

Bill No. SB 444

Barcode 185142

CHAMBER ACTION

Senate

House

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The Committee on Environmental Preservation (Dockery) recommended the following **amendment to amendment** (351004):

Senate Amendment (with title amendment)

On page 30, between lines 6 and 7,

insert:

(Substantial rewording of section. See s. 373.0361, F.S., for present text)

Section 11. Section 373.0361, Florida Statutes, is created to read:

373.0361 Regional water supply planning.--

(1) The governing board of each water management district shall conduct water supply planning for any water supply planning region within the district identified in the appropriate district water supply plan under s. 373.036, where it determines that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period. The planning must be conducted in an open public process, in

Bill No. SB 444

Barcode 185142

1 coordination and cooperation with local governments, regional
2 water supply authorities, government-owned and privately owned
3 water utilities, self-suppliers, and other affected and
4 interested parties. The districts will actively engage in
5 public education and outreach to all affected local entities
6 and their officials, as well as members of the public, in the
7 planning process and in seeking input. During preparation but
8 prior to completion of the regional water supply plan, the
9 district must conduct at least one public workshop to discuss
10 the technical data and modeling tools anticipated to be used
11 to support the regional water supply plan. The district shall
12 also hold several public meetings to communicate the status,
13 overall conceptual intent, and impacts of the plan on existing
14 and future reasonable-beneficial uses and natural systems. A
15 determination by the governing board that initiation of a
16 regional water supply plan for a specific planning region is
17 not needed pursuant to this section shall be subject to s.
18 120.569. The governing board shall reevaluate such a
19 determination at least once every 5 years and shall initiate a
20 regional water supply plan, if needed, pursuant to this
21 subsection.

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

25 (a) A water supply development component for each
26 water supply planning region identified by the district that
27 includes:

28 1. A quantification of the water supply needs for all
29 existing and future reasonable-beneficial uses within the
30 planning horizon. The level-of-certainty planning goal
31 associated with identifying the water supply needs of existing

Bill No. SB 444

Barcode 185142

1 and future reasonable-beneficial uses shall be based upon
2 meeting those needs for a 1-in-10-year drought event.
3 Population projections used for determining public water
4 supply needs must be based upon the best available data. In
5 determining the best available data, the district shall
6 consider the University of Florida's Bureau of Economic and
7 Business Research (BEBR) medium population projections and any
8 population projection data and analysis submitted by a local
9 government pursuant to the public workshop described in
10 subsection (1) if the data and analysis support the local
11 government's comprehensive plan. Any adjustment of or
12 deviation from the BEBR projections must be fully described,
13 and the original BEBR data must be presented along with the
14 adjusted data.

15 2. A list of water supply development project options,
16 including traditional and alternative water supply project
17 options, from which local government, government-owned and
18 privately owned utilities, self-suppliers, and others may
19 choose for water supply development. In addition to projects
20 listed by the district, such users may propose specific
21 projects for inclusion in the list of alternative water supply
22 projects. In the event such users propose a project to be
23 listed as an alternative water supply project, the district
24 shall determine whether it meets the goals of the plan and
25 will be included in the list. The total capacity of the
26 projects or options included in the plan shall exceed the
27 needs identified in subparagraph 1, and shall take into
28 account water conservation and other demand management
29 measures, as well as water resources constraints including
30 adopted minimum flows and levels and water reservations.
31 Where the district determines it is appropriate, the plan

Bill No. SB 444

Barcode 185142

1 should specifically identify the need for multi-jurisdictional
 2 approaches to project options that, based on planning level
 3 analysis, are appropriate to supply the intended uses, and
 4 that, based on such analysis, appear to be permissible,
 5 financially and technically feasible.

6 3. For each project option identified in subparagraph
 7 2, the following shall be provided:

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

10 b. The timeframe in which the project option should be
 11 implemented and the estimated planning level costs for capital
 12 investment and operating and maintaining the project.

13 c. An analysis of funding needs and sources of
 14 possible funding options.

15 d. Identification of the entity which should implement
 16 each project option and the current status of project
 17 implementation.

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

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

22 2. For each water resource development project listed:

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

25 b. The timeframe in which the project option should be
 26 implemented and the estimated planning level costs for capital
 27 investment and operating and maintaining the project.

28 c. An analysis of funding needs and sources of
 29 possible funding options.

30 d. Identification of the entity which should implement
 31 each project option and the current status of project

Bill No. SB 444

Barcode 185142

1 implementation.

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

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

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

15 (f) The technical data and information applicable to
16 each planning region which are necessary to support the
17 regional water supply plan.

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

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

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

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

29 (3) The water supply development component of a
30 regional water supply plan which deals with or affects public
31 utilities and public water supply for those areas served by a

Bill No. SB 444

Barcode 185142

1 regional water supply authority and its member governments
 2 within the boundary of the Southwest Florida Water Management
 3 District shall be developed jointly by the authority and the
 4 district. In areas not served by regional water supply
 5 authorities, or other multi-jurisdictional water supply
 6 entities, and where opportunities exist to meet water supply
 7 needs more efficiently through multi-jurisdictional projects
 8 identified pursuant to s. 373.1962(2), water management
 9 districts are directed to assist in developing
 10 multi-jurisdictional approaches to water supply project
 11 development jointly with affected water utilities, special
 12 districts, and local governments.

13 (4) Governing board approval of a regional water
 14 supply plan shall not be subject to the rulemaking
 15 requirements of chapter 120. However, any portion of an
 16 approved regional water supply plan which affects the
 17 substantial interests of a party shall be subject to s.
 18 120.569.

19 (5) Annually and in conjunction with the reporting
 20 requirements of s. 373.536(6)(a)4., the department shall
 21 submit to the Governor and the Legislature a report on the
 22 status of regional water supply planning in each district. The
 23 report shall include:

24 (a) A compilation of the estimated costs of and
 25 potential sources of funding for water resource development
 26 and water supply development projects as identified in the
 27 water management district regional water supply plans.

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

31 (c) A description of each district's progress toward

Bill No. SB 444

Barcode 185142

1 achieving its water resource development objectives, including
2 the district's implementation of its 5-year water resource
3 development work program.

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

8 (6) Nothing contained in the water supply development
9 component of a regional water supply plan shall be construed
10 to require local governments, government-owned or privately
11 owned water utilities, special districts, self-suppliers,
12 regional water supply authorities, self suppliers, or other
13 water suppliers to select a water supply development project
14 identified in the component merely because it is identified in
15 the plan. Except as provided in s. 373.223(3) and s.
16 373.223(5), the plan may not be used in the review of permits
17 under part II unless the plan, or an applicable portion
18 thereof, has been adopted by rule. However, this subsection
19 does not prohibit a water management district from employing
20 the data or other information used to establish the plan in
21 reviewing permits under part II nor does it limit the
22 authority of the department or governing board under part II.

23 (7) Where the water supply component of a water supply
24 planning region shows the need for one or more alternative
25 water supply projects, the district shall notify the affected
26 local governments and make every reasonable effort to educate
27 and involve local public officials in working toward solutions
28 in conjunction with the districts and, where appropriate,
29 other local and regional water supply entities.

30 (a) Within one year of governing board approval of a
31 regional water supply plan, each entity identified in s.

Bill No. SB 444

Barcode 185142

1 373.0361(2)(a)3.d. shall provide written notification to the
 2 water management district of the following: the water supply
 3 projects or options that it has developed or intends to
 4 develop, if any; an estimate of the quantity of water to be
 5 produced by each project; the status of project
 6 implementation, including development of the financial plan,
 7 facilities master planning, permitting, and efforts in
 8 coordinating multi-jurisdictional projects, if applicable.
 9 The information provided in the notification shall be updated
 10 on an annual basis and a progress report shall be provided by
 11 November 15 of each year to the water management district. If
 12 an entity proposes a water supply project that is not in the
 13 plan, then the entity shall request that the water management
 14 district consider the project for inclusion in the regional
 15 water supply plan.

16 (8) For any regional water supply plan which is
 17 scheduled to be updated before December 31, 2005, the deadline
 18 for such update shall be extended to December 1, 2006.

19
20 (Redesignate subsequent sections.)

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22
23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 On page 64, line 29, after "sources;"

26
27 and insert:

28 amending s. 373.0361, F.S.; providing for the
 29 development of regional water supply plans;
 30 providing requirements for the content of each
 31 plan; providing for an approval process for the

Bill No. SB 444

Barcode 185142

1 plans; providing for annual updates; providing
2 for local government use of the plans;
3 providing notification requirements for water
4 management districts concerning findings within
5 the plan; changing the deadline for certain
6 plan updates;

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