



1 have been designated to include in their annual  
2 budgets an amount for the development of  
3 alternative water supply systems; providing  
4 funding priority for projects; providing that  
5 governing boards are encouraged to establish  
6 revolving loan funds; providing requirements  
7 with respect to such revolving loan funds;  
8 providing legislative intent with respect to  
9 the development of rate structures by the  
10 appropriate rate-setting authorities for all  
11 water, wastewater, and reclaimed water and  
12 other alternative water supply utilities in the  
13 service area of a funded utility; specifying  
14 intended purposes of such rate structures;  
15 providing that funding assistance provided by  
16 the water management districts for a water  
17 reuse system project may include specified  
18 grant or loan conditions; providing  
19 requirements for eligibility for funding of  
20 projects; requiring specified written notice;  
21 providing for application of revenues;  
22 requiring governing boards to make written  
23 guidelines for disbursement of revenues available  
24 annually; providing components of such  
25 guidelines; requiring the governing board of  
26 each water management district to establish an  
27 alternative water supplies grants advisory  
28 committee to recommend to the governing board  
29 projects for funding; providing requirements  
30 with respect to revenues made available  
31 annually; defining "alternative water

1 supplies"; providing that provisions governing  
2 alternative water supplies are not subject to  
3 the rulemaking requirements of the  
4 Administrative Procedures Act; requiring water  
5 management districts to submit annual reports  
6 accounting for the disbursement of all budget  
7 amounts; requiring the Florida Public Service  
8 Commission to allow entities under its  
9 jurisdiction constructing alternative water  
10 supply facilities to recover specified costs  
11 through their rate structure; providing that  
12 every component of an alternative water supply  
13 facility constructed by an investor-owned  
14 utility shall be recovered in current rates;  
15 creating s. 373.713, F.S.; requiring a water  
16 management district governing board to conduct  
17 water supply planning for each region  
18 identified in the district water supply plan;  
19 providing procedures and requirements with  
20 respect to regional water supply plans;  
21 providing for joint development of a specified  
22 water supply development component of a  
23 regional water supply plan within the  
24 boundaries of the Southwest Florida Water  
25 Management District; providing that approval of  
26 a regional water supply plan is not subject to  
27 the rulemaking requirements of the  
28 Administrative Procedures Act; requiring the  
29 department to submit annual reports on the  
30 status of regional water supply planning in  
31 each district; providing construction with

1           respect to the water supply development  
2           component of a district water management plan;  
3           creating s. 373.715, F.S.; requiring the water  
4           management districts to assist local  
5           governments in the development and future  
6           revision of local government comprehensive plan  
7           elements or public facilities reports related  
8           to water resource issues; requiring each water  
9           management district to prepare and provide  
10          information and data to assist local  
11          governments in the preparation and  
12          implementation of local government  
13          comprehensive plans or public facilities  
14          reports; creating s. 373.717, F.S.; providing  
15          for the creation of regional water supply  
16          authorities; providing purpose of such  
17          authorities; specifying considerations with  
18          respect to the creation of a proposed  
19          authority; specifying authority of a regional  
20          water supply authority; providing authority of  
21          specified entities to convey title, dedicate  
22          land, or grant land-use rights to a regional  
23          water supply authority for specified purposes;  
24          providing preferential rights of counties and  
25          municipalities to purchase water from regional  
26          water supply authorities; providing exemption  
27          for specified water supply authorities from  
28          consideration of certain factors and  
29          submissions; providing applicability of such  
30          exemptions; creating s. 373.719, F.S. ;  
31          authorizing the West Coast Regional Water

1           Supply Authority and its member governments to  
2           reconstitute the authority's governance and  
3           rename the authority under a voluntary  
4           interlocal agreement; providing compliance  
5           requirements with respect to the interlocal  
6           agreement; providing for supersession of  
7           conflicting general or special laws; providing  
8           requirements with respect to annual budgets;  
9           specifying the annual millage for the  
10          authority; authorizing the authority to request  
11          the governing board of the district to levy ad  
12          valorem taxes within the boundaries of the  
13          authority to finance authority functions;  
14          providing requirements and procedures with  
15          respect to the collection of such taxes;  
16          amending ss. 120.52, 163.3167, 163.3177,  
17          163.3191, 186.009, 189.404, 189.4155, 189.4156,  
18          and 367.021, F.S.; conforming cross-references;  
19          amending s. 373.019, F.S.; revising  
20          definitions; amending ss. 373.0421, 373.0695,  
21          373.223, 373.2234, 373.229, 373.421, 373.536,  
22          373.59, 378.212, 378.404, 403.031, 403.813,  
23          403.0891, 556.102, 682.02, F.S.; conforming  
24          cross-references; repealing s. 373.036, F.S.,  
25          relating to Florida water and district water  
26          management plans; repealing s. 373.0361, F.S.,  
27          relating to regional water supply planning;  
28          repealing s. 373.0391, F.S., relating to  
29          technical assistance to local governments;  
30          repealing s. 373.0831, F.S., relating to water  
31          resource and water supply development;



1 current and future needs of those areas with abundant water,  
2 the Legislature directs the department and the water  
3 management districts to encourage the use of water from  
4 sources nearest the area of use or application whenever  
5 practicable. Such sources shall include all naturally  
6 occurring water sources and all alternative water sources,  
7 including, but not limited to, desalination, conservation,  
8 reuse of nonpotable reclaimed water and stormwater, and  
9 aquifer storage and recovery.

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

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

25 (7) Municipalities and counties are encouraged to  
26 create regional water supply authorities as authorized herein.  
27 It is further the intent that municipalities, counties, and  
28 regional water supply authorities are to have the primary  
29 responsibility for water supply, and water management  
30 districts and their basin boards are to engage only in those  
31 functions that are incidental to the exercise of their flood

1 control and water management powers or that are related to  
2 water resource development pursuant to s. 373.709.

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

12 373.703 Definitions.--When appearing in this chapter  
13 or in any rule, regulation, or order adopted pursuant thereto,  
14 the following words shall, unless the context clearly  
15 indicates otherwise, mean:

16 (1) "District water supply plan" means the regional  
17 water resource plan developed by a governing board under s.  
18 373.707.

19 (2) "Florida water supply plan" means the state-level  
20 water resource plan developed by the department under s.  
21 373.707.

22 (3) "Regional water supply plan" means a detailed  
23 water supply plan developed by a governing board under s.  
24 373.713.

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



1 major public works facilities to provide for surface and  
2 underground water storage, and groundwater recharge  
3 augmentation; and related technical assistance to local  
4 governments and to government-owned and privately owned water  
5 utilities.

6 (5) "Water supply development" means the planning,  
7 design, construction, operation, and maintenance of public or  
8 private facilities for water collection, production,  
9 treatment, transmission, or distribution for sale, resale, or  
10 end use.

11 373.705 Powers and duties.--In the performance of, and  
12 in conjunction with, its other powers and duties, the  
13 governing board of a water management district existing  
14 pursuant to this chapter:

15 (1) Shall engage in planning to assist counties,  
16 municipalities, private utilities, or regional water supply  
17 authorities in meeting water supply needs in such manner as  
18 will give priority to encouraging conservation and reducing  
19 adverse environmental effects of improper or excessive  
20 withdrawals of water from concentrated areas. As used in this  
21 section, regional water supply authorities are regional water  
22 authorities created under s. 373.717 or other laws of this  
23 state.

24 (2) Shall assist counties, municipalities, private  
25 utilities, or water supply authorities in meeting water supply  
26 needs in such manner as will give priority to encouraging  
27 conservation and reducing adverse environmental effects of  
28 improper or excessive withdrawals of water from concentrated  
29 areas.

30 (3) May establish, design, construct, operate, and  
31 maintain water production and transmission facilities for the

1 purpose of supplying water to counties, municipalities,  
2 private utilities, or regional water supply authorities. The  
3 permit required by part II for a water management district  
4 engaged in water production and transmission shall be granted,  
5 denied, or granted with conditions by the department.

6 (4) Shall not engage in local distribution.

7 (5) Shall not deprive, directly or indirectly, any  
8 county wherein water is withdrawn of the prior right to the  
9 reasonable and beneficial use of water that is required to  
10 supply adequately the reasonable and beneficial needs of the  
11 county or any of the inhabitants or property owners therein.

12 (6) May provide water and financial assistance to  
13 regional water supply authorities, but may not provide water  
14 to counties and municipalities that are located within the  
15 area of such authority without the specific approval of the  
16 authority or, in the event of the authority's disapproval, the  
17 approval of the Governor and Cabinet sitting as the Land and  
18 Water Adjudicatory Commission. The district may supply water  
19 at rates and upon terms mutually agreed to by the parties or,  
20 if they do not agree, as set by the governing board and  
21 specifically approved by the Governor and Cabinet sitting as  
22 the Land and Water Adjudicatory Commission.

23 (7) May acquire title to such interest as is necessary  
24 in real property, by purchase, gift, devise, lease, eminent  
25 domain, or otherwise, for water production and transmission  
26 consistent with this section. However, the district shall not  
27 use any of the eminent domain powers herein granted to acquire  
28 water and water rights already devoted to reasonable and  
29 beneficial use or any water production or transmission  
30 facilities owned by any county, municipality, or regional  
31 water supply authority. The district may exercise eminent

1 domain powers outside its district boundaries for the  
2 acquisition of pumpage facilities, storage areas, transmission  
3 facilities, and the normal appurtenances thereto, provided  
4 that at least 45 days prior to the exercise of eminent domain,  
5 the district notifies the district where the property is  
6 located after public notice and the district where the  
7 property is located does not object within 45 days after  
8 notification of such exercise of eminent domain authority.

9       (8) In addition to the power to issue revenue bonds  
10 pursuant to s. 373.584, may issue revenue bonds for the  
11 purposes of paying the costs and expenses incurred in carrying  
12 out the purposes of this part or refunding obligations of the  
13 district issued pursuant to this section. Such revenue bonds  
14 shall be secured by, and be payable from, revenues derived  
15 from the operation, lease, or use of its water production and  
16 transmission facilities and other water-related facilities and  
17 from the sale of water or services relating thereto. Such  
18 revenue bonds may not be secured by, or be payable from,  
19 moneys derived by the district from the Water Management Lands  
20 Trust Fund or from ad valorem taxes received by the district.  
21 All provisions of s. 373.584 relating to the issuance of  
22 revenue bonds which are not inconsistent with this section  
23 shall apply to the issuance of revenue bonds pursuant to this  
24 section. The district may also issue bond anticipation notes  
25 in accordance with the provisions of s. 373.584.

26       (9) May join with one or more other water management  
27 districts, counties, municipalities, private utilities, or  
28 regional water supply authorities for the purpose of carrying  
29 out any of its powers, and may contract with such other  
30 entities to finance acquisitions, construction, operation, and  
31 maintenance. The contract may provide for contributions to be

1 made by each party thereto for the division and apportionment  
2 of the expenses of acquisitions, construction, operation, and  
3 maintenance, and for the division and apportionment of the  
4 benefits, services, and products therefrom. The contracts may  
5 contain other covenants and agreements necessary and  
6 appropriate to accomplish their purposes.

7 373.707 Florida water supply plan; district water  
8 supply plans.--

9 (1) In cooperation with the water management  
10 districts, regional water supply authorities, and others, the  
11 department shall develop the Florida water supply plan. The  
12 Florida water supply plan shall include, but not be limited  
13 to:

14 (a) The programs and activities of the department  
15 related to water supply.

16 (b) The district water supply plans.

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

20 (2)(a) Each governing board shall develop a district  
21 water supply plan for its region. The district water supply  
22 plan shall be based on at least a 20-year planning period;  
23 shall be developed and revised in cooperation with other  
24 agencies, regional water supply authorities, units of  
25 government, and interested parties; and shall be updated at  
26 least once every 5 years. The governing board shall hold a  
27 public hearing at least 30 days in advance of completing the  
28 development or revision of the district water supply plan.

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

31

1           1. The scientific methodologies for establishing  
2 minimum flows and levels under s. 373.042, and all established  
3 minimum flows and levels.

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

6           3. Technical data and information prepared under ss.  
7 373.715 and 373.0395.

8           4. A districtwide water supply assessment, which  
9 determines for each water supply planning region:

10           a. Existing legal uses, reasonably anticipated future  
11 needs, and existing and reasonably anticipated sources of  
12 water and conservation efforts; and

13           b. Whether existing and reasonably anticipated sources  
14 of water and conservation efforts are adequate to supply water  
15 for all existing legal uses and reasonably anticipated future  
16 needs and to sustain the water resources and related natural  
17 systems.

18           5. Any completed regional water supply plans prepared  
19 pursuant to s. 373.713.

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

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

26           1. The attainment of maximum reasonable-beneficial use  
27 of water resources.

28           2. The maximum economic development of the water  
29 resources consistent with other uses.

30  
31

1           3. The management of water resources for such purposes  
2 as environmental protection, drainage, flood control, and  
3 water storage.

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

6           5. The prevention of wasteful, uneconomical,  
7 impractical, or unreasonable uses of water resources.

8           6. Presently exercised domestic use and permit rights.

9           7. The state water resources policy as expressed by  
10 this chapter.

11           (3) The department and governing board shall give  
12 careful consideration to the requirements of public recreation  
13 and to the protection and procreation of fish and wildlife.  
14 The department or governing board may prohibit or restrict  
15 other future uses on certain designated bodies of water which  
16 may be inconsistent with these objectives.

17           (4) The governing board may designate certain uses in  
18 connection with a particular source of supply which, because  
19 of the nature of the activity or the amount of water required,  
20 would constitute an undesirable use for which the governing  
21 board may deny a permit.

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

29           (6) The department, in cooperation with the Executive  
30 Office of the Governor or its successor agency, may add to the  
31 Florida water supply plan any other information, directions,

1 or objectives it deems necessary or desirable for the guidance  
2 of the governing boards or other agencies in the  
3 administration and enforcement of this chapter.

4 373.709 Water resource development; water supply  
5 development.--

6 (1) The Legislature finds that:

7 (a) The proper role of the water management districts  
8 in water supply is primarily planning and water resource  
9 development, but this does not preclude them from providing  
10 assistance with water supply development.

11 (b) The proper role of local government, regional  
12 water supply authorities, and government-owned and privately  
13 owned water utilities in water supply is primarily water  
14 supply development, but this does not preclude them from  
15 providing assistance with water resource development.

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

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

21 (a) Sufficient water be available for all existing and  
22 future reasonable-beneficial uses and the natural systems, and  
23 that the adverse effects of competition for water supplies be  
24 avoided.

25 (b) Water management districts take the lead in  
26 identifying and implementing water resource development  
27 projects, and be responsible for securing necessary funding  
28 for regionally significant water resource development  
29 projects.

30 (c) Local governments, regional water supply  
31 authorities, and government-owned and privately owned water

1 utilities take the lead in securing funds for and implementing  
2 water supply development projects. Generally, direct  
3 beneficiaries of water supply development projects should pay  
4 the costs of the projects from which they benefit, and water  
5 supply development projects should continue to be paid for  
6 through local funding sources.

7 (d) Water supply development be conducted in  
8 coordination with water management district regional water  
9 supply planning and water resource development.

10 (3) The water management districts shall fund and  
11 implement water resource development as defined in s. 373.703.

12 The water management districts are encouraged to implement  
13 water resource development as expeditiously as possible in  
14 areas subject to regional water supply plans. Each governing  
15 board shall include in its annual budget the amount needed for  
16 the fiscal year to implement water resource development  
17 projects, as prioritized in its regional water supply plans

18 (4)(a) Water supply development projects that are  
19 consistent with the relevant regional water supply plans and  
20 meet one or more of the following criteria shall receive  
21 priority consideration for state or water management district  
22 funding assistance:

23 1. The project supports establishment of a dependable,  
24 sustainable supply of water which is not otherwise financially  
25 feasible;

26 2. The project provides substantial environmental  
27 benefits by preventing or limiting adverse water resource  
28 impacts, but requires funding assistance to be economically  
29 competitive with other options; or

30  
31



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

4           (b) Water supply development projects that meet the  
5 criteria in paragraph (a) and also bring about replacement of  
6 existing sources in order to help implement a minimum flow or  
7 level shall be given first consideration for state or water  
8 management district funding assistance.

9           (c) If a proposed alternative water supply development  
10 project is identified in the relevant approved regional water  
11 supply plan, the project shall receive:

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

15           2. Consideration for priority funding pursuant to s.  
16 373.711 if the project meets one of the criteria in this  
17 subsection.

18           373.711 Alternative water supplies.--The Legislature  
19 finds that, due to a combination of factors, vastly increased  
20 demands have been placed on natural supplies of fresh water,  
21 and that, absent increased development of alternative water  
22 supplies, such demands may increase in the future. The  
23 Legislature also finds that potential exists in the state for  
24 the production of significant quantities of alternative water  
25 supplies, including reclaimed water, and that water production  
26 includes the development of alternative water supplies,  
27 including reclaimed water, for appropriate uses. It is the  
28 intent of the Legislature that utilities develop reclaimed  
29 water systems, where reclaimed water is the most appropriate  
30 alternative water supply option, to deliver reclaimed water to  
31 as many users as possible through the most cost-effective

1 means, and to construct reclaimed water system infrastructure  
2 to their owned or operated properties and facilities where  
3 they have reclamation capability. It is also the intent of the  
4 Legislature that the water management districts that levy ad  
5 valorem taxes for water management purposes should share a  
6 percentage of those tax revenues with water providers and  
7 users, including local governments; water, wastewater, and  
8 reuse utilities; municipal, industrial, and agricultural water  
9 users; and other public and private water users, to be used to  
10 supplement other funding sources in the development of  
11 alternative water supplies. The Legislature finds that public  
12 moneys or services provided to private entities for such uses  
13 constitute public purposes that are in the public interest. In  
14 order to further the development and use of alternative water  
15 supply systems, including reclaimed water systems, the  
16 Legislature provides the following:

17       (1) The governing boards of the water management  
18 districts where water resource caution areas have been  
19 designated shall include in their annual budgets an amount for  
20 the development of alternative water supply systems, including  
21 reclaimed water systems, pursuant to the requirements of this  
22 subsection. Beginning in 1996, such amounts shall be made  
23 available to water providers and users no later than December  
24 31 of each year, through grants, matching grants, revolving  
25 loans, or the use of district lands or facilities pursuant to  
26 the requirements of this subsection and guidelines established  
27 by the districts. In making grants or loans, funding priority  
28 must be given to projects in accordance with s. 373.709(4).  
29 Without diminishing amounts available through other means  
30 described in this section, the governing boards are encouraged  
31 to consider establishing revolving loan funds to expand the

1 total funds available to accomplish the objectives of this  
2 section. A revolving loan fund created under this section must  
3 be a nonlapsing fund from which the water management district  
4 may make loans with interest rates below prevailing market  
5 rates to public or private entities for the purposes described  
6 in this section. The governing board may adopt resolutions to  
7 establish revolving loan funds which must specify the details  
8 of the administration of the fund, the procedures for applying  
9 for loans from the fund, the criteria for awarding loans from  
10 the fund, the initial capitalization of the fund, and the  
11 goals for future capitalization of the fund in subsequent  
12 budget years. Revolving loan funds created under this section  
13 must be used to expand the total sums and sources of  
14 cooperative funding available for the development of  
15 alternative water supplies. The Legislature does not intend  
16 for the creation of revolving loan funds to supplant or  
17 otherwise reduce existing sources or amounts of funds  
18 currently available through other means.

19 (2) It is the intent of the Legislature that for each  
20 reclaimed water utility, or any other utility that receives  
21 funds pursuant to this section, the appropriate rate-setting  
22 authorities should develop rate structures for all water,  
23 wastewater, and reclaimed water and other alternative water  
24 supply utilities in the service area of the funded utility,  
25 which accomplish the following:

26 (a) Provide meaningful progress toward the development  
27 and implementation of alternative water supply systems,  
28 including reclaimed water systems;

29 (b) Promote the conservation of fresh water withdrawn  
30 from natural systems;

31

1       (c) Provide for an appropriate distribution of costs  
2 for all water, wastewater, and alternative water supply  
3 utilities, including reclaimed water utilities, among all of  
4 the users of those utilities; and

5       (d) Prohibit rate discrimination within classes of  
6 utility users.

7       (3) Funding assistance provided by the water  
8 management districts for a water reuse system project may  
9 include the following grant or loan conditions for that  
10 project if the water management district determines that such  
11 conditions will encourage water use efficiency:

12       (a) Metering of reclaimed water use for the following  
13 activities: residential irrigation, agricultural irrigation,  
14 industrial uses except for electric utilities as defined in s.  
15 366.02(2), landscape irrigation, irrigation of other public  
16 access areas, commercial and institutional uses such as toilet  
17 flushing, and transfers to other reclaimed water utilities.

18       (b) Implementation of reclaimed water rate structures  
19 based on actual use of reclaimed water for the types of reuse  
20 activities listed in paragraph (a).

21       (c) Implementation of education programs to inform the  
22 public about water issues, water conservation, and the  
23 importance and proper use of reclaimed water.

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

26       (4) In order to be eligible for funding pursuant to  
27 this section, a project must be consistent with a local  
28 government comprehensive plan and the governing body of the  
29 local government must require all appropriate new facilities  
30 within the project's service area to connect to and use the  
31 project's alternative water supplies. The appropriate local

1 government must provide written notification to the  
2 appropriate district that the proposed project is consistent  
3 with the local government comprehensive plan.

4 (5) Any and all revenues disbursed pursuant to this  
5 section shall be applied only for the payment of capital or  
6 infrastructure costs for the construction of alternative water  
7 supply systems that provide alternative water supplies.

8 (6) By January 1 of each year, the governing boards  
9 shall make available written guidelines for the disbursement of  
10 revenues pursuant to this section. Such guidelines shall  
11 include at minimum:

12 (a) An application process and a deadline for filing  
13 applications annually.

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

16 (c) A process and criteria for funding projects  
17 pursuant to this section which cross district boundaries or  
18 that serve more than one district.

19 (7) The governing board of each water management  
20 district shall establish an alternative water supplies grants  
21 advisory committee to recommend to the governing board  
22 projects for funding pursuant to this section. The advisory  
23 committee members shall include, but not be limited to, one or  
24 more representatives of county, municipal, and investor-owned  
25 private utilities, and may include, but not be limited to,  
26 representatives of agricultural interests and environmental  
27 interests. Each committee member shall represent his or her  
28 interest group as a whole and shall not represent any specific  
29 entity. The committee shall apply the guidelines and project  
30 eligibility criteria established by the governing board in  
31 reviewing proposed projects. After one or more hearings to

1 solicit public input on eligible projects, the committee shall  
2 rank the eligible projects and shall submit them to the  
3 governing board for final funding approval. The advisory  
4 committee may submit to the governing board more projects than  
5 the available grant money would fund.

6 (8) All revenues made available annually pursuant to  
7 this section must be encumbered annually by the governing  
8 board if it approves projects sufficient to expend the  
9 available revenues. Funds must be disbursed within 36 months  
10 after encumbrance.

11 (9) For purposes of this section, the term  
12 "alternative water supplies" are supplies of water which have  
13 been reclaimed after one or more public supply, municipal,  
14 industrial, commercial, or agricultural uses, or are supplies  
15 of stormwater, or brackish or salt water, which have been  
16 treated in accordance with applicable rules and standards  
17 sufficient to supply the intended use.

18 (10) This section shall not be subject to the  
19 rulemaking requirements of chapter 120.

20 (11) By January 30 of each year, each water management  
21 district shall submit an annual report to the Governor, the  
22 President of the Senate, and the Speaker of the House of  
23 Representatives which accounts for the disbursal of all  
24 budgeted amounts pursuant to this section. Such report shall  
25 describe all projects funded and shall account separately for  
26 moneys provided through grants, matching grants, revolving  
27 loans, and the use of district lands or facilities.

28 (12) The Florida Public Service Commission shall allow  
29 entities under its jurisdiction constructing alternative water  
30 supply facilities, including, but not limited to, aquifer  
31 storage and recovery wells, to recover the full, prudently

1 incurred cost of such facilities through their rate structure.  
2 Every component of an alternative water supply facility  
3 constructed by an investor-owned utility shall be recovered in  
4 current rates.

5 373.713 Regional water supply planning.--

6 (1) The governing board shall conduct water supply  
7 planning for each water supply planning region identified in  
8 the district water supply plan under s. 373.707, where it  
9 determines that sources of water are not adequate for the  
10 planning period to supply water for all existing and projected  
11 reasonable-beneficial uses and to sustain the water resources  
12 and related natural systems. The planning must be conducted in  
13 an open public process and in coordination and cooperation  
14 with local governments, regional water supply authorities,  
15 government-owned and privately owned water utilities,  
16 self-suppliers, and other affected and interested parties.  
17 During development but prior to completion of the regional  
18 water supply plan, the district must conduct at least one  
19 public workshop to discuss the technical data and modeling  
20 tools anticipated to be used to support the plan. A  
21 determination by the governing board that initiation of a  
22 regional water supply plan for a specific planning region is  
23 not needed pursuant to this section shall be subject to s.  
24 120.569. The governing board shall reevaluate such a  
25 determination at least once every 5 years and shall initiate a  
26 regional water supply plan, if needed, pursuant to this  
27 subsection.

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

1           (a) A water supply development component that  
2 includes:  
3           1. A quantification of the water supply needs for all  
4 existing and reasonably projected future uses within the  
5 planning horizon. The level-of-certainty planning goal  
6 associated with identifying the water supply needs of existing  
7 and future reasonable-beneficial uses shall be based upon  
8 meeting those needs for a 1-in-10-year drought event.  
9 Population projections used for determining public water  
10 supply needs must be based upon the best available data. In  
11 determining the best available data, the district shall  
12 consider the University of Florida's Bureau of Economic and  
13 Business Research (BEBR) medium population projections and any  
14 population projection data and analysis submitted by a local  
15 government pursuant to the public workshop described in  
16 subsection (1) if the data and analysis support the local  
17 government's comprehensive plan. Any adjustment of or  
18 deviation from the BEBR projections must be fully described,  
19 and the original BEBR data must be presented along with the  
20 adjusted data.  
21           2. A list of water source options, including  
22 traditional and alternative source options, from which local  
23 government, government-owned and privately owned utilities,  
24 self-suppliers, and others may choose, for water supply  
25 development, the total capacity of which will, in conjunction  
26 with water conservation and other demand management measures,  
27 exceed the needs identified in subparagraph 1.  
28           3. For each option listed in subparagraph 2., the  
29 estimated amount of water available for use and the estimated  
30 costs of and potential sources of funding for water supply  
31 development.



1           4. A list of water supply development projects that  
2 meet the criteria in s. 373.709(4).

3           (b) A water resource development component that  
4 includes:

5           1. A listing of those water resource development  
6 projects that support water supply development.

7           2. For each water resource development project listed:

8           a. An estimate of the amount of water to become  
9 available through the project.

10           b. The timetable for implementing or constructing the  
11 project and the estimated costs for implementing, operating,  
12 and maintaining the project.

13           c. Sources of funding and funding needs.

14           d. Who will implement the project and how it will be  
15 implemented.

16           (c) The recovery and prevention strategy described in  
17 s. 373.0421(2).

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

22           (e) Consideration of how the options addressed in  
23 paragraphs (a) and (b) serve the public interest or save costs  
24 overall by preventing the loss of natural resources or  
25 avoiding greater future expenditures for water resource  
26 development or water supply development. However, unless  
27 adopted by rule, these considerations do not constitute final  
28 agency action.

29           (f) The technical data and information applicable to  
30 the planning region which are contained in the district water  
31

1 management plan and are necessary to support the regional  
2 water supply plan.

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

5 (h) Reservations of water adopted by rule pursuant to  
6 s. 373.223(4).

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

12  
13 The water supply development component of a regional water  
14 supply plan which deals with or affects public utilities and  
15 public water supply for those areas served by a regional water  
16 supply authority and its member governments within the  
17 boundaries of the Southwest Florida Water Management District  
18 shall be developed jointly by the authority and the district.

19 (3) Governing board approval of a regional water  
20 supply plan shall not be subject to the rulemaking  
21 requirements of chapter 120. However, any portion of an  
22 approved regional water supply plan which affects the  
23 substantial interests of a party shall be subject to s.  
24 120.569.

25 (4) Annually and in conjunction with the reporting  
26 requirements of s. 373.536(6)(a)4., the department shall  
27 submit to the Governor and the Legislature a report on the  
28 status of regional water supply planning in each district. The  
29 report shall include:

30 (a) A compilation of the estimated costs of and  
31 potential sources of funding for water resource development

1 and water supply development projects, as identified in the  
2 water management district regional water supply plans.

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

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

12 (5) Nothing contained in the water supply development  
13 component of the district water management plan shall be  
14 construed to require local governments, government-owned or  
15 privately owned water utilities, self-suppliers, or other  
16 water suppliers to select a water supply development option  
17 identified in the component merely because it is identified in  
18 the plan, nor may the plan be used in the review of permits  
19 under part II unless the plan, or an applicable portion  
20 thereof, has been adopted by rule. However, this subsection  
21 does not prohibit a water management district from employing  
22 the data or other information used to establish the plan in  
23 reviewing permits under part II, nor does it limit the  
24 authority of the department or governing board under part II.

25 373.715 Technical assistance to local governments.--

26 (1) The water management districts shall assist local  
27 governments in the development and future revision of local  
28 government comprehensive plan elements or public facilities  
29 report as required by s. 189.415, related to water resource  
30 issues.

31

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

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

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

11           (c) Identification of regulations, programs, and  
12 schedules undertaken or proposed by the district to further  
13 the State Comprehensive Plan.

14           (d) A description of groundwater characteristics,  
15 including existing and planned wellfield sites, existing and  
16 anticipated cones of influence, highly productive groundwater  
17 areas, aquifer recharge areas, deep well injection zones,  
18 contaminated areas, an assessment of regional water resource  
19 needs and sources for the next 20 years, and water quality.

20           (e) Information reflecting the minimum flows for  
21 surface watercourses to avoid harm to water resources or the  
22 ecosystem and information reflecting the minimum water levels  
23 for aquifers to avoid harm to water resources or the  
24 ecosystem.

25           373.717 Regional water supply authorities.--

26           (1) By agreement between local governmental units  
27 created or existing pursuant to the provisions of Art. VIII of  
28 the State Constitution, pursuant to the Florida Interlocal  
29 Cooperation Act of 1969, s. 163.01, and upon the approval of  
30 the Secretary of Environmental Protection to ensure that such  
31 agreement will be in the public interest and complies with the

1 intent and purposes of this part, regional water supply  
2 authorities may be created for the purpose of developing,  
3 recovering, storing, and supplying water for county or  
4 municipal purposes in such a manner as will give priority to  
5 reducing adverse environmental effects of excessive or  
6 improper withdrawals of water from concentrated areas. In  
7 approving said agreement, the Secretary of Environmental  
8 Protection shall consider, but not be limited to, the  
9 following:

10       (a) Whether the geographic territory of the proposed  
11 authority is of sufficient size and character to reduce the  
12 environmental effects of improper or excessive withdrawals of  
13 water from concentrated areas.

14       (b) The maximization of economic development of the  
15 water resources within the territory of the proposed  
16 authority.

17       (c) The availability of a dependable and adequate  
18 water supply.

19       (d) The ability of any proposed authority to design,  
20 construct, operate, and maintain water supply facilities in  
21 the locations, and at the times necessary, to ensure that an  
22 adequate water supply will be available to all residents  
23 within the authority.

24       (e) The effect or impact of any proposed authority on  
25 any municipality, county, or existing authority or  
26 authorities.

27       (f) The existing needs of the water users within the  
28 area of the authority.

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

1        (a) Upon approval of the electors residing in each  
2 county or municipality within the territory to be included in  
3 any authority, levy ad valorem taxes, not to exceed 0.5 mill,  
4 pursuant to s. 9(b), Art. VII of the State Constitution. No  
5 tax authorized by this paragraph shall be levied in any county  
6 or municipality without an affirmative vote of the electors  
7 residing in such county or municipality.

8        (b) Acquire water; develop, store, and transport  
9 water; provide, sell, and deliver water for county or  
10 municipal uses and purposes; provide for the furnishing of  
11 such water and water service upon terms and conditions and at  
12 rates that will apportion to parties and nonparties an  
13 equitable share of the capital cost and operating expense of  
14 the authority's work to the purchaser.

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

16        (d) Not engage in local distribution.

17        (e) Exercise the power of eminent domain in the manner  
18 provided by law for the condemnation of private property for  
19 public use to acquire title to such interest in real property  
20 as is necessary to the exercise of the powers herein granted,  
21 except water already devoted to reasonable and beneficial use  
22 or any water production or transmission facilities owned by  
23 any county or municipality.

24        (f) Issue revenue bonds in the manner prescribed by  
25 the Revenue Bond Act of 1953, as amended, part I of chapter  
26 159, to be payable solely from funds derived from the sale of  
27 water by the authority to any county or municipality. Such  
28 bonds may be additionally secured by the full faith and credit  
29 of any county or municipality, as provided by s. 159.16 or by  
30 a pledge of excise taxes, as provided by s. 159.19. For the  
31 purpose of issuing revenue bonds, an authority shall be

1 considered a "unit" as defined in s. 159.02(2) and as that  
2 term is used in the Revenue Bond Act of 1953, as amended. Such  
3 bonds may be issued to finance the cost of acquiring  
4 properties and facilities for the production and transmission  
5 of water by the authority to any county or municipality, which  
6 cost shall include the acquisition of real property and  
7 easements therein for such purposes. Such bonds may be in the  
8 form of refunding bonds to take up any outstanding bonds of  
9 the authority or of any county or municipality where such  
10 outstanding bonds are secured by properties and facilities for  
11 production and transmission of water, which properties and  
12 facilities are being acquired by the authority. Refunding  
13 bonds may be issued to take up and refund all outstanding  
14 bonds of said authority that are subject to call and  
15 termination, and all bonds of said authority that are not  
16 subject to call or redemption, when the surrender of said  
17 bonds can be procured from the holder thereof at prices  
18 satisfactory to the authority. Such refunding bonds may be  
19 issued at any time when, in the judgment of the authority, it  
20 will be to the best interest of the authority financially or  
21 economically by securing a lower rate of interest on said  
22 bonds or by extending the time of maturity of said bonds or,  
23 for any other reason, in the judgment of the authority,  
24 advantageous to said authority.

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

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

28 (i) Join with one or more other public corporations  
29 for the purpose of carrying out any of its powers and for that  
30 purpose to contract with such other public corporation or  
31 corporations for the purpose of financing such acquisitions,

1 construction, and operations. Such contracts may provide for  
2 contributions to be made by each party thereto, for the  
3 division and apportionment of the expenses of such  
4 acquisitions and operations, and for the division and  
5 apportionment of the benefits, services, and products  
6 therefrom. Such contract may contain such other and further  
7 covenants and agreements as may be necessary and convenient to  
8 accomplish the purposes hereof.

9       (3) A regional water supply authority is authorized to  
10 develop, construct, operate, maintain, or contract for  
11 alternative sources of potable water, including desalinated  
12 water, and pipelines to interconnect authority sources and  
13 facilities, either by itself or jointly with a water  
14 management district; however, such alternative potable water  
15 sources, facilities, and pipelines may also be privately  
16 developed, constructed, owned, operated, and maintained, in  
17 which event an authority and a water management district are  
18 authorized to pledge and contribute their funds to reduce the  
19 wholesale cost of water from such alternative sources of  
20 potable water supplied by an authority to its member  
21 governments.

22       (4) When it is found to be in the public interest, for  
23 the public convenience and welfare, for a public benefit, and  
24 necessary for carrying out the purpose of any regional water  
25 supply authority, any state agency, county, water control  
26 district existing pursuant to chapter 298, water management  
27 district existing pursuant to this chapter, municipality,  
28 governmental agency, or public corporation in this state  
29 holding title to any interest in land is hereby authorized, in  
30 its discretion, to convey the title to or dedicate land, title  
31 to which is in such entity, including tax-reverted land, or to



1 grant use-rights therein, to any regional water supply  
2 authority created pursuant to this section. Land granted or  
3 conveyed to such authority shall be for the public purposes of  
4 such authority and may be made subject to the condition that  
5 in the event said land is not so used, or if used and  
6 subsequently its use for said purpose is abandoned, the  
7 interest granted shall cease as to such authority and shall  
8 automatically revert to the granting entity.

9       (5) Each county or municipality that is a party to an  
10 agreement pursuant to subsection (1) shall have a preferential  
11 right to purchase water from the regional water supply  
12 authority for use by such county or municipality.

13       (6) In carrying out the provisions of this section,  
14 any county wherein water is withdrawn by the authority shall  
15 not be deprived, directly or indirectly, of the prior right to  
16 the reasonable and beneficial use of water which is required  
17 adequately to supply the reasonable and beneficial needs of  
18 the county or any of the inhabitants or property owners  
19 therein.

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

25       (8) The authority shall design, construct, operate,  
26 and maintain facilities in the locations and at the times  
27 necessary to ensure that an adequate water supply will be  
28 available to all residents within the authority.

29       (9) Where a water supply authority exists pursuant to  
30 this section or s. 373.719 under a voluntary interlocal  
31 agreement that is consistent with requirements in s.

1 373.719(1)(b) and receives or maintains consumptive use  
2 permits under this voluntary agreement consistent with the  
3 water supply plan, if any, adopted by the governing board,  
4 such authority shall be exempt from consideration by the  
5 governing board or department of the factors specified in s.  
6 373.223(3)(a)-(g) and the submissions required by s.  
7 373.229(3). Such exemptions shall apply only to water sources  
8 within the jurisdictional areas of such voluntary water supply  
9 interlocal agreements.

10 373.719 Assistance to west coast regional water supply  
11 authority.--

12 (1) It is the intent of the Legislature to authorize  
13 the implementation of changes in governance recommended by the  
14 West Coast Regional Water Supply Authority in its reports to  
15 the Legislature dated February 1, 1997, and January 5, 1998.  
16 The authority and its member governments may reconstitute the  
17 authority's governance and rename the authority under a  
18 voluntary interlocal agreement with a term of not less than 20  
19 years. The interlocal agreement must comply with this  
20 subsection as follows:

21 (a) The authority and its member governments agree  
22 that cooperative efforts are mandatory to meet their water  
23 needs in a manner that will provide adequate and dependable  
24 supplies of water where needed without resulting in adverse  
25 environmental effects upon the areas from which the water is  
26 withdrawn or otherwise produced.

27 (b) In accordance with s. 4, Art. VIII of the State  
28 Constitution and notwithstanding s. 163.01, the interlocal  
29 agreement may include the following terms, which are  
30 considered approved by the parties without a vote of their  
31 electors, upon execution of the interlocal agreement by all

1 member governments and upon satisfaction of all conditions  
2 precedent in the interlocal agreement:

3 1. All member governments shall relinquish to the  
4 authority their individual rights to develop potable water  
5 supply sources, except as otherwise provided in the interlocal  
6 agreement.

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

9 3. The authority shall have the absolute and  
10 unequivocal obligation to meet the wholesale needs of the  
11 member governments for potable water.

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

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

20 6. The authority may use the powers provided in part  
21 II of chapter 159 for financing and refinancing water  
22 treatment, production, or transmission facilities, including,  
23 but not limited to, desalinization facilities. All such water  
24 treatment, production, or transmission facilities are  
25 considered a "manufacturing plant" for purposes of s.  
26 159.27(5) and serve a paramount public purpose by providing  
27 water to residents of the state.

28 7. A member government and any governmental or  
29 quasi-judicial board or commission established by local  
30 ordinance or general or special law where the governing  
31 membership of such board or commission is shared, in whole or

1 in part, or appointed by a member government agreeing to be  
2 bound by the interlocal agreement shall be limited to the  
3 procedures set forth therein regarding actions that directly  
4 or indirectly restrict or prohibit the use of lands or other  
5 activities related to the production or supply of water.

6 (c) The authority shall acquire full or lesser  
7 interests in all regionally significant member government  
8 wholesale water supply facilities and tangible assets and each  
9 member government shall convey such interests in the  
10 facilities and assets to the authority at an agreed value.

11 (d) The authority shall charge a uniform per gallon  
12 wholesale rate to member governments for the wholesale supply  
13 of potable water. All capital, operation, maintenance, and  
14 administrative costs for existing facilities and acquired  
15 facilities, authority master water plan facilities, and other  
16 future projects must be allocated to member governments based  
17 on water usage at the uniform per gallon wholesale rate.

18 (e) The interlocal agreement may include procedures  
19 for resolving the parties' differences regarding water  
20 management district proposed agency action in the water use  
21 permitting process within the authority. Such procedures  
22 should minimize the potential for litigation and include  
23 alternative dispute resolution. Any governmental or  
24 quasi-judicial board or commission established by local  
25 ordinance or general or special law where the governing  
26 members of such board or commission is shared, in whole or in  
27 part, or appointed by a member government, may agree to be  
28 bound by the dispute resolution procedures set forth in the  
29 interlocal agreement.

30 (f) Upon execution of the voluntary interlocal  
31 agreement provided for herein, the authority shall jointly

1 develop with the Southwest Florida Water Management District  
2 alternative sources of potable water and transmission  
3 pipelines to interconnect regionally significant water supply  
4 sources and facilities of the authority in amounts sufficient  
5 to meet the needs of all member governments for a period of at  
6 least 20 years and for natural systems. Nothing herein,  
7 however, shall preclude the authority and its member  
8 governments from developing traditional water sources pursuant  
9 to the voluntary interlocal agreement. Development and  
10 construction costs for alternative source facilities, which  
11 may include a desalination facility and significant regional  
12 interconnects, must be borne as mutually agreed to by both the  
13 authority and the Southwest Florida Water Management District.  
14 Nothing herein shall preclude authority or district cost  
15 sharing with private entities for the construction or  
16 ownership of alternative source facilities. By December 31,  
17 1997, the authority and the Southwest Florida Water Management  
18 District shall:

- 19 1. Enter into a mutually acceptable agreement  
20 detailing the development and implementation of directives  
21 contained in this paragraph; or
- 22 2. Jointly prepare and submit to the President of the  
23 Senate and the Speaker of the House of Representatives a  
24 report describing the progress made and impediments  
25 encountered in their attempts to implement the water resource  
26 development and water supply development directives contained  
27 in this paragraph.

28

29 Nothing in this section shall be construed to modify the  
30 rights or responsibilities of the authority or its member  
31 governments, except as otherwise provided herein, or of the

1 Southwest Florida Water Management District or the department  
2 pursuant to this chapter or chapter 403 and as otherwise set  
3 forth by statutes.

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

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

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

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

18  
19 Except as otherwise provided in this section or in the  
20 voluntary interlocal agreement between the member governments,  
21 a majority vote shall bind the authority and its member  
22 governments in all matters relating to the funding of  
23 wholesale water supply, production, delivery, and related  
24 activities.

25 (2) The provisions of this section supersede any  
26 conflicting provisions contained in all other general or  
27 special laws or provisions thereof as they may apply directly  
28 or indirectly to the exclusivity of water supply or withdrawal  
29 of water, including provisions relating to the environmental  
30 effects, if any, in conjunction with the production and supply  
31 of potable water, and the provisions of this section are

1 intended to be a complete revision of all laws related to a  
2 regional water supply authority created under s. 373.717 and  
3 this section.

4 (3) The authority shall prepare its annual budget in  
5 the same manner as prescribed for the preparation of basin  
6 budgets, but such authority budget shall not be subject to  
7 review by the respective basin boards or by the governing  
8 board of the district.

9 (4) The annual millage for the authority shall be the  
10 amount required to raise the amount called for by the annual  
11 budget when applied to the total assessment on all taxable  
12 property within the limits of the authority, as determined for  
13 county taxing purposes.

14 (5) The authority may, by resolution, request the  
15 governing board of the district to levy ad valorem taxes  
16 within the boundaries of the authority. Upon receipt of such  
17 request, together with formal certification of the adoption of  
18 its annual budget and of the required tax levy, the authority  
19 tax levy shall be made by the governing board of the district  
20 to finance authority functions.

21 (6) The taxes provided for in this section shall be  
22 extended by the property appraiser on the county tax roll in  
23 each county within, or partly within, the authority boundaries  
24 and shall be collected by the tax collector in the same manner  
25 and time as county taxes, and the proceeds therefrom paid to  
26 the district which shall forthwith pay them over to the  
27 authority. Until paid, such taxes shall be a lien on the  
28 property against which assessed and enforceable in like manner  
29 as county taxes. The property appraisers, tax collectors, and  
30 clerks of the circuit court of the respective counties shall  
31 be entitled to compensation for services performed in

1 connection with such taxes at the same rates as apply to  
2 county taxes.

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

6 Section 2. Subsection (12) of section 120.52, Florida  
7 Statutes, is amended to read:

8 120.52 Definitions.--As used in this act:

9 (12) "Party" means:

10 (a) Specifically named persons whose substantial  
11 interests are being determined in the proceeding.

12 (b) Any other person who, as a matter of  
13 constitutional right, provision of statute, or provision of  
14 agency regulation, is entitled to participate in whole or in  
15 part in the proceeding, or whose substantial interests will be  
16 affected by proposed agency action, and who makes an  
17 appearance as a party.

18 (c) Any other person, including an agency staff  
19 member, allowed by the agency to intervene or participate in  
20 the proceeding as a party. An agency may by rule authorize  
21 limited forms of participation in agency proceedings for  
22 persons who are not eligible to become parties.

23 (d) Any county representative, agency, department, or  
24 unit funded and authorized by state statute or county  
25 ordinance to represent the interests of the consumers of a  
26 county, when the proceeding involves the substantial interests  
27 of a significant number of residents of the county and the  
28 board of county commissioners has, by resolution, authorized  
29 the representative, agency, department, or unit to represent  
30 the class of interested persons. The authorizing resolution  
31 shall apply to a specific proceeding and to appeals and



1 ancillary proceedings thereto, and it shall not be required to  
2 state the names of the persons whose interests are to be  
3 represented.

4  
5 The term "party" does not include a member government of a  
6 regional water supply authority or a governmental or  
7 quasi-judicial board or commission established by local  
8 ordinance or special or general law where the governing  
9 membership of such board or commission is shared with, in  
10 whole or in part, or appointed by a member government of a  
11 regional water supply authority in proceedings under s.  
12 120.569, s. 120.57, or s. 120.68, to the extent that an  
13 interlocal agreement under ss. 163.01 and 373.717 ~~373.1962~~  
14 exists in which the member government has agreed that its  
15 substantial interests are not affected by the proceedings or  
16 that it is to be bound by alternative dispute resolution in  
17 lieu of participating in the proceedings. This exclusion  
18 applies only to those particular types of disputes or  
19 controversies, if any, identified in an interlocal agreement.

20 Section 3. Subsection (13) of section 163.3167,  
21 Florida Statutes, is amended to read:

22 163.3167 Scope of act.--

23 (13) Each local government shall address in its  
24 comprehensive plan, as enumerated in this chapter, the water  
25 supply sources necessary to meet and achieve the existing and  
26 projected water use demand for the established planning  
27 period, considering the applicable plan developed pursuant to  
28 s. 373.3177 ~~s. 373.0361~~.

29 Section 4. Paragraph (a) of subsection (4) and  
30 paragraphs (c), (d), and (h) of subsection (6) of section  
31 163.3177, Florida Statutes, are amended to read:

1           163.3177 Required and optional elements of  
2 comprehensive plan; studies and surveys.--

3           (4)(a) Coordination of the local comprehensive plan  
4 with the comprehensive plans of adjacent municipalities, the  
5 county, adjacent counties, or the region; with the appropriate  
6 water management district's regional water supply plans  
7 approved pursuant to s. 373.713 ~~s. 373.0361~~; with adopted  
8 rules pertaining to designated areas of critical state  
9 concern; and with the state comprehensive plan shall be a  
10 major objective of the local comprehensive planning process.  
11 To that end, in the preparation of a comprehensive plan or  
12 element thereof, and in the comprehensive plan or element as  
13 adopted, the governing body shall include a specific policy  
14 statement indicating the relationship of the proposed  
15 development of the area to the comprehensive plans of adjacent  
16 municipalities, the county, adjacent counties, or the region  
17 and to the state comprehensive plan, as the case may require  
18 and as such adopted plans or plans in preparation may exist.

19           (6) In addition to the requirements of subsections  
20 (1)-(5), the comprehensive plan shall include the following  
21 elements:

22           (c) A general sanitary sewer, solid waste, drainage,  
23 potable water, and natural groundwater aquifer recharge  
24 element correlated to principles and guidelines for future  
25 land use, indicating ways to provide for future potable water,  
26 drainage, sanitary sewer, solid waste, and aquifer recharge  
27 protection requirements for the area. The element may be a  
28 detailed engineering plan including a topographic map  
29 depicting areas of prime groundwater recharge. The element  
30 shall describe the problems and needs and the general  
31 facilities that will be required for solution of the problems

1 and needs. The element shall also include a topographic map  
2 depicting any areas adopted by a regional water management  
3 district as prime groundwater recharge areas for the Floridan  
4 or Biscayne aquifers, pursuant to s. 373.0395. These areas  
5 shall be given special consideration when the local government  
6 is engaged in zoning or considering future land use for said  
7 designated areas. For areas served by septic tanks, soil  
8 surveys shall be provided which indicate the suitability of  
9 soils for septic tanks. By December 1, 2006, the element must  
10 consider the appropriate water management district's regional  
11 water supply plan approved pursuant to s. 373.713 ~~s. 373.0361~~.  
12 The element must include a work plan, covering at least a  
13 10-year planning period, for building water supply facilities  
14 that are identified in the element as necessary to serve  
15 existing and new development and for which the local  
16 government is responsible. The work plan shall be updated, at  
17 a minimum, every 5 years within 12 months after the governing  
18 board of a water management district approves an updated  
19 regional water supply plan. Amendments to incorporate the work  
20 plan do not count toward the limitation on the frequency of  
21 adoption of amendments to the comprehensive plan.

22 (d) A conservation element for the conservation, use,  
23 and protection of natural resources in the area, including  
24 air, water, water recharge areas, wetlands, waterwells,  
25 estuarine marshes, soils, beaches, shores, flood plains,  
26 rivers, bays, lakes, harbors, forests, fisheries and wildlife,  
27 marine habitat, minerals, and other natural and environmental  
28 resources. Local governments shall assess their current, as  
29 well as projected, water needs and sources for at least a  
30 10-year period, considering the appropriate regional water  
31 supply plan approved pursuant to s. 373.713 ~~s. 373.0361~~, or,

1 | in the absence of an approved regional water supply plan, the  
2 | district water management plan approved pursuant to s. 373.707  
3 | ~~s. 373.036(2)~~. This information shall be submitted to the  
4 | appropriate agencies. The land use map or map series  
5 | contained in the future land use element shall generally  
6 | identify and depict the following:

- 7 |       1. Existing and planned waterwells and cones of  
8 | influence where applicable.
- 9 |       2. Beaches and shores, including estuarine systems.
- 10 |       3. Rivers, bays, lakes, flood plains, and harbors.
- 11 |       4. Wetlands.
- 12 |       5. Minerals and soils.

13 |  
14 | The land uses identified on such maps shall be consistent with  
15 | applicable state law and rules.

16 |       (h)1. An intergovernmental coordination element  
17 | showing relationships and stating principles and guidelines to  
18 | be used in the accomplishment of coordination of the adopted  
19 | comprehensive plan with the plans of school boards and other  
20 | units of local government providing services but not having  
21 | regulatory authority over the use of land, with the  
22 | comprehensive plans of adjacent municipalities, the county,  
23 | adjacent counties, or the region, with the state comprehensive  
24 | plan and with the applicable regional water supply plan  
25 | approved pursuant to s. 373.713 ~~s. 373.0361~~, as the case may  
26 | require and as such adopted plans or plans in preparation may  
27 | exist. This element of the local comprehensive plan shall  
28 | demonstrate consideration of the particular effects of the  
29 | local plan, when adopted, upon the development of adjacent  
30 | municipalities, the county, adjacent counties, or the region,  
31 | or upon the state comprehensive plan, as the case may require.

1           a. The intergovernmental coordination element shall  
2 provide for procedures to identify and implement joint  
3 planning areas, especially for the purpose of annexation,  
4 municipal incorporation, and joint infrastructure service  
5 areas.

6           b. The intergovernmental coordination element shall  
7 provide for recognition of campus master plans prepared  
8 pursuant to s. 1013.30.

9           c. The intergovernmental coordination element may  
10 provide for a voluntary dispute resolution process as  
11 established pursuant to s. 186.509 for bringing to closure in  
12 a timely manner intergovernmental disputes. A local  
13 government may develop and use an alternative local dispute  
14 resolution process for this purpose.

15           2. The intergovernmental coordination element shall  
16 further state principles and guidelines to be used in the  
17 accomplishment of coordination of the adopted comprehensive  
18 plan with the plans of school boards and other units of local  
19 government providing facilities and services but not having  
20 regulatory authority over the use of land. In addition, the  
21 intergovernmental coordination element shall describe joint  
22 processes for collaborative planning and decisionmaking on  
23 population projections and public school siting, the location  
24 and extension of public facilities subject to concurrency, and  
25 siting facilities with countywide significance, including  
26 locally unwanted land uses whose nature and identity are  
27 established in an agreement. Within 1 year of adopting their  
28 intergovernmental coordination elements, each county, all the  
29 municipalities within that county, the district school board,  
30 and any unit of local government service providers in that  
31 county shall establish by interlocal or other formal agreement

1 | executed by all affected entities, the joint processes  
2 | described in this subparagraph consistent with their adopted  
3 | intergovernmental coordination elements.

4 |         3. To foster coordination between special districts  
5 | and local general-purpose governments as local general-purpose  
6 | governments implement local comprehensive plans, each  
7 | independent special district must submit a public facilities  
8 | report to the appropriate local government as required by s.  
9 | 189.415.

10 |         4.a. Local governments adopting a public educational  
11 | facilities element pursuant to s. 163.31776 must execute an  
12 | interlocal agreement with the district school board, the  
13 | county, and nonexempt municipalities, as defined by s.  
14 | 163.31776(1), which includes the items listed in s.  
15 | 163.31777(2). The local government shall amend the  
16 | intergovernmental coordination element to provide that  
17 | coordination between the local government and school board is  
18 | pursuant to the agreement and shall state the obligations of  
19 | the local government under the agreement.

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

22 |         5. The state land planning agency shall establish a  
23 | schedule for phased completion and transmittal of plan  
24 | amendments to implement subparagraphs 1., 2., and 3. from all  
25 | jurisdictions so as to accomplish their adoption by December  
26 | 31, 1999. A local government may complete and transmit its  
27 | plan amendments to carry out these provisions prior to the  
28 | scheduled date established by the state land planning agency.  
29 | The plan amendments are exempt from the provisions of s.  
30 | 163.3187(1).

31 |

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

5           a. Identifies all existing or proposed interlocal  
6 service-delivery agreements regarding the following:  
7 education; sanitary sewer; public safety; solid waste;  
8 drainage; potable water; parks and recreation; and  
9 transportation facilities.

10           b. Identifies any deficits or duplication in the  
11 provision of services within its jurisdiction, whether capital  
12 or operational. Upon request, the Department of Community  
13 Affairs shall provide technical assistance to the local  
14 governments in identifying deficits or duplication.

15           7. Within 6 months after submission of the report, the  
16 Department of Community Affairs shall, through the appropriate  
17 regional planning council, coordinate a meeting of all local  
18 governments within the regional planning area to discuss the  
19 reports and potential strategies to remedy any identified  
20 deficiencies or duplications.

21           8. Each local government shall update its  
22 intergovernmental coordination element based upon the findings  
23 in the report submitted pursuant to subparagraph 6. The report  
24 may be used as supporting data and analysis for the  
25 intergovernmental coordination element.

26           9. By February 1, 2003, representatives of  
27 municipalities, counties, and special districts shall provide  
28 to the Legislature recommended statutory changes for  
29 annexation, including any changes that address the delivery of  
30 local government services in areas planned for annexation.

31

1           Section 5. Paragraph (1) of subsection (2) of section  
2 163.3191, Florida Statutes, is amended to read:

3           163.3191 Evaluation and appraisal of comprehensive  
4 plan.--

5           (2) The report shall present an evaluation and  
6 assessment of the comprehensive plan and shall contain  
7 appropriate statements to update the comprehensive plan,  
8 including, but not limited to, words, maps, illustrations, or  
9 other media, related to:

10           (1) The evaluation must consider the appropriate water  
11 management district's regional water supply plan approved  
12 pursuant to s. 373.713 ~~s. 373.0361~~. The potable water element  
13 must be revised to include a work plan, covering at least a  
14 10-year planning period, for building any water supply  
15 facilities that are identified in the element as necessary to  
16 serve existing and new development and for which the local  
17 government is responsible.

18           Section 6. Paragraph (n) of subsection (2) of section  
19 186.009, Florida Statutes, is amended to read:

20           186.009 Growth management portion of the state  
21 comprehensive plan.--

22           (2) The growth management portion of the state  
23 comprehensive plan shall:

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

27           Section 7. Paragraphs (c) and (d) of subsection (4) of  
28 section 189.404, Florida Statutes, are amended to read:

29           189.404 Legislative intent for the creation of  
30 independent special districts; special act prohibitions; model  
31



1 elements and other requirements; general-purpose local  
2 government/Governor and Cabinet creation authorizations.--

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

7 (c) The Governor and Cabinet may create an independent  
8 special district which shall be established by rule in  
9 accordance with s. 190.005 or as otherwise authorized in  
10 general law. The Governor and Cabinet may also approve the  
11 establishment of a charter for the creation of an independent  
12 special district which shall be in accordance with s. 373.717  
13 ~~s. 373.1962~~, or as otherwise authorized in general law.

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

18 2. Any combination of two or more counties or  
19 municipalities may create a regional special district which  
20 shall be established in accordance with s. 373.717 ~~s.~~  
21 ~~373.1962~~, or as otherwise authorized by general law.

22 3. Any combination of two or more counties,  
23 municipalities, or other political subdivisions may create a  
24 regional special district in accordance with s. 163.567, or as  
25 otherwise authorized in general law.

26 Section 8. Subsection (3) of section 189.4155, Florida  
27 Statutes, is amended to read:

28 189.4155 Activities of special districts; local  
29 government comprehensive planning.--

30 (3) The provisions of this section shall not apply to  
31 water management districts created pursuant to s. 373.069, to

1 regional water supply authorities created pursuant to s.  
2 373.717 ~~s. 373.1962~~, or to spoil disposal sites owned or used  
3 by the Federal Government.

4 Section 9. Section 189.4156, Florida Statutes, is  
5 amended to read:

6 189.4156 Water management district technical  
7 assistance; local government comprehensive planning.--Water  
8 management districts shall assist local governments in the  
9 development of local government comprehensive plan elements  
10 related to water resource issues as required by s. 373.715 ~~s.~~  
11 ~~373.0391~~.

12 Section 10. Subsection (7) of section 367.021, Florida  
13 Statutes, is amended to read:

14 367.021 Definitions.--As used in this chapter, the  
15 following words or terms shall have the meanings indicated:

16 (7) "Governmental authority" means a political  
17 subdivision, as defined by s. 1.01(8), a regional water supply  
18 authority created pursuant to s. 373.717 ~~s. 373.1962~~, or a  
19 nonprofit corporation formed for the purpose of acting on  
20 behalf of a political subdivision with respect to a water or  
21 wastewater facility.

22 Section 11. Section 373.019, Florida Statutes, is  
23 amended to read:

24 373.019 Definitions.--When appearing in this chapter  
25 or in any rule, regulation, or order adopted pursuant thereto,  
26 the following words shall, unless the context clearly  
27 indicates otherwise, mean:

28 (1) "Coastal waters" means waters of the Atlantic  
29 Ocean or the Gulf of Mexico within the jurisdiction of the  
30 state.

31

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

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

6           (3)~~(4)~~ "Domestic use" means the use of water for the  
7 individual personal household purposes of drinking, bathing,  
8 cooking, or sanitation. All other uses shall not be considered  
9 domestic.

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

12           (4)~~(6)~~ "Governing board" means the governing board of  
13 a water management district.

14           (5)~~(7)~~ "Groundwater" means water beneath the surface  
15 of the ground, whether or not flowing through known and  
16 definite channels.

17           (6)~~(8)~~ "Impoundment" means any lake, reservoir, pond,  
18 or other containment of surface water occupying a bed or  
19 depression in the earth's surface and having a discernible  
20 shoreline.

21           (7)~~(9)~~ "Independent scientific peer review" means the  
22 review of scientific data, theories, and methodologies by a  
23 panel of independent, recognized experts in the fields of  
24 hydrology, hydrogeology, limnology, and other scientific  
25 disciplines relevant to the matters being reviewed under s.  
26 373.042.

27           (8)~~(10)~~ "Nonregulated use" means any use of water  
28 which is exempted from regulation by the provisions of this  
29 chapter.

30           (9)~~(11)~~ "Other watercourse" means any canal, ditch, or  
31 other artificial watercourse in which water usually flows in a

1 defined bed or channel. It is not essential that the flowing  
2 be uniform or uninterrupted.

3 (10)~~(12)~~ "Person" means any and all persons, natural  
4 or artificial, including any individual, firm, association,  
5 organization, partnership, business trust, corporation,  
6 company, the United States of America, and the state and all  
7 political subdivisions, regions, districts, municipalities,  
8 and public agencies thereof. The enumeration herein is not  
9 intended to be exclusive or exhaustive.

10 (11)~~(13)~~ "Reasonable-beneficial use" means the use of  
11 water in such quantity as is necessary for economic and  
12 efficient utilization for a purpose and in a manner which is  
13 both reasonable and consistent with the public interest.

14 ~~(14) "Regional water supply plan" means a detailed~~  
15 ~~water supply plan developed by a governing board under s.~~  
16 ~~373.0361.~~

17 (12)~~(15)~~ "Stream" means any river, creek, slough, or  
18 natural watercourse in which water usually flows in a defined  
19 bed or channel. It is not essential that the flowing be  
20 uniform or uninterrupted. The fact that some part of the bed  
21 or channel has been dredged or improved does not prevent the  
22 watercourse from being a stream.

23 (13)~~(16)~~ "Surface water" means water upon the surface  
24 of the earth, whether contained in bounds created naturally or  
25 artificially or diffused. Water from natural springs shall be  
26 classified as surface water when it exits from the spring onto  
27 the earth's surface.

28 (14)~~(17)~~ "Water" or "waters in the state" means any  
29 and all water on or beneath the surface of the ground or in  
30 the atmosphere, including natural or artificial watercourses,  
31 lakes, ponds, or diffused surface water and water percolating,

1 standing, or flowing beneath the surface of the ground, as  
2 well as all coastal waters within the jurisdiction of the  
3 state.

4 (15)~~(18)~~ "Water management district" means any flood  
5 control, resource management, or water management district  
6 operating under the authority of this chapter.

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

19 (16)~~(20)~~ "Water resource implementation rule" means  
20 the rule authorized by s. 373.036, which sets forth goals,  
21 objectives, and guidance for the development and review of  
22 programs, rules, and plans relating to water resources, based  
23 on statutory policies and directives. The waters of the state  
24 are among its most basic resources. Such waters should be  
25 managed to conserve and protect water resources and to realize  
26 the full beneficial use of these resources.

27 ~~(21) "Water supply development" means the planning,~~  
28 ~~design, construction, operation, and maintenance of public or~~  
29 ~~private facilities for water collection, production,~~  
30 ~~treatment, transmission, or distribution for sale, resale, or~~  
31 ~~end use.~~

1           ~~(17)~~(22) For the sole purpose of serving as the basis  
2 for the unified statewide methodology adopted pursuant to s.  
3 373.421(1), as amended, "wetlands" means those areas that are  
4 inundated or saturated by surface water or groundwater at a  
5 frequency and a duration sufficient to support, and under  
6 normal circumstances do support, a prevalence of vegetation  
7 typically adapted for life in saturated soils. Soils present  
8 in wetlands generally are classified as hydric or alluvial, or  
9 possess characteristics that are associated with reducing soil  
10 conditions. The prevalent vegetation in wetlands generally  
11 consists of facultative or obligate hydrophytic macrophytes  
12 that are typically adapted to areas having soil conditions  
13 described above. These species, due to morphological,  
14 physiological, or reproductive adaptations, have the ability  
15 to grow, reproduce, or persist in aquatic environments or  
16 anaerobic soil conditions. Florida wetlands generally include  
17 swamps, marshes, bayheads, bogs, cypress domes and strands,  
18 sloughs, wet prairies, riverine swamps and marshes, hydric  
19 seepage slopes, tidal marshes, mangrove swamps and other  
20 similar areas. Florida wetlands generally do not include  
21 longleaf or slash pine flatwoods with an understory dominated  
22 by saw palmetto. Upon legislative ratification of the  
23 methodology adopted pursuant to s. 373.421(1), as amended, the  
24 limitation contained herein regarding the purpose of this  
25 definition shall cease to be effective.

26           ~~(18)~~(23) "Works of the district" means those projects  
27 and works, including, but not limited to, structures,  
28 impoundments, wells, streams, and other watercourses, together  
29 with the appurtenant facilities and accompanying lands, which  
30 have been officially adopted by the governing board of the  
31 district as works of the district.

1           Section 12. Subsection (2) of section 373.0421,  
2 Florida Statutes, is amended to read:

3           373.0421 Establishment and implementation of minimum  
4 flows and levels.--

5           (2) If the existing flow or level in a water body is  
6 below, or is projected to fall within 20 years below, the  
7 applicable minimum flow or level established pursuant to s.  
8 373.042, the department or governing board, as part of the  
9 regional water supply plan described in s. 373.713 ~~s.~~

10 ~~373.0361~~, shall expeditiously implement a recovery or  
11 prevention strategy, which includes the development of  
12 additional water supplies and other actions, consistent with  
13 the authority granted by this chapter, to:

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

16           (b) Prevent the existing flow or level from falling  
17 below the established minimum flow or level.

18  
19 The recovery or prevention strategy shall include phasing or a  
20 timetable which will allow for the provision of sufficient  
21 water supplies for all existing and projected  
22 reasonable-beneficial uses, including development of  
23 additional water supplies and implementation of conservation  
24 and other efficiency measures concurrent with, to the extent  
25 practical, and to offset, reductions in permitted withdrawals,  
26 consistent with the provisions of this chapter.

27           Section 13. Subsection (4) of section 373.0695,  
28 Florida Statutes, is amended to read:

29           373.0695 Duties of basin boards; authorized  
30 expenditures.--

31

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

5           Section 14. Subsection (3) of section 373.223, Florida  
6 Statutes, is amended to read:

7           373.223 Conditions for a permit.--

8           (3) Except for the transport and use of water supplied  
9 by the Central and Southern Florida Flood Control Project, and  
10 anywhere in the state when the transport and use of water is  
11 supplied exclusively for bottled water as defined in s.  
12 500.03(1)(d), any water use permit applications pending as of  
13 April 1, 1998, with the Northwest Florida Water Management  
14 District and self-suppliers of water for which the proposed  
15 water source and area of use or application are located on  
16 contiguous private properties, when evaluating whether a  
17 potential transport and use of ground or surface water across  
18 county boundaries is consistent with the public interest,  
19 pursuant to paragraph (1)(c), the governing board or  
20 department shall consider:

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

23           (b) All impoundments, streams, groundwater sources, or  
24 watercourses that are geographically closer to the area of use  
25 or application than the proposed source, and that are  
26 technically and economically feasible for the proposed  
27 transport and use.

28           (c) All economically and technically feasible  
29 alternatives to the proposed source, including, but not  
30 limited to, desalination, conservation, reuse of nonpotable  
31



1 reclaimed water and stormwater, and aquifer storage and  
2 recovery.

3 (d) The potential environmental impacts that may  
4 result from the transport and use of water from the proposed  
5 source, and the potential environmental impacts that may  
6 result from use of the other water sources identified in  
7 paragraphs (b) and (c).

8 (e) Whether existing and reasonably anticipated  
9 sources of water and conservation efforts are adequate to  
10 supply water for existing legal uses and reasonably  
11 anticipated future needs of the water supply planning region  
12 in which the proposed water source is located.

13 (f) Consultations with local governments affected by  
14 the proposed transport and use.

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

17

18 Where districtwide water supply assessments and regional water  
19 supply plans have been prepared pursuant to ss. 373.707 and  
20 373.713 ~~ss. 373.036 and 373.0361~~, the governing board or the  
21 department shall use the applicable plans and assessments as  
22 the basis for its consideration of the applicable factors in  
23 this subsection.

24 Section 15. Section 373.2234, Florida Statutes, is  
25 amended to read:

26 373.2234 Preferred water supply sources.--The  
27 governing board of a water management district is authorized  
28 to adopt rules that identify preferred water supply sources  
29 for consumptive uses for which there is sufficient data to  
30 establish that a preferred source will provide a substantial  
31 new water supply to meet the existing and projected

1 reasonable-beneficial uses of a water supply planning region  
2 identified pursuant to s. 373.713 ~~s. 373.0361(1)~~, while  
3 sustaining existing water resources and natural systems. At a  
4 minimum, such rules must contain a description of the  
5 preferred water supply source and an assessment of the water  
6 the preferred source is projected to produce. If an applicant  
7 proposes to use a preferred water supply source, that  
8 applicant's proposed water use is subject to s. 373.223(1),  
9 except that the proposed use of a preferred water supply  
10 source must be considered by a water management district when  
11 determining whether a permit applicant's proposed use of water  
12 is consistent with the public interest pursuant to s.  
13 373.223(1)(c). A consumptive use permit issued for the use of  
14 a preferred water supply source must be granted, when  
15 requested by the applicant, for at least a 20-year period and  
16 may be subject to the compliance reporting provisions of s.  
17 373.236(3). Nothing in this section shall be construed to  
18 exempt the use of preferred water supply sources from the  
19 provisions of ss. 373.701 ~~373.016(4)~~ and 373.223(2) and (3),  
20 or be construed to provide that permits issued for the use of  
21 a nonpreferred water supply source must be issued for a  
22 duration of less than 20 years or that the use of a  
23 nonpreferred water supply source is not consistent with the  
24 public interest. Additionally, nothing in this section shall  
25 be interpreted to require the use of a preferred water supply  
26 source or to restrict or prohibit the use of a nonpreferred  
27 water supply source. Rules adopted by the governing board of a  
28 water management district to implement this section shall  
29 specify that the use of a preferred water supply source is not  
30 required and that the use of a nonpreferred water supply  
31 source is not restricted or prohibited.

1           Section 16. Subsection (3) of section 373.229, Florida  
2 Statutes, is amended to read:

3           373.229 Application for permit.--

4           (3) In addition to the information required in  
5 subsection (1), all permit applications filed with the  
6 governing board or the department which propose the transport  
7 and use of water across county boundaries shall include  
8 information pertaining to factors to be considered, pursuant  
9 to s. 373.223(3), unless exempt under s. 373.717 ~~s.~~  
10 ~~373.1962(9)~~.

11           Section 17. Subsection (1) of section 373.421, Florida  
12 Statutes, is amended to read:

13           373.421 Delineation methods; formal determinations.--

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

1 | implement the definition and determines that the exclusive  
2 | definition and delineation methodology for wetlands shall be  
3 | that established pursuant to s. 373.019(17) ~~s. 373.019(22)~~ and  
4 | this section. Upon such legislative ratification, any existing  
5 | wetlands definition or wetland delineation methodology shall  
6 | be superseded by the wetland definition and delineation  
7 | methodology established pursuant to this chapter. Subsequent  
8 | to legislative ratification, a delineation of the extent of a  
9 | surface water or wetland by the department or a water  
10 | management district, pursuant to a formal determination under  
11 | subsection (2), or pursuant to a permit issued under this part  
12 | in which the delineation was field-verified by the permitting  
13 | agency and specifically approved in the permit, shall be  
14 | binding on all other governmental entities for the duration of  
15 | the formal determination or permit. All existing rules and  
16 | methodologies of the department, the water management  
17 | districts, and local governments, regarding surface water or  
18 | wetland definition and delineation shall remain in full force  
19 | and effect until the common methodology rule becomes  
20 | effective. However, this shall not be construed to limit any  
21 | power of the department, the water management districts, and  
22 | local governments to amend or adopt a surface water or wetland  
23 | definition or delineation methodology until the common  
24 | methodology rule becomes effective.

25 |         Section 18. Paragraph (a) of subsection (6) of section  
26 | 373.536, Florida Statutes, is amended to read:

27 |         373.536 District budget and hearing thereon.--

28 |         (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS  
29 | PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

30 |         (a) Each district must, by the date specified for each  
31 | item, furnish copies of the following documents to the

1 Governor, the President of the Senate, the Speaker of the  
2 House of Representatives, the chairs of all legislative  
3 committees and subcommittees having substantive or fiscal  
4 jurisdiction over the districts, as determined by the  
5 President of the Senate or the Speaker of the House of  
6 Representatives as applicable, the secretary of the  
7 department, and the governing board of each county in which  
8 the district has jurisdiction or derives any funds for the  
9 operations of the district:

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

12           2. A financial audit of its accounts and records, to  
13 be furnished within 10 days after its acceptance by the  
14 governing board. The audit must be conducted in accordance  
15 with the provisions of s. 11.45 and the rules adopted  
16 thereunder. In addition to the entities named above, the  
17 district must provide a copy of the audit to the Auditor  
18 General within 10 days after its acceptance by the governing  
19 board.

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

25           4. A 5-year water resource development work program to  
26 be furnished within 45 days after the adoption of the final  
27 budget. The program must describe the district's  
28 implementation strategy for the water resource development  
29 component of each approved regional water supply plan  
30 developed or revised under s. 373.713 ~~s. 373.0361~~. The work  
31 program must address all the elements of the water resource

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

28 Section 19. Subsection (11) of section 373.59, Florida  
29 Statutes, is amended to read:

30 373.59 Water Management Lands Trust Fund.--  
31

1           (11) Notwithstanding any provision of this section to  
2 the contrary, the governing board of a water management  
3 district may request, and the Secretary of Environmental  
4 Protection shall release upon such request, moneys allocated  
5 to the districts pursuant to subsection (8) for purposes  
6 consistent with the provisions of s. 373.713, s. 373.709 ~~s.~~  
7 ~~373.0361, s. 373.0831~~, s. 373.139, or ss. 373.451-373.4595 and  
8 for legislatively authorized land acquisition and water  
9 restoration initiatives. No funds may be used pursuant to this  
10 subsection until necessary debt service obligations,  
11 requirements for payments in lieu of taxes, and land  
12 management obligations that may be required by this chapter  
13 are provided for.

14           Section 20. Paragraph (g) of subsection (1) of section  
15 378.212, Florida Statutes, is amended to read:

16           378.212 Variances.--

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

21           (g) To accommodate reclamation that provides water  
22 supply development or water resource development not  
23 inconsistent with the applicable regional water supply plan  
24 approved pursuant to s. 373.713 ~~s. 373.0361~~, provided adverse  
25 impacts are not caused to the water resources in the basin. A  
26 variance may also be granted from the requirements of part IV  
27 of chapter 373, or the rules adopted thereunder, when a  
28 project provides an improvement in water availability in the  
29 basin and does not cause adverse impacts to water resources in  
30 the basin.

31

1           Section 21. Subsection (9) of section 378.404, Florida  
2 Statutes, is amended to read:

3           378.404 Department of Environmental Protection; powers  
4 and duties.--The department shall have the following powers  
5 and duties:

6           (9) To grant variances from the provisions of this  
7 part to accommodate reclamation that provides for water supply  
8 development or water resource development not inconsistent  
9 with the applicable regional water supply plan approved  
10 pursuant to s. 373.713 ~~s. 373.0361~~, appropriate stormwater  
11 management, improved wildlife habitat, recreation, or a  
12 mixture thereof, provided adverse impacts are not caused to  
13 the water resources in the basin and public health and safety  
14 are not adversely affected.

15           Section 22. Subsection (14) of section 403.031,  
16 Florida Statutes, is amended to read:

17           403.031 Definitions.--In construing this chapter, or  
18 rules and regulations adopted pursuant hereto, the following  
19 words, phrases, or terms, unless the context otherwise  
20 indicates, have the following meanings:

21           (14) "State water resource implementation rule" means  
22 the rule authorized by s. 373.707 ~~s. 373.036~~, which sets forth  
23 goals, objectives, and guidance for the development and review  
24 of programs, rules, and plans relating to water resources,  
25 based on statutory policies and directives. The waters of the  
26 state are among its most basic resources. Such waters should  
27 be managed to conserve and protect water resources and to  
28 realize the full beneficial use of these resources.

29           Section 23. Paragraphs (r) and (u) of subsection (2)  
30 of section 403.813, Florida Statutes, are amended to read:

31



1           403.813 Permits issued at district centers;  
2 exceptions.--

3           (2) A permit is not required under this chapter,  
4 chapter 373, chapter 61-691, Laws of Florida, or chapter 25214  
5 or chapter 25270, 1949, Laws of Florida, for activities  
6 associated with the following types of projects; however,  
7 except as otherwise provided in this subsection, nothing in  
8 this subsection relieves an applicant from any requirement to  
9 obtain permission to use or occupy lands owned by the Board of  
10 Trustees of the Internal Improvement Trust Fund or any water  
11 management district in its governmental or proprietary  
12 capacity or from complying with applicable local pollution  
13 control programs authorized under this chapter or other  
14 requirements of county and municipal governments:

15           (r) The removal of aquatic plants, the removal of  
16 tussocks, the associated replanting of indigenous aquatic  
17 plants, and the associated removal from lakes of organic  
18 detrital material when such planting or removal is performed  
19 and authorized by permit or exemption granted under s. 369.20  
20 or s. 369.25, provided that:

21           1. Organic detrital material that exists on the  
22 surface of natural mineral substrate shall be allowed to be  
23 removed to a depth of 3 feet or to the natural mineral  
24 substrate, whichever is less;

25           2. All material removed pursuant to this paragraph  
26 shall be deposited in an upland site in a manner that will  
27 prevent the reintroduction of the material into waters in the  
28 state except when spoil material is permitted to be used to  
29 create wildlife islands in freshwater bodies of the state when  
30 a governmental entity is permitted pursuant to s. 369.20 to  
31

1 create such islands as a part of a restoration or enhancement  
2 project;

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

5 4. No activities under this exemption are conducted in  
6 wetland areas, as defined by s. 373.019(17) ~~s. 373.019(22)~~,  
7 which are supported by a natural soil as shown in applicable  
8 United States Department of Agriculture county soil surveys,  
9 except when a governmental entity is permitted pursuant to s.  
10 369.20 to conduct such activities as a part of a restoration  
11 or enhancement project.

12  
13 The department may not adopt implementing rules for this  
14 paragraph, notwithstanding any other provision of law.

15 (u) Notwithstanding any provision to the contrary in  
16 this subsection, a permit or other authorization under chapter  
17 253, chapter 369, chapter 373, or this chapter is not required  
18 for an individual residential property owner for the removal  
19 of organic detrital material from freshwater rivers or lakes  
20 that have a natural sand or rocky substrate and that are not  
21 Aquatic Preserves or for the associated removal and replanting  
22 of aquatic vegetation for the purpose of environmental  
23 enhancement, providing that:

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

28 2. No filling or peat mining is allowed.

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

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

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

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

10          7. Replanting with a variety of aquatic plants native  
11 to the state shall occur in a minimum of 25 percent of the  
12 preexisting vegetated areas where organic detrital material is  
13 removed, except for areas where the material is removed to  
14 bare rocky substrate; however, an area may be maintained clear  
15 of vegetation as an access corridor. The access corridor width  
16 may not exceed 50 percent of the property owner's frontage or  
17 50 feet, whichever is less, and may be a sufficient length  
18 waterward to create a corridor to allow access for a boat or  
19 swimmer to reach open water. Replanting must be at a minimum  
20 density of 2 feet on center and be completed within 90 days  
21 after removal of existing aquatic vegetation, except that  
22 under dewatered conditions replanting must be completed within  
23 90 days after reflooding. The area to be replanted must extend  
24 waterward from the ordinary high water line to a point where  
25 normal water depth would be 3 feet or the preexisting  
26 vegetation line, whichever is less. Individuals are required  
27 to make a reasonable effort to maintain planting density for a  
28 period of 6 months after replanting is complete, and the  
29 plants, including naturally recruited native aquatic plants,  
30 must be allowed to expand and fill in the revegetation area.  
31 Native aquatic plants to be used for revegetation must be

1 salvaged from the enhancement project site or obtained from an  
2 aquatic plant nursery regulated by the Department of  
3 Agriculture and Consumer Services. Plants that are not native  
4 to the state may not be used for replanting.

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

10 9. The person seeking this exemption notifies the  
11 applicable department district office in writing at least 30  
12 days before commencing work and allows the department to  
13 conduct a preconstruction site inspection. Notice must include  
14 an organic-detrital-material removal and disposal plan and, if  
15 applicable, a vegetation-removal and revegetation plan.

16 10. The department is provided written certification  
17 of compliance with the terms and conditions of this paragraph  
18 within 30 days after completion of any activity occurring  
19 under this exemption.

20 Section 24. Paragraph (a) of subsection (3) of section  
21 403.0891, Florida Statutes, is amended to read:

22 403.0891 State, regional, and local stormwater  
23 management plans and programs.--The department, the water  
24 management districts, and local governments shall have the  
25 responsibility for the development of mutually compatible  
26 stormwater management programs.

27 (3)(a) Each local government required by chapter 163  
28 to submit a comprehensive plan, whose plan is submitted after  
29 July 1, 1992, and the others when updated after July 1, 1992,  
30 in the development of its stormwater management program  
31 described by elements within its comprehensive plan shall

1 | consider the water resource implementation rule, district  
2 | stormwater management goals, plans approved pursuant to the  
3 | Surface Water Improvement and Management Act, ss.  
4 | 373.451-373.4595, and technical assistance information  
5 | provided by the water management districts pursuant to s.  
6 | 373.715 ~~s. 373.0391~~.

7 |         Section 25. Subsection (6) of section 556.102, Florida  
8 | Statutes, is amended to read:

9 |             556.102 Definitions.--As used in this act:

10 |             (6) "Excavate" or "excavation" means any manmade cut,  
11 | cavity, trench, or depression in the earth's surface, formed  
12 | by removal of earth, intended to change the grade or level of  
13 | land, or intended to penetrate or disturb the surface of the  
14 | earth, including land beneath the waters of the state, as  
15 | defined in s. 373.019(14) ~~s. 373.019(17)~~, and the term  
16 | includes pipe bursting and directional drilling or boring from  
17 | one point to another point beneath the surface of the earth,  
18 | or other trenchless technologies.

19 |         Section 26. Section 682.02, Florida Statutes, is  
20 | amended to read:

21 |             682.02 Arbitration agreements made valid, irrevocable,  
22 | and enforceable; scope.--Two or more parties may agree in  
23 | writing to submit to arbitration any controversy existing  
24 | between them at the time of the agreement, or they may include  
25 | in a written contract a provision for the settlement by  
26 | arbitration of any controversy thereafter arising between them  
27 | relating to such contract or the failure or refusal to perform  
28 | the whole or any part thereof. This section also applies to  
29 | written interlocal agreements under ss. 163.01 and 373.717  
30 | ~~373.1962~~ in which two or more parties agree to submit to  
31 | arbitration any controversy between them concerning water use

1 permit applications and other matters, regardless of whether  
2 or not the water management district with jurisdiction over  
3 the subject application is a party to the interlocal agreement  
4 or a participant in the arbitration. Such agreement or  
5 provision shall be valid, enforceable, and irrevocable without  
6 regard to the justiciable character of the controversy;  
7 provided that this act shall not apply to any such agreement  
8 or provision to arbitrate in which it is stipulated that this  
9 law shall not apply or to any arbitration or award thereunder.

10 Section 27. Sections 373.036, 373.0361, 373.0391,  
11 373.0831, 373.196, 373.1961, 373.1962, and 373.1963, Florida  
12 Statutes, are repealed.

13 Section 28. This act shall take effect July 1, 2005.

14  
15 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
16 COMMITTEE SUBSTITUTE FOR  
17 Senate Bill 440

18 The committee substitute creates a new Part VII to Chapter  
19 373, F.S., to include all those sections of Chapter 373 that  
20 address water supply policy, planning, and production. In  
21 addition, necessary conforming changes and repealers are also  
22 contained in the committee substitute.  
23  
24  
25  
26  
27  
28  
29  
30  
31