

Bill No. SB 440

Barcode 091370

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery)
recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

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

PART VII

WATER SUPPLY POLICY, PLANNING, AND PRODUCTION

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

(1) Water constitutes a public resource benefiting the
entire state.

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

(3) Water supply planning and production in the state

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1 be conducted on a state and regional basis.

2 (4) There is a need to allocate water throughout the
3 state so as to meet all reasonable-beneficial uses. However,
4 the Legislature acknowledges that such allocations have in the
5 past adversely affected the water resources of certain areas
6 in this state. To protect such water resources and to meet the
7 current and future needs of those areas with abundant water,
8 the Legislature directs the department and the water
9 management districts to encourage the use of water from
10 sources nearest the area of use or application whenever
11 practicable. Such sources shall include all naturally
12 occurring water sources and all alternative water sources,
13 including, but not limited to, desalination, conservation,
14 reuse of nonpotable reclaimed water and stormwater, and
15 aquifer storage and recovery.

16 (5) In establishing the policy outlined in subsection
17 (4), the Legislature realizes that under certain circumstances
18 the need to transport water from distant sources may be
19 necessary for environmental, technical, or economic reasons.

20 (6) Cooperative efforts between municipalities,
21 counties, water management districts, and the Department of
22 Environmental Protection are mandatory in order to meet the
23 water needs of rapidly urbanizing areas in a manner which will
24 supply adequate and dependable supplies of water where needed
25 without resulting in adverse effects upon the areas from
26 whence such water is withdrawn. Such efforts should utilize
27 all practical means of obtaining water, including, but not
28 limited to, withdrawals of surface water and groundwater,
29 recycling of waste water, and desalinization, and will
30 necessitate not only cooperation but also well-coordinated
31 activities.

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1 (7) Municipalities and counties are encouraged to
 2 create regional water supply authorities as authorized herein.
 3 It is further the intent that municipalities, counties, and
 4 regional water supply authorities are to have the primary
 5 responsibility for water supply, and water management
 6 districts and their basin boards are to engage only in those
 7 functions that are incidental to the exercise of their flood
 8 control and water management powers or that are related to
 9 water resource development pursuant to s. 373.709.

10 (8) Nothing herein shall be construed to preclude the
 11 various municipalities and counties from continuing to operate
 12 existing water production and transmission facilities or to
 13 enter into cooperative agreements with other municipalities
 14 and counties for the purpose of meeting their respective needs
 15 for dependable and adequate supplies of water, provided the
 16 obtaining of water through such operations shall not be done
 17 in a manner which results in adverse effects upon the areas
 18 from whence such water is withdrawn.

19 Section 2. Section 373.703, Florida Statutes, is
 20 created to read:

21 373.703 Definitions.--When appearing in this chapter
 22 or in any rule, regulation, or order adopted pursuant thereto,
 23 the following words shall, unless the context clearly
 24 indicates otherwise, mean:

25 (1) "District water supply plan" means the regional
 26 water resource plan developed by a governing board under s.
 27 373.707.

28 (2) "Florida water supply plan" means the state-level
 29 water resource plan developed by the department under s.
 30 373.707

31 (3) "Regional water supply plan" means a detailed

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1 water supply plan developed by a governing board under s.
2 373.713.

3 (4) "Water resource development" means the formulation
4 and implementation of regional water resource management
5 strategies, including the collection and evaluation of surface
6 water and groundwater data; structural and nonstructural
7 programs to protect and manage water resources; the
8 development of regional water resource implementation
9 programs; the construction, operation, and maintenance of
10 major public works facilities to provide for surface and
11 underground water storage, and groundwater recharge
12 augmentation; and related technical assistance to local
13 governments and to government-owned and privately owned water
14 utilities.

15 (5) "Water supply development" means the planning,
16 design, construction, operation, and maintenance of public or
17 private facilities for water collection, production,
18 treatment, transmission, or distribution for sale, resale, or
19 end use.

20 Section 3. Section 373.705, Florida Statutes, is
21 created to read:

22 373.705 Powers and duties.--In the performance of, and
23 in conjunction with, its other powers and duties, the
24 governing board of a water management district existing
25 pursuant to this chapter:

26 (1) Shall engage in planning to assist counties,
27 municipalities, private utilities, or regional water supply
28 authorities in meeting water supply needs in such manner as
29 will give priority to encouraging conservation and reducing
30 adverse environmental effects of improper or excessive
31 withdrawals of water from concentrated areas. As used in this

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1 section, regional water supply authorities are regional water
2 authorities created under s. 373.717 or other laws of this
3 state.

4 (2) Shall assist counties, municipalities, private
5 utilities, or water supply authorities in meeting water supply
6 needs in such manner as will give priority to encouraging
7 conservation and reducing adverse environmental effects of
8 improper or excessive withdrawals of water from concentrated
9 areas.

10 (3) May establish, design, construct, operate, and
11 maintain water production and transmission facilities for the
12 purpose of supplying water to counties, municipalities,
13 private utilities, or regional water supply authorities. The
14 permit required by part II of this chapter for a water
15 management district engaged in water production and
16 transmission shall be granted, denied, or granted with
17 conditions by the department.

18 (4) Shall not engage in local distribution.

19 (5) Shall not deprive, directly or indirectly, any
20 county wherein water is withdrawn of the prior right to the
21 reasonable and beneficial use of water which is required to
22 supply adequately the reasonable and beneficial needs of the
23 county or any of the inhabitants or property owners therein.

24 (6) May provide water and financial assistance to
25 regional water supply authorities, but may not provide water
26 to counties and municipalities which are located within the
27 area of such authority without the specific approval of the
28 authority or, in the event of the authority's disapproval, the
29 approval of the Governor and Cabinet sitting as the Land and
30 Water Adjudicatory Commission. The district may supply water
31 at rates and upon terms mutually agreed to by the parties or,

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1 if they do not agree, as set by the governing board and
2 specifically approved by the Governor and Cabinet sitting as
3 the Land and Water Adjudicatory Commission.

4 (7) May acquire title to such interest as is necessary
5 in real property, by purchase, gift, devise, lease, eminent
6 domain, or otherwise, for water production and transmission
7 consistent with this section. However, the district shall not
8 use any of the eminent domain powers herein granted to acquire
9 water and water rights already devoted to reasonable and
10 beneficial use or any water production or transmission
11 facilities owned by any county, municipality, or regional
12 water supply authority. The district may exercise eminent
13 domain powers outside of its district boundaries for the
14 acquisition of pumpage facilities, storage areas, transmission
15 facilities, and the normal appurtenances thereto, provided
16 that at least 45 days prior to the exercise of eminent domain,
17 the district notifies the district where the property is
18 located after public notice and the district where the
19 property is located does not object within 45 days after
20 notification of such exercise of eminent domain authority.

21 (8) In addition to the power to issue revenue bonds
22 pursuant to s. 373.584, may issue revenue bonds for the
23 purposes of paying the costs and expenses incurred in carrying
24 out the purposes of this part or refunding obligations of the
25 district issued pursuant to this section. Such revenue bonds
26 shall be secured by, and be payable from, revenues derived
27 from the operation, lease, or use of its water production and
28 transmission facilities and other water-related facilities and
29 from the sale of water or services relating thereto. Such
30 revenue bonds may not be secured by, or be payable from,
31 moneys derived by the district from the Water Management Lands

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1 Trust Fund or from ad valorem taxes received by the district.
 2 All provisions of s. 373.584 relating to the issuance of
 3 revenue bonds which are not inconsistent with this section
 4 shall apply to the issuance of revenue bonds pursuant to this
 5 section. The district may also issue bond anticipation notes
 6 in accordance with the provisions of s. 373.584.

7 (9) May join with one or more other water management
 8 districts, counties, municipalities, private utilities, or
 9 regional water supply authorities for the purpose of carrying
 10 out any of its powers, and may contract with such other
 11 entities to finance acquisitions, construction, operation, and
 12 maintenance. The contract may provide for contributions to be
 13 made by each party thereto, for the division and apportionment
 14 of the expenses of acquisitions, construction, operation, and
 15 maintenance, and for the division and apportionment of the
 16 benefits, services, and products therefrom. The contracts may
 17 contain other covenants and agreements necessary and
 18 appropriate to accomplish their purposes.

19 Section 4. Section 373.707, Florida Statutes, is
 20 created to read:

21 373.707 Florida water supply plan; district water
 22 supply plans.--

23 (1) FLORIDA WATER SUPPLY PLAN.--In cooperation with
 24 the water management districts, regional water supply
 25 authorities, and others, the department shall develop the
 26 Florida water supply plan. The Florida water supply plan shall
 27 include, but not be limited to:

28 (a) The programs and activities of the department
 29 related to water supply.

30 (b) The district water supply plans.

31 (c) Goals, objectives, and guidance for the

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1 development and review of programs, rules, and plans relating
2 to water supply based on statutory policies and directives.

3 (2) DISTRICT WATER SUPPLY PLANS.

4 (a) Each governing board shall develop a district
5 water supply plan for its region. The district water supply
6 plan shall be based on at least a 20-year planning period,
7 shall be developed and revised in cooperation with other
8 agencies, regional water supply authorities, units of
9 government, and interested parties, and shall be updated at
10 least once every 5 years. The governing board shall hold a
11 public hearing at least 30 days in advance of completing the
12 development or revision of the district water supply plan.

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

15 1. The scientific methodologies for establishing
16 minimum flows and levels under s. 373.042, and all established
17 minimum flows and levels.

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

20 3. Technical data and information prepared under ss.
21 373.715 and 373.0395.

22 4. A districtwide water supply assessment, which
23 determines for each water supply planning region:

24 a. Existing legal uses, reasonably anticipated future
25 needs, and existing and reasonably anticipated sources of
26 water and conservation efforts; and

27 b. Whether existing and reasonably anticipated sources
28 of water and conservation efforts are adequate to supply water
29 for all existing legal uses and reasonably anticipated future
30 needs and to sustain the water resources and related natural
31 systems.

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1 5. Any completed regional water supply plans prepared
2 pursuant to s. 373.713.

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

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

9 1. The attainment of maximum reasonable-beneficial use
10 of water resources.

11 2. The maximum economic development of the water
12 resources consistent with other uses.

13 3. The management of water resources for such purposes
14 as environmental protection, drainage, flood control, and
15 water storage.

16 4. The quantity of water available for application to
17 a reasonable-beneficial use.

18 5. The prevention of wasteful, uneconomical,
19 impractical, or unreasonable uses of water resources.

20 6. Presently exercised domestic use and permit rights.

21 7. The state water resources policy as expressed by
22 this chapter.

23 (3) The department and governing board shall give
24 careful consideration to the requirements of public recreation
25 and to the protection and procreation of fish and wildlife.
26 The department or governing board may prohibit or restrict
27 other future uses on certain designated bodies of water which
28 may be inconsistent with these objectives.

29 (4) The governing board may designate certain uses in
30 connection with a particular source of supply which, because
31 of the nature of the activity or the amount of water required,

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1 would constitute an undesirable use for which the governing
2 board may deny a permit.

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

10 (6) The department, in cooperation with the Executive
11 Office of the Governor, or its successor agency, may add to
12 the Florida water supply plan any other information,
13 directions, or objectives it deems necessary or desirable for
14 the guidance of the governing boards or other agencies in the
15 administration and enforcement of this chapter.

16 Section 5. Section 373.709, Florida Statutes, is
17 created to read:

18 373.709 Water resource development; water supply
19 development.--

20 (1) The Legislature finds that:

21 (a) The proper role of the water management districts
22 in water supply is primarily planning and water resource
23 development, but this does not preclude them from providing
24 assistance with water supply development.

25 (b) The proper role of local government, regional
26 water supply authorities, and government-owned and privately
27 owned water utilities in water supply is primarily water
28 supply development, but this does not preclude them from
29 providing assistance with water resource development.

30 (c) Water resource development and water supply
31 development must receive priority attention, where needed, to

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1 increase the availability of sufficient water for all existing
2 and future reasonable-beneficial uses and natural systems.

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

4 (a) Sufficient water be available for all existing and
5 future reasonable-beneficial uses and the natural systems, and
6 that the adverse effects of competition for water supplies be
7 avoided.

8 (b) Water management districts take the lead in
9 identifying and implementing water resource development
10 projects, and be responsible for securing necessary funding
11 for regionally significant water resource development
12 projects.

13 (c) Local governments, regional water supply
14 authorities, and government-owned and privately owned water
15 utilities take the lead in securing funds for and implementing
16 water supply development projects. Generally, direct
17 beneficiaries of water supply development projects should pay
18 the costs of the projects from which they benefit, and water
19 supply development projects should continue to be paid for
20 through local funding sources.

21 (d) Water supply development be conducted in
22 coordination with water management district regional water
23 supply planning and water resource development.

24 (3) The water management districts shall fund and
25 implement water resource development as defined in s. 373.703.
26 The water management districts are encouraged to implement
27 water resource development as expeditiously as possible in
28 areas subject to regional water supply plans. Each governing
29 board shall include in its annual budget the amount needed for
30 the fiscal year to implement water resource development
31 projects, as prioritized in its regional water supply plans

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1 (4)(a) Water supply development projects which are
 2 consistent with the relevant regional water supply plans and
 3 which meet one or more of the following criteria shall receive
 4 priority consideration for state or water management district
 5 funding assistance:

6 1. The project supports establishment of a dependable,
 7 sustainable supply of water which is not otherwise financially
 8 feasible;

9 2. The project provides substantial environmental
 10 benefits by preventing or limiting adverse water resource
 11 impacts, but requires funding assistance to be economically
 12 competitive with other options; or

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

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

21 (c) If a proposed alternative water supply development
 22 project is identified in the relevant approved regional water
 23 supply plan, the project shall receive:

24 1. A 20-year consumptive use permit, if it otherwise
 25 meets the permit requirements under ss. 373.223 and 373.236
 26 and rules adopted thereunder.

27 2. Consideration for priority funding pursuant to s.
 28 373.711 if the project meets one of the criteria in this
 29 subsection.

30 Section 6. Section 373.711, Florida Statutes, is
 31 created to read:

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1 373.711 Alternative water supplies.--The Legislature
2 finds that, due to a combination of factors, vastly increased
3 demands have been placed on natural supplies of fresh water,
4 and that, absent increased development of alternative water
5 supplies, such demands may increase in the future. The
6 Legislature also finds that potential exists in the state for
7 the production of significant quantities of alternative water
8 supplies, including reclaimed water, and that water production
9 includes the development of alternative water supplies,
10 including reclaimed water, for appropriate uses. It is the
11 intent of the Legislature that utilities develop reclaimed
12 water systems, where reclaimed water is the most appropriate
13 alternative water supply option, to deliver reclaimed water to
14 as many users as possible through the most cost-effective
15 means, and to construct reclaimed water system infrastructure
16 to their owned or operated properties and facilities where
17 they have reclamation capability. It is also the intent of the
18 Legislature that the water management districts which levy ad
19 valorem taxes for water management purposes should share a
20 percentage of those tax revenues with water providers and
21 users, including local governments, water, wastewater, and
22 reuse utilities, municipal, industrial, and agricultural water
23 users, and other public and private water users, to be used to
24 supplement other funding sources in the development of
25 alternative water supplies. The Legislature finds that public
26 moneys or services provided to private entities for such uses
27 constitute public purposes which are in the public interest.
28 In order to further the development and use of alternative
29 water supply systems, including reclaimed water systems, the
30 Legislature provides the following:

31 (1) The governing boards of the water management

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1 districts where water resource caution areas have been
2 designated shall include in their annual budgets an amount for
3 the development of alternative water supply systems, including
4 reclaimed water systems, pursuant to the requirements of this
5 subsection. Beginning in 1996, such amounts shall be made
6 available to water providers and users no later than December
7 31 of each year, through grants, matching grants, revolving
8 loans, or the use of district lands or facilities pursuant to
9 the requirements of this subsection and guidelines established
10 by the districts. In making grants or loans, funding priority
11 must be given to projects in accordance with s. 373.709(4).
12 Without diminishing amounts available through other means
13 described in this paragraph, the governing boards are
14 encouraged to consider establishing revolving loan funds to
15 expand the total funds available to accomplish the objectives
16 of this section. A revolving loan fund created under this
17 paragraph must be a nonlapsing fund from which the water
18 management district may make loans with interest rates below
19 prevailing market rates to public or private entities for the
20 purposes described in this section. The governing board may
21 adopt resolutions to establish revolving loan funds which must
22 specify the details of the administration of the fund, the
23 procedures for applying for loans from the fund, the criteria
24 for awarding loans from the fund, the initial capitalization
25 of the fund, and the goals for future capitalization of the
26 fund in subsequent budget years. Revolving loan funds created
27 under this paragraph must be used to expand the total sums and
28 sources of cooperative funding available for the development
29 of alternative water supplies. The Legislature does not intend
30 for the creation of revolving loan funds to supplant or
31 otherwise reduce existing sources or amounts of funds

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1 currently available through other means.

2 (2) It is the intent of the Legislature that for each
3 reclaimed water utility, or any other utility, which receives
4 funds pursuant to this subsection, the appropriate
5 rate-setting authorities should develop rate structures for
6 all water, wastewater, and reclaimed water and other
7 alternative water supply utilities in the service area of the
8 funded utility, which accomplish the following:

9 (a) Provide meaningful progress toward the development
10 and implementation of alternative water supply systems,
11 including reclaimed water systems;

12 (b) Promote the conservation of fresh water withdrawn
13 from natural systems;

14 (c) Provide for an appropriate distribution of costs
15 for all water, wastewater, and alternative water supply
16 utilities, including reclaimed water utilities, among all of
17 the users of those utilities; and

18 (d) Prohibit rate discrimination within classes of
19 utility users.

20 (3) Funding assistance provided by the water
21 management districts for a water reuse system project may
22 include the following grant or loan conditions for that
23 project if the water management district determines that such
24 conditions will encourage water use efficiency:

25 (a) Metering of reclaimed water use for the following
26 activities: residential irrigation, agricultural irrigation,
27 industrial uses except for electric utilities as defined in s.
28 366.02(2), landscape irrigation, irrigation of other public
29 access areas, commercial and institutional uses such as toilet
30 flushing, and transfers to other reclaimed water utilities.

31 (b) Implementation of reclaimed water rate structures

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1 based on actual use of reclaimed water for the types of reuse
2 activities listed in subparagraph 1.

3 (c) Implementation of education programs to inform the
4 public about water issues, water conservation, and the
5 importance and proper use of reclaimed water.

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

8 (4) In order to be eligible for funding pursuant to
9 this subsection, a project must be consistent with a local
10 government comprehensive plan and the governing body of the
11 local government must require all appropriate new facilities
12 within the project's service area to connect to and use the
13 project's alternative water supplies. The appropriate local
14 government must provide written notification to the
15 appropriate district that the proposed project is consistent
16 with the local government comprehensive plan.

17 (5) Any and all revenues disbursed pursuant to this
18 subsection shall be applied only for the payment of capital or
19 infrastructure costs for the construction of alternative water
20 supply systems that provide alternative water supplies.

21 (6) By January 1 of each year, the governing boards
22 shall make available written guidelines for the disbursement of
23 revenues pursuant to this subsection. Such guidelines shall
24 include at minimum:

25 (a) An application process and a deadline for filing
26 applications annually.

27 (b) A process for determining project eligibility
28 pursuant to the requirements of paragraphs (c) and (d).

29 (c) A process and criteria for funding projects
30 pursuant to this subsection that cross district boundaries or
31 that serve more than one district.

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1 (7) The governing board of each water management
2 district shall establish an alternative water supplies grants
3 advisory committee to recommend to the governing board
4 projects for funding pursuant to this subsection. The advisory
5 committee members shall include, but not be limited to, one or
6 more representatives of county, municipal, and investor-owned
7 private utilities, and may include, but not be limited to,
8 representatives of agricultural interests and environmental
9 interests. Each committee member shall represent his or her
10 interest group as a whole and shall not represent any specific
11 entity. The committee shall apply the guidelines and project
12 eligibility criteria established by the governing board in
13 reviewing proposed projects. After one or more hearings to
14 solicit public input on eligible projects, the committee shall
15 rank the eligible projects and shall submit them to the
16 governing board for final funding approval. The advisory
17 committee may submit to the governing board more projects than
18 the available grant money would fund.

19 (8) All revenues made available annually pursuant to
20 this subsection must be encumbered annually by the governing
21 board if it approves projects sufficient to expend the
22 available revenues. Funds must be disbursed within 36 months
23 after encumbrance.

24 (9) For purposes of this subsection, "alternative
25 water supplies" are supplies of water that have been reclaimed
26 after one or more public supply, municipal, industrial,
27 commercial, or agricultural uses, or are supplies of
28 stormwater, or brackish or salt water, that have been treated
29 in accordance with applicable rules and standards sufficient
30 to supply the intended use.

31 (10) This section shall not be subject to the

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1 rulemaking requirements of chapter 120.

2 (11) By January 30 of each year, each water management
3 district shall submit an annual report to the Governor, the
4 President of the Senate, and the Speaker of the House of
5 Representatives which accounts for the disbursal of all
6 budgeted amounts pursuant to this subsection. Such report
7 shall describe all projects funded and shall account
8 separately for moneys provided through grants, matching
9 grants, revolving loans, and the use of district lands or
10 facilities.

11 (12) The Florida Public Service Commission shall allow
12 entities under its jurisdiction constructing alternative water
13 supply facilities, including but not limited to aquifer
14 storage and recovery wells, to recover the full, prudently
15 incurred cost of such facilities through their rate structure.
16 Every component of an alternative water supply facility
17 constructed by an investor-owned utility shall be recovered in
18 current rates.

19 Section 7. Section 373.713, Florida Statutes, is
20 created to read:

21 373.713 Regional water supply planning.--

22 (1) The governing board shall conduct water supply
23 planning for each water supply planning region identified in
24 the district water supply plan under s. 373.707, where it
25 determines that sources of water are not adequate for the
26 planning period to supply water for all existing and projected
27 reasonable-beneficial uses and to sustain the water resources
28 and related natural systems. The planning must be conducted
29 in an open public process, in coordination and cooperation
30 with local governments, regional water supply authorities,
31 government-owned and privately owned water utilities,

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1 self-suppliers, and other affected and interested parties.
2 During development but prior to completion of the regional
3 water supply plan, the district must conduct at least one
4 public workshop to discuss the technical data and modeling
5 tools anticipated to be used to support the plan. A
6 determination by the governing board that initiation of a
7 regional water supply plan for a specific planning region is
8 not needed pursuant to this section shall be subject to s.
9 120.569. The governing board shall reevaluate such a
10 determination at least once every 5 years and shall initiate a
11 regional water supply plan, if needed, pursuant to this
12 subsection.

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

16 (a) A water supply development component that
17 includes:

18 1. A quantification of the water supply needs for all
19 existing and reasonably projected future uses within the
20 planning horizon. The level-of-certainty planning goal
21 associated with identifying the water supply needs of existing
22 and future reasonable-beneficial uses shall be based upon
23 meeting those needs for a 1-in-10-year drought event.

24 Population projections used for determining public water
25 supply needs must be based upon the best available data. In
26 determining the best available data, the district shall
27 consider the University of Florida's Bureau of Economic and
28 Business Research (BEBR) medium population projections and any
29 population projection data and analysis submitted by a local
30 government pursuant to the public workshop described in
31 subsection (1) if the data and analysis support the local

1 government's comprehensive plan. Any adjustment of or
 2 deviation from the BEBR projections must be fully described,
 3 and the original BEBR data must be presented along with the
 4 adjusted data.

5 2. A list of water source options, including
 6 traditional and alternative source options, from which local
 7 government, government-owned and privately owned utilities,
 8 self-suppliers, and others may choose, for water supply
 9 development, the total capacity of which will, in conjunction
 10 with water conservation and other demand management measures,
 11 exceed the needs identified in subparagraph 1.

12 3. For each option listed in subparagraph 2., the
 13 estimated amount of water available for use and the estimated
 14 costs of and potential sources of funding for water supply
 15 development.

16 4. A list of water supply development projects that
 17 meet the criteria in s. 373. 709(4).

18 (b) A water resource development component that
 19 includes:

20 1. A listing of those water resource development
 21 projects that support water supply development.

22 2. For each water resource development project listed:

23 a. An estimate of the amount of water to become
 24 available through the project.

25 b. The timetable for implementing or constructing the
 26 project and the estimated costs for implementing, operating,
 27 and maintaining the project.

28 c. Sources of funding and funding needs.

29 d. Who will implement the project and how it will be
 30 implemented.

31 (c) The recovery and prevention strategy described in

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1 s. 373.0421(2).

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

6 (e) Consideration of how the options addressed in
7 paragraphs (a) and (b) serve the public interest or save costs
8 overall by preventing the loss of natural resources or
9 avoiding greater future expenditures for water resource
10 development or water supply development. However, unless
11 adopted by rule, these considerations do not constitute final
12 agency action.

13 (f) The technical data and information applicable to
14 the planning region which are contained in the district water
15 management plan and are necessary to support the regional
16 water supply plan.

17 (g) The minimum flows and levels established for water
18 resources within the planning region.

19 (h) Reservations of water adopted by rule pursuant to
20 s. 373.223(4).

21 (i) An analysis, developed in cooperation with the
22 department, of areas or instances in which the variance
23 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
24 create water supply development or water resource development
25 projects.

26
27 The water supply development component of a regional water
28 supply plan which deals with or affects public utilities and
29 public water supply for those areas served by a regional water
30 supply authority and its member governments within the
31 boundaries of the Southwest Florida Water Management District

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1 shall be developed jointly by the authority and the district.

2 (3) Governing board approval of a regional water
3 supply plan shall not be subject to the rulemaking
4 requirements of chapter 120. However, any portion of an
5 approved regional water supply plan which affects the
6 substantial interests of a party shall be subject to s.
7 120.569.

8 (4) Annually and in conjunction with the reporting
9 requirements of s. 373.536(6)(a)4., the department shall
10 submit to the Governor and the Legislature a report on the
11 status of regional water supply planning in each district. The
12 report shall include:

13 (a) A compilation of the estimated costs of and
14 potential sources of funding for water resource development
15 and water supply development projects, as identified in the
16 water management district regional water supply plans.

17 (b) A description of each district's progress toward
18 achieving its water resource development objectives, as
19 directed by s. 373.709(3), including the district's
20 implementation of its 5-year water resource development work
21 program.

22 (c) An assessment of the overall progress being made
23 to develop water supply that is consistent with regional water
24 supply plans to meet existing and future reasonable-beneficial
25 needs during a 1-in-10-year drought.

26 (5) Nothing contained in the water supply development
27 component of the district water management plan shall be
28 construed to require local governments, government-owned or
29 privately owned water utilities, self-suppliers, or other
30 water suppliers to select a water supply development option
31 identified in the component merely because it is identified in

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1 the plan, nor may the plan be used in the review of permits
 2 under part II unless the plan, or an applicable portion
 3 thereof, has been adopted by rule. However, this subsection
 4 does not prohibit a water management district from employing
 5 the data or other information used to establish the plan in
 6 reviewing permits under part II, nor does it limit the
 7 authority of the department or governing board under part II.

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

10 373.715 Technical assistance to local governments.--

11 (1) The water management districts shall assist local
 12 governments in the development and future revision of local
 13 government comprehensive plan elements or public facilities
 14 report as required by s. 189.415, related to water resource
 15 issues.

16 (2) Each water management district shall prepare and
 17 provide information and data to assist local governments in
 18 the preparation and implementation of their local government
 19 comprehensive plans or public facilities report as required by
 20 s. 189.415, whichever is applicable. Such information and data
 21 shall include, but not be limited to:

22 (a) All information and data required in a public
 23 facilities report pursuant to s. 189.415.

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

26 (c) Identification of regulations, programs, and
 27 schedules undertaken or proposed by the district to further
 28 the State Comprehensive Plan.

29 (d) A description of groundwater characteristics,
 30 including existing and planned wellfield sites, existing and
 31 anticipated cones of influence, highly productive groundwater

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1 areas, aquifer recharge areas, deep well injection zones,
2 contaminated areas, an assessment of regional water resource
3 needs and sources for the next 20 years, and water quality.

4 (e) Information reflecting the minimum flows for
5 surface watercourses to avoid harm to water resources or the
6 ecosystem and information reflecting the minimum water levels
7 for aquifers to avoid harm to water resources or the
8 ecosystem.

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

11 373.717 Regional water supply authorities.--

12 (1) By agreement between local governmental units
13 created or existing pursuant to the provisions of Art. VIII of
14 the State Constitution, pursuant to the Florida Interlocal
15 Cooperation Act of 1969, s. 163.01, and upon the approval of
16 the Secretary of Environmental Protection to ensure that such
17 agreement will be in the public interest and complies with the
18 intent and purposes of this act, regional water supply
19 authorities may be created for the purpose of developing,
20 recovering, storing, and supplying water for county or
21 municipal purposes in such a manner as will give priority to
22 reducing adverse environmental effects of excessive or
23 improper withdrawals of water from concentrated areas. In
24 approving said agreement the Secretary of Environmental
25 Protection shall consider, but not be limited to, the
26 following:

27 (a) Whether the geographic territory of the proposed
28 authority is of sufficient size and character to reduce the
29 environmental effects of improper or excessive withdrawals of
30 water from concentrated areas.

31 (b) The maximization of economic development of the

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1 water resources within the territory of the proposed
2 authority.

3 (c) The availability of a dependable and adequate
4 water supply.

5 (d) The ability of any proposed authority to design,
6 construct, operate, and maintain water supply facilities in
7 the locations, and at the times necessary, to ensure that an
8 adequate water supply will be available to all citizens within
9 the authority.

10 (e) The effect or impact of any proposed authority on
11 any municipality, county, or existing authority or
12 authorities.

13 (f) The existing needs of the water users within the
14 area of the authority.

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

18 (a) Upon approval of the electors residing in each
19 county or municipality within the territory to be included in
20 any authority, levy ad valorem taxes, not to exceed 0.5 mill,
21 pursuant to s. 9(b), Art. VII of the State Constitution. No
22 tax authorized by this paragraph shall be levied in any county
23 or municipality without an affirmative vote of the electors
24 residing in such county or municipality.

25 (b) Acquire water; develop, store, and transport
26 water; provide, sell and deliver water for county or municipal
27 uses and purposes; provide for the furnishing of such water
28 and water service upon terms and conditions and at rates which
29 will apportion to parties and nonparties an equitable share of
30 the capital cost and operating expense of the authority's work
31 to the purchaser.

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1 (c) Collect, treat, and recover wastewater.

2 (d) Not engage in local distribution.

3 (e) Exercise the power of eminent domain in the manner
4 provided by law for the condemnation of private property for
5 public use to acquire title to such interest in real property
6 as is necessary to the exercise of the powers herein granted,
7 except water already devoted to reasonable and beneficial use
8 or any water production or transmission facilities owned by
9 any county or municipality.

10 (f) Issue revenue bonds in the manner prescribed by
11 the Revenue Bond Act of 1953, as amended, part I, chapter 159,
12 to be payable solely from funds derived from the sale of water
13 by the authority to any county or municipality. Such bonds may
14 be additionally secured by the full faith and credit of any
15 county or municipality, as provided by s. 159.16 or by a
16 pledge of excise taxes, as provided by s. 159.19. For the
17 purpose of issuing revenue bonds, an authority shall be
18 considered a "unit" as defined in s. 159.02(2) and as that
19 term is used in the Revenue Bond Act of 1953, as amended. Such
20 bonds may be issued to finance the cost of acquiring
21 properties and facilities for the production and transmission
22 of water by the authority to any county or municipality, which
23 cost shall include the acquisition of real property and
24 easements therein for such purposes. Such bonds may be in the
25 form of refunding bonds to take up any outstanding bonds of
26 the authority or of any county or municipality where such
27 outstanding bonds are secured by properties and facilities for
28 production and transmission of water, which properties and
29 facilities are being acquired by the authority. Refunding
30 bonds may be issued to take up and refund all outstanding
31 bonds of said authority that are subject to call and

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1 termination, and all bonds of said authority that are not
 2 subject to call or redemption, when the surrender of said
 3 bonds can be procured from the holder thereof at prices
 4 satisfactory to the authority. Such refunding bonds may be
 5 issued at any time when, in the judgment of the authority, it
 6 will be to the best interest of the authority financially or
 7 economically by securing a lower rate of interest on said
 8 bonds or by extending the time of maturity of said bonds or,
 9 for any other reason, in the judgment of the authority,
 10 advantageous to said authority.

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

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

14 (i) Join with one or more other public corporations
 15 for the purpose of carrying out any of its powers and for that
 16 purpose to contract with such other public corporation or
 17 corporations for the purpose of financing such acquisitions,
 18 construction, and operations. Such contracts may provide for
 19 contributions to be made by each party thereto, for the
 20 division and apportionment of the expenses of such
 21 acquisitions and operations, and for the division and
 22 apportionment of the benefits, services, and products
 23 therefrom. Such contract may contain such other and further
 24 covenants and agreements as may be necessary and convenient to
 25 accomplish the purposes hereof.

26 (3) A regional water supply authority is authorized to
 27 develop, construct, operate, maintain, or contract for
 28 alternative sources of potable water, including desalinated
 29 water, and pipelines to interconnect authority sources and
 30 facilities, either by itself or jointly with a water
 31 management district; however, such alternative potable water

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1 sources, facilities, and pipelines may also be privately
2 developed, constructed, owned, operated, and maintained, in
3 which event an authority and a water management district are
4 authorized to pledge and contribute their funds to reduce the
5 wholesale cost of water from such alternative sources of
6 potable water supplied by an authority to its member
7 governments.

8 (4) When it is found to be in the public interest, for
9 the public convenience and welfare, for a public benefit, and
10 necessary for carrying out the purpose of any regional water
11 supply authority, any state agency, county, water control
12 district existing pursuant to chapter 298, water management
13 district existing pursuant to this chapter, municipality,
14 governmental agency, or public corporation in this state
15 holding title to any interest in land is hereby authorized, in
16 its discretion, to convey the title to or dedicate land, title
17 to which is in such entity, including tax-reverted land, or to
18 grant use-rights therein, to any regional water supply
19 authority created pursuant to this section. Land granted or
20 conveyed to such authority shall be for the public purposes of
21 such authority and may be made subject to the condition that
22 in the event said land is not so used, or if used and
23 subsequently its use for said purpose is abandoned, the
24 interest granted shall cease as to such authority and shall
25 automatically revert to the granting entity.

26 (5) Each county or municipality which is a party to an
27 agreement pursuant to subsection (1) shall have a preferential
28 right to purchase water from the regional water supply
29 authority for use by such county or municipality.

30 (6) In carrying out the provisions of this section,
31 any county wherein water is withdrawn by the authority shall

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1 not be deprived, directly or indirectly, of the prior right to
 2 the reasonable and beneficial use of water which is required
 3 adequately to supply the reasonable and beneficial needs of
 4 the county or any of the inhabitants or property owners
 5 therein.

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

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

15 (9) Where a water supply authority exists pursuant to
 16 this section or s. 373.719 under a voluntary interlocal
 17 agreement that is consistent with requirements in s.
 18 373.719(1)(b) and receives or maintains consumptive use
 19 permits under this voluntary agreement consistent with the
 20 water supply plan, if any, adopted by the governing board,
 21 such authority shall be exempt from consideration by the
 22 governing board or department of the factors specified in s.
 23 373.223(3)(a)-(g) and the submissions required by s.
 24 373.229(3). Such exemptions shall apply only to water sources
 25 within the jurisdictional areas of such voluntary water supply
 26 interlocal agreements.

27 Section 10. Section 373.719, Florida Statutes, is
 28 created to read:

29 373.719 Assistance to west coast regional water supply
 30 authority.--

31 (1) It is the intent of the Legislature to authorize

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1 the implementation of changes in governance recommended by the
 2 West Coast Regional Water Supply Authority in its reports to
 3 the Legislature dated February 1, 1997, and January 5, 1998.
 4 The authority and its member governments may reconstitute the
 5 authority's governance and rename the authority under a
 6 voluntary interlocal agreement with a term of not less than 20
 7 years. The interlocal agreement must comply with this
 8 subsection as follows:

9 (a) The authority and its member governments agree
 10 that cooperative efforts are mandatory to meet their water
 11 needs in a manner that will provide adequate and dependable
 12 supplies of water where needed without resulting in adverse
 13 environmental effects upon the areas from which the water is
 14 withdrawn or otherwise produced.

15 (b) In accordance with s. 4, Art. VIII of the State
 16 Constitution and notwithstanding s. 163.01, the interlocal
 17 agreement may include the following terms, which are
 18 considered approved by the parties without a vote of their
 19 electors, upon execution of the interlocal agreement by all
 20 member governments and upon satisfaction of all conditions
 21 precedent in the interlocal agreement:

22 1. All member governments shall relinquish to the
 23 authority their individual rights to develop potable water
 24 supply sources, except as otherwise provided in the interlocal
 25 agreement;

26 2. The authority shall be the sole and exclusive
 27 wholesale potable water supplier for all member governments;
 28 and

29 3. The authority shall have the absolute and
 30 unequivocal obligation to meet the wholesale needs of the
 31 member governments for potable water.

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

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

9 6. The authority may use the powers provided in part
 10 II of chapter 159 for financing and refinancing water
 11 treatment, production, or transmission facilities, including,
 12 but not limited to, desalinization facilities. All such water
 13 treatment, production, or transmission facilities are
 14 considered a "manufacturing plant" for purposes of s.
 15 159.27(5) and serve a paramount public purpose by providing
 16 water to citizens of the state.

17 7. A member government and any governmental or
 18 quasi-judicial board or commission established by local
 19 ordinance or general or special law where the governing
 20 membership of such board or commission is shared, in whole or
 21 in part, or appointed by a member government agreeing to be
 22 bound by the interlocal agreement shall be limited to the
 23 procedures set forth therein regarding actions that directly
 24 or indirectly restrict or prohibit the use of lands or other
 25 activities related to the production or supply of water.

26 (c) The authority shall acquire full or lesser
 27 interests in all regionally significant member government
 28 wholesale water supply facilities and tangible assets and each
 29 member government shall convey such interests in the
 30 facilities and assets to the authority, at an agreed value.

31 (d) The authority shall charge a uniform per gallon

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1 wholesale rate to member governments for the wholesale supply
2 of potable water. All capital, operation, maintenance, and
3 administrative costs for existing facilities and acquired
4 facilities, authority master water plan facilities, and other
5 future projects must be allocated to member governments based
6 on water usage at the uniform per gallon wholesale rate.

7 (e) The interlocal agreement may include procedures
8 for resolving the parties' differences regarding water
9 management district proposed agency action in the water use
10 permitting process within the authority. Such procedures
11 should minimize the potential for litigation and include
12 alternative dispute resolution. Any governmental or
13 quasi-judicial board or commission established by local
14 ordinance or general or special law where the governing
15 members of such board or commission is shared, in whole or in
16 part, or appointed by a member government, may agree to be
17 bound by the dispute resolution procedures set forth in the
18 interlocal agreement.

19 (f) Upon execution of the voluntary interlocal
20 agreement provided for herein, the authority shall jointly
21 develop with the Southwest Florida Water Management District
22 alternative sources of potable water and transmission
23 pipelines to interconnect regionally significant water supply
24 sources and facilities of the authority in amounts sufficient
25 to meet the needs of all member governments for a period of at
26 least 20 years and for natural systems. Nothing herein,
27 however, shall preclude the authority and its member
28 governments from developing traditional water sources pursuant
29 to the voluntary interlocal agreement. Development and
30 construction costs for alternative source facilities, which
31 may include a desalination facility and significant regional

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1 interconnects, must be borne as mutually agreed to by both the
 2 authority and the Southwest Florida Water Management District.
 3 Nothing herein shall preclude authority or district cost
 4 sharing with private entities for the construction or
 5 ownership of alternative source facilities. By December 31,
 6 1997, the authority and the Southwest Florida Water Management

7 District shall:

8 1. Enter into a mutually acceptable agreement
 9 detailing the development and implementation of directives
 10 contained in this paragraph; or

11 2. Jointly prepare and submit to the President of the
 12 Senate and the Speaker of the House of Representatives a
 13 report describing the progress made and impediments
 14 encountered in their attempts to implement the water resource
 15 development and water supply development directives contained
 16 in this paragraph.

17
 18 Nothing in this section shall be construed to modify the
 19 rights or responsibilities of the authority or its member
 20 governments, except as otherwise provided herein, or of the
 21 Southwest Florida Water Management District or the department
 22 pursuant to this chapter or chapter 403 and as otherwise set
 23 forth by statutes.

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

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

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

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

7
8 Except as otherwise provided in this section or in the
9 voluntary interlocal agreement between the member governments,
10 a majority vote shall bind the authority and its member
11 governments in all matters relating to the funding of
12 wholesale water supply, production, delivery, and related
13 activities.

14 (2) The provisions of this section supersede any
15 conflicting provisions contained in all other general or
16 special laws or provisions thereof as they may apply directly
17 or indirectly to the exclusivity of water supply or withdrawal
18 of water, including provisions relating to the environmental
19 effects, if any, in conjunction with the production and supply
20 of potable water, and the provisions of this section are
21 intended to be a complete revision of all laws related to a
22 regional water supply authority created under s. 373.717 and
23 this section.

24 (3) The authority shall prepare its annual budget in
25 the same manner as prescribed for the preparation of basin
26 budgets, but such authority budget shall not be subject to
27 review by the respective basin boards or by the governing
28 board of the district.

29 (4) The annual millage for the authority shall be the
30 amount required to raise the amount called for by the annual
31 budget when applied to the total assessment on all taxable

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1 property within the limits of the authority, as determined for
2 county taxing purposes.

3 (5) The authority may, by resolution, request the
4 governing board of the district to levy ad valorem taxes
5 within the boundaries of the authority. Upon receipt of such
6 request, together with formal certification of the adoption of
7 its annual budget and of the required tax levy, the authority
8 tax levy shall be made by the governing board of the district
9 to finance authority functions.

10 (6) The taxes provided for in this section shall be
11 extended by the property appraiser on the county tax roll in
12 each county within, or partly within, the authority boundaries
13 and shall be collected by the tax collector in the same manner
14 and time as county taxes, and the proceeds therefrom paid to
15 the district which shall forthwith pay them over to the
16 authority. Until paid, such taxes shall be a lien on the
17 property against which assessed and enforceable in like manner
18 as county taxes. The property appraisers, tax collectors, and
19 clerks of the circuit court of the respective counties shall
20 be entitled to compensation for services performed in
21 connection with such taxes at the same rates as apply to
22 county taxes.

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

26 Section 11. Paragraph (d) of subsection (12) of
27 section 120.52, Florida Statutes, is amended to read:

28 120.52 Definitions.--As used in this act:

29 (12) "Party" means:

30 (d) Any county representative, agency, department, or
31 unit funded and authorized by state statute or county

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1 ordinance to represent the interests of the consumers of a
 2 county, when the proceeding involves the substantial interests
 3 of a significant number of residents of the county and the
 4 board of county commissioners has, by resolution, authorized
 5 the representative, agency, department, or unit to represent
 6 the class of interested persons. The authorizing resolution
 7 shall apply to a specific proceeding and to appeals and
 8 ancillary proceedings thereto, and it shall not be required to
 9 state the names of the persons whose interests are to be
 10 represented.

11
 12 The term "party" does not include a member government of a
 13 regional water supply authority or a governmental or
 14 quasi-judicial board or commission established by local
 15 ordinance or special or general law where the governing
 16 membership of such board or commission is shared with, in
 17 whole or in part, or appointed by a member government of a
 18 regional water supply authority in proceedings under s.
 19 120.569, s. 120.57, or s. 120.68, to the extent that an
 20 interlocal agreement under ss. 163.01 and ~~373.717373-1962~~
 21 exists in which the member government has agreed that its
 22 substantial interests are not affected by the proceedings or
 23 that it is to be bound by alternative dispute resolution in
 24 lieu of participating in the proceedings. This exclusion
 25 applies only to those particular types of disputes or
 26 controversies, if any, identified in an interlocal agreement.

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

29 163.3167 Scope of act.--

30 (13) Each local government shall address in its
 31 comprehensive plan, as enumerated in this chapter, the water

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1 supply sources necessary to meet and achieve the existing and
 2 projected water use demand for the established planning
 3 period, considering the applicable plan developed pursuant to
 4 s. 373.713373-0361.

5 Section 13. Paragraph (a) of subsection (4) and
 6 paragraphs (c), (d), and (h) of subsection (6) and of section
 7 163.3177, Florida Statutes, are amended to read:

8 163.3177 Required and optional elements of
 9 comprehensive plan; studies and surveys.--

10 (4)(a) Coordination of the local comprehensive plan
 11 with the comprehensive plans of adjacent municipalities, the
 12 county, adjacent counties, or the region; with the appropriate
 13 water management district's regional water supply plans
 14 approved pursuant to s. 373.713373-0361; with adopted rules
 15 pertaining to designated areas of critical state concern; and
 16 with the state comprehensive plan shall be a major objective
 17 of the local comprehensive planning process. To that end, in
 18 the preparation of a comprehensive plan or element thereof,
 19 and in the comprehensive plan or element as adopted, the
 20 governing body shall include a specific policy statement
 21 indicating the relationship of the proposed development of the
 22 area to the comprehensive plans of adjacent municipalities,
 23 the county, adjacent counties, or the region and to the state
 24 comprehensive plan, as the case may require and as such
 25 adopted plans or plans in preparation may exist.

26 (6) In addition to the requirements of subsections
 27 (1)-(5), the comprehensive plan shall include the following
 28 elements:

29 (c) A general sanitary sewer, solid waste, drainage,
 30 potable water, and natural groundwater aquifer recharge
 31 element correlated to principles and guidelines for future

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1 land use, indicating ways to provide for future potable water,
2 drainage, sanitary sewer, solid waste, and aquifer recharge
3 protection requirements for the area. The element may be a
4 detailed engineering plan including a topographic map
5 depicting areas of prime groundwater recharge. The element
6 shall describe the problems and needs and the general
7 facilities that will be required for solution of the problems
8 and needs. The element shall also include a topographic map
9 depicting any areas adopted by a regional water management
10 district as prime groundwater recharge areas for the Floridan
11 or Biscayne aquifers, pursuant to s. 373.0395. These areas
12 shall be given special consideration when the local government
13 is engaged in zoning or considering future land use for said
14 designated areas. For areas served by septic tanks, soil
15 surveys shall be provided which indicate the suitability of
16 soils for septic tanks. By December 1, 2006, the element must
17 consider the appropriate water management district's regional
18 water supply plan approved pursuant to s. ~~373.713373-0361~~. The
19 element must include a work plan, covering at least a 10-year
20 planning period, for building water supply facilities that are
21 identified in the element as necessary to serve existing and
22 new development and for which the local government is
23 responsible. The work plan shall be updated, at a minimum,
24 every 5 years within 12 months after the governing board of a
25 water management district approves an updated regional water
26 supply plan. Amendments to incorporate the work plan do not
27 count toward the limitation on the frequency of adoption of
28 amendments to the comprehensive plan.

29 (d) A conservation element for the conservation, use,
30 and protection of natural resources in the area, including
31 air, water, water recharge areas, wetlands, waterwells,

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1 estuarine marshes, soils, beaches, shores, flood plains,
 2 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
 3 marine habitat, minerals, and other natural and environmental
 4 resources. Local governments shall assess their current, as
 5 well as projected, water needs and sources for at least a
 6 10-year period, considering the appropriate regional water
 7 supply plan approved pursuant to s. ~~373.713373-0361~~, or, in
 8 the absence of an approved regional water supply plan, the
 9 district water management plan approved pursuant to s.
 10 ~~373.707373-036(2)~~. This information shall be submitted to the
 11 appropriate agencies. The land use map or map series contained
 12 in the future land use element shall generally identify and
 13 depict the following:

- 14 1. Existing and planned waterwells and cones of
- 15 influence where applicable.
- 16 2. Beaches and shores, including estuarine systems.
- 17 3. Rivers, bays, lakes, flood plains, and harbors.
- 18 4. Wetlands.
- 19 5. Minerals and soils.

20
 21 The land uses identified on such maps shall be consistent with
 22 applicable state law and rules.

23 (h)1. An intergovernmental coordination element
 24 showing relationships and stating principles and guidelines to
 25 be used in the accomplishment of coordination of the adopted
 26 comprehensive plan with the plans of school boards and other
 27 units of local government providing services but not having
 28 regulatory authority over the use of land, with the
 29 comprehensive plans of adjacent municipalities, the county,
 30 adjacent counties, or the region, with the state comprehensive
 31 plan and with the applicable regional water supply plan

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1 approved pursuant to s. ~~373.713373-0361~~, as the case may
 2 require and as such adopted plans or plans in preparation may
 3 exist. This element of the local comprehensive plan shall
 4 demonstrate consideration of the particular effects of the
 5 local plan, when adopted, upon the development of adjacent
 6 municipalities, the county, adjacent counties, or the region,
 7 or upon the state comprehensive plan, as the case may require.

8 a. The intergovernmental coordination element shall
 9 provide for procedures to identify and implement joint
 10 planning areas, especially for the purpose of annexation,
 11 municipal incorporation, and joint infrastructure service
 12 areas.

13 b. The intergovernmental coordination element shall
 14 provide for recognition of campus master plans prepared
 15 pursuant to s. 1013.30.

16 c. The intergovernmental coordination element may
 17 provide for a voluntary dispute resolution process as
 18 established pursuant to s. 186.509 for bringing to closure in
 19 a timely manner intergovernmental disputes. A local government
 20 may develop and use an alternative local dispute resolution
 21 process for this purpose.

22 2. The intergovernmental coordination element shall
 23 further state principles and guidelines to be used in the
 24 accomplishment of coordination of the adopted comprehensive
 25 plan with the plans of school boards and other units of local
 26 government providing facilities and services but not having
 27 regulatory authority over the use of land. In addition, the
 28 intergovernmental coordination element shall describe joint
 29 processes for collaborative planning and decisionmaking on
 30 population projections and public school siting, the location
 31 and extension of public facilities subject to concurrency, and

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1 siting facilities with countywide significance, including
 2 locally unwanted land uses whose nature and identity are
 3 established in an agreement. Within 1 year of adopting their
 4 intergovernmental coordination elements, each county, all the
 5 municipalities within that county, the district school board,
 6 and any unit of local government service providers in that
 7 county shall establish by interlocal or other formal agreement
 8 executed by all affected entities, the joint processes
 9 described in this subparagraph consistent with their adopted
 10 intergovernmental coordination elements.

11 3. To foster coordination between special districts
 12 and local general-purpose governments as local general-purpose
 13 governments implement local comprehensive plans, each
 14 independent special district must submit a public facilities
 15 report to the appropriate local government as required by s.
 16 189.415.

17 4.a. Local governments adopting a public educational
 18 facilities element pursuant to s. 163.31776 must execute an
 19 interlocal agreement with the district school board, the
 20 county, and nonexempt municipalities, as defined by s.
 21 163.31776(1), which includes the items listed in s.
 22 163.31777(2). The local government shall amend the
 23 intergovernmental coordination element to provide that
 24 coordination between the local government and school board is
 25 pursuant to the agreement and shall state the obligations of
 26 the local government under the agreement.

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

29 5. The state land planning agency shall establish a
 30 schedule for phased completion and transmittal of plan
 31 amendments to implement subparagraphs 1., 2., and 3. from all

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1 | jurisdictions so as to accomplish their adoption by December
 2 | 31, 1999. A local government may complete and transmit its
 3 | plan amendments to carry out these provisions prior to the
 4 | scheduled date established by the state land planning agency.
 5 | The plan amendments are exempt from the provisions of s.
 6 | 163.3187(1).

7 | 6. By January 1, 2004, any county having a population
 8 | greater than 100,000, and the municipalities and special
 9 | districts within that county, shall submit a report to the
 10 | Department of Community Affairs which:

11 | a. Identifies all existing or proposed interlocal
 12 | service-delivery agreements regarding the following:
 13 | education; sanitary sewer; public safety; solid waste;
 14 | drainage; potable water; parks and recreation; and
 15 | transportation facilities.

16 | b. Identifies any deficits or duplication in the
 17 | provision of services within its jurisdiction, whether capital
 18 | or operational. Upon request, the Department of Community
 19 | Affairs shall provide technical assistance to the local
 20 | governments in identifying deficits or duplication.

21 | 7. Within 6 months after submission of the report, the
 22 | Department of Community Affairs shall, through the appropriate
 23 | regional planning council, coordinate a meeting of all local
 24 | governments within the regional planning area to discuss the
 25 | reports and potential strategies to remedy any identified
 26 | deficiencies or duplications.

27 | 8. Each local government shall update its
 28 | intergovernmental coordination element based upon the findings
 29 | in the report submitted pursuant to subparagraph 6. The report
 30 | may be used as supporting data and analysis for the
 31 | intergovernmental coordination element.

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1 9. By February 1, 2003, representatives of
 2 municipalities, counties, and special districts shall provide
 3 to the Legislature recommended statutory changes for
 4 annexation, including any changes that address the delivery of
 5 local government services in areas planned for annexation.

6 Section 14. Paragraph (1) of subsection (2) of section
 7 163.3191, Florida Statutes, is amended to read:

8 163.3191 Evaluation and appraisal of comprehensive
 9 plan.--

10 (2) The report shall present an evaluation and
 11 assessment of the comprehensive plan and shall contain
 12 appropriate statements to update the comprehensive plan,
 13 including, but not limited to, words, maps, illustrations, or
 14 other media, related to:

15 (1) The evaluation must consider the appropriate water
 16 management district's regional water supply plan approved
 17 pursuant to s. ~~373.713373-0361~~. The potable water element must
 18 be revised to include a work plan, covering at least a 10-year
 19 planning period, for building any water supply facilities that
 20 are identified in the element as necessary to serve existing
 21 and new development and for which the local government is
 22 responsible.

23 Note.--As amended and substantially reworded by s. 14,
 24 ch. 98-176. Former paragraph (12)(a) was also amended by s. 5,
 25 ch. 98-258, without reference to the substantial rewording of
 26 the section by s. 14, ch. 98-176. As amended by s. 5, ch.
 27 98-258, only, paragraph (12)(a) reads:

28 (12)(a) The state land planning agency may enter into
 29 a written agreement with a municipality of fewer than 5,000
 30 residents or a county with fewer than 75,000 residents so that
 31 such a jurisdiction may focus planning resources on selected

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1 | issues or elements when updating its plan, if the local
 2 | government includes such a request in its report and the
 3 | agency approves the request. Approval of the request does not
 4 | authorize the local government to repeal or render ineffective
 5 | any existing portion or element of its local plan.

6 | Section 15. Paragraph (n) of subsection (2) of section
 7 | 186.009, Florida Statutes, is amended to read:

8 | 186.009 Growth management portion of the state
 9 | comprehensive plan.--

10 | (2) The growth management portion of the state
 11 | comprehensive plan shall:

12 | (n) Set forth recommendations on how to integrate the
 13 | Florida water plan required by s. 373.707373-036 and
 14 | transportation plans required by chapter 339.

15 |
 16 | The growth management portion of the state comprehensive plan
 17 | shall not include a land use map.

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

20 | 189.404 Legislative intent for the creation of
 21 | independent special districts; special act prohibitions; model
 22 | elements and other requirements; general-purpose local
 23 | government/Governor and Cabinet creation authorizations.--

24 | (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 25 | AUTHORIZATIONS.--Except as otherwise authorized by general
 26 | law, only the Legislature may create independent special
 27 | districts.

28 | (c) The Governor and Cabinet may create an independent
 29 | special district which shall be established by rule in
 30 | accordance with s. 190.005 or as otherwise authorized in
 31 | general law. The Governor and Cabinet may also approve the

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1 establishment of a charter for the creation of an independent
2 special district which shall be in accordance with s.
3 ~~373.717373-1962~~, or as otherwise authorized in general law.

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

8 2. Any combination of two or more counties or
9 municipalities may create a regional special district which
10 shall be established in accordance with s. ~~373.717373-1962~~, or
11 as otherwise authorized by general law.

12 3. Any combination of two or more counties,
13 municipalities, or other political subdivisions may create a
14 regional special district in accordance with s. 163.567, or as
15 otherwise authorized in general law.

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

18 189.4155 Activities of special districts; local
19 government comprehensive planning.--

20 (3) The provisions of this section shall not apply to
21 water management districts created pursuant to s. 373.069, to
22 regional water supply authorities created pursuant to s.
23 ~~373.717373-1962~~, or to spoil disposal sites owned or used by
24 the Federal Government.

25 Section 18. Section 189.4156, Florida Statutes, is
26 amended to read:

27 189.4156 Water management district technical
28 assistance; local government comprehensive planning.--Water
29 management districts shall assist local governments in the
30 development of local government comprehensive plan elements
31 related to water resource issues as required by s.

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1 ~~373.715373-0391.~~

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

4 367.021 Definitions.--As used in this chapter, the
5 following words or terms shall have the meanings indicated:

6 (7) "Governmental authority" means a political
7 subdivision, as defined by s. 1.01(8), a regional water supply
8 authority created pursuant to s. ~~373.717373-1962~~, or a
9 nonprofit corporation formed for the purpose of acting on
10 behalf of a political subdivision with respect to a water or
11 wastewater facility.

12 Section 20. Section 373.019, Florida Statutes, is
13 amended to read:

14 373.019 Definitions.--When appearing in this chapter
15 or in any rule, regulation, or order adopted pursuant thereto,
16 the following words shall, unless the context clearly
17 indicates otherwise, mean:

18 (1) "Coastal waters" means waters of the Atlantic
19 Ocean or the Gulf of Mexico within the jurisdiction of the
20 state.

21 (2) "Department" means the Department of Environmental
22 Protection or its successor agency or agencies.

23 ~~(3) "District water management plan" means the~~
24 ~~regional water resource plan developed by a governing board~~
25 ~~under s. 373.036.~~

26 ~~(3)(4)~~ (3) "Domestic use" means the use of water for the
27 individual personal household purposes of drinking, bathing,
28 cooking, or sanitation. All other uses shall not be considered
29 domestic.

30 ~~(5) "Florida water plan" means the state level water~~
31 ~~resource plan developed by the department under s. 373.036.~~

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1 ~~(4)(6)~~ "Governing board" means the governing board of
2 a water management district.

3 ~~(5)(7)~~ "Groundwater" means water beneath the surface
4 of the ground, whether or not flowing through known and
5 definite channels.

6 ~~(6)(8)~~ "Impoundment" means any lake, reservoir, pond,
7 or other containment of surface water occupying a bed or
8 depression in the earth's surface and having a discernible
9 shoreline.

10 ~~(7)(9)~~ "Independent scientific peer review" means the
11 review of scientific data, theories, and methodologies by a
12 panel of independent, recognized experts in the fields of
13 hydrology, hydrogeology, limnology, and other scientific
14 disciplines relevant to the matters being reviewed under s.
15 373.042.

16 ~~(8)(10)~~ "Nonregulated use" means any use of water
17 which is exempted from regulation by the provisions of this
18 chapter.

19 ~~(9)(11)~~ "Other watercourse" means any canal, ditch, or
20 other artificial watercourse in which water usually flows in a
21 defined bed or channel. It is not essential that the flowing
22 be uniform or uninterrupted.

23 ~~(10)(12)~~ "Person" means any and all persons, natural
24 or artificial, including any individual, firm, association,
25 organization, partnership, business trust, corporation,
26 company, the United States of America, and the state and all
27 political subdivisions, regions, districts, municipalities,
28 and public agencies thereof. The enumeration herein is not
29 intended to be exclusive or exhaustive.

30 ~~(11)(13)~~ "Reasonable-beneficial use" means the use of
31 water in such quantity as is necessary for economic and

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1 efficient utilization for a purpose and in a manner which is
2 both reasonable and consistent with the public interest.

3 ~~(14) "Regional water supply plan" means a detailed~~
4 ~~water supply plan developed by a governing board under s.~~
5 ~~373.0361.~~

6 (12)~~(15)~~ "Stream" means any river, creek, slough, or
7 natural watercourse in which water usually flows in a defined
8 bed or channel. It is not essential that the flowing be
9 uniform or uninterrupted. The fact that some part of the bed
10 or channel has been dredged or improved does not prevent the
11 watercourse from being a stream.

12 (13)~~(16)~~ "Surface water" means water upon the surface
13 of the earth, whether contained in bounds created naturally or
14 artificially or diffused. Water from natural springs shall be
15 classified as surface water when it exits from the spring onto
16 the earth's surface.

17 (14)~~(17)~~ "Water" or "waters in the state" means any
18 and all water on or beneath the surface of the ground or in
19 the atmosphere, including natural or artificial watercourses,
20 lakes, ponds, or diffused surface water and water percolating,
21 standing, or flowing beneath the surface of the ground, as
22 well as all coastal waters within the jurisdiction of the
23 state.

24 (15)~~(18)~~ "Water management district" means any flood
25 control, resource management, or water management district
26 operating under the authority of this chapter.

27 ~~(19) "Water resource development" means the~~
28 ~~formulation and implementation of regional water resource~~
29 ~~management strategies, including the collection and evaluation~~
30 ~~of surface water and groundwater data; structural and~~
31 ~~nonstructural programs to protect and manage water resources;~~

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1 ~~the development of regional water resource implementation~~
 2 ~~programs; the construction, operation, and maintenance of~~
 3 ~~major public works facilities to provide for flood control,~~
 4 ~~surface and underground water storage, and groundwater~~
 5 ~~recharge augmentation; and related technical assistance to~~
 6 ~~local governments and to government-owned and privately owned~~
 7 ~~water utilities.~~

8 (16)(20) "Water resource implementation rule" means
 9 the rule authorized by s. 373.707373.036, which sets forth
 10 goals, objectives, and guidance for the development and review
 11 of programs, rules, and plans relating to water resources,
 12 based on statutory policies and directives. The waters of the
 13 state are among its most basic resources. Such waters should
 14 be managed to conserve and protect water resources and to
 15 realize the full beneficial use of these resources.

16 (21) ~~"Water supply development" means the planning,~~
 17 ~~design, construction, operation, and maintenance of public or~~
 18 ~~private facilities for water collection, production,~~
 19 ~~treatment, transmission, or distribution for sale, resale, or~~
 20 ~~end use.~~

21 (17)(22) For the sole purpose of serving as the basis
 22 for the unified statewide methodology adopted pursuant to s.
 23 373.421(1), as amended, "wetlands" means those areas that are
 24 inundated or saturated by surface water or groundwater at a
 25 frequency and a duration sufficient to support, and under
 26 normal circumstances do support, a prevalence of vegetation
 27 typically adapted for life in saturated soils. Soils present
 28 in wetlands generally are classified as hydric or alluvial, or
 29 possess characteristics that are associated with reducing soil
 30 conditions. The prevalent vegetation in wetlands generally
 31 consists of facultative or obligate hydrophytic macrophytes

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1 that are typically adapted to areas having soil conditions
 2 described above. These species, due to morphological,
 3 physiological, or reproductive adaptations, have the ability
 4 to grow, reproduce, or persist in aquatic environments or
 5 anaerobic soil conditions. Florida wetlands generally include
 6 swamps, marshes, bayheads, bogs, cypress domes and strands,
 7 sloughs, wet prairies, riverine swamps and marshes, hydric
 8 seepage slopes, tidal marshes, mangrove swamps and other
 9 similar areas. Florida wetlands generally do not include
 10 longleaf or slash pine flatwoods with an understory dominated
 11 by saw palmetto. Upon legislative ratification of the
 12 methodology adopted pursuant to s. 373.421(1), as amended, the
 13 limitation contained herein regarding the purpose of this
 14 definition shall cease to be effective.

15 ~~(18)(23)~~ "Works of the district" means those projects
 16 and works, including, but not limited to, structures,
 17 impoundments, wells, streams, and other watercourses, together
 18 with the appurtenant facilities and accompanying lands, which
 19 have been officially adopted by the governing board of the
 20 district as works of the district.

21 Section 21. Subsection (2) of section 373.0421,
 22 Florida Statutes, is amended to read:

23 373.0421 Establishment and implementation of minimum
 24 flows and levels.--

25 (2) If the existing flow or level in a water body is
 26 below, or is projected to fall within 20 years below, the
 27 applicable minimum flow or level established pursuant to s.
 28 373.042, the department or governing board, as part of the
 29 regional water supply plan described in s. ~~373.713373-0361~~,
 30 shall expeditiously implement a recovery or prevention
 31 strategy, which includes the development of additional water

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1 supplies and other actions, consistent with the authority
2 granted by this chapter, to:

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

5 (b) Prevent the existing flow or level from falling
6 below the established minimum flow or level.

7
8 The recovery or prevention strategy shall include phasing or a
9 timetable which will allow for the provision of sufficient
10 water supplies for all existing and projected
11 reasonable-beneficial uses, including development of
12 additional water supplies and implementation of conservation
13 and other efficiency measures concurrent with, to the extent
14 practical, and to offset, reductions in permitted withdrawals,
15 consistent with the provisions of this chapter.

16 Section 22. Subsection (4) of section 373.0695,
17 Florida Statutes, is amended to read:

18 373.0695 Duties of basin boards; authorized
19 expenditures.--

20 (4) In the exercise of the duties and powers granted
21 herein, the basin boards shall be subject to all the
22 limitations and restrictions imposed on the water management
23 districts in s. ~~373.705373-1961~~.

24 Section 23. Paragraph (g) of subsection (3) of section
25 373.223, Florida Statutes, is amended to read:

26 373.223 Conditions for a permit.--

27 (3) Except for the transport and use of water supplied
28 by the Central and Southern Florida Flood Control Project, and
29 anywhere in the state when the transport and use of water is
30 supplied exclusively for bottled water as defined in s.

31 500.03(1)(d), any water use permit applications pending as of

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1 April 1, 1998, with the Northwest Florida Water Management
 2 District and self-suppliers of water for which the proposed
 3 water source and area of use or application are located on
 4 contiguous private properties, when evaluating whether a
 5 potential transport and use of ground or surface water across
 6 county boundaries is consistent with the public interest,
 7 pursuant to paragraph (1)(c), the governing board or
 8 department shall consider:

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

11
 12 Where districtwide water supply assessments and regional water
 13 supply plans have been prepared pursuant to ss. ~~373.707373-036~~
 14 and ~~373.713373-0361~~, the governing board or the department
 15 shall use the applicable plans and assessments as the basis
 16 for its consideration of the applicable factors in this
 17 subsection.

18 Section 24. Section 373.2234, Florida Statutes, is
 19 amended to read:

20 373.2234 Preferred water supply sources.--The
 21 governing board of a water management district is authorized
 22 to adopt rules that identify preferred water supply sources
 23 for consumptive uses for which there is sufficient data to
 24 establish that a preferred source will provide a substantial
 25 new water supply to meet the existing and projected
 26 reasonable-beneficial uses of a water supply planning region
 27 identified pursuant to s. ~~373.713373-0361(1)~~, while sustaining
 28 existing water resources and natural systems. At a minimum,
 29 such rules must contain a description of the preferred water
 30 supply source and an assessment of the water the preferred
 31 source is projected to produce. If an applicant proposes to

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1 use a preferred water supply source, that applicant's proposed
 2 water use is subject to s. 373.223(1), except that the
 3 proposed use of a preferred water supply source must be
 4 considered by a water management district when determining
 5 whether a permit applicant's proposed use of water is
 6 consistent with the public interest pursuant to s.
 7 373.223(1)(c). A consumptive use permit issued for the use of
 8 a preferred water supply source must be granted, when
 9 requested by the applicant, for at least a 20-year period and
 10 may be subject to the compliance reporting provisions of s.
 11 373.236(3). Nothing in this section shall be construed to
 12 exempt the use of preferred water supply sources from the
 13 provisions of ss. 373.701~~373.016(4)~~ and 373.223(2) and (3), or
 14 be construed to provide that permits issued for the use of a
 15 nonpreferred water supply source must be issued for a duration
 16 of less than 20 years or that the use of a nonpreferred water
 17 supply source is not consistent with the public interest.
 18 Additionally, nothing in this section shall be interpreted to
 19 require the use of a preferred water supply source or to
 20 restrict or prohibit the use of a nonpreferred water supply
 21 source. Rules adopted by the governing board of a water
 22 management district to implement this section shall specify
 23 that the use of a preferred water supply source is not
 24 required and that the use of a nonpreferred water supply
 25 source is not restricted or prohibited.

26 Section 25. Subsection (3) of section 373.229, Florida
 27 Statutes, is amended to read:

28 373.229 Application for permit.--

29 (3) In addition to the information required in
 30 subsection (1), all permit applications filed with the
 31 governing board or the department which propose the transport

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1 and use of water across county boundaries shall include
2 information pertaining to factors to be considered, pursuant
3 to s. 373.223(3), unless exempt under s. ~~373.717373.1962(9)~~.

4 Section 26. Subsection (1) of section 373.421, Florida
5 Statutes, is amended to read:

6 373.421 Delineation methods; formal determinations.--

7 (1) The Environmental Regulation Commission shall
8 adopt a unified statewide methodology for the delineation of
9 the extent of wetlands as defined in s. 373.019(17)~~(22)~~. This
10 methodology shall consider regional differences in the types
11 of soils and vegetation that may serve as indicators of the
12 extent of wetlands. This methodology shall also include
13 provisions for determining the extent of surface waters other
14 than wetlands for the purposes of regulation under s. 373.414.
15 This methodology shall not become effective until ratified by
16 the Legislature. Subsequent to legislative ratification, the
17 wetland definition in s. 373.019(17)~~(22)~~ and the adopted
18 wetland methodology shall be binding on the department, the
19 water management districts, local governments, and any other
20 governmental entities. Upon ratification of such wetland
21 methodology, the Legislature preempts the authority of any
22 water management district, state or regional agency, or local
23 government to define wetlands or develop a delineation
24 methodology to implement the definition and determines that
25 the exclusive definition and delineation methodology for
26 wetlands shall be that established pursuant to s.
27 373.019(17)~~(22)~~ and this section. Upon such legislative
28 ratification, any existing wetlands definition or wetland
29 delineation methodology shall be superseded by the wetland
30 definition and delineation methodology established pursuant to
31 this chapter. Subsequent to legislative ratification, a

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1 delineation of the extent of a surface water or wetland by the
2 department or a water management district, pursuant to a
3 formal determination under subsection (2), or pursuant to a
4 permit issued under this part in which the delineation was
5 field-verified by the permitting agency and specifically
6 approved in the permit, shall be binding on all other
7 governmental entities for the duration of the formal
8 determination or permit. All existing rules and methodologies
9 of the department, the water management districts, and local
10 governments, regarding surface water or wetland definition and
11 delineation shall remain in full force and effect until the
12 common methodology rule becomes effective. However, this shall
13 not be construed to limit any power of the department, the
14 water management districts, and local governments to amend or
15 adopt a surface water or wetland definition or delineation
16 methodology until the common methodology rule becomes
17 effective.

18 Section 27. Paragraph (a) of subsection (6) of section
19 373.536, Florida Statutes, is amended to read:

20 373.536 District budget and hearing thereon.--

21 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS
22 PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

23 (a) Each district must, by the date specified for each
24 item, furnish copies of the following documents to the
25 Governor, the President of the Senate, the Speaker of the
26 House of Representatives, the chairs of all legislative
27 committees and subcommittees having substantive or fiscal
28 jurisdiction over the districts, as determined by the
29 President of the Senate or the Speaker of the House of
30 Representatives as applicable, the secretary of the
31 department, and the governing board of each county in which

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1 the district has jurisdiction or derives any funds for the
2 operations of the district:

3 1. The adopted budget, to be furnished within 10 days
4 after its adoption.

5 2. A financial audit of its accounts and records, to
6 be furnished within 10 days after its acceptance by the
7 governing board. The audit must be conducted in accordance
8 with the provisions of s. 11.45 and the rules adopted
9 thereunder. In addition to the entities named above, the
10 district must provide a copy of the audit to the Auditor
11 General within 10 days after its acceptance by the governing
12 board.

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

18 4. A 5-year water resource development work program to
19 be furnished within 45 days after the adoption of the final
20 budget. The program must describe the district's
21 implementation strategy for the water resource development
22 component of each approved regional water supply plan
23 developed or revised under s. ~~373.713373-0361~~. The work
24 program must address all the elements of the water resource
25 development component in the district's approved regional
26 water supply plans and must identify which projects in the
27 work program will provide water, explain how each water
28 resource development project will produce additional water
29 available for consumptive uses, estimate the quantity of water
30 to be produced by each project, and provide an assessment of
31 the contribution of the district's regional water supply plans

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1 in providing sufficient water to meet the water supply needs
 2 of existing and future reasonable-beneficial uses for a
 3 1-in-10-year drought event. Within 45 days after its
 4 submittal, the department shall review the proposed work
 5 program and submit its findings, questions, and comments to
 6 the district. The review must include a written evaluation of
 7 the program's consistency with the furtherance of the
 8 district's approved regional water supply plans, and the
 9 adequacy of proposed expenditures. As part of the review, the
 10 department shall give interested parties the opportunity to
 11 provide written comments on each district's proposed work
 12 program. Within 60 days after receipt of the department's
 13 evaluation, the governing board shall state in writing to the
 14 department which changes recommended in the evaluation it will
 15 incorporate into its work program or specify the reasons for
 16 not incorporating the changes. The department shall include
 17 the district's responses in a final evaluation report and
 18 shall submit a copy of the report to the Governor, the
 19 President of the Senate, and the Speaker of the House of
 20 Representatives.

21 Section 28. Subsection (11) of section 373.59, Florida
 22 Statutes, is amended to read:

23 373.59 Water Management Lands Trust Fund.--

24 (11) Notwithstanding any provision of this section to
 25 the contrary, the governing board of a water management
 26 district may request, and the Secretary of Environmental
 27 Protection shall release upon such request, moneys allocated
 28 to the districts pursuant to subsection (8) for purposes
 29 consistent with the provisions of s. ~~373.713373-0361~~, s.
 30 ~~373.709373-0831~~, s. 373.139, or ss. 373.451-373.4595 and for
 31 legislatively authorized land acquisition and water

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1 restoration initiatives. No funds may be used pursuant to this
 2 subsection until necessary debt service obligations,
 3 requirements for payments in lieu of taxes, and land
 4 management obligations that may be required by this chapter
 5 are provided for.

6 Section 29. Paragraph (g) of subsection (1) of section
 7 378.212, Florida Statutes, is amended to read:

8 378.212 Variances.--

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

13 (g) To accommodate reclamation that provides water
 14 supply development or water resource development not
 15 inconsistent with the applicable regional water supply plan
 16 approved pursuant to s. ~~373.713373-0361~~, provided adverse
 17 impacts are not caused to the water resources in the basin. A
 18 variance may also be granted from the requirements of part IV
 19 of chapter 373, or the rules adopted thereunder, when a
 20 project provides an improvement in water availability in the
 21 basin and does not cause adverse impacts to water resources in
 22 the basin.

23 Section 30. Subsection (9) of section 378.404, Florida
 24 Statutes, is amended to read:

25 378.404 Department of Environmental Protection; powers
 26 and duties.--The department shall have the following powers
 27 and duties:

28 (9) To grant variances from the provisions of this
 29 part to accommodate reclamation that provides for water supply
 30 development or water resource development not inconsistent
 31 with the applicable regional water supply plan approved

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1 pursuant to s. ~~373.713373-0361~~, appropriate stormwater
 2 management, improved wildlife habitat, recreation, or a
 3 mixture thereof, provided adverse impacts are not caused to
 4 the water resources in the basin and public health and safety
 5 are not adversely affected.

6 Section 31. Subsection (14) of section 403.031,
 7 Florida Statutes, is amended to read:

8 403.031 Definitions.--In construing this chapter, or
 9 rules and regulations adopted pursuant hereto, the following
 10 words, phrases, or terms, unless the context otherwise
 11 indicates, have the following meanings:

12 (14) "State water resource implementation rule" means
 13 the rule authorized by s. ~~373.707373-036~~, which sets forth
 14 goals, objectives, and guidance for the development and review
 15 of programs, rules, and plans relating to water resources,
 16 based on statutory policies and directives. The waters of the
 17 state are among its most basic resources. Such waters should
 18 be managed to conserve and protect water resources and to
 19 realize the full beneficial use of these resources.

20 Section 32. Paragraphs (r) and (u) of subsection (2)
 21 of section 403.813, Florida Statutes, are amended to read:

22 403.813 Permits issued at district centers;
 23 exceptions.--

24 (2) A permit is not required under this chapter,
 25 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214
 26 or chapter 25270, 1949, Laws of Florida, for activities
 27 associated with the following types of projects; however,
 28 except as otherwise provided in this subsection, nothing in
 29 this subsection relieves an applicant from any requirement to
 30 obtain permission to use or occupy lands owned by the Board of
 31 Trustees of the Internal Improvement Trust Fund or any water

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1 management district in its governmental or proprietary
 2 capacity or from complying with applicable local pollution
 3 control programs authorized under this chapter or other
 4 requirements of county and municipal governments:

5 (r) The removal of aquatic plants, the removal of
 6 tussocks, the associated replanting of indigenous aquatic
 7 plants, and the associated removal from lakes of organic
 8 detrital material when such planting or removal is performed
 9 and authorized by permit or exemption granted under s. 369.20
 10 or s. 369.25, provided that:

11 1. Organic detrital material that exists on the
 12 surface of natural mineral substrate shall be allowed to be
 13 removed to a depth of 3 feet or to the natural mineral
 14 substrate, whichever is less;

15 2. All material removed pursuant to this paragraph
 16 shall be deposited in an upland site in a manner that will
 17 prevent the reintroduction of the material into waters in the
 18 state except when spoil material is permitted to be used to
 19 create wildlife islands in freshwater bodies of the state when
 20 a governmental entity is permitted pursuant to s. 369.20 to
 21 create such islands as a part of a restoration or enhancement
 22 project;

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

25 4. No activities under this exemption are conducted in
 26 wetland areas, as defined by s. 373.019(17)(~~22~~), which are
 27 supported by a natural soil as shown in applicable United
 28 States Department of Agriculture county soil surveys, except
 29 when a governmental entity is permitted pursuant to s. 369.20
 30 to conduct such activities as a part of a restoration or
 31 enhancement project.

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

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

1. No activities under this exemption are conducted in wetland areas, as defined by s. 373.019(17)(22), which are supported by a natural soil as shown in applicable United States Department of Agriculture county soil surveys.

2. No filling or peat mining is allowed.

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

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

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

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

7. Replanting with a variety of aquatic plants native to the state shall occur in a minimum of 25 percent of the

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1 preexisting vegetated areas where organic detrital material is
2 removed, except for areas where the material is removed to
3 bare rocky substrate; however, an area may be maintained clear
4 of vegetation as an access corridor. The access corridor width
5 may not exceed 50 percent of the property owner's frontage or
6 50 feet, whichever is less, and may be a sufficient length
7 waterward to create a corridor to allow access for a boat or
8 swimmer to reach open water. Replanting must be at a minimum
9 density of 2 feet on center and be completed within 90 days
10 after removal of existing aquatic vegetation, except that
11 under dewatered conditions replanting must be completed within
12 90 days after reflooding. The area to be replanted must extend
13 waterward from the ordinary high water line to a point where
14 normal water depth would be 3 feet or the preexisting
15 vegetation line, whichever is less. Individuals are required
16 to make a reasonable effort to maintain planting density for a
17 period of 6 months after replanting is complete, and the
18 plants, including naturally recruited native aquatic plants,
19 must be allowed to expand and fill in the revegetation area.
20 Native aquatic plants to be used for revegetation must be
21 salvaged from the enhancement project site or obtained from an
22 aquatic plant nursery regulated by the Department of
23 Agriculture and Consumer Services. Plants that are not native
24 to the state may not be used for replanting.

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

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

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1 days before commencing work and allows the department to
 2 conduct a preconstruction site inspection. Notice must include
 3 an organic-detrital-material removal and disposal plan and, if
 4 applicable, a vegetation-removal and revegetation plan.

5 10. The department is provided written certification
 6 of compliance with the terms and conditions of this paragraph
 7 within 30 days after completion of any activity occurring
 8 under this exemption.

9 Section 33. Paragraph (a) of subsection (3) of section
 10 403.0891, Florida Statutes, is amended to read:

11 403.0891 State, regional, and local stormwater
 12 management plans and programs.--The department, the water
 13 management districts, and local governments shall have the
 14 responsibility for the development of mutually compatible
 15 stormwater management programs.

16 (3)(a) Each local government required by chapter 163
 17 to submit a comprehensive plan, whose plan is submitted after
 18 July 1, 1992, and the others when updated after July 1, 1992,
 19 in the development of its stormwater management program
 20 described by elements within its comprehensive plan shall
 21 consider the water resource implementation rule, district
 22 stormwater management goals, plans approved pursuant to the
 23 Surface Water Improvement and Management Act, ss.

24 373.451-373.4595, and technical assistance information
 25 provided by the water management districts pursuant to s.
 26 373.715373-0391.

27 Section 34. Subsection (6) of section 556.102, Florida
 28 Statutes, is amended to read:

29 556.102 Definitions.--As used in this act:

30 (6) "Excavate" or "excavation" means any manmade cut,
 31 cavity, trench, or depression in the earth's surface, formed

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1 | by removal of earth, intended to change the grade or level of
 2 | land, or intended to penetrate or disturb the surface of the
 3 | earth, including land beneath the waters of the state, as
 4 | defined in s. 373.019(14)(~~17~~), and the term includes pipe
 5 | bursting and directional drilling or boring from one point to
 6 | another point beneath the surface of the earth, or other
 7 | trenchless technologies.

8 | Section 35. Section 682.02, Florida Statutes, is
 9 | amended to read:

10 | 682.02 Arbitration agreements made valid, irrevocable,
 11 | and enforceable; scope.--Two or more parties may agree in
 12 | writing to submit to arbitration any controversy existing
 13 | between them at the time of the agreement, or they may include
 14 | in a written contract a provision for the settlement by
 15 | arbitration of any controversy thereafter arising between them
 16 | relating to such contract or the failure or refusal to perform
 17 | the whole or any part thereof. This section also applies to
 18 | written interlocal agreements under ss. 163.01 and
 19 | 373.717373-1962 in which two or more parties agree to submit
 20 | to arbitration any controversy between them concerning water
 21 | use permit applications and other matters, regardless of
 22 | whether or not the water management district with jurisdiction
 23 | over the subject application is a party to the interlocal
 24 | agreement or a participant in the arbitration. Such agreement
 25 | or provision shall be valid, enforceable, and irrevocable
 26 | without regard to the justiciable character of the
 27 | controversy; provided that this act shall not apply to any
 28 | such agreement or provision to arbitrate in which it is
 29 | stipulated that this law shall not apply or to any arbitration
 30 | or award thereunder.

31 | Section 36. Section 373.036, Florida Statutes, is

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1 repealed.

2 Section 37. Section 373.0361, Florida Statutes, is
3 repealed.

4 Section 38. Section 373.0391, Florida Statutes, is
5 repealed.

6 Section 39. Section 373.0831, Florida Statutes, is
7 repealed.

8 Section 40. Section 373.196, Florida Statutes, is
9 repealed.

10 Section 41. Section 373.1961, Florida Statutes, is
11 repealed.

12 Section 42. Section 373.1962, Florida Statutes, is
13 repealed.

14 Section 43. Section 373.1963, Florida Statutes, is
15 repealed.

16 Section 44. This act shall take effect July 1, 2005.

17

18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 Delete everything before the enacting clause

22

23 and insert:

24 An act relating to water supply policy,
25 planning and production; creating part VII of
26 ch. 373, F.S.; relating to water supply policy,
27 planning, and production; creating 373.701,
28 F.S.; providing a declaration of policy;
29 creating s. 373.703, F.S.; providing
30 definitions; creating s. 373.705, F.S. ;
31 providing for the powers and duties of water

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1 management district governing boards; creating
2 s. 373.707, F.S.; requiring the Department of
3 Environmental Protection to develop the Florida
4 water supply plan; providing components of the
5 plan; requiring water management district
6 governing boards to develop water supply plans
7 for their respective regions; providing
8 components of district water supply plans;
9 creating s. 373.709, F.S.; providing
10 legislative findings and intent with respect to
11 water resource development and water supply
12 development; requiring water management
13 districts to fund and implement water resource
14 development; specifying water supply
15 development projects which are eligible to
16 receive priority consideration for state or
17 water management district funding assistance;
18 creating s. 373.711, F.S.; providing
19 legislative findings and intent with respect to
20 alternative water supplies; requiring the
21 governing boards of the water management
22 districts where water resource caution areas
23 have been designated to include in their annual
24 budgets an amount for the development of
25 alternative water supply systems; providing
26 funding priority for projects; providing that
27 governing boards are encouraged to establish
28 revolving loan funds; providing requirements
29 with respect to such revolving loan funds;
30 providing legislative intent with respect to
31 the development of rate structures by the

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1 appropriate rate-setting authorities for all
2 water, wastewater, and reclaimed water and
3 other alternative water supply utilities in the
4 service area of a funded utility; specifying
5 intended purposes of such rate structures;
6 providing that funding assistance provided by
7 the water management districts for a water
8 reuse system project may include specified
9 grant or loan conditions; providing
10 requirements for eligibility for funding of
11 projects; requiring specified written notice;
12 providing for application of revenues;
13 requiring governing boards to make written
14 guidelines for disbursal of revenues available
15 annually; providing components of such
16 guidelines; requiring the governing board of
17 each water management district to establish an
18 alternative water supplies grants advisory
19 committee to recommend to the governing board
20 projects for funding; providing requirements
21 with respect to revenues made available
22 annually; defining "alternative water
23 supplies"; providing that provisions governing
24 alternative water supplies are not subject to
25 the rulemaking requirements of the
26 Administrative Procedures Act; requiring water
27 management districts to submit annual reports
28 accounting for the disbursal of all budget
29 amounts; requiring the Florida Public Service
30 Commission to allow entities under its
31 jurisdiction constructing alternative water

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1 supply facilities to recover specified costs
2 through their rate structure; providing that
3 every component of an alternative water supply
4 facility constructed by an investor-owned
5 utility shall be recovered in current rates;
6 creating s. 373.713, F.S.; requiring a water
7 management district governing board to conduct
8 water supply planning for each region
9 identified in the district water supply plan;
10 providing procedures and requirements with
11 respect to regional water supply plans;
12 providing for joint development of a specified
13 water supply development component of a
14 regional water supply plan within the
15 boundaries of the Southwest Florida Water
16 Management District; providing that approval of
17 a regional water supply plan is not subject to
18 the rulemaking requirements of the
19 Administrative Procedures Act; requiring the
20 department to submit annual reports on the
21 status of regional water supply planning in
22 each district; providing construction with
23 respect to the water supply development
24 component of a district water management plan;
25 creating s. 373.715, F.S.; requiring the water
26 management districts to assist local
27 governments in the development and future
28 revision of local government comprehensive plan
29 elements or public facilities reports related
30 to water resource issues; requiring each water
31 management district to prepare and provide

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1 information and data to assist local
2 governments in the preparation and
3 implementation of local government
4 comprehensive plans or public facilities
5 reports; creating s. 373.717, F.S.; providing
6 for the creation of regional water supply
7 authorities; providing purpose of such
8 authorities; specifying considerations with
9 respect to the creation of a proposed
10 authority; specifying authority of a regional
11 water supply authority; providing authority of
12 specified entities to convey title, dedicate
13 land, or grant land-use rights to a regional
14 water supply authority for specified purposes;
15 providing preferential rights of counties and
16 municipalities to purchase water from regional
17 water supply authorities; providing exemption
18 for specified water supply authorities from
19 consideration of certain factors and
20 submissions; providing applicability of such
21 exemptions; creating s. 373.719, F.S.;
22 authorizing the West Coast Regional Water
23 Supply Authority and its member governments to
24 reconstitute the authority's governance and
25 rename the authority under a voluntary
26 interlocal agreement; providing compliance
27 requirements with respect to the interlocal
28 agreement; providing for supersession of
29 conflicting general or special laws; providing
30 requirements with respect to annual budgets;
31 specifying the annual millage for the

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1 authority; authorizing the authority to request
2 the governing board of the district to levy ad
3 valorem taxes within the boundaries of the
4 authority to finance authority functions;
5 providing requirements and procedures with
6 respect to the collection of such taxes;
7 amending s. 373.016, F.S., relating to the
8 declaration of policy; amending s. 373.019,
9 relating to definitions; amending s., 373.0421,
10 373.0695, 373.223, 373.2234, 373.229, 373.421,
11 373.536, 373.59, 378.212, 378.404, 403.031,
12 403.813, 403.0891, 556.102, 682.02, F.S.;
13 conforming cross references; repealing s.
14 373.036, F.S., relating to Florida water and
15 district water management plans; repealing s.
16 373.0361, F.S., relating to regional water
17 supply planning; repealing s. 373.0391, F.S.,
18 relating to technical assistance to local
19 governments; repealing s. 373.0831, F.S.,
20 relating to water resource and water supply
21 development; repealing s. 373.196, F.S.,
22 relating to legislative findings; repealing s.
23 373.1961, F.S., relating to water production;
24 repealing s. 373.1962, F.S., relating to
25 regional water supply authorities; repealing s.
26 373.1963, F.S.; relating to assistance to the
27 West Coast Regional Water Supply Authority;
28 providing an effective date.

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