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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2009	.	
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The Committee on Environmental Preservation and Conservation
(Jones) recommended the following:

Senate Amendment (with title amendment)

Delete lines 431 - 468
and insert:

Section 14. Subsections (6) and (7) are added to section
373.236, Florida Statutes, to read:

373.236 Duration of permits; compliance reports.-

(6) (a) The need for alternative water supply development
projects to meet anticipated public water supply demands of the
state is such that it is essential to encourage participation in
and contribution to such projects by private rural landowners



12 who characteristically have relatively modest near-term water
13 demands but substantially increasing demands after the 20-year
14 planning horizon provided in s. 373.0361. Where such landowners
15 make extraordinary contributions of lands or construction
16 funding to enable the expeditious implementation of such
17 projects, water management districts and the department are
18 authorized to grant permits for such projects for a period of up
19 to 50 years to municipalities, counties, special districts,
20 regional water supply authorities, multijurisdictional water
21 supply entities, and publicly owned or privately owned utilities
22 created for or by the private landowners on or before April 1,
23 2009, which entities have entered into an agreement with the
24 private landowner, for the purposes of more efficiently pursuing
25 alternative public water supply development projects identified
26 in a district's regional water supply plan and meeting water
27 demands of both the applicant and the landowner.

28 (b) Any permit pursuant to paragraph (a) shall be granted
29 only for that period of time for which there is sufficient data
30 to provide reasonable assurance that the conditions for permit
31 issuance will be met. Such a permit shall require a compliance
32 report by the permittee every 5 years during the term of the
33 permit. The report shall contain sufficient data to maintain
34 reasonable assurance that the conditions for permit issuance,
35 applicable at the time of district review of the compliance
36 report, are met. Following review of the report, the governing
37 board or the department may modify the permit to ensure that the
38 use meets the conditions for issuance.

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40 This subsection shall not be construed to limit the authority of



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41 the department or a water management district governing board to
42 modify or revoke a consumptive use permit.

43 (7) A permit that is approved for the use of water for a
44 renewable energy generating facility or for cultivating
45 agricultural products on lands of 1,000 acres or more for
46 renewable energy, as defined in s. 366.91(2)(d), shall be
47 granted for a term of at least 25 years upon the applicant's
48 request, based on the anticipated life of the facility, if there
49 is sufficient data to provide reasonable assurance that the
50 conditions for permit issuance will be met for the duration of
51 the permit. Otherwise, a permit may be issued for a shorter
52 duration that reflects the longest period for which such
53 reasonable assurances are provided. The permittee shall provide
54 a compliance report every 5 years during the term of the permit,
55 as required in subsection (4).

56 Section 15. Subsection (4) of section 373.243, Florida
57 Statutes, is amended to read:

58 373.243 Revocation of permits.—The governing board or the
59 department may revoke a permit as follows:

60 (4) For nonuse of the water supply allowed by the permit
61 for a period of 2 years or more, the governing board or the
62 department may revoke the permit permanently and in whole unless
63 the user can prove that his or her nonuse was due to extreme
64 hardship caused by factors beyond the user's control. For a
65 permit having a duration determined under s. 373.236(7), the
66 governing board or the department has revocation authority only
67 if the nonuse of the water supply allowed by the permit is for a
68 period of 4 years or more.

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70 ===== T I T L E A M E N D M E N T =====

71 And the title is amended as follows:

72 Delete line 49

73 and insert:

74 issuance of a permit; providing that certain permits
75 shall be granted for terms of at least 25 years;
76 requiring reports by the permittees; amending s.
77 373.243, F.S.; providing that certain permits may not
78 be revoked unless nonuse of the water supply allowed
79 by the permit is for 4 years or more; amending s.
80 373.406, F.S.;