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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;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | requiring the water management districts to detail the
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
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
 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, 163.3191, 186.009,
 97 | 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming
 98 | cross-references and terminology; amending s. 373.016,
 99 | F.S., relating to the declaration of policy, to conform;
 100 | amending s. 373.019, F.S., relating to definitions, to
 101 | conform; amending s. 373.026, F.S.; conforming a cross-
 102 | reference; amending s. 373.036, F.S., relating to the
 103 | Florida water plan and district water management plans, to
 104 | include the Florida water supply plan and district water
 105 | supply plans and make other conforming changes; amending
 106 | ss. 373.042, 373.0421, 373.0695, 373.199, 373.223,
 107 | 373.2234, 373.229, 373.414, 373.421, 373.4592, 373.45926,
 108 | 373.4595, 373.470, 373.536, 373.59, 378.212, 378.404,
 109 | 403.031, 403.0891, 403.813, 403.890, 556.102, and 682.02,
 110 | F.S.; conforming cross-references; renumbering s. 373.71,
 111 | F.S., relating to the Apalachicola-Chattahoochee-Flint
 112 | River Basin Compact, to clarify retention of the section

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113 | in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S.,
 114 | relating to regional water supply planning; repealing s.
 115 | 373.0391, F.S., relating to technical assistance to local
 116 | governments; repealing s. 373.0831, F.S., relating to
 117 | water resource and water supply development; repealing s.
 118 | 373.196, F.S., relating to alternative water supply
 119 | development; repealing s. 373.1961, F.S., relating to
 120 | water production and related powers and duties of water
 121 | management districts; repealing s. 373.1962, F.S.,
 122 | relating to regional water supply authorities; repealing
 123 | s. 373.1963, F.S., relating to assistance to the West
 124 | Coast Regional Water Supply Authority; providing an
 125 | effective date.

126 |
 127 | Be It Enacted by the Legislature of the State of Florida:
 128 |

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

133 | PART VII

134 | WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

135 | 373.701 Declaration of policy.--It is declared to be the
 136 | policy of the Legislature that:

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

140 | (2) The availability of sufficient water for all existing

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141 and future reasonable-beneficial uses and natural systems shall
142 be promoted.

143 (3) In order to protect the state's water resources and to
144 meet the current and future needs of those areas with abundant
145 water, the Legislature directs the Department of Environmental
146 Protection and the water management districts to encourage the
147 use of water from sources nearest the area of use or application
148 whenever practicable. Such sources shall include all naturally
149 occurring water sources and all alternative water sources,
150 including, but not limited to, desalination, conservation, reuse
151 of nonpotable reclaimed water and stormwater, and aquifer
152 storage and recovery.

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

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

167 (6) Municipalities and counties are encouraged to create
168 regional water supply authorities and multijurisdictional water

169 supply entities as authorized in this part.

170 (7) Nothing in this part shall be construed to preclude
 171 the various municipalities and counties from continuing to
 172 operate existing water production and transmission facilities or
 173 to enter into cooperative agreements with other municipalities
 174 and counties for the purpose of meeting their respective needs
 175 for dependable and adequate supplies of water, provided that
 176 obtaining water through such operations shall not be done in a
 177 manner that results in adverse effects upon the areas from which
 178 such water is withdrawn.

179 373.703 Definitions.--As used in this part or in any rule,
 180 regulation, or order adopted pursuant to this part, the
 181 following terms shall, unless the context clearly indicates
 182 otherwise, mean:

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

193 (2) "Capital costs" means planning, design, engineering,
 194 and project construction costs.

195 (3) "Department" means the Department of Environmental
 196 Protection.

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

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

201 (6) "Governing board" means the governing board of a water
 202 management district.

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

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

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

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

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

229 373.705 Powers and duties.--In the performance of, and in
 230 conjunction with, its other powers and duties, the governing
 231 board of a water management district existing pursuant to this
 232 chapter:

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

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

250 (3) May establish, design, construct, operate, and
 251 maintain water production and transmission facilities for the
 252 purpose of supplying water to counties, municipalities, special

253 districts, publicly owned and privately owned water utilities,
 254 multijurisdictional water supply entities, or regional water
 255 supply authorities. The permit required by part II of this
 256 chapter for a water management district engaged in water
 257 production and transmission shall be granted, denied, or granted
 258 with conditions by the department.

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

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

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

275 (7) May acquire title to such interest as is necessary in
 276 real property, by purchase, gift, devise, lease, eminent domain,
 277 or otherwise, for water production and transmission consistent
 278 with this section and s. 373.711. However, the district shall
 279 not use any of the eminent domain powers granted in this section
 280 to acquire water and water rights already devoted to reasonable

281 and beneficial use or any water production or transmission
 282 facilities owned by any county, municipality, or regional water
 283 supply authority. The district may exercise eminent domain
 284 powers outside of its district boundaries for the acquisition of
 285 pumpage facilities, storage areas, transmission facilities, and
 286 the normal appurtenances thereto, provided that at least 45 days
 287 prior to the exercise of eminent domain, the district notifies
 288 the district where the property is located after public notice
 289 and the district where the property is located does not object
 290 within 45 days after notification of such exercise of eminent
 291 domain authority.

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

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309 (9) May join with one or more other water management
310 districts, counties, municipalities, special districts, publicly
311 owned or privately owned water utilities, multijurisdictional
312 water supply entities, or regional water supply authorities for
313 the purpose of carrying out any of its powers, and may contract
314 with such other entities to finance acquisitions, construction,
315 operation, and maintenance. The contract may provide for
316 contributions to be made by each party thereto, for the division
317 and apportionment of the expenses of acquisitions, construction,
318 operation, and maintenance, and for the division and
319 apportionment of the benefits, services, and products therefrom.
320 The contracts may contain other covenants and agreements
321 necessary and appropriate to accomplish their purposes.

322 373.707 Florida water supply plan; district water supply
323 plans.--

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

328 (a) The programs and activities of the department related
329 to water supply.

330 (b) The district water supply plans.

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

334 (2) (a) Each governing board shall develop a district water
335 supply plan for its region. The district water supply plan shall
336 be based on at least a 20-year planning period, shall be

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337 developed and revised in cooperation with other agencies,
338 regional water supply authorities, units of government, and
339 interested parties and shall be updated at least once every 5
340 years. The governing board shall hold a public hearing at least
341 30 days in advance of completing the development or revision of
342 the district water supply plan.

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

345 1. The scientific methodologies for establishing minimum
346 flows and levels under s. 373.042 and all established minimum
347 flows and levels.

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

350 3. Technical data and information prepared under s.
351 373.715.

352 4. A districtwide water supply assessment that determines
353 for each water supply planning region:

354 a. Existing legal uses, reasonably anticipated future
355 needs, and existing and reasonably anticipated sources of water
356 and conservation efforts.

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

361 5. Any completed regional water supply plans prepared
362 pursuant to s. 373.713.

363 (c) If necessary for implementation, the governing board
364 shall adopt by rule or order relevant portions of the district

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365 water supply plan to the extent of its statutory authority.

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

368 1. The attainment of maximum reasonable-beneficial use of
369 water resources.

370 2. The maximum economic development of the water resources
371 consistent with other uses.

372 3. The management of water resources for such purposes as
373 environmental protection, drainage, flood control, and water
374 storage.

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

377 5. The prevention of wasteful, uneconomical, impractical,
378 or unreasonable uses of water resources.

379 6. Presently exercised domestic use and permit rights.

380 7. The state water resources policy as expressed by this
381 chapter.

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

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

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

400 (6) The department, in cooperation with the Executive
401 Office of the Governor, may add to the Florida water supply plan
402 any other information, directions, or objectives it deems
403 necessary or desirable for the guidance of the governing boards
404 or other agencies in the administration and enforcement of this
405 chapter.

406 373.709 Water resource development; water supply
407 development.--

408 (1) The Legislature finds that:

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

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

418 (c) Water resource development and water supply
419 development must receive priority attention, where needed, to
420 increase the availability of sufficient water for all existing

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421 and future reasonable-beneficial uses and natural systems.

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

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

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

431 (c) Local governments, regional water supply authorities,
432 and government-owned and privately owned water utilities take
433 the lead in securing funds for and implementing water supply
434 development projects. Generally, direct beneficiaries of water
435 supply development projects should pay the costs of the projects
436 from which they benefit, and water supply development projects
437 should continue to be paid for through local funding sources.

438 (d) Water supply development be conducted in coordination
439 with water management district regional water supply planning
440 and water resource development.

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

447 (4) Each governing board shall include in its annual
448 budget an amount to be made available for the fiscal year to

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449 assist in implementing alternative water supply development
450 projects listed pursuant to s. 373.713(2) (a)2.

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

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

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

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

465 4. The project significantly contributes to a recovery
466 plan pursuant to s. 373.0421 for a minimum flow or level
467 established by a governing board.

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

473 373.711 Alternative water supply development.--

474 (1) The purpose of this section is to encourage
475 cooperation in the development of water supplies and to provide
476 for alternative water supply development. Accordingly, the

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477 Legislature finds that:

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

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

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

489 (d) Cooperation between counties, municipalities, regional
490 water supply authorities, multijurisdictional water supply
491 entities, special districts, and publicly owned and privately
492 owned water utilities in the development of countywide and
493 multicountywide alternative water supply projects will allow for
494 necessary economies of scale and efficiencies to be achieved in
495 order to accelerate the development of new, dependable, and
496 sustainable alternative water supplies.

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

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505 also are in the public interest.

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

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

512 (b) Alternative water supply development must be conducted
513 in coordination with water management district regional water
514 supply planning.

515 (c) Funding for the development of alternative water
516 supplies shall be a shared responsibility of water suppliers and
517 users, the state, and the water management districts, with water
518 suppliers and users having the primary responsibility and the
519 state and the water management districts being responsible for
520 providing funding assistance.

521 (3) The primary roles of the water management districts in
522 water resource development as it relates to supporting
523 alternative water supply development are:

524 (a) The formulation and implementation of regional water
525 resource management strategies that support alternative water
526 supply development.

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

531 (c) The construction, operation, and maintenance of major
532 public works facilities for flood control, surface water and

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533 underground water storage, and groundwater recharge augmentation
534 to support alternative water supply development.

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

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

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

547 (4) The primary roles of local government, regional water
548 supply authorities, multijurisdictional water supply entities,
549 special districts, and publicly owned and privately owned water
550 utilities in alternative water supply development are:

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

553 (b) The formulation and implementation of alternative
554 water supply development strategies and programs.

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

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

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

570 (6) (a) The statewide funds provided pursuant to the Water
571 Protection and Sustainability Program serve to supplement
572 existing water management district or basin board funding for
573 alternative water supply development assistance and should not
574 result in a reduction of such funding. Therefore, the water
575 management districts shall include in the annual tentative and
576 adopted budget submittals required under this chapter the amount
577 of funds allocated for water resource development that supports
578 alternative water supply development and the funds allocated for
579 alternative water supply projects selected for inclusion in the
580 Water Protection and Sustainability Program. It shall be the
581 goal of each water management district and basin board that the
582 combined funds allocated annually for these purposes be, at a
583 minimum, the equivalent of 100 percent of the state funding
584 provided to the water management district for alternative water
585 supply development. If this goal is not achieved, the water
586 management district shall provide in the budget submittal an
587 explanation of the reasons or constraints that prevent this goal
588 from being met, an explanation of how the goal will be met in

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589 future years, and affirmation of match is required during the
590 budget review process as established under s. 373.536(5). The
591 Suwannee River Water Management District and the Northwest
592 Florida Water Management District shall not be required to meet
593 the match requirements of this paragraph; however, they shall
594 try to achieve the match requirement to the greatest extent
595 practicable.

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

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

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

615 (b) Beginning in fiscal year 2009-2010, the state shall
616 annually provide a portion of those revenues deposited into the

617 Water Protection and Sustainability Program Trust Fund for the
 618 purpose of providing funding assistance for the development of
 619 alternative water supplies pursuant to the Water Protection and
 620 Sustainability Program. At the beginning of each fiscal year,
 621 beginning with fiscal year 2009-2010, such revenues shall be
 622 distributed by the department into the alternative water supply
 623 trust fund accounts created by each district for the purpose of
 624 alternative water supply development under the following funding
 625 formula:

626 1. Thirty percent to the South Florida Water Management
 627 District;

628 2. Twenty-five percent to the Southwest Florida Water
 629 Management District;

630 3. Twenty-five percent to the St. Johns River Water
 631 Management District;

632 4. Ten percent to the Suwannee River Water Management
 633 District; and

634 5. Ten percent to the Northwest Florida Water Management
 635 District.

636 (c) The financial assistance for alternative water supply
 637 projects allocated in each district's budget as required in
 638 subsection (6) shall be combined with the state funds and used
 639 to assist in funding the project construction costs of
 640 alternative water supply projects selected by the governing
 641 board. If the district has not completed any regional water
 642 supply plan, or the regional water supply plan does not identify
 643 the need for any alternative water supply projects, funds
 644 deposited in that district's trust fund may be used for water

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645 resource development projects, including, but not limited to,
646 springs protection.

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

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

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

666 1. Whether the project provides substantial environmental
667 benefits by preventing or limiting adverse water resource
668 impacts.

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

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

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673 level or a reservation.

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

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

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

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

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

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

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

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

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

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757 (n) By March 1 of each year, as part of the consolidated
758 annual report required by s. 373.036(7), each water management
759 district shall submit a report on the disbursal of all budgeted
760 amounts pursuant to this section. Such report shall describe all
761 alternative water supply projects funded as well as the quantity
762 of new water to be created as a result of such projects and
763 shall account separately for any other moneys provided through
764 grants, matching grants, revolving loans, and the use of
765 district lands or facilities to implement regional water supply
766 plans.

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

779 (9) Funding assistance provided by the water management
780 districts for a water reuse system may include the following
781 conditions for that project if a water management district
782 determines that such conditions will encourage water use
783 efficiency:

784 (a) Metering of reclaimed water use for residential

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785 irrigation, agricultural irrigation, industrial uses, except for
786 electric utilities as defined in s. 366.02(2), landscape
787 irrigation, golf course irrigation, irrigation of other public
788 access areas, commercial and institutional uses such as toilet
789 flushing, and transfers to other reclaimed water utilities;

790 (b) Implementation of reclaimed water rate structures
791 based on actual use of reclaimed water for the reuse activities
792 listed in paragraph (a);

793 (c) Implementation of education programs to inform the
794 public about water issues, water conservation, and the
795 importance and proper use of reclaimed water; or

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

797 373.713 Regional water supply planning.--

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

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

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

839 (a) A water supply development component for each water
840 supply planning region identified by the district which

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841 includes:

842 1. A quantification of the water supply needs for all
843 existing and future reasonable-beneficial uses within the
844 planning horizon. The level-of-certainty planning goal
845 associated with identifying the water supply needs of existing
846 and future reasonable-beneficial uses shall be based upon
847 meeting those needs for a 1-in-10-year drought event. Population
848 projections used for determining public water supply needs must
849 be based upon the best available data. In determining the best
850 available data, the district shall consider the University of
851 Florida's Bureau of Economic and Business Research (BEBR) medium
852 population projections and any population projection data and
853 analysis submitted by a local government pursuant to the public
854 workshop described in subsection (1) if the data and analysis
855 support the local government's comprehensive plan. Any
856 adjustment of or deviation from the BEBR projections must be
857 fully described, and the original BEBR data must be presented
858 along with the adjusted data.

859 2. A list of water supply development project options,
860 including traditional and alternative water supply project
861 options, from which local government, government-owned and
862 privately owned utilities, regional water supply authorities,
863 multijurisdictional water supply entities, self-suppliers, and
864 others may choose for water supply development. In addition to
865 projects listed by the district, such users may propose specific
866 projects for inclusion in the list of alternative water supply
867 projects. If such users propose a project to be listed as an
868 alternative water supply project, the district shall determine

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869 whether it meets the goals of the plan and, if so, it shall be
870 included in the list. The total capacity of the projects
871 included in the plan shall exceed the needs identified in
872 subparagraph 1. and shall take into account water conservation
873 and other demand management measures, as well as water resources
874 constraints, including adopted minimum flows and levels and
875 water reservations. When the district determines it is
876 appropriate, the plan should specifically identify the need for
877 multijurisdictional approaches to project options that, based on
878 planning level analysis, are appropriate to supply the intended
879 uses and that, based on such analysis, appear to be permissible
880 and financially and technically feasible. The list of water
881 supply development options must contain provisions that
882 recognize that alternative water supply options for agricultural
883 self-suppliers are limited. For each project option identified,
884 the following shall be provided:

885 a. An estimate of the amount of water to become available
886 through the project.

887 b. The timeframe in which the project option should be
888 implemented and the estimated planning-level costs for capital
889 investment and operating and maintaining the project.

890 c. An analysis of funding needs and sources of possible
891 funding options. For alternative water supply projects, the
892 water management districts shall provide funding assistance in
893 accordance with s. 373.711(8).

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

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

- 897 1. A listing of those water resource development projects
898 that support water supply development.
- 899 2. For each water resource development project listed:
- 900 a. An estimate of the amount of water to become available
901 through the project.
- 902 b. The timeframe in which the project option should be
903 implemented and the estimated planning-level costs for capital
904 investment and for operating and maintaining the project.
- 905 c. An analysis of funding needs and sources of possible
906 funding options.
- 907 d. Identification of the entity that should implement each
908 project option and the current status of project implementation.
- 909 (c) The recovery and prevention strategy described in s.
910 373.0421(2).
- 911 (d) A funding strategy for water resource development
912 projects, which shall be reasonable and sufficient to pay the
913 cost of constructing or implementing all of the listed projects.
- 914 (e) Consideration of how the project options addressed in
915 paragraph (a) serve the public interest or save costs overall by
916 preventing the loss of natural resources or avoiding greater
917 future expenditures for water resource development or water
918 supply development. However, unless adopted by rule, these
919 considerations do not constitute final agency action.
- 920 (f) The technical data and information applicable to each
921 planning region which are necessary to support the regional
922 water supply plan.
- 923 (g) The minimum flows and levels established for water
924 resources within each planning region.

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925 (h) Reservations of water adopted by rule pursuant to s.
926 373.223(4) within each planning region.

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

929 (j) An analysis, developed in cooperation with the
930 department, of areas or instances in which the variance
931 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
932 create water supply development or water resource development
933 projects.

934 (3) The South Florida Water Management District shall
935 include in its regional water supply plan water resource and
936 water supply development projects that promote the elimination
937 of wastewater ocean outfalls as provided in s. 403.086(9).

938 (4) The water supply development component of a regional
939 water supply plan which deals with or affects public utilities
940 and public water supply for those areas served by a regional
941 water supply authority and its member governments within the
942 boundary of the Southwest Florida Water Management District
943 shall be developed jointly by the authority and the district. In
944 areas not served by regional water supply authorities, or other
945 multijurisdictional water supply entities, and where
946 opportunities exist to meet water supply needs more efficiently
947 through multijurisdictional projects identified pursuant to
948 paragraph (2)(a), water management districts are directed to
949 assist in developing multijurisdictional approaches to water
950 supply project development jointly with affected water
951 utilities, special districts, and local governments.

952 (5) Governing board approval of a regional water supply

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953 plan shall not be subject to the rulemaking requirements of
954 chapter 120. However, any portion of an approved regional water
955 supply plan which affects the substantial interests of a party
956 shall be subject to s. 120.569.

957 (6) Annually and in conjunction with the reporting
958 requirements of s. 373.536(6)(a)4., the department shall submit
959 to the Governor and the Legislature a report on the status of
960 regional water supply planning in each district. The report
961 shall include:

962 (a) A compilation of the estimated costs of and potential
963 sources of funding for water resource development and water
964 supply development projects as identified in the water
965 management district regional water supply plans.

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

969 (c) A description of each district's progress toward
970 achieving its water resource development objectives, including
971 the district's implementation of its 5-year water resource
972 development work program.

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

976 (e) An overall assessment of the progress being made to
977 develop water supply in each district, including, but not
978 limited to, an explanation of how each project, either
979 alternative or traditional, will produce, contribute to, or
980 account for additional water being made available for

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981 consumptive uses, an estimate of the quantity of water to be
982 produced by each project, and an assessment of the contribution
983 of the district's regional water supply plan in providing
984 sufficient water to meet the needs of existing and future
985 reasonable-beneficial uses for a 1-in-10 year drought event, as
986 well as the needs of the natural systems.

987 (7) Nothing contained in the water supply development
988 component of a regional water supply plan shall be construed to
989 require local governments, government-owned or privately owned
990 water utilities, special districts, self-suppliers, regional
991 water supply authorities, multijurisdictional water supply
992 entities, or other water suppliers to select a water supply
993 development project identified in the component merely because
994 it is identified in the plan. Except as provided in s.
995 373.223(3) and (5), the plan may not be used in the review of
996 permits under part II unless the plan or an applicable portion
997 thereof has been adopted by rule. However, this subsection shall
998 not prohibit a water management district from employing the data
999 or other information used to establish the plan in reviewing
1000 permits under part II, nor shall it limit the authority of the
1001 department or governing board under part II.

1002 (8) Where the water supply component of a water supply
1003 planning region shows the need for one or more alternative water
1004 supply projects, the district shall notify the affected local
1005 governments and make every reasonable effort to educate and
1006 involve local public officials in working toward solutions in
1007 conjunction with the districts and, where appropriate, other
1008 local and regional water supply entities.

1009 (a) Within 6 months after approval or amendment of its
 1010 regional water supply plan, each water management district shall
 1011 notify by certified mail each entity identified in sub-
 1012 subparagraph (2) (a)2.d. of that portion of the plan relevant to
 1013 the entity. Upon request of such an entity, the water management
 1014 district shall appear before and present its findings and
 1015 recommendations to the entity.

1016 (b) Within 1 year after the notification by a water
 1017 management district pursuant to paragraph (a), each entity
 1018 identified in sub-subparagraph (2) (a)2.d. shall provide to the
 1019 water management district written notification of the following:
 1020 the alternative water supply projects or options identified in
 1021 paragraph (2) (a) which it has developed or intends to develop,
 1022 if any; an estimate of the quantity of water to be produced by
 1023 each project; and the status of project implementation,
 1024 including development of the financial plan, facilities master
 1025 planning, permitting, and efforts in coordinating
 1026 multijurisdictional projects, if applicable. The information
 1027 provided in the notification shall be updated annually, and a
 1028 progress report shall be provided by November 15 of each year to
 1029 the water management district. If an entity does not intend to
 1030 develop one or more of the alternative water supply project
 1031 options identified in the regional water supply plan, the entity
 1032 shall propose, within 1 year after notification by a water
 1033 management district pursuant to paragraph (a), another
 1034 alternative water supply project option sufficient to address
 1035 the needs identified in paragraph (2) (a) within the entity's
 1036 jurisdiction and shall provide an estimate of the quantity of

1037 water to be produced by the project and the status of project
 1038 implementation as described in this paragraph. The entity may
 1039 request that the water management district consider the other
 1040 project for inclusion in the regional water supply plan.

1041 373.715 Technical assistance to local governments.--

1042 (1) The water management districts shall assist local
 1043 governments in the development and future revision of local
 1044 government comprehensive plan elements or public facilities
 1045 report, as required by s. 189.415, related to water supply
 1046 issues by annually providing to all local governments within the
 1047 jurisdiction current relevant information, including, but not
 1048 limited to:

1049 (a) Information and data to assist local governments in
 1050 preparation of the 10-year work plan required to be included in
 1051 the local government comprehensive plan pursuant to s.
 1052 163.3177(6)(c).

1053 (b) A description of regulations, programs, and schedules
 1054 implemented by the district.

1055 (c) A description of groundwater characteristics,
 1056 including existing and planned wellfield sites, existing and
 1057 anticipated cones of influence, highly productive groundwater
 1058 areas, aquifer recharge areas, deep well injection zones,
 1059 contaminated areas, an assessment of regional water resource
 1060 needs and sources for the next 20 years, and water quality.

1061 (d) Information reflecting the existing minimum flows for
 1062 surface watercourses to avoid harm to water resources or the
 1063 ecosystem and information reflecting the existing minimum water
 1064 levels for aquifers to avoid harm to water resources or the

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1065 ecosystem.

1066 (e) Information reflecting existing reservations of water
 1067 for the protection of fish and wildlife or the public health and
 1068 safety pursuant to s. 373.223(4).

1069 (f) Identification of surface waters and aquifers for
 1070 which minimum flows and levels are scheduled to be adopted.

1071 (2) Upon request, the district shall provide technical
 1072 assistance to local governments in the development of water
 1073 supply development project options identified in s.
 1074 373.713(2) (a).

1075 373.717 Regional water supply authorities.--

1076 (1) By interlocal agreement between counties,
 1077 municipalities, or special districts, as applicable pursuant to
 1078 s. 163.01 and upon the approval of the Secretary of the
 1079 Department of Environmental Protection to ensure that such
 1080 agreement will be in the public interest and complies with the
 1081 intent and purposes of this act, regional water supply
 1082 authorities may be created for the purpose of developing,
 1083 recovering, storing, and supplying water for county or municipal
 1084 purposes in such a manner as will give priority to reducing
 1085 adverse environmental effects of excessive or improper
 1086 withdrawals of water from concentrated areas. In approving such
 1087 agreement, the Secretary of Environmental Protection shall
 1088 consider, but not be limited to, the following:

1089 (a) Whether the geographic territory of the proposed
 1090 authority is of sufficient size and character to reduce the
 1091 environmental effects of improper or excessive withdrawals of
 1092 water from concentrated areas.

1093 (b) The maximization of economic development of the water
 1094 resources within the territory of the proposed authority.

1095 (c) The availability of a dependable and adequate water
 1096 supply.

1097 (d) The ability of any proposed authority to design,
 1098 construct, operate, and maintain water supply facilities in the
 1099 locations and at the times necessary to ensure that an adequate
 1100 water supply will be available to all citizens within the
 1101 authority.

1102 (e) The effect or impact of any proposed authority on any
 1103 municipality, county, or existing authority or authorities.

1104 (f) The existing needs of the water users within the area
 1105 of the authority.

1106 (2) In addition to other powers and duties agreed upon and
 1107 notwithstanding the provisions of s. 163.01, such authority may:

1108 (a) Upon approval of the electors residing in each county
 1109 or municipality within the territory to be included in any
 1110 authority, levy ad valorem taxes, not to exceed 0.5 mill,
 1111 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
 1112 authorized by this paragraph shall be levied in any county or
 1113 municipality without an affirmative vote of the electors
 1114 residing in such county or municipality.

1115 (b) Acquire water; develop, store, and transport water;
 1116 provide, sell, and deliver water for county or municipal uses
 1117 and purposes; and provide for the furnishing of such water and
 1118 water service upon terms and conditions and at rates that will
 1119 apportion to parties and nonparties an equitable share of the
 1120 capital cost and operating expense of the authority's work to

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1121 the purchaser.
 1122 (c) Collect, treat, and recover wastewater.
 1123 (d) Not engage in local distribution.
 1124 (e) Exercise the power of eminent domain in the manner
 1125 provided by law for the condemnation of private property for
 1126 public use to acquire title to such interest in real property as
 1127 is necessary to the exercise of the powers granted in this
 1128 section, except water already devoted to reasonable and
 1129 beneficial use or any water production or transmission
 1130 facilities owned by any county or municipality.
 1131 (f) Issue revenue bonds in the manner prescribed by the
 1132 Revenue Bond Act of 1953, as amended, part I of chapter 159, to
 1133 be payable solely from funds derived from the sale of water by
 1134 the authority to any county or municipality. Such bonds may be
 1135 additionally secured by the full faith and credit of any county
 1136 or municipality, as provided by s. 159.16, or by a pledge of
 1137 excise taxes, as provided by s. 159.19. For the purpose of
 1138 issuing revenue bonds, an authority shall be considered a
 1139 "unit," as defined in s. 159.02(2), and as that term is used in
 1140 the Revenue Bond Act of 1953, as amended. Such bonds may be
 1141 issued to finance the cost of acquiring properties and
 1142 facilities for the production and transmission of water by the
 1143 authority to any county or municipality, which cost shall
 1144 include the acquisition of real property and easements therein
 1145 for such purposes. Such bonds may be in the form of refunding
 1146 bonds to take up any outstanding bonds of the authority or of
 1147 any county or municipality when such outstanding bonds are
 1148 secured by properties and facilities for production and

1149 transmission of water, which properties and facilities are being
 1150 acquired by the authority. Refunding bonds may be issued to take
 1151 up and refund all outstanding bonds of the authority that are
 1152 subject to call and termination and all bonds of the authority
 1153 that are not subject to call or redemption when the surrender of
 1154 such bonds can be procured from the holder thereof at prices
 1155 satisfactory to the authority. Such refunding bonds may be
 1156 issued at any time when, in the judgment of the authority, it
 1157 will be in the best interest of the authority financially or
 1158 economically by securing a lower rate of interest on such bonds
 1159 or by extending the time of maturity of such bonds or, for any
 1160 other reason, in the judgment of the authority, advantageous to
 1161 the authority.

1162 (g) Sue and be sued in its own name.

1163 (h) Borrow money and incur indebtedness and issue bonds or
 1164 other evidence of such indebtedness.

1165 (i) Join with one or more other public corporations for
 1166 the purpose of carrying out any of its powers and, for that
 1167 purpose, to contract with such other public corporation or
 1168 corporations for the purpose of financing such acquisitions,
 1169 construction, and operations. Such contracts may provide for
 1170 contributions to be made by each party thereto, for the division
 1171 and apportionment of the expenses of such acquisitions and
 1172 operations, and for the division and apportionment of the
 1173 benefits, services, and products therefrom. Such contract may
 1174 contain such other and further covenants and agreements as may
 1175 be necessary and convenient to accomplish the purposes
 1176 authorized in this paragraph.

1177 (3) A regional water supply authority is authorized to
 1178 develop, construct, operate, maintain, or contract for
 1179 alternative sources of potable water, including desalinated
 1180 water, and pipelines to interconnect authority sources and
 1181 facilities, either by itself or jointly with a water management
 1182 district; however, such alternative potable water sources,
 1183 facilities, and pipelines may also be privately developed,
 1184 constructed, owned, operated, and maintained, in which event an
 1185 authority and a water management district are authorized to
 1186 pledge and contribute their funds to reduce the wholesale cost
 1187 of water from such alternative sources of potable water supplied
 1188 by an authority to its member governments.

1189 (4) When it is found to be in the public interest, for the
 1190 public convenience and welfare, for a public benefit, and
 1191 necessary for carrying out the purpose of any regional water
 1192 supply authority, any state agency, county, water control
 1193 district existing pursuant to chapter 298, water management
 1194 district existing pursuant to this chapter, municipality,
 1195 governmental agency, or public corporation in this state holding
 1196 title to any interest in land is hereby authorized, in its
 1197 discretion, to convey the title to or dedicate land, title to
 1198 which is in such entity, including tax-reverted land, or to
 1199 grant use-rights therein, to any regional water supply authority
 1200 created pursuant to this section. Land granted or conveyed to
 1201 such authority shall be for the public purposes of such
 1202 authority and may be made subject to the condition that in the
 1203 event such land is not so used, or if used and subsequently its
 1204 use for such purpose is abandoned, the interest granted shall

1205 cease as to such authority and shall automatically revert to the
 1206 granting entity.

1207 (5) Each county, special district, or municipality that is
 1208 a party to an agreement pursuant to subsection (1) shall have a
 1209 preferential right to purchase water from the regional water
 1210 supply authority for use by such county, special district, or
 1211 municipality.

1212 (6) In carrying out the provisions of this section, any
 1213 county wherein water is withdrawn by the authority shall not be
 1214 deprived, directly or indirectly, of the prior right to the
 1215 reasonable and beneficial use of water which is required
 1216 adequately to supply the reasonable and beneficial needs of the
 1217 county or any of the inhabitants or property owners in the
 1218 county.

1219 (7) Upon a resolution adopted by the governing body of any
 1220 county or municipality, the authority may, subject to a majority
 1221 vote of its voting members, include such county or municipality
 1222 in its regional water supply authority upon such terms and
 1223 conditions as may be prescribed.

1224 (8) The authority shall design, construct, operate, and
 1225 maintain facilities in the locations and at the times necessary
 1226 to ensure that an adequate water supply will be available to all
 1227 citizens within the authority.

1228 (9) Where a water supply authority exists pursuant to this
 1229 section or s. 373.719 under a voluntary interlocal agreement
 1230 that is consistent with requirements in s. 373.719(1)(b) and
 1231 receives or maintains consumptive use permits under this
 1232 voluntary agreement consistent with the water supply plan, if

1233 any, adopted by the governing board, such authority shall be
 1234 exempt from consideration by the governing board or department
 1235 of the factors specified in s. 373.223(3) (a)-(g) and the
 1236 submissions required by s. 373.229(3). Such exemptions shall
 1237 apply only to water sources within the jurisdictional areas of
 1238 such voluntary water supply interlocal agreements.

1239 373.719 Assistance to Tampa Bay Water.--

1240 (1) It is the intent of the Legislature to authorize the
 1241 implementation of changes in governance recommended by the West
 1242 Coast Regional Water Supply Authority, the predecessor to Tampa
 1243 Bay Water, in its reports to the Legislature dated February 1,
 1244 1997, and January 5, 1998. The authority and its member
 1245 governments may reconstitute the authority's governance and
 1246 rename the authority under a voluntary interlocal agreement with
 1247 a term of at least 20 years. The interlocal agreement must
 1248 comply with this subsection as follows:

1249 (a) The authority and its member governments must agree
 1250 that cooperative efforts are mandatory to meet their water needs
 1251 in a manner that will provide adequate and dependable supplies
 1252 of water where needed without resulting in adverse environmental
 1253 effects upon the areas from which the water is withdrawn or
 1254 otherwise produced.

1255 (b) In accordance with s. 4, Art. VIII of the State
 1256 Constitution and notwithstanding s. 163.01, the interlocal
 1257 agreement may include the following terms, which are considered
 1258 approved by the parties without a vote of their electors, upon
 1259 execution of the interlocal agreement by all member governments
 1260 and upon satisfaction of all conditions precedent in the

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1261 interlocal agreement:

1262 1. All member governments shall relinquish to the
1263 authority their individual rights to develop potable water
1264 supply sources, except as otherwise provided in the interlocal
1265 agreement.

1266 2. The authority shall be the sole and exclusive wholesale
1267 potable water supplier for all member governments.

1268 3. The authority shall have the absolute and unequivocal
1269 obligation to meet the wholesale needs of the member governments
1270 for potable water.

1271 4. A member government may not restrict or prohibit the
1272 use of land within a member's jurisdictional boundaries by the
1273 authority for water supply purposes through the use of zoning,
1274 land use, comprehensive planning, or other form of regulation.

1275 5. A member government may not impose any tax, fee, or
1276 charge upon the authority in conjunction with the production or
1277 supply of water not otherwise provided for in the interlocal
1278 agreement.

1279 6. The authority may use the powers provided in part II of
1280 chapter 159 for financing and refinancing water treatment,
1281 production, or transmission facilities, including, but not
1282 limited to, desalination facilities. All such water treatment,
1283 production, or transmission facilities are considered a
1284 manufacturing plant for purposes of s. 159.27(5) and serve a
1285 paramount public purpose by providing water to citizens of the
1286 state.

1287 7. A member government and any governmental or quasi-
1288 judicial board or commission established by local ordinance or

1289 general or special law when the governing membership of such
 1290 board or commission is shared, in whole or in part, or appointed
 1291 by a member government agreeing to be bound by the interlocal
 1292 agreement shall be limited to the procedures set forth in the
 1293 interlocal agreement regarding actions that directly or
 1294 indirectly restrict or prohibit the use of lands or other
 1295 activities related to the production or supply of water.

1296 (c) The authority shall acquire full or lesser interests
 1297 in all regionally significant member government wholesale water
 1298 supply facilities and tangible assets and each member government
 1299 shall convey such interests in the facilities and assets to the
 1300 authority, at an agreed value.

1301 (d) The authority shall charge a uniform per gallon
 1302 wholesale rate to member governments for the wholesale supply of
 1303 potable water. All capital, operation, maintenance, and
 1304 administrative costs for existing facilities and acquired
 1305 facilities, authority master water plan facilities, and other
 1306 future projects must be allocated to member governments based on
 1307 water usage at the uniform per-gallon wholesale rate.

1308 (e) The interlocal agreement may include procedures for
 1309 resolving the parties' differences regarding water management
 1310 district proposed agency action in the water use permitting
 1311 process within the authority. Such procedures should minimize
 1312 the potential for litigation and include alternative dispute
 1313 resolution. Any governmental or quasi-judicial board or
 1314 commission established by local ordinance or general or special
 1315 law where the governing members of such board or commission are
 1316 shared, in whole or in part, or appointed by a member government

1317 may agree to be bound by the dispute resolution procedures set
 1318 forth in the interlocal agreement.

1319 (f) Upon execution of the voluntary interlocal agreement
 1320 provided for in this section, the authority shall jointly
 1321 develop with the Southwest Florida Water Management District
 1322 alternative sources of potable water and transmission pipelines
 1323 to interconnect regionally significant water supply sources and
 1324 facilities of the authority in amounts sufficient to meet the
 1325 needs of all member governments for a period of at least 20
 1326 years and for natural systems. Nothing in this section, however,
 1327 shall preclude the authority and its member governments from
 1328 developing traditional water sources pursuant to the voluntary
 1329 interlocal agreement. Development and construction costs for
 1330 alternative source facilities, which may include a desalination
 1331 facility and significant regional interconnects, must be borne
 1332 as mutually agreed to by both the authority and the Southwest
 1333 Florida Water Management District. Nothing in this section shall
 1334 preclude authority or district cost sharing with private
 1335 entities for the construction or ownership of alternative source
 1336 facilities. By December 31, 1997, the authority and the
 1337 Southwest Florida Water Management District shall:

1338 1. Enter into a mutually acceptable agreement detailing
 1339 the development and implementation of directives contained in
 1340 this paragraph; or

1341 2. Jointly prepare and submit to the President of the
 1342 Senate and the Speaker of the House of Representatives a report
 1343 describing the progress made and impediments encountered in
 1344 their attempts to implement the water resource development and

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1345 water supply development directives contained in this paragraph.
 1346 Nothing in this section shall be construed to modify the rights
 1347 or responsibilities of the authority or its member governments,
 1348 except as otherwise provided in this section, or of the
 1349 Southwest Florida Water Management District or the department
 1350 pursuant to this chapter or chapter 403 and as otherwise set
 1351 forth by law.

1352 (g) Unless otherwise provided in the interlocal agreement,
 1353 the authority shall be governed by a board of commissioners
 1354 consisting of nine voting members, all of whom must be elected
 1355 officers, as follows:

1356 1. Three members from Hillsborough County who must be
 1357 selected by the county commission; provided, however, that one
 1358 member shall be selected by the Mayor of Tampa in the event that
 1359 the City of Tampa elects to be a member of the authority.

1360 2. Three members from Pasco County, two of whom must be
 1361 selected by the county commission and one of whom must be
 1362 selected by the City Council of New Port Richey.

1363 3. Three members from Pinellas County, two of whom must be
 1364 selected by the county commission and one of whom must be
 1365 selected by the City Council of St. Petersburg. Except as
 1366 otherwise provided in this section or in the voluntary
 1367 interlocal agreement between the member governments, a majority
 1368 vote shall bind the authority and its member governments in all
 1369 matters relating to the funding of wholesale water supply,
 1370 production, delivery, and related activities.

1371 (2) The provisions of this section supersede any
 1372 conflicting provisions contained in all other general or special

1373 laws or provisions thereof as they may apply directly or
 1374 indirectly to the exclusivity of water supply or withdrawal of
 1375 water, including provisions relating to the environmental
 1376 effects, if any, in conjunction with the production and supply
 1377 of potable water, and the provisions of this section are
 1378 intended to be a complete revision of all laws related to a
 1379 regional water supply authority created under s. 373.717 and
 1380 this section.

1381 (3) The authority shall prepare its annual budget in the
 1382 same manner as prescribed for the preparation of basin budgets,
 1383 but such authority budget shall not be subject to review by the
 1384 respective basin boards or by the governing board of the
 1385 district.

1386 (4) The annual millage for the authority shall be the
 1387 amount required to raise the amount called for by the annual
 1388 budget when applied to the total assessment on all taxable
 1389 property within the limits of the authority, as determined for
 1390 county taxing purposes.

1391 (5) The authority may, by resolution, request the
 1392 governing board of the district to levy ad valorem taxes within
 1393 the boundaries of the authority. Upon receipt of such request,
 1394 together with formal certification of the adoption of its annual
 1395 budget and of the required tax levy, the authority tax levy
 1396 shall be made by the governing board of the district to finance
 1397 authority functions.

1398 (6) The taxes provided for in this section shall be
 1399 extended by the property appraiser on the county tax roll in
 1400 each county within, or partly within, the authority boundaries

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1401 and shall be collected by the tax collector in the same manner
 1402 and time as county taxes, and the proceeds therefrom paid to the
 1403 district, which shall forthwith pay them over to the authority.
 1404 Until paid, such taxes shall be a lien on the property against
 1405 which assessed and enforceable in like manner as county taxes.
 1406 The property appraisers, tax collectors, and clerks of the
 1407 circuit court of the respective counties shall be entitled to
 1408 compensation for services performed in connection with such
 1409 taxes at the same rates as apply to county taxes.

1410 (7) The governing board of the district shall not be
 1411 responsible for any actions or lack of actions by the authority.

1412 Section 2. Subsection (4) of section 11.80, Florida
 1413 Statutes, is amended to read:

1414 11.80 Joint Legislative Committee on Everglades
 1415 Oversight.--

1416 (4) Annually, no later than March 1, as part of the
 1417 consolidated annual report required by s. 373.036~~(5)~~~~(7)~~, the
 1418 South Florida Water Management District shall report to the
 1419 Joint Legislative Committee on Everglades Oversight on the
 1420 status of the implementation of the Everglades Forever Act. Such
 1421 report shall include, but is not limited to:

- 1422 (a) Progress on the Everglades Construction Project.
- 1423 (b) Changes to the Everglades Construction Project.
- 1424 (c) Actual revenues, compared to projected revenues.
- 1425 (d) Projected acquisition costs, construction costs,
 1426 operation and maintenance costs, and projected revenues, over
 1427 the succeeding 5 years.

1428 Section 3. Subsection (13) of section 120.52, Florida

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1429 Statutes, is amended to read:

1430 120.52 Definitions.--As used in this act:

1431 (13) "Party" means:

1432 (a) Specifically named persons whose substantial interests
1433 are being determined in the proceeding.

1434 (b) Any other person who, as a matter of constitutional
1435 right, provision of statute, or provision of agency regulation,
1436 is entitled to participate in whole or in part in the
1437 proceeding, or whose substantial interests will be affected by
1438 proposed agency action, and who makes an appearance as a party.

1439 (c) Any other person, including an agency staff member,
1440 allowed by the agency to intervene or participate in the
1441 proceeding as a party. An agency may by rule authorize limited
1442 forms of participation in agency proceedings for persons who are
1443 not eligible to become parties.

1444 (d) Any county representative, agency, department, or unit
1445 funded and authorized by state statute or county ordinance to
1446 represent the interests of the consumers of a county, when the
1447 proceeding involves the substantial interests of a significant
1448 number of residents of the county and the board of county
1449 commissioners has, by resolution, authorized the representative,
1450 agency, department, or unit to represent the class of interested
1451 persons. The authorizing resolution shall apply to a specific
1452 proceeding and to appeals and ancillary proceedings thereto, and
1453 it shall not be required to state the names of the persons whose
1454 interests are to be represented.

1455
1456 The term "party" does not include a member government of a

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1457 regional water supply authority or a governmental or quasi-
 1458 judicial board or commission established by local ordinance or
 1459 special or general law where the governing membership of such
 1460 board or commission is shared with, in whole or in part, or
 1461 appointed by a member government of a regional water supply
 1462 authority in proceedings under s. 120.569, s. 120.57, or s.
 1463 120.68, to the extent that an interlocal agreement under ss.
 1464 163.01 and 373.717 ~~373.1962~~ exists in which the member
 1465 government has agreed that its substantial interests are not
 1466 affected by the proceedings or that it is to be bound by
 1467 alternative dispute resolution in lieu of participating in the
 1468 proceedings. This exclusion applies only to those particular
 1469 types of disputes or controversies, if any, identified in an
 1470 interlocal agreement.

1471 Section 4. Subsection (13) of section 163.3167, Florida
 1472 Statutes, is amended to read:

1473 163.3167 Scope of act.--

1474 (13) Each local government shall address in its
 1475 comprehensive plan, as enumerated in this chapter, the water
 1476 supply sources necessary to meet and achieve the existing and
 1477 projected water use demand for the established planning period,
 1478 considering the applicable plan developed pursuant to s. 373.713
 1479 ~~373.0361~~.

1480 Section 5. Paragraph (a) of subsection (4) and paragraphs
 1481 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
 1482 Statutes, are amended to read:

1483 163.3177 Required and optional elements of comprehensive
 1484 plan; studies and surveys.--

1485 (4) (a) Coordination of the local comprehensive plan with
 1486 the comprehensive plans of adjacent municipalities, the county,
 1487 adjacent counties, or the region; with the appropriate water
 1488 management district's regional water supply plans approved
 1489 pursuant to s. 373.713 ~~373.0361~~; with adopted rules pertaining
 1490 to designated areas of critical state concern; and with the
 1491 state comprehensive plan shall be a major objective of the local
 1492 comprehensive planning process. To that end, in the preparation
 1493 of a comprehensive plan or element thereof, and in the
 1494 comprehensive plan or element as adopted, the governing body
 1495 shall include a specific policy statement indicating the
 1496 relationship of the proposed development of the area to the
 1497 comprehensive plans of adjacent municipalities, the county,
 1498 adjacent counties, or the region and to the state comprehensive
 1499 plan, as the case may require and as such adopted plans or plans
 1500 in preparation may exist.

1501 (6) In addition to the requirements of subsections (1)-(5)
 1502 and (12), the comprehensive plan shall include the following
 1503 elements:

1504 (c) A general sanitary sewer, solid waste, drainage,
 1505 potable water, and natural groundwater aquifer recharge element
 1506 correlated to principles and guidelines for future land use,
 1507 indicating ways to provide for future potable water, drainage,
 1508 sanitary sewer, solid waste, and aquifer recharge protection
 1509 requirements for the area. The element may be a detailed
 1510 engineering plan including a topographic map depicting areas of
 1511 prime groundwater recharge. The element shall describe the
 1512 problems and needs and the general facilities that will be

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1513 required for solution of the problems and needs. The element
1514 shall also include a topographic map depicting any areas adopted
1515 by a regional water management district as prime groundwater
1516 recharge areas for the Floridan or Biscayne aquifers, pursuant
1517 to s. 373.0397. These areas shall be given special consideration
1518 when the local government is engaged in zoning or considering
1519 future land use for said designated areas. For areas served by
1520 septic tanks, soil surveys shall be provided which indicate the
1521 suitability of soils for septic tanks. Within 18 months after
1522 the governing board approves an updated regional water supply
1523 plan, the element must incorporate the alternative water supply
1524 project or projects selected by the local government from those
1525 identified in the regional water supply plan pursuant to s.
1526 373.713 ~~373.0361(2)(a)~~ or proposed by the local government under
1527 s. 373.713 ~~373.0361(7)(b)~~. If a local government is located
1528 within two water management districts, the local government
1529 shall adopt its comprehensive plan amendment within 18 months
1530 after the later updated regional water supply plan. The element
1531 must identify such alternative water supply projects and
1532 traditional water supply projects and conservation and reuse
1533 necessary to meet the water needs identified in s. 373.713
1534 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1535 include a work plan, covering at least a 10 year planning
1536 period, for building public, private, and regional water supply
1537 facilities, including development of alternative water supplies,
1538 which are identified in the element as necessary to serve
1539 existing and new development. The work plan shall be updated, at
1540 a minimum, every 5 years within 18 months after the governing

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1541 board of a water management district approves an updated
 1542 regional water supply plan. Amendments to incorporate the work
 1543 plan do not count toward the limitation on the frequency of
 1544 adoption of amendments to the comprehensive plan. Local
 1545 governments, public and private utilities, regional water supply
 1546 authorities, special districts, and water management districts
 1547 are encouraged to cooperatively plan for the development of
 1548 multijurisdictional water supply facilities that are sufficient
 1549 to meet projected demands for established planning periods,
 1550 including the development of alternative water sources to
 1551 supplement traditional sources of groundwater and surface water
 1552 supplies.

1553 (d) A conservation element for the conservation, use, and
 1554 protection of natural resources in the area, including air,
 1555 water, water recharge areas, wetlands, waterwells, estuarine
 1556 marshes, soils, beaches, shores, flood plains, rivers, bays,
 1557 lakes, harbors, forests, fisheries and wildlife, marine habitat,
 1558 minerals, and other natural and environmental resources,
 1559 including factors that affect energy conservation. Local
 1560 governments shall assess their current, as well as projected,
 1561 water needs and sources for at least a 10-year period,
 1562 considering the appropriate regional water supply plan approved
 1563 pursuant to s. 373.713 ~~373.0361~~, or, in the absence of an
 1564 approved regional water supply plan, the district water supply
 1565 ~~management~~ plan approved pursuant to s. 373.707 ~~373.036(2)~~. This
 1566 information shall be submitted to the appropriate agencies. The
 1567 land use map or map series contained in the future land use
 1568 element shall generally identify and depict the following:

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- 1569 1. Existing and planned waterwells and cones of influence
 1570 where applicable.
- 1571 2. Beaches and shores, including estuarine systems.
- 1572 3. Rivers, bays, lakes, flood plains, and harbors.
- 1573 4. Wetlands.
- 1574 5. Minerals and soils.
- 1575 6. Energy conservation.

1576

1577 The land uses identified on such maps shall be consistent with
 1578 applicable state law and rules.

1579 (h)1. An intergovernmental coordination element showing
 1580 relationships and stating principles and guidelines to be used
 1581 in the accomplishment of coordination of the adopted
 1582 comprehensive plan with the plans of school boards, regional
 1583 water supply authorities, and other units of local government
 1584 providing services but not having regulatory authority over the
 1585 use of land, with the comprehensive plans of adjacent
 1586 municipalities, the county, adjacent counties, or the region,
 1587 with the state comprehensive plan and with the applicable
 1588 regional water supply plan approved pursuant to s. 373.713
 1589 ~~373.0361~~, as the case may require and as such adopted plans or
 1590 plans in preparation may exist. This element of the local
 1591 comprehensive plan shall demonstrate consideration of the
 1592 particular effects of the local plan, when adopted, upon the
 1593 development of adjacent municipalities, the county, adjacent
 1594 counties, or the region, or upon the state comprehensive plan,
 1595 as the case may require.

1596 a. The intergovernmental coordination element shall

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1597 provide for procedures to identify and implement joint planning
 1598 areas, especially for the purpose of annexation, municipal
 1599 incorporation, and joint infrastructure service areas.

1600 b. The intergovernmental coordination element shall
 1601 provide for recognition of campus master plans prepared pursuant
 1602 to s. 1013.30.

1603 c. The intergovernmental coordination element may provide
 1604 for a voluntary dispute resolution process as established
 1605 pursuant to s. 186.509 for bringing to closure in a timely
 1606 manner intergovernmental disputes. A local government may
 1607 develop and use an alternative local dispute resolution process
 1608 for this purpose.

1609 2. The intergovernmental coordination element shall
 1610 further state principles and guidelines to be used in the
 1611 accomplishment of coordination of the adopted comprehensive plan
 1612 with the plans of school boards and other units of local
 1613 government providing facilities and services but not having
 1614 regulatory authority over the use of land. In addition, the
 1615 intergovernmental coordination element shall describe joint
 1616 processes for collaborative planning and decisionmaking on
 1617 population projections and public school siting, the location
 1618 and extension of public facilities subject to concurrency, and
 1619 siting facilities with countywide significance, including
 1620 locally unwanted land uses whose nature and identity are
 1621 established in an agreement. Within 1 year of adopting their
 1622 intergovernmental coordination elements, each county, all the
 1623 municipalities within that county, the district school board,
 1624 and any unit of local government service providers in that

1625 county shall establish by interlocal or other formal agreement
 1626 executed by all affected entities, the joint processes described
 1627 in this subparagraph consistent with their adopted
 1628 intergovernmental coordination elements.

1629 3. To foster coordination between special districts and
 1630 local general-purpose governments as local general-purpose
 1631 governments implement local comprehensive plans, each
 1632 independent special district must submit a public facilities
 1633 report to the appropriate local government as required by s.
 1634 189.415.

1635 4.a. Local governments must execute an interlocal
 1636 agreement with the district school board, the county, and
 1637 nonexempt municipalities pursuant to s. 163.31777. The local
 1638 government shall amend the intergovernmental coordination
 1639 element to provide that coordination between the local
 1640 government and school board is pursuant to the agreement and
 1641 shall state the obligations of the local government under the
 1642 agreement.

1643 b. Plan amendments that comply with this subparagraph are
 1644 exempt from the provisions of s. 163.3187(1).

1645 5. The state land planning agency shall establish a
 1646 schedule for phased completion and transmittal of plan
 1647 amendments to implement subparagraphs 1., 2., and 3. from all
 1648 jurisdictions so as to accomplish their adoption by December 31,
 1649 1999. A local government may complete and transmit its plan
 1650 amendments to carry out these provisions prior to the scheduled
 1651 date established by the state land planning agency. The plan
 1652 amendments are exempt from the provisions of s. 163.3187(1).

1653 6. By January 1, 2004, any county having a population
 1654 greater than 100,000, and the municipalities and special
 1655 districts within that county, shall submit a report to the
 1656 Department of Community Affairs which:

1657 a. Identifies all existing or proposed interlocal service
 1658 delivery agreements regarding the following: education; sanitary
 1659 sewer; public safety; solid waste; drainage; potable water;
 1660 parks and recreation; and transportation facilities.

1661 b. Identifies any deficits or duplication in the provision
 1662 of services within its jurisdiction, whether capital or
 1663 operational. Upon request, the Department of Community Affairs
 1664 shall provide technical assistance to the local governments in
 1665 identifying deficits or duplication.

1666 7. Within 6 months after submission of the report, the
 1667 Department of Community Affairs shall, through the appropriate
 1668 regional planning council, coordinate a meeting of all local
 1669 governments within the regional planning area to discuss the
 1670 reports and potential strategies to remedy any identified
 1671 deficiencies or duplications.

1672 8. Each local government shall update its
 1673 intergovernmental coordination element based upon the findings
 1674 in the report submitted pursuant to subparagraph 6. The report
 1675 may be used as supporting data and analysis for the
 1676 intergovernmental coordination element.

1677 Section 6. Paragraph (1) of subsection (2) of section
 1678 163.3191, Florida Statutes, is amended to read:

1679 163.3191 Evaluation and appraisal of comprehensive plan.--
 1680 (2) The report shall present an evaluation and assessment

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1681 of the comprehensive plan and shall contain appropriate
 1682 statements to update the comprehensive plan, including, but not
 1683 limited to, words, maps, illustrations, or other media, related
 1684 to:

1685 (1) The extent to which the local government has been
 1686 successful in identifying alternative water supply projects and
 1687 traditional water supply projects, including conservation and
 1688 reuse, necessary to meet the water needs identified in s.

1689 373.713 ~~373.0361(2)(a)~~ within the local government's
 1690 jurisdiction. The report must evaluate the degree to which the
 1691 local government has implemented the work plan for building
 1692 public, private, and regional water supply facilities, including
 1693 development of alternative water supplies, identified in the
 1694 element as necessary to serve existing and new development.

1695 Section 7. Paragraph (n) of subsection (2) of section
 1696 186.009, Florida Statutes, is amended to read:

1697 186.009 Growth management portion of the state
 1698 comprehensive plan.--

1699 (2) The growth management portion of the state
 1700 comprehensive plan shall:

1701 (n) Set forth recommendations on how to integrate the
 1702 Florida water supply plan required by s. 373.707 ~~373.036~~ and
 1703 transportation plans required by chapter 339.

1704
 1705 The growth management portion of the state comprehensive plan
 1706 shall not include a land use map.

1707 Section 8. Paragraphs (c) and (d) of subsection (4) of
 1708 section 189.404, Florida Statutes, are amended to read:

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1709 | 189.404 Legislative intent for the creation of independent
 1710 | special districts; special act prohibitions; model elements and
 1711 | other requirements; general-purpose local government/Governor
 1712 | and Cabinet creation authorizations.--

1713 | (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 1714 | AUTHORIZATIONS.--Except as otherwise authorized by general law,
 1715 | only the Legislature may create independent special districts.

1716 | (c) The Governor and Cabinet may create an independent
 1717 | special district which shall be established by rule in
 1718 | accordance with s. 190.005 or as otherwise authorized in general
 1719 | law. The Governor and Cabinet may also approve the establishment
 1720 | of a charter for the creation of an independent special district
 1721 | which shall be in accordance with s. 373.717 ~~373.1962~~, or as
 1722 | otherwise authorized in general law.

1723 | (d)1. Any combination of two or more counties may create a
 1724 | regional special district which shall be established in
 1725 | accordance with s. 950.001, or as otherwise authorized in
 1726 | general law.

1727 | 2. Any combination of two or more counties or
 1728 | municipalities may create a regional special district which
 1729 | shall be established in accordance with s. 373.717 ~~373.1962~~, or
 1730 | as otherwise authorized by general law.

1731 | 3. Any combination of two or more counties,
 1732 | municipalities, or other political subdivisions may create a
 1733 | regional special district in accordance with s. 163.567, or as
 1734 | otherwise authorized in general law.

1735 | Section 9. Subsection (3) of section 189.4155, Florida
 1736 | Statutes, is amended to read:

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1737 189.4155 Activities of special districts; local government
 1738 comprehensive planning.--

1739 (3) The provisions of this section shall not apply to
 1740 water management districts created pursuant to s. 373.069, to
 1741 regional water supply authorities created pursuant to s. 373.717
 1742 ~~373.1962~~, or to spoil disposal sites owned or used by the
 1743 Federal Government.

1744 Section 10. Section 189.4156, Florida Statutes, is amended
 1745 to read:

1746 189.4156 Water management district technical assistance;
 1747 local government comprehensive planning.--Water management
 1748 districts shall assist local governments in the development of
 1749 local government comprehensive plan elements related to water
 1750 resource issues as required by s. 373.715 ~~373.0391~~.

1751 Section 11. Subsection (7) of section 367.021, Florida
 1752 Statutes, is amended to read:

1753 367.021 Definitions.--As used in this chapter, the
 1754 following words or terms shall have the meanings indicated:

1755 (7) "Governmental authority" means a political
 1756 subdivision, as defined by s. 1.01(8), a regional water supply
 1757 authority created pursuant to s. 373.717 ~~373.1962~~, or a
 1758 nonprofit corporation formed for the purpose of acting on behalf
 1759 of a political subdivision with respect to a water or wastewater
 1760 facility.

1761 Section 12. Subsections (4), (5), and (6) of section
 1762 373.016, Florida Statutes, are amended to read:

1763 373.016 Declaration of policy.--

1764 ~~(4)(a) Because water constitutes a public resource~~

1765 ~~benefiting the entire state, it is the policy of the Legislature~~
 1766 ~~that the waters in the state be managed on a state and regional~~
 1767 ~~basis. Consistent with this directive, the Legislature~~
 1768 ~~recognizes the need to allocate water throughout the state so as~~
 1769 ~~to meet all reasonable beneficial uses. However, the Legislature~~
 1770 ~~acknowledges that such allocations have in the past adversely~~
 1771 ~~affected the water resources of certain areas in this state. To~~
 1772 ~~protect such water resources and to meet the current and future~~
 1773 ~~needs of those areas with abundant water, the Legislature~~
 1774 ~~directs the department and the water management districts to~~
 1775 ~~encourage the use of water from sources nearest the area of use~~
 1776 ~~or application whenever practicable. Such sources shall include~~
 1777 ~~all naturally occurring water sources and all alternative water~~
 1778 ~~sources, including, but not limited to, desalination,~~
 1779 ~~conservation, reuse of nonpotable reclaimed water and~~
 1780 ~~stormwater, and aquifer storage and recovery. Reuse of potable~~
 1781 ~~reclaimed water and stormwater shall not be subject to the~~
 1782 ~~evaluation described in s. 373.223(3)(a)-(g). However, this~~
 1783 ~~directive to encourage the use of water, whenever practicable,~~
 1784 ~~from sources nearest the area of use or application shall not~~
 1785 ~~apply to the transport and direct and indirect use of water~~
 1786 ~~within the area encompassed by the Central and Southern Florida~~
 1787 ~~Flood Control Project, nor shall it apply anywhere in the state~~
 1788 ~~to the transport and use of water supplied exclusively for~~
 1789 ~~bottled water as defined in s. 500.03(1)(d), nor shall it apply~~
 1790 ~~to the transport and use of reclaimed water for electrical power~~
 1791 ~~production by an electric utility as defined in section~~
 1792 ~~366.02(2).~~

1793 ~~(b) In establishing the policy outlined in paragraph (a),~~
 1794 ~~the Legislature realizes that under certain circumstances the~~
 1795 ~~need to transport water from distant sources may be necessary~~
 1796 ~~for environmental, technical, or economic reasons.~~

1797 (4)~~(5)~~ The Legislature recognizes that the water resource
 1798 problems of the state vary from region to region, both in
 1799 magnitude and complexity. It is therefore the intent of the
 1800 Legislature to vest in the Department of Environmental
 1801 Protection or its successor agency the power and responsibility
 1802 to accomplish the conservation, protection, management, and
 1803 control of the waters of the state and with sufficient
 1804 flexibility and discretion to accomplish these ends through
 1805 delegation of appropriate powers to the various water management
 1806 districts. The department may exercise any power herein
 1807 authorized to be exercised by a water management district;
 1808 however, to the greatest extent practicable, such power should
 1809 be delegated to the governing board of a water management
 1810 district.

1811 (5)~~(6)~~ It is further declared the policy of the
 1812 Legislature that each water management district, to the extent
 1813 consistent with effective management practices, shall
 1814 approximate its fiscal and budget policies and procedures to
 1815 those of the state.

1816 Section 13. Section 373.019, Florida Statutes, is amended
 1817 to read:

1818 373.019 Definitions.--When appearing in this chapter or in
 1819 any rule, regulation, or order adopted pursuant thereto, the
 1820 term:

1821 ~~(1) "Alternative water supplies" means salt water;~~
 1822 ~~brackish surface and groundwater; surface water captured~~
 1823 ~~predominately during wet-weather flows; sources made available~~
 1824 ~~through the addition of new storage capacity for surface or~~
 1825 ~~groundwater, water that has been reclaimed after one or more~~
 1826 ~~public supply, municipal, industrial, commercial, or~~
 1827 ~~agricultural uses; the downstream augmentation of water bodies~~
 1828 ~~with reclaimed water; stormwater; and any other water supply~~
 1829 ~~source that is designated as nontraditional for a water supply~~
 1830 ~~planning region in the applicable regional water supply plan.~~

1831 ~~(2) "Capital costs" means planning, design, engineering,~~
 1832 ~~and project construction costs.~~

1833 (1)~~(3)~~ "Coastal waters" means waters of the Atlantic Ocean
 1834 or the Gulf of Mexico within the jurisdiction of the state.

1835 (2)~~(4)~~ "Department" means the Department of Environmental
 1836 Protection or its successor agency or agencies.

1837 (3)~~(5)~~ "District water management plan" means the regional
 1838 water resource plan developed by a governing board under s.
 1839 373.036.

1840 (4)~~(6)~~ "Domestic use" means the use of water for the
 1841 individual personal household purposes of drinking, bathing,
 1842 cooking, or sanitation. All other uses shall not be considered
 1843 domestic.

1844 (5)~~(7)~~ "Florida water plan" means the state-level water
 1845 resource plan developed by the department under s. 373.036.

1846 (6)~~(8)~~ "Governing board" means the governing board of a
 1847 water management district.

1848 (7)~~(9)~~ "Groundwater" means water beneath the surface of

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1849 the ground, whether or not flowing through known and definite
1850 channels.

1851 (8)~~(10)~~ "Impoundment" means any lake, reservoir, pond, or
1852 other containment of surface water occupying a bed or depression
1853 in the earth's surface and having a discernible shoreline.

1854 (9)~~(11)~~ "Independent scientific peer review" means the
1855 review of scientific data, theories, and methodologies by a
1856 panel of independent, recognized experts in the fields of
1857 hydrology, hydrogeology, limnology, and other scientific
1858 disciplines relevant to the matters being reviewed under s.
1859 373.042.

1860 ~~(12) "Multijurisdictional water supply entity" means two~~
1861 ~~or more water utilities or local governments that have organized~~
1862 ~~into a larger entity, or entered into an interlocal agreement or~~
1863 ~~contract, for the purpose of more efficiently pursuing water~~
1864 ~~supply development or alternative water supply development~~
1865 ~~projects listed pursuant to a regional water supply plan.~~

1866 (10)~~(13)~~ "Nonregulated use" means any use of water which
1867 is exempted from regulation by the provisions of this chapter.

1868 (11)~~(14)~~ "Other watercourse" means any canal, ditch, or
1869 other artificial watercourse in which water usually flows in a
1870 defined bed or channel. It is not essential that the flowing be
1871 uniform or uninterrupted.

1872 (12)~~(15)~~ "Person" means any and all persons, natural or
1873 artificial, including any individual, firm, association,
1874 organization, partnership, business trust, corporation, company,
1875 the United States of America, and the state and all political
1876 subdivisions, regions, districts, municipalities, and public

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1877 agencies thereof. The enumeration herein is not intended to be
1878 exclusive or exhaustive.

1879 (13)~~(16)~~ "Reasonable-beneficial use" means the use of
1880 water in such quantity as is necessary for economic and
1881 efficient utilization for a purpose and in a manner which is
1882 both reasonable and consistent with the public interest.

1883 ~~(17) "Regional water supply plan" means a detailed water~~
1884 ~~supply plan developed by a governing board under s. 373.0361.~~

1885 (14)~~(18)~~ "Stream" means any river, creek, slough, or
1886 natural watercourse in which water usually flows in a defined
1887 bed or channel. It is not essential that the flowing be uniform
1888 or uninterrupted. The fact that some part of the bed or channel
1889 has been dredged or improved does not prevent the watercourse
1890 from being a stream.

1891 (15)~~(19)~~ "Surface water" means water upon the surface of
1892 the earth, whether contained in bounds created naturally or
1893 artificially or diffused. Water from natural springs shall be
1894 classified as surface water when it exits from the spring onto
1895 the earth's surface.

1896 (16)~~(20)~~ "Water" or "waters in the state" means any and
1897 all water on or beneath the surface of the ground or in the
1898 atmosphere, including natural or artificial watercourses, lakes,
1899 ponds, or diffused surface water and water percolating,
1900 standing, or flowing beneath the surface of the ground, as well
1901 as all coastal waters within the jurisdiction of the state.

1902 (17)~~(21)~~ "Water management district" means any flood
1903 control, resource management, or water management district
1904 operating under the authority of this chapter.

1905 ~~(22) "Water resource development" means the formulation~~
 1906 ~~and implementation of regional water resource management~~
 1907 ~~strategies, including the collection and evaluation of surface~~
 1908 ~~water and groundwater data; structural and nonstructural~~
 1909 ~~programs to protect and manage water resources; the development~~
 1910 ~~of regional water resource implementation programs; the~~
 1911 ~~construction, operation, and maintenance of major public works~~
 1912 ~~facilities to provide for flood control, surface and underground~~
 1913 ~~water storage, and groundwater recharge augmentation; and~~
 1914 ~~related technical assistance to local governments and to~~
 1915 ~~government-owned and privately owned water utilities.~~

1916 (18)~~(23)~~ "Water resource implementation rule" means the
 1917 rule authorized by s. 373.036, which sets forth goals,
 1918 objectives, and guidance for the development and review of
 1919 programs, rules, and plans relating to water resources, based on
 1920 statutory policies and directives. The waters of the state are
 1921 among its most basic resources. Such waters should be managed to
 1922 conserve and protect water resources and to realize the full
 1923 beneficial use of these resources.

1924 ~~(24) "Water supply development" means the planning,~~
 1925 ~~design, construction, operation, and maintenance of public or~~
 1926 ~~private facilities for water collection, production, treatment,~~
 1927 ~~transmission, or distribution for sale, resale, or end use.~~

1928 (19)~~(25)~~ For the sole purpose of serving as the basis for
 1929 the unified statewide methodology adopted pursuant to s.
 1930 373.421(1), ~~as amended,~~ "wetlands" means those areas that are
 1931 inundated or saturated by surface water or groundwater at a
 1932 frequency and a duration sufficient to support, and under normal

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1933 | circumstances do support, a prevalence of vegetation typically
 1934 | adapted for life in saturated soils. Soils present in wetlands
 1935 | generally are classified as hydric or alluvial, or possess
 1936 | characteristics that are associated with reducing soil
 1937 | conditions. The prevalent vegetation in wetlands generally
 1938 | consists of facultative or obligate hydrophytic macrophytes that
 1939 | are typically adapted to areas having soil conditions described
 1940 | above. These species, due to morphological, physiological, or
 1941 | reproductive adaptations, have the ability to grow, reproduce,
 1942 | or persist in aquatic environments or anaerobic soil conditions.
 1943 | Florida wetlands generally include swamps, marshes, bayheads,
 1944 | bogs, cypress domes and strands, sloughs, wet prairies, riverine
 1945 | swamps and marshes, hydric seepage slopes, tidal marshes,
 1946 | mangrove swamps and other similar areas. Florida wetlands
 1947 | generally do not include longleaf or slash pine flatwoods with
 1948 | an understory dominated by saw palmetto. Upon legislative
 1949 | ratification of the methodology adopted pursuant to s.
 1950 | 373.421(1), ~~as amended,~~ the limitation contained herein
 1951 | regarding the purpose of this definition shall cease to be
 1952 | effective.

1953 | (20) ~~(26)~~ "Works of the district" means those projects and
 1954 | works, including, but not limited to, structures, impoundments,
 1955 | wells, streams, and other watercourses, together with the
 1956 | appurtenant facilities and accompanying lands, which have been
 1957 | officially adopted by the governing board of the district as
 1958 | works of the district.

1959 | Section 14. Paragraph (b) of subsection (8) of section
 1960 | 373.026, Florida Statutes, is amended to read:

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1961 373.026 General powers and duties of the department.--The
 1962 department, or its successor agency, shall be responsible for
 1963 the administration of this chapter at the state level. However,
 1964 it is the policy of the state that, to the greatest extent
 1965 possible, the department may enter into interagency or
 1966 interlocal agreements with any other state agency, any water
 1967 management district, or any local government conducting programs
 1968 related to or materially affecting the water resources of the
 1969 state. All such agreements shall be subject to the provisions of
 1970 s. 373.046. In addition to its other powers and duties, the
 1971 department shall, to the greatest extent possible:

1972 (8)

1973 (b) To ensure to the greatest extent possible that project
 1974 components will go forward as planned, the department shall
 1975 collaborate with the South Florida Water Management District in
 1976 implementing the comprehensive plan as defined in s.

1977 373.470(2)(b), the Lake Okeechobee Watershed Protection Plan as
 1978 defined in s. 373.4595(2), and the River Watershed Protection
 1979 Plans as defined in s. 373.4595(2). Before any project component
 1980 is submitted to Congress for authorization or receives an
 1981 appropriation of state funds, the department must approve, or
 1982 approve with amendments, each project component within 60 days
 1983 following formal submittal of the project component to the
 1984 department. Prior to the release of state funds for the
 1985 implementation of the comprehensive plan, department approval
 1986 shall be based upon a determination of the South Florida Water
 1987 Management District's compliance with s. 373.1501(5). Once a
 1988 project component is approved, the South Florida Water

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1989 Management District shall provide to the Joint Legislative
 1990 Committee on Everglades Oversight a schedule for implementing
 1991 the project component, the estimated total cost of the project
 1992 component, any existing federal or nonfederal credits, the
 1993 estimated remaining federal and nonfederal share of costs, and
 1994 an estimate of the amount of state funds that will be needed to
 1995 implement the project component. All requests for an
 1996 appropriation of state funds needed to implement the project
 1997 component shall be submitted to the department, and such
 1998 requests shall be included in the department's annual request to
 1999 the Governor. Prior to the release of state funds for the
 2000 implementation of the Lake Okeechobee Watershed Protection Plan
 2001 or the River Watershed Protection Plans, on an annual basis, the
 2002 South Florida Water Management District shall prepare an annual
 2003 work plan as part of the consolidated annual report required in
 2004 s. 373.036(5)~~(7)~~. Upon a determination by the secretary of the
 2005 annual work plan's consistency with the goals and objectives of
 2006 s. 373.4595, the secretary may approve the release of state
 2007 funds. Any modifications to the annual work plan shall be
 2008 submitted to the secretary for review and approval.

2009 Section 15. Section 373.036, Florida Statutes, is amended
 2010 to read:

2011 373.036 Florida water plan; district water management
 2012 plans.--

2013 (1) FLORIDA WATER PLAN.--In cooperation with the water
 2014 management districts, regional water supply authorities, and
 2015 others, the department shall develop the Florida water plan. The
 2016 Florida water plan shall include, but not be limited to:

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2017 (a) The programs and activities of the department related
 2018 to water supply, water quality, flood protection and floodplain
 2019 management, and natural systems.

2020 (b) The Florida water supply plan.

2021 (c)~~(b)~~ The water quality standards of the department.

2022 (d)~~(e)~~ The district water management plans.

2023 (e)~~(d)~~ Goals, objectives, and guidance for the development
 2024 and review of programs, rules, and plans relating to water
 2025 resources, based on statutory policies and directives. The state
 2026 water policy rule, renamed the water resource implementation
 2027 rule pursuant to s. 373.019(18)~~(23)~~, shall serve as this part of
 2028 the plan. Amendments or additions to this part of the Florida
 2029 water plan shall be adopted by the department as part of the
 2030 water resource implementation rule. In accordance with s.
 2031 373.114, the department shall review rules of the water
 2032 management districts for consistency with this rule. Amendments
 2033 to the water resource implementation rule must be adopted by the
 2034 secretary of the department and be submitted to the President of
 2035 the Senate and the Speaker of the House of Representatives
 2036 within 7 days after publication in the Florida Administrative
 2037 Weekly. Amendments shall not become effective until the
 2038 conclusion of the next regular session of the Legislature
 2039 following their adoption.

2040 (2) DISTRICT WATER MANAGEMENT PLANS.--

2041 (a) Each governing board shall develop a district water
 2042 management plan for water resources within its region, which
 2043 plan addresses water supply, water quality, flood protection and
 2044 floodplain management, and natural systems. The district water

2045 management plan shall be based on at least a 20-year planning
 2046 period, shall be developed and revised in cooperation with other
 2047 agencies, regional water supply authorities, units of
 2048 government, and interested parties, and shall be updated at
 2049 least once every 5 years. The governing board shall hold a
 2050 public hearing at least 30 days in advance of completing the
 2051 development or revision of the district water management plan.

2052 (b) The district water management plan shall include, but
 2053 not be limited to:

2054 1. The district water supply plan.

2055 ~~2.1.~~ The scientific methodologies for establishing minimum
 2056 flows and levels under s. 373.042, and all established minimum
 2057 flows and levels.

2058 ~~2. Identification of one or more water supply planning~~
 2059 ~~regions that singly or together encompass the entire district.~~

2060 ~~3. Technical data and information prepared under s.~~
 2061 ~~373.0391.~~

2062 ~~4. A districtwide water supply assessment, to be completed~~
 2063 ~~no later than July 1, 1998, which determines for each water~~
 2064 ~~supply planning region:~~

2065 ~~a. Existing legal uses, reasonably anticipated future~~
 2066 ~~needs, and existing and reasonably anticipated sources of water~~
 2067 ~~and conservation efforts; and~~

2068 ~~b. Whether existing and reasonably anticipated sources of~~
 2069 ~~water and conservation efforts are adequate to supply water for~~
 2070 ~~all existing legal uses and reasonably anticipated future needs~~
 2071 ~~and to sustain the water resources and related natural systems.~~

2072 ~~5. Any completed regional water supply plans.~~

2073 (c) If necessary for implementation, the governing board
 2074 shall adopt by rule or order relevant portions of the district
 2075 water management plan, to the extent of its statutory authority.

2076 (d) In the formulation of the district water management
 2077 plan, the governing board shall give due consideration to:

2078 ~~1. The attainment of maximum reasonable beneficial use of~~
 2079 ~~water resources.~~

2080 ~~2. The maximum economic development of the water resources~~
 2081 ~~consistent with other uses.~~

2082 1.3. The management of water resources for such purposes
 2083 as environmental protection, drainage, flood control, and water
 2084 storage.

2085 ~~4. The quantity of water available for application to a~~
 2086 ~~reasonable beneficial use.~~

2087 ~~5. The prevention of wasteful, uneconomical, impractical,~~
 2088 ~~or unreasonable uses of water resources.~~

2089 ~~6. Presently exercised domestic use and permit rights.~~

2090 2.7. The preservation and enhancement of the water quality
 2091 of the state.

2092 3.8. The state water resources policy as expressed by this
 2093 chapter.

2094 (e) At its option, a governing board may substitute an
 2095 annual strategic plan for the requirement to develop a district
 2096 water management plan and the district water management plan
 2097 annual report required by subparagraph (5)~~(7)~~(b)1., provided
 2098 that nothing herein affects any other provision or requirement
 2099 of law concerning the completion of the regional water supply
 2100 plan and the strategic plan meets the following minimum

2101 requirements:

2102 1. The strategic plan establishes the water management
2103 district's strategic priorities for at least a future 5-year
2104 period.

2105 2. The strategic plan identifies the goals, strategies,
2106 success indicators, funding sources, deliverables, and
2107 milestones to accomplish the strategic priorities.

2108 3. The strategic plan development process includes at
2109 least one publicly noticed meeting to allow public participation
2110 in its development.

2111 4. The strategic plan includes separately, as an addendum,
2112 an annual work plan report on the implementation of the
2113 strategic plan for the previous fiscal year, addressing success
2114 indicators, deliverables, and milestones.

2115 (3) OBJECTIVES.--The department and governing board shall
2116 give careful consideration to the requirements of public
2117 recreation and to the protection and procreation of fish and
2118 wildlife. The department or governing board may prohibit or
2119 restrict other future uses on certain designated bodies of water
2120 which may be inconsistent with these objectives.

2121 ~~(4) The governing board may designate certain uses in~~
2122 ~~connection with a particular source of supply which, because of~~
2123 ~~the nature of the activity or the amount of water required,~~
2124 ~~would constitute an undesirable use for which the governing~~
2125 ~~board may deny a permit.~~

2126 ~~(5) The governing board may designate certain uses in~~
2127 ~~connection with a particular source of supply which, because of~~
2128 ~~the nature of the activity or the amount of water required,~~

2129 ~~would result in an enhancement or improvement of the water~~
 2130 ~~resources of the area. Such uses shall be preferred over other~~
 2131 ~~uses in the event of competing applications under the permitting~~
 2132 ~~systems authorized by this chapter.~~

2133 (4)~~(6)~~ ADDITIONS TO FLORIDA WATER PLAN.--The department,
 2134 in cooperation with the Executive Office of the Governor, or its
 2135 successor agency, may add to the Florida water plan any other
 2136 information, directions, or objectives it deems necessary or
 2137 desirable for the guidance of the governing boards or other
 2138 agencies in the administration and enforcement of this chapter.

2139 (5)~~(7)~~ CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL
 2140 REPORT.--

2141 (a) By March 1, 2006, and annually thereafter, each water
 2142 management district shall prepare and submit to the department,
 2143 the Governor, the President of the Senate, and the Speaker of
 2144 the House of Representatives a consolidated water management
 2145 district annual report on the management of water resources. In
 2146 addition, copies must be provided by the water management
 2147 districts to the chairs of all legislative committees having
 2148 substantive or fiscal jurisdiction over the districts and the
 2149 governing board of each county in the district having
 2150 jurisdiction or deriving any funds for operations of the
 2151 district. Copies of the consolidated annual report must be made
 2152 available to the public, either in printed or electronic format.

2153 (b) The consolidated annual report shall contain the
 2154 following elements, as appropriate to that water management
 2155 district:

2156 1. A district water management plan annual report or the

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2157 | annual work plan report allowed in subparagraph (2)(e)4.
 2158 | 2. The department-approved minimum flows and levels annual
 2159 | priority list and schedule required by s. 373.042(2).
 2160 | 3. The annual 5-year capital improvements plan required by
 2161 | s. 373.536(6)(a)3.
 2162 | 4. The alternative water supplies annual report required
 2163 | by s. 373.711(8)(n) ~~373.1961(3)(n)~~.
 2164 | 5. The final annual 5-year water resource development work
 2165 | program required by s. 373.536(6)(a)4.
 2166 | 6. The Florida Forever Water Management District Work Plan
 2167 | annual report required by s. 373.199(7).
 2168 | 7. The mitigation donation annual report required by s.
 2169 | 373.414(1)(b)2.
 2170 | (c) Each of the elements listed in paragraph (b) is to be
 2171 | addressed in a separate chapter or section within the
 2172 | consolidated annual report, although information common to more
 2173 | than one of these elements may be consolidated as deemed
 2174 | appropriate by the individual water management district.
 2175 | (d) Each water management district may include in the
 2176 | consolidated annual report such additional information on the
 2177 | status or management of water resources within the district as
 2178 | it deems appropriate.
 2179 | (e) In addition to the elements specified in paragraph
 2180 | (b), the South Florida Water Management District shall include
 2181 | in the consolidated annual report the following elements:
 2182 | 1. The Lake Okeechobee Protection Program annual progress
 2183 | report required by s. 373.4595 (6) ~~(3)~~ ~~(g)~~.
 2184 | 2. The Everglades annual progress reports specified in s.

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2185 373.4592(4)(d)5., (13), and (14).

2186 3. The Everglades restoration annual report required by s.
2187 373.470(7).

2188 4. The Everglades Forever Act annual implementation report
2189 required by s. 11.80(4).

2190 5. The Everglades Trust Fund annual expenditure report
2191 required by s. 373.45926(3).

2192 Section 16. Subsection (2) of section 373.042, Florida
2193 Statutes, is amended to read:

2194 373.042 Minimum flows and levels.--

2195 (2) By November 15, 1997, and annually thereafter, each
2196 water management district shall submit to the department for
2197 review and approval a priority list and schedule for the
2198 establishment of minimum flows and levels for surface
2199 watercourses, aquifers, and surface waters within the district.
2200 The priority list shall also identify those water bodies for
2201 which the district will voluntarily undertake independent
2202 scientific peer review. By March 1, 2006, and annually
2203 thereafter, each water management district shall include its
2204 approved priority list and schedule in the consolidated annual
2205 report required by s. 373.036(5)~~(7)~~. The priority list shall be
2206 based upon the importance of the waters to the state or region
2207 and the existence of or potential for significant harm to the
2208 water resources or ecology of the state or region, and shall
2209 include those waters which are experiencing or may reasonably be
2210 expected to experience adverse impacts. Each water management
2211 district's priority list and schedule shall include all first
2212 magnitude springs, and all second magnitude springs within state

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2213 or federally owned lands purchased for conservation purposes.
 2214 The specific schedule for establishment of spring minimum flows
 2215 and levels shall be commensurate with the existing or potential
 2216 threat to spring flow from consumptive uses. Springs within the
 2217 Suwannee River Water Management District, or second magnitude
 2218 springs in other areas of the state, need not be included on the
 2219 priority list if the water management district submits a report
 2220 to the Department of Environmental Protection demonstrating that
 2221 adverse impacts are not now occurring nor are reasonably
 2222 expected to occur from consumptive uses during the next 20
 2223 years. The priority list and schedule shall not be subject to
 2224 any proceeding pursuant to chapter 120. Except as provided in
 2225 subsection (3), the development of a priority list and
 2226 compliance with the schedule for the establishment of minimum
 2227 flows and levels pursuant to this subsection shall satisfy the
 2228 requirements of subsection (1).

2229 Section 17. Subsection (2) of section 373.0421, Florida
 2230 Statutes, is amended to read:

2231 373.0421 Establishment and implementation of minimum flows
 2232 and levels.--

2233 (2) If the existing flow or level in a water body is
 2234 below, or is projected to fall within 20 years below, the
 2235 applicable minimum flow or level established pursuant to s.
 2236 373.042, the department or governing board, as part of the
 2237 regional water supply plan described in s. 373.713 ~~373.0361~~,
 2238 shall expeditiously implement a recovery or prevention strategy,
 2239 which includes the development of additional water supplies and
 2240 other actions, consistent with the authority granted by this

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2241 chapter, to:

2242 (a) Achieve recovery to the established minimum flow or
2243 level as soon as practicable; or

2244 (b) Prevent the existing flow or level from falling below
2245 the established minimum flow or level.

2246
2247 The recovery or prevention strategy shall include phasing or a
2248 timetable which will allow for the provision of sufficient water
2249 supplies for all existing and projected reasonable-beneficial
2250 uses, including development of additional water supplies and
2251 implementation of conservation and other efficiency measures
2252 concurrent with, to the extent practical, and to offset,
2253 reductions in permitted withdrawals, consistent with the
2254 provisions of this chapter.

2255 Section 18. Subsection (4) of section 373.0695, Florida
2256 Statutes, is amended to read:

2257 373.0695 Duties of basin boards; authorized
2258 expenditures.--

2259 (4) In the exercise of the duties and powers granted
2260 herein, the basin boards shall be subject to all the limitations
2261 and restrictions imposed on the water management districts in s.
2262 373.705 ~~373.1961~~.

2263 Section 19. Subsection (7) of section 373.199, Florida
2264 Statutes, is amended to read:

2265 373.199 Florida Forever Water Management District Work
2266 Plan.--

2267 (7) By June 1, 2001, each district shall file with the
2268 President of the Senate, the Speaker of the House of

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2269 Representatives, and the Secretary of Environmental Protection
 2270 the initial 5-year work plan as required under subsection (2).
 2271 By March 1 of each year thereafter, as part of the consolidated
 2272 annual report required by s. 373.036 (5) ~~(7)~~, each district shall
 2273 report on acquisitions completed during the year together with
 2274 modifications or additions to its 5-year work plan. Included in
 2275 the report shall be:

2276 (a) A description of land management activity for each
 2277 property or project area owned by the water management district.

2278 (b) A list of any lands surplused and the amount of
 2279 compensation received.

2280 (c) The progress of funding, staffing, and resource
 2281 management of every project funded pursuant to s. 259.101, s.
 2282 259.105, or s. 373.59 for which the district is responsible.

2283
 2284 The secretary shall submit the report referenced in this
 2285 subsection to the Board of Trustees of the Internal Improvement
 2286 Trust Fund together with the Acquisition and Restoration
 2287 Council's project list as required under s. 259.105.

2288 Section 20. Subsections (3) and (5) of section 373.223,
 2289 Florida Statutes, are amended to read:

2290 373.223 Conditions for a permit.--

2291 (3) Except for the transport and use of water supplied by
 2292 the Central and Southern Florida Flood Control Project, and
 2293 anywhere in the state when the transport and use of water is
 2294 supplied exclusively for bottled water as defined in s.

2295 500.03(1)(d), any water use permit applications pending as of
 2296 April 1, 1998, with the Northwest Florida Water Management

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2297 District and self-suppliers of water for which the proposed
2298 water source and area of use or application are located on
2299 contiguous private properties, when evaluating whether a
2300 potential transport and use of ground or surface water across
2301 county boundaries is consistent with the public interest,
2302 pursuant to paragraph (1)(c), the governing board or department
2303 shall consider:

2304 (a) The proximity of the proposed water source to the area
2305 of use or application.

2306 (b) All impoundments, streams, groundwater sources, or
2307 watercourses that are geographically closer to the area of use
2308 or application than the proposed source, and that are
2309 technically and economically feasible for the proposed transport
2310 and use.

2311 (c) All economically and technically feasible alternatives
2312 to the proposed source, including, but not limited to,
2313 desalination, conservation, reuse of nonpotable reclaimed water
2314 and stormwater, and aquifer storage and recovery.

2315 (d) The potential environmental impacts that may result
2316 from the transport and use of water from the proposed source,
2317 and the potential environmental impacts that may result from use
2318 of the other water sources identified in paragraphs (b) and (c).

2319 (e) Whether existing and reasonably anticipated sources of
2320 water and conservation efforts are adequate to supply water for
2321 existing legal uses and reasonably anticipated future needs of
2322 the water supply planning region in which the proposed water
2323 source is located.

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2324 (f) Consultations with local governments affected by the
 2325 proposed transport and use.

2326 (g) The value of the existing capital investment in water-
 2327 related infrastructure made by the applicant.

2328
 2329 Where districtwide water supply assessments and regional water
 2330 supply plans have been prepared pursuant to ss. 373.707 and
 2331 373.713 ~~373.036~~ and ~~373.0361~~, the governing board or the
 2332 department shall use the applicable plans and assessments as the
 2333 basis for its consideration of the applicable factors in this
 2334 subsection.

2335 (5) In evaluating an application for consumptive use of
 2336 water which proposes the use of an alternative water supply
 2337 project as described in the regional water supply plan and
 2338 provides reasonable assurances of the applicant's capability to
 2339 design, construct, operate, and maintain the project, the
 2340 governing board or department shall presume that the alternative
 2341 water supply use is consistent with the public interest under
 2342 paragraph (1)(c). However, where the governing board identifies
 2343 the need for a multijurisdictional water supply entity or
 2344 regional water supply authority to develop the alternative water
 2345 supply project pursuant to s. 373.713(2)(a)2. ~~373.0361(2)(a)2.~~,
 2346 the presumption shall be accorded only to that use proposed by
 2347 such entity or authority. This subsection does not effect
 2348 evaluation of the use pursuant to the provisions of paragraphs
 2349 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
 2350 373.233.

2351 Section 21. Section 373.2234, Florida Statutes, is amended

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2352 to read:

2353 373.2234 Preferred water supply sources.--The governing

2354 board of a water management district is authorized to adopt

2355 rules that identify preferred water supply sources for

2356 consumptive uses for which there is sufficient data to establish

2357 that a preferred source will provide a substantial new water

2358 supply to meet the existing and projected reasonable-beneficial

2359 uses of a water supply planning region identified pursuant to s.

2360 373.713(1) ~~373.0361(1)~~, while sustaining existing water

2361 resources and natural systems. At a minimum, such rules must

2362 contain a description of the preferred water supply source and

2363 an assessment of the water the preferred source is projected to

2364 produce. If an applicant proposes to use a preferred water

2365 supply source, that applicant's proposed water use is subject to

2366 s. 373.223(1), except that the proposed use of a preferred water

2367 supply source must be considered by a water management district

2368 when determining whether a permit applicant's proposed use of

2369 water is consistent with the public interest pursuant to s.

2370 373.223(1)(c). A consumptive use permit issued for the use of a

2371 preferred water supply source must be granted, when requested by

2372 the applicant, for at least a 20-year period and may be subject

2373 to the compliance reporting provisions of s. 373.236(4). Nothing

2374 in this section shall be construed to exempt the use of

2375 preferred water supply sources from the provisions of ss.

2376 373.701(3) ~~373.016(4)~~ and 373.223(2) and (3), or be construed to

2377 provide that permits issued for the use of a nonpreferred water

2378 supply source must be issued for a duration of less than 20

2379 years or that the use of a nonpreferred water supply source is

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2380 not consistent with the public interest. Additionally, nothing
 2381 in this section shall be interpreted to require the use of a
 2382 preferred water supply source or to restrict or prohibit the use
 2383 of a nonpreferred water supply source. Rules adopted by the
 2384 governing board of a water management district to implement this
 2385 section shall specify that the use of a preferred water supply
 2386 source is not required and that the use of a nonpreferred water
 2387 supply source is not restricted or prohibited.

2388 Section 22. Subsection (3) of section 373.229, Florida
 2389 Statutes, is amended to read:

2390 373.229 Application for permit.--

2391 (3) In addition to the information required in subsection
 2392 (1), all permit applications filed with the governing board or
 2393 the department which propose the transport and use of water
 2394 across county boundaries shall include information pertaining to
 2395 factors to be considered, pursuant to s. 373.223(3), unless
 2396 exempt under s. 373.717 ~~373.1962(9)~~.

2397 Section 23. Paragraph (b) of subsection (1) of section
 2398 373.414, Florida Statutes, is amended to read:

2399 373.414 Additional criteria for activities in surface
 2400 waters and wetlands.--

2401 (1) As part of an applicant's demonstration that an
 2402 activity regulated under this part will not be harmful to the
 2403 water resources or will not be inconsistent with the overall
 2404 objectives of the district, the governing board or the
 2405 department shall require the applicant to provide reasonable
 2406 assurance that state water quality standards applicable to
 2407 waters as defined in s. 403.031(13) will not be violated and

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2408 reasonable assurance that such activity in, on, or over surface
 2409 waters or wetlands, as delineated in s. 373.421(1), is not
 2410 contrary to the public interest. However, if such an activity
 2411 significantly degrades or is within an Outstanding Florida
 2412 Water, as provided by department rule, the applicant must
 2413 provide reasonable assurance that the proposed activity will be
 2414 clearly in the public interest.

2415 (b) If the applicant is unable to otherwise meet the
 2416 criteria set forth in this subsection, the governing board or
 2417 the department, in deciding to grant or deny a permit, shall
 2418 consider measures proposed by or acceptable to the applicant to
 2419 mitigate adverse effects that may be caused by the regulated
 2420 activity. Such measures may include, but are not limited to,
 2421 onsite mitigation, offsite mitigation, offsite regional
 2422 mitigation, and the purchase of mitigation credits from
 2423 mitigation banks permitted under s. 373.4136. It shall be the
 2424 responsibility of the applicant to choose the form of
 2425 mitigation. The mitigation must offset the adverse effects
 2426 caused by the regulated activity.

2427 1. The department or water management districts may accept
 2428 the donation of money as mitigation only where the donation is
 2429 specified for use in a duly noticed environmental creation,
 2430 preservation, enhancement, or restoration project, endorsed by
 2431 the department or the governing board of the water management
 2432 district, which offsets the impacts of the activity permitted
 2433 under this part. However, the provisions of this subsection
 2434 shall not apply to projects undertaken pursuant to s. 373.4137
 2435 or chapter 378. Where a permit is required under this part to

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2436 | implement any project endorsed by the department or a water
 2437 | management district, all necessary permits must have been issued
 2438 | prior to the acceptance of any cash donation. After the
 2439 | effective date of this act, when money is donated to either the
 2440 | department or a water management district to offset impacts
 2441 | authorized by a permit under this part, the department or the
 2442 | water management district shall accept only a donation that
 2443 | represents the full cost to the department or water management
 2444 | district of undertaking the project that is intended to mitigate
 2445 | the adverse impacts. The full cost shall include all direct and
 2446 | indirect costs, as applicable, such as those for land
 2447 | acquisition, land restoration or enhancement, perpetual land
 2448 | management, and general overhead consisting of costs such as
 2449 | staff time, building, and vehicles. The department or the water
 2450 | management district may use a multiplier or percentage to add to
 2451 | other direct or indirect costs to estimate general overhead.
 2452 | Mitigation credit for such a donation shall be given only to the
 2453 | extent that the donation covers the full cost to the agency of
 2454 | undertaking the project that is intended to mitigate the adverse
 2455 | impacts. However, nothing herein shall be construed to prevent
 2456 | the department or a water management district from accepting a
 2457 | donation representing a portion of a larger project, provided
 2458 | that the donation covers the full cost of that portion and
 2459 | mitigation credit is given only for that portion. The department
 2460 | or water management district may deviate from the full cost
 2461 | requirements of this subparagraph to resolve a proceeding
 2462 | brought pursuant to chapter 70 or a claim for inverse
 2463 | condemnation. Nothing in this section shall be construed to

2464 require the owner of a private mitigation bank, permitted under
 2465 s. 373.4136, to include the full cost of a mitigation credit in
 2466 the price of the credit to a purchaser of said credit.

2467 2. The department and each water management district shall
 2468 report by March 1 of each year, as part of the consolidated
 2469 annual report required by s. 373.036 (5) ~~(7)~~, all cash donations
 2470 accepted under subparagraph 1. during the preceding water
 2471 management district fiscal year for wetland mitigation purposes.
 2472 The report shall exclude those contributions pursuant to s.
 2473 373.4137. The report shall include a description of the endorsed
 2474 mitigation projects and, except for projects governed by s.
 2475 373.4135(6), shall address, as applicable, success criteria,
 2476 project implementation status and timeframe, monitoring, long-
 2477 term management, provisions for preservation, and full cost
 2478 accounting.

2479 3. If the applicant is unable to meet water quality
 2480 standards because existing ambient water quality does not meet
 2481 standards, the governing board or the department shall consider
 2482 mitigation measures proposed by or acceptable to the applicant
 2483 that cause net improvement of the water quality in the receiving
 2484 body of water for those parameters which do not meet standards.

2485 4. If mitigation requirements imposed by a local
 2486 government for surface water and wetland impacts of an activity
 2487 regulated under this part cannot be reconciled with mitigation
 2488 requirements approved under a permit for the same activity
 2489 issued under this part, including application of the uniform
 2490 wetland mitigation assessment method adopted pursuant to
 2491 subsection (18), the mitigation requirements for surface water

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2492 and wetland impacts shall be controlled by the permit issued
 2493 under this part.

2494 Section 24. Subsection (1) of section 373.421, Florida
 2495 Statutes, is amended to read:

2496 373.421 Delineation methods; formal determinations.--

2497 (1) The Environmental Regulation Commission shall adopt a
 2498 unified statewide methodology for the delineation of the extent
 2499 of wetlands as defined in s. 373.019 (19) ~~(25)~~. This methodology
 2500 shall consider regional differences in the types of soils and
 2501 vegetation that may serve as indicators of the extent of
 2502 wetlands. This methodology shall also include provisions for
 2503 determining the extent of surface waters other than wetlands for
 2504 the purposes of regulation under s. 373.414. This methodology
 2505 shall not become effective until ratified by the Legislature.
 2506 Subsequent to legislative ratification, the wetland definition
 2507 in s. 373.019 (19) ~~(25)~~ and the adopted wetland methodology shall
 2508 be binding on the department, the water management districts,
 2509 local governments, and any other governmental entities. Upon
 2510 ratification of such wetland methodology, the Legislature
 2511 preempts the authority of any water management district, state
 2512 or regional agency, or local government to define wetlands or
 2513 develop a delineation methodology to implement the definition
 2514 and determines that the exclusive definition and delineation
 2515 methodology for wetlands shall be that established pursuant to
 2516 s. 373.019 (19) ~~(25)~~ and this section. Upon such legislative
 2517 ratification, any existing wetlands definition or wetland
 2518 delineation methodology shall be superseded by the wetland
 2519 definition and delineation methodology established pursuant to

2520 this chapter. Subsequent to legislative ratification, a
 2521 delineation of the extent of a surface water or wetland by the
 2522 department or a water management district, pursuant to a formal
 2523 determination under subsection (2), or pursuant to a permit
 2524 issued under this part in which the delineation was field-
 2525 verified by the permitting agency and specifically approved in
 2526 the permit, shall be binding on all other governmental entities
 2527 for the duration of the formal determination or permit. All
 2528 existing rules and methodologies of the department, the water
 2529 management districts, and local governments, regarding surface
 2530 water or wetland definition and delineation shall remain in full
 2531 force and effect until the common methodology rule becomes
 2532 effective. However, this shall not be construed to limit any
 2533 power of the department, the water management districts, and
 2534 local governments to amend or adopt a surface water or wetland
 2535 definition or delineation methodology until the common
 2536 methodology rule becomes effective.

2537 Section 25. Paragraph (d) of subsection (4) and
 2538 subsections (13) and (14) of section 373.4592, Florida Statutes,
 2539 are amended to read:

2540 373.4592 Everglades improvement and management.--

2541 (4) EVERGLADES PROGRAM.--

2542 (d) Everglades research and monitoring program.--

2543 1. The department and the district shall review and
 2544 evaluate available water quality data for the Everglades
 2545 Protection Area and tributary waters and identify any additional
 2546 information necessary to adequately describe water quality in
 2547 the Everglades Protection Area and tributary waters. The

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2548 department and the district shall also initiate a research and
2549 monitoring program to generate such additional information
2550 identified and to evaluate the effectiveness of the BMPs and
2551 STAs, as they are implemented, in improving water quality and
2552 maintaining designated and existing beneficial uses of the
2553 Everglades Protection Area and tributary waters. As part of the
2554 program, the district shall monitor all discharges into the
2555 Everglades Protection Area for purposes of determining
2556 compliance with state water quality standards.

2557 2. The research and monitoring program shall evaluate the
2558 ecological and hydrological needs of the Everglades Protection
2559 Area, including the minimum flows and levels. Consistent with
2560 such needs, the program shall also evaluate water quality
2561 standards for the Everglades Protection Area and for the canals
2562 of the EAA, so that these canals can be classified in the manner
2563 set forth in paragraph (e) and protected as an integral part of
2564 the water management system which includes the STAs of the
2565 Everglades Construction Project and allows landowners in the EAA
2566 to achieve applicable water quality standards compliance by BMPs
2567 and STA treatment to the extent this treatment is available and
2568 effective.

2569 3. The research and monitoring program shall include
2570 research seeking to optimize the design and operation of the
2571 STAs, including research to reduce outflow concentrations, and
2572 to identify other treatment and management methods and
2573 regulatory programs that are superior to STAs in achieving the
2574 intent and purposes of this section.

2575 4. The research and monitoring program shall be conducted

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2576 to allow the department to propose a phosphorus criterion in the
 2577 Everglades Protection Area, and to evaluate existing state water
 2578 quality standards applicable to the Everglades Protection Area
 2579 and existing state water quality standards and classifications
 2580 applicable to the EAA canals. In developing the phosphorus
 2581 criterion, the department shall also consider the minimum flows
 2582 and levels for the Everglades Protection Area and the district's
 2583 water supply plans for the Lower East Coast.

2584 5. Beginning March 1, 2006, as part of the consolidated
 2585 annual report required by s. 373.036 (5) ~~(7)~~, the district and the
 2586 department shall annually issue a peer-reviewed report regarding
 2587 the research and monitoring program that summarizes all data and
 2588 findings. The report shall identify water quality parameters, in
 2589 addition to phosphorus, which exceed state water quality
 2590 standards or are causing or contributing to adverse impacts in
 2591 the Everglades Protection Area.

2592 6. The district shall continue research seeking to
 2593 optimize the design and operation of STAs and to identify other
 2594 treatment and management methods that are superior to STAs in
 2595 achieving optimum water quality and water quantity for the
 2596 benefit of the Everglades. The district shall optimize the
 2597 design and operation of the STAs described in the Everglades
 2598 Construction Project prior to expanding their size. Additional
 2599 methods to achieve compliance with water quality standards shall
 2600 not be limited to more intensive management of the STAs.

2601 (13) ANNUAL REPORTS.--Beginning March 1, 2006, as part of
 2602 the consolidated annual report required by s. 373.036 (5) ~~(7)~~, the
 2603 district shall report on implementation of the section. The

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2604 annual report will include a summary of the water conditions in
 2605 the Everglades Protection Area, the status of the impacted
 2606 areas, the status of the construction of the STAs, the
 2607 implementation of the BMPs, and actions taken to monitor and
 2608 control exotic species. The district must prepare the report in
 2609 coordination with federal and state agencies.

2610 (14) EVERGLADES FUND.--The South Florida Water Management
 2611 District is directed to separately account for all moneys used
 2612 for the purpose of funding the Everglades Construction Project
 2613 as part of the consolidated annual report required by s.
 2614 373.036 (5) ~~(7)~~.

2615 Section 26. Subsection (3) of section 373.45926, Florida
 2616 Statutes, is amended to read:

2617 373.45926 Everglades Trust Fund; allocation of revenues
 2618 and expenditure of funds for conservation and protection of
 2619 natural resources and abatement of water pollution.--

2620 (3) The South Florida Water Management District shall
 2621 furnish, as part of the consolidated annual report required by
 2622 s. 373.036 (5) ~~(7)~~, a detailed copy of its expenditures from the
 2623 Everglades Trust Fund to the Governor, the President of the
 2624 Senate, and the Speaker of the House of Representatives, and
 2625 shall make copies available to the public. The information shall
 2626 be provided in a format approved by the Joint Legislative
 2627 Committee on Everglades Oversight. At the direction of the Joint
 2628 Legislative Committee on Everglades Oversight, an audit may be
 2629 made from time to time by the Auditor General, and such audit
 2630 shall be within the authority of said Auditor General to make.

2631 Section 27. Subsection (6) of section 373.4595, Florida

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2632 Statutes, is amended to read:

2633 373.4595 Northern Everglades and Estuaries Protection
2634 Program.--

2635 (6) ANNUAL PROGRESS REPORT.--Each March 1 the district
2636 shall report on implementation of this section as part of the
2637 consolidated annual report required in s. 373.036(5)~~(7)~~. The
2638 annual report shall include a summary of the conditions of the
2639 hydrology, water quality, and aquatic habitat in the northern
2640 Everglades based on the results of the Research and Water
2641 Quality Monitoring Programs, the status of the Lake Okeechobee
2642 Watershed Construction Project, the status of the Caloosahatchee
2643 River Watershed Construction Project, and the status of the St.
2644 Lucie River Watershed Construction Project. In addition, the
2645 report shall contain an annual accounting of the expenditure of
2646 funds from the Save Our Everglades Trust Fund. At a minimum, the
2647 annual report shall provide detail by program and plan,
2648 including specific information concerning the amount and use of
2649 funds from federal, state, or local government sources. In
2650 detailing the use of these funds, the district shall indicate
2651 those designated to meet requirements for matching funds. The
2652 district shall prepare the report in cooperation with the other
2653 coordinating agencies and affected local governments.

2654 Section 28. Subsection (7) of section 373.470, Florida
2655 Statutes, is amended to read:

2656 373.470 Everglades restoration.--

2657 (7) ANNUAL REPORT.--To provide enhanced oversight of and
2658 accountability for the financial commitments established under
2659 this section and the progress made in the implementation of the

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2660 comprehensive plan, the following information must be prepared
 2661 annually as part of the consolidated annual report required by
 2662 s. 373.036 (5) ~~(7)~~:

2663 (a) The district, in cooperation with the department,
 2664 shall provide the following information as it relates to
 2665 implementation of the comprehensive plan:

2666 1. An identification of funds, by source and amount,
 2667 received by the state and by each local sponsor during the
 2668 fiscal year.

2669 2. An itemization of expenditures, by source and amount,
 2670 made by the state and by each local sponsor during the fiscal
 2671 year.

2672 3. A description of the purpose for which the funds were
 2673 expended.

2674 4. The unencumbered balance of funds remaining in trust
 2675 funds or other accounts designated for implementation of the
 2676 comprehensive plan.

2677 5. A schedule of anticipated expenditures for the next
 2678 fiscal year.

2679 (b) The department shall prepare a detailed report on all
 2680 funds expended by the state and credited toward the state's
 2681 share of funding for implementation of the comprehensive plan.
 2682 The report shall include:

2683 1. A description of all expenditures, by source and
 2684 amount, from the Conservation and Recreation Lands Trust Fund,
 2685 the Land Acquisition Trust Fund, the Preservation 2000 Trust
 2686 Fund, the Florida Forever Trust Fund, the Save Our Everglades
 2687 Trust Fund, and other named funds or accounts for the

2688 acquisition or construction of project components or other
 2689 features or facilities that benefit the comprehensive plan.

2690 2. A description of the purposes for which the funds were
 2691 expended.

2692 3. The unencumbered fiscal-year-end balance that remains
 2693 in each trust fund or account identified in subparagraph 1.

2694 (c) The district, in cooperation with the department,
 2695 shall provide a detailed report on progress made in the
 2696 implementation of the comprehensive plan, including the status
 2697 of all project components initiated after the effective date of
 2698 this act or the date of the last report prepared under this
 2699 subsection, whichever is later.

2700
 2701 The information required in paragraphs (a), (b), and (c) shall
 2702 be provided as part of the consolidated annual report required
 2703 by s. 373.036(5)~~(7)~~. The initial report is due by November 30,
 2704 2000, and each annual report thereafter is due by March 1.

2705 Section 29. Paragraph (a) of subsection (6) of section
 2706 373.536, Florida Statutes, is amended to read:

2707 373.536 District budget and hearing thereon.--

2708 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 2709 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

2710 (a) Each district must, by the date specified for each
 2711 item, furnish copies of the following documents to the Governor,
 2712 the President of the Senate, the Speaker of the House of
 2713 Representatives, the chairs of all legislative committees and
 2714 subcommittees having substantive or fiscal jurisdiction over the
 2715 districts, as determined by the President of the Senate or the

2716 Speaker of the House of Representatives as applicable, the
 2717 secretary of the department, and the governing board of each
 2718 county in which the district has jurisdiction or derives any
 2719 funds for the operations of the district:

2720 1. The adopted budget, to be furnished within 10 days
 2721 after its adoption.

2722 2. A financial audit of its accounts and records, to be
 2723 furnished within 10 days after its acceptance by the governing
 2724 board. The audit must be conducted in accordance with the
 2725 provisions of s. 11.45 and the rules adopted thereunder. In
 2726 addition to the entities named above, the district must provide
 2727 a copy of the audit to the Auditor General within 10 days after
 2728 its acceptance by the governing board.

2729 3. A 5-year capital improvements plan, to be included in
 2730 the consolidated annual report required by s. 373.036(5)~~(7)~~. The
 2731 plan must include expected sources of revenue for planned
 2732 improvements and must be prepared in a manner comparable to the
 2733 fixed capital outlay format set forth in s. 216.043.

2734 4. A 5-year water resource development work program to be
 2735 furnished within 30 days after the adoption of the final budget.
 2736 The program must describe the district's implementation strategy
 2737 for the water resource development component of each approved
 2738 regional water supply plan developed or revised under s. 373.713
 2739 ~~373.0361~~. The work program must address all the elements of the
 2740 water resource development component in the district's approved
 2741 regional water supply plans and must identify which projects in
 2742 the work program will provide water, explain how each water
 2743 resource development project will produce additional water

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2744 available for consumptive uses, estimate the quantity of water
 2745 to be produced by each project, and provide an assessment of the
 2746 contribution of the district's regional water supply plans in
 2747 providing sufficient water to meet the water supply needs of
 2748 existing and future reasonable-beneficial uses for a 1-in-10-
 2749 year drought event. Within 30 days after its submittal, the
 2750 department shall review the proposed work program and submit its
 2751 findings, questions, and comments to the district. The review
 2752 must include a written evaluation of the program's consistency
 2753 with the furtherance of the district's approved regional water
 2754 supply plans, and the adequacy of proposed expenditures. As part
 2755 of the review, the department shall give interested parties the
 2756 opportunity to provide written comments on each district's
 2757 proposed work program. Within 45 days after receipt of the
 2758 department's evaluation, the governing board shall state in
 2759 writing to the department which changes recommended in the
 2760 evaluation it will incorporate into its work program submitted
 2761 as part of the March 1 consolidated annual report required by s.
 2762 373.036 (5) ~~(7)~~ or specify the reasons for not incorporating the
 2763 changes. The department shall include the district's responses
 2764 in a final evaluation report and shall submit a copy of the
 2765 report to the Governor, the President of the Senate, and the
 2766 Speaker of the House of Representatives.

2767 Section 30. Subsection (11) of section 373.59, Florida
 2768 Statutes, is amended to read:

2769 373.59 Water Management Lands Trust Fund.--

2770 (11) Notwithstanding any provision of this section to the
 2771 contrary, the governing board of a water management district may

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2772 request, and the Secretary of Environmental Protection shall
 2773 release upon such request, moneys allocated to the districts
 2774 pursuant to subsection (8) for purposes consistent with the
 2775 provisions of s. 373.713 ~~373.0361~~, s. 373.709 ~~373.0831~~, s.
 2776 373.139, or ss. 373.451-373.4595 and for legislatively
 2777 authorized land acquisition and water restoration initiatives.
 2778 No funds may be used pursuant to this subsection until necessary
 2779 debt service obligations, requirements for payments in lieu of
 2780 taxes, and land management obligations that may be required by
 2781 this chapter are provided for.

2782 Section 31. Paragraph (g) of subsection (1) of section
 2783 378.212, Florida Statutes, is amended to read:

2784 378.212 Variances.--

2785 (1) Upon application, the secretary may grant a variance
 2786 from the provisions of this part or the rules adopted pursuant
 2787 thereto. Variances and renewals thereof may be granted for any
 2788 one of the following reasons:

2789 (g) To accommodate reclamation that provides water supply
 2790 development or water resource development not inconsistent with
 2791 the applicable regional water supply plan approved pursuant to
 2792 s. 373.713 ~~373.0361~~, provided adverse impacts are not caused to
 2793 the water resources in the basin. A variance may also be granted
 2794 from the requirements of part IV of chapter 373, or the rules
 2795 adopted thereunder, when a project provides an improvement in
 2796 water availability in the basin and does not cause adverse
 2797 impacts to water resources in the basin.

2798 Section 32. Subsection (9) of section 378.404, Florida
 2799 Statutes, is amended to read:

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2800 378.404 Department of Environmental Protection; powers and
 2801 duties.--The department shall have the following powers and
 2802 duties:

2803 (9) To grant variances from the provisions of this part to
 2804 accommodate reclamation that provides for water supply
 2805 development or water resource development not inconsistent with
 2806 the applicable regional water supply plan approved pursuant to
 2807 s. 373.713 ~~373.0361~~, appropriate stormwater management, improved
 2808 wildlife habitat, recreation, or a mixture thereof, provided
 2809 adverse impacts are not caused to the water resources in the
 2810 basin and public health and safety are not adversely affected.

2811 Section 33. Subsection (14) of section 403.031, Florida
 2812 Statutes, is amended to read:

2813 403.031 Definitions.--In construing this chapter, or rules
 2814 and regulations adopted pursuant hereto, the following words,
 2815 phrases, or terms, unless the context otherwise indicates, have
 2816 the following meanings:

2817 (14) "State water resource implementation rule" means the
 2818 rule authorized by s. 373.707 ~~373.036~~, which sets forth goals,
 2819 objectives, and guidance for the development and review of
 2820 programs, rules, and plans relating to water resources, based on
 2821 statutory policies and directives. The waters of the state are
 2822 among its most basic resources. Such waters should be managed to
 2823 conserve and protect water resources and to realize the full
 2824 beneficial use of these resources.

2825 Section 34. Paragraph (a) of subsection (3) of section
 2826 403.0891, Florida Statutes, is amended to read:

2827 403.0891 State, regional, and local stormwater management

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2828 plans and programs.--The department, the water management
 2829 districts, and local governments shall have the responsibility
 2830 for the development of mutually compatible stormwater management
 2831 programs.

2832 (3) (a) Each local government required by chapter 163 to
 2833 submit a comprehensive plan, whose plan is submitted after July
 2834 1, 1992, and the others when updated after July 1, 1992, in the
 2835 development of its stormwater management program described by
 2836 elements within its comprehensive plan shall consider the water
 2837 resource implementation rule, district stormwater management
 2838 goals, plans approved pursuant to the Surface Water Improvement
 2839 and Management Act, ss. 373.451-373.4595, and technical
 2840 assistance information provided by the water management
 2841 districts pursuant to s. 373.715 ~~373.0391~~.

2842 Section 35. Paragraphs (r) and (u) of subsection (1) of
 2843 section 403.813, Florida Statutes, are amended to read:

2844 403.813 Permits issued at district centers; exceptions.--

2845 (1) A permit is not required under this chapter, chapter
 2846 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 2847 chapter 25270, 1949, Laws of Florida, for activities associated
 2848 with the following types of projects; however, except as
 2849 otherwise provided in this subsection, nothing in this
 2850 subsection relieves an applicant from any requirement to obtain
 2851 permission to use or occupy lands owned by the Board of Trustees
 2852 of the Internal Improvement Trust Fund or any water management
 2853 district in its governmental or proprietary capacity or from
 2854 complying with applicable local pollution control programs
 2855 authorized under this chapter or other requirements of county

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2856 and municipal governments:

2857 (r) The removal of aquatic plants, the removal of
 2858 tussocks, the associated replanting of indigenous aquatic
 2859 plants, and the associated removal from lakes of organic
 2860 detrital material when such planting or removal is performed and
 2861 authorized by permit or exemption granted under s. 369.20 or s.
 2862 369.25, provided that:

2863 1. Organic detrital material that exists on the surface of
 2864 natural mineral substrate shall be allowed to be removed to a
 2865 depth of 3 feet or to the natural mineral substrate, whichever
 2866 is less;

2867 2. All material removed pursuant to this paragraph shall
 2868 be deposited in an upland site in a manner that will prevent the
 2869 reintroduction of the material into waters in the state except
 2870 when spoil material is permitted to be used to create wildlife
 2871 islands in freshwater bodies of the state when a governmental
 2872 entity is permitted pursuant to s. 369.20 to create such islands
 2873 as a part of a restoration or enhancement project;

2874 3. All activities are performed in a manner consistent
 2875 with state water quality standards; and

2876 4. No activities under this exemption are conducted in
 2877 wetland areas, as defined by s. 373.019 (19) ~~(25)~~, which are
 2878 supported by a natural soil as shown in applicable United States
 2879 Department of Agriculture county soil surveys, except when a
 2880 governmental entity is permitted pursuant to s. 369.20 to
 2881 conduct such activities as a part of a restoration or
 2882 enhancement project.

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2884 The department may not adopt implementing rules for this
 2885 paragraph, notwithstanding any other provision of law.

2886 (u) Notwithstanding any provision to the contrary in this
 2887 subsection, a permit or other authorization under chapter 253,
 2888 chapter 369, chapter 373, or this chapter is not required for an
 2889 individual residential property owner for the removal of organic
 2890 detrital material from freshwater rivers or lakes that have a
 2891 natural sand or rocky substrate and that are not Aquatic
 2892 Preserves or for the associated removal and replanting of
 2893 aquatic vegetation for the purpose of environmental enhancement,
 2894 providing that:

2895 1. No activities under this exemption are conducted in
 2896 wetland areas, as defined by s. 373.019 (19) ~~(25)~~, which are
 2897 supported by a natural soil as shown in applicable United States
 2898 Department of Agriculture county soil surveys.

2899 2. No filling or peat mining is allowed.

2900 3. No removal of native wetland trees, including, but not
 2901 limited to, ash, bay, cypress, gum, maple, or tupelo, occurs.

2902 4. When removing organic detrital material, no portion of
 2903 the underlying natural mineral substrate or rocky substrate is
 2904 removed.

2905 5. Organic detrital material and plant material removed is
 2906 deposited in an upland site in a manner that will not cause
 2907 water quality violations.

2908 6. All activities are conducted in such a manner, and with
 2909 appropriate turbidity controls, so as to prevent any water
 2910 quality violations outside the immediate work area.

2911 7. Replanting with a variety of aquatic plants native to

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2912 the state shall occur in a minimum of 25 percent of the
2913 preexisting vegetated areas where organic detrital material is
2914 removed, except for areas where the material is removed to bare
2915 rocky substrate; however, an area may be maintained clear of
2916 vegetation as an access corridor. The access corridor width may
2917 not exceed 50 percent of the property owner's frontage or 50
2918 feet, whichever is less, and may be a sufficient length
2919 waterward to create a corridor to allow access for a boat or
2920 swimmer to reach open water. Replanting must be at a minimum
2921 density of 2 feet on center and be completed within 90 days
2922 after removal of existing aquatic vegetation, except that under
2923 dewatered conditions replanting must be completed within 90 days
2924 after reflooding. The area to be replanted must extend waterward
2925 from the ordinary high water line to a point where normal water
2926 depth would be 3 feet or the preexisting vegetation line,
2927 whichever is less. Individuals are required to make a reasonable
2928 effort to maintain planting density for a period of 6 months
2929 after replanting is complete, and the plants, including
2930 naturally recruited native aquatic plants, must be allowed to
2931 expand and fill in the revegetation area. Native aquatic plants
2932 to be used for revegetation must be salvaged from the
2933 enhancement project site or obtained from an aquatic plant
2934 nursery regulated by the Department of Agriculture and Consumer
2935 Services. Plants that are not native to the state may not be
2936 used for replanting.

2937 8. No activity occurs any farther than 100 feet waterward
2938 of the ordinary high water line, and all activities must be
2939 designed and conducted in a manner that will not unreasonably

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2940 restrict or infringe upon the riparian rights of adjacent upland
 2941 riparian owners.

2942 9. The person seeking this exemption notifies the
 2943 applicable department district office in writing at least 30
 2944 days before commencing work and allows the department to conduct
 2945 a preconstruction site inspection. Notice must include an
 2946 organic-detrital-material removal and disposal plan and, if
 2947 applicable, a vegetation-removal and revegetation plan.

2948 10. The department is provided written certification of
 2949 compliance with the terms and conditions of this paragraph
 2950 within 30 days after completion of any activity occurring under
 2951 this exemption.

2952 Section 36. Paragraph (a) of subsection (1) and paragraph
 2953 (a) of subsection (2) of section 403.890, Florida Statutes, are
 2954 amended to read:

2955 403.890 Water Protection and Sustainability Program;
 2956 intent; goals; purposes.--

2957 (1) Effective July 1, 2006, revenues transferred from the
 2958 Department of Revenue pursuant to s. 201.15(1)(c)2. shall be
 2959 deposited into the Water Protection and Sustainability Program
 2960 Trust Fund in the Department of Environmental Protection. These
 2961 revenues and any other additional revenues deposited into or
 2962 appropriated to the Water Protection and Sustainability Program
 2963 Trust Fund shall be distributed by the Department of
 2964 Environmental Protection in the following manner:

2965 (a) Sixty percent to the Department of Environmental
 2966 Protection for the implementation of an alternative water supply
 2967 program as provided in s. 373.717 ~~373.1961~~.

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2968 (2) Applicable beginning in the 2007-2008 fiscal year,
 2969 revenues transferred from the Department of Revenue pursuant to
 2970 s. 201.15(1)(d)2. shall be deposited into the Water Protection
 2971 and Sustainability Program Trust Fund in the Department of
 2972 Environmental Protection. These revenues and any other
 2973 additional revenues deposited into or appropriated to the Water
 2974 Protection and Sustainability Program Trust Fund shall be
 2975 distributed by the Department of Environmental Protection in the
 2976 following manner:

2977 (a) Sixty-five percent to the Department of Environmental
 2978 Protection for the implementation of an alternative water supply
 2979 program as provided in s. 373.717 ~~373.1961~~.

2980 Section 37. Subsection (6) of section 556.102, Florida
 2981 Statutes, is amended to read:

2982 556.102 Definitions.--As used in this act:

2983 (6) "Excavate" or "excavation" means any manmade cut,
 2984 cavity, trench, or depression in the earth's surface, formed by
 2985 removal of earth, intended to change the grade or level of land,
 2986 or intended to penetrate or disturb the surface of the earth,
 2987 including land beneath the waters of the state, as defined in s.
 2988 373.019(16) ~~(20)~~, and the term includes pipe bursting and
 2989 directional drilling or boring from one point to another point
 2990 beneath the surface of the earth, or other trenchless
 2991 technologies.

2992 Section 38. Section 682.02, Florida Statutes, is amended
 2993 to read:

2994 682.02 Arbitration agreements made valid, irrevocable, and
 2995 enforceable; scope.--Two or more parties may agree in writing to

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2996 submit to arbitration any controversy existing between them at
 2997 the time of the agreement, or they may include in a written
 2998 contract a provision for the settlement by arbitration of any
 2999 controversy thereafter arising between them relating to such
 3000 contract or the failure or refusal to perform the whole or any
 3001 part thereof. This section also applies to written interlocal
 3002 agreements under ss. 163.01 and 373.717 ~~373.1962~~ in which two or
 3003 more parties agree to submit to arbitration any controversy
 3004 between them concerning water use permit applications and other
 3005 matters, regardless of whether or not the water management
 3006 district with jurisdiction over the subject application is a
 3007 party to the interlocal agreement or a participant in the
 3008 arbitration. Such agreement or provision shall be valid,
 3009 enforceable, and irrevocable without regard to the justiciable
 3010 character of the controversy; provided that this act shall not
 3011 apply to any such agreement or provision to arbitrate in which
 3012 it is stipulated that this law shall not apply or to any
 3013 arbitration or award thereunder.

3014 Section 39. Section 373.71, Florida Statutes, is
 3015 renumbered as section 373.69, Florida Statutes.

3016 Section 40. Sections 373.0361, 373.0391, 373.0831,
 3017 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are
 3018 repealed.

3019 Section 41. This act shall take effect July 1, 2009.