

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 ss.
 95 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155,
 96 189.4156, 367.021, 373.019, 373.0421, 373.0695, 373.223,
 97 373.2234, 373.229, 373.536, 373.59, 378.212, 378.404,
 98 403.0891, 403.890, and 682.02, F.S.; conforming cross-
 99 references; renumbering s. 373.71, F.S., relating to the
 100 Apalachicola-Chattahoochee-Flint River Basin Compact, to
 101 clarify retention of the section in part VI of ch. 373,
 102 F.S.; repealing s. 373.0361, F.S., relating to regional
 103 water supply planning; repealing s. 373.0391, F.S.,
 104 relating to technical assistance to local governments;
 105 repealing s. 373.0831, F.S., relating to water resource
 106 and water supply development; repealing s. 373.196, F.S.,
 107 relating to alternative water supply development;
 108 repealing s. 373.1961, F.S., relating to water production
 109 and related powers and duties of water management
 110 districts; repealing s. 373.1962, F.S., relating to
 111 regional water supply authorities; repealing s. 373.1963,

112 F.S., relating to assistance to the West Coast Regional
 113 Water Supply Authority; providing an effective date.
 114

115 Be It Enacted by the Legislature of the State of Florida:
 116

117 Section 1. Part VII of chapter 373, Florida Statutes,
 118 consisting of sections 373.701, 373.703, 373.705, 373.707,
 119 373.709, 373.711, 373.713, and 373.715, is created to read:

120 PART VII

121 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

122 373.701 Declaration of policy.--It is declared to be the
 123 policy of the Legislature:

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

127 (2) (a) Because water constitutes a public resource
 128 benefiting the entire state, it is the policy of the Legislature
 129 that the waters in the state be managed on a state and regional
 130 basis. Consistent with this directive, the Legislature
 131 recognizes the need to allocate water throughout the state so as
 132 to meet all reasonable-beneficial uses. However, the Legislature
 133 acknowledges that such allocations have in the past adversely
 134 affected the water resources of certain areas in this state. To
 135 protect such water resources and to meet the current and future
 136 needs of those areas with abundant water, the Legislature
 137 directs the department and the water management districts to
 138 encourage the use of water from sources nearest the area of use
 139 or application whenever practicable. Such sources shall include

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

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

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

168 also well-coordinated activities. Municipalities, counties, and
 169 special districts are encouraged to create regional water supply
 170 authorities as authorized in s. 373.713 or multijurisdictional
 171 water supply entities.

172 373.703 Water production; powers and duties.--In the
 173 performance of, and in conjunction with, its other powers and
 174 duties, the governing board of a water management district
 175 existing pursuant to this chapter:

176 (1) Shall engage in planning to assist counties,
 177 municipalities, special districts, publicly owned and privately
 178 owned water utilities, multijurisdictional water supply
 179 entities, or regional water supply authorities in meeting water
 180 supply needs in such manner as will give priority to encouraging
 181 conservation and reducing adverse environmental effects of
 182 improper or excessive withdrawals of water from concentrated
 183 areas. As used in this section and s. 373.707, regional water
 184 supply authorities are regional water authorities created under
 185 s. 373.713 or other laws of this state.

186 (2) Shall assist counties, municipalities, special
 187 districts, publicly owned or privately owned water utilities,
 188 multijurisdictional water supply entities, or regional water
 189 supply authorities in meeting water supply needs in such manner
 190 as will give priority to encouraging conservation and reducing
 191 adverse environmental effects of improper or excessive
 192 withdrawals of water from concentrated areas.

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

196 districts, publicly owned and privately owned water utilities,
 197 multijurisdictional water supply entities, or regional water
 198 supply authorities. The permit required by part II of this
 199 chapter for a water management district engaged in water
 200 production and transmission shall be granted, denied, or granted
 201 with conditions by the department.

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

203 (5) Shall not deprive, directly or indirectly, any county
 204 wherein water is withdrawn of the prior right to the reasonable
 205 and beneficial use of water which is required to supply
 206 adequately the reasonable and beneficial needs of the county or
 207 any of the inhabitants or property owners therein.

208 (6) May provide water and financial assistance to regional
 209 water supply authorities, but may not provide water to counties
 210 and municipalities which are located within the area of such
 211 authority without the specific approval of the authority or, in
 212 the event of the authority's disapproval, the approval of the
 213 Governor and Cabinet sitting as the Land and Water Adjudicatory
 214 Commission. The district may supply water at rates and upon
 215 terms mutually agreed to by the parties or, if they do not
 216 agree, as set by the governing board and specifically approved
 217 by the Governor and Cabinet sitting as the Land and Water
 218 Adjudicatory Commission.

219 (7) May acquire title to such interest as is necessary in
 220 real property, by purchase, gift, devise, lease, eminent domain,
 221 or otherwise, for water production and transmission consistent
 222 with this section and s. 373.707. However, the district shall
 223 not use any of the eminent domain powers herein granted to

224 acquire water and water rights already devoted to reasonable and
225 beneficial use or any water production or transmission
226 facilities owned by any county, municipality, or regional water
227 supply authority. The district may exercise eminent domain
228 powers outside of its district boundaries for the acquisition of
229 pumpage facilities, storage areas, transmission facilities, and
230 the normal appurtenances thereto, provided that at least 45 days
231 prior to the exercise of eminent domain, the district notifies
232 the district where the property is located after public notice
233 and the district where the property is located does not object
234 within 45 days after notification of such exercise of eminent
235 domain authority.

236 (8) In addition to the power to issue revenue bonds
237 pursuant to s. 373.584, may issue revenue bonds for the purposes
238 of paying the costs and expenses incurred in carrying out the
239 purposes of this chapter or refunding obligations of the
240 district issued pursuant to this section. Such revenue bonds
241 shall be secured by, and be payable from, revenues derived from
242 the operation, lease, or use of its water production and
243 transmission facilities and other water-related facilities and
244 from the sale of water or services relating thereto. Such
245 revenue bonds may not be secured by, or be payable from, moneys
246 derived by the district from the Water Management Lands Trust
247 Fund or from ad valorem taxes received by the district. All
248 provisions of s. 373.584 relating to the issuance of revenue
249 bonds which are not inconsistent with this section shall apply
250 to the issuance of revenue bonds pursuant to this section. The
251 district may also issue bond anticipation notes in accordance

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252 with the provisions of s. 373.584.

253 (9) May join with one or more other water management
254 districts, counties, municipalities, special districts, publicly
255 owned or privately owned water utilities, multijurisdictional
256 water supply entities, or regional water supply authorities for
257 the purpose of carrying out any of its powers, and may contract
258 with such other entities to finance acquisitions, construction,
259 operation, and maintenance. The contract may provide for
260 contributions to be made by each party thereto, for the division
261 and apportionment of the expenses of acquisitions, construction,
262 operation, and maintenance, and for the division and
263 apportionment of the benefits, services, and products therefrom.
264 The contracts may contain other covenants and agreements
265 necessary and appropriate to accomplish their purposes.

266 373.705 Water resource development; water supply
267 development.--

268 (1) The Legislature finds that:

269 (a) The proper role of the water management districts in
270 water supply is primarily planning and water resource
271 development, but this does not preclude them from providing
272 assistance with water supply development.

273 (b) The proper role of local government, regional water
274 supply authorities, and government-owned and privately owned
275 water utilities in water supply is primarily water supply
276 development, but this does not preclude them from providing
277 assistance with water resource development.

278 (c) Water resource development and water supply
279 development must receive priority attention, where needed, to

280 increase the availability of sufficient water for all existing
281 and future reasonable-beneficial uses and natural systems.

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

283 (a) Sufficient water be available for all existing and
284 future reasonable-beneficial uses and the natural systems, and
285 that the adverse effects of competition for water supplies be
286 avoided.

287 (b) Water management districts take the lead in
288 identifying and implementing water resource development
289 projects, and be responsible for securing necessary funding for
290 regionally significant water resource development projects.

291 (c) Local governments, regional water supply authorities,
292 and government-owned and privately owned water utilities take
293 the lead in securing funds for and implementing water supply
294 development projects. Generally, direct beneficiaries of water
295 supply development projects should pay the costs of the projects
296 from which they benefit, and water supply development projects
297 should continue to be paid for through local funding sources.

298 (d) Water supply development be conducted in coordination
299 with water management district regional water supply planning
300 and water resource development.

301 (3) The water management districts shall fund and
302 implement water resource development as defined in s. 373.019.
303 The water management districts are encouraged to implement water
304 resource development as expeditiously as possible in areas
305 subject to regional water supply plans. Each governing board
306 shall include in its annual budget the amount needed for the
307 fiscal year to implement water resource development projects, as

308 prioritized in its regional water supply plans.

309 (4) (a) Water supply development projects which are
 310 consistent with the relevant regional water supply plans and
 311 which meet one or more of the following criteria shall receive
 312 priority consideration for state or water management district
 313 funding assistance:

314 1. The project supports establishment of a dependable,
 315 sustainable supply of water which is not otherwise financially
 316 feasible;

317 2. The project provides substantial environmental benefits
 318 by preventing or limiting adverse water resource impacts, but
 319 requires funding assistance to be economically competitive with
 320 other options; or

321 3. The project significantly implements reuse, storage,
 322 recharge, or conservation of water in a manner that contributes
 323 to the sustainability of regional water sources.

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

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

330 2. The project implements reuse that assists in the
 331 elimination of domestic wastewater ocean outfalls as provided in
 332 s. 403.086(9).

333 373.707 Alternative water supply development.--

334 (1) The purpose of this section is to encourage
 335 cooperation in the development of water supplies and to provide

336 for alternative water supply development.

337 (a) Demands on natural supplies of fresh water to meet the
338 needs of a rapidly growing population and the needs of the
339 environment, agriculture, industry, and mining will continue to
340 increase.

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

344 (c) Cooperative efforts between municipalities, counties,
345 special districts, water management districts, and the
346 Department of Environmental Protection are mandatory in order to
347 meet the water needs of rapidly urbanizing areas in a manner
348 that will supply adequate and dependable supplies of water where
349 needed without resulting in adverse effects upon the areas from
350 which such water is withdrawn. Such efforts should use all
351 practical means of obtaining water, including, but not limited
352 to, withdrawals of surface water and groundwater, reuse, and
353 desalinization, and will necessitate not only cooperation but
354 also well-coordinated activities. Municipalities, counties, and
355 special districts are encouraged to create regional water supply
356 authorities as authorized in s. 373.713 or multijurisdictional
357 water supply entities.

358 (d) Alternative water supply development must receive
359 priority funding attention to increase the available supplies of
360 water to meet all existing and future reasonable-beneficial uses
361 and to benefit the natural systems.

362 (e) Cooperation between counties, municipalities, regional
363 water supply authorities, multijurisdictional water supply

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364 entities, special districts, and publicly owned and privately
365 owned water utilities in the development of countywide and
366 multicountywide alternative water supply projects will allow for
367 necessary economies of scale and efficiencies to be achieved in
368 order to accelerate the development of new, dependable, and
369 sustainable alternative water supplies.

370 (f) It is in the public interest that county, municipal,
371 industrial, agricultural, and other public and private water
372 users, the Department of Environmental Protection, and the water
373 management districts cooperate and work together in the
374 development of alternative water supplies to avoid the adverse
375 effects of competition for limited supplies of water. Public
376 moneys or services provided to private entities for alternative
377 water supply development may constitute public purposes that
378 also are in the public interest.

379 (2) (a) Sufficient water must be available for all existing
380 and future reasonable-beneficial uses and the natural systems,
381 and the adverse effects of competition for water supplies must
382 be avoided.

383 (b) Water supply development and alternative water supply
384 development must be conducted in coordination with water
385 management district regional water supply planning.

386 (c) Funding for the development of alternative water
387 supplies shall be a shared responsibility of water suppliers and
388 users, the State of Florida, and the water management districts,
389 with water suppliers and users having the primary responsibility
390 and the State of Florida and the water management districts
391 being responsible for providing funding assistance.

392 (3) The primary roles of the water management districts in
 393 water resource development as it relates to supporting
 394 alternative water supply development are:

395 (a) The formulation and implementation of regional water
 396 resource management strategies that support alternative water
 397 supply development;

398 (b) The collection and evaluation of surface water and
 399 groundwater data to be used for a planning level assessment of
 400 the feasibility of alternative water supply development
 401 projects;

402 (c) The construction, operation, and maintenance of major
 403 public works facilities for flood control, surface and
 404 underground water storage, and groundwater recharge augmentation
 405 to support alternative water supply development;

406 (d) Planning for alternative water supply development as
 407 provided in regional water supply plans in coordination with
 408 local governments, regional water supply authorities,
 409 multijurisdictional water supply entities, special districts,
 410 and publicly owned and privately owned water utilities and self-
 411 suppliers;

412 (e) The formulation and implementation of structural and
 413 nonstructural programs to protect and manage water resources in
 414 support of alternative water supply projects; and

415 (f) The provision of technical and financial assistance to
 416 local governments and publicly owned and privately owned water
 417 utilities for alternative water supply projects.

418 (4) The primary roles of local government, regional water
 419 supply authorities, multijurisdictional water supply entities,

420 special districts, and publicly owned and privately owned water
421 utilities in alternative water supply development shall be:

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

424 (b) The formulation and implementation of alternative
425 water supply development strategies and programs;

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

429 (d) The coordination of alternative water supply
430 development activities with the appropriate water management
431 district having jurisdiction over the activity.

432 (5) Nothing in this section shall be construed to preclude
433 the various special districts, municipalities, and counties from
434 continuing to operate existing water production and transmission
435 facilities or to enter into cooperative agreements with other
436 special districts, municipalities, and counties for the purpose
437 of meeting their respective needs for dependable and adequate
438 supplies of water; however, the obtaining of water through such
439 operations shall not be done in a manner that results in adverse
440 effects upon the areas from which such water is withdrawn.

441 (6) (a) The statewide funds provided pursuant to the Water
442 Protection and Sustainability Program serve to supplement
443 existing water management district or basin board funding for
444 alternative water supply development assistance and should not
445 result in a reduction of such funding. Therefore, the water
446 management districts shall include in the annual tentative and
447 adopted budget submittals required under this chapter the amount

448 of funds allocated for water resource development that supports
449 alternative water supply development and the funds allocated for
450 alternative water supply projects selected for inclusion in the
451 Water Protection and Sustainability Program. It shall be the
452 goal of each water management district and basin boards that the
453 combined funds allocated annually for these purposes be, at a
454 minimum, the equivalent of 100 percent of the state funding
455 provided to the water management district for alternative water
456 supply development. If this goal is not achieved, the water
457 management district shall provide in the budget submittal an
458 explanation of the reasons or constraints that prevent this goal
459 from being met, an explanation of how the goal will be met in
460 future years, and affirmation of match is required during the
461 budget review process as established under s. 373.536(5). The
462 Suwannee River Water Management District and the Northwest
463 Florida Water Management District shall not be required to meet
464 the match requirements of this paragraph; however, they shall
465 try to achieve the match requirement to the greatest extent
466 practicable.

467 (b) State funds from the Water Protection and
468 Sustainability Program created in s. 403.890 shall be made
469 available for financial assistance for the project construction
470 costs of alternative water supply development projects selected
471 by a water management district governing board for inclusion in
472 the program.

473 (7) The water management district shall implement its
474 responsibilities as expeditiously as possible in areas subject
475 to regional water supply plans. Each district's governing board

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476 shall include in its annual budget the amount needed for the
477 fiscal year to assist in implementing alternative water supply
478 development projects.

479 (8) (a) The water management districts and the state shall
480 share a percentage of revenues with water providers and users,
481 including local governments, water, wastewater, and reuse
482 utilities, municipal, special district, industrial, and
483 agricultural water users, and other public and private water
484 users, to be used to supplement other funding sources in the
485 development of alternative water supplies.

486 (b) Beginning in fiscal year 2005-2006, the state shall
487 annually provide a portion of those revenues deposited into the
488 Water Protection and Sustainability Program Trust Fund for the
489 purpose of providing funding assistance for the development of
490 alternative water supplies pursuant to the Water Protection and
491 Sustainability Program. At the beginning of each fiscal year,
492 beginning with fiscal year 2005-2006, such revenues shall be
493 distributed by the department into the alternative water supply
494 trust fund accounts created by each district for the purpose of
495 alternative water supply development under the following funding
496 formula:

497 1. Thirty percent to the South Florida Water Management
498 District;

499 2. Twenty-five percent to the Southwest Florida Water
500 Management District;

501 3. Twenty-five percent to the St. Johns River Water
502 Management District;

503 4. Ten percent to the Suwannee River Water Management

504 District; and

505 5. Ten percent to the Northwest Florida Water Management
506 District.

507 (c) The financial assistance for alternative water supply
508 projects allocated in each district's budget as required in
509 subsection (6) shall be combined with the state funds and used
510 to assist in funding the project construction costs of
511 alternative water supply projects selected by the governing
512 board. If the district has not completed any regional water
513 supply plan, or the regional water supply plan does not identify
514 the need for any alternative water supply projects, funds
515 deposited in that district's trust fund may be used for water
516 resource development projects, including, but not limited to,
517 springs protection.

518 (d) All projects submitted to the governing board for
519 consideration shall reflect the total capital cost for
520 implementation. The costs shall be segregated pursuant to the
521 categories described in the definition of capital costs.

522 (e) Applicants for projects that may receive funding
523 assistance pursuant to the Water Protection and Sustainability
524 Program shall, at a minimum, be required to pay 60 percent of
525 the project's construction costs. The water management districts
526 may, at their discretion, totally or partially waive this
527 requirement for projects sponsored by financially disadvantaged
528 small local governments as defined in former s. 403.885(5). The
529 water management districts or basin boards may, at their
530 discretion, use ad valorem or federal revenues to assist a
531 project applicant in meeting the requirements of this paragraph.

532 (f) The governing boards shall determine those projects
533 that will be selected for financial assistance. The governing
534 boards may establish factors to determine project funding;
535 however, significant weight shall be given to the following
536 factors:

537 1. Whether the project provides substantial environmental
538 benefits by preventing or limiting adverse water resource
539 impacts.

540 2. Whether the project reduces competition for water
541 supplies.

542 3. Whether the project brings about replacement of
543 traditional sources in order to help implement a minimum flow or
544 level or a reservation.

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

549 5. The quantity of water supplied by the project as
550 compared to its cost.

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

553 7. Whether the project will be implemented by a
554 multijurisdictional water supply entity or regional water supply
555 authority.

556 8. Whether the project implements reuse that assists in
557 the elimination of domestic wastewater ocean outfalls as
558 provided in s. 403.086(9).

559 (g) Additional factors to be considered in determining

560 project funding shall include:

561 1. Whether the project is part of a plan to implement two
562 or more alternative water supply projects, all of which will be
563 operated to produce water at a uniform rate for the participants
564 in a multijurisdictional water supply entity or regional water
565 supply authority.

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

568 3. Whether the project proposal includes sufficient
569 preliminary planning and engineering to demonstrate that the
570 project can reasonably be implemented within the timeframes
571 provided in the regional water supply plan.

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

574 5. Whether and in what percentage a local government or
575 local government utility is transferring water supply system
576 revenues to the local government general fund in excess of
577 reimbursements for services received from the general fund,
578 including direct and indirect costs and legitimate payments in
579 lieu of taxes.

580 (h) After conducting one or more meetings to solicit
581 public input on eligible projects, including input from those
582 entities identified pursuant to s. 373.709(2)(a)3.d. for
583 implementation of alternative water supply projects, the
584 governing board of each water management district shall select
585 projects for funding assistance based upon the criteria set
586 forth in paragraphs (f) and (g). The governing board may select
587 a project identified or listed as an alternative water supply

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588 development project in the regional water supply plan, or
589 allocate up to 20 percent of the funding for alternative water
590 supply projects that are not identified or listed in the
591 regional water supply plan but are consistent with the goals of
592 the plan.

593 (i) Without diminishing amounts available through other
594 means described in this paragraph, the governing boards are
595 encouraged to consider establishing revolving loan funds to
596 expand the total funds available to accomplish the objectives of
597 this section. A revolving loan fund created under this paragraph
598 must be a nonlapsing fund from which the water management
599 district may make loans with interest rates below prevailing
600 market rates to public or private entities for the purposes
601 described in this section. The governing board may adopt
602 resolutions to establish revolving loan funds which must specify
603 the details of the administration of the fund, the procedures
604 for applying for loans from the fund, the criteria for awarding
605 loans from the fund, the initial capitalization of the fund, and
606 the goals for future capitalization of the fund in subsequent
607 budget years. Revolving loan funds created under this paragraph
608 must be used to expand the total sums and sources of cooperative
609 funding available for the development of alternative water
610 supplies. The Legislature does not intend for the creation of
611 revolving loan funds to supplant or otherwise reduce existing
612 sources or amounts of funds currently available through other
613 means.

614 (j) For each utility that receives financial assistance
615 from the state or a water management district for an alternative

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616 water supply project, the water management district shall
617 require the appropriate rate-setting authority to develop rate
618 structures for water customers in the service area of the funded
619 utility that will:

- 620 1. Promote the conservation of water; and
621 2. Promote the use of water from alternative water
622 supplies.

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

625 (l) All revenues made available pursuant to this
626 subsection must be encumbered annually by the governing board
627 when it approves projects sufficient to expend the available
628 revenues.

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

631 (n) By March 1 of each year, as part of the consolidated
632 annual report required by s. 373.036(7), each water management
633 district shall submit a report on the disbursal of all budgeted
634 amounts pursuant to this section. Such report shall describe all
635 alternative water supply projects funded as well as the quantity
636 of new water to be created as a result of such projects and
637 shall account separately for any other moneys provided through
638 grants, matching grants, revolving loans, and the use of
639 district lands or facilities to implement regional water supply
640 plans.

641 (o) The Florida Public Service Commission shall allow
642 entities under its jurisdiction constructing or participating in
643 constructing facilities that provide alternative water supplies

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644 to recover their full, prudently incurred cost of constructing
645 such facilities through their rate structure. If construction of
646 a facility or participation in construction is pursuant to or in
647 furtherance of a regional water supply plan, the cost shall be
648 deemed to be prudently incurred. Every component of an
649 alternative water supply facility constructed by an investor-
650 owned utility shall be recovered in current rates. Any state or
651 water management district cost-share is not subject to the
652 recovery provisions allowed in this paragraph.

653 (9) Funding assistance provided by the water management
654 districts for a water reuse system may include the following
655 conditions for that project if a water management district
656 determines that such conditions will encourage water use
657 efficiency:

658 (a) Metering of reclaimed water use for residential
659 irrigation, agricultural irrigation, industrial uses, except for
660 electric utilities as defined in s. 366.02(2), landscape
661 irrigation, golf course irrigation, irrigation of other public
662 access areas, commercial and institutional uses such as toilet
663 flushing, and transfers to other reclaimed water utilities;

664 (b) Implementation of reclaimed water rate structures
665 based on actual use of reclaimed water for the reuse activities
666 listed in paragraph (a);

667 (c) Implementation of education programs to inform the
668 public about water issues, water conservation, and the
669 importance and proper use of reclaimed water; or

670 (d) Development of location data for key reuse facilities.
671 373.709 Regional water supply planning.--

672 (1) The governing board of each water management district
673 shall conduct water supply planning for any water supply
674 planning region within the district identified in the
675 appropriate district water supply plan under s. 373.036, where
676 it determines that existing sources of water are not adequate to
677 supply water for all existing and future reasonable-beneficial
678 uses and to sustain the water resources and related natural
679 systems for the planning period. The planning must be conducted
680 in an open public process, in coordination and cooperation with
681 local governments, regional water supply authorities,
682 government-owned and privately owned water utilities,
683 multijurisdictional water supply entities, self-suppliers, and
684 other affected and interested parties. The districts shall
685 actively engage in public education and outreach to all affected
686 local entities and their officials, as well as members of the
687 public, in the planning process and in seeking input. During
688 preparation, but prior to completion of the regional water
689 supply plan, the district must conduct at least one public
690 workshop to discuss the technical data and modeling tools
691 anticipated to be used to support the regional water supply
692 plan. The district shall also hold several public meetings to
693 communicate the status, overall conceptual intent, and impacts
694 of the plan on existing and future reasonable-beneficial uses
695 and related natural systems. During the planning process, a
696 local government may choose to prepare its own water supply
697 assessment to determine if existing water sources are adequate
698 to meet existing and projected reasonable-beneficial needs of
699 the local government while sustaining water resources and

700 related natural systems. The local government shall submit such
701 assessment, including the data and methodology used, to the
702 district. The district shall consider the local government's
703 assessment during the formation of the plan. A determination by
704 the governing board that initiation of a regional water supply
705 plan for a specific planning region is not needed pursuant to
706 this section shall be subject to s. 120.569. The governing board
707 shall reevaluate such a determination at least once every 5
708 years and shall initiate a regional water supply plan, if
709 needed, pursuant to this subsection.

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

713 (a) A water supply development component for each water
714 supply planning region identified by the district which
715 includes:

716 1. A quantification of the water supply needs for all
717 existing and future reasonable-beneficial uses within the
718 planning horizon. The level-of-certainty planning goal
719 associated with identifying the water supply needs of existing
720 and future reasonable-beneficial uses shall be based upon
721 meeting those needs for a 1-in-10-year drought event. Population
722 projections used for determining public water supply needs must
723 be based upon the best available data. In determining the best
724 available data, the district shall consider the University of
725 Florida's Bureau of Economic and Business Research (BEBR) medium
726 population projections and any population projection data and
727 analysis submitted by a local government pursuant to the public

728 workshop described in subsection (1) if the data and analysis
729 support the local government's comprehensive plan. Any
730 adjustment of or deviation from the BEBR projections must be
731 fully described, and the original BEBR data must be presented
732 along with the adjusted data.

733 2. A list of water supply development project options,
734 including traditional and alternative water supply project
735 options, from which local government, government-owned and
736 privately owned utilities, regional water supply authorities,
737 multijurisdictional water supply entities, self-suppliers, and
738 others may choose for water supply development. In addition to
739 projects listed by the district, such users may propose specific
740 projects for inclusion in the list of alternative water supply
741 projects. If such users propose a project to be listed as an
742 alternative water supply project, the district shall determine
743 whether it meets the goals of the plan, and, if so, it shall be
744 included in the list. The total capacity of the projects
745 included in the plan shall exceed the needs identified in
746 subparagraph 1. and shall take into account water conservation
747 and other demand management measures, as well as water resources
748 constraints, including adopted minimum flows and levels and
749 water reservations. Where the district determines it is
750 appropriate, the plan should specifically identify the need for
751 multijurisdictional approaches to project options that, based on
752 planning level analysis, are appropriate to supply the intended
753 uses and that, based on such analysis, appear to be permissible
754 and financially and technically feasible. The list of water
755 supply development options must contain provisions that

756 recognize that alternative water supply options for agricultural
757 self-suppliers are limited.

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

760 a. An estimate of the amount of water to become available
761 through the project.

762 b. The timeframe in which the project option should be
763 implemented and the estimated planning-level costs for capital
764 investment and operating and maintaining the project.

765 c. An analysis of funding needs and sources of possible
766 funding options. For alternative water supply projects the water
767 management districts shall provide funding assistance in
768 accordance with s. 373.707(8).

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

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

772 1. A listing of those water resource development projects
773 that support water supply development.

774 2. For each water resource development project listed:

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 for operating and maintaining the project.

780 c. An analysis of funding needs and sources of possible
781 funding options.

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

784 (c) The recovery and prevention strategy described in s.
785 373.0421(2).

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

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

795 (f) The technical data and information applicable to each
796 planning region which are necessary to support the regional
797 water supply plan.

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

800 (h) Reservations of water adopted by rule pursuant to s.
801 373.223(4) within each planning region.

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

804 (j) An analysis, developed in cooperation with the
805 department, of areas or instances in which the variance
806 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
807 create water supply development or water resource development
808 projects.

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

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812 water supply authority and its member governments within the
813 boundary of the Southwest Florida Water Management District
814 shall be developed jointly by the authority and the district. In
815 areas not served by regional water supply authorities, or other
816 multijurisdictional water supply entities, and where
817 opportunities exist to meet water supply needs more efficiently
818 through multijurisdictional projects identified pursuant to
819 paragraph (2) (a), water management districts are directed to
820 assist in developing multijurisdictional approaches to water
821 supply project development jointly with affected water
822 utilities, special districts, and local governments.

823 (4) The South Florida Water Management District shall
824 include in its regional water supply plan water resource and
825 water supply development projects that promote the elimination
826 of wastewater ocean outfalls as provided in s. 403.086(9).

827 (5) Governing board approval of a regional water supply
828 plan shall not be subject to the rulemaking requirements of
829 chapter 120. However, any portion of an approved regional water
830 supply plan which affects the substantial interests of a party
831 shall be subject to s. 120.569.

832 (6) Annually and in conjunction with the reporting
833 requirements of s. 373.536(6) (a)4., the department shall submit
834 to the Governor and the Legislature a report on the status of
835 regional water supply planning in each district. The report
836 shall include:

837 (a) A compilation of the estimated costs of and potential
838 sources of funding for water resource development and water
839 supply development projects as identified in the water

840 management district regional water supply plans.

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

844 (c) A description of each district's progress toward
845 achieving its water resource development objectives, including
846 the district's implementation of its 5-year water resource
847 development work program.

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

851 (e) An overall assessment of the progress being made to
852 develop water supply in each district, including, but not
853 limited to, an explanation of how each project, either
854 alternative or traditional, will produce, contribute to, or
855 account for additional water being made available for
856 consumptive uses, an estimate of the quantity of water to be
857 produced by each project, and an assessment of the contribution
858 of the district's regional water supply plan in providing
859 sufficient water to meet the needs of existing and future
860 reasonable-beneficial uses for a 1-in-10 year drought event, as
861 well as the needs of the natural systems.

862 (7) Nothing contained in the water supply development
863 component of a regional water supply plan shall be construed to
864 require local governments, government-owned or privately owned
865 water utilities, special districts, self-suppliers, regional
866 water supply authorities, multijurisdictional water supply
867 entities, or other water suppliers to select a water supply

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868 development project identified in the component merely because
869 it is identified in the plan. Except as provided in s.
870 373.223(3) and (5), the plan may not be used in the review of
871 permits under part II of this chapter unless the plan or an
872 applicable portion thereof has been adopted by rule. However,
873 this subsection does not prohibit a water management district
874 from employing the data or other information used to establish
875 the plan in reviewing permits under part II, nor does it limit
876 the authority of the department or governing board under part
877 II.

878 (8) Where the water supply component of a water supply
879 planning region shows the need for one or more alternative water
880 supply projects, the district shall notify the affected local
881 governments and make every reasonable effort to educate and
882 involve local public officials in working toward solutions in
883 conjunction with the districts and, where appropriate, other
884 local and regional water supply entities.

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

892 (b) Within 1 year after the notification by a water
893 management district pursuant to paragraph (a), each entity
894 identified in sub-subparagraph (2)(a)3.d. shall provide to the
895 water management district written notification of the following:

896 the alternative water supply projects or options identified in
 897 paragraph (2) (a) which it has developed or intends to develop,
 898 if any; an estimate of the quantity of water to be produced by
 899 each project; and the status of project implementation,
 900 including development of the financial plan, facilities master
 901 planning, permitting, and efforts in coordinating
 902 multijurisdictional projects, if applicable. The information
 903 provided in the notification shall be updated annually, and a
 904 progress report shall be provided by November 15 of each year to
 905 the water management district. If an entity does not intend to
 906 develop one or more of the alternative water supply project
 907 options identified in the regional water supply plan, the entity
 908 shall propose, within 1 year after notification by a water
 909 management district pursuant to paragraph (a), another
 910 alternative water supply project option sufficient to address
 911 the needs identified in paragraph (2) (a) within the entity's
 912 jurisdiction and shall provide an estimate of the quantity of
 913 water to be produced by the project and the status of project
 914 implementation as described in this paragraph. The entity may
 915 request that the water management district consider the other
 916 project for inclusion in the regional water supply plan.

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

920 373.711 Technical assistance to local governments.--

921 (1) The water management districts shall assist local
 922 governments in the development and future revision of local
 923 government comprehensive plan elements or public facilities

924 report as required by s. 189.415, related to water resource
925 issues.

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

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

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

936 (c) Identification of regulations, programs, and schedules
937 undertaken or proposed by the district to further the State
938 Comprehensive Plan.

939 (d) A description of surface water basins, including
940 regulatory jurisdictions, flood-prone areas, existing and
941 projected water quality in water management district operated
942 facilities, as well as surface water runoff characteristics and
943 topography regarding flood plains, wetlands, and recharge areas.

944 (e) A description of groundwater characteristics,
945 including existing and planned wellfield sites, existing and
946 anticipated cones of influence, highly productive groundwater
947 areas, aquifer recharge areas, deep well injection zones,
948 contaminated areas, an assessment of regional water resource
949 needs and sources for the next 20 years, and water quality.

950 (f) The identification of existing and potential water
951 management district land acquisitions.

952 (g) Information reflecting the minimum flows for surface
 953 watercourses to avoid harm to water resources or the ecosystem
 954 and information reflecting the minimum water levels for aquifers
 955 to avoid harm to water resources or the ecosystem.

956 373.713 Regional water supply authorities.--

957 (1) By interlocal agreement between counties,
 958 municipalities, or special districts, as applicable, pursuant to
 959 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and
 960 upon the approval of the Secretary of Environmental Protection
 961 to ensure that such agreement will be in the public interest and
 962 complies with the intent and purposes of this act, regional
 963 water supply authorities may be created for the purpose of
 964 developing, recovering, storing, and supplying water for county
 965 or municipal purposes in such a manner as will give priority to
 966 reducing adverse environmental effects of excessive or improper
 967 withdrawals of water from concentrated areas. In approving said
 968 agreement the Secretary of Environmental Protection shall
 969 consider, but not be limited to, the following:

970 (a) Whether the geographic territory of the proposed
 971 authority is of sufficient size and character to reduce the
 972 environmental effects of improper or excessive withdrawals of
 973 water from concentrated areas.

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

976 (c) The availability of a dependable and adequate water
 977 supply.

978 (d) The ability of any proposed authority to design,
 979 construct, operate, and maintain water supply facilities in the

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980 locations, and at the times necessary, to ensure that an
981 adequate water supply will be available to all citizens within
982 the authority.

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

985 (f) The existing needs of the water users within the area
986 of the authority.

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

990 (a) Upon approval of the electors residing in each county
991 or municipality within the territory to be included in any
992 authority, levy ad valorem taxes, not to exceed 0.5 mill,
993 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
994 authorized by this paragraph shall be levied in any county or
995 municipality without an affirmative vote of the electors
996 residing in such county or municipality.

997 (b) Acquire water and water rights; develop, store, and
998 transport water; provide, sell, and deliver water for county or
999 municipal uses and purposes; and provide for the furnishing of
1000 such water and water service upon terms and conditions and at
1001 rates which will apportion to parties and nonparties an
1002 equitable share of the capital cost and operating expense of the
1003 authority's work to the purchaser.

1004 (c) Collect, treat, and recover wastewater.

1005 (d) Not engage in local distribution.

1006 (e) Exercise the power of eminent domain in the manner
1007 provided by law for the condemnation of private property for

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1008 public use to acquire title to such interest in real property as
1009 is necessary to the exercise of the powers herein granted,
1010 except water and water rights already devoted to reasonable and
1011 beneficial use or any water production or transmission
1012 facilities owned by any county or municipality.

1013 (f) Issue revenue bonds in the manner prescribed by the
1014 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
1015 payable solely from funds derived from the sale of water by the
1016 authority to any county or municipality. Such bonds may be
1017 additionally secured by the full faith and credit of any county
1018 or municipality, as provided by s. 159.16 or by a pledge of
1019 excise taxes, as provided by s. 159.19. For the purpose of
1020 issuing revenue bonds, an authority shall be considered a "unit"
1021 as defined in s. 159.02(2) and as that term is used in the
1022 Revenue Bond Act of 1953, as amended. Such bonds may be issued
1023 to finance the cost of acquiring properties and facilities for
1024 the production and transmission of water by the authority to any
1025 county or municipality, which cost shall include the acquisition
1026 of real property and easements therein for such purposes. Such
1027 bonds may be in the form of refunding bonds to take up any
1028 outstanding bonds of the authority or of any county or
1029 municipality where such outstanding bonds are secured by
1030 properties and facilities for production and transmission of
1031 water, which properties and facilities are being acquired by the
1032 authority. Refunding bonds may be issued to take up and refund
1033 all outstanding bonds of said authority that are subject to call
1034 and termination, and all bonds of said authority that are not
1035 subject to call or redemption, when the surrender of said bonds

1036 can be procured from the holder thereof at prices satisfactory
 1037 to the authority. Such refunding bonds may be issued at any time
 1038 when, in the judgment of the authority, it will be to the best
 1039 interest of the authority financially or economically by
 1040 securing a lower rate of interest on said bonds or by extending
 1041 the time of maturity of said bonds or, for any other reason, in
 1042 the judgment of the authority, advantageous to said authority.

1043 (g) Sue and be sued in its own name.

1044 (h) Borrow money and incur indebtedness and issue bonds or
 1045 other evidence of such indebtedness.

1046 (i) Join with one or more other public corporations for
 1047 the purpose of carrying out any of its powers and for that
 1048 purpose to contract with such other public corporation or
 1049 corporations for the purpose of financing such acquisitions,
 1050 construction, and operations. Such contracts may provide for
 1051 contributions to be made by each party thereto, for the division
 1052 and apportionment of the expenses of such acquisitions and
 1053 operations, and for the division and apportionment of the
 1054 benefits, services, and products therefrom. Such contract may
 1055 contain such other and further covenants and agreements as may
 1056 be necessary and convenient to accomplish the purposes hereof.

1057 (3) A regional water supply authority is authorized to
 1058 develop, construct, operate, maintain, or contract for
 1059 alternative sources of potable water, including desalinated
 1060 water, and pipelines to interconnect authority sources and
 1061 facilities, either by itself or jointly with a water management
 1062 district; however, such alternative potable water sources,
 1063 facilities, and pipelines may also be privately developed,

1064 constructed, owned, operated, and maintained, in which event an
 1065 authority and a water management district are authorized to
 1066 pledge and contribute their funds to reduce the wholesale cost
 1067 of water from such alternative sources of potable water supplied
 1068 by an authority to its member governments.

1069 (4) When it is found to be in the public interest, for the
 1070 public convenience and welfare, for a public benefit, and
 1071 necessary for carrying out the purpose of any regional water
 1072 supply authority, any state agency, county, water control
 1073 district existing pursuant to chapter 298, water management
 1074 district existing pursuant to this chapter, municipality,
 1075 governmental agency, or public corporation in this state holding
 1076 title to any interest in land is hereby authorized, in its
 1077 discretion, to convey the title to or dedicate land, title to
 1078 which is in such entity, including tax-reverted land, or to
 1079 grant use-rights therein, to any regional water supply authority
 1080 created pursuant to this section. Land granted or conveyed to
 1081 such authority shall be for the public purposes of such
 1082 authority and may be made subject to the condition that in the
 1083 event said land is not so used, or if used and subsequently its
 1084 use for said purpose is abandoned, the interest granted shall
 1085 cease as to such authority and shall automatically revert to the
 1086 granting entity.

1087 (5) Each county, special district, or municipality that is
 1088 a party to an agreement pursuant to subsection (1) shall have a
 1089 preferential right to purchase water from the regional water
 1090 supply authority for use by such county, special district, or
 1091 municipality.

1092 (6) In carrying out the provisions of this section, any
 1093 county wherein water is withdrawn by the authority shall not be
 1094 deprived, directly or indirectly, of the prior right to the
 1095 reasonable and beneficial use of water which is required
 1096 adequately to supply the reasonable and beneficial needs of the
 1097 county or any of the inhabitants or property owners therein.

1098 (7) Upon a resolution adopted by the governing body of any
 1099 county or municipality, the authority may, subject to a majority
 1100 vote of its voting members, include such county or municipality
 1101 in its regional water supply authority upon such terms and
 1102 conditions as may be prescribed.

1103 (8) The authority shall design, construct, operate, and
 1104 maintain facilities in the locations and at the times necessary
 1105 to ensure that an adequate water supply will be available to all
 1106 citizens within the authority.

1107 (9) Where a water supply authority exists pursuant to this
 1108 section or s. 373.715 under a voluntary interlocal agreement
 1109 that is consistent with requirements in s. 373.715(1)(b) and
 1110 receives or maintains consumptive use permits under this
 1111 voluntary agreement consistent with the water supply plan, if
 1112 any, adopted by the governing board, such authority shall be
 1113 exempt from consideration by the governing board or department
 1114 of the factors specified in s. 373.223(3)(a)-(g) and the
 1115 submissions required by s. 373.229(3). Such exemptions shall
 1116 apply only to water sources within the jurisdictional areas of
 1117 such voluntary water supply interlocal agreements.

1118 373.715 Assistance to West Coast Regional Water Supply
 1119 Authority.--

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1120 (1) It is the intent of the Legislature to authorize the
1121 implementation of changes in governance recommended by the West
1122 Coast Regional Water Supply Authority in its reports to the
1123 Legislature dated February 1, 1997, and January 5, 1998. The
1124 authority and its member governments may reconstitute the
1125 authority's governance and rename the authority under a
1126 voluntary interlocal agreement with a term of not less than 20
1127 years. The interlocal agreement must comply with this subsection
1128 as follows:

1129 (a) The authority and its member governments agree that
1130 cooperative efforts are mandatory to meet their water needs in a
1131 manner that will provide adequate and dependable supplies of
1132 water where needed without resulting in adverse environmental
1133 effects upon the areas from which the water is withdrawn or
1134 otherwise produced.

1135 (b) In accordance with s. 4, Art. VIII of the State
1136 Constitution and notwithstanding s. 163.01, the interlocal
1137 agreement may include the following terms, which are considered
1138 approved by the parties without a vote of their electors, upon
1139 execution of the interlocal agreement by all member governments
1140 and upon satisfaction of all conditions precedent in the
1141 interlocal agreement:

1142 1. All member governments shall relinquish to the
1143 authority their individual rights to develop potable water
1144 supply sources, except as otherwise provided in the interlocal
1145 agreement;

1146 2. The authority shall be the sole and exclusive wholesale
1147 potable water supplier for all member governments; and

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1148 3. The authority shall have the absolute and unequivocal
1149 obligation to meet the wholesale needs of the member governments
1150 for potable water.

1151 4. A member government may not restrict or prohibit the
1152 use of land within a member's jurisdictional boundaries by the
1153 authority for water supply purposes through use of zoning, land
1154 use, comprehensive planning, or other form of regulation.

1155 5. A member government may not impose any tax, fee, or
1156 charge upon the authority in conjunction with the production or
1157 supply of water not otherwise provided for in the interlocal
1158 agreement.

1159 6. The authority may use the powers provided in part II of
1160 chapter 159 for financing and refinancing water treatment,
1161 production, or transmission facilities, including, but not
1162 limited to, desalinization facilities. All such water treatment,
1163 production, or transmission facilities are considered a
1164 "manufacturing plant" for purposes of s. 159.27(5) and serve a
1165 paramount public purpose by providing water to citizens of the
1166 state.

1167 7. A member government and any governmental or quasi-
1168 judicial board or commission established by local ordinance or
1169 general or special law where the governing membership of such
1170 board or commission is shared, in whole or in part, or appointed
1171 by a member government agreeing to be bound by the interlocal
1172 agreement shall be limited to the procedures set forth therein
1173 regarding actions that directly or indirectly restrict or
1174 prohibit the use of lands or other activities related to the
1175 production or supply of water.

1176 (c) The authority shall acquire full or lesser interests
1177 in all regionally significant member government wholesale water
1178 supply facilities and tangible assets and each member government
1179 shall convey such interests in the facilities and assets to the
1180 authority, at an agreed value.

1181 (d) The authority shall charge a uniform per gallon
1182 wholesale rate to member governments for the wholesale supply of
1183 potable water. All capital, operation, maintenance, and
1184 administrative costs for existing facilities and acquired
1185 facilities, authority master water plan facilities, and other
1186 future projects must be allocated to member governments based on
1187 water usage at the uniform per gallon wholesale rate.

1188 (e) The interlocal agreement may include procedures for
1189 resolving the parties' differences regarding water management
1190 district proposed agency action in the water use permitting
1191 process within the authority. Such procedures should minimize
1192 the potential for litigation and include alternative dispute
1193 resolution. Any governmental or quasi-judicial board or
1194 commission established by local ordinance or general or special
1195 law where the governing members of such board or commission is
1196 shared, in whole or in part, or appointed by a member
1197 government, may agree to be bound by the dispute resolution
1198 procedures set forth in the interlocal agreement.

1199 (f) Upon execution of the voluntary interlocal agreement
1200 provided for herein, the authority shall jointly develop with
1201 the Southwest Florida Water Management District alternative
1202 sources of potable water and transmission pipelines to
1203 interconnect regionally significant water supply sources and

1204 facilities of the authority in amounts sufficient to meet the
 1205 needs of all member governments for a period of at least 20
 1206 years and for natural systems. Nothing herein, however, shall
 1207 preclude the authority and its member governments from
 1208 developing traditional water sources pursuant to the voluntary
 1209 interlocal agreement. Development and construction costs for
 1210 alternative source facilities, which may include a desalination
 1211 facility and significant regional interconnects, must be borne
 1212 as mutually agreed to by both the authority and the Southwest
 1213 Florida Water Management District. Nothing herein shall preclude
 1214 authority or district cost sharing with private entities for the
 1215 construction or ownership of alternative source facilities. By
 1216 December 31, 1997, the authority and the Southwest Florida Water
 1217 Management District shall enter into a mutually acceptable
 1218 agreement detailing the development and implementation of
 1219 directives contained in this paragraph. Nothing in this section
 1220 shall be construed to modify the rights or responsibilities of
 1221 the authority or its member governments, except as otherwise
 1222 provided herein, or of the Southwest Florida Water Management
 1223 District or the department pursuant to this chapter or chapter
 1224 403 and as otherwise set forth by statutes.

1225 (g) Unless otherwise provided in the interlocal agreement,
 1226 the authority shall be governed by a board of commissioners
 1227 consisting of nine voting members, all of whom must be elected
 1228 officers, as follows:

1229 1. Three members from Hillsborough County who must be
 1230 selected by the county commission; provided, however, that one
 1231 member shall be selected by the Mayor of Tampa in the event that

1232 the City of Tampa elects to be a member of the authority;
 1233 2. Three members from Pasco County, two of whom must be
 1234 selected by the county commission and one of whom must be
 1235 selected by the City Council of New Port Richey;
 1236 3. Three members from Pinellas County, two of whom must be
 1237 selected by the county commission and one of whom must be
 1238 selected by the City Council of St. Petersburg.
 1239
 1240 Except as otherwise provided in this section or in the voluntary
 1241 interlocal agreement between the member governments, a majority
 1242 vote shall bind the authority and its member governments in all
 1243 matters relating to the funding of wholesale water supply,
 1244 production, delivery, and related activities.
 1245 (2) The provisions of this section supersede any
 1246 conflicting provisions contained in all other general or special
 1247 laws or provisions thereof as they may apply directly or
 1248 indirectly to the exclusivity of water supply or withdrawal of
 1249 water, including provisions relating to the environmental
 1250 effects, if any, in conjunction with the production and supply
 1251 of potable water, and the provisions of this section are
 1252 intended to be a complete revision of all laws related to a
 1253 regional water supply authority created under s. 373.713 and
 1254 this section.
 1255 (3) In lieu of the provisions in s. 373.713(2) (a), the
 1256 Southwest Florida Water Management District shall assist the
 1257 West Coast Regional Water Supply Authority for a period of 5
 1258 years, terminating December 31, 1981, by levying an ad valorem
 1259 tax, upon request of the authority, of not more than 0.05 mill

1260 on all taxable property within the limits of the authority.
 1261 During such period the corresponding basin board ad valorem tax
 1262 levies shall be reduced accordingly.

1263 (4) The authority shall prepare its annual budget in the
 1264 same manner as prescribed for the preparation of basin budgets,
 1265 but such authority budget shall not be subject to review by the
 1266 respective basin boards or by the governing board of the
 1267 district.

1268 (5) The annual millage for the authority shall be the
 1269 amount required to raise the amount called for by the annual
 1270 budget when applied to the total assessment on all taxable
 1271 property within the limits of the authority, as determined for
 1272 county taxing purposes.

1273 (6) The authority may, by resolution, request the
 1274 governing board of the district to levy ad valorem taxes within
 1275 the boundaries of the authority. Upon receipt of such request,
 1276 together with formal certification of the adoption of its annual
 1277 budget and of the required tax levy, the authority tax levy
 1278 shall be made by the governing board of the district to finance
 1279 authority functions.

1280 (7) The taxes provided for in this section shall be
 1281 extended by the property appraiser on the county tax roll in
 1282 each county within, or partly within, the authority boundaries
 1283 and shall be collected by the tax collector in the same manner
 1284 and time as county taxes, and the proceeds therefrom paid to the
 1285 district which shall forthwith pay them over to the authority.
 1286 Until paid, such taxes shall be a lien on the property against
 1287 which assessed and enforceable in like manner as county taxes.

1288 The property appraisers, tax collectors, and clerks of the
 1289 circuit court of the respective counties shall be entitled to
 1290 compensation for services performed in connection with such
 1291 taxes at the same rates as apply to county taxes.

1292 (8) The governing board of the district shall not be
 1293 responsible for any actions or lack of actions by the authority.

1294 Section 2. Subsection (13) of section 120.52, Florida
 1295 Statutes, is amended to read:

1296 120.52 Definitions.--As used in this act:

1297 (13) "Party" means:

1298 (a) Specifically named persons whose substantial interests
 1299 are being determined in the proceeding.

1300 (b) Any other person who, as a matter of constitutional
 1301 right, provision of statute, or provision of agency regulation,
 1302 is entitled to participate in whole or in part in the
 1303 proceeding, or whose substantial interests will be affected by
 1304 proposed agency action, and who makes an appearance as a party.

1305 (c) Any other person, including an agency staff member,
 1306 allowed by the agency to intervene or participate in the
 1307 proceeding as a party. An agency may by rule authorize limited
 1308 forms of participation in agency proceedings for persons who are
 1309 not eligible to become parties.

1310 (d) Any county representative, agency, department, or unit
 1311 funded and authorized by state statute or county ordinance to
 1312 represent the interests of the consumers of a county, when the
 1313 proceeding involves the substantial interests of a significant
 1314 number of residents of the county and the board of county
 1315 commissioners has, by resolution, authorized the representative,

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1316 agency, department, or unit to represent the class of interested
 1317 persons. The authorizing resolution shall apply to a specific
 1318 proceeding and to appeals and ancillary proceedings thereto, and
 1319 it shall not be required to state the names of the persons whose
 1320 interests are to be represented.

1321
 1322 The term "party" does not include a member government of a
 1323 regional water supply authority or a governmental or quasi-
 1324 judicial board or commission established by local ordinance or
 1325 special or general law where the governing membership of such
 1326 board or commission is shared with, in whole or in part, or
 1327 appointed by a member government of a regional water supply
 1328 authority in proceedings under s. 120.569, s. 120.57, or s.
 1329 120.68, to the extent that an interlocal agreement under ss.
 1330 163.01 and 373.713 ~~373.1962~~ exists in which the member
 1331 government has agreed that its substantial interests are not
 1332 affected by the proceedings or that it is to be bound by
 1333 alternative dispute resolution in lieu of participating in the
 1334 proceedings. This exclusion applies only to those particular
 1335 types of disputes or controversies, if any, identified in an
 1336 interlocal agreement.

1337 Section 3. Subsection (13) of section 163.3167, Florida
 1338 Statutes, is amended to read:

1339 163.3167 Scope of act.--

1340 (13) Each local government shall address in its
 1341 comprehensive plan, as enumerated in this chapter, the water
 1342 supply sources necessary to meet and achieve the existing and
 1343 projected water use demand for the established planning period,

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1344 considering the applicable plan developed pursuant to s. 373.709
 1345 ~~373.0361~~.

1346 Section 4. Paragraph (a) of subsection (4) and paragraphs
 1347 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
 1348 Statutes, are amended to read:

1349 163.3177 Required and optional elements of comprehensive
 1350 plan; studies and surveys.--

1351 (4) (a) Coordination of the local comprehensive plan with
 1352 the comprehensive plans of adjacent municipalities, the county,
 1353 adjacent counties, or the region; with the appropriate water
 1354 management district's regional water supply plans approved
 1355 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
 1356 to designated areas of critical state concern; and with the
 1357 state comprehensive plan shall be a major objective of the local
 1358 comprehensive planning process. To that end, in the preparation
 1359 of a comprehensive plan or element thereof, and in the
 1360 comprehensive plan or element as adopted, the governing body
 1361 shall include a specific policy statement indicating the
 1362 relationship of the proposed development of the area to the
 1363 comprehensive plans of adjacent municipalities, the county,
 1364 adjacent counties, or the region and to the state comprehensive
 1365 plan, as the case may require and as such adopted plans or plans
 1366 in preparation may exist.

1367 (6) In addition to the requirements of subsections (1)-(5)
 1368 and (12), the comprehensive plan shall include the following
 1369 elements:

1370 (c) A general sanitary sewer, solid waste, drainage,
 1371 potable water, and natural groundwater aquifer recharge element

1372 correlated to principles and guidelines for future land use,
 1373 indicating ways to provide for future potable water, drainage,
 1374 sanitary sewer, solid waste, and aquifer recharge protection
 1375 requirements for the area. The element may be a detailed
 1376 engineering plan including a topographic map depicting areas of
 1377 prime groundwater recharge. The element shall describe the
 1378 problems and needs and the general facilities that will be
 1379 required for solution of the problems and needs. The element
 1380 shall also include a topographic map depicting any areas adopted
 1381 by a regional water management district as prime groundwater
 1382 recharge areas for the Floridan or Biscayne aquifers. These
 1383 areas shall be given special consideration when the local
 1384 government is engaged in zoning or considering future land use
 1385 for said designated areas. For areas served by septic tanks,
 1386 soil surveys shall be provided which indicate the suitability of
 1387 soils for septic tanks. Within 18 months after the governing
 1388 board approves an updated regional water supply plan, the
 1389 element must incorporate the alternative water supply project or
 1390 projects selected by the local government from those identified
 1391 in the regional water supply plan pursuant to s. 373.709(2)(a)
 1392 ~~373.0361(2)(a)~~ or proposed by the local government under s.
 1393 373.709(7)(b) ~~373.0361(7)(b)~~. If a local government is located
 1394 within two water management districts, the local government
 1395 shall adopt its comprehensive plan amendment within 18 months
 1396 after the later updated regional water supply plan. The element
 1397 must identify such alternative water supply projects and
 1398 traditional water supply projects and conservation and reuse
 1399 necessary to meet the water needs identified in s. 373.709(2)(a)

1400 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
 1401 include a work plan, covering at least a 10 year planning
 1402 period, for building public, private, and regional water supply
 1403 facilities, including development of alternative water supplies,
 1404 which are identified in the element as necessary to serve
 1405 existing and new development. The work plan shall be updated, at
 1406 a minimum, every 5 years within 18 months after the governing
 1407 board of a water management district approves an updated
 1408 regional water supply plan. Amendments to incorporate the work
 1409 plan do not count toward the limitation on the frequency of
 1410 adoption of amendments to the comprehensive plan. Local
 1411 governments, public and private utilities, regional water supply
 1412 authorities, special districts, and water management districts
 1413 are encouraged to cooperatively plan for the development of
 1414 multijurisdictional water supply facilities that are sufficient
 1415 to meet projected demands for established planning periods,
 1416 including the development of alternative water sources to
 1417 supplement traditional sources of groundwater and surface water
 1418 supplies.

1419 (d) A conservation element for the conservation, use, and
 1420 protection of natural resources in the area, including air,
 1421 water, water recharge areas, wetlands, waterwells, estuarine
 1422 marshes, soils, beaches, shores, flood plains, rivers, bays,
 1423 lakes, harbors, forests, fisheries and wildlife, marine habitat,
 1424 minerals, and other natural and environmental resources,
 1425 including factors that affect energy conservation. Local
 1426 governments shall assess their current, as well as projected,
 1427 water needs and sources for at least a 10-year period,

1428 | considering the appropriate regional water supply plan approved
 1429 | pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
 1430 | approved regional water supply plan, the district water
 1431 | management plan approved pursuant to s. 373.036(2). This
 1432 | information shall be submitted to the appropriate agencies. The
 1433 | land use map or map series contained in the future land use
 1434 | element shall generally identify and depict the following:

- 1435 | 1. Existing and planned waterwells and cones of influence
- 1436 | where applicable.
- 1437 | 2. Beaches and shores, including estuarine systems.
- 1438 | 3. Rivers, bays, lakes, flood plains, and harbors.
- 1439 | 4. Wetlands.
- 1440 | 5. Minerals and soils.
- 1441 | 6. Energy conservation.

1442 |
 1443 | The land uses identified on such maps shall be consistent with
 1444 | applicable state law and rules.

1445 | (h)1. An intergovernmental coordination element showing
 1446 | relationships and stating principles and guidelines to be used
 1447 | in the accomplishment of coordination of the adopted
 1448 | comprehensive plan with the plans of school boards, regional
 1449 | water supply authorities, and other units of local government
 1450 | providing services but not having regulatory authority over the
 1451 | use of land, with the comprehensive plans of adjacent
 1452 | municipalities, the county, adjacent counties, or the region,
 1453 | with the state comprehensive plan and with the applicable
 1454 | regional water supply plan approved pursuant to s. 373.709
 1455 | ~~373.0361~~, as the case may require and as such adopted plans or

1456 plans in preparation may exist. This element of the local
1457 comprehensive plan shall demonstrate consideration of the
1458 particular effects of the local plan, when adopted, upon the
1459 development of adjacent municipalities, the county, adjacent
1460 counties, or the region, or upon the state comprehensive plan,
1461 as the case may require.

1462 a. The intergovernmental coordination element shall
1463 provide for procedures to identify and implement joint planning
1464 areas, especially for the purpose of annexation, municipal
1465 incorporation, and joint infrastructure service areas.

1466 b. The intergovernmental coordination element shall
1467 provide for recognition of campus master plans prepared pursuant
1468 to s. 1013.30.

1469 c. The intergovernmental coordination element may provide
1470 for a voluntary dispute resolution process as established
1471 pursuant to s. 186.509 for bringing to closure in a timely
1472 manner intergovernmental disputes. A local government may
1473 develop and use an alternative local dispute resolution process
1474 for this purpose.

1475 2. The intergovernmental coordination element shall
1476 further state principles and guidelines to be used in the
1477 accomplishment of coordination of the adopted comprehensive plan
1478 with the plans of school boards and other units of local
1479 government providing facilities and services but not having
1480 regulatory authority over the use of land. In addition, the
1481 intergovernmental coordination element shall describe joint
1482 processes for collaborative planning and decisionmaking on
1483 population projections and public school siting, the location

1484 and extension of public facilities subject to concurrency, and
 1485 siting facilities with countywide significance, including
 1486 locally unwanted land uses whose nature and identity are
 1487 established in an agreement. Within 1 year of adopting their
 1488 intergovernmental coordination elements, each county, all the
 1489 municipalities within that county, the district school board,
 1490 and any unit of local government service providers in that
 1491 county shall establish by interlocal or other formal agreement
 1492 executed by all affected entities, the joint processes described
 1493 in this subparagraph consistent with their adopted
 1494 intergovernmental coordination elements.

1495 3. To foster coordination between special districts and
 1496 local general-purpose governments as local general-purpose
 1497 governments implement local comprehensive plans, each
 1498 independent special district must submit a public facilities
 1499 report to the appropriate local government as required by s.
 1500 189.415.

1501 4.a. Local governments must execute an interlocal
 1502 agreement with the district school board, the county, and
 1503 nonexempt municipalities pursuant to s. 163.31777. The local
 1504 government shall amend the intergovernmental coordination
 1505 element to provide that coordination between the local
 1506 government and school board is pursuant to the agreement and
 1507 shall state the obligations of the local government under the
 1508 agreement.

1509 b. Plan amendments that comply with this subparagraph are
 1510 exempt from the provisions of s. 163.3187(1).

1511 5. The state land planning agency shall establish a

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1512 schedule for phased completion and transmittal of plan
1513 amendments to implement subparagraphs 1., 2., and 3. from all
1514 jurisdictions so as to accomplish their adoption by December 31,
1515 1999. A local government may complete and transmit its plan
1516 amendments to carry out these provisions prior to the scheduled
1517 date established by the state land planning agency. The plan
1518 amendments are exempt from the provisions of s. 163.3187(1).

1519 6. By January 1, 2004, any county having a population
1520 greater than 100,000, and the municipalities and special
1521 districts within that county, shall submit a report to the
1522 Department of Community Affairs which:

1523 a. Identifies all existing or proposed interlocal service
1524 delivery agreements regarding the following: education; sanitary
1525 sewer; public safety; solid waste; drainage; potable water;
1526 parks and recreation; and transportation facilities.

1527 b. Identifies any deficits or duplication in the provision
1528 of services within its jurisdiction, whether capital or
1529 operational. Upon request, the Department of Community Affairs
1530 shall provide technical assistance to the local governments in
1531 identifying deficits or duplication.

1532 7. Within 6 months after submission of the report, the
1533 Department of Community Affairs shall, through the appropriate
1534 regional planning council, coordinate a meeting of all local
1535 governments within the regional planning area to discuss the
1536 reports and potential strategies to remedy any identified
1537 deficiencies or duplications.

1538 8. Each local government shall update its
1539 intergovernmental coordination element based upon the findings

1540 in the report submitted pursuant to subparagraph 6. The report
 1541 may be used as supporting data and analysis for the
 1542 intergovernmental coordination element.

1543 Section 5. Paragraph (1) of subsection (2) of section
 1544 163.3191, Florida Statutes, is amended to read:

1545 163.3191 Evaluation and appraisal of comprehensive plan.--

1546 (2) The report shall present an evaluation and assessment
 1547 of the comprehensive plan and shall contain appropriate
 1548 statements to update the comprehensive plan, including, but not
 1549 limited to, words, maps, illustrations, or other media, related
 1550 to:

1551 (1) The extent to which the local government has been
 1552 successful in identifying alternative water supply projects and
 1553 traditional water supply projects, including conservation and
 1554 reuse, necessary to meet the water needs identified in s.
 1555 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
 1556 jurisdiction. The report must evaluate the degree to which the
 1557 local government has implemented the work plan for building
 1558 public, private, and regional water supply facilities, including
 1559 development of alternative water supplies, identified in the
 1560 element as necessary to serve existing and new development.

1561 Section 6. Paragraphs (c) and (d) of subsection (4) of
 1562 section 189.404, Florida Statutes, are amended to read:

1563 189.404 Legislative intent for the creation of independent
 1564 special districts; special act prohibitions; model elements and
 1565 other requirements; general-purpose local government/Governor
 1566 and Cabinet creation authorizations.--

1567 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION

1568 AUTHORIZATIONS.--Except as otherwise authorized by general law,
 1569 only the Legislature may create independent special districts.

1570 (c) The Governor and Cabinet may create an independent
 1571 special district which shall be established by rule in
 1572 accordance with s. 190.005 or as otherwise authorized in general
 1573 law. The Governor and Cabinet may also approve the establishment
 1574 of a charter for the creation of an independent special district
 1575 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
 1576 otherwise authorized in general law.

1577 (d)1. Any combination of two or more counties may create a
 1578 regional special district which shall be established in
 1579 accordance with s. 950.001, or as otherwise authorized in
 1580 general law.

1581 2. Any combination of two or more counties or
 1582 municipalities may create a regional special district which
 1583 shall be established in accordance with s. 373.713 ~~373.1962~~, or
 1584 as otherwise authorized by general law.

1585 3. Any combination of two or more counties,
 1586 municipalities, or other political subdivisions may create a
 1587 regional special district in accordance with s. 163.567, or as
 1588 otherwise authorized in general law.

1589 Section 7. Subsection (3) of section 189.4155, Florida
 1590 Statutes, is amended to read:

1591 189.4155 Activities of special districts; local government
 1592 comprehensive planning.--

1593 (3) The provisions of this section shall not apply to
 1594 water management districts created pursuant to s. 373.069, to
 1595 regional water supply authorities created pursuant to s. 373.713

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1596 ~~373.1962~~, or to spoil disposal sites owned or used by the
 1597 Federal Government.

1598 Section 8. Section 189.4156, Florida Statutes, is amended
 1599 to read:

1600 189.4156 Water management district technical assistance;
 1601 local government comprehensive planning.--Water management
 1602 districts shall assist local governments in the development of
 1603 local government comprehensive plan elements related to water
 1604 resource issues as required by s. 373.711 ~~373.0391~~.

1605 Section 9. Subsection (7) of section 367.021, Florida
 1606 Statutes, is amended to read:

1607 367.021 Definitions.--As used in this chapter, the
 1608 following words or terms shall have the meanings indicated:

1609 (7) "Governmental authority" means a political
 1610 subdivision, as defined by s. 1.01(8), a regional water supply
 1611 authority created pursuant to s. 373.713 ~~373.1962~~, or a
 1612 nonprofit corporation formed for the purpose of acting on behalf
 1613 of a political subdivision with respect to a water or wastewater
 1614 facility.

1615 Section 10. Subsection (17) of section 373.019, Florida
 1616 Statutes, is amended to read:

1617 373.019 Definitions.--When appearing in this chapter or in
 1618 any rule, regulation, or order adopted pursuant thereto, the
 1619 term:

1620 (17) "Regional water supply plan" means a detailed water
 1621 supply plan developed by a governing board under s. 373.709
 1622 ~~373.0361~~.

1623 Section 11. Subsection (2) of section 373.0421, Florida

1624 Statutes, is amended to read:

1625 373.0421 Establishment and implementation of minimum flows
1626 and levels.--

1627 (2) If the existing flow or level in a water body is
1628 below, or is projected to fall within 20 years below, the
1629 applicable minimum flow or level established pursuant to s.
1630 373.042, the department or governing board, as part of the
1631 regional water supply plan described in s. 373.709 ~~373.0361~~,
1632 shall expeditiously implement a recovery or prevention strategy,
1633 which includes the development of additional water supplies and
1634 other actions, consistent with the authority granted by this
1635 chapter, to:

1636 (a) Achieve recovery to the established minimum flow or
1637 level as soon as practicable; or

1638 (b) Prevent the existing flow or level from falling below
1639 the established minimum flow or level.

1640
1641 The recovery or prevention strategy shall include phasing or a
1642 timetable which will allow for the provision of sufficient water
1643 supplies for all existing and projected reasonable-beneficial
1644 uses, including development of additional water supplies and
1645 implementation of conservation and other efficiency measures
1646 concurrent with, to the extent practical, and to offset,
1647 reductions in permitted withdrawals, consistent with the
1648 provisions of this chapter.

1649 Section 12. Subsection (4) of section 373.0695, Florida
1650 Statutes, is amended to read:

1651 373.0695 Duties of basin boards; authorized

1652 expenditures.--

1653 (4) In the exercise of the duties and powers granted
 1654 herein, the basin boards shall be subject to all the limitations
 1655 and restrictions imposed on the water management districts in s.
 1656 373.703 ~~373.1961~~.

1657 Section 13. Subsections (3) and (5) of section 373.223,
 1658 Florida Statutes, are amended to read:

1659 373.223 Conditions for a permit.--

1660 (3) Except for the transport and use of water supplied by
 1661 the Central and Southern Florida Flood Control Project, and
 1662 anywhere in the state when the transport and use of water is
 1663 supplied exclusively for bottled water as defined in s.
 1664 500.03(1)(d), any water use permit applications pending as of
 1665 April 1, 1998, with the Northwest Florida Water Management
 1666 District and self-suppliers of water for which the proposed
 1667 water source and area of use or application are located on
 1668 contiguous private properties, when evaluating whether a
 1669 potential transport and use of ground or surface water across
 1670 county boundaries is consistent with the public interest,
 1671 pursuant to paragraph (1)(c), the governing board or department
 1672 shall consider:

1673 (a) The proximity of the proposed water source to the area
 1674 of use or application.

1675 (b) All impoundments, streams, groundwater sources, or
 1676 watercourses that are geographically closer to the area of use
 1677 or application than the proposed source, and that are
 1678 technically and economically feasible for the proposed transport
 1679 and use.

1680 (c) All economically and technically feasible alternatives
 1681 to the proposed source, including, but not limited to,
 1682 desalination, conservation, reuse of nonpotable reclaimed water
 1683 and stormwater, and aquifer storage and recovery.

1684 (d) The potential environmental impacts that may result
 1685 from the transport and use of water from the proposed source,
 1686 and the potential environmental impacts that may result from use
 1687 of the other water sources identified in paragraphs (b) and (c).

1688 (e) Whether existing and reasonably anticipated sources of
 1689 water and conservation efforts are adequate to supply water for
 1690 existing legal uses and reasonably anticipated future needs of
 1691 the water supply planning region in which the proposed water
 1692 source is located.

1693 (f) Consultations with local governments affected by the
 1694 proposed transport and use.

1695 (g) The value of the existing capital investment in water-
 1696 related infrastructure made by the applicant.

1697
 1698 Where districtwide water supply assessments and regional water
 1699 supply plans have been prepared pursuant to ss. 373.036 and
 1700 373.709 ~~373.0361~~, the governing board or the department shall
 1701 use the applicable plans and assessments as the basis for its
 1702 consideration of the applicable factors in this subsection.

1703 (5) In evaluating an application for consumptive use of
 1704 water which proposes the use of an alternative water supply
 1705 project as described in the regional water supply plan and
 1706 provides reasonable assurances of the applicant's capability to
 1707 design, construct, operate, and maintain the project, the

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1708 governing board or department shall presume that the alternative
 1709 water supply use is consistent with the public interest under
 1710 paragraph (1)(c). However, where the governing board identifies
 1711 the need for a multijurisdictional water supply entity or
 1712 regional water supply authority to develop the alternative water
 1713 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,
 1714 the presumption shall be accorded only to that use proposed by
 1715 such entity or authority. This subsection does not effect
 1716 evaluation of the use pursuant to the provisions of paragraphs
 1717 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
 1718 373.233.

1719 Section 14. Section 373.2234, Florida Statutes, is amended
 1720 to read:

1721 373.2234 Preferred water supply sources.--The governing
 1722 board of a water management district is authorized to adopt
 1723 rules that identify preferred water supply sources for
 1724 consumptive uses for which there is sufficient data to establish
 1725 that a preferred source will provide a substantial new water
 1726 supply to meet the existing and projected reasonable-beneficial
 1727 uses of a water supply planning region identified pursuant to s.
 1728 373.709(1) ~~373.0361(1)~~, while sustaining existing water
 1729 resources and natural systems. At a minimum, such rules must
 1730 contain a description of the preferred water supply source and
 1731 an assessment of the water the preferred source is projected to
 1732 produce. If an applicant proposes to use a preferred water
 1733 supply source, that applicant's proposed water use is subject to
 1734 s. 373.223(1), except that the proposed use of a preferred water
 1735 supply source must be considered by a water management district

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1736 when determining whether a permit applicant's proposed use of
1737 water is consistent with the public interest pursuant to s.
1738 373.223(1)(c). A consumptive use permit issued for the use of a
1739 preferred water supply source must be granted, when requested by
1740 the applicant, for at least a 20-year period and may be subject
1741 to the compliance reporting provisions of s. 373.236(4). Nothing
1742 in this section shall be construed to exempt the use of
1743 preferred water supply sources from the provisions of ss.
1744 373.016(4) and 373.223(2) and (3), or be construed to provide
1745 that permits issued for the use of a nonpreferred water supply
1746 source must be issued for a duration of less than 20 years or
1747 that the use of a nonpreferred water supply source is not
1748 consistent with the public interest. Additionally, nothing in
1749 this section shall be interpreted to require the use of a
1750 preferred water supply source or to restrict or prohibit the use
1751 of a nonpreferred water supply source. Rules adopted by the
1752 governing board of a water management district to implement this
1753 section shall specify that the use of a preferred water supply
1754 source is not required and that the use of a nonpreferred water
1755 supply source is not restricted or prohibited.

1756 Section 15. Subsection (3) of section 373.229, Florida
1757 Statutes, is amended to read:

1758 373.229 Application for permit.--

1759 (3) In addition to the information required in subsection
1760 (1), all permit applications filed with the governing board or
1761 the department which propose the transport and use of water
1762 across county boundaries shall include information pertaining to
1763 factors to be considered, pursuant to s. 373.223(3), unless

1764 exempt under s. 373.713(9) ~~373.1962(9)~~.

1765 Section 16. Paragraph (a) of subsection (6) of section
1766 373.536, Florida Statutes, is amended to read:

1767 373.536 District budget and hearing thereon.--

1768 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1769 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

1770 (a) Each district must, by the date specified for each
1771 item, furnish copies of the following documents to the Governor,
1772 the President of the Senate, the Speaker of the House of
1773 Representatives, the chairs of all legislative committees and
1774 subcommittees having substantive or fiscal jurisdiction over the
1775 districts, as determined by the President of the Senate or the
1776 Speaker of the House of Representatives as applicable, the
1777 secretary of the department, and the governing board of each
1778 county in which the district has jurisdiction or derives any
1779 funds for the operations of the district:

1780 1. The adopted budget, to be furnished within 10 days
1781 after its adoption.

1782 2. A financial audit of its accounts and records, to be
1783 furnished within 10 days after its acceptance by the governing
1784 board. The audit must be conducted in accordance with the
1785 provisions of s. 11.45 and the rules adopted thereunder. In
1786 addition to the entities named above, the district must provide
1787 a copy of the audit to the Auditor General within 10 days after
1788 its acceptance by the governing board.

1789 3. A 5-year capital improvements plan, to be included in
1790 the consolidated annual report required by s. 373.036(7). The
1791 plan must include expected sources of revenue for planned

1792 improvements and must be prepared in a manner comparable to the
 1793 fixed capital outlay format set forth in s. 216.043.

1794 4. A 5-year water resource development work program to be
 1795 furnished within 30 days after the adoption of the final budget.
 1796 The program must describe the district's implementation strategy
 1797 for the water resource development component of each approved
 1798 regional water supply plan developed or revised under s. 373.709
 1799 ~~373.0361~~. The work program must address all the elements of the
 1800 water resource development component in the district's approved
 1801 regional water supply plans and must identify which projects in
 1802 the work program will provide water, explain how each water
 1803 resource development project will produce additional water
 1804 available for consumptive uses, estimate the quantity of water
 1805 to be produced by each project, and provide an assessment of the
 1806 contribution of the district's regional water supply plans in
 1807 providing sufficient water to meet the water supply needs of
 1808 existing and future reasonable-beneficial uses for a 1-in-10-
 1809 year drought event. Within 30 days after its submittal, the
 1810 department shall review the proposed work program and submit its
 1811 findings, questions, and comments to the district. The review
 1812 must include a written evaluation of the program's consistency
 1813 with the furtherance of the district's approved regional water
 1814 supply plans, and the adequacy of proposed expenditures. As part
 1815 of the review, the department shall give interested parties the
 1816 opportunity to provide written comments on each district's
 1817 proposed work program. Within 45 days after receipt of the
 1818 department's evaluation, the governing board shall state in
 1819 writing to the department which changes recommended in the

1820 evaluation it will incorporate into its work program submitted
 1821 as part of the March 1 consolidated annual report required by s.
 1822 373.036(7) or specify the reasons for not incorporating the
 1823 changes. The department shall include the district's responses
 1824 in a final evaluation report and shall submit a copy of the
 1825 report to the Governor, the President of the Senate, and the
 1826 Speaker of the House of Representatives.

1827 Section 17. Subsection (11) of section 373.59, Florida
 1828 Statutes, is amended to read:

1829 373.59 Water Management Lands Trust Fund.--

1830 (11) Notwithstanding any provision of this section to the
 1831 contrary, the governing board of a water management district may
 1832 request, and the Secretary of Environmental Protection shall
 1833 release upon such request, moneys allocated to the districts
 1834 pursuant to subsection (8) for purposes consistent with the
 1835 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
 1836 373.139, or ss. 373.451-373.4595 and for legislatively
 1837 authorized land acquisition and water restoration initiatives.
 1838 No funds may be used pursuant to this subsection until necessary
 1839 debt service obligations, requirements for payments in lieu of
 1840 taxes, and land management obligations that may be required by
 1841 this chapter are provided for.

1842 Section 18. Paragraph (g) of subsection (1) of section
 1843 378.212, Florida Statutes, is amended to read:

1844 378.212 Variances.--

1845 (1) Upon application, the secretary may grant a variance
 1846 from the provisions of this part or the rules adopted pursuant
 1847 thereto. Variances and renewals thereof may be granted for any

1848 one of the following reasons:

1849 (g) To accommodate reclamation that provides water supply
 1850 development or water resource development not inconsistent with
 1851 the applicable regional water supply plan approved pursuant to
 1852 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
 1853 the water resources in the basin. A variance may also be granted
 1854 from the requirements of part IV of chapter 373, or the rules
 1855 adopted thereunder, when a project provides an improvement in
 1856 water availability in the basin and does not cause adverse
 1857 impacts to water resources in the basin.

1858 Section 19. Subsection (9) of section 378.404, Florida
 1859 Statutes, is amended to read:

1860 378.404 Department of Environmental Protection; powers and
 1861 duties.--The department shall have the following powers and
 1862 duties:

1863 (9) To grant variances from the provisions of this part to
 1864 accommodate reclamation that provides for water supply
 1865 development or water resource development not inconsistent with
 1866 the applicable regional water supply plan approved pursuant to
 1867 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
 1868 wildlife habitat, recreation, or a mixture thereof, provided
 1869 adverse impacts are not caused to the water resources in the
 1870 basin and public health and safety are not adversely affected.

1871 Section 20. Paragraph (a) of subsection (3) of section
 1872 403.0891, Florida Statutes, is amended to read:

1873 403.0891 State, regional, and local stormwater management
 1874 plans and programs.--The department, the water management
 1875 districts, and local governments shall have the responsibility

1876 | for the development of mutually compatible stormwater management
 1877 | programs.

1878 | (3) (a) Each local government required by chapter 163 to
 1879 | submit a comprehensive plan, whose plan is submitted after July
 1880 | 1, 1992, and the others when updated after July 1, 1992, in the
 1881 | development of its stormwater management program described by
 1882 | elements within its comprehensive plan shall consider the water
 1883 | resource implementation rule, district stormwater management
 1884 | goals, plans approved pursuant to the Surface Water Improvement
 1885 | and Management Act, ss. 373.451-373.4595, and technical
 1886 | assistance information provided by the water management
 1887 | districts pursuant to s. 373.711 ~~373.0391~~.

1888 | Section 21. Paragraph (a) of subsection (1) and paragraph
 1889 | (a) of subsection (2) of section 403.890, Florida Statutes, are
 1890 | amended to read:

1891 | 403.890 Water Protection and Sustainability Program;
 1892 | intent; goals; purposes.--

1893 | (1) Effective July 1, 2006, revenues transferred from the
 1894 | Department of Revenue pursuant to s. 201.15(1)(c)2. shall be
 1895 | deposited into the Water Protection and Sustainability Program
 1896 | Trust Fund in the Department of Environmental Protection. These
 1897 | revenues and any other additional revenues deposited into or
 1898 | appropriated to the Water Protection and Sustainability Program
 1899 | Trust Fund shall be distributed by the Department of
 1900 | Environmental Protection in the following manner:

1901 | (a) Sixty percent to the Department of Environmental
 1902 | Protection for the implementation of an alternative water supply
 1903 | program as provided in s. 373.703 ~~373.1961~~.

1904 (2) Applicable beginning in the 2007-2008 fiscal year,
 1905 revenues transferred from the Department of Revenue pursuant to
 1906 s. 201.15(1)(d)2. shall be deposited into the Water Protection
 1907 and Sustainability Program Trust Fund in the Department of
 1908 Environmental Protection. These revenues and any other
 1909 additional revenues deposited into or appropriated to the Water
 1910 Protection and Sustainability Program Trust Fund shall be
 1911 distributed by the Department of Environmental Protection in the
 1912 following manner:

1913 (a) Sixty-five percent to the Department of Environmental
 1914 Protection for the implementation of an alternative water supply
 1915 program as provided in s. 373.703 ~~373.1961~~.

1916 Section 22. Section 682.02, Florida Statutes, is amended
 1917 to read:

1918 682.02 Arbitration agreements made valid, irrevocable, and
 1919 enforceable; scope.--Two or more parties may agree in writing to
 1920 submit to arbitration any controversy existing between them at
 1921 the time of the agreement, or they may include in a written
 1922 contract a provision for the settlement by arbitration of any
 1923 controversy thereafter arising between them relating to such
 1924 contract or the failure or refusal to perform the whole or any
 1925 part thereof. This section also applies to written interlocal
 1926 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
 1927 more parties agree to submit to arbitration any controversy
 1928 between them concerning water use permit applications and other
 1929 matters, regardless of whether or not the water management
 1930 district with jurisdiction over the subject application is a
 1931 party to the interlocal agreement or a participant in the

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1932 arbitration. Such agreement or provision shall be valid,
1933 enforceable, and irrevocable without regard to the justiciable
1934 character of the controversy; provided that this act shall not
1935 apply to any such agreement or provision to arbitrate in which
1936 it is stipulated that this law shall not apply or to any
1937 arbitration or award thereunder.

1938 Section 23. Section 373.71, Florida Statutes, is
1939 renumbered as section 373.69, Florida Statutes.

1940 Section 24. Sections 373.0361, 373.0391, 373.0831,
1941 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are
1942 repealed.

1943 Section 25. This act shall take effect July 1, 2009.