

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 for the powers and duties of water
6 management district governing boards; requiring the
7 Department of Environmental Protection to develop the
8 Florida water supply plan; providing components of the
9 plan; requiring water management district governing boards
10 to develop water supply plans for their respective
11 regions; providing components of district water supply
12 plans; providing legislative findings and intent with
13 respect to water resource development and water supply
14 development; requiring water management districts to fund
15 and implement water resource development; specifying water
16 supply development projects that are eligible to receive
17 priority consideration for state or water management
18 district funding assistance; encouraging cooperation in
19 the development of water supplies; providing for
20 alternative water supply development; encouraging
21 municipalities, counties, and special districts to create
22 regional water supply authorities; establishing the
23 primary roles of the water management districts in
24 alternative water supply development; establishing the
25 primary roles of local governments, regional water supply
26 authorities, special districts, and publicly owned and
27 privately owned water utilities in alternative water
28 supply development; requiring the water management

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

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

85 interlocal agreement; providing compliance requirements
 86 with respect to the interlocal agreement; providing for
 87 supersession of conflicting general or special laws;
 88 providing requirements with respect to annual budgets;
 89 specifying the annual millage for the authority;
 90 authorizing the authority to request the governing board
 91 of the district to levy ad valorem taxes within the
 92 boundaries of the authority to finance authority
 93 functions; providing requirements and procedures with
 94 respect to the collection of such taxes; amending s.
 95 373.026, F.S.; conforming provisions relating to the
 96 general powers and duties of the Department of
 97 Environmental Protection with regard to the state water
 98 resource plan to changes made by the act; prohibiting the
 99 deprivation of reasonable and beneficial use of water for
 100 certain counties; amending ss. 120.52, 163.3167, 163.3177,
 101 163.3191, 189.404, 189.4155, 189.4156, 367.021, 373.019,
 102 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.536,
 103 373.59, 378.212, 378.404, 403.0891, 403.890, and 682.02,
 104 F.S.; conforming cross-references; renumbering s. 373.71,
 105 F.S., relating to the Apalachicola-Chattahoochee-Flint
 106 River Basin Compact, to clarify retention of the section
 107 in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S.,
 108 relating to regional water supply planning; repealing s.
 109 373.0391, F.S., relating to technical assistance to local
 110 governments; repealing s. 373.0831, F.S., relating to
 111 water resource and water supply development; repealing s.
 112 373.196, F.S., relating to alternative water supply

113 development; repealing s. 373.1961, F.S., relating to
 114 water production and related powers and duties of water
 115 management districts; repealing s. 373.1962, F.S.,
 116 relating to regional water supply authorities; repealing
 117 s. 373.1963, F.S., relating to assistance to the West
 118 Coast Regional Water Supply Authority; providing an
 119 effective date.

120

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

122

123 Section 1. Part VII of chapter 373, Florida Statutes,
 124 consisting of sections 373.701, 373.703, 373.705, 373.707,
 125 373.709, 373.711, 373.713, and 373.715, is created to read:

126

PART VII

127

WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

128

373.701 Declaration of policy.--It is declared to be the

129

policy of the Legislature:

130

(1) To promote the availability of sufficient water for
 131 all existing and future reasonable-beneficial uses and natural
 132 systems.

133

(2) (a) Because water constitutes a public resource
 134 benefiting the entire state, it is the policy of the Legislature
 135 that the waters in the state be managed on a state and regional
 136 basis. Consistent with this directive, the Legislature
 137 recognizes the need to allocate water throughout the state so as
 138 to meet all reasonable-beneficial uses. However, the Legislature
 139 acknowledges that such allocations have in the past adversely
 140 affected the water resources of certain areas in this state. To

141 protect such water resources and to meet the current and future
142 needs of those areas with abundant water, the Legislature
143 directs the department and the water management districts to
144 encourage the use of water from sources nearest the area of use
145 or application whenever practicable. Such sources shall include
146 all naturally occurring water sources and all alternative water
147 sources, including, but not limited to, desalination,
148 conservation, reuse of nonpotable reclaimed water and
149 stormwater, and aquifer storage and recovery. Reuse of potable
150 reclaimed water and stormwater shall not be subject to the
151 evaluation described in s. 373.223(3)(a)-(g). However, this
152 directive to encourage the use of water, whenever practicable,
153 from sources nearest the area of use or application shall not
154 apply to the transport and direct and indirect use of water
155 within the area encompassed by the Central and Southern Florida
156 Flood Control Project, nor shall it apply anywhere in the state
157 to the transport and use of water supplied exclusively for
158 bottled water as defined in s. 500.03(1)(d), nor shall it apply
159 to the transport and use of reclaimed water for electrical power
160 production by an electric utility as defined in s. 366.02(2).

161 (b) In establishing the policy outlined in paragraph (a),
162 the Legislature realizes that under certain circumstances the
163 need to transport water from distant sources may be necessary
164 for environmental, technical, or economic reasons.

165 (3) Cooperative efforts between municipalities, counties,
166 water management districts, and the department are mandatory in
167 order to meet the water needs of rapidly urbanizing areas in a
168 manner that will supply adequate and dependable supplies of

169 water where needed without resulting in adverse effects upon the
 170 areas from which such water is withdrawn. Such efforts should
 171 use all practical means of obtaining water, including, but not
 172 limited to, withdrawals of surface water and groundwater, reuse,
 173 and desalination and will necessitate not only cooperation but
 174 also well-coordinated activities. Municipalities, counties, and
 175 special districts are encouraged to create regional water supply
 176 authorities as authorized in s. 373.713 or multijurisdictional
 177 water supply entities.

178 (4) Nothing in this part shall be construed to preclude
 179 the various municipalities and counties from continuing to
 180 operate existing water production and transmission facilities or
 181 to enter into cooperative agreements with other municipalities
 182 and counties for the purpose of meeting their respective needs
 183 for dependable and adequate supplies of water; however, the
 184 obtaining of water through such operations shall not be done in
 185 a manner that results in adverse effects upon the areas from
 186 which such water is withdrawn.

187 373.703 Powers and duties.--In the performance of, and in
 188 conjunction with, its other powers and duties, the governing
 189 board of a water management district existing pursuant to this
 190 chapter:

191 (1) Shall engage in planning to assist counties,
 192 municipalities, special districts, publicly owned and privately
 193 owned water utilities, multijurisdictional water supply
 194 entities, or regional water supply authorities in meeting water
 195 supply needs in such manner as will give priority to encouraging
 196 conservation and reducing adverse environmental effects of

197 improper or excessive withdrawals of water from concentrated
 198 areas. As used in this section and s. 373.707, regional water
 199 supply authorities are regional water authorities created under
 200 s. 373.713 or other laws of this state.

201 (2) Shall assist counties, municipalities, special
 202 districts, publicly owned or privately owned water utilities,
 203 multijurisdictional water supply entities, or regional water
 204 supply authorities in meeting water supply needs in such manner
 205 as will give priority to encouraging conservation and reducing
 206 adverse environmental effects of improper or excessive
 207 withdrawals of water from concentrated areas.

208 (3) May establish, design, construct, operate, and
 209 maintain water production and transmission facilities for the
 210 purpose of supplying water to counties, municipalities, special
 211 districts, publicly owned and privately owned water utilities,
 212 multijurisdictional water supply entities, or regional water
 213 supply authorities. The permit required by part II of this
 214 chapter for a water management district engaged in water
 215 production and transmission shall be granted, denied, or granted
 216 with conditions by the department.

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

218 (5) Shall not deprive, directly or indirectly, any county
 219 wherein water is withdrawn of the prior right to the reasonable
 220 and beneficial use of water which is required to supply
 221 adequately the reasonable and beneficial needs of the county or
 222 any of the inhabitants or property owners therein.

223 (6) May provide water and financial assistance to regional
 224 water supply authorities, but may not provide water to counties

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225 and municipalities which are located within the area of such
226 authority without the specific approval of the authority or, in
227 the event of the authority's disapproval, the approval of the
228 Governor and Cabinet sitting as the Land and Water Adjudicatory
229 Commission. The district may supply water at rates and upon
230 terms mutually agreed to by the parties or, if they do not
231 agree, as set by the governing board and specifically approved
232 by the Governor and Cabinet sitting as the Land and Water
233 Adjudicatory Commission.

234 (7) May acquire title to such interest as is necessary in
235 real property, by purchase, gift, devise, lease, eminent domain,
236 or otherwise, for water production and transmission consistent
237 with this section and s. 373.707. However, the district shall
238 not use any of the eminent domain powers herein granted to
239 acquire water and water rights already devoted to reasonable and
240 beneficial use or any water production or transmission
241 facilities owned by any county, municipality, or regional water
242 supply authority. The district may exercise eminent domain
243 powers outside of its district boundaries for the acquisition of
244 pumpage facilities, storage areas, transmission facilities, and
245 the normal appurtenances thereto, provided that at least 45 days
246 prior to the exercise of eminent domain, the district notifies
247 the district where the property is located after public notice
248 and the district where the property is located does not object
249 within 45 days after notification of such exercise of eminent
250 domain authority.

251 (8) In addition to the power to issue revenue bonds
252 pursuant to s. 373.584, may issue revenue bonds for the purposes

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253 of paying the costs and expenses incurred in carrying out the
254 purposes of this chapter or refunding obligations of the
255 district issued pursuant to this section. Such revenue bonds
256 shall be secured by, and be payable from, revenues derived from
257 the operation, lease, or use of its water production and
258 transmission facilities and other water-related facilities and
259 from the sale of water or services relating thereto. Such
260 revenue bonds may not be secured by, or be payable from, moneys
261 derived by the district from the Water Management Lands Trust
262 Fund or from ad valorem taxes received by the district. All
263 provisions of s. 373.584 relating to the issuance of revenue
264 bonds which are not inconsistent with this section shall apply
265 to the issuance of revenue bonds pursuant to this section. The
266 district may also issue bond anticipation notes in accordance
267 with the provisions of s. 373.584.

268 (9) May join with one or more other water management
269 districts, counties, municipalities, special districts, publicly
270 owned or privately owned water utilities, multijurisdictional
271 water supply entities, or regional water supply authorities for
272 the purpose of carrying out any of its powers, and may contract
273 with such other entities to finance acquisitions, construction,
274 operation, and maintenance. The contract may provide for
275 contributions to be made by each party thereto, for the division
276 and apportionment of the expenses of acquisitions, construction,
277 operation, and maintenance, and for the division and
278 apportionment of the benefits, services, and products therefrom.
279 The contracts may contain other covenants and agreements
280 necessary and appropriate to accomplish their purposes.

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281 373.705 Water resource development; water supply
282 development.--

283 (1) The Legislature finds that:

284 (a) The proper role of the water management districts in
285 water supply is primarily planning and water resource
286 development, but this does not preclude them from providing
287 assistance with water supply development.

288 (b) The proper role of local government, regional water
289 supply authorities, and government-owned and privately owned
290 water utilities in water supply is primarily water supply
291 development, but this does not preclude them from providing
292 assistance with water resource development.

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

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

298 (a) Sufficient water be available for all existing and
299 future reasonable-beneficial uses and the natural systems, and
300 that the adverse effects of competition for water supplies be
301 avoided.

302 (b) Water management districts take the lead in
303 identifying and implementing water resource development
304 projects, and be responsible for securing necessary funding for
305 regionally significant water resource development projects.

306 (c) Local governments, regional water supply authorities,
307 and government-owned and privately owned water utilities take
308 the lead in securing funds for and implementing water supply

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309 development projects. Generally, direct beneficiaries of water
310 supply development projects should pay the costs of the projects
311 from which they benefit, and water supply development projects
312 should continue to be paid for through local funding sources.

313 (d) Water supply development be conducted in coordination
314 with water management district regional water supply planning
315 and water resource development.

316 (3) The water management districts shall fund and
317 implement water resource development as defined in s. 373.019.
318 The water management districts are encouraged to implement water
319 resource development as expeditiously as possible in areas
320 subject to regional water supply plans. Each governing board
321 shall include in its annual budget the amount needed for the
322 fiscal year to implement water resource development projects, as
323 prioritized in its regional water supply plans.

324 (4) (a) Water supply development projects which are
325 consistent with the relevant regional water supply plans and
326 which meet one or more of the following criteria shall receive
327 priority consideration for state or water management district
328 funding assistance:

329 1. The project supports establishment of a dependable,
330 sustainable supply of water which is not otherwise financially
331 feasible;

332 2. The project provides substantial environmental benefits
333 by preventing or limiting adverse water resource impacts, but
334 requires funding assistance to be economically competitive with
335 other options; or

336 3. The project significantly implements reuse, storage,

337 recharge, or conservation of water in a manner that contributes
338 to the sustainability of regional water sources.

339 (b) Water supply development projects that meet the
340 criteria in paragraph (a) and that meet one or more of the
341 following additional criteria shall be given first consideration
342 for state or water management district funding assistance:

343 1. The project brings about replacement of existing
344 sources in order to help implement a minimum flow or level; or

345 2. The project implements reuse that assists in the
346 elimination of domestic wastewater ocean outfalls as provided in
347 s. 403.086(9).

348 373.707 Alternative water supply development.--

349 (1) The purpose of this section is to encourage
350 cooperation in the development of water supplies and to provide
351 for alternative water supply development.

352 (a) Demands on natural supplies of fresh water to meet the
353 needs of a rapidly growing population and the needs of the
354 environment, agriculture, industry, and mining will continue to
355 increase.

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

359 (c) Cooperative efforts between municipalities, counties,
360 special districts, water management districts, and the
361 Department of Environmental Protection are mandatory in order to
362 meet the water needs of rapidly urbanizing areas in a manner
363 that will supply adequate and dependable supplies of water where
364 needed without resulting in adverse effects upon the areas from

365 which such water is withdrawn. Such efforts should use all
366 practical means of obtaining water, including, but not limited
367 to, withdrawals of surface water and groundwater, reuse, and
368 desalinization, and will necessitate not only cooperation but
369 also well-coordinated activities. Municipalities, counties, and
370 special districts are encouraged to create regional water supply
371 authorities as authorized in s. 373.713 or multijurisdictional
372 water supply entities.

373 (d) Alternative water supply development must receive
374 priority funding attention to increase the available supplies of
375 water to meet all existing and future reasonable-beneficial uses
376 and to benefit the natural systems.

377 (e) Cooperation between counties, municipalities, regional
378 water supply authorities, multijurisdictional water supply
379 entities, special districts, and publicly owned and privately
380 owned water utilities in the development of countywide and
381 multicountywide alternative water supply projects will allow for
382 necessary economies of scale and efficiencies to be achieved in
383 order to accelerate the development of new, dependable, and
384 sustainable alternative water supplies.

385 (f) It is in the public interest that county, municipal,
386 industrial, agricultural, and other public and private water
387 users, the Department of Environmental Protection, and the water
388 management districts cooperate and work together in the
389 development of alternative water supplies to avoid the adverse
390 effects of competition for limited supplies of water. Public
391 moneys or services provided to private entities for alternative
392 water supply development may constitute public purposes that

393 also are in the public interest.

394 (2) (a) Sufficient water must be available for all existing
 395 and future reasonable-beneficial uses and the natural systems,
 396 and the adverse effects of competition for water supplies must
 397 be avoided.

398 (b) Water supply development and alternative water supply
 399 development must be conducted in coordination with water
 400 management district regional water supply planning.

401 (c) Funding for the development of alternative water
 402 supplies shall be a shared responsibility of water suppliers and
 403 users, the State of Florida, and the water management districts,
 404 with water suppliers and users having the primary responsibility
 405 and the State of Florida and the water management districts
 406 being responsible for providing funding assistance.

407 (3) The primary roles of the water management districts in
 408 water resource development as it relates to supporting
 409 alternative water supply development are:

410 (a) The formulation and implementation of regional water
 411 resource management strategies that support alternative water
 412 supply development;

413 (b) The collection and evaluation of surface water and
 414 groundwater data to be used for a planning level assessment of
 415 the feasibility of alternative water supply development
 416 projects;

417 (c) The construction, operation, and maintenance of major
 418 public works facilities for flood control, surface and
 419 underground water storage, and groundwater recharge augmentation
 420 to support alternative water supply development;

421 (d) Planning for alternative water supply development as
 422 provided in regional water supply plans in coordination with
 423 local governments, regional water supply authorities,
 424 multijurisdictional water supply entities, special districts,
 425 and publicly owned and privately owned water utilities and self-
 426 suppliers;

427 (e) The formulation and implementation of structural and
 428 nonstructural programs to protect and manage water resources in
 429 support of alternative water supply projects; and

430 (f) The provision of technical and financial assistance to
 431 local governments and publicly owned and privately owned water
 432 utilities for alternative water supply projects.

433 (4) The primary roles of local government, regional water
 434 supply authorities, multijurisdictional water supply entities,
 435 special districts, and publicly owned and privately owned water
 436 utilities in alternative water supply development shall be:

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

439 (b) The formulation and implementation of alternative
 440 water supply development strategies and programs;

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

444 (d) The coordination of alternative water supply
 445 development activities with the appropriate water management
 446 district having jurisdiction over the activity.

447 (5) Nothing in this section shall be construed to preclude
 448 the various special districts, municipalities, and counties from

449 continuing to operate existing water production and transmission
450 facilities or to enter into cooperative agreements with other
451 special districts, municipalities, and counties for the purpose
452 of meeting their respective needs for dependable and adequate
453 supplies of water; however, the obtaining of water through such
454 operations shall not be done in a manner that results in adverse
455 effects upon the areas from which such water is withdrawn.

456 (6) (a) The statewide funds provided pursuant to the Water
457 Protection and Sustainability Program serve to supplement
458 existing water management district or basin board funding for
459 alternative water supply development assistance and should not
460 result in a reduction of such funding. Therefore, the water
461 management districts shall include in the annual tentative and
462 adopted budget submittals required under this chapter the amount
463 of funds allocated for water resource development that supports
464 alternative water supply development and the funds allocated for
465 alternative water supply projects selected for inclusion in the
466 Water Protection and Sustainability Program. It shall be the
467 goal of each water management district and basin boards that the
468 combined funds allocated annually for these purposes be, at a
469 minimum, the equivalent of 100 percent of the state funding
470 provided to the water management district for alternative water
471 supply development. If this goal is not achieved, the water
472 management district shall provide in the budget submittal an
473 explanation of the reasons or constraints that prevent this goal
474 from being met, an explanation of how the goal will be met in
475 future years, and affirmation of match is required during the
476 budget review process as established under s. 373.536(5). The

477 Suwannee River Water Management District and the Northwest
478 Florida Water Management District shall not be required to meet
479 the match requirements of this paragraph; however, they shall
480 try to achieve the match requirement to the greatest extent
481 practicable.

482 (b) State funds from the Water Protection and
483 Sustainability Program created in s. 403.890 shall be made
484 available for financial assistance for the project construction
485 costs of alternative water supply development projects selected
486 by a water management district governing board for inclusion in
487 the program.

488 (7) The water management district shall implement its
489 responsibilities as expeditiously as possible in areas subject
490 to regional water supply plans. Each district's governing board
491 shall include in its annual budget the amount needed for the
492 fiscal year to assist in implementing alternative water supply
493 development projects.

494 (8) (a) The water management districts and the state shall
495 share a percentage of revenues with water providers and users,
496 including local governments, water, wastewater, and reuse
497 utilities, municipal, special district, industrial, and
498 agricultural water users, and other public and private water
499 users, to be used to supplement other funding sources in the
500 development of alternative water supplies.

501 (b) Beginning in fiscal year 2005-2006, the state shall
502 annually provide a portion of those revenues deposited into the
503 Water Protection and Sustainability Program Trust Fund for the
504 purpose of providing funding assistance for the development of

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505 alternative water supplies pursuant to the Water Protection and
506 Sustainability Program. At the beginning of each fiscal year,
507 beginning with fiscal year 2005-2006, such revenues shall be
508 distributed by the department into the alternative water supply
509 trust fund accounts created by each district for the purpose of
510 alternative water supply development under the following funding
511 formula:

512 1. Thirty percent to the South Florida Water Management
513 District;

514 2. Twenty-five percent to the Southwest Florida Water
515 Management District;

516 3. Twenty-five percent to the St. Johns River Water
517 Management District;

518 4. Ten percent to the Suwannee River Water Management
519 District; and

520 5. Ten percent to the Northwest Florida Water Management
521 District.

522 (c) The financial assistance for alternative water supply
523 projects allocated in each district's budget as required in
524 subsection (6) shall be combined with the state funds and used
525 to assist in funding the project construction costs of
526 alternative water supply projects selected by the governing
527 board. If the district has not completed any regional water
528 supply plan, or the regional water supply plan does not identify
529 the need for any alternative water supply projects, funds
530 deposited in that district's trust fund may be used for water
531 resource development projects, including, but not limited to,
532 springs protection.

533 (d) All projects submitted to the governing board for
534 consideration shall reflect the total capital cost for
535 implementation. The costs shall be segregated pursuant to the
536 categories described in the definition of capital costs.

537 (e) Applicants for projects that may receive funding
538 assistance pursuant to the Water Protection and Sustainability
539 Program shall, at a minimum, be required to pay 60 percent of
540 the project's construction costs. The water management districts
541 may, at their discretion, totally or partially waive this
542 requirement for projects sponsored by financially disadvantaged
543 small local governments as defined in former s. 403.885(5). The
544 water management districts or basin boards may, at their
545 discretion, use ad valorem or federal revenues to assist a
546 project applicant in meeting the requirements of this paragraph.

547 (f) The governing boards shall determine those projects
548 that will be selected for financial assistance. The governing
549 boards may establish factors to determine project funding;
550 however, significant weight shall be given to the following
551 factors:

552 1. Whether the project provides substantial environmental
553 benefits by preventing or limiting adverse water resource
554 impacts.

555 2. Whether the project reduces competition for water
556 supplies.

557 3. Whether the project brings about replacement of
558 traditional sources in order to help implement a minimum flow or
559 level or a reservation.

560 4. Whether the project will be implemented by a

561 consumptive use permittee that has achieved the targets
562 contained in a goal-based water conservation program approved
563 pursuant to s. 373.227.

564 5. The quantity of water supplied by the project as
565 compared to its cost.

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

568 7. Whether the project will be implemented by a
569 multijurisdictional water supply entity or regional water supply
570 authority.

571 8. Whether the project implements reuse that assists in
572 the elimination of domestic wastewater ocean outfalls as
573 provided in s. 403.086(9).

574 (g) Additional factors to be considered in determining
575 project funding shall include:

576 1. Whether the project is part of a plan to implement two
577 or more alternative water supply projects, all of which will be
578 operated to produce water at a uniform rate for the participants
579 in a multijurisdictional water supply entity or regional water
580 supply authority.

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

583 3. Whether the project proposal includes sufficient
584 preliminary planning and engineering to demonstrate that the
585 project can reasonably be implemented within the timeframes
586 provided in the regional water supply plan.

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

589 5. Whether and in what percentage a local government or
590 local government utility is transferring water supply system
591 revenues to the local government general fund in excess of
592 reimbursements for services received from the general fund,
593 including direct and indirect costs and legitimate payments in
594 lieu of taxes.

595 (h) After conducting one or more meetings to solicit
596 public input on eligible projects, including input from those
597 entities identified pursuant to s. 373.709(2)(a)3.d. for
598 implementation of alternative water supply projects, the
599 governing board of each water management district shall select
600 projects for funding assistance based upon the criteria set
601 forth in paragraphs (f) and (g). The governing board may select
602 a project identified or listed as an alternative water supply
603 development project in the regional water supply plan, or
604 allocate up to 20 percent of the funding for alternative water
605 supply projects that are not identified or listed in the
606 regional water supply plan but are consistent with the goals of
607 the plan.

608 (i) Without diminishing amounts available through other
609 means described in this paragraph, the governing boards are
610 encouraged to consider establishing revolving loan funds to
611 expand the total funds available to accomplish the objectives of
612 this section. A revolving loan fund created under this paragraph
613 must be a nonlapsing fund from which the water management
614 district may make loans with interest rates below prevailing
615 market rates to public or private entities for the purposes
616 described in this section. The governing board may adopt

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617 resolutions to establish revolving loan funds which must specify
618 the details of the administration of the fund, the procedures
619 for applying for loans from the fund, the criteria for awarding
620 loans from the fund, the initial capitalization of the fund, and
621 the goals for future capitalization of the fund in subsequent
622 budget years. Revolving loan funds created under this paragraph
623 must be used to expand the total sums and sources of cooperative
624 funding available for the development of alternative water
625 supplies. The Legislature does not intend for the creation of
626 revolving loan funds to supplant or otherwise reduce existing
627 sources or amounts of funds currently available through other
628 means.

629 (j) For each utility that receives financial assistance
630 from the state or a water management district for an alternative
631 water supply project, the water management district shall
632 require the appropriate rate-setting authority to develop rate
633 structures for water customers in the service area of the funded
634 utility that will:

- 635 1. Promote the conservation of water; and
636 2. Promote the use of water from alternative water
637 supplies.

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

640 (l) All revenues made available pursuant to this
641 subsection must be encumbered annually by the governing board
642 when it approves projects sufficient to expend the available
643 revenues.

644 (m) This subsection is not subject to the rulemaking

645 requirements of chapter 120.

646 (n) By March 1 of each year, as part of the consolidated
647 annual report required by s. 373.036(7), each water management
648 district shall submit a report on the disbursal of all budgeted
649 amounts pursuant to this section. Such report shall describe all
650 alternative water supply projects funded as well as the quantity
651 of new water to be created as a result of such projects and
652 shall account separately for any other moneys provided through
653 grants, matching grants, revolving loans, and the use of
654 district lands or facilities to implement regional water supply
655 plans.

656 (o) The Florida Public Service Commission shall allow
657 entities under its jurisdiction constructing or participating in
658 constructing facilities that provide alternative water supplies
659 to recover their full, prudently incurred cost of constructing
660 such facilities through their rate structure. If construction of
661 a facility or participation in construction is pursuant to or in
662 furtherance of a regional water supply plan, the cost shall be
663 deemed to be prudently incurred. Every component of an
664 alternative water supply facility constructed by an investor-
665 owned utility shall be recovered in current rates. Any state or
666 water management district cost-share is not subject to the
667 recovery provisions allowed in this paragraph.

668 (9) Funding assistance provided by the water management
669 districts for a water reuse system may include the following
670 conditions for that project if a water management district
671 determines that such conditions will encourage water use
672 efficiency:

673 (a) Metering of reclaimed water use for residential
674 irrigation, agricultural irrigation, industrial uses, except for
675 electric utilities as defined in s. 366.02(2), landscape
676 irrigation, golf course irrigation, irrigation of other public
677 access areas, commercial and institutional uses such as toilet
678 flushing, and transfers to other reclaimed water utilities;

679 (b) Implementation of reclaimed water rate structures
680 based on actual use of reclaimed water for the reuse activities
681 listed in paragraph (a);

682 (c) Implementation of education programs to inform the
683 public about water issues, water conservation, and the
684 importance and proper use of reclaimed water; or

685 (d) Development of location data for key reuse facilities.
686 373.709 Regional water supply planning.--

687 (1) The governing board of each water management district
688 shall conduct water supply planning for any water supply
689 planning region within the district identified in the
690 appropriate district water supply plan under s. 373.036, where
691 it determines that existing sources of water are not adequate to
692 supply water for all existing and future reasonable-beneficial
693 uses and to sustain the water resources and related natural
694 systems for the planning period. The planning must be conducted
695 in an open public process, in coordination and cooperation with
696 local governments, regional water supply authorities,
697 government-owned and privately owned water utilities,
698 multijurisdictional water supply entities, self-suppliers, and
699 other affected and interested parties. The districts shall
700 actively engage in public education and outreach to all affected

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701 local entities and their officials, as well as members of the
702 public, in the planning process and in seeking input. During
703 preparation, but prior to completion of the regional water
704 supply plan, the district must conduct at least one public
705 workshop to discuss the technical data and modeling tools
706 anticipated to be used to support the regional water supply
707 plan. The district shall also hold several public meetings to
708 communicate the status, overall conceptual intent, and impacts
709 of the plan on existing and future reasonable-beneficial uses
710 and related natural systems. During the planning process, a
711 local government may choose to prepare its own water supply
712 assessment to determine if existing water sources are adequate
713 to meet existing and projected reasonable-beneficial needs of
714 the local government while sustaining water resources and
715 related natural systems. The local government shall submit such
716 assessment, including the data and methodology used, to the
717 district. The district shall consider the local government's
718 assessment during the formation of the plan. A determination by
719 the governing board that initiation of a regional water supply
720 plan for a specific planning region is not needed pursuant to
721 this section shall be subject to s. 120.569. The governing board
722 shall reevaluate such a determination at least once every 5
723 years and shall initiate a regional water supply plan, if
724 needed, pursuant to this subsection.

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

728 (a) A water supply development component for each water

729 supply planning region identified by the district which
730 includes:

731 1. A quantification of the water supply needs for all
732 existing and future reasonable-beneficial uses within the
733 planning horizon. The level-of-certainty planning goal
734 associated with identifying the water supply needs of existing
735 and future reasonable-beneficial uses shall be based upon
736 meeting those needs for a 1-in-10-year drought event. Population
737 projections used for determining public water supply needs must
738 be based upon the best available data. In determining the best
739 available data, the district shall consider the University of
740 Florida's Bureau of Economic and Business Research (BEBR) medium
741 population projections and any population projection data and
742 analysis submitted by a local government pursuant to the public
743 workshop described in subsection (1) if the data and analysis
744 support the local government's comprehensive plan. Any
745 adjustment of or deviation from the BEBR projections must be
746 fully described, and the original BEBR data must be presented
747 along with the adjusted data.

748 2. A list of water supply development project options,
749 including traditional and alternative water supply project
750 options, from which local government, government-owned and
751 privately owned utilities, regional water supply authorities,
752 multijurisdictional water supply entities, self-suppliers, and
753 others may choose for water supply development. In addition to
754 projects listed by the district, such users may propose specific
755 projects for inclusion in the list of alternative water supply
756 projects. If such users propose a project to be listed as an

757 alternative water supply project, the district shall determine
758 whether it meets the goals of the plan, and, if so, it shall be
759 included in the list. The total capacity of the projects
760 included in the plan shall exceed the needs identified in
761 subparagraph 1. and shall take into account water conservation
762 and other demand management measures, as well as water resources
763 constraints, including adopted minimum flows and levels and
764 water reservations. Where the district determines it is
765 appropriate, the plan should specifically identify the need for
766 multijurisdictional approaches to project options that, based on
767 planning level analysis, are appropriate to supply the intended
768 uses and that, based on such analysis, appear to be permissible
769 and financially and technically feasible. The list of water
770 supply development options must contain provisions that
771 recognize that alternative water supply options for agricultural
772 self-suppliers are limited.

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

775 a. An estimate of the amount of water to become available
776 through the project.

777 b. The timeframe in which the project option should be
778 implemented and the estimated planning-level costs for capital
779 investment and operating and maintaining the project.

780 c. An analysis of funding needs and sources of possible
781 funding options. For alternative water supply projects the water
782 management districts shall provide funding assistance in
783 accordance with s. 373.707(8).

784 d. Identification of the entity that should implement each

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785 project option and the current status of project implementation.

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

787 1. A listing of those water resource development projects
788 that support water supply development.

789 2. For each water resource development project listed:

790 a. An estimate of the amount of water to become available
791 through the project.

792 b. The timeframe in which the project option should be
793 implemented and the estimated planning-level costs for capital
794 investment and for operating and maintaining the project.

795 c. An analysis of funding needs and sources of possible
796 funding options.

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

799 (c) The recovery and prevention strategy described in s.
800 373.0421(2).

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

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

810 (f) The technical data and information applicable to each
811 planning region which are necessary to support the regional
812 water supply plan.

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

815 (h) Reservations of water adopted by rule pursuant to s.
816 373.223(4) within each planning region.

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

819 (j) An analysis, developed in cooperation with the
820 department, of areas or instances in which the variance
821 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
822 create water supply development or water resource development
823 projects.

824 (3) The water supply development component of a regional
825 water supply plan which deals with or affects public utilities
826 and public water supply for those areas served by a regional
827 water supply authority and its member governments within the
828 boundary of the Southwest Florida Water Management District
829 shall be developed jointly by the authority and the district. In
830 areas not served by regional water supply authorities, or other
831 multijurisdictional water supply entities, and where
832 opportunities exist to meet water supply needs more efficiently
833 through multijurisdictional projects identified pursuant to
834 paragraph (2)(a), water management districts are directed to
835 assist in developing multijurisdictional approaches to water
836 supply project development jointly with affected water
837 utilities, special districts, and local governments.

838 (4) The South Florida Water Management District shall
839 include in its regional water supply plan water resource and
840 water supply development projects that promote the elimination

841 of wastewater ocean outfalls as provided in s. 403.086(9).

842 (5) Governing board approval of a regional water supply
843 plan shall not be subject to the rulemaking requirements of
844 chapter 120. However, any portion of an approved regional water
845 supply plan which affects the substantial interests of a party
846 shall be subject to s. 120.569.

847 (6) Annually and in conjunction with the reporting
848 requirements of s. 373.536(6)(a)4., the department shall submit
849 to the Governor and the Legislature a report on the status of
850 regional water supply planning in each district. The report
851 shall include:

852 (a) A compilation of the estimated costs of and potential
853 sources of funding for water resource development and water
854 supply development projects as identified in the water
855 management district regional water supply plans.

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

859 (c) A description of each district's progress toward
860 achieving its water resource development objectives, including
861 the district's implementation of its 5-year water resource
862 development work program.

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

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

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869 alternative or traditional, will produce, contribute to, or
870 account for additional water being made available for
871 consumptive uses, an estimate of the quantity of water to be
872 produced by each project, and an assessment of the contribution
873 of the district's regional water supply plan in providing
874 sufficient water to meet the needs of existing and future
875 reasonable-beneficial uses for a 1-in-10 year drought event, as
876 well as the needs of the natural systems.

877 (7) Nothing contained in the water supply development
878 component of a regional water supply plan shall be construed to
879 require local governments, government-owned or privately owned
880 water utilities, special districts, self-suppliers, regional
881 water supply authorities, multijurisdictional water supply
882 entities, or other water suppliers to select a water supply
883 development project identified in the component merely because
884 it is identified in the plan. Except as provided in s.
885 373.223(3) and (5), the plan may not be used in the review of
886 permits under part II of this chapter unless the plan or an
887 applicable portion thereof has been adopted by rule. However,
888 this subsection does not prohibit a water management district
889 from employing the data or other information used to establish
890 the plan in reviewing permits under part II, nor does it limit
891 the authority of the department or governing board under part
892 II.

893 (8) Where the water supply component of a water supply
894 planning region shows the need for one or more alternative water
895 supply projects, the district shall notify the affected local
896 governments and make every reasonable effort to educate and

897 involve local public officials in working toward solutions in
898 conjunction with the districts and, where appropriate, other
899 local and regional water supply entities.

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

907 (b) Within 1 year after the notification by a water
908 management district pursuant to paragraph (a), each entity
909 identified in sub-subparagraph (2) (a) 3.d. shall provide to the
910 water management district written notification of the following:
911 the alternative water supply projects or options identified in
912 paragraph (2) (a) which it has developed or intends to develop,
913 if any; an estimate of the quantity of water to be produced by
914 each project; and the status of project implementation,
915 including development of the financial plan, facilities master
916 planning, permitting, and efforts in coordinating
917 multijurisdictional projects, if applicable. The information
918 provided in the notification shall be updated annually, and a
919 progress report shall be provided by November 15 of each year to
920 the water management district. If an entity does not intend to
921 develop one or more of the alternative water supply project
922 options identified in the regional water supply plan, the entity
923 shall propose, within 1 year after notification by a water
924 management district pursuant to paragraph (a), another

925 alternative water supply project option sufficient to address
 926 the needs identified in paragraph (2)(a) within the entity's
 927 jurisdiction and shall provide an estimate of the quantity of
 928 water to be produced by the project and the status of project
 929 implementation as described in this paragraph. The entity may
 930 request that the water management district consider the other
 931 project for inclusion in the regional water supply plan.

932 (9) For any regional water supply plan that is scheduled
 933 to be updated before December 31, 2005, the deadline for such
 934 update shall be extended by 1 year.

935 373.711 Technical assistance to local governments.--

936 (1) The water management districts shall assist local
 937 governments in the development and future revision of local
 938 government comprehensive plan elements or public facilities
 939 report as required by s. 189.415, related to water resource
 940 issues.

941 (2) By July 1, 1991, each water management district shall
 942 prepare and provide information and data to assist local
 943 governments in the preparation and implementation of their local
 944 government comprehensive plans or public facilities report as
 945 required by s. 189.415, whichever is applicable. Such
 946 information and data shall include, but not be limited to:

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

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

951 (c) Identification of regulations, programs, and schedules
 952 undertaken or proposed by the district to further the State

953 Comprehensive Plan.

954 (d) A description of surface water basins, including
 955 regulatory jurisdictions, flood-prone areas, existing and
 956 projected water quality in water management district operated
 957 facilities, as well as surface water runoff characteristics and
 958 topography regarding flood plains, wetlands, and recharge areas.

959 (e) A description of groundwater characteristics,
 960 including existing and planned wellfield sites, existing and
 961 anticipated cones of influence, highly productive groundwater
 962 areas, aquifer recharge areas, deep well injection zones,
 963 contaminated areas, an assessment of regional water resource
 964 needs and sources for the next 20 years, and water quality.

965 (f) The identification of existing and potential water
 966 management district land acquisitions.

967 (g) Information reflecting the minimum flows for surface
 968 watercourses to avoid harm to water resources or the ecosystem
 969 and information reflecting the minimum water levels for aquifers
 970 to avoid harm to water resources or the ecosystem.

971 373.713 Regional water supply authorities.--

972 (1) By interlocal agreement between counties,
 973 municipalities, or special districts, as applicable, pursuant to
 974 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and
 975 upon the approval of the Secretary of Environmental Protection
 976 to ensure that such agreement will be in the public interest and
 977 complies with the intent and purposes of this act, regional
 978 water supply authorities may be created for the purpose of
 979 developing, recovering, storing, and supplying water for county
 980 or municipal purposes in such a manner as will give priority to

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981 reducing adverse environmental effects of excessive or improper
982 withdrawals of water from concentrated areas. In approving said
983 agreement the Secretary of Environmental Protection shall
984 consider, but not be limited to, the following:

985 (a) Whether the geographic territory of the proposed
986 authority is of sufficient size and character to reduce the
987 environmental effects of improper or excessive withdrawals of
988 water from concentrated areas.

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

991 (c) The availability of a dependable and adequate water
992 supply.

993 (d) The ability of any proposed authority to design,
994 construct, operate, and maintain water supply facilities in the
995 locations, and at the times necessary, to ensure that an
996 adequate water supply will be available to all citizens within
997 the authority.

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

1000 (f) The existing needs of the water users within the area
1001 of the authority.

1002 (2) In addition to other powers and duties agreed upon,
1003 and notwithstanding the provisions of s. 163.01, such authority
1004 may:

1005 (a) Upon approval of the electors residing in each county
1006 or municipality within the territory to be included in any
1007 authority, levy ad valorem taxes, not to exceed 0.5 mill,
1008 pursuant to s. 9(b), Art. VII of the State Constitution. No tax

1009 authorized by this paragraph shall be levied in any county or
 1010 municipality without an affirmative vote of the electors
 1011 residing in such county or municipality.

1012 (b) Acquire water and water rights; develop, store, and
 1013 transport water; provide, sell, and deliver water for county or
 1014 municipal uses and purposes; and provide for the furnishing of
 1015 such water and water service upon terms and conditions and at
 1016 rates which will apportion to parties and nonparties an
 1017 equitable share of the capital cost and operating expense of the
 1018 authority's work to the purchaser.

1019 (c) Collect, treat, and recover wastewater.

1020 (d) Not engage in local distribution.

1021 (e) Exercise the power of eminent domain in the manner
 1022 provided by law for the condemnation of private property for
 1023 public use to acquire title to such interest in real property as
 1024 is necessary to the exercise of the powers herein granted,
 1025 except water and water rights already devoted to reasonable and
 1026 beneficial use or any water production or transmission
 1027 facilities owned by any county or municipality.

1028 (f) Issue revenue bonds in the manner prescribed by the
 1029 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
 1030 payable solely from funds derived from the sale of water by the
 1031 authority to any county or municipality. Such bonds may be
 1032 additionally secured by the full faith and credit of any county
 1033 or municipality, as provided by s. 159.16 or by a pledge of
 1034 excise taxes, as provided by s. 159.19. For the purpose of
 1035 issuing revenue bonds, an authority shall be considered a "unit"
 1036 as defined in s. 159.02(2) and as that term is used in the

1037 Revenue Bond Act of 1953, as amended. Such bonds may be issued
 1038 to finance the cost of acquiring properties and facilities for
 1039 the production and transmission of water by the authority to any
 1040 county or municipality, which cost shall include the acquisition
 1041 of real property and easements therein for such purposes. Such
 1042 bonds may be in the form of refunding bonds to take up any
 1043 outstanding bonds of the authority or of any county or
 1044 municipality where such outstanding bonds are secured by
 1045 properties and facilities for production and transmission of
 1046 water, which properties and facilities are being acquired by the
 1047 authority. Refunding bonds may be issued to take up and refund
 1048 all outstanding bonds of said authority that are subject to call
 1049 and termination, and all bonds of said authority that are not
 1050 subject to call or redemption, when the surrender of said bonds
 1051 can be procured from the holder thereof at prices satisfactory
 1052 to the authority. Such refunding bonds may be issued at any time
 1053 when, in the judgment of the authority, it will be to the best
 1054 interest of the authority financially or economically by
 1055 securing a lower rate of interest on said bonds or by extending
 1056 the time of maturity of said bonds or, for any other reason, in
 1057 the judgment of the authority, advantageous to said authority.

1058 (g) Sue and be sued in its own name.

1059 (h) Borrow money and incur indebtedness and issue bonds or
 1060 other evidence of such indebtedness.

1061 (i) Join with one or more other public corporations for
 1062 the purpose of carrying out any of its powers and for that
 1063 purpose to contract with such other public corporation or
 1064 corporations for the purpose of financing such acquisitions,

1065 construction, and operations. Such contracts may provide for
 1066 contributions to be made by each party thereto, for the division
 1067 and apportionment of the expenses of such acquisitions and
 1068 operations, and for the division and apportionment of the
 1069 benefits, services, and products therefrom. Such contract may
 1070 contain such other and further covenants and agreements as may
 1071 be necessary and convenient to accomplish the purposes hereof.

1072 (3) A regional water supply authority is authorized to
 1073 develop, construct, operate, maintain, or contract for
 1074 alternative sources of potable water, including desalinated
 1075 water, and pipelines to interconnect authority sources and
 1076 facilities, either by itself or jointly with a water management
 1077 district; however, such alternative potable water sources,
 1078 facilities, and pipelines may also be privately developed,
 1079 constructed, owned, operated, and maintained, in which event an
 1080 authority and a water management district are authorized to
 1081 pledge and contribute their funds to reduce the wholesale cost
 1082 of water from such alternative sources of potable water supplied
 1083 by an authority to its member governments.

1084 (4) When it is found to be in the public interest, for the
 1085 public convenience and welfare, for a public benefit, and
 1086 necessary for carrying out the purpose of any regional water
 1087 supply authority, any state agency, county, water control
 1088 district existing pursuant to chapter 298, water management
 1089 district existing pursuant to this chapter, municipality,
 1090 governmental agency, or public corporation in this state holding
 1091 title to any interest in land is hereby authorized, in its
 1092 discretion, to convey the title to or dedicate land, title to

1093 which is in such entity, including tax-reverted land, or to
 1094 grant use-rights therein, to any regional water supply authority
 1095 created pursuant to this section. Land granted or conveyed to
 1096 such authority shall be for the public purposes of such
 1097 authority and may be made subject to the condition that in the
 1098 event said land is not so used, or if used and subsequently its
 1099 use for said purpose is abandoned, the interest granted shall
 1100 cease as to such authority and shall automatically revert to the
 1101 granting entity.

1102 (5) Each county, special district, or municipality that is
 1103 a party to an agreement pursuant to subsection (1) shall have a
 1104 preferential right to purchase water from the regional water
 1105 supply authority for use by such county, special district, or
 1106 municipality.

1107 (6) In carrying out the provisions of this section, any
 1108 county wherein water is withdrawn by the authority shall not be
 1109 deprived, directly or indirectly, of the prior right to the
 1110 reasonable and beneficial use of water which is required
 1111 adequately to supply the reasonable and beneficial needs of the
 1112 county or any of the inhabitants or property owners therein.

1113 (7) Upon a resolution adopted by the governing body of any
 1114 county or municipality, the authority may, subject to a majority
 1115 vote of its voting members, include such county or municipality
 1116 in its regional water supply authority upon such terms and
 1117 conditions as may be prescribed.

1118 (8) The authority shall design, construct, operate, and
 1119 maintain facilities in the locations and at the times necessary
 1120 to ensure that an adequate water supply will be available to all

1121 citizens within the authority.

1122 (9) Where a water supply authority exists pursuant to this
 1123 section or s. 373.715 under a voluntary interlocal agreement
 1124 that is consistent with requirements in s. 373.715(1)(b) and
 1125 receives or maintains consumptive use permits under this
 1126 voluntary agreement consistent with the water supply plan, if
 1127 any, adopted by the governing board, such authority shall be
 1128 exempt from consideration by the governing board or department
 1129 of the factors specified in s. 373.223(3)(a)-(g) and the
 1130 submissions required by s. 373.229(3). Such exemptions shall
 1131 apply only to water sources within the jurisdictional areas of
 1132 such voluntary water supply interlocal agreements.

1133 373.715 Assistance to West Coast Regional Water Supply
 1134 Authority.---

1135 (1) It is the intent of the Legislature to authorize the
 1136 implementation of changes in governance recommended by the West
 1137 Coast Regional Water Supply Authority in its reports to the
 1138 Legislature dated February 1, 1997, and January 5, 1998. The
 1139 authority and its member governments may reconstitute the
 1140 authority's governance and rename the authority under a
 1141 voluntary interlocal agreement with a term of not less than 20
 1142 years. The interlocal agreement must comply with this subsection
 1143 as follows:

1144 (a) The authority and its member governments agree that
 1145 cooperative efforts are mandatory to meet their water needs in a
 1146 manner that will provide adequate and dependable supplies of
 1147 water where needed without resulting in adverse environmental
 1148 effects upon the areas from which the water is withdrawn or

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1149 otherwise produced.

1150 (b) In accordance with s. 4, Art. VIII of the State
1151 Constitution and notwithstanding s. 163.01, the interlocal
1152 agreement may include the following terms, which are considered
1153 approved by the parties without a vote of their electors, upon
1154 execution of the interlocal agreement by all member governments
1155 and upon satisfaction of all conditions precedent in the
1156 interlocal agreement:

1157 1. All member governments shall relinquish to the
1158 authority their individual rights to develop potable water
1159 supply sources, except as otherwise provided in the interlocal
1160 agreement;

1161 2. The authority shall be the sole and exclusive wholesale
1162 potable water supplier for all member governments; and

1163 3. The authority shall have the absolute and unequivocal
1164 obligation to meet the wholesale needs of the member governments
1165 for potable water.

1166 4. A member government may not restrict or prohibit the
1167 use of land within a member's jurisdictional boundaries by the
1168 authority for water supply purposes through use of zoning, land
1169 use, comprehensive planning, or other form of regulation.

1170 5. A member government may not impose any tax, fee, or
1171 charge upon the authority in conjunction with the production or
1172 supply of water not otherwise provided for in the interlocal
1173 agreement.

1174 6. The authority may use the powers provided in part II of
1175 chapter 159 for financing and refinancing water treatment,
1176 production, or transmission facilities, including, but not

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1177 limited to, desalinization facilities. All such water treatment,
1178 production, or transmission facilities are considered a
1179 "manufacturing plant" for purposes of s. 159.27(5) and serve a
1180 paramount public purpose by providing water to citizens of the
1181 state.

1182 7. A member government and any governmental or quasi-
1183 judicial board or commission established by local ordinance or
1184 general or special law where the governing membership of such
1185 board or commission is shared, in whole or in part, or appointed
1186 by a member government agreeing to be bound by the interlocal
1187 agreement shall be limited to the procedures set forth therein
1188 regarding actions that directly or indirectly restrict or
1189 prohibit the use of lands or other activities related to the
1190 production or supply of water.

1191 (c) The authority shall acquire full or lesser interests
1192 in all regionally significant member government wholesale water
1193 supply facilities and tangible assets and each member government
1194 shall convey such interests in the facilities and assets to the
1195 authority, at an agreed value.

1196 (d) The authority shall charge a uniform per gallon
1197 wholesale rate to member governments for the wholesale supply of
1198 potable water. All capital, operation, maintenance, and
1199 administrative costs for existing facilities and acquired
1200 facilities, authority master water plan facilities, and other
1201 future projects must be allocated to member governments based on
1202 water usage at the uniform per gallon wholesale rate.

1203 (e) The interlocal agreement may include procedures for
1204 resolving the parties' differences regarding water management

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1205 district proposed agency action in the water use permitting
1206 process within the authority. Such procedures should minimize
1207 the potential for litigation and include alternative dispute
1208 resolution. Any governmental or quasi-judicial board or
1209 commission established by local ordinance or general or special
1210 law where the governing members of such board or commission is
1211 shared, in whole or in part, or appointed by a member
1212 government, may agree to be bound by the dispute resolution
1213 procedures set forth in the interlocal agreement.

1214 (f) Upon execution of the voluntary interlocal agreement
1215 provided for herein, the authority shall jointly develop with
1216 the Southwest Florida Water Management District alternative
1217 sources of potable water and transmission pipelines to
1218 interconnect regionally significant water supply sources and
1219 facilities of the authority in amounts sufficient to meet the
1220 needs of all member governments for a period of at least 20
1221 years and for natural systems. Nothing herein, however, shall
1222 preclude the authority and its member governments from
1223 developing traditional water sources pursuant to the voluntary
1224 interlocal agreement. Development and construction costs for
1225 alternative source facilities, which may include a desalination
1226 facility and significant regional interconnects, must be borne
1227 as mutually agreed to by both the authority and the Southwest
1228 Florida Water Management District. Nothing herein shall preclude
1229 authority or district cost sharing with private entities for the
1230 construction or ownership of alternative source facilities. By
1231 December 31, 1997, the authority and the Southwest Florida Water
1232 Management District shall enter into a mutually acceptable

1233 agreement detailing the development and implementation of
 1234 directives contained in this paragraph. Nothing in this section
 1235 shall be construed to modify the rights or responsibilities of
 1236 the authority or its member governments, except as otherwise
 1237 provided herein, or of the Southwest Florida Water Management
 1238 District or the department pursuant to this chapter or chapter
 1239 403 and as otherwise set forth by statutes.

1240 (g) Unless otherwise provided in the interlocal agreement,
 1241 the authority shall be governed by a board of commissioners
 1242 consisting of nine voting members, all of whom must be elected
 1243 officers, as follows:

1244 1. Three members from Hillsborough County who must be
 1245 selected by the county commission; provided, however, that one
 1246 member shall be selected by the Mayor of Tampa in the event that
 1247 the City of Tampa elects to be a member of the authority;

1248 2. Three members from Pasco County, two of whom must be
 1249 selected by the county commission and one of whom must be
 1250 selected by the City Council of New Port Richey;

1251 3. Three members from Pinellas County, two of whom must be
 1252 selected by the county commission and one of whom must be
 1253 selected by the City Council of St. Petersburg.

1254
 1255 Except as otherwise provided in this section or in the voluntary
 1256 interlocal agreement between the member governments, a majority
 1257 vote shall bind the authority and its member governments in all
 1258 matters relating to the funding of wholesale water supply,
 1259 production, delivery, and related activities.

1260 (2) The provisions of this section supersede any

1261 conflicting provisions contained in all other general or special
 1262 laws or provisions thereof as they may apply directly or
 1263 indirectly to the exclusivity of water supply or withdrawal of
 1264 water, including provisions relating to the environmental
 1265 effects, if any, in conjunction with the production and supply
 1266 of potable water, and the provisions of this section are
 1267 intended to be a complete revision of all laws related to a
 1268 regional water supply authority created under s. 373.713 and
 1269 this section.

1270 (3) In lieu of the provisions in s. 373.713(2) (a), the
 1271 Southwest Florida Water Management District shall assist the
 1272 West Coast Regional Water Supply Authority for a period of 5
 1273 years, terminating December 31, 1981, by levying an ad valorem
 1274 tax, upon request of the authority, of not more than 0.05 mill
 1275 on all taxable property within the limits of the authority.
 1276 During such period the corresponding basin board ad valorem tax
 1277 levies shall be reduced accordingly.

1278 (4) The authority shall prepare its annual budget in the
 1279 same manner as prescribed for the preparation of basin budgets,
 1280 but such authority budget shall not be subject to review by the
 1281 respective basin boards or by the governing board of the
 1282 district.

1283 (5) The annual millage for the authority shall be the
 1284 amount required to raise the amount called for by the annual
 1285 budget when applied to the total assessment on all taxable
 1286 property within the limits of the authority, as determined for
 1287 county taxing purposes.

1288 (6) The authority may, by resolution, request the

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1289 governing board of the district to levy ad valorem taxes within
 1290 the boundaries of the authority. Upon receipt of such request,
 1291 together with formal certification of the adoption of its annual
 1292 budget and of the required tax levy, the authority tax levy
 1293 shall be made by the governing board of the district to finance
 1294 authority functions.

1295 (7) The taxes provided for in this section shall be
 1296 extended by the property appraiser on the county tax roll in
 1297 each county within, or partly within, the authority boundaries
 1298 and shall be collected by the tax collector in the same manner
 1299 and time as county taxes, and the proceeds therefrom paid to the
 1300 district which shall forthwith pay them over to the authority.
 1301 Until paid, such taxes shall be a lien on the property against
 1302 which assessed and enforceable in like manner as county taxes.
 1303 The property appraisers, tax collectors, and clerks of the
 1304 circuit court of the respective counties shall be entitled to
 1305 compensation for services performed in connection with such
 1306 taxes at the same rates as apply to county taxes.

1307 (8) The governing board of the district shall not be
 1308 responsible for any actions or lack of actions by the authority.

1309 Section 2. Subsection (10) is added to section 373.026,
 1310 Florida Statutes, to read:

1311 373.026 General powers and duties of the department.--The
 1312 department, or its successor agency, shall be responsible for
 1313 the administration of this chapter at the state level. However,
 1314 it is the policy of the state that, to the greatest extent
 1315 possible, the department may enter into interagency or
 1316 interlocal agreements with any other state agency, any water

1317 management district, or any local government conducting programs
 1318 related to or materially affecting the water resources of the
 1319 state. All such agreements shall be subject to the provisions of
 1320 s. 373.046. In addition to its other powers and duties, the
 1321 department shall, to the greatest extent possible:

1322 (10) In carrying out the provisions of this chapter,
 1323 neither the department nor a water management district shall
 1324 deprive, directly or indirectly, any county wherein water is
 1325 withdrawn of the prior right to the reasonable and beneficial
 1326 use of water which is required to supply adequately the
 1327 reasonable and beneficial needs of the county or any of the
 1328 inhabitants or property owners therein.

1329 Section 3. Subsection (13) of section 120.52, Florida
 1330 Statutes, is amended to read:

1331 120.52 Definitions.--As used in this act:

1332 (13) "Party" means:

1333 (a) Specifically named persons whose substantial interests
 1334 are being determined in the proceeding.

1335 (b) Any other person who, as a matter of constitutional
 1336 right, provision of statute, or provision of agency regulation,
 1337 is entitled to participate in whole or in part in the
 1338 proceeding, or whose substantial interests will be affected by
 1339 proposed agency action, and who makes an appearance as a party.

1340 (c) Any other person, including an agency staff member,
 1341 allowed by the agency to intervene or participate in the
 1342 proceeding as a party. An agency may by rule authorize limited
 1343 forms of participation in agency proceedings for persons who are
 1344 not eligible to become parties.

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1345 (d) Any county representative, agency, department, or unit
1346 funded and authorized by state statute or county ordinance to
1347 represent the interests of the consumers of a county, when the
1348 proceeding involves the substantial interests of a significant
1349 number of residents of the county and the board of county
1350 commissioners has, by resolution, authorized the representative,
1351 agency, department, or unit to represent the class of interested
1352 persons. The authorizing resolution shall apply to a specific
1353 proceeding and to appeals and ancillary proceedings thereto, and
1354 it shall not be required to state the names of the persons whose
1355 interests are to be represented.

1356

1357 The term "party" does not include a member government of a
1358 regional water supply authority or a governmental or quasi-
1359 judicial board or commission established by local ordinance or
1360 special or general law where the governing membership of such
1361 board or commission is shared with, in whole or in part, or
1362 appointed by a member government of a regional water supply
1363 authority in proceedings under s. 120.569, s. 120.57, or s.
1364 120.68, to the extent that an interlocal agreement under ss.
1365 163.01 and 373.713 ~~373.1962~~ exists in which the member
1366 government has agreed that its substantial interests are not
1367 affected by the proceedings or that it is to be bound by
1368 alternative dispute resolution in lieu of participating in the
1369 proceedings. This exclusion applies only to those particular
1370 types of disputes or controversies, if any, identified in an
1371 interlocal agreement.

1372 Section 4. Subsection (13) of section 163.3167, Florida

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1373 Statutes, is amended to read:

1374 163.3167 Scope of act.--

1375 (13) Each local government shall address in its
 1376 comprehensive plan, as enumerated in this chapter, the water
 1377 supply sources necessary to meet and achieve the existing and
 1378 projected water use demand for the established planning period,
 1379 considering the applicable plan developed pursuant to s. 373.709
 1380 ~~373.0361~~.

1381 Section 5. Paragraph (a) of subsection (4) and paragraphs
 1382 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
 1383 Statutes, are amended to read:

1384 163.3177 Required and optional elements of comprehensive
 1385 plan; studies and surveys.--

1386 (4) (a) Coordination of the local comprehensive plan with
 1387 the comprehensive plans of adjacent municipalities, the county,
 1388 adjacent counties, or the region; with the appropriate water
 1389 management district's regional water supply plans approved
 1390 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
 1391 to designated areas of critical state concern; and with the
 1392 state comprehensive plan shall be a major objective of the local
 1393 comprehensive planning process. To that end, in the preparation
 1394 of a comprehensive plan or element thereof, and in the
 1395 comprehensive plan or element as adopted, the governing body
 1396 shall include a specific policy statement indicating the
 1397 relationship of the proposed development of the area to the
 1398 comprehensive plans of adjacent municipalities, the county,
 1399 adjacent counties, or the region and to the state comprehensive
 1400 plan, as the case may require and as such adopted plans or plans

1401 in preparation may exist.

1402 (6) In addition to the requirements of subsections (1)-(5)
 1403 and (12), the comprehensive plan shall include the following
 1404 elements:

1405 (c) A general sanitary sewer, solid waste, drainage,
 1406 potable water, and natural groundwater aquifer recharge element
 1407 correlated to principles and guidelines for future land use,
 1408 indicating ways to provide for future potable water, drainage,
 1409 sanitary sewer, solid waste, and aquifer recharge protection
 1410 requirements for the area. The element may be a detailed
 1411 engineering plan including a topographic map depicting areas of
 1412 prime groundwater recharge. The element shall describe the
 1413 problems and needs and the general facilities that will be
 1414 required for solution of the problems and needs. The element
 1415 shall also include a topographic map depicting any areas adopted
 1416 by a regional water management district as prime groundwater
 1417 recharge areas for the Floridan or Biscayne aquifers, pursuant
 1418 to s. 373.0397. These areas shall be given special consideration
 1419 when the local government is engaged in zoning or considering
 1420 future land use for said designated areas. For areas served by
 1421 septic tanks, soil surveys shall be provided which indicate the
 1422 suitability of soils for septic tanks. Within 18 months after
 1423 the governing board approves an updated regional water supply
 1424 plan, the element must incorporate the alternative water supply
 1425 project or projects selected by the local government from those
 1426 identified in the regional water supply plan pursuant to s.
 1427 373.709(2)(a) ~~373.0361(2)(a)~~ or proposed by the local government
 1428 under s. 373.709(7)(b) ~~373.0361(7)(b)~~. If a local government is

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1429 | located within two water management districts, the local
1430 | government shall adopt its comprehensive plan amendment within
1431 | 18 months after the later updated regional water supply plan.
1432 | The element must identify such alternative water supply projects
1433 | and traditional water supply projects and conservation and reuse
1434 | necessary to meet the water needs identified in s. 373.709(2)(a)
1435 | ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1436 | include a work plan, covering at least a 10 year planning
1437 | period, for building public, private, and regional water supply
1438 | facilities, including development of alternative water supplies,
1439 | which are identified in the element as necessary to serve
1440 | existing and new development. The work plan shall be updated, at
1441 | a minimum, every 5 years within 18 months after the governing
1442 | board of a water management district approves an updated
1443 | regional water supply plan. Amendments to incorporate the work
1444 | plan do not count toward the limitation on the frequency of
1445 | adoption of amendments to the comprehensive plan. Local
1446 | governments, public and private utilities, regional water supply
1447 | authorities, special districts, and water management districts
1448 | are encouraged to cooperatively plan for the development of
1449 | multijurisdictional water supply facilities that are sufficient
1450 | to meet projected demands for established planning periods,
1451 | including the development of alternative water sources to
1452 | supplement traditional sources of groundwater and surface water
1453 | supplies.

1454 | (d) A conservation element for the conservation, use, and
1455 | protection of natural resources in the area, including air,
1456 | water, water recharge areas, wetlands, waterwells, estuarine

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1457 marshes, soils, beaches, shores, flood plains, rivers, bays,
 1458 lakes, harbors, forests, fisheries and wildlife, marine habitat,
 1459 minerals, and other natural and environmental resources,
 1460 including factors that affect energy conservation. Local
 1461 governments shall assess their current, as well as projected,
 1462 water needs and sources for at least a 10-year period,
 1463 considering the appropriate regional water supply plan approved
 1464 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
 1465 approved regional water supply plan, the district water
 1466 management plan approved pursuant to s. 373.036(2). This
 1467 information shall be submitted to the appropriate agencies. The
 1468 land use map or map series contained in the future land use
 1469 element shall generally identify and depict the following:

- 1470 1. Existing and planned waterwells and cones of influence
- 1471 where applicable.
- 1472 2. Beaches and shores, including estuarine systems.
- 1473 3. Rivers, bays, lakes, flood plains, and harbors.
- 1474 4. Wetlands.
- 1475 5. Minerals and soils.
- 1476 6. Energy conservation.

1477
 1478 The land uses identified on such maps shall be consistent with
 1479 applicable state law and rules.

1480 (h)1. An intergovernmental coordination element showing
 1481 relationships and stating principles and guidelines to be used
 1482 in the accomplishment of coordination of the adopted
 1483 comprehensive plan with the plans of school boards, regional
 1484 water supply authorities, and other units of local government

1485 providing services but not having regulatory authority over the
 1486 use of land, with the comprehensive plans of adjacent
 1487 municipalities, the county, adjacent counties, or the region,
 1488 with the state comprehensive plan and with the applicable
 1489 regional water supply plan approved pursuant to s. 373.709
 1490 ~~373.0361~~, as the case may require and as such adopted plans or
 1491 plans in preparation may exist. This element of the local
 1492 comprehensive plan shall demonstrate consideration of the
 1493 particular effects of the local plan, when adopted, upon the
 1494 development of adjacent municipalities, the county, adjacent
 1495 counties, or the region, or upon the state comprehensive plan,
 1496 as the case may require.

1497 a. The intergovernmental coordination element shall
 1498 provide for procedures to identify and implement joint planning
 1499 areas, especially for the purpose of annexation, municipal
 1500 incorporation, and joint infrastructure service areas.

1501 b. The intergovernmental coordination element shall
 1502 provide for recognition of campus master plans prepared pursuant
 1503 to s. 1013.30.

1504 c. The intergovernmental coordination element may provide
 1505 for a voluntary dispute resolution process as established
 1506 pursuant to s. 186.509 for bringing to closure in a timely
 1507 manner intergovernmental disputes. A local government may
 1508 develop and use an alternative local dispute resolution process
 1509 for this purpose.

1510 2. The intergovernmental coordination element shall
 1511 further state principles and guidelines to be used in the
 1512 accomplishment of coordination of the adopted comprehensive plan

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1513 with the plans of school boards and other units of local
1514 government providing facilities and services but not having
1515 regulatory authority over the use of land. In addition, the
1516 intergovernmental coordination element shall describe joint
1517 processes for collaborative planning and decisionmaking on
1518 population projections and public school siting, the location
1519 and extension of public facilities subject to concurrency, and
1520 siting facilities with countywide significance, including
1521 locally unwanted land uses whose nature and identity are
1522 established in an agreement. Within 1 year of adopting their
1523 intergovernmental coordination elements, each county, all the
1524 municipalities within that county, the district school board,
1525 and any unit of local government service providers in that
1526 county shall establish by interlocal or other formal agreement
1527 executed by all affected entities, the joint processes described
1528 in this subparagraph consistent with their adopted
1529 intergovernmental coordination elements.

1530 3. To foster coordination between special districts and
1531 local general-purpose governments as local general-purpose
1532 governments implement local comprehensive plans, each
1533 independent special district must submit a public facilities
1534 report to the appropriate local government as required by s.
1535 189.415.

1536 4.a. Local governments must execute an interlocal
1537 agreement with the district school board, the county, and
1538 nonexempt municipalities pursuant to s. 163.31777. The local
1539 government shall amend the intergovernmental coordination
1540 element to provide that coordination between the local

1541 government and school board is pursuant to the agreement and
 1542 shall state the obligations of the local government under the
 1543 agreement.

1544 b. Plan amendments that comply with this subparagraph are
 1545 exempt from the provisions of s. 163.3187(1).

1546 5. The state land planning agency shall establish a
 1547 schedule for phased completion and transmittal of plan
 1548 amendments to implement subparagraphs 1., 2., and 3. from all
 1549 jurisdictions so as to accomplish their adoption by December 31,
 1550 1999. A local government may complete and transmit its plan
 1551 amendments to carry out these provisions prior to the scheduled
 1552 date established by the state land planning agency. The plan
 1553 amendments are exempt from the provisions of s. 163.3187(1).

1554 6. By January 1, 2004, any county having a population
 1555 greater than 100,000, and the municipalities and special
 1556 districts within that county, shall submit a report to the
 1557 Department of Community Affairs which:

1558 a. Identifies all existing or proposed interlocal service
 1559 delivery agreements regarding the following: education; sanitary
 1560 sewer; public safety; solid waste; drainage; potable water;
 1561 parks and recreation; and transportation facilities.

1562 b. Identifies any deficits or duplication in the provision
 1563 of services within its jurisdiction, whether capital or
 1564 operational. Upon request, the Department of Community Affairs
 1565 shall provide technical assistance to the local governments in
 1566 identifying deficits or duplication.

1567 7. Within 6 months after submission of the report, the
 1568 Department of Community Affairs shall, through the appropriate

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1569 regional planning council, coordinate a meeting of all local
 1570 governments within the regional planning area to discuss the
 1571 reports and potential strategies to remedy any identified
 1572 deficiencies or duplications.

1573 8. Each local government shall update its
 1574 intergovernmental coordination element based upon the findings
 1575 in the report submitted pursuant to subparagraph 6. The report
 1576 may be used as supporting data and analysis for the
 1577 intergovernmental coordination element.

1578 Section 6. Paragraph (1) of subsection (2) of section
 1579 163.3191, Florida Statutes, is amended to read:

1580 163.3191 Evaluation and appraisal of comprehensive plan.--

1581 (2) The report shall present an evaluation and assessment
 1582 of the comprehensive plan and shall contain appropriate
 1583 statements to update the comprehensive plan, including, but not
 1584 limited to, words, maps, illustrations, or other media, related
 1585 to:

1586 (1) The extent to which the local government has been
 1587 successful in identifying alternative water supply projects and
 1588 traditional water supply projects, including conservation and
 1589 reuse, necessary to meet the water needs identified in s.
 1590 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
 1591 jurisdiction. The report must evaluate the degree to which the
 1592 local government has implemented the work plan for building
 1593 public, private, and regional water supply facilities, including
 1594 development of alternative water supplies, identified in the
 1595 element as necessary to serve existing and new development.

1596 Section 7. Paragraphs (c) and (d) of subsection (4) of

1597 section 189.404, Florida Statutes, are amended to read:

1598 189.404 Legislative intent for the creation of independent
 1599 special districts; special act prohibitions; model elements and
 1600 other requirements; general-purpose local government/Governor
 1601 and Cabinet creation authorizations.--

1602 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 1603 AUTHORIZATIONS.--Except as otherwise authorized by general law,
 1604 only the Legislature may create independent special districts.

1605 (c) The Governor and Cabinet may create an independent
 1606 special district which shall be established by rule in
 1607 accordance with s. 190.005 or as otherwise authorized in general
 1608 law. The Governor and Cabinet may also approve the establishment
 1609 of a charter for the creation of an independent special district
 1610 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
 1611 otherwise authorized in general law.

1612 (d)1. Any combination of two or more counties may create a
 1613 regional special district which shall be established in
 1614 accordance with s. 950.001, or as otherwise authorized in
 1615 general law.

1616 2. Any combination of two or more counties or
 1617 municipalities may create a regional special district which
 1618 shall be established in accordance with s. 373.713 ~~373.1962~~, or
 1619 as otherwise authorized by general law.

1620 3. Any combination of two or more counties,
 1621 municipalities, or other political subdivisions may create a
 1622 regional special district in accordance with s. 163.567, or as
 1623 otherwise authorized in general law.

1624 Section 8. Subsection (3) of section 189.4155, Florida

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1625 Statutes, is amended to read:

1626 189.4155 Activities of special districts; local government
1627 comprehensive planning.--

1628 (3) The provisions of this section shall not apply to
1629 water management districts created pursuant to s. 373.069, to
1630 regional water supply authorities created pursuant to s. 373.713
1631 ~~373.1962~~, or to spoil disposal sites owned or used by the
1632 Federal Government.

1633 Section 9. Section 189.4156, Florida Statutes, is amended
1634 to read:

1635 189.4156 Water management district technical assistance;
1636 local government comprehensive planning.--Water management
1637 districts shall assist local governments in the development of
1638 local government comprehensive plan elements related to water
1639 resource issues as required by s. 373.711 ~~373.0391~~.

1640 Section 10. Subsection (7) of section 367.021, Florida
1641 Statutes, is amended to read:

1642 367.021 Definitions.--As used in this chapter, the
1643 following words or terms shall have the meanings indicated:

1644 (7) "Governmental authority" means a political
1645 subdivision, as defined by s. 1.01(8), a regional water supply
1646 authority created pursuant to s. 373.713 ~~373.1962~~, or a
1647 nonprofit corporation formed for the purpose of acting on behalf
1648 of a political subdivision with respect to a water or wastewater
1649 facility.

1650 Section 11. Subsection (17) of section 373.019, Florida
1651 Statutes, is amended to read:

1652 373.019 Definitions.--When appearing in this chapter or in

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1653 any rule, regulation, or order adopted pursuant thereto, the
 1654 term:

1655 (17) "Regional water supply plan" means a detailed water
 1656 supply plan developed by a governing board under s. 373.709
 1657 ~~373.0361~~.

1658 Section 12. Subsection (2) of section 373.0421, Florida
 1659 Statutes, is amended to read:

1660 373.0421 Establishment and implementation of minimum flows
 1661 and levels.--

1662 (2) If the existing flow or level in a water body is
 1663 below, or is projected to fall within 20 years below, the
 1664 applicable minimum flow or level established pursuant to s.
 1665 373.042, the department or governing board, as part of the
 1666 regional water supply plan described in s. 373.709 ~~373.0361~~,
 1667 shall expeditiously implement a recovery or prevention strategy,
 1668 which includes the development of additional water supplies and
 1669 other actions, consistent with the authority granted by this
 1670 chapter, to:

1671 (a) Achieve recovery to the established minimum flow or
 1672 level as soon as practicable; or

1673 (b) Prevent the existing flow or level from falling below
 1674 the established minimum flow or level.

1675
 1676 The recovery or prevention strategy shall include phasing or a
 1677 timetable which will allow for the provision of sufficient water
 1678 supplies for all existing and projected reasonable-beneficial
 1679 uses, including development of additional water supplies and
 1680 implementation of conservation and other efficiency measures

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1681 concurrent with, to the extent practical, and to offset,
 1682 reductions in permitted withdrawals, consistent with the
 1683 provisions of this chapter.

1684 Section 13. Subsection (4) of section 373.0695, Florida
 1685 Statutes, is amended to read:

1686 373.0695 Duties of basin boards; authorized
 1687 expenditures.--

1688 (4) In the exercise of the duties and powers granted
 1689 herein, the basin boards shall be subject to all the limitations
 1690 and restrictions imposed on the water management districts in s.
 1691 373.703 ~~373.1961~~.

1692 Section 14. Subsections (3) and (5) of section 373.223,
 1693 Florida Statutes, are amended to read:

1694 373.223 Conditions for a permit.--

1695 (3) Except for the transport and use of water supplied by
 1696 the Central and Southern Florida Flood Control Project, and
 1697 anywhere in the state when the transport and use of water is
 1698 supplied exclusively for bottled water as defined in s.
 1699 500.03(1)(d), any water use permit applications pending as of
 1700 April 1, 1998, with the Northwest Florida Water Management
 1701 District and self-suppliers of water for which the proposed
 1702 water source and area of use or application are located on
 1703 contiguous private properties, when evaluating whether a
 1704 potential transport and use of ground or surface water across
 1705 county boundaries is consistent with the public interest,
 1706 pursuant to paragraph (1)(c), the governing board or department
 1707 shall consider:

1708 (a) The proximity of the proposed water source to the area

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1709 of use or application.

1710 (b) All impoundments, streams, groundwater sources, or
 1711 watercourses that are geographically closer to the area of use
 1712 or application than the proposed source, and that are
 1713 technically and economically feasible for the proposed transport
 1714 and use.

1715 (c) All economically and technically feasible alternatives
 1716 to the proposed source, including, but not limited to,
 1717 desalination, conservation, reuse of nonpotable reclaimed water
 1718 and stormwater, and aquifer storage and recovery.

1719 (d) The potential environmental impacts that may result
 1720 from the transport and use of water from the proposed source,
 1721 and the potential environmental impacts that may result from use
 1722 of the other water sources identified in paragraphs (b) and (c).

1723 (e) Whether existing and reasonably anticipated sources of
 1724 water and conservation efforts are adequate to supply water for
 1725 existing legal uses and reasonably anticipated future needs of
 1726 the water supply planning region in which the proposed water
 1727 source is located.

1728 (f) Consultations with local governments affected by the
 1729 proposed transport and use.

1730 (g) The value of the existing capital investment in water-
 1731 related infrastructure made by the applicant.

1732
 1733 Where districtwide water supply assessments and regional water
 1734 supply plans have been prepared pursuant to ss. 373.036 and
 1735 373.709 ~~373.0361~~, the governing board or the department shall
 1736 use the applicable plans and assessments as the basis for its

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1737 consideration of the applicable factors in this subsection.

1738 (5) In evaluating an application for consumptive use of
 1739 water which proposes the use of an alternative water supply
 1740 project as described in the regional water supply plan and
 1741 provides reasonable assurances of the applicant's capability to
 1742 design, construct, operate, and maintain the project, the
 1743 governing board or department shall presume that the alternative
 1744 water supply use is consistent with the public interest under
 1745 paragraph (1)(c). However, where the governing board identifies
 1746 the need for a multijurisdictional water supply entity or
 1747 regional water supply authority to develop the alternative water
 1748 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,
 1749 the presumption shall be accorded only to that use proposed by
 1750 such entity or authority. This subsection does not effect
 1751 evaluation of the use pursuant to the provisions of paragraphs
 1752 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
 1753 373.233.

1754 Section 15. Section 373.2234, Florida Statutes, is amended
 1755 to read:

1756 373.2234 Preferred water supply sources.--The governing
 1757 board of a water management district is authorized to adopt
 1758 rules that identify preferred water supply sources for
 1759 consumptive uses for which there is sufficient data to establish
 1760 that a preferred source will provide a substantial new water
 1761 supply to meet the existing and projected reasonable-beneficial
 1762 uses of a water supply planning region identified pursuant to s.
 1763 373.709(1) ~~373.0361(1)~~, while sustaining existing water
 1764 resources and natural systems. At a minimum, such rules must

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1765 contain a description of the preferred water supply source and
1766 an assessment of the water the preferred source is projected to
1767 produce. If an applicant proposes to use a preferred water
1768 supply source, that applicant's proposed water use is subject to
1769 s. 373.223(1), except that the proposed use of a preferred water
1770 supply source must be considered by a water management district
1771 when determining whether a permit applicant's proposed use of
1772 water is consistent with the public interest pursuant to s.
1773 373.223(1)(c). A consumptive use permit issued for the use of a
1774 preferred water supply source must be granted, when requested by
1775 the applicant, for at least a 20-year period and may be subject
1776 to the compliance reporting provisions of s. 373.236(4). Nothing
1777 in this section shall be construed to exempt the use of
1778 preferred water supply sources from the provisions of ss.
1779 373.016(4) and 373.223(2) and (3), or be construed to provide
1780 that permits issued for the use of a nonpreferred water supply
1781 source must be issued for a duration of less than 20 years or
1782 that the use of a nonpreferred water supply source is not
1783 consistent with the public interest. Additionally, nothing in
1784 this section shall be interpreted to require the use of a
1785 preferred water supply source or to restrict or prohibit the use
1786 of a nonpreferred water supply source. Rules adopted by the
1787 governing board of a water management district to implement this
1788 section shall specify that the use of a preferred water supply
1789 source is not required and that the use of a nonpreferred water
1790 supply source is not restricted or prohibited.

1791 Section 16. Subsection (3) of section 373.229, Florida
1792 Statutes, is amended to read:

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1793 373.229 Application for permit.--

1794 (3) In addition to the information required in subsection
 1795 (1), all permit applications filed with the governing board or
 1796 the department which propose the transport and use of water
 1797 across county boundaries shall include information pertaining to
 1798 factors to be considered, pursuant to s. 373.223(3), unless
 1799 exempt under s. 373.713(9) ~~373.1962(9)~~.

1800 Section 17. Paragraph (a) of subsection (6) of section
 1801 373.536, Florida Statutes, is amended to read:

1802 373.536 District budget and hearing thereon.--

1803 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1804 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

1805 (a) Each district must, by the date specified for each
 1806 item, furnish copies of the following documents to the Governor,
 1807 the President of the Senate, the Speaker of the House of
 1808 Representatives, the chairs of all legislative committees and
 1809 subcommittees having substantive or fiscal jurisdiction over the
 1810 districts, as determined by the President of the Senate or the
 1811 Speaker of the House of Representatives as applicable, the
 1812 secretary of the department, and the governing board of each
 1813 county in which the district has jurisdiction or derives any
 1814 funds for the operations of the district:

1815 1. The adopted budget, to be furnished within 10 days
 1816 after its adoption.

1817 2. A financial audit of its accounts and records, to be
 1818 furnished within 10 days after its acceptance by the governing
 1819 board. The audit must be conducted in accordance with the
 1820 provisions of s. 11.45 and the rules adopted thereunder. In

1821 addition to the entities named above, the district must provide
 1822 a copy of the audit to the Auditor General within 10 days after
 1823 its acceptance by the governing board.

1824 3. A 5-year capital improvements plan, to be included in
 1825 the consolidated annual report required by s. 373.036(7). The
 1826 plan must include expected sources of revenue for planned
 1827 improvements and must be prepared in a manner comparable to the
 1828 fixed capital outlay format set forth in s. 216.043.

1829 4. A 5-year water resource development work program to be
 1830 furnished within 30 days after the adoption of the final budget.
 1831 The program must describe the district's implementation strategy
 1832 for the water resource development component of each approved
 1833 regional water supply plan developed or revised under s. 373.709
 1834 ~~373.0361~~. The work program must address all the elements of the
 1835 water resource development component in the district's approved
 1836 regional water supply plans and must identify which projects in
 1837 the work program will provide water, explain how each water
 1838 resource development project will produce additional water
 1839 available for consumptive uses, estimate the quantity of water
 1840 to be produced by each project, and provide an assessment of the
 1841 contribution of the district's regional water supply plans in
 1842 providing sufficient water to meet the water supply needs of
 1843 existing and future reasonable-beneficial uses for a 1-in-10-
 1844 year drought event. Within 30 days after its submittal, the
 1845 department shall review the proposed work program and submit its
 1846 findings, questions, and comments to the district. The review
 1847 must include a written evaluation of the program's consistency
 1848 with the furtherance of the district's approved regional water

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1849 supply plans, and the adequacy of proposed expenditures. As part
 1850 of the review, the department shall give interested parties the
 1851 opportunity to provide written comments on each district's
 1852 proposed work program. Within 45 days after receipt of the
 1853 department's evaluation, the governing board shall state in
 1854 writing to the department which changes recommended in the
 1855 evaluation it will incorporate into its work program submitted
 1856 as part of the March 1 consolidated annual report required by s.
 1857 373.036(7) or specify the reasons for not incorporating the
 1858 changes. The department shall include the district's responses
 1859 in a final evaluation report and shall submit a copy of the
 1860 report to the Governor, the President of the Senate, and the
 1861 Speaker of the House of Representatives.

1862 Section 18. Subsection (11) of section 373.59, Florida
 1863 Statutes, is amended to read:

1864 373.59 Water Management Lands Trust Fund.--

1865 (11) Notwithstanding any provision of this section to the
 1866 contrary, the governing board of a water management district may
 1867 request, and the Secretary of Environmental Protection shall
 1868 release upon such request, moneys allocated to the districts
 1869 pursuant to subsection (8) for purposes consistent with the
 1870 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
 1871 373.139, or ss. 373.451-373.4595 and for legislatively
 1872 authorized land acquisition and water restoration initiatives.
 1873 No funds may be used pursuant to this subsection until necessary
 1874 debt service obligations, requirements for payments in lieu of
 1875 taxes, and land management obligations that may be required by
 1876 this chapter are provided for.

1877 Section 19. Paragraph (g) of subsection (1) of section
 1878 378.212, Florida Statutes, is amended to read:

1879 378.212 Variances.--

1880 (1) Upon application, the secretary may grant a variance
 1881 from the provisions of this part or the rules adopted pursuant
 1882 thereto. Variances and renewals thereof may be granted for any
 1883 one of the following reasons:

1884 (g) To accommodate reclamation that provides water supply
 1885 development or water resource development not inconsistent with
 1886 the applicable regional water supply plan approved pursuant to
 1887 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
 1888 the water resources in the basin. A variance may also be granted
 1889 from the requirements of part IV of chapter 373, or the rules
 1890 adopted thereunder, when a project provides an improvement in
 1891 water availability in the basin and does not cause adverse
 1892 impacts to water resources in the basin.

1893 Section 20. Subsection (9) of section 378.404, Florida
 1894 Statutes, is amended to read:

1895 378.404 Department of Environmental Protection; powers and
 1896 duties.--The department shall have the following powers and
 1897 duties:

1898 (9) To grant variances from the provisions of this part to
 1899 accommodate reclamation that provides for water supply
 1900 development or water resource development not inconsistent with
 1901 the applicable regional water supply plan approved pursuant to
 1902 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
 1903 wildlife habitat, recreation, or a mixture thereof, provided
 1904 adverse impacts are not caused to the water resources in the

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1905 basin and public health and safety are not adversely affected.

1906 Section 21. Paragraph (a) of subsection (3) of section
1907 403.0891, Florida Statutes, is amended to read:

1908 403.0891 State, regional, and local stormwater management
1909 plans and programs.--The department, the water management
1910 districts, and local governments shall have the responsibility
1911 for the development of mutually compatible stormwater management
1912 programs.

1913 (3) (a) Each local government required by chapter 163 to
1914 submit a comprehensive plan, whose plan is submitted after July
1915 1, 1992, and the others when updated after July 1, 1992, in the
1916 development of its stormwater management program described by
1917 elements within its comprehensive plan shall consider the water
1918 resource implementation rule, district stormwater management
1919 goals, plans approved pursuant to the Surface Water Improvement
1920 and Management Act, ss. 373.451-373.4595, and technical
1921 assistance information provided by the water management
1922 districts pursuant to s. 373.711 ~~373.0391~~.

1923 Section 22. Paragraph (a) of subsection (1) and paragraph
1924 (a) of subsection (2) of section 403.890, Florida Statutes, are
1925 amended to read:

1926 403.890 Water Protection and Sustainability Program;
1927 intent; goals; purposes.--

1928 (1) Effective July 1, 2006, revenues transferred from the
1929 Department of Revenue pursuant to s. 201.15(1)(c)2. shall be
1930 deposited into the Water Protection and Sustainability Program
1931 Trust Fund in the Department of Environmental Protection. These
1932 revenues and any other additional revenues deposited into or

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1933 appropriated to the Water Protection and Sustainability Program
 1934 Trust Fund shall be distributed by the Department of
 1935 Environmental Protection in the following manner:

1936 (a) Sixty percent to the Department of Environmental
 1937 Protection for the implementation of an alternative water supply
 1938 program as provided in s. 373.703 ~~373.1961~~.

1939 (2) Applicable beginning in the 2007-2008 fiscal year,
 1940 revenues transferred from the Department of Revenue pursuant to
 1941 s. 201.15(1)(d)2. shall be deposited into the Water Protection
 1942 and Sustainability Program Trust Fund in the Department of
 1943 Environmental Protection. These revenues and any other
 1944 additional revenues deposited into or appropriated to the Water
 1945 Protection and Sustainability Program Trust Fund shall be
 1946 distributed by the Department of Environmental Protection in the
 1947 following manner:

1948 (a) Sixty-five percent to the Department of Environmental
 1949 Protection for the implementation of an alternative water supply
 1950 program as provided in s. 373.703 ~~373.1961~~.

1951 Section 23. Section 682.02, Florida Statutes, is amended
 1952 to read:

1953 682.02 Arbitration agreements made valid, irrevocable, and
 1954 enforceable; scope.--Two or more parties may agree in writing to
 1955 submit to arbitration any controversy existing between them at
 1956 the time of the agreement, or they may include in a written
 1957 contract a provision for the settlement by arbitration of any
 1958 controversy thereafter arising between them relating to such
 1959 contract or the failure or refusal to perform the whole or any
 1960 part thereof. This section also applies to written interlocal

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1961 | agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
 1962 | more parties agree to submit to arbitration any controversy
 1963 | between them concerning water use permit applications and other
 1964 | matters, regardless of whether or not the water management
 1965 | district with jurisdiction over the subject application is a
 1966 | party to the interlocal agreement or a participant in the
 1967 | arbitration. Such agreement or provision shall be valid,
 1968 | enforceable, and irrevocable without regard to the justiciable
 1969 | character of the controversy; provided that this act shall not
 1970 | apply to any such agreement or provision to arbitrate in which
 1971 | it is stipulated that this law shall not apply or to any
 1972 | arbitration or award thereunder.

1973 | Section 24. Section 373.71, Florida Statutes, is
 1974 | renumbered as section 373.69, Florida Statutes.

1975 | Section 25. Sections 373.0361, 373.0391, 373.0831,
 1976 | 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are
 1977 | repealed.

1978 | Section 26. This act shall take effect July 1, 2009.