

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, 373.036, 373.0363, 373.0421,
 97 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536,
 98 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and
 99 682.02, F.S.; conforming cross-references and removing
 100 obsolete provisions; renumbering s. 373.71, F.S., relating
 101 to the Apalachicola-Chattahoochee-Flint River Basin
 102 Compact, to clarify retention of the section in part VI of
 103 ch. 373, F.S.; repealing s. 373.0361, F.S., relating to
 104 regional water supply planning; repealing s. 373.0391,
 105 F.S., relating to technical assistance to local
 106 governments; repealing s. 373.0831, F.S., relating to
 107 water resource and water supply development; repealing s.
 108 373.196, F.S., relating to alternative water supply
 109 development; repealing s. 373.1961, F.S., relating to
 110 water production and related powers and duties of water
 111 management districts; repealing s. 373.1962, F.S.,
 112 relating to regional water supply authorities; repealing

113 s. 373.1963, F.S., relating to assistance to the West
 114 Coast Regional Water Supply Authority; providing an
 115 effective date.

116

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

118

119 Section 1. Part VII of chapter 373, Florida Statutes,
 120 consisting of sections 373.701, 373.703, 373.705, 373.707,
 121 373.709, 373.711, 373.713, and 373.715, is created to read:

122

PART VII

123

WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

124

373.701 Declaration of policy.—It is declared to be the
 125 policy of the Legislature:

126

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

129

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

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

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

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

169 and desalination and will necessitate not only cooperation but
 170 also well-coordinated activities. Municipalities, counties, and
 171 special districts are encouraged to create regional water supply
 172 authorities as authorized in s. 373.713 or multijurisdictional
 173 water supply entities.

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

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

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

195 (3) May establish, design, construct, operate, and
 196 maintain water production and transmission facilities for the

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

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

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

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

221 (7) May acquire title to such interest as is necessary in
 222 real property, by purchase, gift, devise, lease, eminent domain,
 223 or otherwise, for water production and transmission consistent
 224 with this section and s. 373.707. However, the district shall

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

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

253 district may also issue bond anticipation notes in accordance
254 with the provisions of s. 373.584.

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

268 373.705 Water resource development; water supply
269 development.-

270 (1) The Legislature finds that:

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

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

280 (c) Water resource development and water supply

281 development must receive priority attention, where needed, to
 282 increase the availability of sufficient water for all existing
 283 and future reasonable-beneficial uses and natural systems.

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

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

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

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

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

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

309 fiscal year to implement water resource development projects, as
 310 prioritized in its regional water supply plans.

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

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

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

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

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

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

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

335 373.707 Alternative water supply development.—

336 (1) The purpose of this section is to encourage

337 cooperation in the development of water supplies and to provide
338 for alternative water supply development.

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

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

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

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

364 (e) Cooperation between counties, municipalities, regional

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

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

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

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

388 (c) Funding for the development of alternative water
389 supplies shall be a shared responsibility of water suppliers and
390 users, the State of Florida, and the water management districts,
391 with water suppliers and users having the primary responsibility
392 and the State of Florida and the water management districts

393 being responsible for providing funding assistance.

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

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

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

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

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

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

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

420 (4) The primary roles of local government, regional water

421 supply authorities, multijurisdictional water supply entities,
422 special districts, and publicly owned and privately owned water
423 utilities in alternative water supply development shall be:

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

426 (b) The formulation and implementation of alternative
427 water supply development strategies and programs;

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

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

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

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

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

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

475 (7) The water management district shall implement its
476 responsibilities as expeditiously as possible in areas subject

477 to regional water supply plans. Each district's governing board
478 shall include in its annual budget the amount needed for the
479 fiscal year to assist in implementing alternative water supply
480 development projects.

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

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

499 1. Thirty percent to the South Florida Water Management
500 District;

501 2. Twenty-five percent to the Southwest Florida Water
502 Management District;

503 3. Twenty-five percent to the St. Johns River Water
504 Management District;

505 4. Ten percent to the Suwannee River Water Management
 506 District; and

507 5. Ten percent to the Northwest Florida Water Management
 508 District.

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

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

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

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533 project applicant in meeting the requirements of this paragraph.

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

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

542 2. Whether the project reduces competition for water
543 supplies.

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

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

551 5. The quantity of water supplied by the project as
552 compared to its cost.

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

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

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

561 (g) Additional factors to be considered in determining
562 project funding shall include:

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

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

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

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

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

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

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

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

616 (j) For each utility that receives financial assistance

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617 from the state or a water management district for an alternative
618 water supply project, the water management district shall
619 require the appropriate rate-setting authority to develop rate
620 structures for water customers in the service area of the funded
621 utility that will:

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

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

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

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

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

643 (o) The Florida Public Service Commission shall allow
644 entities under its jurisdiction constructing or participating in

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

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

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

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

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

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

673 373.709 Regional water supply planning.—
674 (1) The governing board of each water management district
675 shall conduct water supply planning for any water supply
676 planning region within the district identified in the
677 appropriate district water supply plan under s. 373.036, where
678 it determines that existing sources of water are not adequate to
679 supply water for all existing and future reasonable-beneficial
680 uses and to sustain the water resources and related natural
681 systems for the planning period. The planning must be conducted
682 in an open public process, in coordination and cooperation with
683 local governments, regional water supply authorities,
684 government-owned and privately owned water utilities,
685 multijurisdictional water supply entities, self-suppliers, and
686 other affected and interested parties. The districts shall
687 actively engage in public education and outreach to all affected
688 local entities and their officials, as well as members of the
689 public, in the planning process and in seeking input. During
690 preparation, but prior to completion of the regional water
691 supply plan, the district must conduct at least one public
692 workshop to discuss the technical data and modeling tools
693 anticipated to be used to support the regional water supply
694 plan. The district shall also hold several public meetings to
695 communicate the status, overall conceptual intent, and impacts
696 of the plan on existing and future reasonable-beneficial uses
697 and related natural systems. During the planning process, a
698 local government may choose to prepare its own water supply
699 assessment to determine if existing water sources are adequate
700 to meet existing and projected reasonable-beneficial needs of

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

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

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

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

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

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

757 supply development options must contain provisions that
758 recognize that alternative water supply options for agricultural
759 self-suppliers are limited.

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

762 a. An estimate of the amount of water to become available
763 through the project.

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

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

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

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

774 1. A listing of those water resource development projects
775 that support water supply development.

776 2. For each water resource development project listed:

777 a. An estimate of the amount of water to become available
778 through the project.

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

782 c. An analysis of funding needs and sources of possible
783 funding options.

784 d. Identification of the entity that should implement each

785 project option and the current status of project implementation.

786 (c) The recovery and prevention strategy described in s.
787 373.0421(2).

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

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

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

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

802 (h) Reservations of water adopted by rule pursuant to s.
803 373.223(4) within each planning region.

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

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

811 (3) The water supply development component of a regional
812 water supply plan which deals with or affects public utilities

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

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

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

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

839 (a) A compilation of the estimated costs of and potential
840 sources of funding for water resource development and water

841 supply development projects as identified in the water
842 management district regional water supply plans.

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

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

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

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

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

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

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

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

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

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

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

922 373.711 Technical assistance to local governments.-

923 (1) The water management districts shall assist local
924 governments in the development and future revision of local

925 government comprehensive plan elements or public facilities
926 report as required by s. 189.415, related to water resource
927 issues.

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

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

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

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

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

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

952 (f) The identification of existing and potential water

953 management district land acquisitions.

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

958 373.713 Regional water supply authorities.-

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

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

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

978 (c) The availability of a dependable and adequate water
 979 supply.

980 (d) The ability of any proposed authority to design,

981 construct, operate, and maintain water supply facilities in the
982 locations, and at the times necessary, to ensure that an
983 adequate water supply will be available to all citizens within
984 the authority.

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

987 (f) The existing needs of the water users within the area
988 of the authority.

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

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

999 (b) Acquire water and water rights; develop, store, and
1000 transport water; provide, sell, and deliver water for county or
1001 municipal uses and purposes; and provide for the furnishing of
1002 such water and water service upon terms and conditions and at
1003 rates which will apportion to parties and nonparties an
1004 equitable share of the capital cost and operating expense of the
1005 authority's work to the purchaser.

1006 (c) Collect, treat, and recover wastewater.

1007 (d) Not engage in local distribution.

1008 (e) Exercise the power of eminent domain in the manner

1009 provided by law for the condemnation of private property for
 1010 public use to acquire title to such interest in real property as
 1011 is necessary to the exercise of the powers herein granted,
 1012 except water and water rights already devoted to reasonable and
 1013 beneficial use or any water production or transmission
 1014 facilities owned by any county or municipality.

1015 (f) Issue revenue bonds in the manner prescribed by the
 1016 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
 1017 payable solely from funds derived from the sale of water by the
 1018 authority to any county or municipality. Such bonds may be
 1019 additionally secured by the full faith and credit of any county
 1020 or municipality, as provided by s. 159.16 or by a pledge of
 1021 excise taxes, as provided by s. 159.19. For the purpose of
 1022 issuing revenue bonds, an authority shall be considered a "unit"
 1023 as defined in s. 159.02(2) and as that term is used in the
 1024 Revenue Bond Act of 1953, as amended. Such bonds may be issued
 1025 to finance the cost of acquiring properties and facilities for
 1026 the production and transmission of water by the authority to any
 1027 county or municipality, which cost shall include the acquisition
 1028 of real property and easements therein for such purposes. Such
 1029 bonds may be in the form of refunding bonds to take up any
 1030 outstanding bonds of the authority or of any county or
 1031 municipality where such outstanding bonds are secured by
 1032 properties and facilities for production and transmission of
 1033 water, which properties and facilities are being acquired by the
 1034 authority. Refunding bonds may be issued to take up and refund
 1035 all outstanding bonds of said authority that are subject to call
 1036 and termination, and all bonds of said authority that are not

1037 subject to call or redemption, when the surrender of said bonds
 1038 can be procured from the holder thereof at prices satisfactory
 1039 to the authority. Such refunding bonds may be issued at any time
 1040 when, in the judgment of the authority, it will be to the best
 1041 interest of the authority financially or economically by
 1042 securing a lower rate of interest on said bonds or by extending
 1043 the time of maturity of said bonds or, for any other reason, in
 1044 the judgment of the authority, advantageous to said authority.

1045 (g) Sue and be sued in its own name.

1046 (h) Borrow money and incur indebtedness and issue bonds or
 1047 other evidence of such indebtedness.

1048 (i) Join with one or more other public corporations for
 1049 the purpose of carrying out any of its powers and for that
 1050 purpose to contract with such other public corporation or
 1051 corporations for the purpose of financing such acquisitions,
 1052 construction, and operations. Such contracts may provide for
 1053 contributions to be made by each party thereto, for the division
 1054 and apportionment of the expenses of such acquisitions and
 1055 operations, and for the division and apportionment of the
 1056 benefits, services, and products therefrom. Such contract may
 1057 contain such other and further covenants and agreements as may
 1058 be necessary and convenient to accomplish the purposes hereof.

1059 (3) A regional water supply authority is authorized to
 1060 develop, construct, operate, maintain, or contract for
 1061 alternative sources of potable water, including desalinated
 1062 water, and pipelines to interconnect authority sources and
 1063 facilities, either by itself or jointly with a water management
 1064 district; however, such alternative potable water sources,

1065 facilities, and pipelines may also be privately developed,
 1066 constructed, owned, operated, and maintained, in which event an
 1067 authority and a water management district are authorized to
 1068 pledge and contribute their funds to reduce the wholesale cost
 1069 of water from such alternative sources of potable water supplied
 1070 by an authority to its member governments.

1071 (4) When it is found to be in the public interest, for the
 1072 public convenience and welfare, for a public benefit, and
 1073 necessary for carrying out the purpose of any regional water
 1074 supply authority, any state agency, county, water control
 1075 district existing pursuant to chapter 298, water management
 1076 district existing pursuant to this chapter, municipality,
 1077 governmental agency, or public corporation in this state holding
 1078 title to any interest in land is hereby authorized, in its
 1079 discretion, to convey the title to or dedicate land, title to
 1080 which is in such entity, including tax-reverted land, or to
 1081 grant use-rights therein, to any regional water supply authority
 1082 created pursuant to this section. Land granted or conveyed to
 1083 such authority shall be for the public purposes of such
 1084 authority and may be made subject to the condition that in the
 1085 event said land is not so used, or if used and subsequently its
 1086 use for said purpose is abandoned, the interest granted shall
 1087 cease as to such authority and shall automatically revert to the
 1088 granting entity.

1089 (5) Each county, special district, or municipality that is
 1090 a party to an agreement pursuant to subsection (1) shall have a
 1091 preferential right to purchase water from the regional water
 1092 supply authority for use by such county, special district, or

1093 municipality.

1094 (6) In carrying out the provisions of this section, any
 1095 county wherein water is withdrawn by the authority shall not be
 1096 deprived, directly or indirectly, of the prior right to the
 1097 reasonable and beneficial use of water which is required
 1098 adequately to supply the reasonable and beneficial needs of the
 1099 county or any of the inhabitants or property owners therein.

1100 (7) Upon a resolution adopted by the governing body of any
 1101 county or municipality, the authority may, subject to a majority
 1102 vote of its voting members, include such county or municipality
 1103 in its regional water supply authority upon such terms and
 1104 conditions as may be prescribed.

1105 (8) The authority shall design, construct, operate, and
 1106 maintain facilities in the locations and at the times necessary
 1107 to ensure that an adequate water supply will be available to all
 1108 citizens within the authority.

1109 (9) Where a water supply authority exists pursuant to this
 1110 section or s. 373.715 under a voluntary interlocal agreement
 1111 that is consistent with requirements in s. 373.715(1)(b) and
 1112 receives or maintains consumptive use permits under this
 1113 voluntary agreement consistent with the water supply plan, if
 1114 any, adopted by the governing board, such authority shall be
 1115 exempt from consideration by the governing board or department
 1116 of the factors specified in s. 373.223(3)(a)-(g) and the
 1117 submissions required by s. 373.229(3). Such exemptions shall
 1118 apply only to water sources within the jurisdictional areas of
 1119 such voluntary water supply interlocal agreements.

1120 373.715 Assistance to West Coast Regional Water Supply

1121 Authority.—

1122 (1) It is the intent of the Legislature to authorize the
 1123 implementation of changes in governance recommended by the West
 1124 Coast Regional Water Supply Authority in its reports to the
 1125 Legislature dated February 1, 1997, and January 5, 1998. The
 1126 authority and its member governments may reconstitute the
 1127 authority's governance and rename the authority under a
 1128 voluntary interlocal agreement with a term of not less than 20
 1129 years. The interlocal agreement must comply with this subsection
 1130 as follows:

1131 (a) The authority and its member governments agree that
 1132 cooperative efforts are mandatory to meet their water needs in a
 1133 manner that will provide adequate and dependable supplies of
 1134 water where needed without resulting in adverse environmental
 1135 effects upon the areas from which the water is withdrawn or
 1136 otherwise produced.

1137 (b) In accordance with s. 4, Art. VIII of the State
 1138 Constitution and notwithstanding s. 163.01, the interlocal
 1139 agreement may include the following terms, which are considered
 1140 approved by the parties without a vote of their electors, upon
 1141 execution of the interlocal agreement by all member governments
 1142 and upon satisfaction of all conditions precedent in the
 1143 interlocal agreement:

1144 1. All member governments shall relinquish to the
 1145 authority their individual rights to develop potable water
 1146 supply sources, except as otherwise provided in the interlocal
 1147 agreement;

1148 2. The authority shall be the sole and exclusive wholesale

1149 potable water supplier for all member governments; and
 1150 3. The authority shall have the absolute and unequivocal
 1151 obligation to meet the wholesale needs of the member governments
 1152 for potable water.

1153 4. A member government may not restrict or prohibit the
 1154 use of land within a member's jurisdictional boundaries by the
 1155 authority for water supply purposes through use of zoning, land
 1156 use, comprehensive planning, or other form of regulation.

1157 5. A member government may not impose any tax, fee, or
 1158 charge upon the authority in conjunction with the production or
 1159 supply of water not otherwise provided for in the interlocal
 1160 agreement.

1161 6. The authority may use the powers provided in part II of
 1162 chapter 159 for financing and refinancing water treatment,
 1163 production, or transmission facilities, including, but not
 1164 limited to, desalinization facilities. All such water treatment,
 1165 production, or transmission facilities are considered a
 1166 "manufacturing plant" for purposes of s. 159.27(5) and serve a
 1167 paramount public purpose by providing water to citizens of the
 1168 state.

1169 7. A member government and any governmental or quasi-
 1170 judicial board or commission established by local ordinance or
 1171 general or special law where the governing membership of such
 1172 board or commission is shared, in whole or in part, or appointed
 1173 by a member government agreeing to be bound by the interlocal
 1174 agreement shall be limited to the procedures set forth therein
 1175 regarding actions that directly or indirectly restrict or
 1176 prohibit the use of lands or other activities related to the

1177 production or supply of water.

1178 (c) The authority shall acquire full or lesser interests
 1179 in all regionally significant member government wholesale water
 1180 supply facilities and tangible assets and each member government
 1181 shall convey such interests in the facilities and assets to the
 1182 authority, at an agreed value.

1183 (d) The authority shall charge a uniform per gallon
 1184 wholesale rate to member governments for the wholesale supply of
 1185 potable water. All capital, operation, maintenance, and
 1186 administrative costs for existing facilities and acquired
 1187 facilities, authority master water plan facilities, and other
 1188 future projects must be allocated to member governments based on
 1189 water usage at the uniform per gallon wholesale rate.

1190 (e) The interlocal agreement may include procedures for
 1191 resolving the parties' differences regarding water management
 1192 district proposed agency action in the water use permitting
 1193 process within the authority. Such procedures should minimize
 1194 the potential for litigation and include alternative dispute
 1195 resolution. Any governmental or quasi-judicial board or
 1196 commission established by local ordinance or general or special
 1197 law where the governing members of such board or commission is
 1198 shared, in whole or in part, or appointed by a member
 1199 government, may agree to be bound by the dispute resolution
 1200 procedures set forth in the interlocal agreement.

1201 (f) Upon execution of the voluntary interlocal agreement
 1202 provided for herein, the authority shall jointly develop with
 1203 the Southwest Florida Water Management District alternative
 1204 sources of potable water and transmission pipelines to

1205 interconnect regionally significant water supply sources and
 1206 facilities of the authority in amounts sufficient to meet the
 1207 needs of all member governments for a period of at least 20
 1208 years and for natural systems. Nothing herein, however, shall
 1209 preclude the authority and its member governments from
 1210 developing traditional water sources pursuant to the voluntary
 1211 interlocal agreement. Development and construction costs for
 1212 alternative source facilities, which may include a desalination
 1213 facility and significant regional interconnects, must be borne
 1214 as mutually agreed to by both the authority and the Southwest
 1215 Florida Water Management District. Nothing herein shall preclude
 1216 authority or district cost sharing with private entities for the
 1217 construction or ownership of alternative source facilities. By
 1218 December 31, 1997, the authority and the Southwest Florida Water
 1219 Management District shall enter into a mutually acceptable
 1220 agreement detailing the development and implementation of
 1221 directives contained in this paragraph. Nothing in this section
 1222 shall be construed to modify the rights or responsibilities of
 1223 the authority or its member governments, except as otherwise
 1224 provided herein, or of the Southwest Florida Water Management
 1225 District or the department pursuant to this chapter or chapter
 1226 403 and as otherwise set forth by statutes.

1227 (g) Unless otherwise provided in the interlocal agreement,
 1228 the authority shall be governed by a board of commissioners
 1229 consisting of nine voting members, all of whom must be elected
 1230 officers, as follows:

1231 1. Three members from Hillsborough County who must be
 1232 selected by the county commission; provided, however, that one

1233 member shall be selected by the Mayor of Tampa in the event that
 1234 the City of Tampa elects to be a member of the authority;

1235 2. Three members from Pasco County, two of whom must be
 1236 selected by the county commission and one of whom must be
 1237 selected by the City Council of New Port Richey;

1238 3. Three members from Pinellas County, two of whom must be
 1239 selected by the county commission and one of whom must be
 1240 selected by the City Council of St. Petersburg.

1241
 1242 Except as otherwise provided in this section or in the voluntary
 1243 interlocal agreement between the member governments, a majority
 1244 vote shall bind the authority and its member governments in all
 1245 matters relating to the funding of wholesale water supply,
 1246 production, delivery, and related activities.

1247 (2) The provisions of this section supersede any
 1248 conflicting provisions contained in all other general or special
 1249 laws or provisions thereof as they may apply directly or
 1250 indirectly to the exclusivity of water supply or withdrawal of
 1251 water, including provisions relating to the environmental
 1252 effects, if any, in conjunction with the production and supply
 1253 of potable water, and the provisions of this section are
 1254 intended to be a complete revision of all laws related to a
 1255 regional water supply authority created under s. 373.713 and
 1256 this section.

1257 (3) In lieu of the provisions in s. 373.713(2) (a), the
 1258 Southwest Florida Water Management District shall assist the
 1259 West Coast Regional Water Supply Authority for a period of 5
 1260 years, terminating December 31, 1981, by levying an ad valorem

1261 tax, upon request of the authority, of not more than 0.05 mill
 1262 on all taxable property within the limits of the authority.
 1263 During such period the corresponding basin board ad valorem tax
 1264 levies shall be reduced accordingly.

1265 (4) The authority shall prepare its annual budget in the
 1266 same manner as prescribed for the preparation of basin budgets,
 1267 but such authority budget shall not be subject to review by the
 1268 respective basin boards or by the governing board of the
 1269 district.

1270 (5) The annual millage for the authority shall be the
 1271 amount required to raise the amount called for by the annual
 1272 budget when applied to the total assessment on all taxable
 1273 property within the limits of the authority, as determined for
 1274 county taxing purposes.

1275 (6) The authority may, by resolution, request the
 1276 governing board of the district to levy ad valorem taxes within
 1277 the boundaries of the authority. Upon receipt of such request,
 1278 together with formal certification of the adoption of its annual
 1279 budget and of the required tax levy, the authority tax levy
 1280 shall be made by the governing board of the district to finance
 1281 authority functions.

1282 (7) The taxes provided for in this section shall be
 1283 extended by the property appraiser on the county tax roll in
 1284 each county within, or partly within, the authority boundaries
 1285 and shall be collected by the tax collector in the same manner
 1286 and time as county taxes, and the proceeds therefrom paid to the
 1287 district which shall forthwith pay them over to the authority.
 1288 Until paid, such taxes shall be a lien on the property against

1289 which assessed and enforceable in like manner as county taxes.
 1290 The property appraisers, tax collectors, and clerks of the
 1291 circuit court of the respective counties shall be entitled to
 1292 compensation for services performed in connection with such
 1293 taxes at the same rates as apply to county taxes.

1294 (8) The governing board of the district shall not be
 1295 responsible for any actions or lack of actions by the authority.

1296 Section 2. Subsection (13) of section 120.52, Florida
 1297 Statutes, is amended to read:

1298 120.52 Definitions.—As used in this act:

1299 (13) "Party" means:

1300 (a) Specifically named persons whose substantial interests
 1301 are being determined in the proceeding.

1302 (b) Any other person who, as a matter of constitutional
 1303 right, provision of statute, or provision of agency regulation,
 1304 is entitled to participate in whole or in part in the
 1305 proceeding, or whose substantial interests will be affected by
 1306 proposed agency action, and who makes an appearance as a party.

1307 (c) Any other person, including an agency staff member,
 1308 allowed by the agency to intervene or participate in the
 1309 proceeding as a party. An agency may by rule authorize limited
 1310 forms of participation in agency proceedings for persons who are
 1311 not eligible to become parties.

1312 (d) Any county representative, agency, department, or unit
 1313 funded and authorized by state statute or county ordinance to
 1314 represent the interests of the consumers of a county, when the
 1315 proceeding involves the substantial interests of a significant
 1316 number of residents of the county and the board of county

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1317 commissioners has, by resolution, authorized the representative,
 1318 agency, department, or unit to represent the class of interested
 1319 persons. The authorizing resolution shall apply to a specific
 1320 proceeding and to appeals and ancillary proceedings thereto, and
 1321 it shall not be required to state the names of the persons whose
 1322 interests are to be represented.

1323
 1324 The term "party" does not include a member government of a
 1325 regional water supply authority or a governmental or quasi-
 1326 judicial board or commission established by local ordinance or
 1327 special or general law where the governing membership of such
 1328 board or commission is shared with, in whole or in part, or
 1329 appointed by a member government of a regional water supply
 1330 authority in proceedings under s. 120.569, s. 120.57, or s.
 1331 120.68, to the extent that an interlocal agreement under ss.
 1332 163.01 and 373.713 ~~373.1962~~ exists in which the member
 1333 government has agreed that its substantial interests are not
 1334 affected by the proceedings or that it is to be bound by
 1335 alternative dispute resolution in lieu of participating in the
 1336 proceedings. This exclusion applies only to those particular
 1337 types of disputes or controversies, if any, identified in an
 1338 interlocal agreement.

1339 Section 3. Subsection (13) of section 163.3167, Florida
 1340 Statutes, is amended to read:

1341 163.3167 Scope of act.—

1342 (13) Each local government shall address in its
 1343 comprehensive plan, as enumerated in this chapter, the water
 1344 supply sources necessary to meet and achieve the existing and

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1345 | projected water use demand for the established planning period,
 1346 | considering the applicable plan developed pursuant to s. 373.709
 1347 | ~~373.0361~~.

1348 | Section 4. Paragraph (a) of subsection (4) and paragraphs
 1349 | (c), (d), and (h) of subsection (6) of section 163.3177, Florida
 1350 | Statutes, are amended to read:

1351 | 163.3177 Required and optional elements of comprehensive
 1352 | plan; studies and surveys.—

1353 | (4) (a) Coordination of the local comprehensive plan with
 1354 | the comprehensive plans of adjacent municipalities, the county,
 1355 | adjacent counties, or the region; with the appropriate water
 1356 | management district's regional water supply plans approved
 1357 | pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
 1358 | to designated areas of critical state concern; and with the
 1359 | state comprehensive plan shall be a major objective of the local
 1360 | comprehensive planning process. To that end, in the preparation
 1361 | of a comprehensive plan or element thereof, and in the
 1362 | comprehensive plan or element as adopted, the governing body
 1363 | shall include a specific policy statement indicating the
 1364 | relationship of the proposed development of the area to the
 1365 | comprehensive plans of adjacent municipalities, the county,
 1366 | adjacent counties, or the region and to the state comprehensive
 1367 | plan, as the case may require and as such adopted plans or plans
 1368 | in preparation may exist.

1369 | (6) In addition to the requirements of subsections (1)-(5)
 1370 | and (12), the comprehensive plan shall include the following
 1371 | elements:

1372 | (c) A general sanitary sewer, solid waste, drainage,

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1373 | potable water, and natural groundwater aquifer recharge element
1374 | correlated to principles and guidelines for future land use,
1375 | indicating ways to provide for future potable water, drainage,
1376 | sanitary sewer, solid waste, and aquifer recharge protection
1377 | requirements for the area. The element may be a detailed
1378 | engineering plan including a topographic map depicting areas of
1379 | prime groundwater recharge. The element shall describe the
1380 | problems and needs and the general facilities that will be
1381 | required for solution of the problems and needs. The element
1382 | shall also include a topographic map depicting any areas adopted
1383 | by a regional water management district as prime groundwater
1384 | recharge areas for the Floridan or Biscayne aquifers. These
1385 | areas shall be given special consideration when the local
1386 | government is engaged in zoning or considering future land use
1387 | for said designated areas. For areas served by septic tanks,
1388 | soil surveys shall be provided which indicate the suitability of
1389 | soils for septic tanks. Within 18 months after the governing
1390 | board approves an updated regional water supply plan, the
1391 | element must incorporate the alternative water supply project or
1392 | projects selected by the local government from those identified
1393 | in the regional water supply plan pursuant to s. 373.709(2)(a)
1394 | ~~373.0361(2)(a)~~ or proposed by the local government under s.
1395 | 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located
1396 | within two water management districts, the local government
1397 | shall adopt its comprehensive plan amendment within 18 months
1398 | after the later updated regional water supply plan. The element
1399 | must identify such alternative water supply projects and
1400 | traditional water supply projects and conservation and reuse

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1401 necessary to meet the water needs identified in s. 373.709(2)(a)
1402 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1403 include a work plan, covering at least a 10 year planning
1404 period, for building public, private, and regional water supply
1405 facilities, including development of alternative water supplies,
1406 which are identified in the element as necessary to serve
1407 existing and new development. The work plan shall be updated, at
1408 a minimum, every 5 years within 18 months after the governing
1409 board of a water management district approves an updated
1410 regional water supply plan. Amendments to incorporate the work
1411 plan do not count toward the limitation on the frequency of
1412 adoption of amendments to the comprehensive plan. Local
1413 governments, public and private utilities, regional water supply
1414 authorities, special districts, and water management districts
1415 are encouraged to cooperatively plan for the development of
1416 multijurisdictional water supply facilities that are sufficient
1417 to meet projected demands for established planning periods,
1418 including the development of alternative water sources to
1419 supplement traditional sources of groundwater and surface water
1420 supplies.

1421 (d) A conservation element for the conservation, use, and
1422 protection of natural resources in the area, including air,
1423 water, water recharge areas, wetlands, waterwells, estuarine
1424 marshes, soils, beaches, shores, flood plains, rivers, bays,
1425 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1426 minerals, and other natural and environmental resources,
1427 including factors that affect energy conservation. Local
1428 governments shall assess their current, as well as projected,

1429 water needs and sources for at least a 10-year period,
 1430 considering the appropriate regional water supply plan approved
 1431 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
 1432 approved regional water supply plan, the district water
 1433 management plan approved pursuant to s. 373.036(2). This
 1434 information shall be submitted to the appropriate agencies. The
 1435 land use map or map series contained in the future land use
 1436 element shall generally identify and depict the following:

- 1437 1. Existing and planned waterwells and cones of influence
- 1438 where applicable.
- 1439 2. Beaches and shores, including estuarine systems.
- 1440 3. Rivers, bays, lakes, flood plains, and harbors.
- 1441 4. Wetlands.
- 1442 5. Minerals and soils.
- 1443 6. Energy conservation.

1444
 1445 The land uses identified on such maps shall be consistent with
 1446 applicable state law and rules.

1447 (h)1. An intergovernmental coordination element showing
 1448 relationships and stating principles and guidelines to be used
 1449 in the accomplishment of coordination of the adopted
 1450 comprehensive plan with the plans of school boards, regional
 1451 water supply authorities, and other units of local government
 1452 providing services but not having regulatory authority over the
 1453 use of land, with the comprehensive plans of adjacent
 1454 municipalities, the county, adjacent counties, or the region,
 1455 with the state comprehensive plan and with the applicable
 1456 regional water supply plan approved pursuant to s. 373.709

1457 ~~373.0361~~, as the case may require and as such adopted plans or
 1458 plans in preparation may exist. This element of the local
 1459 comprehensive plan shall demonstrate consideration of the
 1460 particular effects of the local plan, when adopted, upon the
 1461 development of adjacent municipalities, the county, adjacent
 1462 counties, or the region, or upon the state comprehensive plan,
 1463 as the case may require.

1464 a. The intergovernmental coordination element shall
 1465 provide procedures to identify and implement joint planning
 1466 areas, especially for the purpose of annexation, municipal
 1467 incorporation, and joint infrastructure service areas.

1468 b. The intergovernmental coordination element shall
 1469 provide for recognition of campus master plans prepared pursuant
 1470 to s. 1013.30 and airport master plans under paragraph(k).

1471 c. The intergovernmental coordination element shall
 1472 provide for a dispute resolution process as established pursuant
 1473 to s. 186.509 for bringing to closure in a timely manner
 1474 intergovernmental disputes.

1475 d. The intergovernmental coordination element shall
 1476 provide for interlocal agreements as established pursuant to s.
 1477 333.03(1)(b).

1478 2. The intergovernmental coordination element shall
 1479 further state principles and guidelines to be used in the
 1480 accomplishment of coordination of the adopted comprehensive plan
 1481 with the plans of school boards and other units of local
 1482 government providing facilities and services but not having
 1483 regulatory authority over the use of land. In addition, the
 1484 intergovernmental coordination element shall describe joint

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1485 processes for collaborative planning and decisionmaking on
1486 population projections and public school siting, the location
1487 and extension of public facilities subject to concurrency, and
1488 siting facilities with countywide significance, including
1489 locally unwanted land uses whose nature and identity are
1490 established in an agreement. Within 1 year of adopting their
1491 intergovernmental coordination elements, each county, all the
1492 municipalities within that county, the district school board,
1493 and any unit of local government service providers in that
1494 county shall establish by interlocal or other formal agreement
1495 executed by all affected entities, the joint processes described
1496 in this subparagraph consistent with their adopted
1497 intergovernmental coordination elements.

1498 3. To foster coordination between special districts and
1499 local general-purpose governments as local general-purpose
1500 governments implement local comprehensive plans, each
1501 independent special district must submit a public facilities
1502 report to the appropriate local government as required by s.
1503 189.415.

1504 4.a. Local governments shall execute an interlocal
1505 agreement with the district school board, the county, and
1506 nonexempt municipalities pursuant to s. 163.31777. The local
1507 government shall amend the intergovernmental coordination
1508 element to provide that coordination between the local
1509 government and school board is pursuant to the agreement and
1510 shall state the obligations of the local government under the
1511 agreement.

1512 b. Plan amendments that comply with this subparagraph are

1513 exempt from the provisions of s. 163.3187(1).

1514 5. The state land planning agency shall establish a
1515 schedule for phased completion and transmittal of plan
1516 amendments to implement subparagraphs 1., 2., and 3. from all
1517 jurisdictions so as to accomplish their adoption by December 31,
1518 1999. A local government may complete and transmit its plan
1519 amendments to carry out these provisions prior to the scheduled
1520 date established by the state land planning agency. The plan
1521 amendments are exempt from the provisions of s. 163.3187(1).

1522 6. By January 1, 2004, any county having a population
1523 greater than 100,000, and the municipalities and special
1524 districts within that county, shall submit a report to the
1525 Department of Community Affairs which:

1526 a. Identifies all existing or proposed interlocal service
1527 delivery agreements regarding the following: education; sanitary
1528 sewer; public safety; solid waste; drainage; potable water;
1529 parks and recreation; and transportation facilities.

1530 b. Identifies any deficits or duplication in the provision
1531 of services within its jurisdiction, whether capital or
1532 operational. Upon request, the Department of Community Affairs
1533 shall provide technical assistance to the local governments in
1534 identifying deficits or duplication.

1535 7. Within 6 months after submission of the report, the
1536 Department of Community Affairs shall, through the appropriate
1537 regional planning council, coordinate a meeting of all local
1538 governments within the regional planning area to discuss the
1539 reports and potential strategies to remedy any identified
1540 deficiencies or duplications.

1541 8. Each local government shall update its
 1542 intergovernmental coordination element based upon the findings
 1543 in the report submitted pursuant to subparagraph 6. The report
 1544 may be used as supporting data and analysis for the
 1545 intergovernmental coordination element.

1546 Section 5. Paragraph (1) of subsection (2) of section
 1547 163.3191, Florida Statutes, is amended to read:

1548 163.3191 Evaluation and appraisal of comprehensive plan.-

1549 (2) The report shall present an evaluation and assessment
 1550 of the comprehensive plan and shall contain appropriate
 1551 statements to update the comprehensive plan, including, but not
 1552 limited to, words, maps, illustrations, or other media, related
 1553 to:

1554 (1) The extent to which the local government has been
 1555 successful in identifying alternative water supply projects and
 1556 traditional water supply projects, including conservation and
 1557 reuse, necessary to meet the water needs identified in s.
 1558 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
 1559 jurisdiction. The report must evaluate the degree to which the
 1560 local government has implemented the work plan for building
 1561 public, private, and regional water supply facilities, including
 1562 development of alternative water supplies, identified in the
 1563 element as necessary to serve existing and new development.

1564 Section 6. Paragraphs (c) and (d) of subsection (4) of
 1565 section 189.404, Florida Statutes, are amended to read:

1566 189.404 Legislative intent for the creation of independent
 1567 special districts; special act prohibitions; model elements and
 1568 other requirements; general-purpose local government/Governor

1569 and Cabinet creation authorizations.—

1570 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 1571 AUTHORIZATIONS.—Except as otherwise authorized by general law,
 1572 only the Legislature may create independent special districts.

1573 (c) The Governor and Cabinet may create an independent
 1574 special district which shall be established by rule in
 1575 accordance with s. 190.005 or as otherwise authorized in general
 1576 law. The Governor and Cabinet may also approve the establishment
 1577 of a charter for the creation of an independent special district
 1578 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
 1579 otherwise authorized in general law.

1580 (d)1. Any combination of two or more counties may create a
 1581 regional special district which shall be established in
 1582 accordance with s. 950.001, or as otherwise authorized in
 1583 general law.

1584 2. Any combination of two or more counties or
 1585 municipalities may create a regional special district which
 1586 shall be established in accordance with s. 373.713 ~~373.1962~~, or
 1587 as otherwise authorized by general law.

1588 3. Any combination of two or more counties,
 1589 municipalities, or other political subdivisions may create a
 1590 regional special district in accordance with s. 163.567, or as
 1591 otherwise authorized in general law.

1592 Section 7. Subsection (3) of section 189.4155, Florida
 1593 Statutes, is amended to read:

1594 189.4155 Activities of special districts; local government
 1595 comprehensive planning.—

1596 (3) The provisions of this section shall not apply to

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1597 water management districts created pursuant to s. 373.069, to
 1598 regional water supply authorities created pursuant to s. 373.713
 1599 ~~373.1962~~, or to spoil disposal sites owned or used by the
 1600 Federal Government.

1601 Section 8. Section 189.4156, Florida Statutes, is amended
 1602 to read:

1603 189.4156 Water management district technical assistance;
 1604 local government comprehensive planning.—Water management
 1605 districts shall assist local governments in the development of
 1606 local government comprehensive plan elements related to water
 1607 resource issues as required by s. 373.711 ~~373.0391~~.

1608 Section 9. Subsection (7) of section 367.021, Florida
 1609 Statutes, is amended to read:

1610 367.021 Definitions.—As used in this chapter, the
 1611 following words or terms shall have the meanings indicated:

1612 (7) "Governmental authority" means a political
 1613 subdivision, as defined by s. 1.01(8), a regional water supply
 1614 authority created pursuant to s. 373.713 ~~373.1962~~, or a
 1615 nonprofit corporation formed for the purpose of acting on behalf
 1616 of a political subdivision with respect to a water or wastewater
 1617 facility.

1618 Section 10. Subsection (17) of section 373.019, Florida
 1619 Statutes, is amended to read:

1620 373.019 Definitions.—When appearing in this chapter or in
 1621 any rule, regulation, or order adopted pursuant thereto, the
 1622 term:

1623 (17) "Regional water supply plan" means a detailed water
 1624 supply plan developed by a governing board under s. 373.709

1625 ~~373.0361.~~

1626 Section 11. Paragraph (b) of subsection (2) and paragraph
1627 (b) of subsection (7) of section 373.036, Florida Statutes, are
1628 amended to read:

1629 373.036 Florida water plan; district water management
1630 plans.—

1631 (2) DISTRICT WATER MANAGEMENT PLANS.—

1632 (b) The district water management plan shall include, but
1633 not be limited to:

1634 1. The scientific methodologies for establishing minimum
1635 flows and levels under s. 373.042, and all established minimum
1636 flows and levels.

1637 2. Identification of one or more water supply planning
1638 regions that singly or together encompass the entire district.

1639 3. Technical data and information prepared under s.
1640 373.711 ~~373.0391~~.

1641 4. A districtwide water supply assessment, to be completed
1642 no later than July 1, 1998, which determines for each water
1643 supply planning region:

1644 a. Existing legal uses, reasonably anticipated future
1645 needs, and existing and reasonably anticipated sources of water
1646 and conservation efforts; and

1647 b. Whether existing and reasonably anticipated sources of
1648 water and conservation efforts are adequate to supply water for
1649 all existing legal uses and reasonably anticipated future needs
1650 and to sustain the water resources and related natural systems.

1651 5. Any completed regional water supply plans.

1652 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1653 (b) The consolidated annual report shall contain the
 1654 following elements, as appropriate to that water management
 1655 district:

1656 1. A district water management plan annual report or the
 1657 annual work plan report allowed in subparagraph (2)(e)4.

1658 2. The department-approved minimum flows and levels annual
 1659 priority list and schedule required by s. 373.042(2).

1660 3. The annual 5-year capital improvements plan required by
 1661 s. 373.536(6)(a)3.

1662 4. The alternative water supplies annual report required
 1663 by s. 373.707(8)(n) ~~373.1961(3)(n)~~.

1664 5. The final annual 5-year water resource development work
 1665 program required by s. 373.536(6)(a)4.

1666 6. The Florida Forever Water Management District Work Plan
 1667 annual report required by s. 373.199(7).

1668 7. The mitigation donation annual report required by s.
 1669 373.414(1)(b)2.

1670 Section 12. Paragraphs (a) and (e) of subsection (4) of
 1671 section 373.0363, Florida Statutes, are amended to read:

1672 373.0363 Southern Water Use Caution Area Recovery
 1673 Strategy.—

1674 (4) The West-Central Florida Water Restoration Action Plan
 1675 includes:

1676 (a) The Central West Coast Surface Water Enhancement
 1677 Initiative. The purpose of this initiative is to make additional
 1678 surface waters available for public supply through restoration
 1679 of surface waters, natural water flows, and freshwater wetland
 1680 communities. This initiative is designed to allow limits on

1681 groundwater withdrawals in order to slow the rate of saltwater
 1682 intrusion. The initiative shall be an ongoing program in
 1683 cooperation with the Peace River-Manasota Regional Water Supply
 1684 Authority created under s. 373.713 ~~373.1962~~.

1685 (e) The Central Florida Water Resource Development
 1686 Initiative. The purpose of this initiative is to create and
 1687 implement a long-term plan that takes a comprehensive approach
 1688 to limit ground water withdrawals in the Southern Water Use
 1689 Caution Area and to identify and develop alternative water
 1690 supplies for Polk County. The project components developed
 1691 pursuant to this initiative are eligible for state and regional
 1692 funding under s. 373.707 ~~373.196~~ as an alternative water supply,
 1693 as defined in s. 373.019, or as a supplemental water supply
 1694 under the rules of the Southwest Florida Water Management
 1695 District or the South Florida Water Management District. The
 1696 initiative shall be implemented by the district as an ongoing
 1697 program in cooperation with Polk County and the South Florida
 1698 Water Management District.

1699 Section 13. Subsection (2) of section 373.0421, Florida
 1700 Statutes, is amended to read:

1701 373.0421 Establishment and implementation of minimum flows
 1702 and levels.—

1703 (2) If the existing flow or level in a water body is
 1704 below, or is projected to fall within 20 years below, the
 1705 applicable minimum flow or level established pursuant to s.
 1706 373.042, the department or governing board, as part of the
 1707 regional water supply plan described in s. 373.709 ~~373.0361~~,
 1708 shall expeditiously implement a recovery or prevention strategy,

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1709 | which includes the development of additional water supplies and
 1710 | other actions, consistent with the authority granted by this
 1711 | chapter, to:

1712 | (a) Achieve recovery to the established minimum flow or
 1713 | level as soon as practicable; or

1714 | (b) Prevent the existing flow or level from falling below
 1715 | the established minimum flow or level.

1716 |
 1717 | The recovery or prevention strategy shall include phasing or a
 1718 | timetable which will allow for the provision of sufficient water
 1719 | supplies for all existing and projected reasonable-beneficial
 1720 | uses, including development of additional water supplies and
 1721 | implementation of conservation and other efficiency measures
 1722 | concurrent with, to the extent practical, and to offset,
 1723 | reductions in permitted withdrawals, consistent with the
 1724 | provisions of this chapter.

1725 | Section 14. Subsection (4) of section 373.0695, Florida
 1726 | Statutes, is amended to read:

1727 | 373.0695 Duties of basin boards; authorized expenditures.—

1728 | (4) In the exercise of the duties and powers granted
 1729 | herein, the basin boards shall be subject to all the limitations
 1730 | and restrictions imposed on the water management districts in s.
 1731 | 373.703 ~~373.1961~~.

1732 | Section 15. Subsections (3) and (5) of section 373.223,
 1733 | Florida Statutes, are amended to read:

1734 | 373.223 Conditions for a permit.—

1735 | (3) Except for the transport and use of water supplied by
 1736 | the Central and Southern Florida Flood Control Project, and

1737 anywhere in the state when the transport and use of water is
 1738 supplied exclusively for bottled water as defined in s.
 1739 500.03(1)(d), any water use permit applications pending as of
 1740 April 1, 1998, with the Northwest Florida Water Management
 1741 District and self-suppliers of water for which the proposed
 1742 water source and area of use or application are located on
 1743 contiguous private properties, when evaluating whether a
 1744 potential transport and use of ground or surface water across
 1745 county boundaries is consistent with the public interest,
 1746 pursuant to paragraph (1)(c), the governing board or department
 1747 shall consider:

1748 (a) The proximity of the proposed water source to the area
 1749 of use or application.

1750 (b) All impoundments, streams, groundwater sources, or
 1751 watercourses that are geographically closer to the area of use
 1752 or application than the proposed source, and that are
 1753 technically and economically feasible for the proposed transport
 1754 and use.

1755 (c) All economically and technically feasible alternatives
 1756 to the proposed source, including, but not limited to,
 1757 desalination, conservation, reuse of nonpotable reclaimed water
 1758 and stormwater, and aquifer storage and recovery.

1759 (d) The potential environmental impacts that may result
 1760 from the transport and use of water from the proposed source,
 1761 and the potential environmental impacts that may result from use
 1762 of the other water sources identified in paragraphs (b) and (c).

1763 (e) Whether existing and reasonably anticipated sources of
 1764 water and conservation efforts are adequate to supply water for

1765 existing legal uses and reasonably anticipated future needs of
 1766 the water supply planning region in which the proposed water
 1767 source is located.

1768 (f) Consultations with local governments affected by the
 1769 proposed transport and use.

1770 (g) The value of the existing capital investment in water-
 1771 related infrastructure made by the applicant.

1772
 1773 Where districtwide water supply assessments and regional water
 1774 supply plans have been prepared pursuant to ss. 373.036 and
 1775 373.709 ~~373.0361~~, the governing board or the department shall
 1776 use the applicable plans and assessments as the basis for its
 1777 consideration of the applicable factors in this subsection.

1778 (5) In evaluating an application for consumptive use of
 1779 water which proposes the use of an alternative water supply
 1780 project as described in the regional water supply plan and
 1781 provides reasonable assurances of the applicant's capability to
 1782 design, construct, operate, and maintain the project, the
 1783 governing board or department shall presume that the alternative
 1784 water supply use is consistent with the public interest under
 1785 paragraph (1)(c). However, where the governing board identifies
 1786 the need for a multijurisdictional water supply entity or
 1787 regional water supply authority to develop the alternative water
 1788 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,
 1789 the presumption shall be accorded only to that use proposed by
 1790 such entity or authority. This subsection does not effect
 1791 evaluation of the use pursuant to the provisions of paragraphs
 1792 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and

1793 | 373.233.
 1794 | Section 16. Section 373.2234, Florida Statutes, is amended
 1795 | to read:
 1796 | 373.2234 Preferred water supply sources.—The governing
 1797 | board of a water management district is authorized to adopt
 1798 | rules that identify preferred water supply sources for
 1799 | consumptive uses for which there is sufficient data to establish
 1800 | that a preferred source will provide a substantial new water
 1801 | supply to meet the existing and projected reasonable-beneficial
 1802 | uses of a water supply planning region identified pursuant to s.
 1803 | 373.709(1) ~~373.0361(1)~~, while sustaining existing water
 1804 | resources and natural systems. At a minimum, such rules must
 1805 | contain a description of the preferred water supply source and
 1806 | an assessment of the water the preferred source is projected to
 1807 | produce. If an applicant proposes to use a preferred water
 1808 | supply source, that applicant's proposed water use is subject to
 1809 | s. 373.223(1), except that the proposed use of a preferred water
 1810 | supply source must be considered by a water management district
 1811 | when determining whether a permit applicant's proposed use of
 1812 | water is consistent with the public interest pursuant to s.
 1813 | 373.223(1)(c). A consumptive use permit issued for the use of a
 1814 | preferred water supply source must be granted, when requested by
 1815 | the applicant, for at least a 20-year period and may be subject
 1816 | to the compliance reporting provisions of s. 373.236(4). Nothing
 1817 | in this section shall be construed to exempt the use of
 1818 | preferred water supply sources from the provisions of ss.
 1819 | 373.016(4) and 373.223(2) and (3), or be construed to provide
 1820 | that permits issued for the use of a nonpreferred water supply

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1821 source must be issued for a duration of less than 20 years or
 1822 that the use of a nonpreferred water supply source is not
 1823 consistent with the public interest. Additionally, nothing in
 1824 this section shall be interpreted to require the use of a
 1825 preferred water supply source or to restrict or prohibit the use
 1826 of a nonpreferred water supply source. Rules adopted by the
 1827 governing board of a water management district to implement this
 1828 section shall specify that the use of a preferred water supply
 1829 source is not required and that the use of a nonpreferred water
 1830 supply source is not restricted or prohibited.

1831 Section 17. Subsection (3) of section 373.229, Florida
 1832 Statutes, is amended to read:

1833 373.229 Application for permit.—

1834 (3) In addition to the information required in subsection
 1835 (1), all permit applications filed with the governing board or
 1836 the department which propose the transport and use of water
 1837 across county boundaries shall include information pertaining to
 1838 factors to be considered, pursuant to s. 373.223(3), unless
 1839 exempt under s. 373.713(9) ~~373.1962(9)~~.

1840 Section 18. Paragraph (a) of subsection (6) of section
 1841 373.236, Florida Statutes, is amended to read:

1842 373.236 Duration of permits; compliance reports.—

1843 (6) (a) The Legislature finds that the need for alternative
 1844 water supply development projects to meet anticipated public
 1845 water supply demands of the state is so important that it is
 1846 essential to encourage participation in and contribution to
 1847 these projects by private-rural-land owners who
 1848 characteristically have relatively modest near-term water

1849 demands but substantially increasing demands after the 20-year
 1850 planning period in s. 373.709 ~~373.0361~~. Therefore, where such
 1851 landowners make extraordinary contributions of lands or
 1852 construction funding to enable the expeditious implementation of
 1853 such projects, water management districts and the department may
 1854 grant permits for such projects for a period of up to 50 years
 1855 to municipalities, counties, special districts, regional water
 1856 supply authorities, multijurisdictional water supply entities,
 1857 and publicly or privately owned utilities, with the exception of
 1858 any publicly or privately owned utilities created for or by a
 1859 private landowner after April 1, 2008, which have entered into
 1860 an agreement with the private landowner for the purpose of more
 1861 efficiently pursuing alternative public water supply development
 1862 projects identified in a district's regional water supply plan
 1863 and meeting water demands of both the applicant and the
 1864 landowner.

1865 Section 19. Paragraph (a) of subsection (6) of section
 1866 373.536, Florida Statutes, is amended to read:

1867 373.536 District budget and hearing thereon.—

1868 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1869 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1870 (a) Each district must, by the date specified for each
 1871 item, furnish copies of the following documents to the Governor,
 1872 the President of the Senate, the Speaker of the House of
 1873 Representatives, the chairs of all legislative committees and
 1874 subcommittees having substantive or fiscal jurisdiction over the
 1875 districts, as determined by the President of the Senate or the
 1876 Speaker of the House of Representatives as applicable, the

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1877 secretary of the department, and the governing board of each
 1878 county in which the district has jurisdiction or derives any
 1879 funds for the operations of the district:

1880 1. The adopted budget, to be furnished within 10 days
 1881 after its adoption.

1882 2. A financial audit of its accounts and records, to be
 1883 furnished within 10 days after its acceptance by the governing
 1884 board. The audit must be conducted in accordance with the
 1885 provisions of s. 11.45 and the rules adopted thereunder. In
 1886 addition to the entities named above, the district must provide
 1887 a copy of the audit to the Auditor General within 10 days after
 1888 its acceptance by the governing board.

1889 3. A 5-year capital improvements plan, to be included in
 1890 the consolidated annual report required by s. 373.036(7). The
 1891 plan must include expected sources of revenue for planned
 1892 improvements and must be prepared in a manner comparable to the
 1893 fixed capital outlay format set forth in s. 216.043.

1894 4. A 5-year water resource development work program to be
 1895 furnished within 30 days after the adoption of the final budget.
 1896 The program must describe the district's implementation strategy
 1897 for the water resource development component of each approved
 1898 regional water supply plan developed or revised under s. 373.709
 1899 ~~373.0361~~. The work program must address all the elements of the
 1900 water resource development component in the district's approved
 1901 regional water supply plans and must identify which projects in
 1902 the work program will provide water, explain how each water
 1903 resource development project will produce additional water
 1904 available for consumptive uses, estimate the quantity of water

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1905 to be produced by each project, and provide an assessment of the
1906 contribution of the district's regional water supply plans in
1907 providing sufficient water to meet the water supply needs of
1908 existing and future reasonable-beneficial uses for a 1-in-10-
1909 year drought event. Within 30 days after its submittal, the
1910 department shall review the proposed work program and submit its
1911 findings, questions, and comments to the district. The review
1912 must include a written evaluation of the program's consistency
1913 with the furtherance of the district's approved regional water
1914 supply plans, and the adequacy of proposed expenditures. As part
1915 of the review, the department shall give interested parties the
1916 opportunity to provide written comments on each district's
1917 proposed work program. Within 45 days after receipt of the
1918 department's evaluation, the governing board shall state in
1919 writing to the department which changes recommended in the
1920 evaluation it will incorporate into its work program submitted
1921 as part of the March 1 consolidated annual report required by s.
1922 373.036(7) or specify the reasons for not incorporating the
1923 changes. The department shall include the district's responses
1924 in a final evaluation report and shall submit a copy of the
1925 report to the Governor, the President of the Senate, and the
1926 Speaker of the House of Representatives.

1927 Section 20. Subsection (11) of section 373.59, Florida
1928 Statutes, is amended to read:

1929 373.59 Water Management Lands Trust Fund.—

1930 (11) Notwithstanding any provision of this section to the
1931 contrary, the governing board of a water management district may
1932 request, and the Secretary of Environmental Protection shall

1933 release upon such request, moneys allocated to the districts
 1934 pursuant to subsection (8) for purposes consistent with the
 1935 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
 1936 373.139, or ss. 373.451-373.4595 and for legislatively
 1937 authorized land acquisition and water restoration initiatives.
 1938 No funds may be used pursuant to this subsection until necessary
 1939 debt service obligations, requirements for payments in lieu of
 1940 taxes, and land management obligations that may be required by
 1941 this chapter are provided for.

1942 Section 21. Paragraph (g) of subsection (1) of section
 1943 378.212, Florida Statutes, is amended to read:

1944 378.212 Variances.—

1945 (1) Upon application, the secretary may grant a variance
 1946 from the provisions of this part or the rules adopted pursuant
 1947 thereto. Variances and renewals thereof may be granted for any
 1948 one of the following reasons:

1949 (g) To accommodate reclamation that provides water supply
 1950 development or water resource development not inconsistent with
 1951 the applicable regional water supply plan approved pursuant to
 1952 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
 1953 the water resources in the basin. A variance may also be granted
 1954 from the requirements of part IV of chapter 373, or the rules
 1955 adopted thereunder, when a project provides an improvement in
 1956 water availability in the basin and does not cause adverse
 1957 impacts to water resources in the basin.

1958 Section 22. Subsection (9) of section 378.404, Florida
 1959 Statutes, is amended to read:

1960 378.404 Department of Environmental Protection; powers and

1961 duties.—The department shall have the following powers and
 1962 duties:

1963 (9) To grant variances from the provisions of this part to
 1964 accommodate reclamation that provides for water supply
 1965 development or water resource development not inconsistent with
 1966 the applicable regional water supply plan approved pursuant to
 1967 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
 1968 wildlife habitat, recreation, or a mixture thereof, provided
 1969 adverse impacts are not caused to the water resources in the
 1970 basin and public health and safety are not adversely affected.

1971 Section 23. Paragraph (a) of subsection (3) of section
 1972 403.0891, Florida Statutes, is amended to read:

1973 403.0891 State, regional, and local stormwater management
 1974 plans and programs.—The department, the water management
 1975 districts, and local governments shall have the responsibility
 1976 for the development of mutually compatible stormwater management
 1977 programs.

1978 (3) (a) Each local government required by chapter 163 to
 1979 submit a comprehensive plan, whose plan is submitted after July
 1980 1, 1992, and the others when updated after July 1, 1992, in the
 1981 development of its stormwater management program described by
 1982 elements within its comprehensive plan shall consider the water
 1983 resource implementation rule, district stormwater management
 1984 goals, plans approved pursuant to the Surface Water Improvement
 1985 and Management Act, ss. 373.451-373.4595, and technical
 1986 assistance information provided by the water management
 1987 districts pursuant to s. 373.711 ~~373.0391~~.

1988 Section 24. Section 403.890, Florida Statutes, is amended

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1989 to read:
 1990 403.890 Water Protection and Sustainability Program;
 1991 ~~intent; goals; purposes.~~
 1992 ~~(1) Effective July 1, 2006, revenues transferred from the~~
 1993 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~
 1994 ~~deposited into the Water Protection and Sustainability Program~~
 1995 ~~Trust Fund in the Department of Environmental Protection. These~~
 1996 ~~revenues and any other additional revenues deposited into or~~
 1997 ~~appropriated to the Water Protection and Sustainability Program~~
 1998 ~~Trust Fund shall be distributed by the Department of~~
 1999 ~~Environmental Protection in the following manner:~~
 2000 ~~(a) Sixty percent to the Department of Environmental~~
 2001 ~~Protection for the implementation of an alternative water supply~~
 2002 ~~program as provided in s. 373.1961.~~
 2003 ~~(b) Twenty percent for the implementation of best~~
 2004 ~~management practices and capital project expenditures necessary~~
 2005 ~~for the implementation of the goals of the total maximum daily~~
 2006 ~~load program established in s. 403.067. Of these funds, 85~~
 2007 ~~percent shall be transferred to the credit of the Department of~~
 2008 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
 2009 ~~address water quality impacts associated with nonagricultural~~
 2010 ~~nonpoint sources. Fifteen percent of these funds shall be~~
 2011 ~~transferred to the Department of Agriculture and Consumer~~
 2012 ~~Services General Inspection Trust Fund to address water quality~~
 2013 ~~impacts associated with agricultural nonpoint sources. These~~
 2014 ~~funds shall be used for research, development, demonstration,~~
 2015 ~~and implementation of the total maximum daily load program under~~
 2016 ~~s. 403.067, suitable best management practices or other measures~~

2017 ~~used to achieve water quality standards in surface waters and~~
 2018 ~~water segments identified pursuant to s. 303(d) of the Clean~~
 2019 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
 2020 ~~Implementation of best management practices and other measures~~
 2021 ~~may include cost-share grants, technical assistance,~~
 2022 ~~implementation tracking, and conservation leases or other~~
 2023 ~~agreements for water quality improvement. The Department of~~
 2024 ~~Environmental Protection and the Department of Agriculture and~~
 2025 ~~Consumer Services may adopt rules governing the distribution of~~
 2026 ~~funds for implementation of capital projects, best management~~
 2027 ~~practices, and other measures. These funds shall not be used to~~
 2028 ~~abrogate the financial responsibility of those point and~~
 2029 ~~nonpoint sources that have contributed to the degradation of~~
 2030 ~~water or land areas. Increased priority shall be given by the~~
 2031 ~~department and the water management district governing boards to~~
 2032 ~~those projects that have secured a cost-sharing agreement~~
 2033 ~~allocating responsibility for the cleanup of point and nonpoint~~
 2034 ~~sources.~~

2035 ~~(c) Ten percent shall be disbursed for the purposes of~~
 2036 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~
 2037 ~~water restoration activities in water-management-district-~~
 2038 ~~designated priority water bodies. The Secretary of Environmental~~
 2039 ~~Protection shall ensure that each water management district~~
 2040 ~~receives the following percentage of funds annually:~~

2041 ~~1. Thirty five percent to the South Florida Water~~
 2042 ~~Management District;~~

2043 ~~2. Twenty five percent to the Southwest Florida Water~~
 2044 ~~Management District;~~

2045 ~~3. Twenty five percent to the St. Johns River Water~~
 2046 ~~Management District;~~
 2047 ~~4. Seven and one-half percent to the Suwannee River Water~~
 2048 ~~Management District; and~~
 2049 ~~5. Seven and one-half percent to the Northwest Florida~~
 2050 ~~Water Management District.~~
 2051 ~~(d) Ten percent to the Department of Environmental~~
 2052 ~~Protection for the Disadvantaged Small Community Wastewater~~
 2053 ~~Grant Program as provided in s. 403.1838.~~
 2054 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~
 2055 ~~revenues transferred from the Department of Revenue pursuant to~~
 2056 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~
 2057 ~~and Sustainability Program Trust Fund in the Department of~~
 2058 ~~Environmental Protection. These revenues and any other~~
 2059 ~~additional Revenues deposited into or appropriated to the Water~~
 2060 ~~Protection and Sustainability Program Trust Fund shall be~~
 2061 ~~distributed by the Department of Environmental Protection in the~~
 2062 ~~following manner:~~
 2063 ~~(1)(a)~~ Sixty-five percent to the Department of
 2064 Environmental Protection for the implementation of an
 2065 alternative water supply program as provided in s. 373.707
 2066 ~~373.1961.~~
 2067 ~~(2)(b)~~ Twenty-two and five-tenths percent for the
 2068 implementation of best management practices and capital project
 2069 expenditures necessary for the implementation of the goals of
 2070 the total maximum daily load program established in s. 403.067.
 2071 Of these funds, 83.33 percent shall be transferred to the credit
 2072 of the Department of Environmental Protection Water Quality

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2073 Assurance Trust Fund to address water quality impacts associated
 2074 with nonagricultural nonpoint sources. Sixteen and sixty-seven
 2075 hundredths percent of these funds shall be transferred to the
 2076 Department of Agriculture and Consumer Services General
 2077 Inspection Trust Fund to address water quality impacts
 2078 associated with agricultural nonpoint sources. These funds shall
 2079 be used for research, development, demonstration, and
 2080 implementation of the total maximum daily load program under s.
 2081 403.067, suitable best management practices or other measures
 2082 used to achieve water quality standards in surface waters and
 2083 water segments identified pursuant to s. 303(d) of the Clean
 2084 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 2085 Implementation of best management practices and other measures
 2086 may include cost-share grants, technical assistance,
 2087 implementation tracking, and conservation leases or other
 2088 agreements for water quality improvement. The Department of
 2089 Environmental Protection and the Department of Agriculture and
 2090 Consumer Services may adopt rules governing the distribution of
 2091 funds for implementation of capital projects, best management
 2092 practices, and other measures. These funds shall not be used to
 2093 abrogate the financial responsibility of those point and
 2094 nonpoint sources that have contributed to the degradation of
 2095 water or land areas. Increased priority shall be given by the
 2096 department and the water management district governing boards to
 2097 those projects that have secured a cost-sharing agreement
 2098 allocating responsibility for the cleanup of point and nonpoint
 2099 sources.

2100 (3)~~(e)~~ Twelve and five-tenths percent to the Department of

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2101 Environmental Protection for the Disadvantaged Small Community
 2102 Wastewater Grant Program as provided in s. 403.1838.

2103 ~~(4)(d)~~ On June 30, 2009, and every 24 months thereafter,
 2104 the Department of Environmental Protection shall request the
 2105 return of all unencumbered funds distributed pursuant to this
 2106 section. These funds shall be deposited into the Water
 2107 Protection and Sustainability Program Trust Fund and
 2108 redistributed pursuant to the provisions of this section.

2109 ~~(3) For the 2008-2009 fiscal year only, moneys in the~~
 2110 ~~Water Protection and Sustainability Program Trust Fund shall be~~
 2111 ~~transferred to the Ecosystem Management and Restoration Trust~~
 2112 ~~Fund for grants and aids to local governments for water projects~~
 2113 ~~as provided in the General Appropriations Act. This subsection~~
 2114 ~~expires July 1, 2009.~~

2115 ~~(4) For fiscal year 2005-2006, funds deposited or~~
 2116 ~~appropriated into the Water Protection and Sustainability~~
 2117 ~~Program Trust Fund shall be distributed as follows:~~

2118 ~~(a) One hundred million dollars to the Department of~~
 2119 ~~Environmental Protection for the implementation of an~~
 2120 ~~alternative water supply program as provided in s. 373.1961.~~

2121 ~~(b) Funds remaining after the distribution provided for in~~
 2122 ~~subsection (1) shall be distributed as follows:~~

2123 ~~1. Fifty percent for the implementation of best management~~
 2124 ~~practices and capital project expenditures necessary for the~~
 2125 ~~implementation of the goals of the total maximum daily load~~
 2126 ~~program established in s. 403.067. Of these funds, 85 percent~~
 2127 ~~shall be transferred to the credit of the Department of~~
 2128 ~~Environmental Protection Water Quality Assurance Trust Fund to~~

2129 ~~address water quality impacts associated with nonagricultural~~
 2130 ~~nonpoint sources. Fifteen percent of these funds shall be~~
 2131 ~~transferred to the Department of Agriculture and Consumer~~
 2132 ~~Services General Inspection Trust Fund to address water quality~~
 2133 ~~impacts associated with agricultural nonpoint sources. These~~
 2134 ~~funds shall be used for research, development, demonstration,~~
 2135 ~~and implementation of suitable best management practices or~~
 2136 ~~other measures used to achieve water quality standards in~~
 2137 ~~surface waters and water segments identified pursuant to s.~~
 2138 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~
 2139 ~~1251 et seq. Implementation of best management practices and~~
 2140 ~~other measures may include cost-share grants, technical~~
 2141 ~~assistance, implementation tracking, and conservation leases or~~
 2142 ~~other agreements for water quality improvement. The Department~~
 2143 ~~of Environmental Protection and the Department of Agriculture~~
 2144 ~~and Consumer Services may adopt rules governing the distribution~~
 2145 ~~of funds for implementation of best management practices. These~~
 2146 ~~funds shall not be used to abrogate the financial responsibility~~
 2147 ~~of those point and nonpoint sources that have contributed to the~~
 2148 ~~degradation of water or land areas. Increased priority shall be~~
 2149 ~~given by the department and the water management district~~
 2150 ~~governing boards to those projects that have secured a cost-~~
 2151 ~~sharing agreement allocating responsibility for the cleanup of~~
 2152 ~~point and nonpoint sources.~~

2153 ~~2. Twenty five percent for the purposes of funding~~
 2154 ~~projects pursuant to ss. 373.451-373.459 or surface water~~
 2155 ~~restoration activities in water management district designated~~
 2156 ~~priority water bodies. The Secretary of Environmental Protection~~

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2157 ~~shall ensure that each water management district receives the~~
 2158 ~~following percentage of funds annually:~~

2159 ~~a. Thirty-five percent to the South Florida Water~~
 2160 ~~Management District;~~

2161 ~~b. Twenty-five percent to the Southwest Florida Water~~
 2162 ~~Management District;~~

2163 ~~c. Twenty-five percent to the St. Johns River Water~~
 2164 ~~Management District;~~

2165 ~~d. Seven and one-half percent to the Suwannee River Water~~
 2166 ~~Management District; and~~

2167 ~~e. Seven and one-half percent to the Northwest Florida~~
 2168 ~~Water Management District.~~

2169 ~~3. Twenty-five percent to the Department of Environmental~~
 2170 ~~Protection for the Disadvantaged Small Community Wastewater~~
 2171 ~~Grant Program as provided in s. 403.1838.~~

2172

2173 ~~Prior to the end of the 2008 Regular Session, the Legislature~~
 2174 ~~must review the distribution of funds under the Water Protection~~
 2175 ~~and Sustainability Program to determine if revisions to the~~
 2176 ~~funding formula are required. At the discretion of the President~~
 2177 ~~of the Senate and the Speaker of the House of Representatives,~~
 2178 ~~the appropriate substantive committees of the Legislature may~~
 2179 ~~conduct an interim project to review the Water Protection and~~
 2180 ~~Sustainability Program and the funding formula and make written~~
 2181 ~~recommendations to the Legislature proposing necessary changes,~~
 2182 ~~if any.~~

2183 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~
 2184 ~~distributed as follows:~~

2185 ~~(a) Thirty one and twenty one hundredths percent to the~~
 2186 ~~Department of Environmental Protection for the implementation of~~
 2187 ~~an alternative water supply program as provided in s. 373.1961.~~

2188 ~~(b) Twenty six and eighty seven hundredths percent for the~~
 2189 ~~implementation of best management practices and capital project~~
 2190 ~~expenditures necessary for the implementation of the goals of~~
 2191 ~~the total maximum daily load program established in s. 403.067.~~
 2192 ~~Of these funds, 86 percent shall be transferred to the credit of~~
 2193 ~~the Water Quality Assurance Trust Fund of the Department of~~
 2194 ~~Environmental Protection to address water quality impacts~~
 2195 ~~associated with nonagricultural nonpoint sources. Fourteen~~
 2196 ~~percent of these funds shall be transferred to the General~~
 2197 ~~Inspection Trust Fund of the Department of Agriculture and~~
 2198 ~~Consumer Services to address water quality impacts associated~~
 2199 ~~with agricultural nonpoint sources. These funds shall be used~~
 2200 ~~for research, development, demonstration, and implementation of~~
 2201 ~~the total maximum daily load program under s. 403.067, suitable~~
 2202 ~~best management practices, or other measures used to achieve~~
 2203 ~~water quality standards in surface waters and water segments~~
 2204 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~
 2205 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
 2206 ~~management practices and other measures may include cost-share~~
 2207 ~~grants, technical assistance, implementation tracking, and~~
 2208 ~~conservation leases or other agreements for water quality~~
 2209 ~~improvement. The Department of Environmental Protection and the~~
 2210 ~~Department of Agriculture and Consumer Services may adopt rules~~
 2211 ~~governing the distribution of funds for implementation of~~
 2212 ~~capital projects, best management practices, and other measures.~~

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2213 ~~These funds may not be used to abrogate the financial~~
 2214 ~~responsibility of those point and nonpoint sources that have~~
 2215 ~~contributed to the degradation of water or land areas. Increased~~
 2216 ~~priority shall be given by the department and the water~~
 2217 ~~management district governing boards to those projects that have~~
 2218 ~~secured a cost sharing agreement that allocates responsibility~~
 2219 ~~for the cleanup of point and nonpoint sources.~~

2220 ~~(c) Forty-one and ninety-two hundredths percent to the~~
 2221 ~~Department of Environmental Protection for the Disadvantaged~~
 2222 ~~Small Community Wastewater Grant Program as provided in s.~~
 2223 ~~403.1838.~~

2224
 2225 ~~This subsection expires July 1, 2010.~~

2226 Section 25. Subsection (1) of section 403.891, Florida
 2227 Statutes, is amended to read:

2228 403.891 Water Protection and Sustainability Program Trust
 2229 Fund of the Department of Environmental Protection.—

2230 (1) The Water Protection and Sustainability Program Trust
 2231 Fund is created within the Department of Environmental
 2232 Protection. The purpose of the trust fund is to ~~receive funds~~
 2233 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~
 2234 ~~for in law and the General Appropriations Act, and funds~~
 2235 ~~received by the department in order to~~ implement the provisions
 2236 ~~of the~~ Water Sustainability and Protection Program created in s.
 2237 403.890.

2238 Section 26. Section 682.02, Florida Statutes, is amended
 2239 to read:

2240 682.02 Arbitration agreements made valid, irrevocable, and

2241 enforceable; scope.—Two or more parties may agree in writing to
 2242 submit to arbitration any controversy existing between them at
 2243 the time of the agreement, or they may include in a written
 2244 contract a provision for the settlement by arbitration of any
 2245 controversy thereafter arising between them relating to such
 2246 contract or the failure or refusal to perform the whole or any
 2247 part thereof. This section also applies to written interlocal
 2248 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
 2249 more parties agree to submit to arbitration any controversy
 2250 between them concerning water use permit applications and other
 2251 matters, regardless of whether or not the water management
 2252 district with jurisdiction over the subject application is a
 2253 party to the interlocal agreement or a participant in the
 2254 arbitration. Such agreement or provision shall be valid,
 2255 enforceable, and irrevocable without regard to the justiciable
 2256 character of the controversy; provided that this act shall not
 2257 apply to any such agreement or provision to arbitrate in which
 2258 it is stipulated that this law shall not apply or to any
 2259 arbitration or award thereunder.

2260 Section 27. Section 373.71, Florida Statutes, is
 2261 renumbered as section 373.69, Florida Statutes.

2262 Section 28. Sections 373.0361, 373.0391, 373.0831,
 2263 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are
 2264 repealed.

2265 Section 29. This act shall take effect July 1, 2010.