

By Senator Justice

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1 A bill to be entitled
2 An act relating to water supply; creating part VII of ch.
3 373, F.S., relating to water supply policy, planning,
4 production, and funding; providing a declaration of
5 policy; providing definitions; providing for the powers
6 and duties of water management district governing boards;
7 requiring the Department of Environmental Protection to
8 develop the Florida water supply plan; providing
9 components of the plan; requiring water management
10 district governing boards to develop water supply plans
11 for their respective regions; providing components of
12 district water supply plans; providing legislative
13 findings and intent with respect to water resource
14 development and water supply development; requiring water
15 management districts to fund and implement water resource
16 development; specifying water supply development projects
17 that are eligible to receive priority consideration for
18 state or water management district funding assistance;
19 encouraging cooperation in the development of water
20 supplies; providing for alternative water supply
21 development; encouraging municipalities, counties, and
22 special districts to create regional water supply
23 authorities; establishing the primary roles of the water
24 management districts in alternative water supply
25 development; establishing the primary roles of local
26 governments, regional water supply authorities, special
27 districts, and publicly owned and privately owned water
28 utilities in alternative water supply development;
29 requiring the water management districts to detail the

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30 specific allocations to be used for alternative water
31 supply development in their annual budget submission;
32 requiring that the water management districts include the
33 amount needed to implement the water supply development
34 projects in each annual budget; establishing general
35 funding criteria for funding assistance to the state or
36 water management districts; establishing economic
37 incentives for alternative water supply development;
38 providing a funding formula for the distribution of state
39 funds to the water management districts for alternative
40 water supply development; requiring that funding
41 assistance for alternative water supply development be
42 limited to a percentage of the total capital costs of an
43 approved project; establishing a selection process and
44 criteria; providing for cost recovery from the Public
45 Service Commission; requiring a water management district
46 governing board to conduct water supply planning for each
47 region identified in the district water supply plan;
48 providing procedures and requirements with respect to
49 regional water supply plans; providing for joint
50 development of a specified water supply development
51 component of a regional water supply plan within the
52 boundaries of the Southwest Florida Water Management
53 District; providing that approval of a regional water
54 supply plan is not subject to the rulemaking requirements
55 of the Administrative Procedure Act; requiring the
56 department to submit annual reports on the status of
57 regional water supply planning in each district; providing
58 construction with respect to the water supply development

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59 component of a regional water supply plan; requiring water
60 management districts to present to certain entities the
61 relevant portions of a regional water supply plan;
62 requiring certain entities to provide written notification
63 to water management districts as to the implementation of
64 water supply project options; requiring water management
65 districts to notify local governments of the need for
66 alternative water supply projects; requiring water
67 management districts to assist local governments in the
68 development and future revision of local government
69 comprehensive plan elements or public facilities reports
70 related to water resource issues; providing for the
71 creation of regional water supply authorities; providing
72 purpose of such authorities; specifying considerations
73 with respect to the creation of a proposed authority;
74 specifying authority of a regional water supply authority;
75 providing authority of specified entities to convey title,
76 dedicate land, or grant land-use rights to a regional
77 water supply authority for specified purposes; providing
78 preferential rights of counties and municipalities to
79 purchase water from regional water supply authorities;
80 providing exemption for specified water supply authorities
81 from consideration of certain factors and submissions;
82 providing applicability of such exemptions; authorizing
83 the West Coast Regional Water Supply Authority and its
84 member governments to reconstitute the authority's
85 governance and rename the authority under a voluntary
86 interlocal agreement; providing compliance requirements
87 with respect to the interlocal agreement; providing for

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88 | supersession of conflicting general or special laws;
89 | providing requirements with respect to annual budgets;
90 | specifying the annual millage for the authority;
91 | authorizing the authority to request the governing board
92 | of the district to levy ad valorem taxes within the
93 | boundaries of the authority to finance authority
94 | functions; providing requirements and procedures with
95 | respect to the collection of such taxes; amending ss.
96 | 11.80, 120.52, 163.3167, and 163.3177, F.S.; conforming
97 | cross-references; amending ss. 163.3191, 186.009, 189.404,
98 | 189.4155, 189.4156, and 367.021, F.S.; conforming cross-
99 | references; amending s. 373.016, F.S., relating to the
100 | declaration of policy, to conform; amending s. 373.019,
101 | F.S., relating to definitions, to conform; amending s.
102 | 373.026, F.S.; conforming a cross-reference; amending s.
103 | 373.036, F.S., relating to the Florida water plan and
104 | district water management plans, to include the Florida
105 | water supply plan and district water supply plans and make
106 | other conforming changes; amending s. 373.042, F.S.;
107 | providing for minimum flow and level provisions for
108 | alternative water supply project options; amending ss.
109 | 373.0421, 373.0695, 373.199, 373.223, 373.2234, 373.229,
110 | 373.414, 373.421, 373.4592, 373.45926, 373.4595, 373.470,
111 | 373.536, 373.59, 378.212, 378.404, 403.031, 403.0891,
112 | 403.813, 403.890, 556.102, and 682.02, F.S.; conforming
113 | cross-references; renumbering s. 373.71, F.S., relating to
114 | the Apalachicola-Chattahoochee-Flint River Basin Compact,
115 | to clarify retention of the section in part VI of ch. 373,
116 | F.S.; repealing s. 373.0361, F.S., relating to regional

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117 water supply planning; repealing s. 373.0391, F.S.,
118 relating to technical assistance to local governments;
119 repealing s. 373.0831, F.S., relating to water resource
120 and water supply development; repealing s. 373.196, F.S.,
121 relating to alternative water supply development;
122 repealing s. 373.1961, F.S., relating to water production
123 and related powers and duties of water management
124 districts; repealing s. 373.1962, F.S., relating to
125 regional water supply authorities; repealing s. 373.1963,
126 F.S., relating to assistance to the West Coast Regional
127 Water Supply Authority; providing an effective date.
128

129 Be It Enacted by the Legislature of the State of Florida:
130

131 Section 1. Part VII of chapter 373, Florida Statutes,
132 consisting of sections 373.701, 373.703, 373.705, 373.707,
133 373.709, 373.711, 373.713, 373.715, 373.717, and 373.719, is
134 created to read:

135 PART VII

136 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

137 373.701 Declaration of policy.--It is declared to be the
138 policy of the Legislature that:

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

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

145 (3) In order to protect the state's water resources and to

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146 meet the current and future needs of those areas with abundant
147 water, the Legislature directs the Department of Environmental
148 Protection and the water management districts to encourage the
149 use of water from sources nearest the area of use or application
150 whenever practicable. Such sources shall include all naturally
151 occurring water sources and all alternative water sources,
152 including, but not limited to, desalination, conservation, reuse
153 of nonpotable reclaimed water and stormwater, and aquifer storage
154 and recovery.

155 (4) In establishing the policy outlined in subsection (3),
156 the Legislature realizes that, under certain circumstances, the
157 need to transport water from distant sources may be necessary for
158 environmental, technical, or economic reasons.

159 (5) Cooperative efforts between municipalities, counties,
160 water management districts, and the department are mandatory in
161 order to meet the water needs of rapidly urbanizing areas in a
162 manner that will supply adequate and dependable supplies of water
163 where needed without resulting in adverse effects upon the areas
164 from which such water is withdrawn. Such efforts should utilize
165 all practical means of obtaining water, including, but not
166 limited to, withdrawals of surface water and groundwater, the
167 recycling of wastewater, and desalination and will necessitate
168 not only cooperation but also well-coordinated activities.

169 (6) Municipalities and counties are encouraged to create
170 regional water supply authorities and multijurisdictional water
171 supply entities as authorized in this part.

172 (7) Nothing in this part shall be construed to preclude the
173 various municipalities and counties from continuing to operate
174 existing water production and transmission facilities or to enter

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175 into cooperative agreements with other municipalities and
176 counties for the purpose of meeting their respective needs for
177 dependable and adequate supplies of water, provided the obtaining
178 of water through such operations shall not be done in a manner
179 that results in adverse effects upon the areas from which such
180 water is withdrawn.

181 373.703 Definitions.--As used in this part or in any rule,
182 regulation, or order adopted pursuant to this part, the following
183 terms shall, unless the context clearly indicates otherwise,
184 mean:

185 (1) "Alternative water supplies" means salt water; brackish
186 surface water and groundwater; surface water captured
187 predominately during wet-weather flows; sources made available
188 through the addition of new storage capacity for surface water or
189 groundwater, water that has been reclaimed after one or more
190 public supply, municipal, industrial, commercial, or agricultural
191 uses; the downstream augmentation of water bodies with reclaimed
192 water; stormwater; and any other water supply source that is
193 designated as nontraditional for a water supply planning region
194 in the applicable regional water supply plan.

195 (2) "Capital costs" means planning, design, engineering,
196 and project construction costs.

197 (3) "Department" means the Department of Environmental
198 Protection.

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

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

203 (6) "Governing board" means the governing board of a water

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204 management district.

205 (7) "Multijurisdictional water supply entity" means two or
206 more water utilities or local governments that have organized
207 into a larger entity, or entered into an interlocal agreement or
208 contract, for the purpose of more efficiently pursuing water
209 supply development or alternative water supply development
210 projects listed pursuant to a regional water supply plan.

211 (8) "Regional water supply plan" means a detailed water
212 supply plan developed by a governing board under s. 373.713.

213 (9) "Water management district" means any flood control,
214 resource management, or water management district operating under
215 the authority of this chapter.

216 (10) "Water resource development" means the formulation and
217 implementation of regional water resource management strategies,
218 including the collection and evaluation of surface water and
219 groundwater data; structural and nonstructural programs to
220 protect and manage water resources; the development of regional
221 water resource implementation programs; the construction,
222 operation, and maintenance of major public works facilities to
223 provide for surface water and underground water storage and
224 groundwater recharge augmentation; and related technical
225 assistance to local governments and to government-owned and
226 privately owned water utilities.

227 (11) "Water supply development" means the planning, design,
228 construction, operation, and maintenance of public or private
229 facilities for water collection, production, treatment,
230 transmission, or distribution for sale, resale, or end use.

231 373.705 Powers and duties.--In the performance of, and in
232 conjunction with, its other powers and duties, the governing

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233 board of a water management district existing pursuant to this
234 chapter:

235 (1) Shall engage in planning to assist counties,
236 municipalities, special districts, publicly owned and privately
237 owned water utilities, multijurisdictional water supply entities,
238 or regional water supply authorities in meeting water supply
239 needs in such manner as will give priority to encouraging
240 conservation and reducing adverse environmental effects of
241 improper or excessive withdrawals of water from concentrated
242 areas. As used in this section, regional water supply authorities
243 are regional water authorities created under s. 373.717 or other
244 laws of this state.

245 (2) Shall assist counties, municipalities, special
246 districts, publicly owned or privately owned water utilities,
247 multijurisdictional water supply entities, or regional water
248 supply authorities in meeting water supply needs in such manner
249 as will give priority to encouraging conservation and reducing
250 adverse environmental effects of improper or excessive
251 withdrawals of water from concentrated areas.

252 (3) May establish, design, construct, operate, and maintain
253 water production and transmission facilities for the purpose of
254 supplying water to counties, municipalities, special districts,
255 publicly owned and privately owned water utilities,
256 multijurisdictional water supply entities, or regional water
257 supply authorities. The permit required by part II of this
258 chapter for a water management district engaged in water
259 production and transmission shall be granted, denied, or granted
260 with conditions by the department.

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

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262 (5) Shall not deprive, directly or indirectly, any county
263 wherein water is withdrawn of the prior right to the reasonable
264 and beneficial use of water which is required to supply
265 adequately the reasonable and beneficial needs of the county or
266 any of the inhabitants or property owners in the county.

267 (6) May provide water and financial assistance to regional
268 water supply authorities, but may not provide water to counties
269 and municipalities that are located within the area of such
270 authority without the specific approval of the authority or, in
271 the event of the authority's disapproval, the approval of the
272 Governor and Cabinet sitting as the Land and Water Adjudicatory
273 Commission. The district may supply water at rates and upon terms
274 mutually agreed to by the parties or, if they do not agree, as
275 set by the governing board and specifically approved by the
276 Governor and Cabinet sitting as the Land and Water Adjudicatory
277 Commission.

278 (7) May acquire title to such interest as is necessary in
279 real property, by purchase, gift, devise, lease, eminent domain,
280 or otherwise, for water production and transmission consistent
281 with this section and s. 373.711. However, the district shall not
282 use any of the eminent domain powers granted in this section to
283 acquire water and water rights already devoted to reasonable and
284 beneficial use or any water production or transmission facilities
285 owned by any county, municipality, or regional water supply
286 authority. The district may exercise eminent domain powers
287 outside of its district boundaries for the acquisition of pumpage
288 facilities, storage areas, transmission facilities, and the
289 normal appurtenances thereto, provided that at least 45 days
290 prior to the exercise of eminent domain, the district notifies

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291 the district where the property is located after public notice
292 and the district where the property is located does not object
293 within 45 days after notification of such exercise of eminent
294 domain authority.

295 (8) In addition to the power to issue revenue bonds
296 pursuant to s. 373.584, may issue revenue bonds for the purposes
297 of paying the costs and expenses incurred in carrying out the
298 purposes of this chapter or refunding obligations of the district
299 issued pursuant to this section. Such revenue bonds shall be
300 secured by, and be payable from, revenues derived from the
301 operation, lease, or use of its water production and transmission
302 facilities and other water-related facilities and from the sale
303 of water or services relating thereto. Such revenue bonds may not
304 be secured by, or be payable from, moneys derived by the district
305 from the Water Management Lands Trust Fund or from ad valorem
306 taxes received by the district. All provisions of s. 373.584
307 relating to the issuance of revenue bonds which are not
308 inconsistent with this section shall apply to the issuance of
309 revenue bonds pursuant to this section. The district may also
310 issue bond anticipation notes in accordance with the provisions
311 of s. 373.584.

312 (9) May join with one or more other water management
313 districts, counties, municipalities, special districts, publicly
314 owned or privately owned water utilities, multijurisdictional
315 water supply entities, or regional water supply authorities for
316 the purpose of carrying out any of its powers, and may contract
317 with such other entities to finance acquisitions, construction,
318 operation, and maintenance. The contract may provide for
319 contributions to be made by each party thereto, for the division

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320 and apportionment of the expenses of acquisitions, construction,
321 operation, and maintenance, and for the division and
322 apportionment of the benefits, services, and products therefrom.
323 The contracts may contain other covenants and agreements
324 necessary and appropriate to accomplish their purposes.

325 373.707 Florida water supply plan; district water supply
326 plans.--

327 (1) In cooperation with the water management districts,
328 regional water supply authorities, and others, the department
329 shall develop the Florida water supply plan. The Florida water
330 supply plan shall include, but not be limited to:

331 (a) The programs and activities of the department related
332 to water supply.

333 (b) The district water supply plans.

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

337 (2) (a) Each governing board shall develop a district water
338 supply plan for its region. The district water supply plan shall
339 be based on at least a 20-year planning period, shall be
340 developed and revised in cooperation with other agencies,
341 regional water supply authorities, units of government, and
342 interested parties and shall be updated at least once every 5
343 years. The governing board shall hold a public hearing at least
344 30 days in advance of completing the development or revision of
345 the district water supply plan.

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

348 1. The scientific methodologies for establishing minimum

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349 flows and levels under s. 373.042 and all established minimum
350 flows and levels.

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

353 3. Technical data and information prepared under s.
354 373.715.

355 4. A districtwide water supply assessment that determines
356 for each water supply planning region:

357 a. Existing legal uses, reasonably anticipated future
358 needs, and existing and reasonably anticipated sources of water
359 and conservation efforts.

360 b. Whether existing and reasonably anticipated sources of
361 water and conservation efforts are adequate to supply water for
362 all existing legal uses and reasonably anticipated future needs
363 and to sustain the water resources and related natural systems.

364 5. Any completed regional water supply plans prepared
365 pursuant to s. 373.713.

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

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

371 1. The attainment of maximum reasonable-beneficial use of
372 water resources.

373 2. The maximum economic development of the water resources
374 consistent with other uses.

375 3. The management of water resources for such purposes as
376 environmental protection, drainage, flood control, and water
377 storage.

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

380 5. The prevention of wasteful, uneconomical, impractical,
381 or unreasonable uses of water resources.

382 6. Presently exercised domestic use and permit rights.

383 7. The state water resources policy as expressed by this
384 chapter.

385 (3) The department and governing board shall give careful
386 consideration to the requirements of public recreation and to the
387 protection and propagation of fish and wildlife. The department
388 or governing board may prohibit or restrict other future uses on
389 certain designated bodies of water which may be inconsistent with
390 these objectives.

391 (4) The governing board may designate certain uses in
392 connection with a particular source of supply that, because of
393 the nature of the activity or the amount of water required, would
394 constitute an undesirable use for which the governing board may
395 deny a permit.

396 (5) The governing board may designate certain uses in
397 connection with a particular source of supply that, because of
398 the nature of the activity or the amount of water required, would
399 result in an enhancement or improvement of the water resources of
400 the area. Such uses shall be preferred over other uses in the
401 event of competing applications under the permitting systems
402 authorized by this chapter.

403 (6) The department, in cooperation with the Executive
404 Office of the Governor or its successor agency, may add to the
405 Florida water supply plan any other information, directions, or
406 objectives it deems necessary or desirable for the guidance of

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407 the governing boards or other agencies in the administration and
408 enforcement of this chapter.

409 373.709 Water resource development; water supply
410 development.--

411 (1) The Legislature finds that:

412 (a) The proper role of the water management districts in
413 water supply is primarily planning and water resource
414 development, but this does not preclude them from providing
415 assistance with water supply development.

416 (b) The proper role of local government, regional water
417 supply authorities, and government-owned and privately owned
418 water utilities in water supply is primarily water supply
419 development, but this does not preclude them from providing
420 assistance with water resource development.

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

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

426 (a) Sufficient water be available for all existing and
427 future reasonable-beneficial uses and the natural systems and
428 that the adverse effects of competition for water supplies be
429 avoided.

430 (b) Water management districts take the lead in identifying
431 and implementing water resource development projects and are
432 responsible for securing necessary funding for regionally
433 significant water resource development projects.

434 (c) Local governments, regional water supply authorities,
435 and government-owned and privately owned water utilities take the

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436 lead in securing funds for and implementing water supply
437 development projects. Generally, direct beneficiaries of water
438 supply development projects should pay the costs of the projects
439 from which they benefit, and water supply development projects
440 should continue to be paid for through local funding sources.

441 (d) Water supply development be conducted in coordination
442 with water management district regional water supply planning and
443 water resource development.

444 (3) The water management districts shall fund and implement
445 water resource development as defined in s. 373.703. The water
446 management districts are encouraged to implement their
447 responsibility for water resource development and to assist in
448 water supply development as expeditiously as possible in areas
449 subject to regional water supply plans.

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

454 (5)(a) Water supply development projects that are included
455 in the relevant regional water supply plans and that meet one or
456 more of the following criteria shall receive priority
457 consideration for state or water management district funding
458 assistance:

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

461 2. The project provides substantial environmental benefits
462 by preventing or limiting adverse water resource impacts but
463 requires funding assistance to be economically competitive with
464 other options;

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

468 4. The project significantly contributes to a recovery plan
469 pursuant to s. 373.0421 for a minimum flow or level established
470 by a governing board.

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

476 373.711 Alternative water supply development.--

477 (1) The purpose of this section is to encourage cooperation
478 in the development of water supplies and to provide for
479 alternative water supply development. Accordingly, the
480 Legislature finds that:

481 (a) Demands on natural supplies of fresh water to meet the
482 needs of a rapidly growing population and the needs of the
483 environment, agriculture, industry, and mining will continue to
484 increase.

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

488 (c) Alternative water supply development must receive
489 priority funding attention to increase the available supplies of
490 water to meet all existing and future reasonable-beneficial uses
491 and to benefit the natural systems.

492 (d) Cooperation between counties, municipalities, regional
493 water supply authorities, multijurisdictional water supply

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494 entities, special districts, and publicly owned and privately
495 owned water utilities in the development of countywide and multi-
496 countywide alternative water supply projects will allow for
497 necessary economies of scale and efficiencies to be achieved in
498 order to accelerate the development of new, dependable, and
499 sustainable alternative water supplies.

500 (e) It is in the public interest that county, municipal,
501 industrial, agricultural, and other public and private water
502 users, the Department of Environmental Protection, and the water
503 management districts cooperate and work together in the
504 development of alternative water supplies to avoid the adverse
505 effects of competition for limited supplies of water. Public
506 moneys or services provided to private entities for alternative
507 water supply development may constitute public purposes that also
508 are in the public interest.

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

511 (a) Sufficient water must be available for all existing and
512 future reasonable-beneficial uses and the natural systems, and
513 the adverse effects of competition for water supplies must be
514 avoided.

515 (b) Alternative water supply development must be conducted
516 in coordination with water management district regional water
517 supply planning.

518 (c) Funding for the development of alternative water
519 supplies shall be a shared responsibility of water suppliers and
520 users, the state, and the water management districts, with water
521 suppliers and users having the primary responsibility and the
522 state and the water management districts being responsible for

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523 providing funding assistance.

524 (3) The primary roles of the water management districts in
525 water resource development as it relates to supporting
526 alternative water supply development are:

527 (a) The formulation and implementation of regional water
528 resource management strategies that support alternative water
529 supply development.

530 (b) The collection and evaluation of surface water and
531 groundwater data to be used for a planning level assessment of
532 the feasibility of alternative water supply development projects.

533 (c) The construction, operation, and maintenance of major
534 public works facilities for flood control, surface water and
535 underground water storage, and groundwater recharge augmentation
536 to support alternative water supply development.

537 (d) Planning for alternative water supply development as
538 provided in regional water supply plans in coordination with
539 local governments, regional water supply authorities,
540 multijurisdictional water supply entities, special districts, and
541 publicly owned and privately owned water utilities and self-
542 suppliers.

543 (e) The formulation and implementation of structural and
544 nonstructural programs to protect and manage water resources in
545 support of alternative water supply projects.

546 (f) The provision of technical and financial assistance to
547 local governments and publicly owned and privately owned water
548 utilities for alternative water supply projects.

549 (4) The primary roles of local government, regional water
550 supply authorities, multijurisdictional water supply entities,
551 special districts, and publicly owned and privately owned water

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552 utilities in alternative water supply development are:

553 (a) The planning, design, construction, operation, and
554 maintenance of alternative water supply development projects.

555 (b) The formulation and implementation of alternative water
556 supply development strategies and programs.

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

560 (d) The coordination of alternative water supply
561 development activities with the appropriate water management
562 district having jurisdiction over the activity.

563 (5) Nothing in this section shall be construed to preclude
564 the various special districts, municipalities, and counties from
565 continuing to operate existing water production and transmission
566 facilities or to enter into cooperative agreements with other
567 special districts, municipalities, and counties for the purpose
568 of meeting their respective needs for dependable and adequate
569 supplies of water; however, the obtaining of water through such
570 operations shall not be done in a manner that results in adverse
571 effects upon the areas from which such water is withdrawn.

572 (6) (a) The statewide funds provided pursuant to the Water
573 Protection and Sustainability Program serve to supplement
574 existing water management district or basin board funding for
575 alternative water supply development assistance and should not
576 result in a reduction of such funding. Therefore, the water
577 management districts shall include in the annual tentative and
578 adopted budget submittals required under this chapter the amount
579 of funds allocated for water resource development that supports
580 alternative water supply development and the funds allocated for

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581 alternative water supply projects selected for inclusion in the
582 Water Protection and Sustainability Program. It shall be the goal
583 of each water management district and basin boards that the
584 combined funds allocated annually for these purposes be, at a
585 minimum, the equivalent of 100 percent of the state funding
586 provided to the water management district for alternative water
587 supply development. If this goal is not achieved, the water
588 management district shall provide in the budget submittal an
589 explanation of the reasons or constraints that prevent this goal
590 from being met, an explanation of how the goal will be met in
591 future years, and affirmation of match is required during the
592 budget review process as established under s. 373.536(5). The
593 Suwannee River Water Management District and the Northwest
594 Florida Water Management District shall not be required to meet
595 the match requirements of this paragraph; however, they shall try
596 to achieve the match requirement to the greatest extent
597 practicable.

598 (b) State funds from the Water Protection and
599 Sustainability Program created in s. 403.890 shall be made
600 available for financial assistance for the project construction
601 costs of alternative water supply development projects selected
602 by a water management district governing board for inclusion in
603 the program.

604 (7) The water management district shall implement its
605 responsibilities as expeditiously as possible in areas subject to
606 regional water supply plans. Each district's governing board
607 shall include in its annual budget the amount needed for the
608 fiscal year to assist in implementing alternative water supply
609 development projects.

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610 (8) (a) The water management districts and the state shall
611 share a percentage of revenues with water providers and users,
612 including local governments, water, wastewater, and reuse
613 utilities, municipal, special district, industrial, and
614 agricultural water users, and other public and private water
615 users, to be used to supplement other funding sources in the
616 development of alternative water supplies.

617 (b) Beginning in fiscal year 2008-2009, the state shall
618 annually provide a portion of those revenues deposited into the
619 Water Protection and Sustainability Program Trust Fund for the
620 purpose of providing funding assistance for the development of
621 alternative water supplies pursuant to the Water Protection and
622 Sustainability Program. At the beginning of each fiscal year,
623 beginning with fiscal year 2008-2009, such revenues shall be
624 distributed by the department into the alternative water supply
625 trust fund accounts created by each district for the purpose of
626 alternative water supply development under the following funding
627 formula:

628 1. Thirty percent to the South Florida Water Management
629 District;

630 2. Twenty-five percent to the Southwest Florida Water
631 Management District;

632 3. Twenty-five percent to the St. Johns River Water
633 Management District;

634 4. Ten percent to the Suwannee River Water Management
635 District; and

636 5. Ten percent to the Northwest Florida Water Management
637 District.

638 (c) The financial assistance for alternative water supply

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639 projects allocated in each district's budget as required in
640 subsection (6) shall be combined with the state funds and used to
641 assist in funding the project construction costs of alternative
642 water supply projects selected by the governing board. If the
643 district has not completed any regional water supply plan, or the
644 regional water supply plan does not identify the need for any
645 alternative water supply projects, funds deposited in that
646 district's trust fund may be used for water resource development
647 projects, including, but not limited to, springs protection.

648 (d) All projects submitted to the governing board for
649 consideration shall reflect the total capital cost for
650 implementation. The costs shall be segregated pursuant to the
651 categories described in the definition of capital costs.

652 (e) Applicants for projects that may receive funding
653 assistance pursuant to the Water Protection and Sustainability
654 Program shall, at a minimum, be required to pay 60 percent of the
655 project's construction costs. The water management districts may,
656 at their discretion, totally or partially waive this requirement
657 for projects sponsored by financially disadvantaged small local
658 governments as defined in s. 403.885(3)(c). The water management
659 districts or basin boards may, at their discretion, use ad
660 valorem or federal revenues to assist a project applicant in
661 meeting the requirements of this paragraph.

662 (f) The governing boards shall determine those projects
663 that will be selected for financial assistance. The governing
664 boards may establish factors to determine project funding;
665 however, significant weight shall be given to the following
666 factors:

667 1. Whether the project provides substantial environmental

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668 benefits by preventing or limiting adverse water resource
669 impacts.

670 2. Whether the project reduces competition for water
671 supplies.

672 3. Whether the project brings about replacement of
673 traditional sources in order to help implement a minimum flow or
674 level or a reservation.

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

678 5. The quantity of water supplied by the project as
679 compared to its cost.

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

682 7. Whether the project will be implemented by a
683 multijurisdictional water supply entity or regional water supply
684 authority.

685 (g) Additional factors to be considered in determining
686 project funding shall include:

687 1. Whether the project is part of a plan to implement two
688 or more alternative water supply projects, all of which will be
689 operated to produce water at a uniform rate for the participants
690 in a multijurisdictional water supply entity or regional water
691 supply authority.

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

694 3. Whether the project proposal includes sufficient
695 preliminary planning and engineering to demonstrate that the
696 project can reasonably be implemented within the timeframes

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697 provided in the regional water supply plan.

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

700 5. Whether and in what percentage a local government or
701 local government utility is transferring water supply system
702 revenues to the local government general fund in excess of
703 reimbursements for services received from the general fund,
704 including direct and indirect costs and legitimate payments in
705 lieu of taxes.

706 (h) After conducting one or more meetings to solicit public
707 input on eligible projects, including input from those entities
708 identified pursuant to s. 373.713(2)(a)2.d. for implementation of
709 alternative water supply projects, the governing board of each
710 water management district shall select projects for funding
711 assistance based upon the criteria set forth in paragraphs (f)
712 and (g). The governing board may select a project identified or
713 listed as an alternative water supply development project in the
714 regional water supply plan, or allocate up to 20 percent of the
715 funding for alternative water supply projects that are not
716 identified or listed in the regional water supply plan but are
717 consistent with the goals of the plan.

718 (i) Without diminishing amounts available through other
719 means described in this subsection, the governing boards are
720 encouraged to consider establishing revolving loan funds to
721 expand the total funds available to accomplish the objectives of
722 this section. A revolving loan fund created under this paragraph
723 must be a nonlapsing fund from which the water management
724 district may make loans with interest rates below prevailing
725 market rates to public or private entities for the purposes

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726 described in this section. The governing board may adopt
727 resolutions to establish revolving loan funds which must specify
728 the details of the administration of the fund, the procedures for
729 applying for loans from the fund, the criteria for awarding loans
730 from the fund, the initial capitalization of the fund, and the
731 goals for future capitalization of the fund in subsequent budget
732 years. Revolving loan funds created under this paragraph must be
733 used to expand the total sums and sources of cooperative funding
734 available for the development of alternative water supplies. The
735 Legislature does not intend for the creation of revolving loan
736 funds to supplant or otherwise reduce existing sources or amounts
737 of funds currently available through other means.

738 (j) For each utility that receives financial assistance
739 from the state or a water management district for an alternative
740 water supply project, the water management district shall require
741 the appropriate rate-setting authority to develop rate structures
742 for water customers in the service area of the funded utility
743 that will:

- 744 1. Promote the conservation of water; and
745 2. Promote the use of water from alternative water
746 supplies.

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

749 (l) All revenues made available pursuant to this subsection
750 must be encumbered annually by the governing board when it
751 approves projects sufficient to expend the available revenues.

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

754 (n) By March 1 of each year, as part of the consolidated

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755 annual report required by s. 373.036(5), each water management
756 district shall submit a report on the disbursal of all budgeted
757 amounts pursuant to this section. Such report shall describe all
758 alternative water supply projects funded as well as the quantity
759 of new water to be created as a result of such projects and shall
760 account separately for any other moneys provided through grants,
761 matching grants, revolving loans, and the use of district lands
762 or facilities to implement regional water supply plans.

763 (o) The Florida Public Service Commission shall allow
764 entities under its jurisdiction constructing or participating in
765 constructing facilities that provide alternative water supplies
766 to recover their full, prudently incurred cost of constructing
767 such facilities through their rate structure. If construction of
768 a facility or participation in construction is pursuant to or in
769 furtherance of a regional water supply plan, the cost shall be
770 deemed to be prudently incurred. Every component of an
771 alternative water supply facility constructed by an investor-
772 owned utility shall be recovered in current rates. Any state or
773 water management district cost-share is not subject to the
774 recovery provisions allowed in this paragraph.

775 (9) Funding assistance provided by the water management
776 districts for a water reuse system may include the following
777 conditions for that project if a water management district
778 determines that such conditions will encourage water use
779 efficiency:

780 (a) Metering of reclaimed water use for residential
781 irrigation, agricultural irrigation, industrial uses, except for
782 electric utilities as defined in s. 366.02(2), landscape
783 irrigation, golf course irrigation, irrigation of other public

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784 access areas, commercial and institutional uses such as toilet
785 flushing, and transfers to other reclaimed water utilities;

786 (b) Implementation of reclaimed water rate structures based
787 on actual use of reclaimed water for the reuse activities listed
788 in paragraph (a);

789 (c) Implementation of education programs to inform the
790 public about water issues, water conservation, and the importance
791 and proper use of reclaimed water; or

792 (d) Development of location data for key reuse facilities.
793 373.713 Regional water supply planning.--

794 (1) The governing board of each water management district
795 shall conduct water supply planning for any water supply planning
796 region within the district identified in the appropriate district
797 water supply plan under s. 373.707, where it determines that
798 existing sources of water are not adequate to supply water for
799 all existing and future reasonable-beneficial uses and to sustain
800 the water resources and related natural systems for the planning
801 period. The planning must be conducted in an open public process,
802 in coordination and cooperation with local governments, regional
803 water supply authorities, government-owned and privately owned
804 water utilities, multijurisdictional water supply entities, self-
805 suppliers, and other affected and interested parties. The
806 districts shall actively engage in public education and outreach
807 to all affected local entities and their officials, as well as
808 members of the public, in the planning process and in seeking
809 input. During preparation, but prior to completion of the
810 regional water supply plan, the district must conduct at least
811 one public workshop to discuss the technical data and modeling
812 tools anticipated to be used to support the regional water supply

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813 plan. The district shall also hold several public meetings to
814 communicate the status, overall conceptual intent, and impacts of
815 the plan on existing and future reasonable-beneficial uses and
816 related natural systems. During the planning process, a local
817 government may choose to prepare its own water supply assessment
818 to determine if existing water sources are adequate to meet
819 existing and projected reasonable-beneficial needs of the local
820 government while sustaining water resources and related natural
821 systems. The local government shall submit such assessment,
822 including the data and methodology used, to the district. The
823 district shall consider the local government's assessment during
824 the formation of the plan. A determination by the governing board
825 that initiation of a regional water supply plan for a specific
826 planning region is not needed pursuant to this section shall be
827 subject to s. 120.569. The governing board shall reevaluate such
828 a determination at least once every 5 years and shall initiate a
829 regional water supply plan, if needed, pursuant to this
830 subsection.

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

834 (a) A water supply development component for each water
835 supply planning region identified by the district which includes:

836 1. A quantification of the water supply needs for all
837 existing and future reasonable-beneficial uses within the
838 planning horizon. The level-of-certainty planning goal associated
839 with identifying the water supply needs of existing and future
840 reasonable-beneficial uses shall be based upon meeting those
841 needs for a 1-in-10-year drought event. Population projections

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842 used for determining public water supply needs must be based upon
843 the best available data. In determining the best available data,
844 the district shall consider the University of Florida's Bureau of
845 Economic and Business Research (BEBR) medium population
846 projections and any population projection data and analysis
847 submitted by a local government pursuant to the public workshop
848 described in subsection (1) if the data and analysis support the
849 local government's comprehensive plan. Any adjustment of or
850 deviation from the BEBR projections must be fully described, and
851 the original BEBR data must be presented along with the adjusted
852 data.

853 2. A list of water supply development project options,
854 including traditional and alternative water supply project
855 options, from which local government, government-owned and
856 privately owned utilities, regional water supply authorities,
857 multijurisdictional water supply entities, self-suppliers, and
858 others may choose for water supply development. In addition to
859 projects listed by the district, such users may propose specific
860 projects for inclusion in the list of alternative water supply
861 projects. If such users propose a project to be listed as an
862 alternative water supply project, the district shall determine
863 whether it meets the goals of the plan and, if so, it shall be
864 included in the list. The total capacity of the projects included
865 in the plan shall exceed the needs identified in subparagraph 1.
866 and shall take into account water conservation and other demand
867 management measures, as well as water resources constraints,
868 including adopted minimum flows and levels and water
869 reservations. Where the district determines it is appropriate,
870 the plan should specifically identify the need for

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871 multijurisdictional approaches to project options that, based on
872 planning level analysis, are appropriate to supply the intended
873 uses and that, based on such analysis, appear to be permissible
874 and financially and technically feasible. The list of water
875 supply development options must contain provisions that recognize
876 that alternative water supply options for agricultural self-
877 suppliers are limited. For each project option identified, the
878 following shall be provided:

879 a. An estimate of the amount of water to become available
880 through the project.

881 b. The timeframe in which the project option should be
882 implemented and the estimated planning-level costs for capital
883 investment and operating and maintaining the project.

884 c. An analysis of funding needs and sources of possible
885 funding options. For alternative water supply projects, the water
886 management districts shall provide funding assistance in
887 accordance with s. 373.711(8).

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

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

891 1. A listing of those water resource development projects
892 that support water supply development.

893 2. For each water resource development project listed:

894 a. An estimate of the amount of water to become available
895 through the project.

896 b. The timeframe in which the project option should be
897 implemented and the estimated planning-level costs for capital
898 investment and for operating and maintaining the project.

899 c. An analysis of funding needs and sources of possible

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900 funding options.

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

903 (c) The recovery and prevention strategy described in s.
904 373.0421(2).

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

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

914 (f) The technical data and information applicable to each
915 planning region which are necessary to support the regional water
916 supply plan.

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

919 (h) Reservations of water adopted by rule pursuant to s.
920 373.223(4) within each planning region.

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

923 (j) An analysis, developed in cooperation with the
924 department, of areas or instances in which the variance
925 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
926 create water supply development or water resource development
927 projects.

928 (3) The water supply development component of a regional

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929 water supply plan which deals with or affects public utilities
930 and public water supply for those areas served by a regional
931 water supply authority and its member governments within the
932 boundary of the Southwest Florida Water Management District shall
933 be developed jointly by the authority and the district. In areas
934 not served by regional water supply authorities, or other
935 multijurisdictional water supply entities, and where
936 opportunities exist to meet water supply needs more efficiently
937 through multijurisdictional projects identified pursuant to
938 paragraph (2) (a), water management districts are directed to
939 assist in developing multijurisdictional approaches to water
940 supply project development jointly with affected water utilities,
941 special districts, and local governments.

942 (4) Governing board approval of a regional water supply
943 plan shall not be subject to the rulemaking requirements of
944 chapter 120. However, any portion of an approved regional water
945 supply plan which affects the substantial interests of a party
946 shall be subject to s. 120.569.

947 (5) Annually and in conjunction with the reporting
948 requirements of s. 373.536(6) (a)4., the department shall submit
949 to the Governor and the Legislature a report on the status of
950 regional water supply planning in each district. The report shall
951 include:

952 (a) A compilation of the estimated costs of and potential
953 sources of funding for water resource development and water
954 supply development projects as identified in the water management
955 district regional water supply plans.

956 (b) The percentage and amount, by district, of district ad
957 valorem tax revenues or other district funds made available to

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958 develop alternative water supplies.

959 (c) A description of each district's progress toward
960 achieving its water resource development objectives, including
961 the district's implementation of its 5-year water resource
962 development work program.

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

966 (e) An overall assessment of the progress being made to
967 develop water supply in each district, including, but not limited
968 to, an explanation of how each project, either alternative or
969 traditional, will produce, contribute to, or account for
970 additional water being made available for consumptive uses, an
971 estimate of the quantity of water to be produced by each project,
972 and an assessment of the contribution of the district's regional
973 water supply plan in providing sufficient water to meet the needs
974 of existing and future reasonable-beneficial uses for a 1-in-10
975 year drought event, as well as the needs of the natural systems.

976 (6) Nothing contained in the water supply development
977 component of a regional water supply plan shall be construed to
978 require local governments, government-owned or privately owned
979 water utilities, special districts, self-suppliers, regional
980 water supply authorities, multijurisdictional water supply
981 entities, or other water suppliers to select a water supply
982 development project identified in the component merely because it
983 is identified in the plan. Except as provided in s. 373.223(3)
984 and (5), the plan may not be used in the review of permits under
985 part II unless the plan or an applicable portion thereof has been
986 adopted by rule. However, this subsection shall not prohibit a

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987 water management district from employing the data or other
988 information used to establish the plan in reviewing permits under
989 part II, nor shall it limit the authority of the department or
990 governing board under part II.

991 (7) Where the water supply component of a water supply
992 planning region shows the need for one or more alternative water
993 supply projects, the district shall notify the affected local
994 governments and make every reasonable effort to educate and
995 involve local public officials in working toward solutions in
996 conjunction with the districts and, where appropriate, other
997 local and regional water supply entities.

998 (a) Within 6 months after approval or amendment of its
999 regional water supply plan, each water management district shall
1000 notify by certified mail each entity identified in sub-
1001 subparagraph (2)(a)2.d. of that portion of the plan relevant to
1002 the entity. Upon request of such an entity, the water management
1003 district shall appear before and present its findings and
1004 recommendations to the entity.

1005 (b) Within 1 year after the notification by a water
1006 management district pursuant to paragraph (a), each entity
1007 identified in sub-subparagraph (2)(a)2.d. shall provide to the
1008 water management district written notification of the following:
1009 the alternative water supply projects or options identified in
1010 paragraph (2)(a) which it has developed or intends to develop, if
1011 any; an estimate of the quantity of water to be produced by each
1012 project; and the status of project implementation, including
1013 development of the financial plan, facilities master planning,
1014 permitting, and efforts in coordinating multijurisdictional
1015 projects, if applicable. The information provided in the

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1016 notification shall be updated annually, and a progress report
1017 shall be provided by November 15 of each year to the water
1018 management district. If an entity does not intend to develop one
1019 or more of the alternative water supply project options
1020 identified in the regional water supply plan, the entity shall
1021 propose, within 1 year after notification by a water management
1022 district pursuant to paragraph (a), another alternative water
1023 supply project option sufficient to address the needs identified
1024 in paragraph (2) (a) within the entity's jurisdiction and shall
1025 provide an estimate of the quantity of water to be produced by
1026 the project and the status of project implementation as described
1027 in this paragraph. The entity may request that the water
1028 management district consider the other project for inclusion in
1029 the regional water supply plan.

1030 373.715 Technical assistance to local governments.--

1031 (1) The water management districts shall assist local
1032 governments in the development and future revision of local
1033 government comprehensive plan elements or public facilities
1034 report, as required by s. 189.415, related to water supply issues
1035 by annually providing to all local governments within the
1036 jurisdiction current relevant information, including, but not
1037 limited to:

1038 (a) Information and data to assist local governments in
1039 preparation of the 10-year work plan required to be included in
1040 the local government comprehensive plan pursuant to s.
1041 163.3177(6) (c) .

1042 (b) A description of regulations, programs, and schedules
1043 implemented by the district.

1044 (c) A description of groundwater characteristics, including

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1045 existing and planned wellfield sites, existing and anticipated
1046 cones of influence, highly productive groundwater areas, aquifer
1047 recharge areas, deep well injection zones, contaminated areas, an
1048 assessment of regional water resource needs and sources for the
1049 next 20 years, and water quality.

1050 (d) Information reflecting the existing minimum flows for
1051 surface watercourses to avoid harm to water resources or the
1052 ecosystem and information reflecting the existing minimum water
1053 levels for aquifers to avoid harm to water resources or the
1054 ecosystem.

1055 (e) Information reflecting existing reservations of water
1056 for the protection of fish and wildlife or the public health and
1057 safety pursuant to s. 373.223(4).

1058 (f) Identification of surface waters and aquifers for which
1059 minimum flows and levels are scheduled to be adopted.

1060 (2) Upon request, the district shall provide technical
1061 assistance to local governments in the development of water
1062 supply development project options identified in s.
1063 373.713(2)(a).

1064 373.717 Regional water supply authorities.--

1065 (1) By interlocal agreement between counties,
1066 municipalities, or special districts, as applicable pursuant to
1067 s. 163.01 and upon the approval of the Secretary of the
1068 Department of Environmental Protection to ensure that such
1069 agreement will be in the public interest and complies with the
1070 intent and purposes of this act, regional water supply
1071 authorities may be created for the purpose of developing,
1072 recovering, storing, and supplying water for county or municipal
1073 purposes in such a manner as will give priority to reducing

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1074 adverse environmental effects of excessive or improper
1075 withdrawals of water from concentrated areas. In approving such
1076 agreement, the Secretary of Environmental Protection shall
1077 consider, but not be limited to, the following:

1078 (a) Whether the geographic territory of the proposed
1079 authority is of sufficient size and character to reduce the
1080 environmental effects of improper or excessive withdrawals of
1081 water from concentrated areas.

1082 (b) The maximization of economic development of the water
1083 resources within the territory of the proposed authority.

1084 (c) The availability of a dependable and adequate water
1085 supply.

1086 (d) The ability of any proposed authority to design,
1087 construct, operate, and maintain water supply facilities in the
1088 locations and at the times necessary to ensure that an adequate
1089 water supply will be available to all citizens within the
1090 authority.

1091 (e) The effect or impact of any proposed authority on any
1092 municipality, county, or existing authority or authorities.

1093 (f) The existing needs of the water users within the area
1094 of the authority.

1095 (2) In addition to other powers and duties agreed upon and
1096 notwithstanding the provisions of s. 163.01, such authority may:

1097 (a) Upon approval of the electors residing in each county
1098 or municipality within the territory to be included in any
1099 authority, levy ad valorem taxes, not to exceed 0.5 mill,
1100 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
1101 authorized by this paragraph shall be levied in any county or
1102 municipality without an affirmative vote of the electors residing

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1103 in such county or municipality.

1104 (b) Acquire water; develop, store, and transport water;
1105 provide, sell, and deliver water for county or municipal uses and
1106 purposes; and provide for the furnishing of such water and water
1107 service upon terms and conditions and at rates that will
1108 apportion to parties and nonparties an equitable share of the
1109 capital cost and operating expense of the authority's work to the
1110 purchaser.

1111 (c) Collect, treat, and recover wastewater.

1112 (d) Not engage in local distribution.

1113 (e) Exercise the power of eminent domain in the manner
1114 provided by law for the condemnation of private property for
1115 public use to acquire title to such interest in real property as
1116 is necessary to the exercise of the powers granted in this
1117 section, except water already devoted to reasonable and
1118 beneficial use or any water production or transmission facilities
1119 owned by any county or municipality.

1120 (f) Issue revenue bonds in the manner prescribed by the
1121 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
1122 payable solely from funds derived from the sale of water by the
1123 authority to any county or municipality. Such bonds may be
1124 additionally secured by the full faith and credit of any county
1125 or municipality, as provided by s. 159.16, or by a pledge of
1126 excise taxes, as provided by s. 159.19. For the purpose of
1127 issuing revenue bonds, an authority shall be considered a "unit,"
1128 as defined in s. 159.02(2), and as that term is used in the
1129 Revenue Bond Act of 1953, as amended. Such bonds may be issued to
1130 finance the cost of acquiring properties and facilities for the
1131 production and transmission of water by the authority to any

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1132 county or municipality, which cost shall include the acquisition
1133 of real property and easements therein for such purposes. Such
1134 bonds may be in the form of refunding bonds to take up any
1135 outstanding bonds of the authority or of any county or
1136 municipality where such outstanding bonds are secured by
1137 properties and facilities for production and transmission of
1138 water, which properties and facilities are being acquired by the
1139 authority. Refunding bonds may be issued to take up and refund
1140 all outstanding bonds of the authority that are subject to call
1141 and termination and all bonds of the authority that are not
1142 subject to call or redemption when the surrender of such bonds
1143 can be procured from the holder thereof at prices satisfactory to
1144 the authority. Such refunding bonds may be issued at any time
1145 when, in the judgment of the authority, it will be to the best
1146 interest of the authority financially or economically by securing
1147 a lower rate of interest on such bonds or by extending the time
1148 of maturity of such bonds or, for any other reason, in the
1149 judgment of the authority, advantageous to the authority.

1150 (g) Sue and be sued in its own name.

1151 (h) Borrow money and incur indebtedness and issue bonds or
1152 other evidence of such indebtedness.

1153 (i) Join with one or more other public corporations for the
1154 purpose of carrying out any of its powers and, for that purpose,
1155 to contract with such other public corporation or corporations
1156 for the purpose of financing such acquisitions, construction, and
1157 operations. Such contracts may provide for contributions to be
1158 made by each party thereto, for the division and apportionment of
1159 the expenses of such acquisitions and operations, and for the
1160 division and apportionment of the benefits, services, and

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1161 products therefrom. Such contract may contain such other and
1162 further covenants and agreements as may be necessary and
1163 convenient to accomplish the purposes authorized in this
1164 paragraph.

1165 (3) A regional water supply authority is authorized to
1166 develop, construct, operate, maintain, or contract for
1167 alternative sources of potable water, including desalinated
1168 water, and pipelines to interconnect authority sources and
1169 facilities, either by itself or jointly with a water management
1170 district; however, such alternative potable water sources,
1171 facilities, and pipelines may also be privately developed,
1172 constructed, owned, operated, and maintained, in which event an
1173 authority and a water management district are authorized to
1174 pledge and contribute their funds to reduce the wholesale cost of
1175 water from such alternative sources of potable water supplied by
1176 an authority to its member governments.

1177 (4) When it is found to be in the public interest, for the
1178 public convenience and welfare, for a public benefit, and
1179 necessary for carrying out the purpose of any regional water
1180 supply authority, any state agency, county, water control
1181 district existing pursuant to chapter 298, water management
1182 district existing pursuant to this chapter, municipality,
1183 governmental agency, or public corporation in this state holding
1184 title to any interest in land is hereby authorized, in its
1185 discretion, to convey the title to or dedicate land, title to
1186 which is in such entity, including tax-reverted land, or to grant
1187 use-rights therein, to any regional water supply authority
1188 created pursuant to this section. Land granted or conveyed to
1189 such authority shall be for the public purposes of such authority

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1190 and may be made subject to the condition that in the event such
1191 land is not so used, or if used and subsequently its use for such
1192 purpose is abandoned, the interest granted shall cease as to such
1193 authority and shall automatically revert to the granting entity.

1194 (5) Each county, special district, or municipality that is
1195 a party to an agreement pursuant to subsection (1) shall have a
1196 preferential right to purchase water from the regional water
1197 supply authority for use by such county, special district, or
1198 municipality.

1199 (6) In carrying out the provisions of this section, any
1200 county wherein water is withdrawn by the authority shall not be
1201 deprived, directly or indirectly, of the prior right to the
1202 reasonable and beneficial use of water which is required
1203 adequately to supply the reasonable and beneficial needs of the
1204 county or any of the inhabitants or property owners in the
1205 county.

1206 (7) Upon a resolution adopted by the governing body of any
1207 county or municipality, the authority may, subject to a majority
1208 vote of its voting members, include such county or municipality
1209 in its regional water supply authority upon such terms and
1210 conditions as may be prescribed.

1211 (8) The authority shall design, construct, operate, and
1212 maintain facilities in the locations and at the times necessary
1213 to ensure that an adequate water supply will be available to all
1214 citizens within the authority.

1215 (9) Where a water supply authority exists pursuant to this
1216 section or s. 373.719 under a voluntary interlocal agreement that
1217 is consistent with requirements in s. 373.719(1)(b) and receives
1218 or maintains consumptive use permits under this voluntary

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1219 agreement consistent with the water supply plan, if any, adopted
1220 by the governing board, such authority shall be exempt from
1221 consideration by the governing board or department of the factors
1222 specified in s. 373.223(3) (a)-(g) and the submissions required by
1223 s. 373.229(3). Such exemptions shall apply only to water sources
1224 within the jurisdictional areas of such voluntary water supply
1225 interlocal agreements.

1226 373.719 Assistance to Tampa Bay Water.--

1227 (1) It is the intent of the Legislature to authorize the
1228 implementation of changes in governance recommended by the West
1229 Coast Regional Water Supply Authority, the predecessor to Tampa
1230 Bay Water, in its reports to the Legislature dated February 1,
1231 1997, and January 5, 1998. The authority and its member
1232 governments may reconstitute the authority's governance and
1233 rename the authority under a voluntary interlocal agreement with
1234 a term of not less than 20 years. The interlocal agreement must
1235 comply with this subsection as follows:

1236 (a) The authority and its member governments agree that
1237 cooperative efforts are mandatory to meet their water needs in a
1238 manner that will provide adequate and dependable supplies of
1239 water where needed without resulting in adverse environmental
1240 effects upon the areas from which the water is withdrawn or
1241 otherwise produced.

1242 (b) In accordance with s. 4, Art. VIII of the State
1243 Constitution and notwithstanding s. 163.01, the interlocal
1244 agreement may include the following terms, which are considered
1245 approved by the parties without a vote of their electors, upon
1246 execution of the interlocal agreement by all member governments
1247 and upon satisfaction of all conditions precedent in the

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1248 interlocal agreement:

1249 1. All member governments shall relinquish to the authority
1250 their individual rights to develop potable water supply sources,
1251 except as otherwise provided in the interlocal agreement.

1252 2. The authority shall be the sole and exclusive wholesale
1253 potable water supplier for all member governments.

1254 3. The authority shall have the absolute and unequivocal
1255 obligation to meet the wholesale needs of the member governments
1256 for potable water.

1257 4. A member government may not restrict or prohibit the use
1258 of land within a member's jurisdictional boundaries by the
1259 authority for water supply purposes through use of zoning, land
1260 use, comprehensive planning, or other form of regulation.

1261 5. A member government may not impose any tax, fee, or
1262 charge upon the authority in conjunction with the production or
1263 supply of water not otherwise provided for in the interlocal
1264 agreement.

1265 6. The authority may use the powers provided in part II of
1266 chapter 159 for financing and refinancing water treatment,
1267 production, or transmission facilities, including, but not
1268 limited to, desalination facilities. All such water treatment,
1269 production, or transmission facilities are considered a
1270 "manufacturing plant" for purposes of s. 159.27(5) and serve a
1271 paramount public purpose by providing water to citizens of the
1272 state.

1273 7. A member government and any governmental or quasi-
1274 judicial board or commission established by local ordinance or
1275 general or special law where the governing membership of such
1276 board or commission is shared, in whole or in part, or appointed

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1277 by a member government agreeing to be bound by the interlocal
1278 agreement shall be limited to the procedures set forth in the
1279 interlocal agreement regarding actions that directly or
1280 indirectly restrict or prohibit the use of lands or other
1281 activities related to the production or supply of water.

1282 (c) The authority shall acquire full or lesser interests in
1283 all regionally significant member government wholesale water
1284 supply facilities and tangible assets and each member government
1285 shall convey such interests in the facilities and assets to the
1286 authority, at an agreed value.

1287 (d) The authority shall charge a uniform per gallon
1288 wholesale rate to member governments for the wholesale supply of
1289 potable water. All capital, operation, maintenance, and
1290 administrative costs for existing facilities and acquired
1291 facilities, authority master water plan facilities, and other
1292 future projects must be allocated to member governments based on
1293 water usage at the uniform per-gallon wholesale rate.

1294 (e) The interlocal agreement may include procedures for
1295 resolving the parties' differences regarding water management
1296 district proposed agency action in the water use permitting
1297 process within the authority. Such procedures should minimize the
1298 potential for litigation and include alternative dispute
1299 resolution. Any governmental or quasi-judicial board or
1300 commission established by local ordinance or general or special
1301 law where the governing members of such board or commission are
1302 shared, in whole or in part, or appointed by a member government
1303 may agree to be bound by the dispute resolution procedures set
1304 forth in the interlocal agreement.

1305 (f) Upon execution of the voluntary interlocal agreement

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1306 provided for in this section, the authority shall jointly develop
1307 with the Southwest Florida Water Management District alternative
1308 sources of potable water and transmission pipelines to
1309 interconnect regionally significant water supply sources and
1310 facilities of the authority in amounts sufficient to meet the
1311 needs of all member governments for a period of at least 20 years
1312 and for natural systems. Nothing in this section, however, shall
1313 preclude the authority and its member governments from developing
1314 traditional water sources pursuant to the voluntary interlocal
1315 agreement. Development and construction costs for alternative
1316 source facilities, which may include a desalination facility and
1317 significant regional interconnects, must be borne as mutually
1318 agreed to by both the authority and the Southwest Florida Water
1319 Management District. Nothing in this section shall preclude
1320 authority or district cost sharing with private entities for the
1321 construction or ownership of alternative source facilities. By
1322 December 31, 1997, the authority and the Southwest Florida Water
1323 Management District shall:

1324 1. Enter into a mutually acceptable agreement detailing the
1325 development and implementation of directives contained in this
1326 paragraph; or

1327 2. Jointly prepare and submit to the President of the
1328 Senate and the Speaker of the House of Representatives a report
1329 describing the progress made and impediments encountered in their
1330 attempts to implement the water resource development and water
1331 supply development directives contained in this paragraph.

1332 Nothing in this section shall be construed to modify the rights
1333 or responsibilities of the authority or its member governments,
1334 except as otherwise provided in this section, or of the Southwest

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1335 Florida Water Management District or the department pursuant to
1336 this chapter or chapter 403 and as otherwise set forth by law.

1337 (g) Unless otherwise provided in the interlocal agreement,
1338 the authority shall be governed by a board of commissioners
1339 consisting of nine voting members, all of whom must be elected
1340 officers, as follows:

1341 1. Three members from Hillsborough County who must be
1342 selected by the county commission; provided, however, that one
1343 member shall be selected by the Mayor of Tampa in the event that
1344 the City of Tampa elects to be a member of the authority.

1345 2. Three members from Pasco County, two of whom must be
1346 selected by the county commission and one of whom must be
1347 selected by the City Council of New Port Richey.

1348 3. Three members from Pinellas County, two of whom must be
1349 selected by the county commission and one of whom must be
1350 selected by the City Council of St. Petersburg. Except as
1351 otherwise provided in this section or in the voluntary interlocal
1352 agreement between the member governments, a majority vote shall
1353 bind the authority and its member governments in all matters
1354 relating to the funding of wholesale water supply, production,
1355 delivery, and related activities.

1356 (2) The provisions of this section supersede any
1357 conflicting provisions contained in all other general or special
1358 laws or provisions thereof as they may apply directly or
1359 indirectly to the exclusivity of water supply or withdrawal of
1360 water, including provisions relating to the environmental
1361 effects, if any, in conjunction with the production and supply of
1362 potable water, and the provisions of this section are intended to
1363 be a complete revision of all laws related to a regional water

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1364 supply authority created under s. 373.717 and this section.

1365 (3) The authority shall prepare its annual budget in the
1366 same manner as prescribed for the preparation of basin budgets,
1367 but such authority budget shall not be subject to review by the
1368 respective basin boards or by the governing board of the
1369 district.

1370 (4) The annual millage for the authority shall be the
1371 amount required to raise the amount called for by the annual
1372 budget when applied to the total assessment on all taxable
1373 property within the limits of the authority, as determined for
1374 county taxing purposes.

1375 (5) The authority may, by resolution, request the governing
1376 board of the district to levy ad valorem taxes within the
1377 boundaries of the authority. Upon receipt of such request,
1378 together with formal certification of the adoption of its annual
1379 budget and of the required tax levy, the authority tax levy shall
1380 be made by the governing board of the district to finance
1381 authority functions.

1382 (6) The taxes provided for in this section shall be
1383 extended by the property appraiser on the county tax roll in each
1384 county within, or partly within, the authority boundaries and
1385 shall be collected by the tax collector in the same manner and
1386 time as county taxes, and the proceeds therefrom paid to the
1387 district, which shall forthwith pay them over to the authority.
1388 Until paid, such taxes shall be a lien on the property against
1389 which assessed and enforceable in like manner as county taxes.
1390 The property appraisers, tax collectors, and clerks of the
1391 circuit court of the respective counties shall be entitled to
1392 compensation for services performed in connection with such taxes

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1393 at the same rates as apply to county taxes.

1394 (7) The governing board of the district shall not be
1395 responsible for any actions or lack of actions by the authority.

1396 Section 2. Subsection (4) of section 11.80, Florida
1397 Statutes, is amended to read:

1398 11.80 Joint Legislative Committee on Everglades
1399 Oversight.--

1400 (4) Annually, no later than March 1, as part of the
1401 consolidated annual report required by s. 373.036~~(5)-(7)~~, the
1402 South Florida Water Management District shall report to the Joint
1403 Legislative Committee on Everglades Oversight on the status of
1404 the implementation of the Everglades Forever Act. Such report
1405 shall include, but is not limited to:

- 1406 (a) Progress on the Everglades Construction Project.
1407 (b) Changes to the Everglades Construction Project.
1408 (c) Actual revenues, compared to projected revenues.
1409 (d) Projected acquisition costs, construction costs,
1410 operation and maintenance costs, and projected revenues, over the
1411 succeeding 5 years.

1412 Section 3. Subsection (12) of section 120.52, Florida
1413 Statutes, is amended to read:

1414 120.52 Definitions.--As used in this act:

1415 (12) "Party" means:

1416 (a) Specifically named persons whose substantial interests
1417 are being determined in the proceeding.

1418 (b) Any other person who, as a matter of constitutional
1419 right, provision of statute, or provision of agency regulation,
1420 is entitled to participate in whole or in part in the proceeding,
1421 or whose substantial interests will be affected by proposed

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1422 agency action, and who makes an appearance as a party.

1423 (c) Any other person, including an agency staff member,
1424 allowed by the agency to intervene or participate in the
1425 proceeding as a party. An agency may by rule authorize limited
1426 forms of participation in agency proceedings for persons who are
1427 not eligible to become parties.

1428 (d) Any county representative, agency, department, or unit
1429 funded and authorized by state statute or county ordinance to
1430 represent the interests of the consumers of a county, when the
1431 proceeding involves the substantial interests of a significant
1432 number of residents of the county and the board of county
1433 commissioners has, by resolution, authorized the representative,
1434 agency, department, or unit to represent the class of interested
1435 persons. The authorizing resolution shall apply to a specific
1436 proceeding and to appeals and ancillary proceedings thereto, and
1437 it shall not be required to state the names of the persons whose
1438 interests are to be represented.

1439
1440 The term "party" does not include a member government of a
1441 regional water supply authority or a governmental or quasi-
1442 judicial board or commission established by local ordinance or
1443 special or general law where the governing membership of such
1444 board or commission is shared with, in whole or in part, or
1445 appointed by a member government of a regional water supply
1446 authority in proceedings under s. 120.569, s. 120.57, or s.
1447 120.68, to the extent that an interlocal agreement under ss.
1448 163.01 and 373.717 ~~373.1962~~ exists in which the member government
1449 has agreed that its substantial interests are not affected by the
1450 proceedings or that it is to be bound by alternative dispute

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1451 resolution in lieu of participating in the proceedings. This
1452 exclusion applies only to those particular types of disputes or
1453 controversies, if any, identified in an interlocal agreement.

1454 Section 4. Subsection (13) of section 163.3167, Florida
1455 Statutes, is amended to read:

1456 163.3167 Scope of act.--

1457 (13) Each local government shall address in its
1458 comprehensive plan, as enumerated in this chapter, the water
1459 supply sources necessary to meet and achieve the existing and
1460 projected water use demand for the established planning period,
1461 considering the applicable plan developed pursuant to s. 373.713
1462 ~~373.0361~~.

1463 Section 5. Paragraph (a) of subsection (4) and paragraphs
1464 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
1465 Statutes, are amended to read:

1466 163.3177 Required and optional elements of comprehensive
1467 plan; studies and surveys.--

1468 (4) (a) Coordination of the local comprehensive plan with
1469 the comprehensive plans of adjacent municipalities, the county,
1470 adjacent counties, or the region; with the appropriate water
1471 management district's regional water supply plans approved
1472 pursuant to s. 373.713 ~~373.0361~~; with adopted rules pertaining to
1473 designated areas of critical state concern; and with the state
1474 comprehensive plan shall be a major objective of the local
1475 comprehensive planning process. To that end, in the preparation
1476 of a comprehensive plan or element thereof, and in the
1477 comprehensive plan or element as adopted, the governing body
1478 shall include a specific policy statement indicating the
1479 relationship of the proposed development of the area to the

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1480 comprehensive plans of adjacent municipalities, the county,
1481 adjacent counties, or the region and to the state comprehensive
1482 plan, as the case may require and as such adopted plans or plans
1483 in preparation may exist.

1484 (6) In addition to the requirements of subsections (1)-(5)
1485 and (12), the comprehensive plan shall include the following
1486 elements:

1487 (c) A general sanitary sewer, solid waste, drainage,
1488 potable water, and natural groundwater aquifer recharge element
1489 correlated to principles and guidelines for future land use,
1490 indicating ways to provide for future potable water, drainage,
1491 sanitary sewer, solid waste, and aquifer recharge protection
1492 requirements for the area. The element may be a detailed
1493 engineering plan including a topographic map depicting areas of
1494 prime groundwater recharge. The element shall describe the
1495 problems and needs and the general facilities that will be
1496 required for solution of the problems and needs. The element
1497 shall also include a topographic map depicting any areas adopted
1498 by a regional water management district as prime groundwater
1499 recharge areas for the Floridan or Biscayne aquifers, pursuant to
1500 s. 373.0397. These areas shall be given special consideration
1501 when the local government is engaged in zoning or considering
1502 future land use for said designated areas. For areas served by
1503 septic tanks, soil surveys shall be provided which indicate the
1504 suitability of soils for septic tanks. Within 18 months after the
1505 governing board approves an updated regional water supply plan,
1506 the element must incorporate the alternative water supply project
1507 or projects selected by the local government from those
1508 identified in the regional water supply plan pursuant to s.

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1509 373.713 ~~373.0361(2)(a)~~ or proposed by the local government under
1510 s. 373.713 ~~373.0361(7)(b)~~. If a local government is located
1511 within two water management districts, the local government shall
1512 adopt its comprehensive plan amendment within 18 months after the
1513 later updated regional water supply plan. The element must
1514 identify such alternative water supply projects and traditional
1515 water supply projects and conservation and reuse necessary to
1516 meet the water needs identified in s. 373.713 ~~373.0361(2)(a)~~
1517 within the local government's jurisdiction and include a work
1518 plan, covering at least a 10 year planning period, for building
1519 public, private, and regional water supply facilities, including
1520 development of alternative water supplies, which are identified
1521 in the element as necessary to serve existing and new
1522 development. The work plan shall be updated, at a minimum, every
1523 5 years within 18 months after the governing board of a water
1524 management district approves an updated regional water supply
1525 plan. Amendments to incorporate the work plan do not count toward
1526 the limitation on the frequency of adoption of amendments to the
1527 comprehensive plan. Local governments, public and private
1528 utilities, regional water supply authorities, special districts,
1529 and water management districts are encouraged to cooperatively
1530 plan for the development of multijurisdictional water supply
1531 facilities that are sufficient to meet projected demands for
1532 established planning periods, including the development of
1533 alternative water sources to supplement traditional sources of
1534 groundwater and surface water supplies.

1535 (d) A conservation element for the conservation, use, and
1536 protection of natural resources in the area, including air,
1537 water, water recharge areas, wetlands, waterwells, estuarine

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1538 marshes, soils, beaches, shores, flood plains, rivers, bays,
1539 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1540 minerals, and other natural and environmental resources. Local
1541 governments shall assess their current, as well as projected,
1542 water needs and sources for at least a 10-year period,
1543 considering the appropriate regional water supply plan approved
1544 pursuant to s. 373.713 ~~373.0361~~, or, in the absence of an
1545 approved regional water supply plan, the district water supply
1546 ~~management~~ plan approved pursuant to s. 373.707 ~~373.036(2)~~. This
1547 information shall be submitted to the appropriate agencies. The
1548 land use map or map series contained in the future land use
1549 element shall generally identify and depict the following:

- 1550 1. Existing and planned waterwells and cones of influence
- 1551 where applicable.
- 1552 2. Beaches and shores, including estuarine systems.
- 1553 3. Rivers, bays, lakes, flood plains, and harbors.
- 1554 4. Wetlands.
- 1555 5. Minerals and soils.

1556

1557 The land uses identified on such maps shall be consistent with
1558 applicable state law and rules.

1559 (h)1. An intergovernmental coordination element showing
1560 relationships and stating principles and guidelines to be used in
1561 the accomplishment of coordination of the adopted comprehensive
1562 plan with the plans of school boards, regional water supply
1563 authorities, and other units of local government providing
1564 services but not having regulatory authority over the use of
1565 land, with the comprehensive plans of adjacent municipalities,
1566 the county, adjacent counties, or the region, with the state

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1567 comprehensive plan and with the applicable regional water supply
1568 plan approved pursuant to s. 373.713 ~~373.0361~~, as the case may
1569 require and as such adopted plans or plans in preparation may
1570 exist. This element of the local comprehensive plan shall
1571 demonstrate consideration of the particular effects of the local
1572 plan, when adopted, upon the development of adjacent
1573 municipalities, the county, adjacent counties, or the region, or
1574 upon the state comprehensive plan, as the case may require.

1575 a. The intergovernmental coordination element shall provide
1576 for procedures to identify and implement joint planning areas,
1577 especially for the purpose of annexation, municipal
1578 incorporation, and joint infrastructure service areas.

1579 b. The intergovernmental coordination element shall provide
1580 for recognition of campus master plans prepared pursuant to s.
1581 1013.30.

1582 c. The intergovernmental coordination element may provide
1583 for a voluntary dispute resolution process as established
1584 pursuant to s. 186.509 for bringing to closure in a timely manner
1585 intergovernmental disputes. A local government may develop and
1586 use an alternative local dispute resolution process for this
1587 purpose.

1588 2. The intergovernmental coordination element shall further
1589 state principles and guidelines to be used in the accomplishment
1590 of coordination of the adopted comprehensive plan with the plans
1591 of school boards and other units of local government providing
1592 facilities and services but not having regulatory authority over
1593 the use of land. In addition, the intergovernmental coordination
1594 element shall describe joint processes for collaborative planning
1595 and decisionmaking on population projections and public school

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1596 siting, the location and extension of public facilities subject
1597 to concurrency, and siting facilities with countywide
1598 significance, including locally unwanted land uses whose nature
1599 and identity are established in an agreement. Within 1 year of
1600 adopting their intergovernmental coordination elements, each
1601 county, all the municipalities within that county, the district
1602 school board, and any unit of local government service providers
1603 in that county shall establish by interlocal or other formal
1604 agreement executed by all affected entities, the joint processes
1605 described in this subparagraph consistent with their adopted
1606 intergovernmental coordination elements.

1607 3. To foster coordination between special districts and
1608 local general-purpose governments as local general-purpose
1609 governments implement local comprehensive plans, each independent
1610 special district must submit a public facilities report to the
1611 appropriate local government as required by s. 189.415.

1612 4.a. Local governments must execute an interlocal agreement
1613 with the district school board, the county, and nonexempt
1614 municipalities pursuant to s. 163.31777. The local government
1615 shall amend the intergovernmental coordination element to provide
1616 that coordination between the local government and school board
1617 is pursuant to the agreement and shall state the obligations of
1618 the local government under the agreement.

1619 b. Plan amendments that comply with this subparagraph are
1620 exempt from the provisions of s. 163.3187(1).

1621 5. The state land planning agency shall establish a
1622 schedule for phased completion and transmittal of plan amendments
1623 to implement subparagraphs 1., 2., and 3. from all jurisdictions
1624 so as to accomplish their adoption by December 31, 1999. A local

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1625 government may complete and transmit its plan amendments to carry
1626 out these provisions prior to the scheduled date established by
1627 the state land planning agency. The plan amendments are exempt
1628 from the provisions of s. 163.3187(1).

1629 6. By January 1, 2004, any county having a population
1630 greater than 100,000, and the municipalities and special
1631 districts within that county, shall submit a report to the
1632 Department of Community Affairs which:

1633 a. Identifies all existing or proposed interlocal service
1634 delivery agreements regarding the following: education; sanitary
1635 sewer; public safety; solid waste; drainage; potable water; parks
1636 and recreation; and transportation facilities.

1637 b. Identifies any deficits or duplication in the provision
1638 of services within its jurisdiction, whether capital or
1639 operational. Upon request, the Department of Community Affairs
1640 shall provide technical assistance to the local governments in
1641 identifying deficits or duplication.

1642 7. Within 6 months after submission of the report, the
1643 Department of Community Affairs shall, through the appropriate
1644 regional planning council, coordinate a meeting of all local
1645 governments within the regional planning area to discuss the
1646 reports and potential strategies to remedy any identified
1647 deficiencies or duplications.

1648 8. Each local government shall update its intergovernmental
1649 coordination element based upon the findings in the report
1650 submitted pursuant to subparagraph 6. The report may be used as
1651 supporting data and analysis for the intergovernmental
1652 coordination element.

1653 Section 6. Paragraph (1) of subsection (2) of section

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1654 163.3191, Florida Statutes, is amended to read:

1655 163.3191 Evaluation and appraisal of comprehensive plan.--

1656 (2) The report shall present an evaluation and assessment
1657 of the comprehensive plan and shall contain appropriate
1658 statements to update the comprehensive plan, including, but not
1659 limited to, words, maps, illustrations, or other media, related
1660 to:

1661 (1) The extent to which the local government has been
1662 successful in identifying alternative water supply projects and
1663 traditional water supply projects, including conservation and
1664 reuse, necessary to meet the water needs identified in s. 373.713
1665 ~~373.0361(2)(a)~~ within the local government's jurisdiction. The
1666 report must evaluate the degree to which the local government has
1667 implemented the work plan for building public, private, and
1668 regional water supply facilities, including development of
1669 alternative water supplies, identified in the element as
1670 necessary to serve existing and new development.

1671 Section 7. Paragraph (n) of subsection (2) of section
1672 186.009, Florida Statutes, is amended to read:

1673 186.009 Growth management portion of the state
1674 comprehensive plan.--

1675 (2) The growth management portion of the state
1676 comprehensive plan shall:

1677 (n) Set forth recommendations on how to integrate the
1678 Florida water supply plan required by s. 373.707 ~~373.036~~ and
1679 transportation plans required by chapter 339.

1680

1681 The growth management portion of the state comprehensive plan
1682 shall not include a land use map.

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1683 Section 8. Paragraphs (c) and (d) of subsection (4) of
1684 section 189.404, Florida Statutes, are amended to read:

1685 189.404 Legislative intent for the creation of independent
1686 special districts; special act prohibitions; model elements and
1687 other requirements; general-purpose local government/Governor and
1688 Cabinet creation authorizations.--

1689 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
1690 AUTHORIZATIONS.--Except as otherwise authorized by general law,
1691 only the Legislature may create independent special districts.

1692 (c) The Governor and Cabinet may create an independent
1693 special district which shall be established by rule in accordance
1694 with s. 190.005 or as otherwise authorized in general law. The
1695 Governor and Cabinet may also approve the establishment of a
1696 charter for the creation of an independent special district which
1697 shall be in accordance with s. 373.717 ~~373.1962~~, or as otherwise
1698 authorized in general law.

1699 (d)1. Any combination of two or more counties may create a
1700 regional special district which shall be established in
1701 accordance with s. 950.001, or as otherwise authorized in general
1702 law.

1703 2. Any combination of two or more counties or
1704 municipalities may create a regional special district which shall
1705 be established in accordance with s. 373.717 ~~373.1962~~, or as
1706 otherwise authorized by general law.

1707 3. Any combination of two or more counties, municipalities,
1708 or other political subdivisions may create a regional special
1709 district in accordance with s. 163.567, or as otherwise
1710 authorized in general law.

1711 Section 9. Subsection (3) of section 189.4155, Florida

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1712 Statutes, is amended to read:

1713 189.4155 Activities of special districts; local government
1714 comprehensive planning.--

1715 (3) The provisions of this section shall not apply to water
1716 management districts created pursuant to s. 373.069, to regional
1717 water supply authorities created pursuant to s. 373.717 ~~373.1962~~,
1718 or to spoil disposal sites owned or used by the Federal
1719 Government.

1720 Section 10. Section 189.4156, Florida Statutes, is amended
1721 to read:

1722 189.4156 Water management district technical assistance;
1723 local government comprehensive planning.--Water management
1724 districts shall assist local governments in the development of
1725 local government comprehensive plan elements related to water
1726 resource issues as required by s. 373.715 ~~373.0391~~.

1727 Section 11. Subsection (7) of section 367.021, Florida
1728 Statutes, is amended to read:

1729 367.021 Definitions.--As used in this chapter, the
1730 following words or terms shall have the meanings indicated:

1731 (7) "Governmental authority" means a political subdivision,
1732 as defined by s. 1.01(8), a regional water supply authority
1733 created pursuant to s. 373.717 ~~373.1962~~, or a nonprofit
1734 corporation formed for the purpose of acting on behalf of a
1735 political subdivision with respect to a water or wastewater
1736 facility.

1737 Section 12. Subsections (4), (5), and (6) of section
1738 373.016, Florida Statutes, are amended to read:

1739 373.016 Declaration of policy.--

1740 ~~(4)(a) Because water constitutes a public resource~~

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1741 ~~benefiting the entire state, it is the policy of the Legislature~~
1742 ~~that the waters in the state be managed on a state and regional~~
1743 ~~basis. Consistent with this directive, the Legislature recognizes~~
1744 ~~the need to allocate water throughout the state so as to meet all~~
1745 ~~reasonable beneficial uses. However, the Legislature acknowledges~~
1746 ~~that such allocations have in the past adversely affected the~~
1747 ~~water resources of certain areas in this state. To protect such~~
1748 ~~water resources and to meet the current and future needs of those~~
1749 ~~areas with abundant water, the Legislature directs the department~~
1750 ~~and the water management districts to encourage the use of water~~
1751 ~~from sources nearest the area of use or application whenever~~
1752 ~~practicable. Such sources shall include all naturally occurring~~
1753 ~~water sources and all alternative water sources, including, but~~
1754 ~~not limited to, desalination, conservation, reuse of nonpotable~~
1755 ~~reclaimed water and stormwater, and aquifer storage and recovery.~~
1756 ~~Reuse of potable reclaimed water and stormwater shall not be~~
1757 ~~subject to the evaluation described in s. 373.223(3)(a)-(g).~~
1758 ~~However, this directive to encourage the use of water, whenever~~
1759 ~~practicable, from sources nearest the area of use or application~~
1760 ~~shall not apply to the transport and direct and indirect use of~~
1761 ~~water within the area encompassed by the Central and Southern~~
1762 ~~Florida Flood Control Project, nor shall it apply anywhere in the~~
1763 ~~state to the transport and use of water supplied exclusively for~~
1764 ~~bottled water as defined in s. 500.03(1)(d), nor shall it apply~~
1765 ~~to the transport and use of reclaimed water for electrical power~~
1766 ~~production by an electric utility as defined in section~~
1767 ~~366.02(2).~~

1768 ~~(b) In establishing the policy outlined in paragraph (a),~~
1769 ~~the Legislature realizes that under certain circumstances the~~

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1770 ~~need to transport water from distant sources may be necessary for~~
1771 ~~environmental, technical, or economic reasons.~~

1772 (4) ~~(5)~~ The Legislature recognizes that the water resource
1773 problems of the state vary from region to region, both in
1774 magnitude and complexity. It is therefore the intent of the
1775 Legislature to vest in the Department of Environmental Protection
1776 or its successor agency the power and responsibility to
1777 accomplish the conservation, protection, management, and control
1778 of the waters of the state and with sufficient flexibility and
1779 discretion to accomplish these ends through delegation of
1780 appropriate powers to the various water management districts. The
1781 department may exercise any power herein authorized to be
1782 exercised by a water management district; however, to the
1783 greatest extent practicable, such power should be delegated to
1784 the governing board of a water management district.

1785 (5) ~~(6)~~ It is further declared the policy of the Legislature
1786 that each water management district, to the extent consistent
1787 with effective management practices, shall approximate its fiscal
1788 and budget policies and procedures to those of the state.

1789 Section 13. Section 373.019, Florida Statutes, is amended
1790 to read:

1791 373.019 Definitions.--When appearing in this chapter or in
1792 any rule, regulation, or order adopted pursuant thereto, the
1793 term:

1794 ~~(1) "Alternative water supplies" means salt water; brackish~~
1795 ~~surface and groundwater; surface water captured predominately~~
1796 ~~during wet-weather flows; sources made available through the~~
1797 ~~addition of new storage capacity for surface or groundwater,~~
1798 ~~water that has been reclaimed after one or more public supply,~~

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1799 ~~municipal, industrial, commercial, or agricultural uses; the~~
1800 ~~downstream augmentation of water bodies with reclaimed water;~~
1801 ~~stormwater; and any other water supply source that is designated~~
1802 ~~as nontraditional for a water supply planning region in the~~
1803 ~~applicable regional water supply plan.~~

1804 ~~(2) "Capital costs" means planning, design, engineering,~~
1805 ~~and project construction costs.~~

1806 (1)~~(3)~~ "Coastal waters" means waters of the Atlantic Ocean
1807 or the Gulf of Mexico within the jurisdiction of the state.

1808 (2)~~(4)~~ "Department" means the Department of Environmental
1809 Protection or its successor agency or agencies.

1810 (3)~~(5)~~ "District water management plan" means the regional
1811 water resource plan developed by a governing board under s.
1812 373.036.

1813 (4)~~(6)~~ "Domestic use" means the use of water for the
1814 individual personal household purposes of drinking, bathing,
1815 cooking, or sanitation. All other uses shall not be considered
1816 domestic.

1817 (5)~~(7)~~ "Florida water plan" means the state-level water
1818 resource plan developed by the department under s. 373.036.

1819 (6)~~(8)~~ "Governing board" means the governing board of a
1820 water management district.

1821 (7)~~(9)~~ "Groundwater" means water beneath the surface of the
1822 ground, whether or not flowing through known and definite
1823 channels.

1824 (8)~~(10)~~ "Impoundment" means any lake, reservoir, pond, or
1825 other containment of surface water occupying a bed or depression
1826 in the earth's surface and having a discernible shoreline.

1827 (9)~~(11)~~ "Independent scientific peer review" means the

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1828 review of scientific data, theories, and methodologies by a panel
1829 of independent, recognized experts in the fields of hydrology,
1830 hydrogeology, limnology, and other scientific disciplines
1831 relevant to the matters being reviewed under s. 373.042.

1832 ~~(12) "Multijurisdictional water supply entity" means two or~~
1833 ~~more water utilities or local governments that have organized~~
1834 ~~into a larger entity, or entered into an interlocal agreement or~~
1835 ~~contract, for the purpose of more efficiently pursuing water~~
1836 ~~supply development or alternative water supply development~~
1837 ~~projects listed pursuant to a regional water supply plan.~~

1838 (10)~~(13)~~ "Nonregulated use" means any use of water which is
1839 exempted from regulation by the provisions of this chapter.

1840 (11)~~(14)~~ "Other watercourse" means any canal, ditch, or
1841 other artificial watercourse in which water usually flows in a
1842 defined bed or channel. It is not essential that the flowing be
1843 uniform or uninterrupted.

1844 (12)~~(15)~~ "Person" means any and all persons, natural or
1845 artificial, including any individual, firm, association,
1846 organization, partnership, business trust, corporation, company,
1847 the United States of America, and the state and all political
1848 subdivisions, regions, districts, municipalities, and public
1849 agencies thereof. The enumeration herein is not intended to be
1850 exclusive or exhaustive.

1851 (13)~~(16)~~ "Reasonable-beneficial use" means the use of water
1852 in such quantity as is necessary for economic and efficient
1853 utilization for a purpose and in a manner which is both
1854 reasonable and consistent with the public interest.

1855 ~~(17) "Regional water supply plan" means a detailed water~~
1856 ~~supply plan developed by a governing board under s. 373.0361.~~

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1857 (14)~~(18)~~ "Stream" means any river, creek, slough, or
1858 natural watercourse in which water usually flows in a defined bed
1859 or channel. It is not essential that the flowing be uniform or
1860 uninterrupted. The fact that some part of the bed or channel has
1861 been dredged or improved does not prevent the watercourse from
1862 being a stream.

1863 (15)~~(19)~~ "Surface water" means water upon the surface of
1864 the earth, whether contained in bounds created naturally or
1865 artificially or diffused. Water from natural springs shall be
1866 classified as surface water when it exits from the spring onto
1867 the earth's surface.

1868 (16)~~(20)~~ "Water" or "waters in the state" means any and all
1869 water on or beneath the surface of the ground or in the
1870 atmosphere, including natural or artificial watercourses, lakes,
1871 ponds, or diffused surface water and water percolating, standing,
1872 or flowing beneath the surface of the ground, as well as all
1873 coastal waters within the jurisdiction of the state.

1874 (17)~~(21)~~ "Water management district" means any flood
1875 control, resource management, or water management district
1876 operating under the authority of this chapter.

1877 ~~(22) "Water resource development" means the formulation and
1878 implementation of regional water resource management strategies,
1879 including the collection and evaluation of surface water and
1880 groundwater data; structural and nonstructural programs to
1881 protect and manage water resources; the development of regional
1882 water resource implementation programs; the construction,
1883 operation, and maintenance of major public works facilities to
1884 provide for flood control, surface and underground water storage,
1885 and groundwater recharge augmentation; and related technical~~

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1886 ~~assistance to local governments and to government owned and~~
1887 ~~privately owned water utilities.~~

1888 (18)~~(23)~~ "Water resource implementation rule" means the
1889 rule authorized by s. 373.036, which sets forth goals,
1890 objectives, and guidance for the development and review of
1891 programs, rules, and plans relating to water resources, based on
1892 statutory policies and directives. The waters of the state are
1893 among its most basic resources. Such waters should be managed to
1894 conserve and protect water resources and to realize the full
1895 beneficial use of these resources.

1896 ~~(24) "Water supply development" means the planning, design,~~
1897 ~~construction, operation, and maintenance of public or private~~
1898 ~~facilities for water collection, production, treatment,~~
1899 ~~transmission, or distribution for sale, resale, or end use.~~

1900 (19)~~(25)~~ For the sole purpose of serving as the basis for
1901 the unified statewide methodology adopted pursuant to s.
1902 373.421(1), ~~as amended,~~ "wetlands" means those areas that are
1903 inundated or saturated by surface water or groundwater at a
1904 frequency and a duration sufficient to support, and under normal
1905 circumstances do support, a prevalence of vegetation typically
1906 adapted for life in saturated soils. Soils present in wetlands
1907 generally are classified as hydric or alluvial, or possess
1908 characteristics that are associated with reducing soil
1909 conditions. The prevalent vegetation in wetlands generally
1910 consists of facultative or obligate hydrophytic macrophytes that
1911 are typically adapted to areas having soil conditions described
1912 above. These species, due to morphological, physiological, or
1913 reproductive adaptations, have the ability to grow, reproduce, or
1914 persist in aquatic environments or anaerobic soil conditions.

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1915 Florida wetlands generally include swamps, marshes, bayheads,
1916 bogs, cypress domes and strands, sloughs, wet prairies, riverine
1917 swamps and marshes, hydric seepage slopes, tidal marshes,
1918 mangrove swamps and other similar areas. Florida wetlands
1919 generally do not include longleaf or slash pine flatwoods with an
1920 understory dominated by saw palmetto. Upon legislative
1921 ratification of the methodology adopted pursuant to s.
1922 373.421(1), ~~as amended~~, the limitation contained herein regarding
1923 the purpose of this definition shall cease to be effective.

1924 (20)~~(26)~~ "Works of the district" means those projects and
1925 works, including, but not limited to, structures, impoundments,
1926 wells, streams, and other watercourses, together with the
1927 appurtenant facilities and accompanying lands, which have been
1928 officially adopted by the governing board of the district as
1929 works of the district.

1930 Section 14. Paragraph (b) of subsection (8) of section
1931 373.026, Florida Statutes, is amended to read:

1932 373.026 General powers and duties of the department.--The
1933 department, or its successor agency, shall be responsible for the
1934 administration of this chapter at the state level. However, it is
1935 the policy of the state that, to the greatest extent possible,
1936 the department may enter into interagency or interlocal
1937 agreements with any other state agency, any water management
1938 district, or any local government conducting programs related to
1939 or materially affecting the water resources of the state. All
1940 such agreements shall be subject to the provisions of s. 373.046.
1941 In addition to its other powers and duties, the department shall,
1942 to the greatest extent possible:

1943 (8)

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1944 (b) To ensure to the greatest extent possible that project
1945 components will go forward as planned, the department shall
1946 collaborate with the South Florida Water Management District in
1947 implementing the comprehensive plan as defined in s.
1948 373.470(2)(a), the Lake Okeechobee Watershed Protection Plan as
1949 defined in s. 373.4595(2), and the River Watershed Protection
1950 Plans as defined in s. 373.4595(2). Before any project component
1951 is submitted to Congress for authorization or receives an
1952 appropriation of state funds, the department must approve, or
1953 approve with amendments, each project component within 60 days
1954 following formal submittal of the project component to the
1955 department. Prior to the release of state funds for the
1956 implementation of the comprehensive plan, department approval
1957 shall be based upon a determination of the South Florida Water
1958 Management District's compliance with s. 373.1501(5). Once a
1959 project component is approved, the South Florida Water Management
1960 District shall provide to the Joint Legislative Committee on
1961 Everglades Oversight a schedule for implementing the project
1962 component, the estimated total cost of the project component, any
1963 existing federal or nonfederal credits, the estimated remaining
1964 federal and nonfederal share of costs, and an estimate of the
1965 amount of state funds that will be needed to implement the
1966 project component. All requests for an appropriation of state
1967 funds needed to implement the project component shall be
1968 submitted to the department, and such requests shall be included
1969 in the department's annual request to the Governor. Prior to the
1970 release of state funds for the implementation of the Lake
1971 Okeechobee Watershed Protection Plan or the River Watershed
1972 Protection Plans, on an annual basis, the South Florida Water

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1973 Management District shall prepare an annual work plan as part of
1974 the consolidated annual report required in s. 373.036(5)~~(7)~~. Upon
1975 a determination by the secretary of the annual work plan's
1976 consistency with the goals and objectives of s. 373.4595, the
1977 secretary may approve the release of state funds. Any
1978 modifications to the annual work plan shall be submitted to the
1979 secretary for review and approval.

1980 Section 15. Section 373.036, Florida Statutes, is amended
1981 to read:

1982 373.036 Florida water plan; district water management
1983 plans.--

1984 (1) FLORIDA WATER PLAN.--In cooperation with the water
1985 management districts, regional water supply authorities, and
1986 others, the department shall develop the Florida water plan. The
1987 Florida water plan shall include, but not be limited to:

1988 (a) The programs and activities of the department related
1989 to water supply, water quality, flood protection and floodplain
1990 management, and natural systems.

1991 (b) The Florida water supply plan.

1992 (c)~~(b)~~ The water quality standards of the department.

1993 (d)~~(e)~~ The district water management plans.

1994 (e)~~(d)~~ Goals, objectives, and guidance for the development
1995 and review of programs, rules, and plans relating to water
1996 resources, based on statutory policies and directives. The state
1997 water policy rule, renamed the water resource implementation rule
1998 pursuant to s. 373.019(18)~~(23)~~, shall serve as this part of the
1999 plan. Amendments or additions to this part of the Florida water
2000 plan shall be adopted by the department as part of the water
2001 resource implementation rule. In accordance with s. 373.114, the

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2002 department shall review rules of the water management districts
2003 for consistency with this rule. Amendments to the water resource
2004 implementation rule must be adopted by the secretary of the
2005 department and be submitted to the President of the Senate and
2006 the Speaker of the House of Representatives within 7 days after
2007 publication in the Florida Administrative Weekly. Amendments
2008 shall not become effective until the conclusion of the next
2009 regular session of the Legislature following their adoption.

2010 (2) DISTRICT WATER MANAGEMENT PLANS.--

2011 (a) Each governing board shall develop a district water
2012 management plan for water resources within its region, which plan
2013 addresses water supply, water quality, flood protection and
2014 floodplain management, and natural systems. The district water
2015 management plan shall be based on at least a 20-year planning
2016 period, shall be developed and revised in cooperation with other
2017 agencies, regional water supply authorities, units of government,
2018 and interested parties, and shall be updated at least once every
2019 5 years. The governing board shall hold a public hearing at least
2020 30 days in advance of completing the development or revision of
2021 the district water management plan.

2022 (b) The district water management plan shall include, but
2023 not be limited to:

2024 1. The district water supply plan.

2025 ~~2.1.~~ The scientific methodologies for establishing minimum
2026 flows and levels under s. 373.042, and all established minimum
2027 flows and levels.

2028 ~~2. Identification of one or more water supply planning~~
2029 ~~regions that singly or together encompass the entire district.~~

2030 ~~3. Technical data and information prepared under s.~~

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- 2031 | ~~373.0391.~~
- 2032 | ~~4. A districtwide water supply assessment, to be completed~~
- 2033 | ~~no later than July 1, 1998, which determines for each water~~
- 2034 | ~~supply planning region:~~
- 2035 | ~~a. Existing legal uses, reasonably anticipated future~~
- 2036 | ~~needs, and existing and reasonably anticipated sources of water~~
- 2037 | ~~and conservation efforts; and~~
- 2038 | ~~b. Whether existing and reasonably anticipated sources of~~
- 2039 | ~~water and conservation efforts are adequate to supply water for~~
- 2040 | ~~all existing legal uses and reasonably anticipated future needs~~
- 2041 | ~~and to sustain the water resources and related natural systems.~~
- 2042 | ~~5. Any completed regional water supply plans.~~
- 2043 | (c) If necessary for implementation, the governing board
- 2044 | shall adopt by rule or order relevant portions of the district
- 2045 | water management plan, to the extent of its statutory authority.
- 2046 | (d) In the formulation of the district water management
- 2047 | plan, the governing board shall give due consideration to:
- 2048 | ~~1. The attainment of maximum reasonable beneficial use of~~
- 2049 | ~~water resources.~~
- 2050 | ~~2. The maximum economic development of the water resources~~
- 2051 | ~~consistent with other uses.~~
- 2052 | 1.3. The management of water resources for such purposes as
- 2053 | environmental protection, drainage, flood control, and water
- 2054 | storage.
- 2055 | ~~4. The quantity of water available for application to a~~
- 2056 | ~~reasonable beneficial use.~~
- 2057 | ~~5. The prevention of wasteful, uneconomical, impractical,~~
- 2058 | ~~or unreasonable uses of water resources.~~
- 2059 | ~~6. Presently exercised domestic use and permit rights.~~

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2060 ~~2.7.~~ The preservation and enhancement of the water quality
2061 of the state.

2062 ~~3.8.~~ The state water resources policy as expressed by this
2063 chapter.

2064 (e) At its option, a governing board may substitute an
2065 annual strategic plan for the requirement to develop a district
2066 water management plan and the district water management plan
2067 annual report required by subparagraph ~~(5)-(7)~~(b)1., provided that
2068 nothing herein affects any other provision or requirement of law
2069 concerning the completion of the regional water supply plan and
2070 the strategic plan meets the following minimum requirements:

2071 1. The strategic plan establishes the water management
2072 district's strategic priorities for at least a future 5-year
2073 period.

2074 2. The strategic plan identifies the goals, strategies,
2075 success indicators, funding sources, deliverables, and milestones
2076 to accomplish the strategic priorities.

2077 3. The strategic plan development process includes at least
2078 one publicly noticed meeting to allow public participation in its
2079 development.

2080 4. The strategic plan includes separately, as an addendum,
2081 an annual work plan report on the implementation of the strategic
2082 plan for the previous fiscal year, addressing success indicators,
2083 deliverables, and milestones.

2084 (3) OBJECTIVES.--The department and governing board shall
2085 give careful consideration to the requirements of public
2086 recreation and to the protection and procreation of fish and
2087 wildlife. The department or governing board may prohibit or
2088 restrict other future uses on certain designated bodies of water

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2089 | which may be inconsistent with these objectives.

2090 | ~~(4) The governing board may designate certain uses in~~
2091 | ~~connection with a particular source of supply which, because of~~
2092 | ~~the nature of the activity or the amount of water required, would~~
2093 | ~~constitute an undesirable use for which the governing board may~~
2094 | ~~deny a permit.~~

2095 | ~~(5) The governing board may designate certain uses in~~
2096 | ~~connection with a particular source of supply which, because of~~
2097 | ~~the nature of the activity or the amount of water required, would~~
2098 | ~~result in an enhancement or improvement of the water resources of~~
2099 | ~~the area. Such uses shall be preferred over other uses in the~~
2100 | ~~event of competing applications under the permitting systems~~
2101 | ~~authorized by this chapter.~~

2102 | (4)(6) ADDITIONS TO FLORIDA WATER PLAN.--The department, in
2103 | cooperation with the Executive Office of the Governor, or its
2104 | successor agency, may add to the Florida water plan any other
2105 | information, directions, or objectives it deems necessary or
2106 | desirable for the guidance of the governing boards or other
2107 | agencies in the administration and enforcement of this chapter.

2108 | (5)(7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
2109 | REPORT.--

2110 | (a) By March 1, 2006, and annually thereafter, each water
2111 | management district shall prepare and submit to the department,
2112 | the Governor, the President of the Senate, and the Speaker of the
2113 | House of Representatives a consolidated water management district
2114 | annual report on the management of water resources. In addition,
2115 | copies must be provided by the water management districts to the
2116 | chairs of all legislative committees having substantive or fiscal
2117 | jurisdiction over the districts and the governing board of each

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2118 | county in the district having jurisdiction or deriving any funds
2119 | for operations of the district. Copies of the consolidated annual
2120 | report must be made available to the public, either in printed or
2121 | electronic format.

2122 | (b) The consolidated annual report shall contain the
2123 | following elements, as appropriate to that water management
2124 | district:

2125 | 1. A district water management plan annual report or the
2126 | annual work plan report allowed in subparagraph (2)(e)4.

2127 | 2. The department-approved minimum flows and levels annual
2128 | priority list and schedule required by s. 373.042(2).

2129 | 3. The annual 5-year capital improvements plan required by
2130 | s. 373.536(6)(a)3.

2131 | 4. The alternative water supplies annual report required by
2132 | s. 373.711(8)(n) ~~373.1961(3)(n)~~.

2133 | 5. The final annual 5-year water resource development work
2134 | program required by s. 373.536(6)(a)4.

2135 | 6. The Florida Forever Water Management District Work Plan
2136 | annual report required by s. 373.199(7).

2137 | 7. The mitigation donation annual report required by s.
2138 | 373.414(1)(b)2.

2139 | (c) Each of the elements listed in paragraph (b) is to be
2140 | addressed in a separate chapter or section within the
2141 | consolidated annual report, although information common to more
2142 | than one of these elements may be consolidated as deemed
2143 | appropriate by the individual water management district.

2144 | (d) Each water management district may include in the
2145 | consolidated annual report such additional information on the
2146 | status or management of water resources within the district as it

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2147 | deems appropriate.

2148 | (e) In addition to the elements specified in paragraph (b),
2149 | the South Florida Water Management District shall include in the
2150 | consolidated annual report the following elements:

2151 | 1. The Lake Okeechobee Protection Program annual progress
2152 | report required by s. 373.4595 (6) ~~(3)~~ ~~(g)~~.

2153 | 2. The Everglades annual progress reports specified in s.
2154 | 373.4592(4)(d)5., (13), and (14).

2155 | 3. The Everglades restoration annual report required by s.
2156 | 373.470(7).

2157 | 4. The Everglades Forever Act annual implementation report
2158 | required by s. 11.80(4).

2159 | 5. The Everglades Trust Fund annual expenditure report
2160 | required by s. 373.45926(3).

2161 | Section 16. Subsection (2) of section 373.042, Florida
2162 | Statutes, is amended, and subsection (6) is added to that
2163 | section, to read:

2164 | 373.042 Minimum flows and levels.--

2165 | (2) By November 15, 1997, and annually thereafter, each
2166 | water management district shall submit to the department for
2167 | review and approval a priority list and schedule for the
2168 | establishment of minimum flows and levels for surface
2169 | watercourses, aquifers, and surface waters within the district.
2170 | The priority list shall also identify those water bodies for
2171 | which the district will voluntarily undertake independent
2172 | scientific peer review. By March 1, 2006, and annually
2173 | thereafter, each water management district shall include its
2174 | approved priority list and schedule in the consolidated annual
2175 | report required by s. 373.036 (5) ~~(7)~~. The priority list shall be

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2176 based upon the importance of the waters to the state or region
2177 and the existence of or potential for significant harm to the
2178 water resources or ecology of the state or region, and shall
2179 include those waters which are experiencing or may reasonably be
2180 expected to experience adverse impacts. Each water management
2181 district's priority list and schedule shall include all first
2182 magnitude springs, and all second magnitude springs within state
2183 or federally owned lands purchased for conservation purposes. The
2184 specific schedule for establishment of spring minimum flows and
2185 levels shall be commensurate with the existing or potential
2186 threat to spring flow from consumptive uses. Springs within the
2187 Suwannee River Water Management District, or second magnitude
2188 springs in other areas of the state, need not be included on the
2189 priority list if the water management district submits a report
2190 to the Department of Environmental Protection demonstrating that
2191 adverse impacts are not now occurring nor are reasonably expected
2192 to occur from consumptive uses during the next 20 years. The
2193 priority list and schedule shall not be subject to any proceeding
2194 pursuant to chapter 120. Except as provided in subsection (3),
2195 the development of a priority list and compliance with the
2196 schedule for the establishment of minimum flows and levels
2197 pursuant to this subsection shall satisfy the requirements of
2198 subsection (1).

2199 Section 17. Subsection (2) of section 373.0421, Florida
2200 Statutes, is amended to read:

2201 373.0421 Establishment and implementation of minimum flows
2202 and levels.--

2203 (2) If the existing flow or level in a water body is below,
2204 or is projected to fall within 20 years below, the applicable

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2205 | minimum flow or level established pursuant to s. 373.042, the
2206 | department or governing board, as part of the regional water
2207 | supply plan described in s. 373.713 ~~373.0361~~, shall expeditiously
2208 | implement a recovery or prevention strategy, which includes the
2209 | development of additional water supplies and other actions,
2210 | consistent with the authority granted by this chapter, to:

2211 | (a) Achieve recovery to the established minimum flow or
2212 | level as soon as practicable; or

2213 | (b) Prevent the existing flow or level from falling below
2214 | the established minimum flow or level.

2215 |

2216 | The recovery or prevention strategy shall include phasing or a
2217 | timetable which will allow for the provision of sufficient water
2218 | supplies for all existing and projected reasonable-beneficial
2219 | uses, including development of additional water supplies and
2220 | implementation of conservation and other efficiency measures
2221 | concurrent with, to the extent practical, and to offset,
2222 | reductions in permitted withdrawals, consistent with the
2223 | provisions of this chapter.

2224 | Section 18. Subsection (4) of section 373.0695, Florida
2225 | Statutes, is amended to read:

2226 | 373.0695 Duties of basin boards; authorized expenditures.--

2227 | (4) In the exercise of the duties and powers granted
2228 | herein, the basin boards shall be subject to all the limitations
2229 | and restrictions imposed on the water management districts in s.
2230 | 373.705 ~~373.1961~~.

2231 | Section 19. Subsection (7) of section 373.199, Florida
2232 | Statutes, is amended to read:

2233 | 373.199 Florida Forever Water Management District Work

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2234 Plan.--

2235 (7) By June 1, 2001, each district shall file with the
2236 President of the Senate, the Speaker of the House of
2237 Representatives, and the Secretary of Environmental Protection
2238 the initial 5-year work plan as required under subsection (2). By
2239 March 1 of each year thereafter, as part of the consolidated
2240 annual report required by s. 373.036 (5) ~~(7)~~, each district shall
2241 report on acquisitions completed during the year together with
2242 modifications or additions to its 5-year work plan. Included in
2243 the report shall be:

2244 (a) A description of land management activity for each
2245 property or project area owned by the water management district.

2246 (b) A list of any lands surplused and the amount of
2247 compensation received.

2248 (c) The progress of funding, staffing, and resource
2249 management of every project funded pursuant to s. 259.101, s.
2250 259.105, or s. 373.59 for which the district is responsible.

2251
2252 The secretary shall submit the report referenced in this
2253 subsection to the Board of Trustees of the Internal Improvement
2254 Trust Fund together with the Acquisition and Restoration
2255 Council's project list as required under s. 259.105.

2256 Section 20. Subsections (3) and (5) of section 373.223,
2257 Florida Statutes, are amended to read:

2258 373.223 Conditions for a permit.--

2259 (3) Except for the transport and use of water supplied by
2260 the Central and Southern Florida Flood Control Project, and
2261 anywhere in the state when the transport and use of water is
2262 supplied exclusively for bottled water as defined in s.

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2263 500.03(1)(d), any water use permit applications pending as of
2264 April 1, 1998, with the Northwest Florida Water Management
2265 District and self-suppliers of water for which the proposed water
2266 source and area of use or application are located on contiguous
2267 private properties, when evaluating whether a potential transport
2268 and use of ground or surface water across county boundaries is
2269 consistent with the public interest, pursuant to paragraph
2270 (1)(c), the governing board or department shall consider:

2271 (a) The proximity of the proposed water source to the area
2272 of use or application.

2273 (b) All impoundments, streams, groundwater sources, or
2274 watercourses that are geographically closer to the area of use or
2275 application than the proposed source, and that are technically
2276 and economically feasible for the proposed transport and use.

2277 (c) All economically and technically feasible alternatives
2278 to the proposed source, including, but not limited to,
2279 desalination, conservation, reuse of nonpotable reclaimed water
2280 and stormwater, and aquifer storage and recovery.

2281 (d) The potential environmental impacts that may result
2282 from the transport and use of water from the proposed source, and
2283 the potential environmental impacts that may result from use of
2284 the other water sources identified in paragraphs (b) and (c).

2285 (e) Whether existing and reasonably anticipated sources of
2286 water and conservation efforts are adequate to supply water for
2287 existing legal uses and reasonably anticipated future needs of
2288 the water supply planning region in which the proposed water
2289 source is located.

2290 (f) Consultations with local governments affected by the
2291 proposed transport and use.

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2292 (g) The value of the existing capital investment in water-
2293 related infrastructure made by the applicant.

2294

2295 Where districtwide water supply assessments and regional water
2296 supply plans have been prepared pursuant to ss. 373.707 and
2297 373.713 ~~373.036 and 373.0361~~, the governing board or the
2298 department shall use the applicable plans and assessments as the
2299 basis for its consideration of the applicable factors in this
2300 subsection.

2301 (5) In evaluating an application for consumptive use of
2302 water which proposes the use of an alternative water supply
2303 project as described in the regional water supply plan and
2304 provides reasonable assurances of the applicant's capability to
2305 design, construct, operate, and maintain the project, the
2306 governing board or department shall presume that the alternative
2307 water supply use is consistent with the public interest under
2308 paragraph (1)(c). However, where the governing board identifies
2309 the need for a multijurisdictional water supply entity or
2310 regional water supply authority to develop the alternative water
2311 supply project pursuant to s. 373.713(2)(a)2. ~~373.0361(2)(a)2.~~,
2312 the presumption shall be accorded only to that use proposed by
2313 such entity or authority. This subsection does not effect
2314 evaluation of the use pursuant to the provisions of paragraphs
2315 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
2316 373.233.

2317 Section 21. Section 373.2234, Florida Statutes, is amended
2318 to read:

2319 373.2234 Preferred water supply sources.--The governing
2320 board of a water management district is authorized to adopt rules

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2321 that identify preferred water supply sources for consumptive uses
2322 for which there is sufficient data to establish that a preferred
2323 source will provide a substantial new water supply to meet the
2324 existing and projected reasonable-beneficial uses of a water
2325 supply planning region identified pursuant to s. 373.713(1)
2326 ~~373.0361(1)~~, while sustaining existing water resources and
2327 natural systems. At a minimum, such rules must contain a
2328 description of the preferred water supply source and an
2329 assessment of the water the preferred source is projected to
2330 produce. If an applicant proposes to use a preferred water supply
2331 source, that applicant's proposed water use is subject to s.
2332 373.223(1), except that the proposed use of a preferred water
2333 supply source must be considered by a water management district
2334 when determining whether a permit applicant's proposed use of
2335 water is consistent with the public interest pursuant to s.
2336 373.223(1)(c). A consumptive use permit issued for the use of a
2337 preferred water supply source must be granted, when requested by
2338 the applicant, for at least a 20-year period and may be subject
2339 to the compliance reporting provisions of s. 373.236(4). Nothing
2340 in this section shall be construed to exempt the use of preferred
2341 water supply sources from the provisions of ss. 373.701(3)
2342 ~~373.016(4)~~ and 373.223(2) and (3), or be construed to provide
2343 that permits issued for the use of a nonpreferred water supply
2344 source must be issued for a duration of less than 20 years or
2345 that the use of a nonpreferred water supply source is not
2346 consistent with the public interest. Additionally, nothing in
2347 this section shall be interpreted to require the use of a
2348 preferred water supply source or to restrict or prohibit the use
2349 of a nonpreferred water supply source. Rules adopted by the

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2350 governing board of a water management district to implement this
2351 section shall specify that the use of a preferred water supply
2352 source is not required and that the use of a nonpreferred water
2353 supply source is not restricted or prohibited.

2354 Section 22. Subsection (3) of section 373.229, Florida
2355 Statutes, is amended to read:

2356 373.229 Application for permit.--

2357 (3) In addition to the information required in subsection
2358 (1), all permit applications filed with the governing board or
2359 the department which propose the transport and use of water
2360 across county boundaries shall include information pertaining to
2361 factors to be considered, pursuant to s. 373.223(3), unless
2362 exempt under s. 373.717 ~~373.1962(9)~~.

2363 Section 23. Paragraph (b) of subsection (1) of section
2364 373.414, Florida Statutes, is amended to read:

2365 373.414 Additional criteria for activities in surface
2366 waters and wetlands.--

2367 (1) As part of an applicant's demonstration that an
2368 activity regulated under this part will not be harmful to the
2369 water resources or will not be inconsistent with the overall
2370 objectives of the district, the governing board or the department
2371 shall require the applicant to provide reasonable assurance that
2372 state water quality standards applicable to waters as defined in
2373 s. 403.031(13) will not be violated and reasonable assurance that
2374 such activity in, on, or over surface waters or wetlands, as
2375 delineated in s. 373.421(1), is not contrary to the public
2376 interest. However, if such an activity significantly degrades or
2377 is within an Outstanding Florida Water, as provided by department
2378 rule, the applicant must provide reasonable assurance that the

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2379 | proposed activity will be clearly in the public interest.

2380 | (b) If the applicant is unable to otherwise meet the
2381 | criteria set forth in this subsection, the governing board or the
2382 | department, in deciding to grant or deny a permit, shall consider
2383 | measures proposed by or acceptable to the applicant to mitigate
2384 | adverse effects that may be caused by the regulated activity.
2385 | Such measures may include, but are not limited to, onsite
2386 | mitigation, offsite mitigation, offsite regional mitigation, and
2387 | the purchase of mitigation credits from mitigation banks
2388 | permitted under s. 373.4136. It shall be the responsibility of
2389 | the applicant to choose the form of mitigation. The mitigation
2390 | must offset the adverse effects caused by the regulated activity.

2391 | 1. The department or water management districts may accept
2392 | the donation of money as mitigation only where the donation is
2393 | specified for use in a duly noticed environmental creation,
2394 | preservation, enhancement, or restoration project, endorsed by
2395 | the department or the governing board of the water management
2396 | district, which offsets the impacts of the activity permitted
2397 | under this part. However, the provisions of this subsection shall
2398 | not apply to projects undertaken pursuant to s. 373.4137 or
2399 | chapter 378. Where a permit is required under this part to
2400 | implement any project endorsed by the department or a water
2401 | management district, all necessary permits must have been issued
2402 | prior to the acceptance of any cash donation. After the effective
2403 | date of this act, when money is donated to either the department
2404 | or a water management district to offset impacts authorized by a
2405 | permit under this part, the department or the water management
2406 | district shall accept only a donation that represents the full
2407 | cost to the department or water management district of

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2408 undertaking the project that is intended to mitigate the adverse
2409 impacts. The full cost shall include all direct and indirect
2410 costs, as applicable, such as those for land acquisition, land
2411 restoration or enhancement, perpetual land management, and
2412 general overhead consisting of costs such as staff time,
2413 building, and vehicles. The department or the water management
2414 district may use a multiplier or percentage to add to other
2415 direct or indirect costs to estimate general overhead. Mitigation
2416 credit for such a donation shall be given only to the extent that
2417 the donation covers the full cost to the agency of undertaking
2418 the project that is intended to mitigate the adverse impacts.
2419 However, nothing herein shall be construed to prevent the
2420 department or a water management district from accepting a
2421 donation representing a portion of a larger project, provided
2422 that the donation covers the full cost of that portion and
2423 mitigation credit is given only for that portion. The department
2424 or water management district may deviate from the full cost
2425 requirements of this subparagraph to resolve a proceeding brought
2426 pursuant to chapter 70 or a claim for inverse condemnation.
2427 Nothing in this section shall be construed to require the owner
2428 of a private mitigation bank, permitted under s. 373.4136, to
2429 include the full cost of a mitigation credit in the price of the
2430 credit to a purchaser of said credit.

2431 2. The department and each water management district shall
2432 report by March 1 of each year, as part of the consolidated
2433 annual report required by s. 373.036 (5) ~~(7)~~, all cash donations
2434 accepted under subparagraph 1. during the preceding water
2435 management district fiscal year for wetland mitigation purposes.
2436 The report shall exclude those contributions pursuant to s.

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2437 | 373.4137. The report shall include a description of the endorsed
2438 | mitigation projects and, except for projects governed by s.
2439 | 373.4135(6), shall address, as applicable, success criteria,
2440 | project implementation status and timeframe, monitoring, long-
2441 | term management, provisions for preservation, and full cost
2442 | accounting.

2443 | 3. If the applicant is unable to meet water quality
2444 | standards because existing ambient water quality does not meet
2445 | standards, the governing board or the department shall consider
2446 | mitigation measures proposed by or acceptable to the applicant
2447 | that cause net improvement of the water quality in the receiving
2448 | body of water for those parameters which do not meet standards.

2449 | 4. If mitigation requirements imposed by a local government
2450 | for surface water and wetland impacts of an activity regulated
2451 | under this part cannot be reconciled with mitigation requirements
2452 | approved under a permit for the same activity issued under this
2453 | part, including application of the uniform wetland mitigation
2454 | assessment method adopted pursuant to subsection (18), the
2455 | mitigation requirements for surface water and wetland impacts
2456 | shall be controlled by the permit issued under this part.

2457 | Section 24. Subsection (1) of section 373.421, Florida
2458 | Statutes, is amended to read:

2459 | 373.421 Delineation methods; formal determinations.--

2460 | (1) The Environmental Regulation Commission shall adopt a
2461 | unified statewide methodology for the delineation of the extent
2462 | of wetlands as defined in s. 373.019 (19) ~~(25)~~. This methodology
2463 | shall consider regional differences in the types of soils and
2464 | vegetation that may serve as indicators of the extent of
2465 | wetlands. This methodology shall also include provisions for

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2466 determining the extent of surface waters other than wetlands for
2467 the purposes of regulation under s. 373.414. This methodology
2468 shall not become effective until ratified by the Legislature.
2469 Subsequent to legislative ratification, the wetland definition in
2470 s. 373.019(19)~~(25)~~ and the adopted wetland methodology shall be
2471 binding on the department, the water management districts, local
2472 governments, and any other governmental entities. Upon
2473 ratification of such wetland methodology, the Legislature
2474 preempts the authority of any water management district, state or
2475 regional agency, or local government to define wetlands or
2476 develop a delineation methodology to implement the definition and
2477 determines that the exclusive definition and delineation
2478 methodology for wetlands shall be that established pursuant to s.
2479 373.019(19)~~(25)~~ and this section. Upon such legislative
2480 ratification, any existing wetlands definition or wetland
2481 delineation methodology shall be superseded by the wetland
2482 definition and delineation methodology established pursuant to
2483 this chapter. Subsequent to legislative ratification, a
2484 delineation of the extent of a surface water or wetland by the
2485 department or a water management district, pursuant to a formal
2486 determination under subsection (2), or pursuant to a permit
2487 issued under this part in which the delineation was field-
2488 verified by the permitting agency and specifically approved in
2489 the permit, shall be binding on all other governmental entities
2490 for the duration of the formal determination or permit. All
2491 existing rules and methodologies of the department, the water
2492 management districts, and local governments, regarding surface
2493 water or wetland definition and delineation shall remain in full
2494 force and effect until the common methodology rule becomes

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2495 effective. However, this shall not be construed to limit any
2496 power of the department, the water management districts, and
2497 local governments to amend or adopt a surface water or wetland
2498 definition or delineation methodology until the common
2499 methodology rule becomes effective.

2500 Section 25. Paragraph (d) of subsection (4) and subsections
2501 (13) and (14) of section 373.4592, Florida Statutes, are amended
2502 to read:

2503 373.4592 Everglades improvement and management.--

2504 (4) EVERGLADES PROGRAM.--

2505 (d) Everglades research and monitoring program.--

2506 1. The department and the district shall review and
2507 evaluate available water quality data for the Everglades
2508 Protection Area and tributary waters and identify any additional
2509 information necessary to adequately describe water quality in the
2510 Everglades Protection Area and tributary waters. The department
2511 and the district shall also initiate a research and monitoring
2512 program to generate such additional information identified and to
2513 evaluate the effectiveness of the BMPs and STAs, as they are
2514 implemented, in improving water quality and maintaining
2515 designated and existing beneficial uses of the Everglades
2516 Protection Area and tributary waters. As part of the program, the
2517 district shall monitor all discharges into the Everglades
2518 Protection Area for purposes of determining compliance with state
2519 water quality standards.

2520 2. The research and monitoring program shall evaluate the
2521 ecological and hydrological needs of the Everglades Protection
2522 Area, including the minimum flows and levels. Consistent with
2523 such needs, the program shall also evaluate water quality

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2524 standards for the Everglades Protection Area and for the canals
2525 of the EAA, so that these canals can be classified in the manner
2526 set forth in paragraph (e) and protected as an integral part of
2527 the water management system which includes the STAs of the
2528 Everglades Construction Project and allows landowners in the EAA
2529 to achieve applicable water quality standards compliance by BMPs
2530 and STA treatment to the extent this treatment is available and
2531 effective.

2532 3. The research and monitoring program shall include
2533 research seeking to optimize the design and operation of the
2534 STAs, including research to reduce outflow concentrations, and to
2535 identify other treatment and management methods and regulatory
2536 programs that are superior to STAs in achieving the intent and
2537 purposes of this section.

2538 4. The research and monitoring program shall be conducted
2539 to allow the department to propose a phosphorus criterion in the
2540 Everglades Protection Area, and to evaluate existing state water
2541 quality standards applicable to the Everglades Protection Area
2542 and existing state water quality standards and classifications
2543 applicable to the EAA canals. In developing the phosphorus
2544 criterion, the department shall also consider the minimum flows
2545 and levels for the Everglades Protection Area and the district's
2546 water supply plans for the Lower East Coast.

2547 5. Beginning March 1, 2006, as part of the consolidated
2548 annual report required by s. 373.036 (5) ~~(7)~~, the district and the
2549 department shall annually issue a peer-reviewed report regarding
2550 the research and monitoring program that summarizes all data and
2551 findings. The report shall identify water quality parameters, in
2552 addition to phosphorus, which exceed state water quality

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2553 standards or are causing or contributing to adverse impacts in
2554 the Everglades Protection Area.

2555 6. The district shall continue research seeking to optimize
2556 the design and operation of STAs and to identify other treatment
2557 and management methods that are superior to STAs in achieving
2558 optimum water quality and water quantity for the benefit of the
2559 Everglades. The district shall optimize the design and operation
2560 of the STAs described in the Everglades Construction Project
2561 prior to expanding their size. Additional methods to achieve
2562 compliance with water quality standards shall not be limited to
2563 more intensive management of the STAs.

2564 (13) ANNUAL REPORTS.--Beginning March 1, 2006, as part of
2565 the consolidated annual report required by s. 373.036(5)~~(7)~~, the
2566 district shall report on implementation of the section. The
2567 annual report will include a summary of the water conditions in
2568 the Everglades Protection Area, the status of the impacted areas,
2569 the status of the construction of the STAs, the implementation of
2570 the BMPs, and actions taken to monitor and control exotic
2571 species. The district must prepare the report in coordination
2572 with federal and state agencies.

2573 (14) EVERGLADES FUND.--The South Florida Water Management
2574 District is directed to separately account for all moneys used
2575 for the purpose of funding the Everglades Construction Project as
2576 part of the consolidated annual report required by s.
2577 373.036(5)~~(7)~~.

2578 Section 26. Subsection (3) of section 373.45926, Florida
2579 Statutes, is amended to read:

2580 373.45926 Everglades Trust Fund; allocation of revenues and
2581 expenditure of funds for conservation and protection of natural

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2582 resources and abatement of water pollution.--

2583 (3) The South Florida Water Management District shall
2584 furnish, as part of the consolidated annual report required by s.
2585 373.036(5)~~(7)~~, a detailed copy of its expenditures from the
2586 Everglades Trust Fund to the Governor, the President of the
2587 Senate, and the Speaker of the House of Representatives, and
2588 shall make copies available to the public. The information shall
2589 be provided in a format approved by the Joint Legislative
2590 Committee on Everglades Oversight. At the direction of the Joint
2591 Legislative Committee on Everglades Oversight, an audit may be
2592 made from time to time by the Auditor General, and such audit
2593 shall be within the authority of said Auditor General to make.

2594 Section 27. Subsection (6) of section 373.4595, Florida
2595 Statutes, is amended to read:

2596 373.4595 Northern Everglades and Estuaries Protection
2597 Program.--

2598 (6) ANNUAL PROGRESS REPORT.--Each March 1 the district
2599 shall report on implementation of this section as part of the
2600 consolidated annual report required in s. 373.036(5)~~(7)~~. The
2601 annual report shall include a summary of the conditions of the
2602 hydrology, water quality, and aquatic habitat in the northern
2603 Everglades based on the results of the Research and Water Quality
2604 Monitoring Programs, the status of the Lake Okeechobee Watershed
2605 Construction Project, the status of the Caloosahatchee River
2606 Watershed Construction Project, and the status of the St. Lucie
2607 River Watershed Construction Project. In addition, the report
2608 shall contain an annual accounting of the expenditure of funds
2609 from the Save Our Everglades Trust Fund. At a minimum, the annual
2610 report shall provide detail by program and plan, including

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2611 specific information concerning the amount and use of funds from
2612 federal, state, or local government sources. In detailing the use
2613 of these funds, the district shall indicate those designated to
2614 meet requirements for matching funds. The district shall prepare
2615 the report in cooperation with the other coordinating agencies
2616 and affected local governments.

2617 Section 28. Subsection (7) of section 373.470, Florida
2618 Statutes, is amended to read:

2619 373.470 Everglades restoration.--

2620 (7) ANNUAL REPORT.--To provide enhanced oversight of and
2621 accountability for the financial commitments established under
2622 this section and the progress made in the implementation of the
2623 comprehensive plan, the following information must be prepared
2624 annually as part of the consolidated annual report required by s.
2625 373.036 (5) ~~(7)~~:

2626 (a) The district, in cooperation with the department, shall
2627 provide the following information as it relates to implementation
2628 of the comprehensive plan:

2629 1. An identification of funds, by source and amount,
2630 received by the state and by each local sponsor during the fiscal
2631 year.

2632 2. An itemization of expenditures, by source and amount,
2633 made by the state and by each local sponsor during the fiscal
2634 year.

2635 3. A description of the purpose for which the funds were
2636 expended.

2637 4. The unencumbered balance of funds remaining in trust
2638 funds or other accounts designated for implementation of the
2639 comprehensive plan.

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2640 5. A schedule of anticipated expenditures for the next
2641 fiscal year.

2642 (b) The department shall prepare a detailed report on all
2643 funds expended by the state and credited toward the state's share
2644 of funding for implementation of the comprehensive plan. The
2645 report shall include:

2646 1. A description of all expenditures, by source and amount,
2647 from the Conservation and Recreation Lands Trust Fund, the Land
2648 Acquisition Trust Fund, the Preservation 2000 Trust Fund, the
2649 Florida Forever Trust Fund, the Save Our Everglades Trust Fund,
2650 and other named funds or accounts for the acquisition or
2651 construction of project components or other features or
2652 facilities that benefit the comprehensive plan.

2653 2. A description of the purposes for which the funds were
2654 expended.

2655 3. The unencumbered fiscal-year-end balance that remains in
2656 each trust fund or account identified in subparagraph 1.

2657 (c) The district, in cooperation with the department, shall
2658 provide a detailed report on progress made in the implementation
2659 of the comprehensive plan, including the status of all project
2660 components initiated after the effective date of this act or the
2661 date of the last report prepared under this subsection, whichever
2662 is later.

2663
2664 The information required in paragraphs (a), (b), and (c) shall be
2665 provided as part of the consolidated annual report required by s.
2666 373.036 (5) ~~(7)~~. The initial report is due by November 30, 2000,
2667 and each annual report thereafter is due by March 1.

2668 Section 29. Paragraph (a) of subsection (6) of section

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2669 373.536, Florida Statutes, is amended to read:

2670 373.536 District budget and hearing thereon.--

2671 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2672 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

2673 (a) Each district must, by the date specified for each
2674 item, furnish copies of the following documents to the Governor,
2675 the President of the Senate, the Speaker of the House of
2676 Representatives, the chairs of all legislative committees and
2677 subcommittees having substantive or fiscal jurisdiction over the
2678 districts, as determined by the President of the Senate or the
2679 Speaker of the House of Representatives as applicable, the
2680 secretary of the department, and the governing board of each
2681 county in which the district has jurisdiction or derives any
2682 funds for the operations of the district:

2683 1. The adopted budget, to be furnished within 10 days after
2684 its adoption.

2685 2. A financial audit of its accounts and records, to be
2686 furnished within 10 days after its acceptance by the governing
2687 board. The audit must be conducted in accordance with the
2688 provisions of s. 11.45 and the rules adopted thereunder. In
2689 addition to the entities named above, the district must provide a
2690 copy of the audit to the Auditor General within 10 days after its
2691 acceptance by the governing board.

2692 3. A 5-year capital improvements plan, to be included in
2693 the consolidated annual report required by s. 373.036(5)~~(7)~~. The
2694 plan must include expected sources of revenue for planned
2695 improvements and must be prepared in a manner comparable to the
2696 fixed capital outlay format set forth in s. 216.043.

2697 4. A 5-year water resource development work program to be

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2698 furnished within 30 days after the adoption of the final budget.
2699 The program must describe the district's implementation strategy
2700 for the water resource development component of each approved
2701 regional water supply plan developed or revised under s. 373.713
2702 ~~373.0361~~. The work program must address all the elements of the
2703 water resource development component in the district's approved
2704 regional water supply plans and must identify which projects in
2705 the work program will provide water, explain how each water
2706 resource development project will produce additional water
2707 available for consumptive uses, estimate the quantity of water to
2708 be produced by each project, and provide an assessment of the
2709 contribution of the district's regional water supply plans in
2710 providing sufficient water to meet the water supply needs of
2711 existing and future reasonable-beneficial uses for a 1-in-10-year
2712 drought event. Within 30 days after its submittal, the department
2713 shall review the proposed work program and submit its findings,
2714 questions, and comments to the district. The review must include
2715 a written evaluation of the program's consistency with the
2716 furtherance of the district's approved regional water supply
2717 plans, and the adequacy of proposed expenditures. As part of the
2718 review, the department shall give interested parties the
2719 opportunity to provide written comments on each district's
2720 proposed work program. Within 45 days after receipt of the
2721 department's evaluation, the governing board shall state in
2722 writing to the department which changes recommended in the
2723 evaluation it will incorporate into its work program submitted as
2724 part of the March 1 consolidated annual report required by s.
2725 373.036(5) ~~(7)~~ or specify the reasons for not incorporating the
2726 changes. The department shall include the district's responses in

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2727 | a final evaluation report and shall submit a copy of the report
2728 | to the Governor, the President of the Senate, and the Speaker of
2729 | the House of Representatives.

2730 | Section 30. Subsection (11) of section 373.59, Florida
2731 | Statutes, is amended to read:

2732 | 373.59 Water Management Lands Trust Fund.--

2733 | (11) Notwithstanding any provision of this section to the
2734 | contrary, the governing board of a water management district may
2735 | request, and the Secretary of Environmental Protection shall
2736 | release upon such request, moneys allocated to the districts
2737 | pursuant to subsection (8) for purposes consistent with the
2738 | provisions of s. 373.713 ~~373.0361~~, s. 373.709 ~~373.0831~~, s.
2739 | 373.139, or ss. 373.451-373.4595 and for legislatively authorized
2740 | land acquisition and water restoration initiatives. No funds may
2741 | be used pursuant to this subsection until necessary debt service
2742 | obligations, requirements for payments in lieu of taxes, and land
2743 | management obligations that may be required by this chapter are
2744 | provided for.

2745 | Section 31. Paragraph (g) of subsection (1) of section
2746 | 378.212, Florida Statutes, is amended to read:

2747 | 378.212 Variances.--

2748 | (1) Upon application, the secretary may grant a variance
2749 | from the provisions of this part or the rules adopted pursuant
2750 | thereto. Variances and renewals thereof may be granted for any
2751 | one of the following reasons:

2752 | (g) To accommodate reclamation that provides water supply
2753 | development or water resource development not inconsistent with
2754 | the applicable regional water supply plan approved pursuant to s.
2755 | 373.713 ~~373.0361~~, provided adverse impacts are not caused to the

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2756 | water resources in the basin. A variance may also be granted from
2757 | the requirements of part IV of chapter 373, or the rules adopted
2758 | thereunder, when a project provides an improvement in water
2759 | availability in the basin and does not cause adverse impacts to
2760 | water resources in the basin.

2761 | Section 32. Subsection (9) of section 378.404, Florida
2762 | Statutes, is amended to read:

2763 | 378.404 Department of Environmental Protection; powers and
2764 | duties.--The department shall have the following powers and
2765 | duties:

2766 | (9) To grant variances from the provisions of this part to
2767 | accommodate reclamation that provides for water supply
2768 | development or water resource development not inconsistent with
2769 | the applicable regional water supply plan approved pursuant to s.
2770 | 373.713 ~~373.0361~~, appropriate stormwater management, improved
2771 | wildlife habitat, recreation, or a mixture thereof, provided
2772 | adverse impacts are not caused to the water resources in the
2773 | basin and public health and safety are not adversely affected.

2774 | Section 33. Subsection (14) of section 403.031, Florida
2775 | Statutes, is amended to read:

2776 | 403.031 Definitions.--In construing this chapter, or rules
2777 | and regulations adopted pursuant hereto, the following words,
2778 | phrases, or terms, unless the context otherwise indicates, have
2779 | the following meanings:

2780 | (14) "State water resource implementation rule" means the
2781 | rule authorized by s. 373.707 ~~373.036~~, which sets forth goals,
2782 | objectives, and guidance for the development and review of
2783 | programs, rules, and plans relating to water resources, based on
2784 | statutory policies and directives. The waters of the state are

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2785 among its most basic resources. Such waters should be managed to
2786 conserve and protect water resources and to realize the full
2787 beneficial use of these resources.

2788 Section 34. Paragraph (a) of subsection (3) of section
2789 403.0891, Florida Statutes, is amended to read:

2790 403.0891 State, regional, and local stormwater management
2791 plans and programs.--The department, the water management
2792 districts, and local governments shall have the responsibility
2793 for the development of mutually compatible stormwater management
2794 programs.

2795 (3) (a) Each local government required by chapter 163 to
2796 submit a comprehensive plan, whose plan is submitted after July
2797 1, 1992, and the others when updated after July 1, 1992, in the
2798 development of its stormwater management program described by
2799 elements within its comprehensive plan shall consider the water
2800 resource implementation rule, district stormwater management
2801 goals, plans approved pursuant to the Surface Water Improvement
2802 and Management Act, ss. 373.451-373.4595, and technical
2803 assistance information provided by the water management districts
2804 pursuant to s. 373.715 ~~373.0391~~.

2805 Section 35. Paragraphs (r) and (u) of subsection (2) of
2806 section 403.813, Florida Statutes, are amended to read:

2807 403.813 Permits issued at district centers; exceptions.--

2808 (2) A permit is not required under this chapter, chapter
2809 373, chapter 61-691, Laws of Florida, or chapter 25214 or chapter
2810 25270, 1949, Laws of Florida, for activities associated with the
2811 following types of projects; however, except as otherwise
2812 provided in this subsection, nothing in this subsection relieves
2813 an applicant from any requirement to obtain permission to use or

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2814 occupy lands owned by the Board of Trustees of the Internal
2815 Improvement Trust Fund or any water management district in its
2816 governmental or proprietary capacity or from complying with
2817 applicable local pollution control programs authorized under this
2818 chapter or other requirements of county and municipal
2819 governments:

2820 (r) The removal of aquatic plants, the removal of tussocks,
2821 the associated replanting of indigenous aquatic plants, and the
2822 associated removal from lakes of organic detrital material when
2823 such planting or removal is performed and authorized by permit or
2824 exemption granted under s. 369.20 or s. 369.25, provided that:

2825 1. Organic detrital material that exists on the surface of
2826 natural mineral substrate shall be allowed to be removed to a
2827 depth of 3 feet or to the natural mineral substrate, whichever is
2828 less;

2829 2. All material removed pursuant to this paragraph shall be
2830 deposited in an upland site in a manner that will prevent the
2831 reintroduction of the material into waters in the state except
2832 when spoil material is permitted to be used to create wildlife
2833 islands in freshwater bodies of the state when a governmental
2834 entity is permitted pursuant to s. 369.20 to create such islands
2835 as a part of a restoration or enhancement project;

2836 3. All activities are performed in a manner consistent with
2837 state water quality standards; and

2838 4. No activities under this exemption are conducted in
2839 wetland areas, as defined by s. 373.019(19)~~(25)~~, which are
2840 supported by a natural soil as shown in applicable United States
2841 Department of Agriculture county soil surveys, except when a
2842 governmental entity is permitted pursuant to s. 369.20 to conduct

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2843 | such activities as a part of a restoration or enhancement
2844 | project.

2845 |

2846 | The department may not adopt implementing rules for this
2847 | paragraph, notwithstanding any other provision of law.

2848 | (u) Notwithstanding any provision to the contrary in this
2849 | subsection, a permit or other authorization under chapter 253,
2850 | chapter 369, chapter 373, or this chapter is not required for an
2851 | individual residential property owner for the removal of organic
2852 | detrital material from freshwater rivers or lakes that have a
2853 | natural sand or rocky substrate and that are not Aquatic
2854 | Preserves or for the associated removal and replanting of aquatic
2855 | vegetation for the purpose of environmental enhancement,
2856 | providing that:

2857 | 1. No activities under this exemption are conducted in
2858 | wetland areas, as defined by s. 373.019 (19) ~~(25)~~, which are
2859 | supported by a natural soil as shown in applicable United States
2860 | Department of Agriculture county soil surveys.

2861 | 2. No filling or peat mining is allowed.

2862 | 3. No removal of native wetland trees, including, but not
2863 | limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

2864 | 4. When removing organic detrital material, no portion of
2865 | the underlying natural mineral substrate or rocky substrate is
2866 | removed.

2867 | 5. Organic detrital material and plant material removed is
2868 | deposited in an upland site in a manner that will not cause water
2869 | quality violations.

2870 | 6. All activities are conducted in such a manner, and with
2871 | appropriate turbidity controls, so as to prevent any water

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2872 | quality violations outside the immediate work area.

2873 | 7. Replanting with a variety of aquatic plants native to
2874 | the state shall occur in a minimum of 25 percent of the
2875 | preexisting vegetated areas where organic detrital material is
2876 | removed, except for areas where the material is removed to bare
2877 | rocky substrate; however, an area may be maintained clear of
2878 | vegetation as an access corridor. The access corridor width may
2879 | not exceed 50 percent of the property owner's frontage or 50
2880 | feet, whichever is less, and may be a sufficient length waterward
2881 | to create a corridor to allow access for a boat or swimmer to
2882 | reach open water. Replanting must be at a minimum density of 2
2883 | feet on center and be completed within 90 days after removal of
2884 | existing aquatic vegetation, except that under dewatered
2885 | conditions replanting must be completed within 90 days after
2886 | reflooding. The area to be replanted must extend waterward from
2887 | the ordinary high water line to a point where normal water depth
2888 | would be 3 feet or the preexisting vegetation line, whichever is
2889 | less. Individuals are required to make a reasonable effort to
2890 | maintain planting density for a period of 6 months after
2891 | replanting is complete, and the plants, including naturally
2892 | recruited native aquatic plants, must be allowed to expand and
2893 | fill in the revegetation area. Native aquatic plants to be used
2894 | for revegetation must be salvaged from the enhancement project
2895 | site or obtained from an aquatic plant nursery regulated by the
2896 | Department of Agriculture and Consumer Services. Plants that are
2897 | not native to the state may not be used for replanting.

2898 | 8. No activity occurs any farther than 100 feet waterward
2899 | of the ordinary high water line, and all activities must be
2900 | designed and conducted in a manner that will not unreasonably

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2901 restrict or infringe upon the riparian rights of adjacent upland
2902 riparian owners.

2903 9. The person seeking this exemption notifies the
2904 applicable department district office in writing at least 30 days
2905 before commencing work and allows the department to conduct a
2906 preconstruction site inspection. Notice must include an organic-
2907 detrital-material removal and disposal plan and, if applicable, a
2908 vegetation-removal and revegetation plan.

2909 10. The department is provided written certification of
2910 compliance with the terms and conditions of this paragraph within
2911 30 days after completion of any activity occurring under this
2912 exemption.

2913 Section 36. Paragraph (a) of subsection (1) and paragraph
2914 (a) of subsection (2) of section 403.890, Florida Statutes, are
2915 amended to read:

2916 403.890 Water Protection and Sustainability Program;
2917 intent; goals; purposes.--

2918 (1) Effective July 1, 2006, revenues transferred from the
2919 Department of Revenue pursuant to s. 201.15(1)(d)2. shall be
2920 deposited into the Water Protection and Sustainability Program
2921 Trust Fund in the Department of Environmental Protection. These
2922 revenues and any other additional revenues deposited into or
2923 appropriated to the Water Protection and Sustainability Program
2924 Trust Fund shall be distributed by the Department of
2925 Environmental Protection in the following manner:

2926 (a) Sixty percent to the Department of Environmental
2927 Protection for the implementation of an alternative water supply
2928 program as provided in s. 373.717 ~~373.1961~~.

2929 (2) Applicable beginning in the 2007-2008 fiscal year,

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2930 revenues transferred from the Department of Revenue pursuant to
2931 s. 201.15(1)(d)2. shall be deposited into the Water Protection
2932 and Sustainability Program Trust Fund in the Department of
2933 Environmental Protection. These revenues and any other additional
2934 revenues deposited into or appropriated to the Water Protection
2935 and Sustainability Program Trust Fund shall be distributed by the
2936 Department of Environmental Protection in the following manner:

2937 (a) Sixty-five percent to the Department of Environmental
2938 Protection for the implementation of an alternative water supply
2939 program as provided in s. 373.717 ~~373.1961~~.

2940 Section 37. Subsection (6) of section 556.102, Florida
2941 Statutes, is amended to read:

2942 556.102 Definitions.--As used in this act:

2943 (6) "Excavate" or "excavation" means any manmade cut,
2944 cavity, trench, or depression in the earth's surface, formed by
2945 removal of earth, intended to change the grade or level of land,
2946 or intended to penetrate or disturb the surface of the earth,
2947 including land beneath the waters of the state, as defined in s.
2948 373.019(16) ~~(20)~~, and the term includes pipe bursting and
2949 directional drilling or boring from one point to another point
2950 beneath the surface of the earth, or other trenchless
2951 technologies.

2952 Section 38. Section 682.02, Florida Statutes, is amended to
2953 read:

2954 682.02 Arbitration agreements made valid, irrevocable, and
2955 enforceable; scope.--Two or more parties may agree in writing to
2956 submit to arbitration any controversy existing between them at
2957 the time of the agreement, or they may include in a written
2958 contract a provision for the settlement by arbitration of any

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2959 | controversy thereafter arising between them relating to such
2960 | contract or the failure or refusal to perform the whole or any
2961 | part thereof. This section also applies to written interlocal
2962 | agreements under ss. 163.01 and 373.717 ~~373.1962~~ in which two or
2963 | more parties agree to submit to arbitration any controversy
2964 | between them concerning water use permit applications and other
2965 | matters, regardless of whether or not the water management
2966 | district with jurisdiction over the subject application is a
2967 | party to the interlocal agreement or a participant in the
2968 | arbitration. Such agreement or provision shall be valid,
2969 | enforceable, and irrevocable without regard to the justiciable
2970 | character of the controversy; provided that this act shall not
2971 | apply to any such agreement or provision to arbitrate in which it
2972 | is stipulated that this law shall not apply or to any arbitration
2973 | or award thereunder.

2974 | Section 39. Section 373.71, Florida Statutes, is renumbered
2975 | as section 373.69, Florida Statutes.

2976 | Section 40. Sections 373.0361, 373.0391, 373.0831, 373.196,
2977 | 373.1961, 373.1962, and 373.1963, Florida Statutes, are repealed.

2978 | Section 41. This act shall take effect July 1, 2008.