

1 authorities, special districts, and publicly
2 owned and privately owned water utilities in
3 alternative water supply development; requiring
4 the water management districts to detail the
5 specific allocations to be used for alternative
6 water supply development in their annual budget
7 submission; requiring that the water management
8 districts include the amount needed to
9 implement the water supply development projects
10 in each annual budget; establishing general
11 funding criteria for funding assistance to the
12 state or water management districts;
13 establishing economic incentives for
14 alternative water supply development; providing
15 a funding formula for the distribution of state
16 funds to the water management districts for
17 alternative water supply development; requiring
18 that funding assistance for alternative water
19 supply development be limited to a percentage
20 of the total capital costs of an approved
21 project; establishing a selection process and
22 criteria; providing for cost recovery from the
23 Public Service Commission; requiring a water
24 management district governing board to conduct
25 water supply planning for each region
26 identified in the district water supply plan;
27 providing procedures and requirements with
28 respect to regional water supply plans;
29 providing for joint development of a specified
30 water supply development component of a
31 regional water supply plan within the

1 boundaries of the Southwest Florida Water
2 Management District; providing that approval of
3 a regional water supply plan is not subject to
4 the rulemaking requirements of the
5 Administrative Procedures Act; requiring the
6 department to submit annual reports on the
7 status of regional water supply planning in
8 each district; providing construction with
9 respect to the water supply development
10 component of a regional water supply plan;
11 requiring water management districts to present
12 to certain entities the relevant portions of a
13 regional water supply plan; requiring certain
14 entities to provide written notification to
15 water management districts as to the
16 implementation of water supply project options;
17 requiring water management districts to notify
18 local governments of the need for alternative
19 water supply projects; requiring water
20 management districts to assist local
21 governments in the development and future
22 revision of local government comprehensive plan
23 elements or public facilities reports related
24 to water resource issues; providing for the
25 creation of regional water supply authorities;
26 providing purpose of such authorities;
27 specifying considerations with respect to the
28 creation of a proposed authority; specifying
29 authority of a regional water supply authority;
30 providing authority of specified entities to
31 convey title, dedicate land, or grant land-use

1 rights to a regional water supply authority for
2 specified purposes; providing preferential
3 rights of counties and municipalities to
4 purchase water from regional water supply
5 authorities; providing exemption for specified
6 water supply authorities from consideration of
7 certain factors and submissions; providing
8 applicability of such exemptions; authorizing
9 the West Coast Regional Water Supply Authority
10 and its member governments to reconstitute the
11 authority's governance and rename the authority
12 under a voluntary interlocal agreement;
13 providing compliance requirements with respect
14 to the interlocal agreement; providing for
15 supersession of conflicting general or special
16 laws; providing requirements with respect to
17 annual budgets; specifying the annual millage
18 for the authority; authorizing the authority to
19 request the governing board of the district to
20 levy ad valorem taxes within the boundaries of
21 the authority to finance authority functions;
22 providing requirements and procedures with
23 respect to the collection of such taxes;
24 amending ss. 11.80, 120.52, 163.3167, 163.3177,
25 163.3191, 186.009, 189.404, 189.4155, 189.4156,
26 and 367.021, F.S.; conforming cross-references;
27 amending s. 373.016, F.S., relating to the
28 declaration of policy, to conform; amending s.
29 373.019, relating to definitions, to conform;
30 amending s. 373.036, F.S., relating to the
31 Florida water plan and district water

1 management plans, to include the Florida water
2 supply plan and district water supply plans and
3 make other conforming changes; amending s.
4 373.042, F.S.; providing for minimum flow and
5 level provisions for alternative water supply
6 project options; amending ss. 373.0421,
7 373.0695, 373.199, 373.223, 373.2234, 373.229,
8 373.414, 373.421, 373.4592, 373.45926,
9 373.4595, 373.470, 373.536, 373.59, 378.212,
10 378.404, 403.031, 403.813, 403.0891, 403.890,
11 556.102, and 682.02, F.S.; conforming
12 cross-references; renumbering s. 373.71, F.S.,
13 relating to the
14 Apalachicola-Chattahoochee-Flint River Basin
15 Compact, to clarify retention of the section in
16 part VI of ch. 373, F.S.; repealing s.
17 373.0361, F.S., relating to regional water
18 supply planning; repealing s. 373.0391, F.S.,
19 relating to technical assistance to local
20 governments; repealing s. 373.0831, F.S.,
21 relating to water resource and water supply
22 development; repealing s. 373.196, F.S.,
23 relating to alternative water supply
24 development; repealing s. 373.1961, F.S.,
25 relating to water production and related powers
26 and duties of water management districts;
27 repealing s. 373.1962, F.S., relating to
28 regional water supply authorities; repealing s.
29 373.1963, F.S., relating to assistance to the
30 West Coast Regional Water Supply Authority;
31 providing an effective date.

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

2
3 Section 1. Part VII of chapter 373, Florida Statutes,
4 consisting of sections 373.701, 373.703, 373.705, 373.707,
5 373.709, 373.711, 373.713, 373.715, 373.717, and 373.719, is
6 created to read:

7 PART VII

8 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

9 373.701 Declaration of policy.--It is declared to be
10 the policy of the Legislature that:

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

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

17 (3) In order to protect the state's water resources
18 and to meet the current and future needs of those areas with
19 abundant water, the Legislature directs the Department of
20 Environmental Protection and the water management districts to
21 encourage the use of water from sources nearest the area of
22 use or application whenever practicable. Such sources shall
23 include all naturally occurring water sources and all
24 alternative water sources, including, but not limited to,
25 desalination, conservation, reuse of nonpotable reclaimed
26 water and stormwater, and aquifer storage and recovery.

27 (4) In establishing the policy outlined in subsection
28 (3), the Legislature realizes that, under certain
29 circumstances, the need to transport water from distant
30 sources may be necessary for environmental, technical, or
31 economic reasons.

1 (5) Cooperative efforts between municipalities,
2 counties, water management districts, and the department are
3 mandatory in order to meet the water needs of rapidly
4 urbanizing areas in a manner which will supply adequate and
5 dependable supplies of water where needed without resulting in
6 adverse effects upon the areas from which such water is
7 withdrawn. Such efforts should utilize all practical means of
8 obtaining water, including, but not limited to, withdrawals of
9 surface water and groundwater, the recycling of waste water,
10 and desalination and will necessitate not only cooperation but
11 also well-coordinated activities.

12 (6) Municipalities and counties are encouraged to
13 create regional water supply authorities and
14 multijurisdictional water supply entities as authorized
15 herein.

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

25 373.703 Definitions.--As used in this part or in any
26 rule, regulation, or order adopted pursuant to this part, the
27 following terms shall, unless the context clearly indicates
28 otherwise, mean:

29 (1) "Alternative water supplies" means salt water;
30 brackish surface and groundwater; surface water captured
31 predominately during wet-weather flows; sources made available

1 through the addition of new storage capacity for surface or
2 groundwater, water that has been reclaimed after one or more
3 public supply, municipal, industrial, commercial, or
4 agricultural uses; the downstream augmentation of water bodies
5 with reclaimed water; stormwater; and any other water supply
6 source that is designated as nontraditional for a water supply
7 planning region in the applicable regional water supply plan.

8 (2) "Capital costs" means planning, design,
9 engineering, and project construction costs.

10 (3) "Department" means the Department of Environmental
11 Protection.

12 (4) "District water supply plan" means the regional
13 plan developed by a governing board under s. 373.707.

14 (5) "Florida water supply plan" means the state-level
15 plan developed by the department under s. 373.707.

16 (6) "Governing board" means the governing board of a
17 water management district.

18 (7) "Multijurisdictional water supply entity" means
19 two or more water utilities or local governments that have
20 organized into a larger entity, or entered into an interlocal
21 agreement or contract, for the purpose of more efficiently
22 pursuing water supply development or alternative water supply
23 development projects listed pursuant to a regional water
24 supply plan.

25 (8) "Regional water supply plan" means a detailed
26 water supply plan developed by a governing board under s.
27 373.713.

28 (9) "Water management district" means any flood
29 control, resource management, or water management district
30 operating under the authority of this chapter.

31

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

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

18 373.705 Powers and duties.--In the performance of, and
19 in conjunction with, its other powers and duties, the
20 governing board of a water management district existing
21 pursuant to this chapter:

22 (1) Shall engage in planning to assist counties,
23 municipalities, special districts, publicly owned and
24 privately owned water utilities, multijurisdictional water
25 supply entities, or regional water supply authorities in
26 meeting water supply needs in such manner as will give
27 priority to encouraging conservation and reducing adverse
28 environmental effects of improper or excessive withdrawals of
29 water from concentrated areas. As used in this section and s.
30 373.711, regional water supply authorities are regional water
31

1 authorities created under s. 373.717 or other laws of this
2 state.

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

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

19 (4) Shall not engage in local water supply
20 distribution.

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

26 (6) May provide water and financial assistance to
27 regional water supply authorities, but may not provide water
28 to counties and municipalities which are located within the
29 area of such authority without the specific approval of the
30 authority or, in the event of the authority's disapproval, the
31 approval of the Governor and Cabinet sitting as the Land and

1 Water Adjudicatory Commission. The district may supply water
2 at rates and upon terms mutually agreed to by the parties or,
3 if they do not agree, as set by the governing board and
4 specifically approved by the Governor and Cabinet sitting as
5 the Land and Water Adjudicatory Commission.

6 (7) May acquire title to such interest as is necessary
7 in real property, by purchase, gift, devise, lease, eminent
8 domain, or otherwise, for water production and transmission
9 consistent with this section and s. 373.711. However, the
10 district shall not use any of the eminent domain powers herein
11 granted to acquire water and water rights already devoted to
12 reasonable and beneficial use or any water production or
13 transmission facilities owned by any county, municipality, or
14 regional water supply authority. The district may exercise
15 eminent domain powers outside of its district boundaries for
16 the acquisition of pumpage facilities, storage areas,
17 transmission facilities, and the normal appurtenances thereto,
18 provided that at least 45 days prior to the exercise of
19 eminent domain, the district notifies the district where the
20 property is located after public notice and the district where
21 the property is located does not object within 45 days after
22 notification of such exercise of eminent domain authority.

23 (8) In addition to the power to issue revenue bonds
24 pursuant to s. 373.584, may issue revenue bonds for the
25 purposes of paying the costs and expenses incurred in carrying
26 out the purposes of this chapter or refunding obligations of
27 the district issued pursuant to this section. Such revenue
28 bonds shall be secured by, and be payable from, revenues
29 derived from the operation, lease, or use of its water
30 production and transmission facilities and other water-related
31 facilities and from the sale of water or services relating

1 thereto. Such revenue bonds may not be secured by, or be
2 payable from, moneys derived by the district from the Water
3 Management Lands Trust Fund or from ad valorem taxes received
4 by the district. All provisions of s. 373.584 relating to the
5 issuance of revenue bonds which are not inconsistent with this
6 section shall apply to the issuance of revenue bonds pursuant
7 to this section. The district may also issue bond anticipation
8 notes in accordance with the provisions of s. 373.584.

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

23 373.707 Florida water supply plan; district water
24 supply plans.--

25 (1) In cooperation with the water management
26 districts, regional water supply authorities, and others, the
27 department shall develop the Florida water supply plan. The
28 Florida water supply plan shall include, but not be limited
29 to:

30 (a) The programs and activities of the department
31 related to water supply.

1 (b) The district water supply plans.

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

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

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

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

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

21 3. Technical data and information prepared under s.
22 373.715.

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

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

28 b. Whether existing and reasonably anticipated sources
29 of water and conservation efforts are adequate to supply water
30 for all existing legal uses and reasonably anticipated future
31

1 needs and to sustain the water resources and related natural
2 systems.
3 5. Any completed regional water supply plans prepared
4 pursuant to s. 373.713.
5 (c) If necessary for implementation, the governing
6 board shall adopt by rule or order relevant portions of the
7 district water supply plan to the extent of its statutory
8 authority.
9 (d) In the formulation of the district water supply
10 plan, the governing board shall give due consideration to:
11 1. The attainment of maximum reasonable-beneficial use
12 of water resources.
13 2. The maximum economic development of the water
14 resources consistent with other uses.
15 3. The management of water resources for such purposes
16 as environmental protection, drainage, flood control, and
17 water storage.
18 4. The quantity of water available for application to
19 a reasonable-beneficial use.
20 5. The prevention of wasteful, uneconomical,
21 impractical, or unreasonable uses of water resources.
22 6. Presently exercised domestic use and permit rights.
23 7. The state water resources policy as expressed by
24 this chapter.
25 (3) The department and governing board shall give
26 careful consideration to the requirements of public recreation
27 and to the protection and propagation of fish and wildlife.
28 The department or governing board may prohibit or restrict
29 other future uses on certain designated bodies of water which
30 may be inconsistent with these objectives.
31

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

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

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

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

21 (1) The Legislature finds that:

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

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

31

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

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

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

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

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

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

26 (3) The water management districts shall fund and
27 implement water resource development as defined in s. 373.703.
28 The water management districts are encouraged to implement
29 their responsibility for water resource development and to
30 assist in water supply development as expeditiously as
31 possible in areas subject to regional water supply plans.

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

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

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

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

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

19 or

20 4. The project significantly contributes to a recovery
21 plan pursuant to s. 373.0421 for a minimum flow or level
22 established by a governing board.

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

28 373.711 Alternative water supply development.--

29 (1) The purpose of this section is to encourage
30 cooperation in the development of water supplies and to
31

1 provide for alternative water supply development. Accordingly,
2 the Legislature finds that:

3 (a) Demands on natural supplies of fresh water to meet
4 the needs of a rapidly growing population and the needs of the
5 environment, agriculture, industry, and mining will continue
6 to increase.

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

10 (c) Alternative water supply development must receive
11 priority funding attention to increase the available supplies
12 of water to meet all existing and future reasonable-beneficial
13 uses and to benefit the natural systems.

14 (d) Cooperation between counties, municipalities,
15 regional water supply authorities, multijurisdictional water
16 supply entities, special districts, and publicly owned and
17 privately owned water utilities in the development of
18 countywide and multicountywide alternative water supply
19 projects will allow for necessary economies of scale and
20 efficiencies to be achieved in order to accelerate the
21 development of new, dependable, and sustainable alternative
22 water supplies.

23 (e) It is in the public interest that county,
24 municipal, industrial, agricultural, and other public and
25 private water users, the Department of Environmental
26 Protection, and the water management districts cooperate and
27 work together in the development of alternative water supplies
28 to avoid the adverse effects of competition for limited
29 supplies of water. Public moneys or services provided to
30 private entities for alternative water supply development may
31

1 constitute public purposes that also are in the public
2 interest.

3 (2) The Legislature also finds with regard to the
4 development of alternative water supplies that:

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

9 (b) Alternative water supply development must be
10 conducted in coordination with water management district
11 regional water supply planning.

12 (c) Funding for the development of alternative water
13 supplies shall be a shared responsibility of water suppliers
14 and users, the State of Florida, and the water management
15 districts, with water suppliers and users having the primary
16 responsibility and the State of Florida and the water
17 management districts being responsible for providing funding
18 assistance.

19 (3) The primary roles of the water management
20 districts in water resource development as it relates to
21 supporting alternative water supply development are:

22 (a) The formulation and implementation of regional
23 water resource management strategies that support alternative
24 water supply development;

25 (b) The collection and evaluation of surface water and
26 groundwater data to be used for a planning level assessment of
27 the feasibility of alternative water supply development
28 projects;

29 (c) The construction, operation, and maintenance of
30 major public works facilities for flood control, surface and
31

1 underground water storage, and groundwater recharge
2 augmentation to support alternative water supply development;

3 (d) Planning for alternative water supply development
4 as provided in regional water supply plans in coordination
5 with local governments, regional water supply authorities,
6 multijurisdictional water supply entities, special districts,
7 and publicly owned and privately owned water utilities and
8 self-suppliers;

9 (e) The formulation and implementation of structural
10 and nonstructural programs to protect and manage water
11 resources in support of alternative water supply projects; and

12 (f) The provision of technical and financial
13 assistance to local governments and publicly owned and
14 privately owned water utilities for alternative water supply
15 projects.

16 (4) The primary roles of local government, regional
17 water supply authorities, multijurisdictional water supply
18 entities, special districts, and publicly owned and privately
19 owned water utilities in alternative water supply development
20 shall be:

21 (a) The planning, design, construction, operation, and
22 maintenance of alternative water supply development projects;

23 (b) The formulation and implementation of alternative
24 water supply development strategies and programs;

25 (c) The planning, design, construction, operation, and
26 maintenance of facilities to collect, divert, produce, treat,
27 transmit, and distribute water for sale, resale, or end use;

28 and

29 (d) The coordination of alternative water supply
30 development activities with the appropriate water management
31 district having jurisdiction over the activity.

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

11 (6)(a) The statewide funds provided pursuant to the
12 Water Protection and Sustainability Program serve to
13 supplement existing water management district or basin board
14 funding for alternative water supply development assistance
15 and should not result in a reduction of such funding.
16 Therefore, the water management districts shall include in the
17 annual tentative and adopted budget submittals required under
18 this chapter the amount of funds allocated for water resource
19 development that supports alternative water supply development
20 and the funds allocated for alternative water supply projects
21 selected for inclusion in the Water Protection and
22 Sustainability Program. It shall be the goal of each water
23 management district and basin boards that the combined funds
24 allocated annually for these purposes be, at a minimum, the
25 equivalent of 100 percent of the state funding provided to the
26 water management district for alternative water supply
27 development. If this goal is not achieved, the water
28 management district shall provide in the budget submittal an
29 explanation of the reasons or constraints that prevent this
30 goal from being met, an explanation of how the goal will be
31 met in future years, and affirmation of match is required

1 during the budget review process as established under s.
2 373.536(5). The Suwannee River Water Management District and
3 the Northwest Florida Water Management District shall not be
4 required to meet the match requirements of this paragraph;
5 however, they shall try to achieve the match requirement to
6 the greatest extent practicable.

7 (b) State funds from the Water Protection and
8 Sustainability Program created in s. 403.890 shall be made
9 available for financial assistance for the project
10 construction costs of alternative water supply development
11 projects selected by a water management district governing
12 board for inclusion in the program.

13 (7) The water management district shall implement its
14 responsibilities as expeditiously as possible in areas subject
15 to regional water supply plans. Each district's governing
16 board shall include in its annual budget the amount needed for
17 the fiscal year to assist in implementing alternative water
18 supply development projects.

19 (8)(a) The water management districts and the state
20 shall share a percentage of revenues with water providers and
21 users, including local governments, water, wastewater, and
22 reuse utilities, municipal, special district, industrial, and
23 agricultural water users, and other public and private water
24 users, to be used to supplement other funding sources in the
25 development of alternative water supplies.

26 (b) Beginning in fiscal year 2007-2008, the state
27 shall annually provide a portion of those revenues deposited
28 into the Water Protection and Sustainability Trust Fund for
29 the purpose of providing funding assistance for the
30 development of alternative water supplies pursuant to the
31 Water Protection and Sustainability Program. At the beginning

1 of each fiscal year, beginning with fiscal year 2007-2008,
2 such revenues shall be distributed by the department into the
3 alternative water supply trust fund accounts created by each
4 district for the purpose of alternative water supply
5 development under the following funding formula:

6 1. Thirty percent to the South Florida Water
7 Management District;

8 2. Twenty-five percent to the Southwest Florida Water
9 Management District;

10 3. Twenty-five percent to the St. Johns River Water
11 Management District;

12 4. Ten percent to the Suwannee River Water Management
13 District; and

14 5. Ten percent to the Northwest Florida Water
15 Management District.

16 (c) The financial assistance for alternative water
17 supply projects allocated in each district's budget as
18 required in s. 373.711(6) shall be combined with the state
19 funds and used to assist in funding the project construction
20 costs of alternative water supply projects selected by the
21 governing board. If the district has not completed any
22 regional water supply plan, or the regional water supply plan
23 does not identify the need for any alternative water supply
24 projects, funds deposited in that district's trust fund may be
25 used for water resource development projects, including, but
26 not limited to, springs protection.

27 (d) All projects submitted to the governing board for
28 consideration shall reflect the total capital cost for
29 implementation. The costs shall be segregated pursuant to the
30 categories described in the definition of capital costs.
31

1 (e) Applicants for projects that may receive funding
2 assistance pursuant to the Water Protection and Sustainability
3 Program shall, at a minimum, be required to pay 60 percent of
4 the project's construction costs. The water management
5 districts may, at their discretion, totally or partially waive
6 this requirement for projects sponsored by financially
7 disadvantaged small local governments as defined in s.
8 403.885(5). The water management districts or basin boards
9 may, at their discretion, use ad valorem or federal revenues
10 to assist a project applicant in meeting the requirements of
11 this paragraph.

12 (f) The governing boards shall determine those
13 projects that will be selected for financial assistance. The
14 governing boards may establish factors to determine project
15 funding; however, significant weight shall be given to the
16 following factors:

17 1. Whether the project provides substantial
18 environmental benefits by preventing or limiting adverse water
19 resource impacts.

20 2. Whether the project reduces competition for water
21 supplies.

22 3. Whether the project brings about replacement of
23 traditional sources in order to help implement a minimum flow
24 or level or a reservation.

25 4. Whether the project will be implemented by a
26 consumptive use permittee that has achieved the targets
27 contained in a goal-based water conservation program approved
28 pursuant to s. 373.227.

29 5. The quantity of water supplied by the project as
30 compared to its cost.

31

1 6. Projects in which the construction and delivery to
2 end users of reuse water is a major component.

3 7. Whether the project will be implemented by a
4 multijurisdictional water supply entity or regional water
5 supply authority.

6 (g) Additional factors to be considered in determining
7 project funding shall include:

8 1. Whether the project is part of a plan to implement
9 two or more alternative water supply projects, all of which
10 will be operated to produce water at a uniform rate for the
11 participants in a multijurisdictional water supply entity or
12 regional water supply authority.

13 2. The percentage of project costs to be funded by the
14 water supplier or water user.

15 3. Whether the project proposal includes sufficient
16 preliminary planning and engineering to demonstrate that the
17 project can reasonably be implemented within the timeframes
18 provided in the regional water supply plan.

19 4. Whether the project is a subsequent phase of an
20 alternative water supply project that is underway.

21 5. Whether and in what percentage a local government
22 or local government utility is transferring water supply
23 system revenues to the local government general fund in excess
24 of reimbursements for services received from the general fund,
25 including direct and indirect costs and legitimate payments in
26 lieu of taxes.

27 (h) After conducting one or more meetings to solicit
28 public input on eligible projects including input from those
29 entities identified pursuant to s. 373.713(2)(a)3.d. for
30 implementation of alternative water supply projects, the
31 governing board of each water management district shall select

1 projects for funding assistance based upon the criteria set
2 forth in paragraphs (f) and (g). The governing board may
3 select a project identified or listed as an alternative water
4 supply development project in the regional water supply plan,
5 or allocate up to 20 percent of the funding for alternative
6 water supply projects that are not identified or listed in the
7 regional water supply plan but are consistent with the goals
8 of the plan.

9 (i) Without diminishing amounts available through
10 other means described in this paragraph, the governing boards
11 are encouraged to consider establishing revolving loan funds
12 to expand the total funds available to accomplish the
13 objectives of this section. A revolving loan fund created
14 under this paragraph must be a nonlapsing fund from which the
15 water management district may make loans with interest rates
16 below prevailing market rates to public or private entities
17 for the purposes described in this section. The governing
18 board may adopt resolutions to establish revolving loan funds
19 which must specify the details of the administration of the
20 fund, the procedures for applying for loans from the fund, the
21 criteria for awarding loans from the fund, the initial
22 capitalization of the fund, and the goals for future
23 capitalization of the fund in subsequent budget years.
24 Revolving loan funds created under this paragraph must be used
25 to expand the total sums and sources of cooperative funding
26 available for the development of alternative water supplies.
27 The Legislature does not intend for the creation of revolving
28 loan funds to supplant or otherwise reduce existing sources or
29 amounts of funds currently available through other means.

30 (j) For each utility that receives financial
31 assistance from the state or a water management district for

1 an alternative water supply project, the water management
2 district shall require the appropriate rate-setting authority
3 to develop rate structures for water customers in the service
4 area of the funded utility that will:

5 1. Promote the conservation of water; and

6 2. Promote the use of water from alternative water
7 supplies.

8 (k) The governing boards shall establish a process for
9 the disbursal of revenues pursuant to this subsection.

10 (l) All revenues made available pursuant to this
11 subsection must be encumbered annually by the governing board
12 when it approves projects sufficient to expend the available
13 revenues.

14 (m) This subsection is not subject to the rulemaking
15 requirements of chapter 120.

16 (n) By March 1 of each year, as part of the
17 consolidated annual report required by s. 373.036(5), each
18 water management district shall submit a report on the
19 disbursal of all budgeted amounts pursuant to this section.
20 Such report shall describe all alternative water supply
21 projects funded as well as the quantity of new water to be
22 created as a result of such projects and shall account
23 separately for any other moneys provided through grants,
24 matching grants, revolving loans, and the use of district
25 lands or facilities to implement regional water supply plans.

26 (o) The Florida Public Service Commission shall allow
27 entities under its jurisdiction constructing or participating
28 in constructing facilities that provide alternative water
29 supplies to recover their full, prudently incurred cost of
30 constructing such facilities through their rate structure. If
31 construction of a facility or participation in construction is

1 pursuant to or in furtherance of a regional water supply plan,
2 the cost shall be deemed to be prudently incurred. Every
3 component of an alternative water supply facility constructed
4 by an investor-owned utility shall be recovered in current
5 rates. Any state or water management district cost-share is
6 not subject to the recovery provisions allowed in this
7 paragraph.

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

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

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

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

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

27 373.713 Regional water supply planning.--

28 (1) The governing board of each water management
29 district shall conduct water supply planning for any water
30 supply planning region within the district identified in the
31 appropriate district water supply plan under s.373.707, where

1 it determines that existing sources of water are not adequate
2 to supply water for all existing and future
3 reasonable-beneficial uses and to sustain the water resources
4 and related natural systems for the planning period. The
5 planning must be conducted in an open public process, in
6 coordination and cooperation with local governments, regional
7 water supply authorities, government-owned and privately owned
8 water utilities, multijurisdictional water supply entities,
9 self-suppliers, and other affected and interested parties. The
10 districts shall actively engage in public education and
11 outreach to all affected local entities and their officials,
12 as well as members of the public, in the planning process and
13 in seeking input. During preparation, but prior to completion
14 of the regional water supply plan, the district must conduct
15 at least one public workshop to discuss the technical data and
16 modeling tools anticipated to be used to support the regional
17 water supply plan. The district shall also hold several public
18 meetings to communicate the status, overall conceptual intent,
19 and impacts of the plan on existing and future
20 reasonable-beneficial uses and related natural systems. During
21 the planning process, a local government may choose to prepare
22 its own water supply assessment to determine if existing water
23 sources are adequate to meet existing and projected
24 reasonable-beneficial needs of the local government while
25 sustaining water resources and related natural systems. The
26 local government shall submit such assessment, including the
27 data and methodology used, to the district. The district shall
28 consider the local government's assessment during the
29 formation of the plan. A determination by the governing board
30 that initiation of a regional water supply plan for a specific
31 planning region is not needed pursuant to this section shall

1 be subject to s. 120.569. The governing board shall reevaluate
2 such a determination at least once every 5 years and shall
3 initiate a regional water supply plan, if needed, pursuant to
4 this subsection.

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

8 (a) A water supply development component for each
9 water supply planning region identified by the district which
10 includes:

11 1. A quantification of the water supply needs for all
12 existing and future reasonable-beneficial uses within the
13 planning horizon. The level-of-certainty planning goal
14 associated with identifying the water supply needs of existing
15 and future reasonable-beneficial uses shall be based upon
16 meeting those needs for a 1-in-10-year drought event.
17 Population projections used for determining public water
18 supply needs must be based upon the best available data. In
19 determining the best available data, the district shall
20 consider the University of Florida's Bureau of Economic and
21 Business Research (BEBR) medium population projections and any
22 population projection data and analysis submitted by a local
23 government pursuant to the public workshop described in
24 subsection (1) if the data and analysis support the local
25 government's comprehensive plan. Any adjustment of or
26 deviation from the BEBR projections must be fully described,
27 and the original BEBR data must be presented along with the
28 adjusted data.

29 2. A list of water supply development project options,
30 including traditional and alternative water supply project
31 options, from which local government, government-owned and

1 privately owned utilities, regional water supply authorities,
2 multijurisdictional water supply entities, self-suppliers, and
3 others may choose for water supply development. In addition to
4 projects listed by the district, such users may propose
5 specific projects for inclusion in the list of alternative
6 water supply projects. If such users propose a project to be
7 listed as an alternative water supply project, the district
8 shall determine whether it meets the goals of the plan, and,
9 if so, it shall be included in the list. The total capacity of
10 the projects included in the plan shall exceed the needs
11 identified in subparagraph 1. and shall take into account
12 water conservation and other demand management measures, as
13 well as water resources constraints, including adopted minimum
14 flows and levels and water reservations. Where the district
15 determines it is appropriate, the plan should specifically
16 identify the need for multijurisdictional approaches to
17 project options that, based on planning level analysis, are
18 appropriate to supply the intended uses and that, based on
19 such analysis, appear to be permittable and financially and
20 technically feasible. The list of water supply development
21 options must contain provisions that recognize that
22 alternative water supply options for agricultural
23 self-suppliers are limited.

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

26 a. An estimate of the amount of water to become
27 available through the project.

28 b. The timeframe in which the project option should be
29 implemented and the estimated planning-level costs for capital
30 investment and operating and maintaining the project.

31

1 c. An analysis of funding needs and sources of
2 possible funding options. For alternative water supply
3 projects the water management districts shall provide funding
4 assistance in accordance with s. 373.711(8).

5 d. Identification of the entity that should implement
6 each project option and the current status of project
7 implementation.

8 (b) A water resource development component that
9 includes:

10 1. A listing of those water resource development
11 projects that support water supply development.

12 2. For each water resource development project listed:

13 a. An estimate of the amount of water to become
14 available through the project.

15 b. The timeframe in which the project option should be
16 implemented and the estimated planning-level costs for capital
17 investment and for operating and maintaining the project.

18 c. An analysis of funding needs and sources of
19 possible funding options.

20 d. Identification of the entity that should implement
21 each project option and the current status of project
22 implementation.

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

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

29 (e) Consideration of how the project options addressed
30 in paragraph (a) serve the public interest or save costs
31 overall by preventing the loss of natural resources or

1 avoiding greater future expenditures for water resource
2 development or water supply development. However, unless
3 adopted by rule, these considerations do not constitute final
4 agency action.

5 (f) The technical data and information applicable to
6 each planning region which are necessary to support the
7 regional water supply plan.

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

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

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

14 (j) An analysis, developed in cooperation with the
15 department, of areas or instances in which the variance
16 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
17 create water supply development or water resource development
18 projects.

19 (3) The water supply development component of a
20 regional water supply plan which deals with or affects public
21 utilities and public water supply for those areas served by a
22 regional water supply authority and its member governments
23 within the boundary of the Southwest Florida Water Management
24 District shall be developed jointly by the authority and the
25 district. In areas not served by regional water supply
26 authorities, or other multijurisdictional water supply
27 entities, and where opportunities exist to meet water supply
28 needs more efficiently through multijurisdictional projects
29 identified pursuant to paragraph (2)(a), water management
30 districts are directed to assist in developing
31 multijurisdictional approaches to water supply project

1 development jointly with affected water utilities, special
2 districts, and local governments.

3 (4) Governing board approval of a regional water
4 supply plan shall not be subject to the rulemaking
5 requirements of chapter 120. However, any portion of an
6 approved regional water supply plan which affects the
7 substantial interests of a party shall be subject to s.
8 120.569.

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

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

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

21 (c) A description of each district's progress toward
22 achieving its water resource development objectives, including
23 the district's implementation of its 5-year water resource
24 development work program.

25 (d) An assessment of the specific progress being made
26 to implement each alternative water supply project option
27 chosen by the entities and identified for implementation in
28 the plan.

29 (e) An overall assessment of the progress being made
30 to develop water supply in each district, including, but not
31 limited to, an explanation of how each project, either

1 alternative or traditional, will produce, contribute to, or
2 account for additional water being made available for
3 consumptive uses, an estimate of the quantity of water to be
4 produced by each project, and an assessment of the
5 contribution of the district's regional water supply plan in
6 providing sufficient water to meet the needs of existing and
7 future reasonable-beneficial uses for a 1-in-10 year drought
8 event, as well as the needs of the natural systems.

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

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

31

1 (a) Within 6 months following approval or amendment of
2 its regional water supply plan, each water management district
3 shall notify by certified mail each entity identified in
4 sub-subparagraph (2)(a)3.d. of that portion of the plan
5 relevant to the entity. Upon request of such an entity, the
6 water management district shall appear before and present its
7 findings and recommendations to the entity.

8 (b) Within 1 year after the notification by a water
9 management district pursuant to paragraph (a), each entity
10 identified in sub-subparagraph (2)(a)3.d. shall provide to the
11 water management district written notification of the
12 following: the alternative water supply projects or options
13 identified in paragraph (2)(a) which it has developed or
14 intends to develop, if any; an estimate of the quantity of
15 water to be produced by each project; and the status of
16 project implementation, including development of the financial
17 plan, facilities master planning, permitting, and efforts in
18 coordinating multijurisdictional projects, if applicable. The
19 information provided in the notification shall be updated
20 annually, and a progress report shall be provided by November
21 15 of each year to the water management district. If an entity
22 does not intend to develop one or more of the alternative
23 water supply project options identified in the regional water
24 supply plan, the entity shall propose, within 1 year after
25 notification by a water management district pursuant to
26 paragraph (a), another alternative water supply project option
27 sufficient to address the needs identified in paragraph (2)(a)
28 within the entity's jurisdiction and shall provide an estimate
29 of the quantity of water to be produced by the project and the
30 status of project implementation as described in this
31 paragraph. The entity may request that the water management

1 district consider the other project for inclusion in the
2 regional water supply plan.

3 373.715 Technical assistance to local governments.--

4 (1) The water management districts shall assist local
5 governments in the development and future revision of local
6 government comprehensive plan elements or public facilities
7 report, as required by s. 189.415, related to water supply
8 issues by annually providing to all local governments within
9 the jurisdiction current, relevant information, including, but
10 not limited to:

11 (a) Information and data to assist local governments
12 in preparation of the 10-year work plan required to be
13 included in the local government comprehensive plan pursuant
14 to paragraph 163.3177(6)(c).

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

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

23 (d) Information reflecting the existing minimum flows
24 for surface watercourses to avoid harm to water resources or
25 the ecosystem and information reflecting the existing minimum
26 water levels for aquifers to avoid harm to water resources or
27 the ecosystem.

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

31

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

3 (2) Upon request, the district shall provide technical
4 assistance to local governments in the development of water
5 supply development project options identified in s.
6 373.713(2)(a).

7 373.717 Regional water supply authorities.--

8 (1) By interlocal agreement between counties,
9 municipalities, or special districts, as applicable pursuant
10 to the Florida Interlocal Cooperation Act of 1969 and s.
11 163.01 and upon the approval of the Secretary of Environmental
12 Protection to ensure that such agreement will be in the public
13 interest and complies with the intent and purposes of this
14 act, regional water supply authorities may be created for the
15 purpose of developing, recovering, storing, and supplying
16 water for county or municipal purposes in such a manner as
17 will give priority to reducing adverse environmental effects
18 of excessive or improper withdrawals of water from
19 concentrated areas. In approving said agreement, the Secretary
20 of Environmental Protection shall consider, but not be limited
21 to, the following:

22 (a) Whether the geographic territory of the proposed
23 authority is of sufficient size and character to reduce the
24 environmental effects of improper or excessive withdrawals of
25 water from concentrated areas.

26 (b) The maximization of economic development of the
27 water resources within the territory of the proposed
28 authority.

29 (c) The availability of a dependable and adequate
30 water supply.

31

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

6 (e) The effect or impact of any proposed authority on
7 any municipality, county, or existing authority or
8 authorities.

9 (f) The existing needs of the water users within the
10 area of the authority.

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

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

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

28 (c) Collect, treat, and recover waste water.

29 (d) Not engage in local distribution.

30 (e) Exercise the power of eminent domain in the manner
31 provided by law for the condemnation of private property for

1 public use to acquire title to such interest in real property
2 as is necessary to the exercise of the powers herein granted,
3 except water already devoted to reasonable and beneficial use
4 or any water production or transmission facilities owned by
5 any county or municipality.

6 (f) Issue revenue bonds in the manner prescribed by
7 the Revenue Bond Act of 1953, as amended, part I, chapter 159,
8 to be payable solely from funds derived from the sale of water
9 by the authority to any county or municipality. Such bonds may
10 be additionally secured by the full faith and credit of any
11 county or municipality, as provided by s. 159.16, or by a
12 pledge of excise taxes, as provided by s. 159.19. For the
13 purpose of issuing revenue bonds, an authority shall be
14 considered a "unit," as defined in s. 159.02(2), and as that
15 term is used in the Revenue Bond Act of 1953, as amended. Such
16 bonds may be issued to finance the cost of acquiring
17 properties and facilities for the production and transmission
18 of water by the authority to any county or municipality, which
19 cost shall include the acquisition of real property and
20 easements therein for such purposes. Such bonds may be in the
21 form of refunding bonds to take up any outstanding bonds of
22 the authority or of any county or municipality where such
23 outstanding bonds are secured by properties and facilities for
24 production and transmission of water, which properties and
25 facilities are being acquired by the authority. Refunding
26 bonds may be issued to take up and refund all outstanding
27 bonds of said authority that are subject to call and
28 termination and all bonds of said authority that are not
29 subject to call or redemption when the surrender of said bonds
30 can be procured from the holder thereof at prices satisfactory
31 to the authority. Such refunding bonds may be issued at any

1 time when, in the judgment of the authority, it will be to the
2 best interest of the authority financially or economically by
3 securing a lower rate of interest on said bonds or by
4 extending the time of maturity of said bonds or, for any other
5 reason, in the judgment of the authority, advantageous to said
6 authority.

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

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

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

22 (3) A regional water supply authority is authorized to
23 develop, construct, operate, maintain, or contract for
24 alternative sources of potable water, including desalinated
25 water, and pipelines to interconnect authority sources and
26 facilities, either by itself or jointly with a water
27 management district; however, such alternative potable water
28 sources, facilities, and pipelines may also be privately
29 developed, constructed, owned, operated, and maintained, in
30 which event an authority and a water management district are
31 authorized to pledge and contribute their funds to reduce the

1 wholesale cost of water from such alternative sources of
2 potable water supplied by an authority to its member
3 governments.

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

22 (5) Each county, special district or municipality that
23 is a party to an agreement pursuant to subsection (1) shall
24 have a preferential right to purchase water from the regional
25 water supply authority for use by such county, special
26 district or municipality.

27 (6) In carrying out the provisions of this section,
28 any county wherein water is withdrawn by the authority shall
29 not be deprived, directly or indirectly, of the prior right to
30 the reasonable and beneficial use of water which is required
31 adequately to supply the reasonable and beneficial needs of

1 the county or any of the inhabitants or property owners
2 therein.

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

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

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

24 373.719 Assistance to Tampa Bay Water.--

25 (1) It is the intent of the Legislature to authorize
26 the implementation of changes in governance recommended by the
27 West Coast Regional Water Supply Authority, the predecessor to
28 Tampa Bay Water, in its reports to the Legislature dated
29 February 1, 1997, and January 5, 1998. The authority and its
30 member governments may reconstitute the authority's governance
31 and rename the authority under a voluntary interlocal

1 agreement with a term of not less than 20 years. The
2 interlocal agreement must comply with this subsection as
3 follows:

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

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

17 1. All member governments shall relinquish to the
18 authority their individual rights to develop potable water
19 supply sources, except as otherwise provided in the interlocal
20 agreement.

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

23 3. The authority shall have the absolute and
24 unequivocal obligation to meet the wholesale needs of the
25 member governments for potable water.

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

30 5. A member government may not impose any tax, fee, or
31 charge upon the authority in conjunction with the production

1 or supply of water not otherwise provided for in the
2 interlocal agreement.

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

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

20 (c) The authority shall acquire full or lesser
21 interests in all regionally significant member government
22 wholesale water supply facilities and tangible assets and each
23 member government shall convey such interests in the
24 facilities and assets to the authority, at an agreed value.

25 (d) The authority shall charge a uniform per gallon
26 wholesale rate to member governments for the wholesale supply
27 of potable water. All capital, operation, maintenance, and
28 administrative costs for existing facilities and acquired
29 facilities, authority master water plan facilities, and other
30 future projects must be allocated to member governments based
31 on water usage at the uniform per gallon wholesale rate.

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

13 (f) Upon execution of the voluntary interlocal
14 agreement provided for herein, the authority shall jointly
15 develop with the Southwest Florida Water Management District
16 alternative sources of potable water and transmission
17 pipelines to interconnect regionally significant water supply
18 sources and facilities of the authority in amounts sufficient
19 to meet the needs of all member governments for a period of at
20 least 20 years and for natural systems. Nothing herein,
21 however, shall preclude the authority and its member
22 governments from developing traditional water sources pursuant
23 to the voluntary interlocal agreement. Development and
24 construction costs for alternative source facilities, which
25 may include a desalination facility and significant regional
26 interconnects, must be borne as mutually agreed to by both the
27 authority and the Southwest Florida Water Management District.
28 Nothing herein shall preclude authority or district cost
29 sharing with private entities for the construction or
30 ownership of alternative source facilities. By December 31,
31

1 1997, the authority and the Southwest Florida Water Management
2 District shall:
3 1. Enter into a mutually acceptable agreement
4 detailing the development and implementation of directives
5 contained in this paragraph; or
6 2. Jointly prepare and submit to the President of the
7 Senate and the Speaker of the House of Representatives a
8 report describing the progress made and impediments
9 encountered in their attempts to implement the water resource
10 development and water supply development directives contained
11 in this paragraph. Nothing in this section shall be construed
12 to modify the rights or responsibilities of the authority or
13 its member governments, except as otherwise provided herein,
14 or of the Southwest Florida Water Management District or the
15 department pursuant to this chapter or chapter 403 and as
16 otherwise set forth by statutes.
17 (g) Unless otherwise provided in the interlocal
18 agreement, the authority shall be governed by a board of
19 commissioners consisting of nine voting members, all of whom
20 must be elected officers, as follows:
21 1. Three members from Hillsborough County who must be
22 selected by the county commission; provided, however, that one
23 member shall be selected by the Mayor of Tampa in the event
24 that the City of Tampa elects to be a member of the authority.
25 2. Three members from Pasco County, two of whom must
26 be selected by the county commission and one of whom must be
27 selected by the City Council of New Port Richey.
28 3. Three members from Pinellas County, two of whom
29 must be selected by the county commission and one of whom must
30 be selected by the City Council of St. Petersburg. Except as
31 otherwise provided in this section or in the voluntary

1 interlocal agreement between the member governments, a
2 majority vote shall bind the authority and its member
3 governments in all matters relating to the funding of
4 wholesale water supply, production, delivery, and related
5 activities.

6 (2) The provisions of this section supersede any
7 conflicting provisions contained in all other general or
8 special laws or provisions thereof as they may apply directly
9 or indirectly to the exclusivity of water supply or withdrawal
10 of water, including provisions relating to the environmental
11 effects, if any, in conjunction with the production and supply
12 of potable water, and the provisions of this section are
13 intended to be a complete revision of all laws related to a
14 regional water supply authority created under s. 373.717 and
15 this section.

16 (3) The authority shall prepare its annual budget in
17 the same manner as prescribed for the preparation of basin
18 budgets, but such authority budget shall not be subject to
19 review by the respective basin boards or by the governing
20 board of the district.

21 (4) The annual millage for the authority shall be the
22 amount required to raise the amount called for by the annual
23 budget when applied to the total assessment on all taxable
24 property within the limits of the authority, as determined for
25 county taxing purposes.

26 (5) The authority may, by resolution, request the
27 governing board of the district to levy ad valorem taxes
28 within the boundaries of the authority. Upon receipt of such
29 request, together with formal certification of the adoption of
30 its annual budget and of the required tax levy, the authority
31

1 tax levy shall be made by the governing board of the district
2 to finance authority functions.

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

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

19 Section 2. Subsection (4) of section 11.80, Florida
20 Statutes, is amended to read:

21 11.80 Joint Legislative Committee on Everglades
22 Oversight.--

23 (4) Annually, no later than March 1, as part of the
24 consolidated annual report required by s. 373.036~~(5)(7)~~, the
25 South Florida Water Management District shall report to the
26 Joint Legislative Committee on Everglades Oversight on the
27 status of the implementation of the Everglades Forever Act.
28 Such report shall include, but is not limited to:

- 29 (a) Progress on the Everglades Construction Project.
30 (b) Changes to the Everglades Construction Project.
31 (c) Actual revenues, compared to projected revenues.

1 (d) Projected acquisition costs, construction costs,
2 operation and maintenance costs, and projected revenues, over
3 the succeeding 5 years.

4 Section 3. Subsection (12) of section 120.52, Florida
5 Statutes, is amended to read:

6 120.52 Definitions.--As used in this act:

7 (12) "Party" means:

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

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

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

21 (d) Any county representative, agency, department, or
22 unit funded and authorized by state statute or county
23 ordinance to represent the interests of the consumers of a
24 county, when the proceeding involves the substantial interests
25 of a significant number of residents of the county and the
26 board of county commissioners has, by resolution, authorized
27 the representative, agency, department, or unit to represent
28 the class of interested persons. The authorizing resolution
29 shall apply to a specific proceeding and to appeals and
30 ancillary proceedings thereto, and it shall not be required to
31

1 | state the names of the persons whose interests are to be
2 | represented.

3 |
4 | The term "party" does not include a member government of a
5 | regional water supply authority or a governmental or
6 | quasi-judicial board or commission established by local
7 | ordinance or special or general law where the governing
8 | membership of such board or commission is shared with, in
9 | whole or in part, or appointed by a member government of a
10 | regional water supply authority in proceedings under s.
11 | 120.569, s. 120.57, or s. 120.68, to the extent that an
12 | interlocal agreement under ss. 163.01 and 373.717 ~~373.1962~~
13 | exists in which the member government has agreed that its
14 | substantial interests are not affected by the proceedings or
15 | that it is to be bound by alternative dispute resolution in
16 | lieu of participating in the proceedings. This exclusion
17 | applies only to those particular types of disputes or
18 | controversies, if any, identified in an interlocal agreement.

19 | Section 4. Subsection (13) of section 163.3167,
20 | Florida Statutes, is amended to read:

21 | 163.3167 Scope of act.--

22 | (13) Each local government shall address in its
23 | comprehensive plan, as enumerated in this chapter, the water
24 | supply sources necessary to meet and achieve the existing and
25 | projected water use demand for the established planning
26 | period, considering the applicable plan developed pursuant to
27 | s. 373.713 ~~373.0361~~.

28 | Section 5. Paragraph (a) of subsection (4) and
29 | paragraphs (c), (d), and (h) of subsection (6) of section
30 | 163.3177, Florida Statutes, are amended to read:

31 |

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 ~~373.0361~~; with adopted rules
8 pertaining to designated areas of critical state concern; and
9 with the state comprehensive plan shall be a major objective
10 of the local comprehensive planning process. To that end, in
11 the preparation of a comprehensive plan or element thereof,
12 and in the comprehensive plan or element as adopted, the
13 governing body shall include a specific policy statement
14 indicating the relationship of the proposed development of the
15 area to the comprehensive plans of adjacent municipalities,
16 the county, adjacent counties, or the region and to the state
17 comprehensive plan, as the case may require and as such
18 adopted plans or plans in preparation may exist.

19 (6) In addition to the requirements of subsections
20 (1)-(5) and (12), the comprehensive plan shall include the
21 following 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. 373.0397. 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. Within 18 months after the governing
10 board approves an updated regional water supply plan, the
11 element must incorporate the alternative water supply project
12 or projects selected by the local government from those
13 identified in the regional water supply plan pursuant to s.
14 373.713 ~~373.0361(2)(a)~~ or proposed by the local government
15 under s. 373.713 ~~373.0361(7)(b)~~. If a local government is
16 located within two water management districts, the local
17 government shall adopt its comprehensive plan amendment within
18 18 months after the later updated regional water supply plan.
19 The element must identify such alternative water supply
20 projects and traditional water supply projects and
21 conservation and reuse necessary to meet the water needs
22 identified in s. 373.713 ~~373.0361(2)(a)~~ within the local
23 government's jurisdiction and include a work plan, covering at
24 least a 10 year planning period, for building public, private,
25 and regional water supply facilities, including development of
26 alternative water supplies, which are identified in the
27 element as necessary to serve existing and new development.
28 The work plan shall be updated, at a minimum, every 5 years
29 within 18 months after the governing board of a water
30 management district approves an updated regional water supply
31 plan. Amendments to incorporate the work plan do not count

1 toward the limitation on the frequency of adoption of
2 amendments to the comprehensive plan. Local governments,
3 public and private utilities, regional water supply
4 authorities, special districts, and water management districts
5 are encouraged to cooperatively plan for the development of
6 multijurisdictional water supply facilities that are
7 sufficient to meet projected demands for established planning
8 periods, including the development of alternative water
9 sources to supplement traditional sources of groundwater and
10 surface water supplies.

11 (d) A conservation element for the conservation, use,
12 and protection of natural resources in the area, including
13 air, water, water recharge areas, wetlands, waterwells,
14 estuarine marshes, soils, beaches, shores, flood plains,
15 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
16 marine habitat, minerals, and other natural and environmental
17 resources. Local governments shall assess their current, as
18 well as projected, water needs and sources for at least a
19 10-year period, considering the appropriate regional water
20 supply plan approved pursuant to s. 373.713 ~~373.0361~~, or, in
21 the absence of an approved regional water supply plan, the
22 district water supply management plan approved pursuant to s.
23 373.707 ~~373.036(2)~~. This information shall be submitted to the
24 appropriate agencies. The land use map or map series contained
25 in the future land use element shall generally identify and
26 depict the following:

- 27 1. Existing and planned waterwells and cones of
28 influence where applicable.
- 29 2. Beaches and shores, including estuarine systems.
- 30 3. Rivers, bays, lakes, flood plains, and harbors.
- 31 4. Wetlands.

1 5. Minerals and soils.

2

3 The land uses identified on such maps shall be consistent with
4 applicable state law and rules.

5 (h)1. An intergovernmental coordination element
6 showing relationships and stating principles and guidelines to
7 be used in the accomplishment of coordination of the adopted
8 comprehensive plan with the plans of school boards, regional
9 water supply authorities, and other units of local government
10 providing services but not having regulatory authority over
11 the use of land, with the comprehensive plans of adjacent
12 municipalities, the county, adjacent counties, or the region,
13 with the state comprehensive plan and with the applicable
14 regional water supply plan approved pursuant to s. 373.713
15 ~~373.0361~~, as the case may require and as such adopted plans or
16 plans in preparation may exist. This element of the local
17 comprehensive plan shall demonstrate consideration of the
18 particular effects of the local plan, when adopted, upon the
19 development of adjacent municipalities, the county, adjacent
20 counties, or the region, or upon the state comprehensive plan,
21 as the case may require.

22 a. The intergovernmental coordination element shall
23 provide for procedures to identify and implement joint
24 planning areas, especially for the purpose of annexation,
25 municipal incorporation, and joint infrastructure service
26 areas.

27 b. The intergovernmental coordination element shall
28 provide for recognition of campus master plans prepared
29 pursuant to s. 1013.30.

30 c. The intergovernmental coordination element may
31 provide for a voluntary dispute resolution process as

1 established pursuant to s. 186.509 for bringing to closure in
2 a timely manner intergovernmental disputes. A local government
3 may develop and use an alternative local dispute resolution
4 process for this purpose.

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

25 3. To foster coordination between special districts
26 and local general-purpose governments as local general-purpose
27 governments implement local comprehensive plans, each
28 independent special district must submit a public facilities
29 report to the appropriate local government as required by s.
30 189.415.

31

1 4.a. Local governments must execute an interlocal
2 agreement with the district school board, the county, and
3 nonexempt municipalities pursuant to s. 163.31777. The local
4 government shall amend the intergovernmental coordination
5 element to provide that coordination between the local
6 government and school board is pursuant to the agreement and
7 shall state the obligations of the local government under the
8 agreement.

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

11 5. The state land planning agency shall establish a
12 schedule for phased completion and transmittal of plan
13 amendments to implement subparagraphs 1., 2., and 3. from all
14 jurisdictions so as to accomplish their adoption by December
15 31, 1999. A local government may complete and transmit its
16 plan amendments to carry out these provisions prior to the
17 scheduled date established by the state land planning agency.
18 The plan amendments are exempt from the provisions of s.
19 163.3187(1).

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

24 a. Identifies all existing or proposed interlocal
25 service-delivery agreements regarding the following:
26 education; sanitary sewer; public safety; solid waste;
27 drainage; potable water; parks and recreation; and
28 transportation facilities.

29 b. Identifies any deficits or duplication in the
30 provision of services within its jurisdiction, whether capital
31 or operational. Upon request, the Department of Community

1 Affairs shall provide technical assistance to the local
2 governments in identifying deficits or duplication.

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

9 8. Each local government shall update its
10 intergovernmental coordination element based upon the findings
11 in the report submitted pursuant to subparagraph 6. The report
12 may be used as supporting data and analysis for the
13 intergovernmental coordination element.

14 Section 6. Paragraph (1) of subsection (2) of section
15 163.3191, Florida Statutes, is amended to read:

16 163.3191 Evaluation and appraisal of comprehensive
17 plan.--

18 (2) The report shall present an evaluation and
19 assessment of the comprehensive plan and shall contain
20 appropriate statements to update the comprehensive plan,
21 including, but not limited to, words, maps, illustrations, or
22 other media, related to:

23 (1) The evaluation must consider the appropriate water
24 management district's regional water supply plan approved
25 pursuant to s. 373.713. The potable water element must be
26 revised to include a work plan, covering at least a 10-year
27 planning period, for building any water supply facilities that
28 are identified in the element as necessary to serve existing
29 and new development and for which the local government is
30 responsible ~~The extent to which the local government has been~~
31 ~~successful in identifying alternative water supply projects~~

1 ~~and traditional water supply projects, including conservation~~
2 ~~and reuse, necessary to meet the water needs identified in s.~~
3 ~~373.0361(2)(a) within the local government's jurisdiction. The~~
4 ~~report must evaluate the degree to which the local government~~
5 ~~has implemented the work plan for building public, private,~~
6 ~~and regional water supply facilities, including development of~~
7 ~~alternative water supplies, identified in the element as~~
8 ~~necessary to serve existing and new development.~~

9 Section 7. Paragraph (n) of subsection (2) of section
10 186.009, Florida Statutes, is amended to read:

11 186.009 Growth management portion of the state
12 comprehensive plan.--

13 (2) The growth management portion of the state
14 comprehensive plan shall:

15 (n) Set forth recommendations on how to integrate the
16 Florida water supply plan required by s. 373.707 ~~373.036~~ and
17 transportation plans required by chapter 339.

18 Section 8. Paragraphs (c) and (d) of subsection (4) of
19 section 189.404, Florida Statutes, are amended to read:

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

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

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

1 establishment of a charter for the creation of an independent
2 special district which shall be in accordance with s. 373.717
3 ~~373.1962~~, or as otherwise authorized in general law.

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

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

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

16 Section 9. Subsection (3) of section 189.4155, Florida
17 Statutes, is amended to read:

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

20 (3) The provisions of this section shall not apply to
21 water management districts created pursuant to s. 373.069, to
22 regional water supply authorities created pursuant to s.
23 373.717 ~~373.1962~~, or to spoil disposal sites owned or used by
24 the Federal Government.

25 Section 10. Section 189.4156, Florida Statutes, is
26 amended to read:

27 189.4156 Water management district technical
28 assistance; local government comprehensive planning.--Water
29 management districts shall assist local governments in the
30 development of local government comprehensive plan elements
31

1 related to water resource issues as required by s. 373.715
2 ~~373.0391~~.

3 Section 11. Subsection (7) of section 367.021, Florida
4 Statutes, is amended to read:

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

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

13 Section 12. Subsection (4) of section 373.016, Florida
14 Statutes, is amended, and subsections (5) and (6) of that
15 section are renumbered as subsections (4) and (5),
16 respectively, to read:

17 373.016 Declaration of policy.--

18 ~~(4)(a) Because water constitutes a public resource~~
19 ~~benefiting the entire state, it is the policy of the~~
20 ~~Legislature that the waters in the state be managed on a state~~
21 ~~and regional basis. Consistent with this directive, the~~
22 ~~Legislature recognizes the need to allocate water throughout~~
23 ~~the state so as to meet all reasonable beneficial uses.~~
24 ~~However, the Legislature acknowledges that such allocations~~
25 ~~have in the past adversely affected the water resources of~~
26 ~~certain areas in this state. To protect such water resources~~
27 ~~and to meet the current and future needs of those areas with~~
28 ~~abundant water, the Legislature directs the department and the~~
29 ~~water management districts to encourage the use of water from~~
30 ~~sources nearest the area of use or application whenever~~
31 ~~practicable. Such sources shall include all naturally~~

1 ~~occurring water sources and all alternative water sources,~~
2 ~~including, but not limited to, desalination, conservation,~~
3 ~~reuse of nonpotable reclaimed water and stormwater, and~~
4 ~~aquifer storage and recovery. Reuse of potable reclaimed water~~
5 ~~and stormwater shall not be subject to the evaluation~~
6 ~~described in s. 373.223(3)(a) (g). However, this directive to~~
7 ~~encourage the use of water, whenever practicable, from sources~~
8 ~~nearest the area of use or application shall not apply to the~~
9 ~~transport and direct and indirect use of water within the area~~
10 ~~encompassed by the Central and Southern Florida Flood Control~~
11 ~~Project, nor shall it apply anywhere in the state to the~~
12 ~~transport and use of water supplied exclusively for bottled~~
13 ~~water as defined in s. 500.03(1)(d), nor shall it apply to the~~
14 ~~transport and use of reclaimed water for electrical power~~
15 ~~production by an electric utility as defined in section~~
16 ~~366.02(2).~~

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

21 (4)(5) The Legislature recognizes that the water
22 resource problems of the state vary from region to region,
23 both in magnitude and complexity. It is therefore the intent
24 of the Legislature to vest in the Department of Environmental
25 Protection or its successor agency the power and
26 responsibility to accomplish the conservation, protection,
27 management, and control of the waters of the state and with
28 sufficient flexibility and discretion to accomplish these ends
29 through delegation of appropriate powers to the various water
30 management districts. The department may exercise any power
31 herein authorized to be exercised by a water management

1 | district; however, to the greatest extent practicable, such
2 | power should be delegated to the governing board of a water
3 | management district.

4 | (5)~~(6)~~ It is further declared the policy of the
5 | Legislature that each water management district, to the extent
6 | consistent with effective management practices, shall
7 | approximate its fiscal and budget policies and procedures to
8 | those of the state.

9 | Section 13. Section 373.019, Florida Statutes, is
10 | amended to read:

11 | 373.019 Definitions.--When appearing in this chapter
12 | or in any rule, regulation, or order adopted pursuant thereto,
13 | the term:

14 | (1) "Alternative water supplies" means salt water;
15 | brackish surface and groundwater; surface water captured
16 | predominately during wet-weather flows; sources made available
17 | through the addition of new storage capacity for surface or
18 | groundwater, water that has been reclaimed after one or more
19 | public supply, municipal, industrial, commercial, or
20 | agricultural uses; the downstream augmentation of water bodies
21 | with reclaimed water; stormwater; and any other water supply
22 | source that is designated as nontraditional for a water supply
23 | planning region in the applicable regional water supply plan.

24 | (2) "Capital costs" means planning, design,
25 | engineering, and project construction costs.

26 | (3) "Coastal waters" means waters of the Atlantic
27 | Ocean or the Gulf of Mexico within the jurisdiction of the
28 | state.

29 | (4) "Department" means the Department of Environmental
30 | Protection or its successor agency or agencies.

31 |

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

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

8 (7) "Florida water plan" means the state-level water
9 resource plan developed by the department under s. 373.036.

10 (8) "Governing board" means the governing board of a
11 water management district.

12 (9) "Groundwater" means water beneath the surface of
13 the ground, whether or not flowing through known and definite
14 channels.

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

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

25 (12) "Multijurisdictional water supply entity" means
26 two or more water utilities or local governments that have
27 organized into a larger entity, or entered into an interlocal
28 agreement or contract, for the purpose of more efficiently
29 pursuing water supply development or alternative water supply
30 development projects listed pursuant to a regional water
31 supply plan.

1 (13) "Nonregulated use" means any use of water which
2 is exempted from regulation by the provisions of this chapter.

3 (14) "Other watercourse" means any canal, ditch, or
4 other artificial watercourse in which water usually flows in a
5 defined bed or channel. It is not essential that the flowing
6 be uniform or uninterrupted.

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

14 (16) "Reasonable-beneficial use" means the use of
15 water in such quantity as is necessary for economic and
16 efficient utilization for a purpose and in a manner which is
17 both reasonable and consistent with the public interest.

18 ~~(17) "Regional water supply plan" means a detailed~~
19 ~~water supply plan developed by a governing board under s.~~
20 ~~373.0361.~~

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

27 (18)~~(19)~~ "Surface water" means water upon the surface
28 of the earth, whether contained in bounds created naturally or
29 artificially or diffused. Water from natural springs shall be
30 classified as surface water when it exits from the spring onto
31 the earth's surface.

1 ~~(19)~~(20) "Water" or "waters in the state" means any
2 and all water on or beneath the surface of the ground or in
3 the atmosphere, including natural or artificial watercourses,
4 lakes, ponds, or diffused surface water and water percolating,
5 standing, or flowing beneath the surface of the ground, as
6 well as all coastal waters within the jurisdiction of the
7 state.

8 ~~(20)~~(21) "Water management district" means any flood
9 control, resource management, or water management district
10 operating under the authority of this chapter.

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

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

31

1 ~~(24) "Water supply development" means the planning,~~
2 ~~design, construction, operation, and maintenance of public or~~
3 ~~private facilities for water collection, production,~~
4 ~~treatment, transmission, or distribution for sale, resale, or~~
5 ~~end use.~~

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

1 ~~(23)~~~~(26)~~ "Works of the district" means those projects
2 and works, including, but not limited to, structures,
3 impoundments, wells, streams, and other watercourses, together
4 with the appurtenant facilities and accompanying lands, which
5 have been officially adopted by the governing board of the
6 district as works of the district.

7 Section 14. Section 373.036, Florida Statutes, is
8 amended to read:

9 373.036 Florida water plan; district water management
10 plans.--

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

15 (a) The programs and activities of the department
16 related to water supply, water quality, flood protection and
17 floodplain management, and natural systems.

18 **(b) The Florida water supply plan.**

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

20 ~~(d)~~~~(c)~~ The district water management plans.

21 ~~(e)~~~~(d)~~ Goals, objectives, and guidance for the
22 development and review of programs, rules, and plans relating
23 to water resources, based on statutory policies and
24 directives. The state water policy rule, renamed the water
25 resource implementation rule pursuant to s. 373.019~~(21)~~~~(23)~~,
26 shall serve as this part of the plan. Amendments or additions
27 to this part of the Florida water plan shall be adopted by the
28 department as part of the water resource implementation rule.
29 In accordance with s. 373.114, the department shall review
30 rules of the water management districts for consistency with
31 this rule. Amendments to the water resource implementation

1 rule must be adopted by the secretary of the department and be
2 submitted to the President of the Senate and the Speaker of
3 the House of Representatives within 7 days after publication
4 in the Florida Administrative Weekly. Amendments shall not
5 become effective until the conclusion of the next regular
6 session of the Legislature following their adoption.

7 (2) DISTRICT WATER MANAGEMENT PLANS.--

8 (a) Each governing board shall develop a district
9 water management plan for water resources within its region,
10 which plan addresses water supply, water quality, flood
11 protection and floodplain management, and natural systems. The
12 district water management plan shall be based on at least a
13 20-year planning period, shall be developed and revised in
14 cooperation with other agencies, regional water supply
15 authorities, units of government, and interested parties, and
16 shall be updated at least once every 5 years. The governing
17 board shall hold a public hearing at least 30 days in advance
18 of completing the development or revision of the district
19 water management plan.

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

22 1. The district water supply plan.

23 ~~2.1-~~ The scientific methodologies for establishing
24 minimum flows and levels under s. 373.042, and all established
25 minimum flows and levels.

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

28 ~~3. Technical data and information prepared under s.~~
29 ~~373.0391.~~

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

4 ~~a. Existing legal uses, reasonably anticipated future~~
5 ~~needs, and existing and reasonably anticipated sources of~~
6 ~~water and conservation efforts; and~~

7 ~~b. Whether existing and reasonably anticipated sources~~
8 ~~of water and conservation efforts are adequate to supply water~~
9 ~~for all existing legal uses and reasonably anticipated future~~
10 ~~needs and to sustain the water resources and related natural~~
11 ~~systems.~~

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

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

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

20 ~~1. The attainment of maximum reasonable beneficial use~~
21 ~~of water resources.~~

22 ~~2. The maximum economic development of the water~~
23 ~~resources consistent with other uses.~~

24 1.3. The management of water resources for such
25 purposes as environmental protection, drainage, flood control,
26 and water storage.

27 ~~4. The quantity of water available for application to~~
28 ~~a reasonable beneficial use.~~

29 ~~5. The prevention of wasteful, uneconomical,~~
30 ~~impractical, or unreasonable uses of water resources.~~

31 ~~6. Presently exercised domestic use and permit rights.~~

1 ~~2.7.~~ The preservation and enhancement of the water
2 quality of the state.

3 ~~3.8.~~ The state water resources policy as expressed by
4 this chapter.

5 (e) At its option, a governing board may substitute an
6 annual strategic plan for the requirement to develop a
7 district water management plan and the district water
8 management plan annual report required by subparagraph
9 (7)(b)1., provided that nothing herein affects any other
10 provision or requirement of law concerning the completion of
11 the regional water supply plan and the strategic plan meets
12 the following minimum requirements:

13 1. The strategic plan establishes the water management
14 district's strategic priorities for at least a future 5-year
15 period.

16 2. The strategic plan identifies the goals,
17 strategies, success indicators, funding sources, deliverables,
18 and milestones to accomplish the strategic priorities.

19 3. The strategic plan development process includes at
20 least one publicly noticed meeting to allow public
21 participation in its development.

22 4. The strategic plan includes separately, as an
23 addendum, an annual work plan report on the implementation of
24 the strategic plan for the previous fiscal year, addressing
25 success indicators, deliverables, and milestones.

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

1 ~~(4) The governing board may designate certain uses in~~
2 ~~connection with a particular source of supply which, because~~
3 ~~of the nature of the activity or the amount of water required,~~
4 ~~would constitute an undesirable use for which the governing~~
5 ~~board may deny a permit.~~

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

13 (4)(6) The department, in cooperation with the
14 Executive Office of the Governor, or its successor agency, may
15 add to the Florida water plan any other information,
16 directions, or objectives it deems necessary or desirable for
17 the guidance of the governing boards or other agencies in the
18 administration and enforcement of this chapter.

19 (5)(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
20 REPORT.--

21 (a) By March 1, 2006, and annually thereafter, each
22 water management district shall prepare and submit to the
23 department, the Governor, the President of the Senate, and the
24 Speaker of the House of Representatives a consolidated water
25 management district annual report on the management of water
26 resources. In addition, copies must be provided by the water
27 management districts to the chairs of all legislative
28 committees having substantive or fiscal jurisdiction over the
29 districts and the governing board of each county in the
30 district having jurisdiction or deriving any funds for
31 operations of the district. Copies of the consolidated annual

1 report must be made available to the public, either in printed
2 or electronic format.

3 (b) The consolidated annual report shall contain the
4 following elements, as appropriate to that water management
5 district:

6 1. A district water management plan annual report or
7 the annual work plan report allowed in subparagraph (2)(e)4.

8 2. The department-approved minimum flows and levels
9 annual priority list and schedule required by s. 373.042(2).

10 3. The annual 5-year capital improvements plan
11 required by s. 373.536(6)(a)3.

12 4. The alternative water supplies annual report
13 required by s. 373.705 ~~373.1961(3)(n)~~.

14 5. The final annual 5-year water resource development
15 work program required by s. 373.536(6)(a)4.

16 6. The Florida Forever Water Management District Work
17 Plan annual report required by s. 373.199(7).

18 7. The mitigation donation annual report required by
19 s. 373.414(1)(b)2.

20 (c) Each of the elements listed in paragraph (b) is to
21 be addressed in a separate chapter or section within the
22 consolidated annual report, although information common to
23 more than one of these elements may be consolidated as deemed
24 appropriate by the individual water management district.

25 (d) Each water management district may include in the
26 consolidated annual report such additional information on the
27 status or management of water resources within the district as
28 it deems appropriate.

29 (e) In addition to the elements specified in paragraph
30 (b), the South Florida Water Management District shall include
31 in the consolidated annual report the following elements:

1 1. The Lake Okeechobee Protection Program annual
2 progress report required by s. 373.4595(3)(h)~~(g)~~.

3 2. The Everglades annual progress reports specified in
4 s. 373.4592(4)(d)5., (13), and (14).

5 3. The Everglades restoration annual report required
6 by s. 373.470(7).

7 4. The Everglades Forever Act annual implementation
8 report required by s. 11.80(4).

9 5. The Everglades Trust Fund annual expenditure report
10 required by s. 373.45926(3).

11 Section 15. Subsection (2) of section 373.042, Florida
12 Statutes, is amended, and subsection (6) is added to that
13 section, to read:

14 373.042 Minimum flows and levels.--

15 (2) By November 15, 1997, and annually thereafter,
16 each water management district shall submit to the department
17 for review and approval a priority list and schedule for the
18 establishment of minimum flows and levels for surface
19 watercourses, aquifers, and surface waters within the
20 district. The priority list shall also identify those water
21 bodies for which the district will voluntarily undertake
22 independent scientific peer review. By March 1, 2006, and
23 annually thereafter, each water management district shall
24 include its approved priority list and schedule in the
25 consolidated annual report required by s. 373.036(5)~~(7)~~. The
26 priority list shall be based upon the importance of the waters
27 to the state or region and the existence of or potential for
28 significant harm to the water resources or ecology of the
29 state or region, and shall include those waters which are
30 experiencing or may reasonably be expected to experience
31 adverse impacts. Each water management district's priority

1 list and schedule shall include all first magnitude springs,
2 and all second magnitude springs within state or federally
3 owned lands purchased for conservation purposes. The specific
4 schedule for establishment of spring minimum flows and levels
5 shall be commensurate with the existing or potential threat to
6 spring flow from consumptive uses. Springs within the Suwannee
7 River Water Management District, or second magnitude springs
8 in other areas of the state, need not be included on the
9 priority list if the water management district submits a
10 report to the Department of Environmental Protection
11 demonstrating that adverse impacts are not now occurring nor
12 are reasonably expected to occur from consumptive uses during
13 the next 20 years. The priority list and schedule shall not be
14 subject to any proceeding pursuant to chapter 120. Except as
15 provided in subsection (3), the development of a priority list
16 and compliance with the schedule for the establishment of
17 minimum flows and levels pursuant to this subsection shall
18 satisfy the requirements of subsection (1).

19 (6) Notwithstanding the other provisions of this
20 section, where a local water utility, water supply authority,
21 or other water supply entity seeks to develop an alternative
22 water supply project option identified in s. 373.713(2)(a)2.,
23 the minimum flow and level for the proposed source of water
24 supply shall be added to the priority list developed by the
25 district and approved by the department pursuant to subsection
26 (2), with an assigned schedule for the completion as
27 determined by the district.

28 Section 16. Subsection (2) of section 373.0421,
29 Florida Statutes, is amended to read:

30 373.0421 Establishment and implementation of minimum
31 flows and levels.--

1 (2) If the existing flow or level in a water body is
2 below, or is projected to fall within 20 years below, the
3 applicable minimum flow or level established pursuant to s.
4 373.042, the department or governing board, as part of the
5 regional water supply plan described in s. 373.713 ~~373.0361~~,
6 shall expeditiously implement a recovery or prevention
7 strategy, which includes the development of additional water
8 supplies and other actions, consistent with the authority
9 granted by this chapter, to:

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

12 (b) Prevent the existing flow or level from falling
13 below the established minimum flow or level.

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

16 373.0695 Duties of basin boards; authorized
17 expenditures.--

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

22 Section 18. Subsection (7) of section 373.199, Florida
23 Statutes, is amended to read:

24 373.199 Florida Forever Water Management District Work
25 Plan.--

26 (7) By June 1, 2001, each district shall file with the
27 President of the Senate, the Speaker of the House of
28 Representatives, and the Secretary of Environmental Protection
29 the initial 5-year work plan as required under subsection (2).
30 By March 1 of each year thereafter, as part of the
31 consolidated annual report required by s. 373.036(5)(7), each

1 district shall report on acquisitions completed during the
2 year together with modifications or additions to its 5-year
3 work plan. Included in the report shall be:

4 (a) A description of land management activity for each
5 property or project area owned by the water management
6 district.

7 (b) A list of any lands surplused and the amount of
8 compensation received.

9 (c) The progress of funding, staffing, and resource
10 management of every project funded pursuant to s. 259.101, s.
11 259.105, or s. 373.59 for which the district is responsible.

12

13 The secretary shall submit the report referenced in this
14 subsection to the Board of Trustees of the Internal
15 Improvement Trust Fund together with the Acquisition and
16 Restoration Council's project list as required under s.
17 259.105.

18 Section 19. Subsections (3) and (5) of section
19 373.223, Florida Statutes, are amended to read:

20 373.223 Conditions for a permit.--

21 (3) Except for the transport and use of water supplied
22 by the Central and Southern Florida Flood Control Project, and
23 anywhere in the state when the transport and use of water is
24 supplied exclusively for bottled water as defined in s.
25 500.03(1)(d), any water use permit applications pending as of
26 April 1, 1998, with the Northwest Florida Water Management
27 District and self-suppliers of water for which the proposed
28 water source and area of use or application are located on
29 contiguous private properties, when evaluating whether a
30 potential transport and use of ground or surface water across
31 county boundaries is consistent with the public interest,

1 pursuant to paragraph (1)(c), the governing board or
2 department shall consider:

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

5 (b) All impoundments, streams, groundwater sources, or
6 watercourses that are geographically closer to the area of use
7 or application than the proposed source, and that are
8 technically and economically feasible for the proposed
9 transport and use.

10 (c) All economically and technically feasible
11 alternatives to the proposed source, including, but not
12 limited to, desalination, conservation, reuse of nonpotable
13 reclaimed water and stormwater, and aquifer storage and
14 recovery.

15 (d) The potential environmental impacts that may
16 result from the transport and use of water from the proposed
17 source, and the potential environmental impacts that may
18 result from use of the other water sources identified in
19 paragraphs (b) and (c).

20 (e) Whether existing and reasonably anticipated
21 sources of water and conservation efforts are adequate to
22 supply water for existing legal uses and reasonably
23 anticipated future needs of the water supply planning region
24 in which the proposed water source is located.

25 (f) Consultations with local governments affected by
26 the proposed transport and use.

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

29
30 Where districtwide water supply assessments and regional water
31 supply plans have been prepared pursuant to ss. 373.707

1 ~~373.036~~ and 373.713 ~~373.0361~~, the governing board or the
2 department shall use the applicable plans and assessments as
3 the basis for its consideration of the applicable factors in
4 this subsection.

5 (5) In evaluating an application for consumptive use
6 of water which proposes the use of an alternative water supply
7 project as described in the regional water supply plan and
8 provides reasonable assurances of the applicant's capability
9 to design, construct, operate, and maintain the project, the
10 governing board or department shall presume that the
11 alternative water supply use is consistent with the public
12 interest under paragraph (1)(c). However, where the governing
13 board identifies the need for a multijurisdictional water
14 supply entity or regional water supply authority to develop
15 the alternative water supply project pursuant to s.
16 373.713(2)(a)2. ~~373.0361(2)(a)2.~~, the presumption shall be
17 accorded only to that use proposed by such entity or
18 authority. This subsection does not effect evaluation of the
19 use pursuant to the provisions of paragraphs (1)(a) and (b),
20 subsections (2) and (3), and ss. 373.2295 and 373.233.

21 Section 20. Section 373.2234, Florida Statutes, is
22 amended to read:

23 373.2234 Preferred water supply sources.--The
24 governing board of a water management district is authorized
25 to adopt rules that identify preferred water supply sources
26 for consumptive uses for which there is sufficient data to
27 establish that a preferred source will provide a substantial
28 new water supply to meet the existing and projected
29 reasonable-beneficial uses of a water supply planning region
30 identified pursuant to s. 373.713(1) ~~373.0361(1)~~, while
31 sustaining existing water resources and natural systems. At a

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

29 | Section 21. Subsection (3) of section 373.229, Florida
30 | Statutes, is amended to read:

31 | 373.229 Application for permit.--

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

7 Section 22. Subsection (1) of section 373.421, Florida
8 Statutes, is amended to read:

9 373.421 Delineation methods; formal determinations.--

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

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

21 Section 23. Paragraph (b) of subsection (1) of section
22 373.414, Florida Statutes, is amended to read:

23 373.414 Additional criteria for activities in surface
24 waters and wetlands.--

25 (1) As part of an applicant's demonstration that an
26 activity regulated under this part will not be harmful to the
27 water resources or will not be inconsistent with the overall
28 objectives of the district, the governing board or the
29 department shall require the applicant to provide reasonable
30 assurance that state water quality standards applicable to
31 waters as defined in s. 403.031(13) will not be violated and

1 reasonable assurance that such activity in, on, or over
2 surface waters or wetlands, as delineated in s. 373.421(1), is
3 not contrary to the public interest. However, if such an
4 activity significantly degrades or is within an Outstanding
5 Florida Water, as provided by department rule, the applicant
6 must provide reasonable assurance that the proposed activity
7 will be clearly in the public interest.

8 (b) If the applicant is unable to otherwise meet the
9 criteria set forth in this subsection, the governing board or
10 the department, in deciding to grant or deny a permit, shall
11 consider measures proposed by or acceptable to the applicant
12 to mitigate adverse effects that may be caused by the
13 regulated activity. Such measures may include, but are not
14 limited to, onsite mitigation, offsite mitigation, offsite
15 regional mitigation, and the purchase of mitigation credits
16 from mitigation banks permitted under s. 373.4136. It shall be
17 the responsibility of the applicant to choose the form of
18 mitigation. The mitigation must offset the adverse effects
19 caused by the regulated activity.

20 1. The department or water management districts may
21 accept the donation of money as mitigation only where the
22 donation is specified for use in a duly noticed environmental
23 creation, preservation, enhancement, or restoration project,
24 endorsed by the department or the governing board of the water
25 management district, which offsets the impacts of the activity
26 permitted under this part. However, the provisions of this
27 subsection shall not apply to projects undertaken pursuant to
28 s. 373.4137 or chapter 378. Where a permit is required under
29 this part to implement any project endorsed by the department
30 or a water management district, all necessary permits must
31 have been issued prior to the acceptance of any cash donation.

1 After the effective date of this act, when money is donated to
2 either the department or a water management district to offset
3 impacts authorized by a permit under this part, the department
4 or the water management district shall accept only a donation
5 that represents the full cost to the department or water
6 management district of undertaking the project that is
7 intended to mitigate the adverse impacts. The full cost shall
8 include all direct and indirect costs, as applicable, such as
9 those for land acquisition, land restoration or enhancement,
10 perpetual land management, and general overhead consisting of
11 costs such as staff time, building, and vehicles. The
12 department or the water management district may use a
13 multiplier or percentage to add to other direct or indirect
14 costs to estimate general overhead. Mitigation credit for such
15 a donation shall be given only to the extent that the donation
16 covers the full cost to the agency of undertaking the project
17 that is intended to mitigate the adverse impacts. However,
18 nothing herein shall be construed to prevent the department or
19 a water management district from accepting a donation
20 representing a portion of a larger project, provided that the
21 donation covers the full cost of that portion and mitigation
22 credit is given only for that portion. The department or water
23 management district may deviate from the full cost
24 requirements of this subparagraph to resolve a proceeding
25 brought pursuant to chapter 70 or a claim for inverse
26 condemnation. Nothing in this section shall be construed to
27 require the owner of a private mitigation bank, permitted
28 under s. 373.4136, to include the full cost of a mitigation
29 credit in the price of the credit to a purchaser of said
30 credit.
31

1 2. The department and each water management district
2 shall report by March 1 of each year, as part of the
3 consolidated annual report required by s. 373.036~~(5)~~~~(7)~~, all
4 cash donations accepted under subparagraph 1. during the
5 preceding water management district fiscal year for wetland
6 mitigation purposes. The report shall exclude those
7 contributions pursuant to s. 373.4137. The report shall
8 include a description of the endorsed mitigation projects and,
9 except for projects governed by s. 373.4135(6), shall address,
10 as applicable, success criteria, project implementation status
11 and timeframe, monitoring, long-term management, provisions
12 for preservation, and full cost accounting.

13 3. If the applicant is unable to meet water quality
14 standards because existing ambient water quality does not meet
15 standards, the governing board or the department shall
16 consider mitigation measures proposed by or acceptable to the
17 applicant that cause net improvement of the water quality in
18 the receiving body of water for those parameters which do not
19 meet standards.

20 4. If mitigation requirements imposed by a local
21 government for surface water and wetland impacts of an
22 activity regulated under this part cannot be reconciled with
23 mitigation requirements approved under a permit for the same
24 activity issued under this part, including application of the
25 uniform wetland mitigation assessment method adopted pursuant
26 to subsection (18), the mitigation requirements for surface
27 water and wetland impacts shall be controlled by the permit
28 issued under this part.

29 Section 24. Paragraph (d) of subsection (4) and
30 subsections (13) and (14) of section 373.4592, Florida
31 Statutes, are amended to read:

1 373.4592 Everglades improvement and management.--

2 (4) EVERGLADES PROGRAM.--

3 (d) Everglades research and monitoring program.--

4 1. The department and the district shall review and
5 evaluate available water quality data for the Everglades
6 Protection Area and tributary waters and identify any
7 additional information necessary to adequately describe water
8 quality in the Everglades Protection Area and tributary
9 waters. The department and the district shall also initiate a
10 research and monitoring program to generate such additional
11 information identified and to evaluate the effectiveness of
12 the BMPs and STAs, as they are implemented, in improving water
13 quality and maintaining designated and existing beneficial
14 uses of the Everglades Protection Area and tributary waters.
15 As part of the program, the district shall monitor all
16 discharges into the Everglades Protection Area for purposes of
17 determining compliance with state water quality standards.

18 2. The research and monitoring program shall evaluate
19 the ecological and hydrological needs of the Everglades
20 Protection Area, including the minimum flows and levels.
21 Consistent with such needs, the program shall also evaluate
22 water quality standards for the Everglades Protection Area and
23 for the canals of the EAA, so that these canals can be
24 classified in the manner set forth in paragraph (e) and
25 protected as an integral part of the water management system
26 which includes the STAs of the Everglades Construction Project
27 and allows landowners in the EAA to achieve applicable water
28 quality standards compliance by BMPs and STA treatment to the
29 extent this treatment is available and effective.

30 3. The research and monitoring program shall include
31 research seeking to optimize the design and operation of the

1 STAs, including research to reduce outflow concentrations, and
2 to identify other treatment and management methods and
3 regulatory programs that are superior to STAs in achieving the
4 intent and purposes of this section.

5 4. The research and monitoring program shall be
6 conducted to allow the department to propose a phosphorus
7 criterion in the Everglades Protection Area, and to evaluate
8 existing state water quality standards applicable to the
9 Everglades Protection Area and existing state water quality
10 standards and classifications applicable to the EAA canals. In
11 developing the phosphorus criterion, the department shall also
12 consider the minimum flows and levels for the Everglades
13 Protection Area and the district's water supply plans for the
14 Lower East Coast.

15 5. Beginning March 1, 2006, as part of the
16 consolidated annual report required by s. 373.036~~(5)~~~~(7)~~, the
17 district and the department shall annually issue a
18 peer-reviewed report regarding the research and monitoring
19 program that summarizes all data and findings. The report
20 shall identify water quality parameters, in addition to
21 phosphorus, which exceed state water quality standards or are
22 causing or contributing to adverse impacts in the Everglades
23 Protection Area.

24 6. The district shall continue research seeking to
25 optimize the design and operation of STAs and to identify
26 other treatment and management methods that are superior to
27 STAs in achieving optimum water quality and water quantity for
28 the benefit of the Everglades. The district shall optimize the
29 design and operation of the STAs described in the Everglades
30 Construction Project prior to expanding their size. Additional
31

1 methods to achieve compliance with water quality standards
2 shall not be limited to more intensive management of the STAs.

3 (13) ANNUAL REPORTS.--Beginning March 1, 2006, as part
4 of the consolidated annual report required by s.
5 373.036~~(5)(7)~~, the district shall report on implementation of
6 the section. The annual report will include a summary of the
7 water conditions in the Everglades Protection Area, the status
8 of the impacted areas, the status of the construction of the
9 STAs, the implementation of the BMPs, and actions taken to
10 monitor and control exotic species. The district must prepare
11 the report in coordination with federal and state agencies.

12 (14) EVERGLADES FUND.--The South Florida Water
13 Management District is directed to separately account for all
14 moneys used for the purpose of funding the Everglades
15 Construction Project as part of the consolidated annual report
16 required by s. 373.036~~(5)(7)~~.

17 Section 25. Subsection (3) of section 373.45926,
18 Florida Statutes, is amended to read:

19 373.45926 Everglades Trust Fund; allocation of
20 revenues and expenditure of funds for conservation and
21 protection of natural resources and abatement of water
22 pollution.--

23 (3) The South Florida Water Management District shall
24 furnish, as part of the consolidated annual report required by
25 s. 373.036~~(5)(7)~~, a detailed copy of its expenditures from the
26 Everglades Trust Fund to the Governor, the President of the
27 Senate, and the Speaker of the House of Representatives, and
28 shall make copies available to the public. The information
29 shall be provided in a format approved by the Joint
30 Legislative Committee on Everglades Oversight. At the
31 direction of the Joint Legislative Committee on Everglades

1 Oversight, an audit may be made from time to time by the
2 Auditor General, and such audit shall be within the authority
3 of said Auditor General to make.

4 Section 26. Paragraph (h) of subsection (3) of section
5 373.4595, Florida Statutes, is amended to read:

6 373.4595 Lake Okeechobee Protection Program.--

7 (3) LAKE OKEECHOBEE PROTECTION PROGRAM.--A protection
8 program for Lake Okeechobee that achieves phosphorus load
9 reductions for Lake Okeechobee shall be immediately
10 implemented as specified in this subsection. The program shall
11 address the reduction of phosphorus loading to the lake from
12 both internal and external sources. Phosphorus load reductions
13 shall be achieved through a phased program of implementation.
14 Initial implementation actions shall be technology-based,
15 based upon a consideration of both the availability of
16 appropriate technology and the cost of such technology, and
17 shall include phosphorus reduction measures at both the source
18 and the regional level. The initial phase of phosphorus load
19 reductions shall be based upon the district's Technical
20 Publication 81-2 and the district's WOD program, with
21 subsequent phases of phosphorus load reductions based upon the
22 total maximum daily loads established in accordance with s.
23 403.067. In the development and administration of the Lake
24 Okeechobee Protection Program, the coordinating agencies shall
25 maximize opportunities provided by federal cost-sharing
26 programs and opportunities for partnerships with the private
27 sector.

28 (h) Annual progress report.--Each March 1, beginning
29 in 2006, the district shall report on implementation of this
30 section as part of the consolidated annual report required in
31 s. 373.036~~(5)(7)~~. The annual report shall include a summary of

1 | water quality and habitat conditions in Lake Okeechobee and
2 | the Lake Okeechobee watershed and the status of the Lake
3 | Okeechobee Construction Project. The district shall prepare
4 | the report in cooperation with the other coordinating
5 | agencies.

6 | Section 27. Subsection (7) of section 373.470, Florida
7 | Statutes, is amended to read:

8 | 373.470 Everglades restoration.--

9 | (7) ANNUAL REPORT.--To provide enhanced oversight of
10 | and accountability for the financial commitments established
11 | under this section and the progress made in the implementation
12 | of the comprehensive plan, the following information must be
13 | prepared annually as part of the consolidated annual report
14 | required by s. 373.036~~(5)~~~~(7)~~:

15 | (a) The district, in cooperation with the department,
16 | shall provide the following information as it relates to
17 | implementation of the comprehensive plan:

18 | 1. An identification of funds, by source and amount,
19 | received by the state and by each local sponsor during the
20 | fiscal year.

21 | 2. An itemization of expenditures, by source and
22 | amount, made by the state and by each local sponsor during the
23 | fiscal year.

24 | 3. A description of the purpose for which the funds
25 | were expended.

26 | 4. The unencumbered balance of funds remaining in
27 | trust funds or other accounts designated for implementation of
28 | the comprehensive plan.

29 | 5. A schedule of anticipated expenditures for the next
30 | fiscal year.

31 |

1 (b) The department shall prepare a detailed report on
2 all funds expended by the state and credited toward the
3 state's share of funding for implementation of the
4 comprehensive plan. The report shall include:

5 1. A description of all expenditures, by source and
6 amount, from the Conservation and Recreation Lands Trust Fund,
7 the Land Acquisition Trust Fund, the Preservation 2000 Trust
8 Fund, the Florida Forever Trust Fund, the Save Our Everglades
9 Trust Fund, and other named funds or accounts for the
10 acquisition or construction of project components or other
11 features or facilities that benefit the comprehensive plan.

12 2. A description of the purposes for which the funds
13 were expended.

14 3. The unencumbered fiscal-year-end balance that
15 remains in each trust fund or account identified in
16 subparagraph 1.

17 (c) The district, in cooperation with the department,
18 shall provide a detailed report on progress made in the
19 implementation of the comprehensive plan, including the status
20 of all project components initiated after the effective date
21 of this act or the date of the last report prepared under this
22 subsection, whichever is later.

23
24 The information required in paragraphs (a), (b), and (c) shall
25 be provided as part of the consolidated annual report required
26 by s. 373.036~~(5)~~(7). The initial report is due by November 30,
27 2000, and each annual report thereafter is due by March 1.

28 Section 28. Paragraph (a) of subsection (6) of section
29 373.536, Florida Statutes, is amended to read:

30 373.536 District budget and hearing thereon.--
31

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

3 (a) Each district must, by the date specified for each
4 item, furnish copies of the following documents to the
5 Governor, the President of the Senate, the Speaker of the
6 House of Representatives, the chairs of all legislative
7 committees and subcommittees having substantive or fiscal
8 jurisdiction over the districts, as determined by the
9 President of the Senate or the Speaker of the House of
10 Representatives as applicable, the secretary of the
11 department, and the governing board of each county in which
12 the district has jurisdiction or derives any funds for the
13 operations of the district:

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

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

24 3. A 5-year capital improvements plan, to be included
25 in the consolidated annual report required by s.
26 373.036~~(5)(7)~~. The plan must include expected sources of
27 revenue for planned improvements and must be prepared in a
28 manner comparable to the fixed capital outlay format set forth
29 in s. 216.043.

30 4. A 5-year water resource development work program to
31 be furnished within 30 days after the adoption of the final

1 budget. The program must describe the district's
2 implementation strategy for the water resource development
3 component of each approved regional water supply plan
4 developed or revised under s. 373.713 ~~373.0361~~. The work
5 program must address all the elements of the water resource
6 development component in the district's approved regional
7 water supply plans and must identify which projects in the
8 work program will provide water, explain how each water
9 resource development project will produce additional water
10 available for consumptive uses, estimate the quantity of water
11 to be produced by each project, and provide an assessment of
12 the contribution of the district's regional water supply plans
13 in providing sufficient water to meet the water supply needs
14 of existing and future reasonable-beneficial uses for a
15 1-in-10-year drought event. Within 30 days after its
16 submittal, the department shall review the proposed work
17 program and submit its findings, questions, and comments to
18 the district. The review must include a written evaluation of
19 the program's consistency with the furtherance of the
20 district's approved regional water supply plans, and the
21 adequacy of proposed expenditures. As part of the review, the
22 department shall give interested parties the opportunity to
23 provide written comments on each district's proposed work
24 program. Within 45 days after receipt of the department's
25 evaluation, the governing board shall state in writing to the
26 department which changes recommended in the evaluation it will
27 incorporate into its work program submitted as part of the
28 March 1 consolidated annual report required by s.
29 373.036(5)(7) or specify the reasons for not incorporating the
30 changes. The department shall include the district's responses
31 in a final evaluation report and shall submit a copy of the

1 report to the Governor, the President of the Senate, and the
2 Speaker of the House of Representatives.

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

5 373.59 Water Management Lands Trust Fund.--

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

19 Section 30. Paragraph (g) of subsection (1) of section
20 378.212, Florida Statutes, is amended to read:

21 378.212 Variances.--

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

26 (g) To accommodate reclamation that provides water
27 supply development or water resource development not
28 inconsistent with the applicable regional water supply plan
29 approved pursuant to s. 373.713 ~~373.0361~~, provided adverse
30 impacts are not caused to the water resources in the basin. A
31 variance may also be granted from the requirements of part IV

1 of chapter 373, or the rules adopted thereunder, when a
2 project provides an improvement in water availability in the
3 basin and does not cause adverse impacts to water resources in
4 the basin.

5 Section 31. Subsection (9) of section 378.404, Florida
6 Statutes, is amended to read:

7 378.404 Department of Environmental Protection; powers
8 and duties.--The department shall have the following powers
9 and duties:

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

19 Section 32. Subsection (14) of section 403.031,
20 Florida Statutes, is amended to read:

21 403.031 Definitions.--In construing this chapter, or
22 rules and regulations adopted pursuant hereto, the following
23 words, phrases, or terms, unless the context otherwise
24 indicates, have the following meanings:

25 (14) "State water resource implementation rule" means
26 the rule authorized by s. 373.707 ~~373.036~~, which sets forth
27 goals, objectives, and guidance for the development and review
28 of programs, rules, and plans relating to water resources,
29 based on statutory policies and directives. The waters of the
30 state are among its most basic resources. Such waters should
31

1 | be managed to conserve and protect water resources and to
2 | realize the full beneficial use of these resources.

3 | Section 33. Paragraph (a) of subsection (3) of section
4 | 403.0891, Florida Statutes, is amended to read:

5 | 403.0891 State, regional, and local stormwater
6 | management plans and programs.--The department, the water
7 | management districts, and local governments shall have the
8 | responsibility for the development of mutually compatible
9 | stormwater management programs.

10 | (3)(a) Each local government required by chapter 163
11 | to submit a comprehensive plan, whose plan is submitted after
12 | July 1, 1992, and the others when updated after July 1, 1992,
13 | in the development of its stormwater management program
14 | described by elements within its comprehensive plan shall
15 | consider the water resource implementation rule, district
16 | stormwater management goals, plans approved pursuant to the
17 | Surface Water Improvement and Management Act, ss.
18 | 373.451-373.4595, and technical assistance information
19 | provided by the water management districts pursuant to s.
20 | 373.715 ~~373.0391~~.

21 | Section 34. Paragraphs (r) and (u) of subsection (2)
22 | of section 403.813, Florida Statutes, are amended to read:

23 | 403.813 Permits issued at district centers;
24 | exceptions.--

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

1 Trustees of the Internal Improvement Trust Fund or any water
2 management district in its governmental or proprietary
3 capacity or from complying with applicable local pollution
4 control programs authorized under this chapter or other
5 requirements of county and municipal governments:

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

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

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

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

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

1 to conduct such activities as a part of a restoration or
2 enhancement project.

3
4 The department may not adopt implementing rules for this
5 paragraph, notwithstanding any other provision of law.

6 (u) Notwithstanding any provision to the contrary in
7 this subsection, a permit or other authorization under chapter
8 253, chapter 369, chapter 373, or this chapter is not required
9 for an individual residential property owner for the removal
10 of organic detrital material from freshwater rivers or lakes
11 that have a natural sand or rocky substrate and that are not
12 Aquatic Preserves or for the associated removal and replanting
13 of aquatic vegetation for the purpose of environmental
14 enhancement, providing that:

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

19 2. No filling or peat mining is allowed.

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

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

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

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

1 7. Replanting with a variety of aquatic plants native
2 to the state shall occur in a minimum of 25 percent of the
3 preexisting vegetated areas where organic detrital material is
4 removed, except for areas where the material is removed to
5 bare rocky substrate; however, an area may be maintained clear
6 of vegetation as an access corridor. The access corridor width
7 may not exceed 50 percent of the property owner's frontage or
8 50 feet, whichever is less, and may be a sufficient length
9 waterward to create a corridor to allow access for a boat or
10 swimmer to reach open water. Replanting must be at a minimum
11 density of 2 feet on center and be completed within 90 days
12 after removal of existing aquatic vegetation, except that
13 under dewatered conditions replanting must be completed within
14 90 days after reflooding. The area to be replanted must extend
15 waterward from the ordinary high water line to a point where
16 normal water depth would be 3 feet or the preexisting
17 vegetation line, whichever is less. Individuals are required
18 to make a reasonable effort to maintain planting density for a
19 period of 6 months after replanting is complete, and the
20 plants, including naturally recruited native aquatic plants,
21 must be allowed to expand and fill in the revegetation area.
22 Native aquatic plants to be used for revegetation must be
23 salvaged from the enhancement project site or obtained from an
24 aquatic plant nursery regulated by the Department of
25 Agriculture and Consumer Services. Plants that are not native
26 to the state may not be used for replanting.

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

1 9. The person seeking this exemption notifies the
2 applicable department district office in writing at least 30
3 days before commencing work and allows the department to
4 conduct a preconstruction site inspection. Notice must include
5 an organic-detrital-material removal and disposal plan and, if
6 applicable, a vegetation-removal and revegetation plan.

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

11 Section 35. Paragraph (a) of subsection (1) and
12 paragraph (a) of subsection (2) of section 403.890, Florida
13 Statutes, are amended to read:

14 403.890 Water Protection and Sustainability Program;
15 intent; goals; purposes.--

16 (1) Effective July 1, 2006, revenues transferred from
17 the Department of Revenue pursuant to s. 201.15(1)(d)2. shall
18 be deposited into the Water Protection and Sustainability
19 Program Trust Fund in the Department of Environmental
20 Protection. These revenues and any other additional revenues
21 deposited into or appropriated to the Water Protection and
22 Sustainability Trust Fund shall be distributed by the
23 Department of Environmental Protection in the following
24 manner:

25 (a) Sixty percent to the Department of Environmental
26 Protection for the implementation of an alternative water
27 supply program as provided in s. 373.717 ~~373.1961~~.

28 (2) For fiscal year 2005-2006, funds deposited or
29 appropriated into the Water Protection and Sustainability
30 Trust Fund shall be distributed as follows:

31

1 (a) One hundred million dollars to the Department of
2 Environmental Protection for the implementation of an
3 alternative water supply program as provided in s. 373.717
4 ~~373.1961~~.

5 Section 36. Subsection (6) of section 556.102, Florida
6 Statutes, is amended to read:

7 556.102 Definitions.--As used in this act:

8 (6) "Excavate" or "excavation" means any manmade cut,
9 cavity, trench, or depression in the earth's surface, formed
10 by removal of earth, intended to change the grade or level of
11 land, or intended to penetrate or disturb the surface of the
12 earth, including land beneath the waters of the state, as
13 defined in s. 373.019(19)(~~20~~), and the term includes pipe
14 bursting and directional drilling or boring from one point to
15 another point beneath the surface of the earth, or other
16 trenchless technologies.

17 Section 37. Section 682.02, Florida Statutes, is
18 amended to read:

19 682.02 Arbitration agreements made valid, irrevocable,
20 and enforceable; scope.--Two or more parties may agree in
21 writing to submit to arbitration any controversy existing
22 between them at the time of the agreement, or they may include
23 in a written contract a provision for the settlement by
24 arbitration of any controversy thereafter arising between them
25 relating to such contract or the failure or refusal to perform
26 the whole or any part thereof. This section also applies to
27 written interlocal agreements under ss. 163.01 and 373.717
28 ~~373.1962~~ in which two or more parties agree to submit to
29 arbitration any controversy between them concerning water use
30 permit applications and other matters, regardless of whether
31 or not the water management district with jurisdiction over

1 | the subject application is a party to the interlocal agreement
2 | or a participant in the arbitration. Such agreement or
3 | provision shall be valid, enforceable, and irrevocable without
4 | regard to the justiciable character of the controversy;
5 | provided that this act shall not apply to any such agreement
6 | or provision to arbitrate in which it is stipulated that this
7 | law shall not apply or to any arbitration or award thereunder.

8 | Section 38. Section 373.71, Florida Statutes, is
9 | renumbered as section 373.69, Florida Statutes.

10 | Section 39. Sections 373.0361, 373.0391, 373.0831,
11 | 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes,
12 | are repealed.

13 | Section 40. This act shall take effect July 1, 2007.

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