specific progress being made to  
856 implement each water supply project option chosen by the



857 entities identified for implementation in the plan, including  
858 the following: an explanation of how each project chosen for  
859 implementation by one or more entities will produce additional  
860 water available for consumptive uses; an estimate of the  
861 quantity of water to be produced by each project being  
862 implemented; and the status of project implementation, including  
863 development of the financial plan, facilities master planning,  
864 permitting, and efforts in coordinating multi-jurisdictional  
865 projects.

866 (6) Nothing contained in the water supply development  
867 component of a regional water supply plan shall be construed to  
868 require local governments, government-owned or privately owned  
869 water utilities, special districts, self-suppliers, or other  
870 water suppliers to select a water supply development project  
871 identified in the component merely because it is identified in  
872 the plan. Except as provided in s. 373.223(5) and 373.236(4),  
873 the plan may not be used in the review of permits under part II  
874 unless the plan, or an applicable portion thereof, has been  
875 adopted by rule. However, this subsection neither prohibits a  
876 water management district from employing the data or other  
877 information used to establish the plan in reviewing permits  
878 under part II nor limits the authority of the department or  
879 governing board under part II.

880 (7) Where the water supply component of a water supply  
881 planning region shows the need for one or more alternative water  
882 supply projects, the district shall notify the affected local  
883 governments and make every reasonable effort to educate and

884 involve local public officials in working toward solutions in  
 885 conjunction with the districts and, where appropriate, other  
 886 local and regional water supply entities.

887 (a) Within 6 months following approval of its regional  
 888 water supply plan update, each water management district shall  
 889 appear before and present to the entities identified in s.  
 890 373.713(2)(a)4.d. that portion of the plan relevant to such  
 891 entity.

892 (b) Within 1 year of the water management district  
 893 presentation in subsection (7), each entity identified in s.  
 894 373.713(2)(a)4.d. shall provide written notification to the  
 895 water management district of the following: the water supply  
 896 project option(s) that it intends to develop; its timetable for  
 897 development of a master facility plan, a financial plan, and  
 898 acquisition of permits; and any other entities it intends to  
 899 cooperate with on implementation. The information provided in  
 900 the notification shall be updated on an annual basis, and a  
 901 progress report shall be provided each December to the water  
 902 management district. If an entity proposes a water supply  
 903 project that is not in the plan, then the entity shall request  
 904 that the water management district consider the project for  
 905 inclusion in the regional water supply plan.

906 Section 8. Section 373.715, Florida Statutes, is created  
 907 to read:

908 373.715 Technical assistance to local governments.--

909 (1) The water management districts shall assist local  
 910 governments in the development and future revision of local

911 government comprehensive plan elements or public facilities  
912 report, as required by s. 189.415, related to water supply  
913 issues by annually providing to all local governments within the  
914 jurisdiction current, relevant information, including, but not  
915 limited to:

916 (a) Information and data to assist local governments in  
917 preparation of the 10-year work plan required to be included in  
918 the local government comprehensive plan pursuant to paragraph  
919 163.3177(6)(c).

920 (b) A description of regulations, programs, and schedules  
921 implemented by the district.

922 (c) A description of groundwater characteristics,  
923 including existing and planned wellfield sites, existing and  
924 anticipated cones of influence, highly productive groundwater  
925 areas, aquifer recharge areas, deep well injection zones,  
926 contaminated areas, an assessment of regional water resource  
927 needs and sources for the next 20 years, and water quality.

928 (d) Information reflecting the existing minimum flows for  
929 surface watercourses to avoid harm to water resources or the  
930 ecosystem and information reflecting the existing minimum water  
931 levels for aquifers to avoid harm to water resources or the  
932 ecosystem.

933 (e) Information reflecting existing reservations of water  
934 for the protection of fish and wildlife or the public health and  
935 safety pursuant to s. 373.223(4).

936 (f) Identification of surface waters and aquifers for  
937 which minimum flows and levels are scheduled to be adopted.

938           (2) Upon request, the district shall provide technical  
 939 assistance to local governments in the development of water  
 940 supply development project options identified in s.  
 941 373.713(2)(a).

942           Section 9. Section 373.717, Florida Statutes, is created  
 943 to read:

944           373.717 Regional water supply authorities.--

945           (1) By interlocal agreement between counties,  
 946 municipalities, or special districts, as applicable pursuant to  
 947 the Florida Interlocal Cooperation Act of 1969 and s. 163.01 and  
 948 upon the approval of the Secretary of Environmental Protection  
 949 to ensure that such agreement will be in the public interest and  
 950 complies with the intent and purposes of this act, regional  
 951 water supply authorities may be created for the purpose of  
 952 developing, recovering, storing, and supplying water for county  
 953 or municipal purposes in such a manner as will give priority to  
 954 reducing adverse environmental effects of excessive or improper  
 955 withdrawals of water from concentrated areas. In approving said  
 956 agreement, the Secretary of Environmental Protection shall  
 957 consider, but not be limited to, the following:

958           (a) Whether the geographic territory of the proposed  
 959 authority is of sufficient size and character to reduce the  
 960 environmental effects of improper or excessive withdrawals of  
 961 water from concentrated areas.

962           (b) The maximization of economic development of the water  
 963 resources within the territory of the proposed authority.

964        (c) The availability of a dependable and adequate water  
 965 supply.

966        (d) The ability of any proposed authority to design,  
 967 construct, operate, and maintain water supply facilities in the  
 968 locations and at the times necessary to ensure that an adequate  
 969 water supply will be available to all citizens within the  
 970 authority.

971        (e) The effect or impact of any proposed authority on any  
 972 municipality, county, or existing authority or authorities.

973        (f) The existing needs of the water users within the area  
 974 of the authority.

975        (2) In addition to other powers and duties agreed upon and  
 976 notwithstanding the provisions of s. 163.01, such authority may:

977        (a) Upon approval of the electors residing in each county  
 978 or municipality within the territory to be included in any  
 979 authority, levy ad valorem taxes, not to exceed 0.5 mill,  
 980 pursuant to s. 9(b), Art. VII of the State Constitution. No tax  
 981 authorized by this paragraph shall be levied in any county or  
 982 municipality without an affirmative vote of the electors  
 983 residing in such county or municipality.

984        (b) Acquire water; develop, store, and transport water;  
 985 provide, sell, and deliver water for county or municipal uses  
 986 and purposes; and provide for the furnishing of such water and  
 987 water service upon terms and conditions and at rates which will  
 988 apportion to parties and nonparties an equitable share of the  
 989 capital cost and operating expense of the authority's work to  
 990 the purchaser.

991           (c) Collect, treat, and recover waste water.  
 992           (d) Not engage in local distribution.  
 993           (e) Exercise the power of eminent domain in the manner  
 994 provided by law for the condemnation of private property for  
 995 public use to acquire title to such interest in real property as  
 996 is necessary to the exercise of the powers herein granted,  
 997 except water already devoted to reasonable and beneficial use or  
 998 any water production or transmission facilities owned by any  
 999 county or municipality.  
 1000           (f) Issue revenue bonds in the manner prescribed by the  
 1001 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be  
 1002 payable solely from funds derived from the sale of water by the  
 1003 authority to any county or municipality. Such bonds may be  
 1004 additionally secured by the full faith and credit of any county  
 1005 or municipality, as provided by s. 159.16, or by a pledge of  
 1006 excise taxes, as provided by s. 159.19. For the purpose of  
 1007 issuing revenue bonds, an authority shall be considered a  
 1008 "unit," as defined in s. 159.02(2), and as that term is used in  
 1009 the Revenue Bond Act of 1953, as amended. Such bonds may be  
 1010 issued to finance the cost of acquiring properties and  
 1011 facilities for the production and transmission of water by the  
 1012 authority to any county or municipality, which cost shall  
 1013 include the acquisition of real property and easements therein  
 1014 for such purposes. Such bonds may be in the form of refunding  
 1015 bonds to take up any outstanding bonds of the authority or of  
 1016 any county or municipality where such outstanding bonds are  
 1017 secured by properties and facilities for production and

1018 transmission of water, which properties and facilities are being  
 1019 acquired by the authority. Refunding bonds may be issued to take  
 1020 up and refund all outstanding bonds of said authority that are  
 1021 subject to call and termination and all bonds of said authority  
 1022 that are not subject to call or redemption when the surrender of  
 1023 said bonds can be procured from the holder thereof at prices  
 1024 satisfactory to the authority. Such refunding bonds may be  
 1025 issued at any time when, in the judgment of the authority, it  
 1026 will be to the best interest of the authority financially or  
 1027 economically by securing a lower rate of interest on said bonds  
 1028 or by extending the time of maturity of said bonds or, for any  
 1029 other reason, in the judgment of the authority, advantageous to  
 1030 said authority.

1031 (g) Sue and be sued in its own name.

1032 (h) Borrow money and incur indebtedness and issue bonds or  
 1033 other evidence of such indebtedness.

1034 (i) Join with one or more other public corporations for  
 1035 the purpose of carrying out any of its powers and, for that  
 1036 purpose, to contract with such other public corporation or  
 1037 corporations for the purpose of financing such acquisitions,  
 1038 construction, and operations. Such contracts may provide for  
 1039 contributions to be made by each party thereto, for the division  
 1040 and apportionment of the expenses of such acquisitions and  
 1041 operations and for the division and apportionment of the  
 1042 benefits, services, and products therefrom. Such contract may  
 1043 contain such other and further covenants and agreements as may  
 1044 be necessary and convenient to accomplish the purposes hereof.

1045       (3) A regional water supply authority is authorized to  
 1046 develop, construct, operate, maintain, or contract for  
 1047 alternative sources of potable water, including desalinated  
 1048 water, and pipelines to interconnect authority sources and  
 1049 facilities, either by itself or jointly with a water management  
 1050 district; however, such alternative potable water sources,  
 1051 facilities, and pipelines may also be privately developed,  
 1052 constructed, owned, operated, and maintained, in which event an  
 1053 authority and a water management district are authorized to  
 1054 pledge and contribute their funds to reduce the wholesale cost  
 1055 of water from such alternative sources of potable water supplied  
 1056 by an authority to its member governments.

1057       (4) When it is found to be in the public interest, for the  
 1058 public convenience and welfare, for a public benefit, and  
 1059 necessary for carrying out the purpose of any regional water  
 1060 supply authority, any state agency, county, water control  
 1061 district existing pursuant to chapter 298, water management  
 1062 district existing pursuant to this chapter, municipality,  
 1063 governmental agency, or public corporation in this state holding  
 1064 title to any interest in land is hereby authorized, in its  
 1065 discretion, to convey the title to or dedicate land, title to  
 1066 which is in such entity, including tax-reverted land, or to  
 1067 grant use-rights therein, to any regional water supply authority  
 1068 created pursuant to this section. Land granted or conveyed to  
 1069 such authority shall be for the public purposes of such  
 1070 authority and may be made subject to the condition that in the  
 1071 event said land is not so used, or if used and subsequently its



1072 use for said purpose is abandoned, the interest granted shall  
 1073 cease as to such authority and shall automatically revert to the  
 1074 granting entity.

1075 (5) Each county, municipality, or special district which  
 1076 is a party to an agreement pursuant to subsection (1) shall have  
 1077 a preferential right to purchase water from the regional water  
 1078 supply authority for use by such county, municipality, or  
 1079 special district.

1080 (6) In carrying out the provisions of this section, any  
 1081 county wherein water is withdrawn by the authority shall not be  
 1082 deprived, directly or indirectly, of the prior right to the  
 1083 reasonable and beneficial use of water which is required  
 1084 adequately to supply the reasonable and beneficial needs of the  
 1085 county or any of the inhabitants or property owners therein.

1086 (7) Upon a resolution adopted by the governing body of any  
 1087 county or municipality, the authority may, subject to a majority  
 1088 vote of its voting members, include such county or municipality  
 1089 in its regional water supply authority upon such terms and  
 1090 conditions as may be prescribed.

1091 (8) The authority shall design, construct, operate, and  
 1092 maintain facilities in the locations and at the times necessary  
 1093 to ensure that an adequate water supply will be available to all  
 1094 citizens within the authority.

1095 (9) Where a water supply authority exists pursuant to this  
 1096 section or s. 373.719 under a voluntary interlocal agreement  
 1097 that is consistent with requirements in s. 373.719(1)(b) and  
 1098 receives or maintains consumptive use permits under this

1099 voluntary agreement consistent with the water supply plan, if  
 1100 any, adopted by the governing board, such authority shall be  
 1101 exempt from consideration by the governing board or department  
 1102 of the factors specified in s. 373.223(3)(a)-(g) and the  
 1103 submissions required by s. 373.229(3). Such exemptions shall  
 1104 apply only to water sources within the jurisdictional areas of  
 1105 such voluntary water supply interlocal agreements.

1106 Section 10. Section 373.719, Florida Statutes, is created  
 1107 to read:

1108 373.719 Assistance to Tampa Bay Water.--

1109 (1) It is the intent of the Legislature to authorize the  
 1110 implementation of changes in governance recommended by the West  
 1111 Coast Regional Water Supply Authority, the predecessor to Tampa  
 1112 Bay Water, in its reports to the Legislature dated February 1,  
 1113 1997, and January 5, 1998. The authority and its member  
 1114 governments may reconstitute the authority's governance and  
 1115 rename the authority under a voluntary interlocal agreement with  
 1116 a term of not less than 20 years. The interlocal agreement must  
 1117 comply with this subsection as follows:

1118 (a) The authority and its member governments agree that  
 1119 cooperative efforts are mandatory to meet their water needs in a  
 1120 manner that will provide adequate and dependable supplies of  
 1121 water where needed without resulting in adverse environmental  
 1122 effects upon the areas from which the water is withdrawn or  
 1123 otherwise produced.

1124 (b) In accordance with s. 4, Art. VIII of the State  
 1125 Constitution and notwithstanding s. 163.01, the interlocal

1126 agreement may include the following terms, which are considered  
 1127 approved by the parties without a vote of their electors, upon  
 1128 execution of the interlocal agreement by all member governments  
 1129 and upon satisfaction of all conditions precedent in the  
 1130 interlocal agreement:

1131 1. All member governments shall relinquish to the  
 1132 authority their individual rights to develop potable water  
 1133 supply sources, except as otherwise provided in the interlocal  
 1134 agreement.

1135 2. The authority shall be the sole and exclusive wholesale  
 1136 potable water supplier for all member governments.

1137 3. The authority shall have the absolute and unequivocal  
 1138 obligation to meet the wholesale needs of the member governments  
 1139 for potable water.

1140 4. A member government may not restrict or prohibit the  
 1141 use of land within a member's jurisdictional boundaries by the  
 1142 authority for water supply purposes through use of zoning, land  
 1143 use, comprehensive planning, or other form of regulation.

1144 5. A member government may not impose any tax, fee, or  
 1145 charge upon the authority in conjunction with the production or  
 1146 supply of water not otherwise provided for in the interlocal  
 1147 agreement.

1148 6. The authority may use the powers provided in part II of  
 1149 chapter 159 for financing and refinancing water treatment,  
 1150 production, or transmission facilities, including, but not  
 1151 limited to, desalination facilities. All such water treatment,  
 1152 production, or transmission facilities are considered a

1153 "manufacturing plant" for purposes of s. 159.27(5) and serve a  
 1154 paramount public purpose by providing water to citizens of the  
 1155 state.

1156 7. A member government and any governmental or quasi-  
 1157 judicial board or commission established by local ordinance or  
 1158 general or special law where the governing membership of such  
 1159 board or commission is shared, in whole or in part, or appointed  
 1160 by a member government agreeing to be bound by the interlocal  
 1161 agreement shall be limited to the procedures set forth therein  
 1162 regarding actions that directly or indirectly restrict or  
 1163 prohibit the use of lands or other activities related to the  
 1164 production or supply of water.

1165 (c) The authority shall acquire full or lesser interests  
 1166 in all regionally significant member government wholesale water  
 1167 supply facilities and tangible assets and each member government  
 1168 shall convey such interests in the facilities and assets to the  
 1169 authority, at an agreed value.

1170 (d) The authority shall charge a uniform per gallon  
 1171 wholesale rate to member governments for the wholesale supply of  
 1172 potable water. All capital, operation, maintenance, and  
 1173 administrative costs for existing facilities and acquired  
 1174 facilities, authority master water plan facilities, and other  
 1175 future projects must be allocated to member governments based on  
 1176 water usage at the uniform per gallon wholesale rate.

1177 (e) The interlocal agreement may include procedures for  
 1178 resolving the parties' differences regarding water management  
 1179 district proposed agency action in the water use permitting

1180 process within the authority. Such procedures should minimize  
 1181 the potential for litigation and include alternative dispute  
 1182 resolution. Any governmental or quasi-judicial board or  
 1183 commission established by local ordinance or general or special  
 1184 law where the governing members of such board or commission is  
 1185 shared, in whole or in part, or appointed by a member government  
 1186 may agree to be bound by the dispute resolution procedures set  
 1187 forth in the interlocal agreement.

1188 (f) Upon execution of the voluntary interlocal agreement  
 1189 provided for herein, the authority shall jointly develop with  
 1190 the Southwest Florida Water Management District alternative  
 1191 sources of potable water and transmission pipelines to  
 1192 interconnect regionally significant water supply sources and  
 1193 facilities of the authority in amounts sufficient to meet the  
 1194 needs of all member governments for a period of at least 20  
 1195 years and for natural systems. Nothing herein, however, shall  
 1196 preclude the authority and its member governments from  
 1197 developing traditional water sources pursuant to the voluntary  
 1198 interlocal agreement. Development and construction costs for  
 1199 alternative source facilities, which may include a desalination  
 1200 facility and significant regional interconnects, must be borne  
 1201 as mutually agreed to by both the authority and the Southwest  
 1202 Florida Water Management District. Nothing herein shall preclude  
 1203 authority or district cost sharing with private entities for the  
 1204 construction or ownership of alternative source facilities. By  
 1205 December 31, 1997, the authority and the Southwest Florida Water  
 1206 Management District shall:

1207 1. Enter into a mutually acceptable agreement detailing  
 1208 the development and implementation of directives contained in  
 1209 this paragraph; or

1210 2. Jointly prepare and submit to the President of the  
 1211 Senate and the Speaker of the House of Representatives a report  
 1212 describing the progress made and impediments encountered in  
 1213 their attempts to implement the water resource development and  
 1214 water supply development directives contained in this paragraph.  
 1215 Nothing in this section shall be construed to modify the rights  
 1216 or responsibilities of the authority or its member governments,  
 1217 except as otherwise provided herein, or of the Southwest Florida  
 1218 Water Management District or the department pursuant to this  
 1219 chapter or chapter 403 and as otherwise set forth by statutes.

1220 (g) Unless otherwise provided in the interlocal agreement,  
 1221 the authority shall be governed by a board of commissioners  
 1222 consisting of nine voting members, all of whom must be elected  
 1223 officers, as follows:

1224 1. Three members from Hillsborough County who must be  
 1225 selected by the county commission; provided, however, that one  
 1226 member shall be selected by the Mayor of Tampa in the event that  
 1227 the City of Tampa elects to be a member of the authority.

1228 2. Three members from Pasco County, two of whom must be  
 1229 selected by the county commission and one of whom must be  
 1230 selected by the City Council of New Port Richey.

1231 3. Three members from Pinellas County, two of whom must be  
 1232 selected by the county commission and one of whom must be  
 1233 selected by the City Council of St. Petersburg.

1234  
1235 Except as otherwise provided in this section or in the voluntary  
1236 interlocal agreement between the member governments, a majority  
1237 vote shall bind the authority and its member governments in all  
1238 matters relating to the funding of wholesale water supply,  
1239 production, delivery, and related activities.

1240 (2) The provisions of this section supersede any  
1241 conflicting provisions contained in all other general or special  
1242 laws or provisions thereof as they may apply directly or  
1243 indirectly to the exclusivity of water supply or withdrawal of  
1244 water, including provisions relating to the environmental  
1245 effects, if any, in conjunction with the production and supply  
1246 of potable water, and the provisions of this section are  
1247 intended to be a complete revision of all laws related to a  
1248 regional water supply authority created under s. 373.717 and  
1249 this section.

1250 (3) The authority shall prepare its annual budget in the  
1251 same manner as prescribed for the preparation of basin budgets,  
1252 but such authority budget shall not be subject to review by the  
1253 respective basin boards or by the governing board of the  
1254 district.

1255 (4) The annual millage for the authority shall be the  
1256 amount required to raise the amount called for by the annual  
1257 budget when applied to the total assessment on all taxable  
1258 property within the limits of the authority, as determined for  
1259 county taxing purposes.

1260           (5) The authority may, by resolution, request the  
 1261 governing board of the district to levy ad valorem taxes within  
 1262 the boundaries of the authority. Upon receipt of such request,  
 1263 together with formal certification of the adoption of its annual  
 1264 budget and of the required tax levy, the authority tax levy  
 1265 shall be made by the governing board of the district to finance  
 1266 authority functions.

1267           (6) The taxes provided for in this section shall be  
 1268 extended by the property appraiser on the county tax roll in  
 1269 each county within, or partly within, the authority boundaries  
 1270 and shall be collected by the tax collector in the same manner  
 1271 and time as county taxes, and the proceeds therefrom paid to the  
 1272 district, which shall forthwith pay them over to the authority.  
 1273 Until paid, such taxes shall be a lien on the property against  
 1274 which assessed and enforceable in like manner as county taxes.  
 1275 The property appraisers, tax collectors, and clerks of the  
 1276 circuit court of the respective counties shall be entitled to  
 1277 compensation for services performed in connection with such  
 1278 taxes at the same rates as apply to county taxes.

1279           (7) The governing board of the district shall not be  
 1280 responsible for any actions or lack of actions by the authority.

1281           (8) A regional water supply authority created pursuant to  
 1282 this section may not transfer water from within the boundaries  
 1283 of a non-member local government without prior consent of the  
 1284 non-member local government.

1285           Section 11. Subsection (12) of section 120.52, Florida  
 1286 Statutes, is amended to read:



1287 120.52 Definitions.--As used in this act:  
 1288 (12) "Party" means:  
 1289 (a) Specifically named persons whose substantial interests  
 1290 are being determined in the proceeding.  
 1291 (b) Any other person who, as a matter of constitutional  
 1292 right, provision of statute, or provision of agency regulation,  
 1293 is entitled to participate in whole or in part in the  
 1294 proceeding, or whose substantial interests will be affected by  
 1295 proposed agency action, and who makes an appearance as a party.  
 1296 (c) Any other person, including an agency staff member,  
 1297 allowed by the agency to intervene or participate in the  
 1298 proceeding as a party. An agency may by rule authorize limited  
 1299 forms of participation in agency proceedings for persons who are  
 1300 not eligible to become parties.  
 1301 (d) Any county representative, agency, department, or unit  
 1302 funded and authorized by state statute or county ordinance to  
 1303 represent the interests of the consumers of a county, when the  
 1304 proceeding involves the substantial interests of a significant  
 1305 number of residents of the county and the board of county  
 1306 commissioners has, by resolution, authorized the representative,  
 1307 agency, department, or unit to represent the class of interested  
 1308 persons. The authorizing resolution shall apply to a specific  
 1309 proceeding and to appeals and ancillary proceedings thereto, and  
 1310 it shall not be required to state the names of the persons whose  
 1311 interests are to be represented.  
 1312

1313 The term "party" does not include a member government of a  
 1314 regional water supply authority or a governmental or quasi-  
 1315 judicial board or commission established by local ordinance or  
 1316 special or general law where the governing membership of such  
 1317 board or commission is shared with, in whole or in part, or  
 1318 appointed by a member government of a regional water supply  
 1319 authority in proceedings under s. 120.569, s. 120.57, or s.  
 1320 120.68, to the extent that an interlocal agreement under ss.  
 1321 163.01 and 373.717 ~~373.1962~~ exists in which the member  
 1322 government has agreed that its substantial interests are not  
 1323 affected by the proceedings or that it is to be bound by  
 1324 alternative dispute resolution in lieu of participating in the  
 1325 proceedings. This exclusion applies only to those particular  
 1326 types of disputes or controversies, if any, identified in an  
 1327 interlocal agreement.

1328 Section 12. Subsection (13) of section 163.3167, Florida  
 1329 Statutes, is amended to read:

1330 163.3167 Scope of act.--

1331 (13) Each local government shall address in its  
 1332 comprehensive plan, as enumerated in this chapter, the water  
 1333 supply sources necessary to meet and achieve the existing and  
 1334 projected water use demand for the established planning period,  
 1335 considering the applicable plan developed pursuant to s. 373.713  
 1336 ~~373.0361~~.

1337 Section 13. Paragraph (a) of subsection (4) and paragraphs  
 1338 (c), (d), and (h) of subsection (6) of section 163.3177, Florida  
 1339 Statutes, are amended to read:

1340           163.3177 Required and optional elements of comprehensive  
1341 plan; studies and surveys.--

1342           (4)(a) Coordination of the local comprehensive plan with  
1343 the comprehensive plans of adjacent municipalities, the county,  
1344 adjacent counties, or the region; with the appropriate water  
1345 management district's regional water supply plans approved  
1346 pursuant to s. 373.713 ~~373.0361~~; with adopted rules pertaining  
1347 to designated areas of critical state concern; and with the  
1348 state comprehensive plan shall be a major objective of the local  
1349 comprehensive planning process. To that end, in the preparation  
1350 of a comprehensive plan or element thereof, and in the  
1351 comprehensive plan or element as adopted, the governing body  
1352 shall include a specific policy statement indicating the  
1353 relationship of the proposed development of the area to the  
1354 comprehensive plans of adjacent municipalities, the county,  
1355 adjacent counties, or the region and to the state comprehensive  
1356 plan, as the case may require and as such adopted plans or plans  
1357 in preparation may exist.

1358           (6) In addition to the requirements of subsections (1)-  
1359 (5), the comprehensive plan shall include the following  
1360 elements:

1361           (c) A general sanitary sewer, solid waste, drainage,  
1362 potable water, and natural groundwater aquifer recharge element  
1363 correlated to principles and guidelines for future land use,  
1364 indicating ways to provide for future potable water, drainage,  
1365 sanitary sewer, solid waste, and aquifer recharge protection  
1366 requirements for the area. The element may be a detailed

1367 engineering plan including a topographic map depicting areas of  
 1368 prime groundwater recharge. The element shall describe the  
 1369 problems and needs and the general facilities that will be  
 1370 required for solution of the problems and needs. The element  
 1371 shall also include a topographic map depicting any areas adopted  
 1372 by a regional water management district as prime groundwater  
 1373 recharge areas for the Floridan or Biscayne aquifers, pursuant  
 1374 to s. 373.0395. These areas shall be given special consideration  
 1375 when the local government is engaged in zoning or considering  
 1376 future land use for said designated areas. For areas served by  
 1377 septic tanks, soil surveys shall be provided which indicate the  
 1378 suitability of soils for septic tanks. By December 1, 2006, the  
 1379 element must consider the appropriate water management  
 1380 district's regional water supply plan approved pursuant to s.  
 1381 373.713 ~~373.0361~~. The element must include a work plan, covering  
 1382 at least a 10-year planning period, for building water supply  
 1383 facilities that are identified in the element as necessary to  
 1384 serve existing and new development and for which the local  
 1385 government is responsible. The work plan shall be updated, at a  
 1386 minimum, every 5 years within 12 months after the governing  
 1387 board of a water management district approves an updated  
 1388 regional water supply plan. Amendments to incorporate the work  
 1389 plan do not count toward the limitation on the frequency of  
 1390 adoption of amendments to the comprehensive plan.

1391 (d) A conservation element for the conservation, use, and  
 1392 protection of natural resources in the area, including air,  
 1393 water, water recharge areas, wetlands, waterwells, estuarine

1394 marshes, soils, beaches, shores, flood plains, rivers, bays,  
 1395 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
 1396 minerals, and other natural and environmental resources. Local  
 1397 governments shall assess their current, as well as projected,  
 1398 water needs and sources for at least a 10-year period,  
 1399 considering the appropriate regional water supply plan approved  
 1400 pursuant to s. 373.713 ~~373.0361~~, or, in the absence of an  
 1401 approved regional water supply plan, the district water  
 1402 management plan approved pursuant to s. 373.707 ~~373.036(2)~~. This  
 1403 information shall be submitted to the appropriate agencies. The  
 1404 land use map or map series contained in the future land use  
 1405 element shall generally identify and depict the following:

- 1406 1. Existing and planned waterwells and cones of influence
- 1407 where applicable.
- 1408 2. Beaches and shores, including estuarine systems.
- 1409 3. Rivers, bays, lakes, flood plains, and harbors.
- 1410 4. Wetlands.
- 1411 5. Minerals and soils.

1412  
 1413 The land uses identified on such maps shall be consistent with  
 1414 applicable state law and rules.

1415 (h)1. An intergovernmental coordination element showing  
 1416 relationships and stating principles and guidelines to be used  
 1417 in the accomplishment of coordination of the adopted  
 1418 comprehensive plan with the plans of school boards and other  
 1419 units of local government providing services but not having  
 1420 regulatory authority over the use of land, with the

1421 comprehensive plans of adjacent municipalities, the county,  
 1422 adjacent counties, or the region, with the state comprehensive  
 1423 plan and with the applicable regional water supply plan approved  
 1424 pursuant to s. 373.713 ~~373.0361~~, as the case may require and as  
 1425 such adopted plans or plans in preparation may exist. This  
 1426 element of the local comprehensive plan shall demonstrate  
 1427 consideration of the particular effects of the local plan, when  
 1428 adopted, upon the development of adjacent municipalities, the  
 1429 county, adjacent counties, or the region, or upon the state  
 1430 comprehensive plan, as the case may require.

1431 a. The intergovernmental coordination element shall  
 1432 provide for procedures to identify and implement joint planning  
 1433 areas, especially for the purpose of annexation, municipal  
 1434 incorporation, and joint infrastructure service areas.

1435 b. The intergovernmental coordination element shall  
 1436 provide for recognition of campus master plans prepared pursuant  
 1437 to s. 1013.30.

1438 c. The intergovernmental coordination element may provide  
 1439 for a voluntary dispute resolution process as established  
 1440 pursuant to s. 186.509 for bringing to closure in a timely  
 1441 manner intergovernmental disputes. A local government may  
 1442 develop and use an alternative local dispute resolution process  
 1443 for this purpose.

1444 2. The intergovernmental coordination element shall  
 1445 further state principles and guidelines to be used in the  
 1446 accomplishment of coordination of the adopted comprehensive plan  
 1447 with the plans of school boards and other units of local

1448 government providing facilities and services but not having  
 1449 regulatory authority over the use of land. In addition, the  
 1450 intergovernmental coordination element shall describe joint  
 1451 processes for collaborative planning and decisionmaking on  
 1452 population projections and public school siting, the location  
 1453 and extension of public facilities subject to concurrency, and  
 1454 siting facilities with countywide significance, including  
 1455 locally unwanted land uses whose nature and identity are  
 1456 established in an agreement. Within 1 year of adopting their  
 1457 intergovernmental coordination elements, each county, all the  
 1458 municipalities within that county, the district school board,  
 1459 and any unit of local government service providers in that  
 1460 county shall establish by interlocal or other formal agreement  
 1461 executed by all affected entities, the joint processes described  
 1462 in this subparagraph consistent with their adopted  
 1463 intergovernmental coordination elements.

1464 3. To foster coordination between special districts and  
 1465 local general-purpose governments as local general-purpose  
 1466 governments implement local comprehensive plans, each  
 1467 independent special district must submit a public facilities  
 1468 report to the appropriate local government as required by s.  
 1469 189.415.

1470 4.a. Local governments adopting a public educational  
 1471 facilities element pursuant to s. 163.31776 must execute an  
 1472 interlocal agreement with the district school board, the county,  
 1473 and nonexempt municipalities, as defined by s. 163.31776(1),  
 1474 which includes the items listed in s. 163.31777(2). The local

1475 government shall amend the intergovernmental coordination  
 1476 element to provide that coordination between the local  
 1477 government and school board is pursuant to the agreement and  
 1478 shall state the obligations of the local government under the  
 1479 agreement.

1480 b. Plan amendments that comply with this subparagraph are  
 1481 exempt from the provisions of s. 163.3187(1).

1482 5. The state land planning agency shall establish a  
 1483 schedule for phased completion and transmittal of plan  
 1484 amendments to implement subparagraphs 1., 2., and 3. from all  
 1485 jurisdictions so as to accomplish their adoption by December 31,  
 1486 1999. A local government may complete and transmit its plan  
 1487 amendments to carry out these provisions prior to the scheduled  
 1488 date established by the state land planning agency. The plan  
 1489 amendments are exempt from the provisions of s. 163.3187(1).

1490 6. By January 1, 2004, any county having a population  
 1491 greater than 100,000, and the municipalities and special  
 1492 districts within that county, shall submit a report to the  
 1493 Department of Community Affairs which:

1494 a. Identifies all existing or proposed interlocal service-  
 1495 delivery agreements regarding the following: education; sanitary  
 1496 sewer; public safety; solid waste; drainage; potable water;  
 1497 parks and recreation; and transportation facilities.

1498 b. Identifies any deficits or duplication in the provision  
 1499 of services within its jurisdiction, whether capital or  
 1500 operational. Upon request, the Department of Community Affairs



1501 shall provide technical assistance to the local governments in  
 1502 identifying deficits or duplication.

1503 7. Within 6 months after submission of the report, the  
 1504 Department of Community Affairs shall, through the appropriate  
 1505 regional planning council, coordinate a meeting of all local  
 1506 governments within the regional planning area to discuss the  
 1507 reports and potential strategies to remedy any identified  
 1508 deficiencies or duplications.

1509 8. Each local government shall update its  
 1510 intergovernmental coordination element based upon the findings  
 1511 in the report submitted pursuant to subparagraph 6. The report  
 1512 may be used as supporting data and analysis for the  
 1513 intergovernmental coordination element.

1514 9. By February 1, 2003, representatives of municipalities,  
 1515 counties, and special districts shall provide to the Legislature  
 1516 recommended statutory changes for annexation, including any  
 1517 changes that address the delivery of local government services  
 1518 in areas planned for annexation.

1519 Section 14. Paragraph (1) of subsection (2) of section  
 1520 163.3191, Florida Statutes, is amended to read:

1521 163.3191 Evaluation and appraisal of comprehensive plan.--

1522 (2) The report shall present an evaluation and assessment  
 1523 of the comprehensive plan and shall contain appropriate  
 1524 statements to update the comprehensive plan, including, but not  
 1525 limited to, words, maps, illustrations, or other media, related  
 1526 to:

1527 (1) The evaluation must consider the appropriate water  
 1528 management district's regional water supply plan approved  
 1529 pursuant to s. 373.713 ~~373.0361~~. The potable water element must  
 1530 be revised to include a work plan, covering at least a 10-year  
 1531 planning period, for building any water supply facilities that  
 1532 are identified in the element as necessary to serve existing and  
 1533 new development and for which the local government is  
 1534 responsible.

1535 Section 15. Paragraph (n) of subsection (2) of section  
 1536 186.009, Florida Statutes, is amended to read:

1537 186.009 Growth management portion of the state  
 1538 comprehensive plan.--

1539 (2) The growth management portion of the state  
 1540 comprehensive plan shall:

1541 (n) Set forth recommendations on how to integrate the  
 1542 Florida water plan required by s. 373.707 ~~373.036~~ and  
 1543 transportation plans required by chapter 339.

1544  
 1545 The growth management portion of the state comprehensive plan  
 1546 shall not include a land use map.

1547 Section 16. Paragraphs (c) and (d) of subsection (4) of  
 1548 section 189.404, Florida Statutes, are amended to read:

1549 189.404 Legislative intent for the creation of independent  
 1550 special districts; special act prohibitions; model elements and  
 1551 other requirements; general-purpose local government/Governor  
 1552 and Cabinet creation authorizations.--

1553 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
 1554 AUTHORIZATIONS.--Except as otherwise authorized by general law,  
 1555 only the Legislature may create independent special districts.

1556 (c) The Governor and Cabinet may create an independent  
 1557 special district which shall be established by rule in  
 1558 accordance with s. 190.005 or as otherwise authorized in general  
 1559 law. The Governor and Cabinet may also approve the establishment  
 1560 of a charter for the creation of an independent special district  
 1561 which shall be in accordance with s. 373.717 ~~373.1962~~, or as  
 1562 otherwise authorized in general law.

1563 (d)1. Any combination of two or more counties may create a  
 1564 regional special district which shall be established in  
 1565 accordance with s. 950.001, or as otherwise authorized in  
 1566 general law.

1567 2. Any combination of two or more counties or  
 1568 municipalities may create a regional special district which  
 1569 shall be established in accordance with s. 373.717 ~~373.1962~~, or  
 1570 as otherwise authorized by general law.

1571 3. Any combination of two or more counties,  
 1572 municipalities, or other political subdivisions may create a  
 1573 regional special district in accordance with s. 163.567, or as  
 1574 otherwise authorized in general law.

1575 Section 17. Subsection (3) of section 189.4155, Florida  
 1576 Statutes, is amended to read:

1577 189.4155 Activities of special districts; local government  
 1578 comprehensive planning.--

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1579           (3) The provisions of this section shall not apply to  
 1580 water management districts created pursuant to s. 373.069, to  
 1581 regional water supply authorities created pursuant to s. 373.717  
 1582 ~~373.1962~~, or to spoil disposal sites owned or used by the  
 1583 Federal Government.

1584           Section 18. Section 189.4156, Florida Statutes, is amended  
 1585 to read:

1586           189.4156 Water management district technical assistance;  
 1587 local government comprehensive planning.--Water management  
 1588 districts shall assist local governments in the development of  
 1589 local government comprehensive plan elements related to water  
 1590 resource issues as required by s. 373.715 ~~373.0391~~.

1591           Section 19. Subsection (7) of section 367.021, Florida  
 1592 Statutes, is amended to read:

1593           367.021 Definitions.--As used in this chapter, the  
 1594 following words or terms shall have the meanings indicated:

1595           (7) "Governmental authority" means a political  
 1596 subdivision, as defined by s. 1.01(8), a regional water supply  
 1597 authority created pursuant to s. 373.717 ~~373.1962~~, or a  
 1598 nonprofit corporation formed for the purpose of acting on behalf  
 1599 of a political subdivision with respect to a water or wastewater  
 1600 facility.

1601           Section 20. Section 373.016, Florida Statutes, is amended  
 1602 to read:

1603           373.016 Declaration of policy.--

1604 (1) The waters in the state are among its basic resources.  
 1605 Such waters have not heretofore been conserved or fully  
 1606 controlled so as to realize their full beneficial use.

1607 (2) The department and the governing board shall take into  
 1608 account cumulative impacts on water resources and manage those  
 1609 resources in a manner to ensure their sustainability.

1610 (3) It is further declared to be the policy of the  
 1611 Legislature:

1612 (a) To provide for the management of water and related  
 1613 land resources;

1614 (b) To promote the conservation, replenishment, recapture,  
 1615 enhancement, development, and proper utilization of surface and  
 1616 ground water;

1617 (c) To develop and regulate dams, impoundments,  
 1618 reservoirs, and other works and to provide water storage for  
 1619 beneficial purposes;

1620 (d) To promote the availability of sufficient water for  
 1621 all existing and future reasonable-beneficial uses and natural  
 1622 systems;

1623 (e) To prevent damage from floods, soil erosion, and  
 1624 excessive drainage;

1625 (f) To minimize degradation of water resources caused by  
 1626 the discharge of stormwater;

1627 (g) To preserve natural resources, fish, and wildlife;

1628 (h) To promote the public policy set forth in s. 403.021;

1629 (i) To promote recreational development, protect public  
 1630 lands, and assist in maintaining the navigability of rivers and  
 1631 harbors; and

1632 (j) Otherwise to promote the health, safety, and general  
 1633 welfare of the people of this state.

1634  
 1635 In implementing this chapter, the department and the governing  
 1636 board shall construe and apply the policies in this subsection  
 1637 as a whole, and no specific policy is to be construed or applied  
 1638 in isolation from the other policies in this subsection.

1639 ~~(4)(a) Because water constitutes a public resource~~  
 1640 ~~benefiting the entire state, it is the policy of the Legislature~~  
 1641 ~~that the waters in the state be managed on a state and regional~~  
 1642 ~~basis. Consistent with this directive, the Legislature~~  
 1643 ~~recognizes the need to allocate water throughout the state so as~~  
 1644 ~~to meet all reasonable beneficial uses. However, the Legislature~~  
 1645 ~~acknowledges that such allocations have in the past adversely~~  
 1646 ~~affected the water resources of certain areas in this state. To~~  
 1647 ~~protect such water resources and to meet the current and future~~  
 1648 ~~needs of those areas with abundant water, the Legislature~~  
 1649 ~~directs the department and the water management districts to~~  
 1650 ~~encourage the use of water from sources nearest the area of use~~  
 1651 ~~or application whenever practicable. Such sources shall include~~  
 1652 ~~all naturally occurring water sources and all alternative water~~  
 1653 ~~sources, including, but not limited to, desalination,~~  
 1654 ~~conservation, reuse of nonpotable reclaimed water and~~  
 1655 ~~stormwater, and aquifer storage and recovery. Reuse of potable~~

1656 ~~reclaimed water and stormwater shall not be subject to the~~  
1657 ~~evaluation described in s. 373.223(3)(a)-(g). However, this~~  
1658 ~~directive to encourage the use of water, whenever practicable,~~  
1659 ~~from sources nearest the area of use or application shall not~~  
1660 ~~apply to the transport and direct and indirect use of water~~  
1661 ~~within the area encompassed by the Central and Southern Florida~~  
1662 ~~Flood Control Project, nor shall it apply anywhere in the state~~  
1663 ~~to the transport and use of water supplied exclusively for~~  
1664 ~~bottled water as defined in s. 500.03(1)(d), nor shall it apply~~  
1665 ~~to the transport and use of reclaimed water for electrical power~~  
1666 ~~production by an electric utility as defined in section~~  
1667 ~~366.02(2).~~

1668 ~~(b) In establishing the policy outlined in paragraph (a),~~  
1669 ~~the Legislature realizes that under certain circumstances the~~  
1670 ~~need to transport water from distant sources may be necessary~~  
1671 ~~for environmental, technical, or economic reasons.~~

1672 (4)(5) The Legislature recognizes that the water resource  
1673 problems of the state vary from region to region, both in  
1674 magnitude and complexity. It is therefore the intent of the  
1675 Legislature to vest in the Department of Environmental  
1676 Protection or its successor agency the power and responsibility  
1677 to accomplish the conservation, protection, management, and  
1678 control of the waters of the state and with sufficient  
1679 flexibility and discretion to accomplish these ends through  
1680 delegation of appropriate powers to the various water management  
1681 districts. The department may exercise any power herein  
1682 authorized to be exercised by a water management district;

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1683 | however, to the greatest extent practicable, such power should  
 1684 | be delegated to the governing board of a water management  
 1685 | district.

1686 |        (5)~~(6)~~ It is further declared the policy of the  
 1687 | Legislature that each water management district, to the extent  
 1688 | consistent with effective management practices, shall  
 1689 | approximate its fiscal and budget policies and procedures to  
 1690 | those of the state.

1691 |        Section 21. Section 373.019, Florida Statutes, is amended  
 1692 | to read:

1693 |        373.019 Definitions.--When appearing in this chapter or in  
 1694 | any rule, regulation, or order adopted pursuant thereto, the  
 1695 | following words shall, unless the context clearly indicates  
 1696 | otherwise, mean:

1697 |        (1) "Coastal waters" means waters of the Atlantic Ocean or  
 1698 | the Gulf of Mexico within the jurisdiction of the state.

1699 |        (2) "Department" means the Department of Environmental  
 1700 | Protection or its successor agency or agencies.

1701 |        (3) "District water management plan" means the regional  
 1702 | water resource plan developed by a governing board under s.  
 1703 | 373.036.

1704 |        (4) "Domestic use" means the use of water for the  
 1705 | individual personal household purposes of drinking, bathing,  
 1706 | cooking, or sanitation. All other uses shall not be considered  
 1707 | domestic.

1708 |        (5) "Florida water plan" means the state-level water  
 1709 | resource plan developed by the department under s. 373.036.



1710 (6) "Governing board" means the governing board of a water  
 1711 management district.

1712 (7) "Groundwater" means water beneath the surface of the  
 1713 ground, whether or not flowing through known and definite  
 1714 channels.

1715 (8) "Impoundment" means any lake, reservoir, pond, or  
 1716 other containment of surface water occupying a bed or depression  
 1717 in the earth's surface and having a discernible shoreline.

1718 (9) "Independent scientific peer review" means the review  
 1719 of scientific data, theories, and methodologies by a panel of  
 1720 independent, recognized experts in the fields of hydrology,  
 1721 hydrogeology, limnology, and other scientific disciplines  
 1722 relevant to the matters being reviewed under s. 373.042.

1723 (10) "Nonregulated use" means any use of water which is  
 1724 exempted from regulation by the provisions of this chapter.

1725 (11) "Other watercourse" means any canal, ditch, or other  
 1726 artificial watercourse in which water usually flows in a defined  
 1727 bed or channel. It is not essential that the flowing be uniform  
 1728 or uninterrupted.

1729 (12) "Person" means any and all persons, natural or  
 1730 artificial, including any individual, firm, association,  
 1731 organization, partnership, business trust, corporation, company,  
 1732 the United States of America, and the state and all political  
 1733 subdivisions, regions, districts, municipalities, and public  
 1734 agencies thereof. The enumeration herein is not intended to be  
 1735 exclusive or exhaustive.

1736 (13) "Reasonable-beneficial use" means the use of water in  
 1737 such quantity as is necessary for economic and efficient  
 1738 utilization for a purpose and in a manner which is both  
 1739 reasonable and consistent with the public interest.

1740 ~~(14) "Regional water supply plan" means a detailed water~~  
 1741 ~~supply plan developed by a governing board under s. 373.0361.~~

1742 (14)~~(15)~~ "Stream" means any river, creek, slough, or  
 1743 natural watercourse in which water usually flows in a defined  
 1744 bed or channel. It is not essential that the flowing be uniform  
 1745 or uninterrupted. The fact that some part of the bed or channel  
 1746 has been dredged or improved does not prevent the watercourse  
 1747 from being a stream.

1748 (15)~~(16)~~ "Surface water" means water upon the surface of  
 1749 the earth, whether contained in bounds created naturally or  
 1750 artificially or diffused. Water from natural springs shall be  
 1751 classified as surface water when it exits from the spring onto  
 1752 the earth's surface.

1753 (16)~~(17)~~ "Water" or "waters in the state" means any and  
 1754 all water on or beneath the surface of the ground or in the  
 1755 atmosphere, including natural or artificial watercourses, lakes,  
 1756 ponds, or diffused surface water and water percolating,  
 1757 standing, or flowing beneath the surface of the ground, as well  
 1758 as all coastal waters within the jurisdiction of the state.

1759 (17)~~(18)~~ "Water management district" means any flood  
 1760 control, resource management, or water management district  
 1761 operating under the authority of this chapter.

1762           ~~(19) "Water resource development" means the formulation~~  
 1763 ~~and implementation of regional water resource management~~  
 1764 ~~strategies, including the collection and evaluation of surface~~  
 1765 ~~water and groundwater data; structural and nonstructural~~  
 1766 ~~programs to protect and manage water resources; the development~~  
 1767 ~~of regional water resource implementation programs; the~~  
 1768 ~~construction, operation, and maintenance of major public works~~  
 1769 ~~facilities to provide for flood control, surface and underground~~  
 1770 ~~water storage, and groundwater recharge augmentation; and~~  
 1771 ~~related technical assistance to local governments and to~~  
 1772 ~~government-owned and privately owned water utilities.~~

1773           (18)~~(20)~~ "Water resource implementation rule" means the  
 1774 rule authorized by s. 373.707 ~~373.036~~, which sets forth goals,  
 1775 objectives, and guidance for the development and review of  
 1776 programs, rules, and plans relating to water resources, based on  
 1777 statutory policies and directives. The waters of the state are  
 1778 among its most basic resources. Such waters should be managed to  
 1779 conserve and protect water resources and to realize the full  
 1780 beneficial use of these resources.

1781           ~~(21) "Water supply development" means the planning,~~  
 1782 ~~design, construction, operation, and maintenance of public or~~  
 1783 ~~private facilities for water collection, production, treatment,~~  
 1784 ~~transmission, or distribution for sale, resale, or end use.~~

1785           (19)~~(22)~~ For the sole purpose of serving as the basis for  
 1786 the unified statewide methodology adopted pursuant to s.  
 1787 373.421(1), as amended, "wetlands" means those areas that are  
 1788 inundated or saturated by surface water or groundwater at a

1789 frequency and a duration sufficient to support, and under normal  
 1790 circumstances do support, a prevalence of vegetation typically  
 1791 adapted for life in saturated soils. Soils present in wetlands  
 1792 generally are classified as hydric or alluvial, or possess  
 1793 characteristics that are associated with reducing soil  
 1794 conditions. The prevalent vegetation in wetlands generally  
 1795 consists of facultative or obligate hydrophytic macrophytes that  
 1796 are typically adapted to areas having soil conditions described  
 1797 above. These species, due to morphological, physiological, or  
 1798 reproductive adaptations, have the ability to grow, reproduce,  
 1799 or persist in aquatic environments or anaerobic soil conditions.  
 1800 Florida wetlands generally include swamps, marshes, bayheads,  
 1801 bogs, cypress domes and strands, sloughs, wet prairies, riverine  
 1802 swamps and marshes, hydric seepage slopes, tidal marshes,  
 1803 mangrove swamps and other similar areas. Florida wetlands  
 1804 generally do not include longleaf or slash pine flatwoods with  
 1805 an understory dominated by saw palmetto. Upon legislative  
 1806 ratification of the methodology adopted pursuant to s.  
 1807 373.421(1), as amended, the limitation contained herein  
 1808 regarding the purpose of this definition shall cease to be  
 1809 effective.

1810 (20)~~(23)~~ "Works of the district" means those projects and  
 1811 works, including, but not limited to, structures, impoundments,  
 1812 wells, streams, and other watercourses, together with the  
 1813 appurtenant facilities and accompanying lands, which have been  
 1814 officially adopted by the governing board of the district as  
 1815 works of the district.

1816 Section 22. Section 373.036, Florida Statutes, is amended  
 1817 to read:

1818 373.036 Florida water plan; district water management  
 1819 plans.--

1820 (1) FLORIDA WATER PLAN.--In cooperation with the water  
 1821 management districts, regional water supply authorities, and  
 1822 others, the department shall develop the Florida water plan. The  
 1823 Florida water plan shall include, but not be limited to:

1824 (a) The programs and activities of the department related  
 1825 to water supply, water quality, flood protection and floodplain  
 1826 management, and natural systems.

1827 (b) The Florida water supply plan.

1828 ~~(c)~~~~(b)~~ The water quality standards of the department.

1829 ~~(d)~~~~(e)~~ The district water management plans.

1830 (e)~~(d)~~ Goals, objectives, and guidance for the development  
 1831 and review of programs, rules, and plans relating to water  
 1832 resources, based on statutory policies and directives. The state  
 1833 water policy rule, renamed the water resource implementation  
 1834 rule pursuant to s. 373.019~~(18)~~~~(20)~~, shall serve as this part of  
 1835 the plan. Amendments or additions to this part of the Florida  
 1836 water plan shall be adopted by the department as part of the  
 1837 water resource implementation rule. In accordance with s.  
 1838 373.114, the department shall review rules of the water  
 1839 management districts for consistency with this rule. Amendments  
 1840 to the water resource implementation rule must be adopted by the  
 1841 secretary of the department and be submitted to the President of  
 1842 the Senate and the Speaker of the House of Representatives

1843 within 7 days after publication in the Florida Administrative  
 1844 Weekly. Amendments shall not become effective until the  
 1845 conclusion of the next regular session of the Legislature  
 1846 following their adoption.

1847 (2) DISTRICT WATER MANAGEMENT PLANS.--

1848 (a) Each governing board shall develop a district water  
 1849 management plan for water resources within its region, which  
 1850 plan addresses water supply, water quality, flood protection and  
 1851 floodplain management, and natural systems. The district water  
 1852 management plan shall be based on at least a 20-year planning  
 1853 period, shall be developed and revised in cooperation with other  
 1854 agencies, regional water supply authorities, units of  
 1855 government, and interested parties, and shall be updated at  
 1856 least once every 5 years. The governing board shall hold a  
 1857 public hearing at least 30 days in advance of completing the  
 1858 development or revision of the district water management plan.

1859 (b) The district water management plan shall include, but  
 1860 not be limited to:

1861 1. The district water supply plan.

1862 ~~2.1.~~ The scientific methodologies for establishing minimum  
 1863 flows and levels under s. 373.042, and all established minimum  
 1864 flows and levels.

1865 ~~2. Identification of one or more water supply planning~~  
 1866 ~~regions that singly or together encompass the entire district.~~

1867 ~~3. Technical data and information prepared under ss.~~  
 1868 ~~373.0391 and 373.0395.~~

1869           4. ~~A districtwide water supply assessment, to be completed~~  
 1870 ~~no later than July 1, 1998, which determines for each water~~  
 1871 ~~supply planning region:~~

1872           a. ~~Existing legal uses, reasonably anticipated future~~  
 1873 ~~needs, and existing and reasonably anticipated sources of water~~  
 1874 ~~and conservation efforts; and~~

1875           b. ~~Whether existing and reasonably anticipated sources of~~  
 1876 ~~water and conservation efforts are adequate to supply water for~~  
 1877 ~~all existing legal uses and reasonably anticipated future needs~~  
 1878 ~~and to sustain the water resources and related natural systems.~~

1879           5. ~~Any completed regional water supply plans.~~

1880           (c) If necessary for implementation, the governing board  
 1881 shall adopt by rule or order relevant portions of the district  
 1882 water management plan, to the extent of its statutory authority.

1883           (d) In the formulation of the district water management  
 1884 plan, the governing board shall give due consideration to:

1885           1. ~~The attainment of maximum reasonable beneficial use of~~  
 1886 ~~water resources.~~

1887           2. ~~The maximum economic development of the water resources~~  
 1888 ~~consistent with other uses.~~

1889           1.3. The management of water resources for such purposes  
 1890 as environmental protection, drainage, flood control, and water  
 1891 storage.

1892           4. ~~The quantity of water available for application to a~~  
 1893 ~~reasonable beneficial use.~~

1894           5. ~~The prevention of wasteful, uneconomical, impractical,~~  
 1895 ~~or unreasonable uses of water resources.~~

1896           ~~6. Presently exercised domestic use and permit rights.~~  
 1897           2.7. The preservation and enhancement of the water quality  
 1898 of the state.  
 1899           ~~3.8.~~ The state water resources policy as expressed by this  
 1900 chapter.  
 1901           (3) The department and governing board shall give careful  
 1902 consideration to the requirements of public recreation and to  
 1903 the protection and procreation of fish and wildlife. The  
 1904 department or governing board may prohibit or restrict other  
 1905 future uses on certain designated bodies of water which may be  
 1906 inconsistent with these objectives.  
 1907           ~~(4) The governing board may designate certain uses in~~  
 1908 ~~connection with a particular source of supply which, because of~~  
 1909 ~~the nature of the activity or the amount of water required,~~  
 1910 ~~would constitute an undesirable use for which the governing~~  
 1911 ~~board may deny a permit.~~  
 1912           ~~(5) The governing board may designate certain uses in~~  
 1913 ~~connection with a particular source of supply which, because of~~  
 1914 ~~the nature of the activity or the amount of water required,~~  
 1915 ~~would result in an enhancement or improvement of the water~~  
 1916 ~~resources of the area. Such uses shall be preferred over other~~  
 1917 ~~uses in the event of competing applications under the permitting~~  
 1918 ~~systems authorized by this chapter.~~  
 1919           (4)(6) The department, in cooperation with the Executive  
 1920 Office of the Governor, or its successor agency, may add to the  
 1921 Florida water plan any other information, directions, or  
 1922 objectives it deems necessary or desirable for the guidance of



1923 the governing boards or other agencies in the administration and  
 1924 enforcement of this chapter.

1925 Section 23. Subsection (6) is added to section 373.042,  
 1926 Florida Statutes, to read:

1927 373.042 Minimum flows and levels.--

1928 (6) Notwithstanding the other provisions of this section,  
 1929 where a local water utility, water supply authority, or other  
 1930 water supply entity seeks to develop an alternative water supply  
 1931 project option identified in s. 373.713(2)(a)3., the minimum  
 1932 flow and level for the proposed source of water supply shall be  
 1933 added to the priority list developed by the district and  
 1934 approved by the department pursuant to s. 373.042(2), with an  
 1935 assigned schedule for the completion as determined by the  
 1936 district.

1937 Section 24. Subsection (2) of section 373.0421, Florida  
 1938 Statutes, is amended to read:

1939 373.0421 Establishment and implementation of minimum flows  
 1940 and levels.--

1941 (2) If the existing flow or level in a water body is  
 1942 below, or is projected to fall within 20 years below, the  
 1943 applicable minimum flow or level established pursuant to s.  
 1944 373.042, the department or governing board, as part of the  
 1945 regional water supply plan described in s. 373.713 ~~373.0361~~,  
 1946 shall expeditiously implement a recovery or prevention strategy,  
 1947 which includes the development of additional water supplies and  
 1948 other actions, consistent with the authority granted by this  
 1949 chapter, to:

1950 (a) Achieve recovery to the established minimum flow or  
 1951 level as soon as practicable; or

1952 (b) Prevent the existing flow or level from falling below  
 1953 the established minimum flow or level.

1954  
 1955 The recovery or prevention strategy shall include phasing or a  
 1956 timetable which will allow for the provision of sufficient water  
 1957 supplies for all existing and projected reasonable-beneficial  
 1958 uses, including development of additional water supplies and  
 1959 implementation of conservation and other efficiency measures  
 1960 concurrent with, to the extent practical, and to offset,  
 1961 reductions in permitted withdrawals, consistent with the  
 1962 provisions of this chapter.

1963 Section 25. Subsection (4) of section 373.0695, Florida  
 1964 Statutes, is amended to read:

1965 373.0695 Duties of basin boards; authorized  
 1966 expenditures.--

1967 (4) In the exercise of the duties and powers granted  
 1968 herein, the basin boards shall be subject to all the limitations  
 1969 and restrictions imposed on the water management districts in s.  
 1970 373.705 ~~373.1961~~.

1971 Section 26. Subsection (3) of section 373.223, Florida  
 1972 Statutes, is amended, and subsection (5) is added to said  
 1973 section, to read:

1974 373.223 Conditions for a permit.--

1975 (3) Except for the transport and use of water supplied by  
 1976 the Central and Southern Florida Flood Control Project, and

1977 anywhere in the state when the transport and use of water is  
 1978 supplied exclusively for bottled water as defined in s.  
 1979 500.03(1)(d), any water use permit applications pending as of  
 1980 April 1, 1998, with the Northwest Florida Water Management  
 1981 District and self-suppliers of water for which the proposed  
 1982 water source and area of use or application are located on  
 1983 contiguous private properties, when evaluating whether a  
 1984 potential transport and use of ground or surface water across  
 1985 county boundaries is consistent with the public interest,  
 1986 pursuant to paragraph (1)(c), the governing board or department  
 1987 shall consider:

1988 (a) The proximity of the proposed water source to the area  
 1989 of use or application.

1990 (b) All impoundments, streams, groundwater sources, or  
 1991 watercourses that are geographically closer to the area of use  
 1992 or application than the proposed source, and that are  
 1993 technically and economically feasible for the proposed transport  
 1994 and use.

1995 (c) All economically and technically feasible alternatives  
 1996 to the proposed source, including, but not limited to,  
 1997 desalination, conservation, reuse of nonpotable reclaimed water  
 1998 and stormwater, and aquifer storage and recovery.

1999 (d) The potential environmental impacts that may result  
 2000 from the transport and use of water from the proposed source,  
 2001 and the potential environmental impacts that may result from use  
 2002 of the other water sources identified in paragraphs (b) and (c).

2003 (e) Whether existing and reasonably anticipated sources of  
 2004 water and conservation efforts are adequate to supply water for  
 2005 existing legal uses and reasonably anticipated future needs of  
 2006 the water supply planning region in which the proposed water  
 2007 source is located.

2008 (f) Consultations with local governments affected by the  
 2009 proposed transport and use.

2010 (g) The value of the existing capital investment in water-  
 2011 related infrastructure made by the applicant.

2012  
 2013 Where districtwide water supply assessments and regional water  
 2014 supply plans have been prepared pursuant to ss. 373.707 ~~373.036~~  
 2015 and 373.713 ~~373.0361~~, the governing board or the department  
 2016 shall use the applicable plans and assessments as the basis for  
 2017 its consideration of the applicable factors in this subsection.

2018 (5) In the event that a local or regional water supply  
 2019 utility, water supply authority, or other multi-jurisdictional  
 2020 water supply entity demonstrates the ability to design,  
 2021 construct, operate, and maintain one or more alternative water  
 2022 supply projects identified by the district, pursuant to s.  
 2023 373.713(2)(a)3., or in the event that, at the request of the  
 2024 district, two or more water utilities organized into a larger  
 2025 water supply entity for the purpose of achieving the ability to  
 2026 develop an alternative water supply project as defined in s.  
 2027 373.713(2)(a)3., the alternative water supply use shall be  
 2028 presumed to be consistent with the public interest pursuant to  
 2029 the requirements of subsection (1), provided appropriate

2030 provisions are made to allow for future connections with  
 2031 surrounding utilities. Nothing in this subsection shall be  
 2032 construed to exempt the use of alternative water supply sources  
 2033 from the provisions of s. 373.223(2) and (3).

2034 Section 27. Section 373.2234, Florida Statutes, is amended  
 2035 to read:

2036 373.2234 Preferred water supply sources.--The governing  
 2037 board of a water management district is authorized to adopt  
 2038 rules that identify preferred water supply sources for  
 2039 consumptive uses for which there is sufficient data to establish  
 2040 that a preferred source will provide a substantial new water  
 2041 supply to meet the existing and projected reasonable-beneficial  
 2042 uses of a water supply planning region identified pursuant to s.  
 2043 373.713 ~~373.0361(1)~~, while sustaining existing water resources  
 2044 and natural systems. At a minimum, such rules must contain a  
 2045 description of the preferred water supply source and an  
 2046 assessment of the water the preferred source is projected to  
 2047 produce. If an applicant proposes to use a preferred water  
 2048 supply source, that applicant's proposed water use is subject to  
 2049 s. 373.223(1), except that the proposed use of a preferred water  
 2050 supply source must be considered by a water management district  
 2051 when determining whether a permit applicant's proposed use of  
 2052 water is consistent with the public interest pursuant to s.  
 2053 373.223(1)(c). A consumptive use permit issued for the use of a  
 2054 preferred water supply source must be granted, when requested by  
 2055 the applicant, for at least a 20-year period and may be subject  
 2056 to the compliance reporting provisions of s. 373.236(3). Nothing

2057 in this section shall be construed to exempt the use of  
 2058 preferred water supply sources from the provisions of ss.  
 2059 373.701 ~~373.016(4)~~ and 373.223(2) and (3), or be construed to  
 2060 provide that permits issued for the use of a nonpreferred water  
 2061 supply source must be issued for a duration of less than 20  
 2062 years or that the use of a nonpreferred water supply source is  
 2063 not consistent with the public interest. Additionally, nothing  
 2064 in this section shall be interpreted to require the use of a  
 2065 preferred water supply source or to restrict or prohibit the use  
 2066 of a nonpreferred water supply source. Rules adopted by the  
 2067 governing board of a water management district to implement this  
 2068 section shall specify that the use of a preferred water supply  
 2069 source is not required and that the use of a nonpreferred water  
 2070 supply source is not restricted or prohibited.

2071 Section 28. Subsection (3) of section 373.229, Florida  
 2072 Statutes, is amended to read:

2073 373.229 Application for permit.--

2074 (3) In addition to the information required in subsection  
 2075 (1), all permit applications filed with the governing board or  
 2076 the department which propose the transport and use of water  
 2077 across county boundaries shall include information pertaining to  
 2078 factors to be considered, pursuant to s. 373.223(3), unless  
 2079 exempt under s. 373.717 ~~373.1962(9)~~.

2080 Section 29. Subsection (4) is added to section 373.236,  
 2081 Florida Statutes, to read:

2082 373.236 Duration of permits; compliance reports.--

2083           (4) Permits approved for development of alternative water  
 2084 supply projects identified in s. 373.713(2)(a)3. shall be  
 2085 granted for a term of at least 20 years and up to such period of  
 2086 time as may be required for the retirement of bonds for the  
 2087 construction of facilities.

2088           Section 30. Subsection (1) of section 373.421, Florida  
 2089 Statutes, is amended to read:

2090           373.421 Delineation methods; formal determinations.--

2091           (1) The Environmental Regulation Commission shall adopt a  
 2092 unified statewide methodology for the delineation of the extent  
 2093 of wetlands as defined in s. 373.019(19)~~(22)~~. This methodology  
 2094 shall consider regional differences in the types of soils and  
 2095 vegetation that may serve as indicators of the extent of  
 2096 wetlands. This methodology shall also include provisions for  
 2097 determining the extent of surface waters other than wetlands for  
 2098 the purposes of regulation under s. 373.414. This methodology  
 2099 shall not become effective until ratified by the Legislature.  
 2100 Subsequent to legislative ratification, the wetland definition  
 2101 in s. 373.019(19)~~(22)~~ and the adopted wetland methodology shall  
 2102 be binding on the department, the water management districts,  
 2103 local governments, and any other governmental entities. Upon  
 2104 ratification of such wetland methodology, the Legislature  
 2105 preempts the authority of any water management district, state  
 2106 or regional agency, or local government to define wetlands or  
 2107 develop a delineation methodology to implement the definition  
 2108 and determines that the exclusive definition and delineation  
 2109 methodology for wetlands shall be that established pursuant to

2110 s. 373.019~~(19)~~~~(22)~~ and this section. Upon such legislative  
 2111 ratification, any existing wetlands definition or wetland  
 2112 delineation methodology shall be superseded by the wetland  
 2113 definition and delineation methodology established pursuant to  
 2114 this chapter. Subsequent to legislative ratification, a  
 2115 delineation of the extent of a surface water or wetland by the  
 2116 department or a water management district, pursuant to a formal  
 2117 determination under subsection (2), or pursuant to a permit  
 2118 issued under this part in which the delineation was field-  
 2119 verified by the permitting agency and specifically approved in  
 2120 the permit, shall be binding on all other governmental entities  
 2121 for the duration of the formal determination or permit. All  
 2122 existing rules and methodologies of the department, the water  
 2123 management districts, and local governments, regarding surface  
 2124 water or wetland definition and delineation shall remain in full  
 2125 force and effect until the common methodology rule becomes  
 2126 effective. However, this shall not be construed to limit any  
 2127 power of the department, the water management districts, and  
 2128 local governments to amend or adopt a surface water or wetland  
 2129 definition or delineation methodology until the common  
 2130 methodology rule becomes effective.

2131 Section 31. Paragraph (a) of subsection (6) of section  
 2132 373.536, Florida Statutes, is amended to read:  
 2133 373.536 District budget and hearing thereon.--  
 2134 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
 2135 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--



2136 (a) Each district must, by the date specified for each  
 2137 item, furnish copies of the following documents to the Governor,  
 2138 the President of the Senate, the Speaker of the House of  
 2139 Representatives, the chairs of all legislative committees and  
 2140 subcommittees having substantive or fiscal jurisdiction over the  
 2141 districts, as determined by the President of the Senate or the  
 2142 Speaker of the House of Representatives as applicable, the  
 2143 secretary of the department, and the governing board of each  
 2144 county in which the district has jurisdiction or derives any  
 2145 funds for the operations of the district:

2146 1. The adopted budget, to be furnished within 10 days  
 2147 after its adoption.

2148 2. A financial audit of its accounts and records, to be  
 2149 furnished within 10 days after its acceptance by the governing  
 2150 board. The audit must be conducted in accordance with the  
 2151 provisions of s. 11.45 and the rules adopted thereunder. In  
 2152 addition to the entities named above, the district must provide  
 2153 a copy of the audit to the Auditor General within 10 days after  
 2154 its acceptance by the governing board.

2155 3. A 5-year capital improvements plan, to be furnished  
 2156 within 45 days after the adoption of the final budget. The plan  
 2157 must include expected sources of revenue for planned  
 2158 improvements and must be prepared in a manner comparable to the  
 2159 fixed capital outlay format set forth in s. 216.043.

2160 4. A 5-year water resource development work program to be  
 2161 furnished within 45 days after the adoption of the final budget.  
 2162 The program must describe the district's implementation strategy

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2163 for the water resource development component of each approved  
2164 regional water supply plan developed or revised under s. 373.713  
2165 ~~373.0361~~. The work program must address all the elements of the  
2166 water resource development component in the district's approved  
2167 regional water supply plans and must identify which projects in  
2168 the work program will provide water, explain how each water  
2169 resource development project will produce additional water  
2170 available for consumptive uses, estimate the quantity of water  
2171 to be produced by each project, and provide an assessment of the  
2172 contribution of the district's regional water supply plans in  
2173 providing sufficient water to meet the water supply needs of  
2174 existing and future reasonable-beneficial uses for a 1-in-10-  
2175 year drought event. Within 45 days after its submittal, the  
2176 department shall review the proposed work program and submit its  
2177 findings, questions, and comments to the district. The review  
2178 must include a written evaluation of the program's consistency  
2179 with the furtherance of the district's approved regional water  
2180 supply plans, and the adequacy of proposed expenditures. As part  
2181 of the review, the department shall give interested parties the  
2182 opportunity to provide written comments on each district's  
2183 proposed work program. Within 60 days after receipt of the  
2184 department's evaluation, the governing board shall state in  
2185 writing to the department which changes recommended in the  
2186 evaluation it will incorporate into its work program or specify  
2187 the reasons for not incorporating the changes. The department  
2188 shall include the district's responses in a final evaluation  
2189 report and shall submit a copy of the report to the Governor,

2190 the President of the Senate, and the Speaker of the House of  
 2191 Representatives.

2192 Section 32. Subsection (11) of section 373.59, Florida  
 2193 Statutes, is amended to read:

2194 373.59 Water Management Lands Trust Fund.--

2195 (11) Notwithstanding any provision of this section to the  
 2196 contrary, the governing board of a water management district may  
 2197 request, and the Secretary of Environmental Protection shall  
 2198 release upon such request, moneys allocated to the districts  
 2199 pursuant to subsection (8) for purposes consistent with the  
 2200 provisions of s. 373.713 ~~373.0361~~, s. 373.709 ~~373.0831~~, s.  
 2201 373.139, or ss. 373.451-373.4595 and for legislatively  
 2202 authorized land acquisition and water restoration initiatives.  
 2203 No funds may be used pursuant to this subsection until necessary  
 2204 debt service obligations, requirements for payments in lieu of  
 2205 taxes, and land management obligations that may be required by  
 2206 this chapter are provided for.

2207 Section 33. Paragraph (g) of subsection (1) of section  
 2208 378.212, Florida Statutes, is amended to read:

2209 378.212 Variances.--

2210 (1) Upon application, the secretary may grant a variance  
 2211 from the provisions of this part or the rules adopted pursuant  
 2212 thereto. Variances and renewals thereof may be granted for any  
 2213 one of the following reasons:

2214 (g) To accommodate reclamation that provides water supply  
 2215 development or water resource development not inconsistent with  
 2216 the applicable regional water supply plan approved pursuant to

2217 s. 373.713 ~~373.0361~~, provided adverse impacts are not caused to  
 2218 the water resources in the basin. A variance may also be granted  
 2219 from the requirements of part IV of chapter 373, or the rules  
 2220 adopted thereunder, when a project provides an improvement in  
 2221 water availability in the basin and does not cause adverse  
 2222 impacts to water resources in the basin.

2223 Section 34. Subsection (9) of section 378.404, Florida  
 2224 Statutes, is amended to read:

2225 378.404 Department of Environmental Protection; powers and  
 2226 duties.--The department shall have the following powers and  
 2227 duties:

2228 (9) To grant variances from the provisions of this part to  
 2229 accommodate reclamation that provides for water supply  
 2230 development or water resource development not inconsistent with  
 2231 the applicable regional water supply plan approved pursuant to  
 2232 s. 373.713 ~~373.0361~~, appropriate stormwater management, improved  
 2233 wildlife habitat, recreation, or a mixture thereof, provided  
 2234 adverse impacts are not caused to the water resources in the  
 2235 basin and public health and safety are not adversely affected.

2236 Section 35. Subsection (14) of section 403.031, Florida  
 2237 Statutes, is amended to read:

2238 403.031 Definitions.--In construing this chapter, or rules  
 2239 and regulations adopted pursuant hereto, the following words,  
 2240 phrases, or terms, unless the context otherwise indicates, have  
 2241 the following meanings:

2242 (14) "State water resource implementation rule" means the  
 2243 rule authorized by s. 373.707 ~~373.036~~, which sets forth goals,

2244 objectives, and guidance for the development and review of  
 2245 programs, rules, and plans relating to water resources, based on  
 2246 statutory policies and directives. The waters of the state are  
 2247 among its most basic resources. Such waters should be managed to  
 2248 conserve and protect water resources and to realize the full  
 2249 beneficial use of these resources.

2250 Section 36. Paragraphs (r) and (u) of subsection (2) of  
 2251 section 403.813, Florida Statutes, are amended to read:

2252 403.813 Permits issued at district centers; exceptions.--

2253 (2) A permit is not required under this chapter, chapter  
 2254 373, chapter 61-691, Laws of Florida, or chapter 25214 or  
 2255 chapter 25270, 1949, Laws of Florida, for activities associated  
 2256 with the following types of projects; however, except as  
 2257 otherwise provided in this subsection, nothing in this  
 2258 subsection relieves an applicant from any requirement to obtain  
 2259 permission to use or occupy lands owned by the Board of Trustees  
 2260 of the Internal Improvement Trust Fund or any water management  
 2261 district in its governmental or proprietary capacity or from  
 2262 complying with applicable local pollution control programs  
 2263 authorized under this chapter or other requirements of county  
 2264 and municipal governments:

2265 (r) The removal of aquatic plants, the removal of  
 2266 tussocks, the associated replanting of indigenous aquatic  
 2267 plants, and the associated removal from lakes of organic  
 2268 detrital material when such planting or removal is performed and  
 2269 authorized by permit or exemption granted under s. 369.20 or s.  
 2270 369.25, provided that:

2271 1. Organic detrital material that exists on the surface of  
 2272 natural mineral substrate shall be allowed to be removed to a  
 2273 depth of 3 feet or to the natural mineral substrate, whichever  
 2274 is less;

2275 2. All material removed pursuant to this paragraph shall  
 2276 be deposited in an upland site in a manner that will prevent the  
 2277 reintroduction of the material into waters in the state except  
 2278 when spoil material is permitted to be used to create wildlife  
 2279 islands in freshwater bodies of the state when a governmental  
 2280 entity is permitted pursuant to s. 369.20 to create such islands  
 2281 as a part of a restoration or enhancement project;

2282 3. All activities are performed in a manner consistent  
 2283 with state water quality standards; and

2284 4. No activities under this exemption are conducted in  
 2285 wetland areas, as defined by s. 373.019~~(19)~~(22), which are  
 2286 supported by a natural soil as shown in applicable United States  
 2287 Department of Agriculture county soil surveys, except when a  
 2288 governmental entity is permitted pursuant to s. 369.20 to  
 2289 conduct such activities as a part of a restoration or  
 2290 enhancement project.

2291  
 2292 The department may not adopt implementing rules for this  
 2293 paragraph, notwithstanding any other provision of law.

2294 (u) Notwithstanding any provision to the contrary in this  
 2295 subsection, a permit or other authorization under chapter 253,  
 2296 chapter 369, chapter 373, or this chapter is not required for an  
 2297 individual residential property owner for the removal of organic

2298 detrital material from freshwater rivers or lakes that have a  
 2299 natural sand or rocky substrate and that are not Aquatic  
 2300 Preserves or for the associated removal and replanting of  
 2301 aquatic vegetation for the purpose of environmental enhancement,  
 2302 providing that:

2303 1. No activities under this exemption are conducted in  
 2304 wetland areas, as defined by s. 373.019(19)~~(22)~~, which are  
 2305 supported by a natural soil as shown in applicable United States  
 2306 Department of Agriculture county soil surveys.

2307 2. No filling or peat mining is allowed.

2308 3. No removal of native wetland trees, including, but not  
 2309 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

2310 4. When removing organic detrital material, no portion of  
 2311 the underlying natural mineral substrate or rocky substrate is  
 2312 removed.

2313 5. Organic detrital material and plant material removed is  
 2314 deposited in an upland site in a manner that will not cause  
 2315 water quality violations.

2316 6. All activities are conducted in such a manner, and with  
 2317 appropriate turbidity controls, so as to prevent any water  
 2318 quality violations outside the immediate work area.

2319 7. Replanting with a variety of aquatic plants native to  
 2320 the state shall occur in a minimum of 25 percent of the  
 2321 preexisting vegetated areas where organic detrital material is  
 2322 removed, except for areas where the material is removed to bare  
 2323 rocky substrate; however, an area may be maintained clear of  
 2324 vegetation as an access corridor. The access corridor width may

2325 not exceed 50 percent of the property owner's frontage or 50  
 2326 feet, whichever is less, and may be a sufficient length  
 2327 waterward to create a corridor to allow access for a boat or  
 2328 swimmer to reach open water. Replanting must be at a minimum  
 2329 density of 2 feet on center and be completed within 90 days  
 2330 after removal of existing aquatic vegetation, except that under  
 2331 dewatered conditions replanting must be completed within 90 days  
 2332 after reflooding. The area to be replanted must extend waterward  
 2333 from the ordinary high water line to a point where normal water  
 2334 depth would be 3 feet or the preexisting vegetation line,  
 2335 whichever is less. Individuals are required to make a reasonable  
 2336 effort to maintain planting density for a period of 6 months  
 2337 after replanting is complete, and the plants, including  
 2338 naturally recruited native aquatic plants, must be allowed to  
 2339 expand and fill in the revegetation area. Native aquatic plants  
 2340 to be used for revegetation must be salvaged from the  
 2341 enhancement project site or obtained from an aquatic plant  
 2342 nursery regulated by the Department of Agriculture and Consumer  
 2343 Services. Plants that are not native to the state may not be  
 2344 used for replanting.

2345 8. No activity occurs any farther than 100 feet waterward  
 2346 of the ordinary high water line, and all activities must be  
 2347 designed and conducted in a manner that will not unreasonably  
 2348 restrict or infringe upon the riparian rights of adjacent upland  
 2349 riparian owners.

2350 9. The person seeking this exemption notifies the  
 2351 applicable department district office in writing at least 30



2352 days before commencing work and allows the department to conduct  
 2353 a preconstruction site inspection. Notice must include an  
 2354 organic-detrital-material removal and disposal plan and, if  
 2355 applicable, a vegetation-removal and revegetation plan.

2356 10. The department is provided written certification of  
 2357 compliance with the terms and conditions of this paragraph  
 2358 within 30 days after completion of any activity occurring under  
 2359 this exemption.

2360 Section 37. Paragraph (a) of subsection (3) of section  
 2361 403.0891, Florida Statutes, is amended to read:

2362 403.0891 State, regional, and local stormwater management  
 2363 plans and programs.--The department, the water management  
 2364 districts, and local governments shall have the responsibility  
 2365 for the development of mutually compatible stormwater management  
 2366 programs.

2367 (3)(a) Each local government required by chapter 163 to  
 2368 submit a comprehensive plan, whose plan is submitted after July  
 2369 1, 1992, and the others when updated after July 1, 1992, in the  
 2370 development of its stormwater management program described by  
 2371 elements within its comprehensive plan shall consider the water  
 2372 resource implementation rule, district stormwater management  
 2373 goals, plans approved pursuant to the Surface Water Improvement  
 2374 and Management Act, ss. 373.451-373.4595, and technical  
 2375 assistance information provided by the water management  
 2376 districts pursuant to s. 373.715 ~~373.0391~~.

2377 Section 38. Subsection (6) of section 556.102, Florida  
 2378 Statutes, is amended to read:

2379 556.102 Definitions.--As used in this act:

2380 (6) "Excavate" or "excavation" means any manmade cut,  
 2381 cavity, trench, or depression in the earth's surface, formed by  
 2382 removal of earth, intended to change the grade or level of land,  
 2383 or intended to penetrate or disturb the surface of the earth,  
 2384 including land beneath the waters of the state, as defined in s.  
 2385 373.019 (16)~~(17)~~, and the term includes pipe bursting and  
 2386 directional drilling or boring from one point to another point  
 2387 beneath the surface of the earth, or other trenchless  
 2388 technologies.

2389 Section 39. Section 682.02, Florida Statutes, is amended  
 2390 to read:

2391 682.02 Arbitration agreements made valid, irrevocable, and  
 2392 enforceable; scope.--Two or more parties may agree in writing to  
 2393 submit to arbitration any controversy existing between them at  
 2394 the time of the agreement, or they may include in a written  
 2395 contract a provision for the settlement by arbitration of any  
 2396 controversy thereafter arising between them relating to such  
 2397 contract or the failure or refusal to perform the whole or any  
 2398 part thereof. This section also applies to written interlocal  
 2399 agreements under ss. 163.01 and 373.717 ~~373.1962~~ in which two or  
 2400 more parties agree to submit to arbitration any controversy  
 2401 between them concerning water use permit applications and other  
 2402 matters, regardless of whether or not the water management  
 2403 district with jurisdiction over the subject application is a  
 2404 party to the interlocal agreement or a participant in the  
 2405 arbitration. Such agreement or provision shall be valid,

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2406 enforceable, and irrevocable without regard to the justiciable  
2407 character of the controversy; provided that this act shall not  
2408 apply to any such agreement or provision to arbitrate in which  
2409 it is stipulated that this law shall not apply or to any  
2410 arbitration or award thereunder.

2411 Section 40. Section 373.71, Florida Statutes, is  
2412 renumbered as section 373.69, Florida Statutes.

2413 Section 41. Sections 373.0361, 373.0391, 373.0831,  
2414 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are  
2415 repealed.

2416 Section 42. This act shall take effect July 1, 2005.