

CHAMBER ACTION

1 The State Resources Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the development of water supplies;
7 amending s. 373.019, F.S.; creating definitions for
8 "alternative water supplies," "capital costs," and
9 "multijurisdictional water supply entity"; amending s.
10 373.0361, F.S.; providing for the development of regional
11 water supply plans; providing requirements for the content
12 of each plan; providing for an approval process for the
13 plans; providing for annual updates; providing for local
14 government use of the plans; providing notification
15 requirements for water management districts concerning
16 findings within the plan; changing the deadline for
17 certain plan updates; amending s. 373.196, F.S.;
18 encouraging cooperation in the development of water
19 supplies; providing for alternative water supply
20 development; encouraging municipalities, counties, and
21 special districts to create regional water supply
22 authorities; establishing the primary roles of the water
23 management district in alternative water supply

HB 1881

2005
CS

24 development; establishing the primary roles of local
25 governments, regional water supply authorities, special
26 districts, and publicly and privately owned water
27 utilities in alternative water supply development;
28 amending s. 373.1961, F.S.; providing general powers and
29 duties of the water management districts in water
30 production; requiring that the water management districts
31 include the amount needed to implement the water supply
32 development projects in each annual budget; establishing
33 general funding criteria for funding assistance to water
34 management districts; establishing economic incentives for
35 alternative water supply development; requiring that
36 funding assistance for alternative water supply
37 development be limited to a percentage of the local
38 capital costs of an approved project; requiring that the
39 governing board or alternative water supplies advisory
40 committee recommend alternative water supply projects for
41 funding; establishing criteria; providing for cost
42 recovery from the Public Service Commission; establishing
43 criteria for funding assistance for water reuse systems;
44 amending s. 373.1962, F.S.; clarifying that counties,
45 municipalities, and special districts may execute
46 interlocal agreements to create regional water supply
47 authorities; amending s. 373.1963, F.S.; prohibiting
48 certain transfers of water without prior consent; amending
49 s. 373.223, F.S.; establishing criteria for certain water
50 supply entities to be presumed to have a use consistent
51 with the public interest for requirements for consumptive

Page 2 of 38

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1881-01-c1

HB 1881

2005
CS

52 use permitting; amending s. 373.236, F.S.; providing
 53 permits of at least 20 years for development of
 54 alternative water supplies under certain conditions;
 55 amending ss. 373.036, 373.421, 403.813, and 556.102, F.S.;
 56 conforming cross references; providing an effective date.
 57

58 Be It Enacted by the Legislature of the State of Florida:
 59

60 Section 1. Subsections (1) through (9) and (10) through
 61 (23) of section 373.019, Florida Statutes, are renumbered as
 62 subsections (2) through (11) and (13) through (26),
 63 respectively, and new subsections (1), (2), and (12) are added
 64 to said section to read:

65 373.019 Definitions.--When appearing in this chapter or in
 66 any rule, regulation, or order adopted pursuant thereto, the
 67 following words shall, unless the context clearly indicates
 68 otherwise, mean:

69 (1) "Alternative water supplies" means saltwater; brackish
 70 surface and groundwater; surface water captured predominantly
 71 during wet-weather flows; sources made available through the
 72 addition of new storage capacity for surface or groundwater;
 73 water that has been reclaimed after one or more public supply,
 74 municipal, industrial, commercial, or agricultural uses; the
 75 downstream augmentation of waterbodies with reclaimed water;
 76 stormwater; and any other water supply source that is designated
 77 as nontraditional for a water supply planning region in the
 78 applicable regional water supply plan.

79 (2) "Capital costs" means planning, design, engineering,
80 and project construction costs.

81 (12) "Multijurisdictional water supply entity" means two
82 or more water utilities or local governments, organized into a
83 larger entity or that have entered into an interlocal agreement
84 or contract, for the purpose of more efficiently pursuing water
85 supply development or alternative water supply development
86 projects listed pursuant to a regional water supply plan.

87 Section 2. Section 373.0361, Florida Statutes, is amended
88 to read:

89 (Substantial rewording of section. See
90 s. 373.0361, Florida Statutes, for present text.)

91 373.0361 Regional water supply planning.--

92 (1) The governing board of each water management district
93 shall conduct water supply planning for any water supply
94 planning region within the district identified in the
95 appropriate district water supply plan under s. 373.036, where
96 it determines that existing sources of water are not adequate to
97 supply water for all existing and future reasonable-beneficial
98 uses and to sustain the water resources and related natural
99 systems for the planning period. The planning must be conducted
100 in an open public process in coordination and cooperation with
101 local governments, regional water supply authorities,
102 government-owned and privately owned water utilities, self-
103 suppliers, and other affected and interested parties. The
104 districts will actively engage in public education and outreach
105 to all affected local entities and their officials, as well as
106 to members of the public, in the planning process and in seeking

HB 1881

2005
CS

107 input. During preparation, but prior to completion of the
108 regional water supply plan, the district must conduct at least
109 one public workshop to discuss the technical data and modeling
110 tools anticipated to be used to support the regional water
111 supply plan. The district shall also hold several public
112 meetings to communicate the status, overall conceptual intent,
113 and impacts of the plan on existing and future reasonable-
114 beneficial uses and natural systems. A determination by the
115 governing board that initiation of a regional water supply plan
116 for a specific planning region is not needed pursuant to this
117 section shall be subject to s. 120.569. The governing board
118 shall reevaluate such a determination at least once every 5
119 years and shall initiate a regional water supply plan, if
120 needed, pursuant to this subsection.

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

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

126 1. A quantification of the water supply needs for all
127 existing and future reasonable-beneficial uses within the
128 planning horizon. The level-of-certainty planning goal
129 associated with identifying the water supply needs of existing
130 and future reasonable-beneficial uses shall be based upon
131 meeting those needs for a 1-in-10-year drought event. Population
132 projections used for determining public water supply needs must
133 be based upon the best available data. In determining the best
134 available data, the district shall consider the University of

135 Florida's Bureau of Economic and Business Research (BEBR) medium
 136 population projections and any population projection data and
 137 analysis submitted by a local government pursuant to the public
 138 workshop described in subsection (1) if the data and analysis
 139 support the local government's comprehensive plan. Any
 140 adjustment of or deviation from the BEBR projections must be
 141 fully described, and the original BEBR data must be presented
 142 along with the adjusted data.

143 2. A list of water supply development project options,
 144 including traditional and alternative water supply project
 145 options, from which local government, government-owned and
 146 privately owned utilities, self-suppliers, and others may choose
 147 for water supply development. In addition to projects listed by
 148 the district, such users may propose specific projects for
 149 inclusion in the list of alternative water supply projects. In
 150 the event such users propose a project to be listed as an
 151 alternative water supply project, the district shall determine
 152 whether it meets the goals of the plan and will be included in
 153 the list. The total capacity of the projects included in the
 154 plan shall exceed the needs identified in subparagraph 1. and
 155 shall take into account water conservation and other demand
 156 management measures, as well as water resources constraints,
 157 including adopted minimum flows and levels and water
 158 reservations. Where the district determines it is appropriate,
 159 the plan should specifically identify the need for
 160 multijurisdictional approaches to project options that, based on
 161 planning level analysis, are appropriate to supply the intended

162 uses and that, based on such analysis, appear to be permissible
 163 and financially and technically feasible.

164 3. For each project option identified in subparagraph 2.,
 165 the following shall be provided:

166 a. An estimate of the amount of water to become available
 167 through the project.

168 b. The timeframe in which the project option should be
 169 implemented and the estimated planning level costs for capital
 170 investment and operating and maintaining the project.

171 c. An analysis of funding needs and sources of possible
 172 funding options.

173 d. Identification of the entity that should implement each
 174 project option and the current status of project implementation.

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

176 1. A listing of those water resource development projects
 177 that support water supply development.

178 2. For each water resource development project listed:

179 a. An estimate of the amount of water to become available
 180 through the project.

181 b. The timeframe in which the project option should be
 182 implemented and the estimated planning level costs for capital
 183 investment and operating and maintaining the project.

184 c. An analysis of funding needs and sources of possible
 185 funding options.

186 d. Identification of the entity that should implement each
 187 project option and the current status of project implementation.

188 (c) The recovery and prevention strategy described in s.
 189 373.0421(2).

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

193 (e) Consideration of how the project options addressed in
 194 paragraph (a) serve the public interest or save costs overall by
 195 preventing the loss of natural resources or avoiding greater
 196 future expenditures for water resource development or water
 197 supply development. However, unless adopted by rule, these
 198 considerations do not constitute final agency action.

199 (f) The technical data and information applicable to each
 200 planning region which are necessary to support the regional
 201 water supply plan.

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

204 (h) Reservations of water adopted by rule pursuant to s.
 205 373.223(4) within each planning region.

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

208 (j) An analysis, developed in cooperation with the
 209 department, of areas or instances in which the variance
 210 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
 211 create water supply development or water resource development
 212 projects.

213 (3) The water supply development component of a regional
 214 water supply plan which deals with or affects public utilities
 215 and public water supply for those areas served by a regional
 216 water supply authority and its member governments within the
 217 boundary of the Southwest Florida Water Management District

HB 1881

2005
CS

218 shall be developed jointly by the authority and the district. In
 219 areas not served by regional water supply authorities or other
 220 multijurisdictional water supply entities and where
 221 opportunities exist to meet water supply needs more efficiently
 222 through multijurisdictional projects identified under s.
 223 373.0361(2)(a)2., water management districts are directed to
 224 assist in developing multijurisdictional approaches to water
 225 supply project development jointly with affected water
 226 utilities, special districts, and local governments.

227 (4) Governing board approval of a regional water supply
 228 plan shall not be subject to the rulemaking requirements of
 229 chapter 120. However, any portion of an approved regional water
 230 supply plan which affects the substantial interests of a party
 231 shall be subject to s. 120.569.

232 (5) Annually and in conjunction with the reporting
 233 requirements of s. 373.536(6)(a)4., the department shall submit
 234 to the Governor and the Legislature a report on the status of
 235 regional water supply planning in each district. The report
 236 shall include:

237 (a) A compilation of the estimated costs of and potential
 238 sources of funding for water resource development and water
 239 supply development projects as identified in the water
 240 management district regional water supply plans.

241 (b) The percentage and amount, by district, of district ad
 242 valorem tax revenues or other district funds made available to
 243 develop alternative water supplies.

244 (c) A description of each district's progress toward
 245 achieving its water resource development objectives, including

246 the district's implementation of its 5-year water resource
 247 development work program.

248 (d) An assessment of the specific progress being made to
 249 implement each alternative water supply project option chosen by
 250 the entities identified for implementation in the plan.

251 (6) Nothing contained in the water supply development
 252 component of a regional water supply plan shall be construed to
 253 require local governments, government-owned or privately owned
 254 water utilities, special districts, self-suppliers, regional
 255 water supply authorities, or other water suppliers to select a
 256 water supply development project identified in the component
 257 merely because it is identified in the plan. Except as provided
 258 in s. 373.223(3) and (5), the plan may not be used in the review
 259 of permits under part II unless the plan, or an applicable
 260 portion thereof, has been adopted by rule. However, this
 261 subsection does not prohibit a water management district from
 262 employing the data or other information used to establish the
 263 plan in reviewing permits under part II and does not limit the
 264 authority of the department or governing board under part II.

265 (7)(a) Where the water supply component of a water supply
 266 planning region shows the need for one or more alternative water
 267 supply projects, the district shall notify the local governments
 268 and make every reasonable effort to educate and involve local
 269 public officials in working toward solutions in conjunction with
 270 the districts and, where appropriate, other local and regional
 271 water supply entities.

272 (b) Within 1 year after governing board approval of a
 273 regional water supply plan, each entity identified in sub-

274 subparagraph (2)(a)3.d. shall provide written notification to
 275 the water management district of the following: the water supply
 276 project options it has developed or intends to develop, if any;
 277 an estimate of the quantity of water to be produced by each
 278 project; and the status of project implementation, including
 279 development of the financial plan, facilities master planning,
 280 permitting, and efforts to coordinate multijurisdictional
 281 projects, if applicable. The information provided in the
 282 notification shall be updated on an annual basis, and a progress
 283 report shall be provided by November 15 of each year to the
 284 water management district. If an entity proposed a water supply
 285 project that is not in the plan, the entity shall request that
 286 the water management district consider the project for inclusion
 287 in the regional water supply plan.

288 (8) For any regional water supply plan that is scheduled
 289 to be updated before December 31, 2005, the timeframe for such
 290 update shall be extended for 1 year.

291 Section 3. Section 373.196, Florida Statutes, is amended
 292 to read:

293 (Substantial rewording of section. See
 294 s. 373.196, Florida Statutes, for present text.)
 295 373.196 Alternative water supply development.--

296 (1) The purpose of this section is to encourage
 297 cooperation in the development of water supplies and to provide
 298 for alternative water supply development.

299 (a) Demands on natural supplies of fresh water to meet the
 300 needs of a rapidly growing population and the needs of the

301 environment, agriculture, industry, and mining will continue to
 302 increase.

303 (b) There is a need for the development of alternative
 304 water supplies for Florida to sustain its economic growth,
 305 economic viability, and natural resources.

306 (c) Cooperative efforts between municipalities, counties,
 307 special districts, water management districts, and the
 308 Department of Environmental Protection are mandatory in order to
 309 meet the water needs of rapidly urbanizing areas in a manner
 310 which will supply adequate and dependable supplies of water
 311 where needed without resulting in adverse effects upon the areas
 312 from whence such water is withdrawn. Such efforts should utilize
 313 all practical means of obtaining water, including, but not
 314 limited to, withdrawals of surface water and groundwater, reuse,
 315 and desalination and will necessitate not only cooperation but
 316 also well-coordinated activities. Municipalities, counties, and
 317 special districts are encouraged to create multijurisdictional
 318 water supply entities and regional water supply authorities as
 319 authorized in s. 373.1962.

320 (d) Alternative water supply development must receive
 321 priority funding attention to increase the available supplies of
 322 water to meet all existing and future reasonable-beneficial uses
 323 and to benefit the natural systems.

324 (e) Cooperation between counties, municipalities, regional
 325 water supply authorities, multijurisdictional water supply
 326 entities, special districts, and publicly and privately owned
 327 water utilities in the development of countywide and
 328 multicountywide alternative water supply projects will allow for

329 necessary economies of scale and efficiencies to be achieved in
 330 order to accelerate the development of new, dependable, and
 331 sustainable alternative water supplies.

332 (f) It is in the public interest that county, municipal,
 333 industrial, agricultural, and other public and private water
 334 users, the Department of Environmental Protection, and the water
 335 management districts cooperate and work together in the
 336 development of alternative water supplies to avoid the adverse
 337 effects of competition for limited supplies of water. Public
 338 moneys or services provided to private entities for alternative
 339 water supply development may constitute public purposes that
 340 also are in the public interest.

341 (2)(a) Sufficient water must be available for all existing
 342 and future reasonable-beneficial uses and the natural systems,
 343 and the adverse effects of competition for water supplies must
 344 be avoided.

345 (b) Water supply development and alternative water supply
 346 development must be conducted in coordination with water
 347 management district regional water supply planning.

348 (3) The primary roles of the water management districts in
 349 water supply development as it relates to supporting alternative
 350 water supply development are:

351 (a) The formulation and implementation of regional water
 352 resource management strategies that support alternative water
 353 supply development.

354 (b) The collection and evaluation of surface water and
 355 groundwater data to be used for a planning-level assessment of

356 the feasibility of alternative water supply development
 357 projects.

358 (c) The construction, operation, and maintenance of major
 359 public works facilities for flood control, surface and
 360 underground water storage, and groundwater recharge augmentation
 361 to support alternative water supply development.

362 (d) Planning for alternative water supply development as
 363 provided in regional water supply plans in coordination with
 364 local governments, regional water supply authorities,
 365 multijurisdictional water supply entities, special districts,
 366 publicly and privately owned water utilities, and self-
 367 suppliers.

368 (e) The formulation and implementation of structural and
 369 nonstructural programs to protect and manage water resources in
 370 support of alternative water supply projects.

371 (f) The provision of technical and financial assistance to
 372 local governments and publicly and privately owned water
 373 utilities for alternative water supply projects.

374 (4) The primary roles of local government, regional water
 375 supply authorities, multijurisdictional water supply entities,
 376 special districts, and publicly and privately owned water
 377 utilities in alternative water supply development shall be:

378 (a) The planning, design, construction, operation, and
 379 maintenance of alternative water supply development projects,
 380 with funding assistance from the state and the water management
 381 districts.

382 (b) The formulation and implementation of alternative
 383 water supply development strategies and programs.

HB 1881

2005
CS

384 (c) The planning, design, construction, operation, and
 385 maintenance of facilities to collect, divert, produce, treat,
 386 transmit, and distribute water for sale, resale, or end use.

387 (d) The coordination of alternative water supply
 388 development activities with the appropriate water management
 389 district having jurisdiction over the activity.

390 (5) Nothing herein shall be construed to preclude the
 391 various special districts, municipalities, and counties from
 392 continuing to operate existing water production and transmission
 393 facilities or to enter into cooperative agreements with other
 394 special districts, municipalities, and counties for the purpose
 395 of meeting their respective needs for dependable and adequate
 396 supplies of water, provided the obtaining of water through such
 397 operations shall not be done in a manner which results in
 398 adverse effects upon the areas from whence such water is
 399 withdrawn.

400 Section 4. Section 373.1961, Florida Statutes, is amended
 401 to read:

402 373.1961 Water production; general powers and duties;
 403 identification of needs; funding criteria; economic incentives;
 404 reuse funding.--

405 (1) GENERAL POWERS AND DUTIES.--In the performance of, and
 406 in conjunction with, its other powers and duties, the governing
 407 board of a water management district existing pursuant to this
 408 chapter:

409 (a) Shall engage in planning to assist counties,
 410 municipalities, special districts, publicly and privately owned
 411 water private utilities, multijurisdictional water supply

HB 1881

2005
CS

412 entities, or regional water supply authorities in meeting water
 413 supply needs in such manner as will give priority to encouraging
 414 conservation and reducing adverse environmental effects of
 415 improper or excessive withdrawals of water from concentrated
 416 areas. As used in this section and s. 373.196, regional water
 417 supply authorities are regional water authorities created under
 418 s. 373.1962 or other laws of this state.

419 (b) Shall assist counties, municipalities, special
 420 districts, publicly and privately owned water ~~private~~ utilities,
 421 multijurisdictional water supply entities, or regional water
 422 supply authorities in meeting water supply needs in such manner
 423 as will give priority to encouraging conservation and reducing
 424 adverse environmental effects of improper or excessive
 425 withdrawals of water from concentrated areas.

426 (c) May establish, design, construct, operate, and
 427 maintain water production and transmission facilities for the
 428 purpose of supplying water to counties, municipalities, special
 429 districts, publicly and privately owned water ~~private~~ utilities,
 430 or multijurisdictional water supply entities, or regional water
 431 supply authorities. The permit required by part II of this
 432 chapter for a water management district engaged in water
 433 production and transmission shall be granted, denied, or granted
 434 with conditions by the department.

435 (d) Shall not engage in local water supply distribution.

436 (e) Shall not deprive, directly or indirectly, any county
 437 wherein water is withdrawn of the prior right to the reasonable
 438 and beneficial use of water which is required to supply

HB 1881

2005
CS

439 adequately the reasonable and beneficial needs of the county or
440 any of the inhabitants or property owners therein.

441 (f) May provide water and financial assistance to regional
442 water supply authorities, but may not provide water to counties
443 and municipalities which are located within the area of such
444 authority without the specific approval of the authority or, in
445 the event of the authority's disapproval, the approval of the
446 Governor and Cabinet sitting as the Land and Water Adjudicatory
447 Commission. The district may supply water at rates and upon
448 terms mutually agreed to by the parties or, if they do not
449 agree, as set by the governing board and specifically approved
450 by the Governor and Cabinet sitting as the Land and Water
451 Adjudicatory Commission.

452 (g) May acquire title to such interest as is necessary in
453 real property, by purchase, gift, devise, lease, eminent domain,
454 or otherwise, for water production and transmission consistent
455 with this section and s. 373.196. However, the district shall
456 not use any of the eminent domain powers herein granted to
457 acquire water and water rights already devoted to reasonable and
458 beneficial use or any water production or transmission
459 facilities owned by any county, municipality, special districts,
460 or regional water supply authority. The district may exercise
461 eminent domain powers outside of its district boundaries for the
462 acquisition of pumpage facilities, storage areas, transmission
463 facilities, and the normal appurtenances thereto, provided that
464 at least 45 days prior to the exercise of eminent domain, the
465 district notifies the district where the property is located
466 after public notice and the district where the property is

HB 1881

2005
CS

467 | located does not object within 45 days after notification of
468 | such exercise of eminent domain authority.

469 | (h) In addition to the power to issue revenue bonds
470 | pursuant to s. 373.584, may issue revenue bonds for the purposes
471 | of paying the costs and expenses incurred in carrying out the
472 | purposes of this chapter or refunding obligations of the
473 | district issued pursuant to this section. Such revenue bonds
474 | shall be secured by, and be payable from, revenues derived from
475 | the operation, lease, or use of its water production and
476 | transmission facilities and other water-related facilities and
477 | from the sale of water or services relating thereto. Such
478 | revenue bonds may not be secured by, or be payable from, moneys
479 | derived by the district from the Water Management Lands Trust
480 | Fund or from ad valorem taxes received by the district. All
481 | provisions of s. 373.584 relating to the issuance of revenue
482 | bonds which are not inconsistent with this section shall apply
483 | to the issuance of revenue bonds pursuant to this section. The
484 | district may also issue bond anticipation notes in accordance
485 | with the provisions of s. 373.584.

486 | (i) May join with one or more other water management
487 | districts, counties, municipalities, special districts, publicly
488 | and privately owned water ~~private~~ utilities, multijurisdictional
489 | water supply entities, or regional water supply authorities for
490 | the purpose of carrying out any of its powers, and may contract
491 | with such other entities to finance acquisitions, construction,
492 | operation, and maintenance. The contract may provide for
493 | contributions to be made by each party thereto, for the division
494 | and apportionment of the expenses of acquisitions, construction,

495 operation, and maintenance, and for the division and
 496 apportionment of the benefits, services, and products therefrom.
 497 The contracts may contain other covenants and agreements
 498 necessary and appropriate to accomplish their purposes.

499 (2) IDENTIFICATION OF WATER SUPPLY NEEDS IN DISTRICT
 500 BUDGET.--The water management districts shall implement its
 501 responsibilities as expeditiously as possible in areas subject
 502 to regional water supply plans. Each district's governing board
 503 shall include in its annual budget the amount needed for the
 504 fiscal year to assist in implementing alternative water supply
 505 development projects.

506 ~~(3)(2) FUNDING.--The Legislature finds that, due to a~~
 507 ~~combination of factors, vastly increased demands have been~~
 508 ~~placed on natural supplies of fresh water, and that, absent~~
 509 ~~increased development of alternative water supplies, such~~
 510 ~~demands may increase in the future. The Legislature also finds~~
 511 ~~that potential exists in the state for the production of~~
 512 ~~significant quantities of alternative water supplies, including~~
 513 ~~reclaimed water, and that water production includes the~~
 514 ~~development of alternative water supplies, including reclaimed~~
 515 ~~water, for appropriate uses. It is the intent of the Legislature~~
 516 ~~that utilities develop reclaimed water systems, where reclaimed~~
 517 ~~water is the most appropriate alternative water supply option,~~
 518 ~~to deliver reclaimed water to as many users as possible through~~
 519 ~~the most cost-effective means, and to construct reclaimed water~~
 520 ~~system infrastructure to their owned or operated properties and~~
 521 ~~facilities where they have reclamation capability. It is also~~
 522 the intent of the Legislature that the water management

523 | districts which levy ad valorem taxes for water management
 524 | purposes shall ~~should~~ share a percentage of those tax revenues
 525 | with water providers and users, including local governments,
 526 | water, wastewater, and reuse utilities, municipal, special
 527 | district, industrial, and agricultural water users, and
 528 | multijurisdictional water supply entities and other public and
 529 | private water users, to be used to supplement other funding
 530 | sources in the development of alternative water supplies. The
 531 | ~~Legislature finds that public moneys or services provided to~~
 532 | ~~private entities for such uses constitute public purposes which~~
 533 | ~~are in the public interest. In order to further the development~~
 534 | ~~and use of alternative water supply systems, including reclaimed~~
 535 | ~~water systems, the Legislature provides the following:~~

536 | (a) ~~The governing boards of the water management districts~~
 537 | ~~where water resource caution areas have been designated shall~~
 538 | ~~include in their annual budgets an amount for the development of~~
 539 | ~~alternative water supply systems, including reclaimed water~~
 540 | ~~systems, pursuant to the requirements of this subsection.~~
 541 | ~~Beginning in 1996, such amounts shall be made available to water~~
 542 | ~~providers and users no later than December 31 of each year,~~
 543 | ~~through grants, matching grants, revolving loans, or the use of~~
 544 | ~~district lands or facilities pursuant to the requirements of~~
 545 | ~~this subsection and guidelines established by the districts. In~~
 546 | ~~making grants or loans, funding priority must be given to~~
 547 | ~~projects in accordance with s. 373.0831(4).~~ Without diminishing
 548 | amounts available through other means described in this
 549 | paragraph, the governing boards are encouraged to consider
 550 | establishing revolving loan funds to expand the total funds

HB 1881

2005
CS

551 available to accomplish the objectives of this section. A
 552 revolving loan fund created under this paragraph must be a
 553 nonlapsing fund from which the water management district may
 554 make loans with interest rates below prevailing market rates to
 555 public or private entities for the purposes described in this
 556 section. The governing board may adopt resolutions to establish
 557 revolving loan funds which must specify the details of the
 558 administration of the fund, the procedures for applying for
 559 loans from the fund, the criteria for awarding loans from the
 560 fund, the initial capitalization of the fund, and the goals for
 561 future capitalization of the fund in subsequent budget years.
 562 Revolving loan funds created under this paragraph must be used
 563 to expand the total sums and sources of cooperative funding
 564 available for the development of alternative water supplies. The
 565 Legislature does not intend for the creation of revolving loan
 566 funds to supplant or otherwise reduce existing sources or
 567 amounts of funds currently available through other means.

568 (b) For each utility that receives financial assistance
 569 from a water management district for alternative water supply
 570 development projects, the appropriate rate-setting authority
 571 must develop rate structures for all water, wastewater, and
 572 other alternative water facilities in the service area of the
 573 utility receiving assistance. Rate structures must:

574 1. Promote the development of alternative water supply
 575 systems.

576 2. Promote the conservation of water.

HB 1881

2005
CS

577 3. Appropriately distribute costs among all the users of
 578 water, wastewater, and alternative water supplies within the
 579 service area.

580 4. Prohibit rate discrimination within classes of utility
 581 users. ~~It is the intent of the Legislature that for each~~
 582 ~~reclaimed water utility, or any other utility, which receives~~
 583 ~~funds pursuant to this subsection, the appropriate rate-setting~~
 584 ~~authorities should develop rate structures for all water,~~
 585 ~~wastewater, and reclaimed water and other alternative water~~
 586 ~~supply utilities in the service area of the funded utility,~~
 587 ~~which accomplish the following:~~

588 ~~1. Provide meaningful progress toward the development and~~
 589 ~~implementation of alternative water supply systems, including~~
 590 ~~reclaimed water systems;~~

591 ~~2. Promote the conservation of fresh water withdrawn from~~
 592 ~~natural systems;~~

593 ~~3. Provide for an appropriate distribution of costs for~~
 594 ~~all water, wastewater, and alternative water supply utilities,~~
 595 ~~including reclaimed water utilities, among all of the users of~~
 596 ~~those utilities; and~~

597 ~~4. Prohibit rate discrimination within classes of utility~~
 598 ~~users.~~

599 (c) The governing boards shall establish a process for the
 600 disbursal of revenues pursuant to this section. ~~Funding~~
 601 ~~assistance provided by the water management districts for a~~
 602 ~~water reuse system project may include the following grant or~~
 603 ~~loan conditions for that project if the water management~~

604 ~~district determines that such conditions will encourage water~~
 605 ~~use efficiency:~~

606 ~~1. Metering of reclaimed water use for the following~~
 607 ~~activities: residential irrigation, agricultural irrigation,~~
 608 ~~industrial uses except for electric utilities as defined in s.~~
 609 ~~366.02(2), landscape irrigation, irrigation of other public~~
 610 ~~access areas, commercial and institutional uses such as toilet~~
 611 ~~flushing, and transfers to other reclaimed water utilities.~~

612 ~~2. Implementation of reclaimed water rate structures based~~
 613 ~~on actual use of reclaimed water for the types of reuse~~
 614 ~~activities listed in subparagraph 1.~~

615 ~~3. Implementation of education programs to inform the~~
 616 ~~public about water issues, water conservation, and the~~
 617 ~~importance and proper use of reclaimed water.~~

618 ~~4. Development of location data for key reuse facilities.~~

619 (d) After conducting one or more meetings to solicit
 620 public input on eligible projects, including input from those
 621 entities identified pursuant to s. 373.0361 (2)(a)3.d. for
 622 implementation of alternative water supply projects, the
 623 governing board of each water management district shall select
 624 projects for funding assistance based upon the project being
 625 identified or listed as an alternative water supply development
 626 option in the regional water supply plan pursuant to s.
 627 373.0361(2)(a)2. Alternatively, the governing board may select
 628 and allocate up to 20 percent of the grant funding for
 629 alternative water supply projects not identified or listed in
 630 the regional water supply plan but which are consistent with the
 631 goals of said plan. The governing board shall determine those

HB 1881

2005
CS

632 projects that will be awarded grant assistance by considering
633 factors established by each governing board, including, but not
634 limited to, the following:

635 1. The quantity of water supplied by the project as
636 compared to its cost.

637 2. Whether the project will be implemented by a
638 multijurisdictional water supply entity or regional water supply
639 authority.

640 3. Whether the project is part of a plan to implement two
641 or more alternative water supply projects, all of which will be
642 operated to produce water at a uniform rate for the participants
643 in a multijurisdictional water supply entity or regional water
644 supply authority.

645 4. The percentage of project costs to be funded by the
646 water supplier or water user.

647 5. Whether the project brings about replacement of
648 traditional sources in order to help implement a minimum flow or
649 level or a reservation.

650 6. Whether the project reduces competition for water
651 supplies.

652 7. Whether the project will be implemented by a
653 consumptive use permittee that has achieved the targets
654 contained in a goal-based water conservation program approved
655 pursuant to s. 373.227.

656 8. Whether the project proposal includes sufficient
657 preliminary planning and engineering to demonstrate that the
658 project can reasonably be implemented within the timeframe
659 identified pursuant to s. 373.0361(2)(a)3.b.

660 9. Whether the project is a subsequent phase of an
 661 alternative water supply project that is underway.

662 10. Whether the project provides substantial environmental
 663 benefits by preventing or limiting adverse water resource
 664 impacts.

665 11. Whether and in what amount a local government or local
 666 governmental utility grant applicant is transferring water
 667 supply system revenues to the local government general fund in
 668 excess of reimbursements for services received from the general
 669 fund, including direct and indirect costs and legitimate
 670 payments in lieu of taxes. ~~In order to be eligible for funding~~
 671 ~~pursuant to this subsection, a project must be consistent with a~~
 672 ~~local government comprehensive plan and the governing body of~~
 673 ~~the local government must require all appropriate new facilities~~
 674 ~~within the project's service area to connect to and use the~~
 675 ~~project's alternative water supplies. The appropriate local~~
 676 ~~government must provide written notification to the appropriate~~
 677 ~~district that the proposed project is consistent with the local~~
 678 ~~government comprehensive plan.~~

679 ~~(e) Any and all revenues disbursed pursuant to this~~
 680 ~~subsection shall be applied only for the payment of capital or~~
 681 ~~infrastructure costs for the construction of alternative water~~
 682 ~~supply systems that provide alternative water supplies.~~

683 ~~(f) By January 1 of each year, the governing boards shall~~
 684 ~~make available written guidelines for the disbursal of revenues~~
 685 ~~pursuant to this subsection. Such guidelines shall include at~~
 686 ~~minimum:~~

HB 1881

2005
CS

687 | ~~1. An application process and a deadline for filing~~
688 | ~~applications annually.~~

689 | ~~2. A process for determining project eligibility pursuant~~
690 | ~~to the requirements of paragraphs (d) and (e).~~

691 | ~~3. A process and criteria for funding projects pursuant to~~
692 | ~~this subsection that cross district boundaries or that serve~~
693 | ~~more than one district.~~

694 | ~~(g) The governing board of each water management district~~
695 | ~~shall establish an alternative water supplies grants advisory~~
696 | ~~committee to recommend to the governing board projects for~~
697 | ~~funding pursuant to this subsection. The advisory committee~~
698 | ~~members shall include, but not be limited to, one or more~~
699 | ~~representatives of county, municipal, and investor-owned private~~
700 | ~~utilities, and may include, but not be limited to,~~
701 | ~~representatives of agricultural interests and environmental~~
702 | ~~interests. Each committee member shall represent his or her~~
703 | ~~interest group as a whole and shall not represent any specific~~
704 | ~~entity. The committee shall apply the guidelines and project~~
705 | ~~eligibility criteria established by the governing board in~~
706 | ~~reviewing proposed projects. After one or more hearings to~~
707 | ~~solicit public input on eligible projects, the committee shall~~
708 | ~~rank the eligible projects and shall submit them to the~~
709 | ~~governing board for final funding approval. The advisory~~
710 | ~~committee may submit to the governing board more projects than~~
711 | ~~the available grant money would fund.~~

712 | (e)(h) All revenues made available annually pursuant to
713 | this subsection must be encumbered annually by the governing
714 | board if it approves projects sufficient to expend the available

Page 26 of 38

HB 1881

2005
CS

715 revenues. ~~Funds must be disbursed within 36 months after~~
716 ~~encumbrance.~~

717 ~~(i) For purposes of this subsection, alternative water~~
718 ~~supplies are supplies of water that have been reclaimed after~~
719 ~~one or more public supply, municipal, industrial, commercial, or~~
720 ~~agricultural uses, or are supplies of stormwater, or brackish or~~
721 ~~salt water, that have been treated in accordance with applicable~~
722 ~~rules and standards sufficient to supply the intended use.~~

723 ~~(f)(j)~~ This subsection shall not be subject to the
724 rulemaking requirements of chapter 120.

725 ~~(g)(k)~~ By March 1 ~~January 30~~ of each year, as part of a
726 consolidated annual report, each water management district shall
727 submit an annual report to the Governor, the President of the
728 Senate, and the Speaker of the House of Representatives which
729 accounts for the disbursement of all budgeted amounts pursuant to
730 this section ~~subsection~~. Such report shall describe all
731 alternative water supply projects funded as well as the quantity
732 of new water to be created as a result of such projects and
733 shall account separately for any other moneys provided through
734 grants, matching grants, revolving loans, and the use of
735 district lands or facilities to implement regional water supply
736 plans.

737 ~~(h)(l)~~ The Florida Public Service Commission shall allow
738 entities under its jurisdiction constructing or participating in
739 constructing facilities that provide alternative water supplies
740 ~~supply facilities, including but not limited to aquifer storage~~
741 ~~and recovery wells~~, to recover the full, prudently incurred cost
742 of such facilities through their rate structure. If construction

HB 1881

2005
CS

743 of a facility or participating in construction is pursuant to or
 744 in furtherance of a regional water supply plan, the cost shall
 745 be deemed prudently incurred. Every component of an alternative
 746 water supply facility constructed by an investor-owned utility
 747 shall be recovered in current rates.

748 (4) FUNDING FOR REUSE.--Funding assistance provided by the
 749 water management districts for a water reuse system may include
 750 the following grant or loan conditions for that project if a
 751 water management district determines that such conditions will
 752 encourage water use efficiency:

753 (a) Metering of reclaimed water use for residential
 754 irrigation, agricultural irrigation, industrial uses, except for
 755 electric utilities as defined in s. 366.02(2), landscape
 756 irrigation, golf course irrigation, irrigation of other public
 757 access areas, commercial and institutional uses such as toilet
 758 flushing, and transfers to other reclaimed water utilities;

759 (b) Implementation of reclaimed water rate structures
 760 based on actual use of reclaimed water for the reuse activities
 761 listed in paragraph (a);

762 (c) Implementation of education programs to inform the
 763 public about water issues, water conservation, and the
 764 importance and proper use of reclaimed water; or

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

766 Section 5. Subsections (1) and (5) of section 373.1962,
 767 Florida Statutes, are amended to read:

768 373.1962 Regional water supply authorities.--

769 (1) By interlocal agreement between counties,
 770 municipalities, or special districts, as applicable ~~agreement~~

771 ~~between local governmental units created or existing pursuant to~~
 772 ~~the provisions of Art. VIII of the State Constitution~~, pursuant
 773 to the Florida Interlocal Cooperation Act of 1969, s. 163.01,
 774 and upon the approval of the Secretary of Environmental
 775 Protection to ensure that such agreement will be in the public
 776 interest and complies with the intent and purposes of this act,
 777 regional water supply authorities may be created for the purpose
 778 of developing, recovering, storing, and supplying water for
 779 county or municipal purposes in such a manner as will give
 780 priority to reducing adverse environmental effects of excessive
 781 or improper withdrawals of water from concentrated areas. In
 782 approving said agreement the Secretary of Environmental
 783 Protection shall consider, but not be limited to, the following:

784 (a) Whether the geographic territory of the proposed
 785 authority is of sufficient size and character to reduce the
 786 environmental effects of improper or excessive withdrawals of
 787 water from concentrated areas.

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

790 (c) The availability of a dependable and adequate water
 791 supply.

792 (d) The ability of any proposed authority to design,
 793 construct, operate, and maintain water supply facilities in the
 794 locations, and at the times necessary, to ensure that an
 795 adequate water supply will be available to all citizens within
 796 the authority.

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

HB 1881

2005
CS

799 (f) The existing needs of the water users within the area
800 of the authority.

801 (5) Each county, special district, or municipality which
802 is a party to an agreement pursuant to subsection (1) shall have
803 a preferential right to purchase water from the regional water
804 supply authority for use by such county, special district, or
805 municipality.

806 Section 6. Subsection (9) is added to section 373.1963,
807 Florida Statutes, to read:

808 373.1963 Assistance to West Coast Regional Water Supply
809 Authority.--

810 (9) A regional water supply authority created pursuant to
811 this section may not transfer water from a source located within
812 the boundaries of a nonmember local government without prior
813 consent of the nonmember local government.

814 Section 7. Subsection (5) is added to section 373.223,
815 Florida Statutes, to read:

816 373.223 Conditions for a permit.--

817 (5) In evaluating an application by a regional water
818 supply authority or a multijurisdictional water supply entity
819 for consumptive use of water that proposes the use of an
820 alternative water supply project as described in the regional
821 water supply plan and that provides reasonable assurances of the
822 applicant's capability to design, construct, operate, and
823 maintain such project, the governing board or department shall
824 presume the alternative water supply use is consistent with the
825 public interest under s. 373.223(1)(c). Nothing in this
826 subsection shall affect evaluation of the use pursuant to the

HB 1881

2005
CS

827 provisions of ss. 373.223(1)(a), 373.223(1)(b), 373.223(2),
 828 373.223(3), 373.2295, and 373.233.

829 Section 8. Subsection (4) is added to section 373.236,
 830 Florida Statutes, to read:

831 373.236 Duration of permits; compliance reports.--

832 (4) Permits approved for the development of alternative
 833 water supplies shall be granted for a term of at least 20 years.
 834 However, if the permittee issues bonds for the construction of
 835 the project, then, upon request of the permittee prior to the
 836 expiration of the permit, such permit shall be extended for such
 837 additional time as may be required for the retirement of bonds,
 838 not including any refunding or refinancing of such bonds,
 839 provided that the governing board determines that the use
 840 continues to meet the conditions for the issuance of the permit.
 841 Such a permit shall be subject to compliance reports under
 842 subsection (3).

843 Section 9. Paragraph (d) of subsection (1) of section
 844 373.036, Florida Statutes, is amended to read:

845 373.036 Florida water plan; district water management
 846 plans.--

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

851 (d) Goals, objectives, and guidance for the development
 852 and review of programs, rules, and plans relating to water
 853 resources, based on statutory policies and directives. The state
 854 water policy rule, renamed the water resource implementation

HB 1881

2005
CS

855 rule pursuant to s. 373.019 (23)~~(20)~~, shall serve as this part of
 856 the plan. Amendments or additions to this part of the Florida
 857 water plan shall be adopted by the department as part of the
 858 water resource implementation rule. In accordance with s.
 859 373.114, the department shall review rules of the water
 860 management districts for consistency with this rule. Amendments
 861 to the water resource implementation rule must be adopted by the
 862 secretary of the department and be submitted to the President of
 863 the Senate and the Speaker of the House of Representatives
 864 within 7 days after publication in the Florida Administrative
 865 Weekly. Amendments shall not become effective until the
 866 conclusion of the next regular session of the Legislature
 867 following their adoption.

868 Section 10. Subsection (1) of section 373.421, Florida
 869 Statutes, is amended to read:

870 373.421 Delineation methods; formal determinations.--

871 (1) The Environmental Regulation Commission shall adopt a
 872 unified statewide methodology for the delineation of the extent
 873 of wetlands as defined in s. 373.019 (25)~~(22)~~. This methodology
 874 shall consider regional differences in the types of soils and
 875 vegetation that may serve as indicators of the extent of
 876 wetlands. This methodology shall also include provisions for
 877 determining the extent of surface waters other than wetlands for
 878 the purposes of regulation under s. 373.414. This methodology
 879 shall not become effective until ratified by the Legislature.
 880 Subsequent to legislative ratification, the wetland definition
 881 in s. 373.019 (25)~~(22)~~ and the adopted wetland methodology shall
 882 be binding on the department, the water management districts,

883 | local governments, and any other governmental entities. Upon
 884 | ratification of such wetland methodology, the Legislature
 885 | preempts the authority of any water management district, state
 886 | or regional agency, or local government to define wetlands or
 887 | develop a delineation methodology to implement the definition
 888 | and determines that the exclusive definition and delineation
 889 | methodology for wetlands shall be that established pursuant to
 890 | s. 373.019(25)(~~22~~) and this section. Upon such legislative
 891 | ratification, any existing wetlands definition or wetland
 892 | delineation methodology shall be superseded by the wetland
 893 | definition and delineation methodology established pursuant to
 894 | this chapter. Subsequent to legislative ratification, a
 895 | delineation of the extent of a surface water or wetland by the
 896 | department or a water management district, pursuant to a formal
 897 | determination under subsection (2), or pursuant to a permit
 898 | issued under this part in which the delineation was field-
 899 | verified by the permitting agency and specifically approved in
 900 | the permit, shall be binding on all other governmental entities
 901 | for the duration of the formal determination or permit. All
 902 | existing rules and methodologies of the department, the water
 903 | management districts, and local governments, regarding surface
 904 | water or wetland definition and delineation shall remain in full
 905 | force and effect until the common methodology rule becomes
 906 | effective. However, this shall not be construed to limit any
 907 | power of the department, the water management districts, and
 908 | local governments to amend or adopt a surface water or wetland
 909 | definition or delineation methodology until the common
 910 | methodology rule becomes effective.

HB 1881

2005
CS

911 Section 11. Paragraphs (r) and (u) of subsection (2) of
912 section 403.813, Florida Statutes, are amended to read:

913 403.813 Permits issued at district centers; exceptions.--

914 (2) A permit is not required under this chapter, chapter
915 373, chapter 61-691, Laws of Florida, or chapter 25214 or
916 chapter 25270, 1949, Laws of Florida, for activities associated
917 with the following types of projects; however, except as
918 otherwise provided in this subsection, nothing in this
919 subsection relieves an applicant from any requirement to obtain
920 permission to use or occupy lands owned by the Board of Trustees
921 of the Internal Improvement Trust Fund or any water management
922 district in its governmental or proprietary capacity or from
923 complying with applicable local pollution control programs
924 authorized under this chapter or other requirements of county
925 and municipal governments:

926 (r) The removal of aquatic plants, the removal of
927 tussocks, the associated replanting of indigenous aquatic
928 plants, and the associated removal from lakes of organic
929 detrital material when such planting or removal is performed and
930 authorized by permit or exemption granted under s. 369.20 or s.
931 369.25, provided that:

932 1. Organic detrital material that exists on the surface of
933 natural mineral substrate shall be allowed to be removed to a
934 depth of 3 feet or to the natural mineral substrate, whichever
935 is less;

936 2. All material removed pursuant to this paragraph shall
937 be deposited in an upland site in a manner that will prevent the
938 reintroduction of the material into waters in the state except

HB 1881

2005
CS

939 when spoil material is permitted to be used to create wildlife
 940 islands in freshwater bodies of the state when a governmental
 941 entity is permitted pursuant to s. 369.20 to create such islands
 942 as a part of a restoration or enhancement project;

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

945 4. No activities under this exemption are conducted in
 946 wetland areas, as defined by s. 373.019(25)(~~22~~), which are
 947 supported by a natural soil as shown in applicable United States
 948 Department of Agriculture county soil surveys, except when a
 949 governmental entity is permitted pursuant to s. 369.20 to
 950 conduct such activities as a part of a restoration or
 951 enhancement project.

952

953 The department may not adopt implementing rules for this
 954 paragraph, notwithstanding any other provision of law.

955 (u) Notwithstanding any provision to the contrary in this
 956 subsection, a permit or other authorization under chapter 253,
 957 chapter 369, chapter 373, or this chapter is not required for an
 958 individual residential property owner for the removal of organic
 959 detrital material from freshwater rivers or lakes that have a
 960 natural sand or rocky substrate and that are not Aquatic
 961 Preserves or for the associated removal and replanting of
 962 aquatic vegetation for the purpose of environmental enhancement,
 963 providing that:

964 1. No activities under this exemption are conducted in
 965 wetland areas, as defined by s. 373.019(25)(~~22~~), which are

HB 1881

2005
CS

966 supported by a natural soil as shown in applicable United States
967 Department of Agriculture county soil surveys.

968 2. No filling or peat mining is allowed.

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

971 4. When removing organic detrital material, no portion of
972 the underlying natural mineral substrate or rocky substrate is
973 removed.

974 5. Organic detrital material and plant material removed is
975 deposited in an upland site in a manner that will not cause
976 water quality violations.

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

980 7. Replanting with a variety of aquatic plants native to
981 the state shall occur in a minimum of 25 percent of the
982 preexisting vegetated areas where organic detrital material is
983 removed, except for areas where the material is removed to bare
984 rocky substrate; however, an area may be maintained clear of
985 vegetation as an access corridor. The access corridor width may
986 not exceed 50 percent of the property owner's frontage or 50
987 feet, whichever is less, and may be a sufficient length
988 waterward to create a corridor to allow access for a boat or
989 swimmer to reach open water. Replanting must be at a minimum
990 density of 2 feet on center and be completed within 90 days
991 after removal of existing aquatic vegetation, except that under
992 dewatered conditions replanting must be completed within 90 days
993 after reflooding. The area to be replanted must extend waterward

HB 1881

2005
CS

994 | from the ordinary high water line to a point where normal water
 995 | depth would be 3 feet or the preexisting vegetation line,
 996 | whichever is less. Individuals are required to make a reasonable
 997 | effort to maintain planting density for a period of 6 months
 998 | after replanting is complete, and the plants, including
 999 | naturally recruited native aquatic plants, must be allowed to
 1000 | expand and fill in the revegetation area. Native aquatic plants
 1001 | to be used for revegetation must be salvaged from the
 1002 | enhancement project site or obtained from an aquatic plant
 1003 | nursery regulated by the Department of Agriculture and Consumer
 1004 | Services. Plants that are not native to the state may not be
 1005 | used for replanting.

1006 | 8. No activity occurs any farther than 100 feet waterward
 1007 | of the ordinary high water line, and all activities must be
 1008 | designed and conducted in a manner that will not unreasonably
 1009 | restrict or infringe upon the riparian rights of adjacent upland
 1010 | riparian owners.

1011 | 9. The person seeking this exemption notifies the
 1012 | applicable department district office in writing at least 30
 1013 | days before commencing work and allows the department to conduct
 1014 | a preconstruction site inspection. Notice must include an
 1015 | organic-detrital-material removal and disposal plan and, if
 1016 | applicable, a vegetation-removal and revegetation plan.

1017 | 10. The department is provided written certification of
 1018 | compliance with the terms and conditions of this paragraph
 1019 | within 30 days after completion of any activity occurring under
 1020 | this exemption.

HB 1881

2005
CS

1021 Section 12. Subsection (6) of section 556.102, Florida
 1022 Statutes, is amended to read:
 1023 556.102 Definitions.--As used in this act:
 1024 (6) "Excavate" or "excavation" means any manmade cut,
 1025 cavity, trench, or depression in the earth's surface, formed by
 1026 removal of earth, intended to change the grade or level of land,
 1027 or intended to penetrate or disturb the surface of the earth,
 1028 including land beneath the waters of the state, as defined in s.
 1029 373.019 (20)~~(17)~~, and the term includes pipe bursting and
 1030 directional drilling or boring from one point to another point
 1031 beneath the surface of the earth, or other trenchless
 1032 technologies.
 1033 Section 13. This act shall take effect upon becoming a
 1034 law.