

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
 115 legislative intent with regard to the reorganization of
 116 ch. 373, F.S.; providing an effective date.

117

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

119

120 Section 1. Part VII of chapter 373, Florida Statutes,
 121 consisting of sections 373.701, 373.703, 373.705, 373.707,
 122 373.709, 373.711, 373.713, and 373.715, is created to read:

123

PART VII

124

WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

125

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

126

policy of the Legislature:

127

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

130

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

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

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

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

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

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

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

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

196 (3) May establish, design, construct, operate, and

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

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

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

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

222 (7) May acquire title to such interest as is necessary in
 223 real property, by purchase, gift, devise, lease, eminent domain,
 224 or otherwise, for water production and transmission consistent

225 with this section and s. 373.707. However, the district shall
 226 not use any of the eminent domain powers herein granted to
 227 acquire water and water rights already devoted to reasonable and
 228 beneficial use or any water production or transmission
 229 facilities owned by any county, municipality, or regional water
 230 supply authority. The district may exercise eminent domain
 231 powers outside of its district boundaries for the acquisition of
 232 pumpage facilities, storage areas, transmission facilities, and
 233 the normal appurtenances thereto, provided that at least 45 days
 234 prior to the exercise of eminent domain, the district notifies
 235 the district where the property is located after public notice
 236 and the district where the property is located does not object
 237 within 45 days after notification of such exercise of eminent
 238 domain authority.

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

253 to the issuance of revenue bonds pursuant to this section. The
 254 district may also issue bond anticipation notes in accordance
 255 with the provisions of s. 373.584.

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

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

271 (1) The Legislature finds that:

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

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

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

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

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

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

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

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

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

309 shall include in its annual budget the amount needed for the
310 fiscal year to implement water resource development projects, as
311 prioritized in its regional water supply plans.

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

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

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

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

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

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

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

336 373.707 Alternative water supply development.-

337 (1) The purpose of this section is to encourage
338 cooperation in the development of water supplies and to provide
339 for alternative water supply development.

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

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

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

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

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

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

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

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

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

393 and the State of Florida and the water management districts
394 being responsible for providing funding assistance.

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

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

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

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

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

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

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

421 (4) The primary roles of local government, regional water
422 supply authorities, multijurisdictional water supply entities,
423 special districts, and publicly owned and privately owned water
424 utilities in alternative water supply development shall be:

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

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

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

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

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

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

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

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

476 (7) The water management district shall implement its

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

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

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

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

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

504 3. Twenty-five percent to the St. Johns River Water

505 Management District;

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

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

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

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

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

533 discretion, use ad valorem or federal revenues to assist a
534 project applicant in meeting the requirements of this paragraph.

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

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

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

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

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

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

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

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

559 8. Whether the project implements reuse that assists in
560 the elimination of domestic wastewater ocean outfalls as

561 provided in s. 403.086(9).

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

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

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

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

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

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

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

589 forth in paragraphs (f) and (g). The governing board may select
590 a project identified or listed as an alternative water supply
591 development project in the regional water supply plan, or
592 allocate up to 20 percent of the funding for alternative water
593 supply projects that are not identified or listed in the
594 regional water supply plan but are consistent with the goals of
595 the plan.

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

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

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

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

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

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

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

644 (o) The Florida Public Service Commission shall allow

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

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

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

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

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

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

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

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

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

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

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

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

757 and financially and technically feasible. The list of water
 758 supply development options must contain provisions that
 759 recognize that alternative water supply options for agricultural
 760 self-suppliers are limited.

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

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

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

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

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

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

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

777 2. For each water resource development project listed:

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

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

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

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

787 (c) The recovery and prevention strategy described in s.
788 373.0421(2).

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

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

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

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

803 (h) Reservations of water adopted by rule pursuant to s.
804 373.223(4) within each planning region.

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

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

812 (3) The water supply development component of a regional

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

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

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

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

840 (a) A compilation of the estimated costs of and potential

841 sources of funding for water resource development and water
842 supply development projects as identified in the water
843 management district regional water supply plans.

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

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

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

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

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

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

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

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

895 (b) Within 1 year after the notification by a water
896 management district pursuant to paragraph (a), each entity

897 identified in sub-subparagraph (2)(a)3.d. shall provide to the
 898 water management district written notification of the following:
 899 the alternative water supply projects or options identified in
 900 paragraph (2)(a) which it has developed or intends to develop,
 901 if any; an estimate of the quantity of water to be produced by
 902 each project; and the status of project implementation,
 903 including development of the financial plan, facilities master
 904 planning, permitting, and efforts in coordinating
 905 multijurisdictional projects, if applicable. The information
 906 provided in the notification shall be updated annually, and a
 907 progress report shall be provided by November 15 of each year to
 908 the water management district. If an entity does not intend to
 909 develop one or more of the alternative water supply project
 910 options identified in the regional water supply plan, the entity
 911 shall propose, within 1 year after notification by a water
 912 management district pursuant to paragraph (a), another
 913 alternative water supply project option sufficient to address
 914 the needs identified in paragraph (2)(a) within the entity's
 915 jurisdiction and shall provide an estimate of the quantity of
 916 water to be produced by the project and the status of project
 917 implementation as described in this paragraph. The entity may
 918 request that the water management district consider the other
 919 project for inclusion in the regional water supply plan.

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

923 373.711 Technical assistance to local governments.—

924 (1) The water management districts shall assist local

925 governments in the development and future revision of local
 926 government comprehensive plan elements or public facilities
 927 report as required by s. 189.415, related to water resource
 928 issues.

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

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

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

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

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

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

953 (f) The identification of existing and potential water
 954 management district land acquisitions.

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

959 373.713 Regional water supply authorities.—

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

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

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

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

981 (d) The ability of any proposed authority to design,
 982 construct, operate, and maintain water supply facilities in the
 983 locations, and at the times necessary, to ensure that an
 984 adequate water supply will be available to all citizens within
 985 the authority.

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

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

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

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

1000 (b) Acquire water and water rights; develop, store, and
 1001 transport water; provide, sell, and deliver water for county or
 1002 municipal uses and purposes; and provide for the furnishing of
 1003 such water and water service upon terms and conditions and at
 1004 rates which will apportion to parties and nonparties an
 1005 equitable share of the capital cost and operating expense of the
 1006 authority's work to the purchaser.

1007 (c) Collect, treat, and recover wastewater.

1008 (d) Not engage in local distribution.

1009 (e) Exercise the power of eminent domain in the manner
1010 provided by law for the condemnation of private property for
1011 public use to acquire title to such interest in real property as
1012 is necessary to the exercise of the powers herein granted,
1013 except water and water rights already devoted to reasonable and
1014 beneficial use or any water production or transmission
1015 facilities owned by any county or municipality.

1016 (f) Issue revenue bonds in the manner prescribed by the
1017 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
1018 payable solely from funds derived from the sale of water by the
1019 authority to any county or municipality. Such bonds may be
1020 additionally secured by the full faith and credit of any county
1021 or municipality, as provided by s. 159.16 or by a pledge of
1022 excise taxes, as provided by s. 159.19. For the purpose of
1023 issuing revenue bonds, an authority shall be considered a "unit"
1024 as defined in s. 159.02(2) and as that term is used in the
1025 Revenue Bond Act of 1953, as amended. Such bonds may be issued
1026 to finance the cost of acquiring properties and facilities for
1027 the production and transmission of water by the authority to any
1028 county or municipality, which cost shall include the acquisition
1029 of real property and easements therein for such purposes. Such
1030 bonds may be in the form of refunding bonds to take up any
1031 outstanding bonds of the authority or of any county or
1032 municipality where such outstanding bonds are secured by
1033 properties and facilities for production and transmission of
1034 water, which properties and facilities are being acquired by the
1035 authority. Refunding bonds may be issued to take up and refund
1036 all outstanding bonds of said authority that are subject to call

1037 and termination, and all bonds of said authority that are not
 1038 subject to call or redemption, when the surrender of said bonds
 1039 can be procured from the holder thereof at prices satisfactory
 1040 to the authority. Such refunding bonds may be issued at any time
 1041 when, in the judgment of the authority, it will be to the best
 1042 interest of the authority financially or economically by
 1043 securing a lower rate of interest on said bonds or by extending
 1044 the time of maturity of said bonds or, for any other reason, in
 1045 the judgment of the authority, advantageous to said authority.

1046 (g) Sue and be sued in its own name.

1047 (h) Borrow money and incur indebtedness and issue bonds or
 1048 other evidence of such indebtedness.

1049 (i) Join with one or more other public corporations for
 1050 the purpose of carrying out any of its powers and for that
 1051 purpose to contract with such other public corporation or
 1052 corporations for the purpose of financing such acquisitions,
 1053 construction, and operations. Such contracts may provide for
 1054 contributions to be made by each party thereto, for the division
 1055 and apportionment of the expenses of such acquisitions and
 1056 operations, and for the division and apportionment of the
 1057 benefits, services, and products therefrom. Such contract may
 1058 contain such other and further covenants and agreements as may
 1059 be necessary and convenient to accomplish the purposes hereof.

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

1065 district; however, such alternative potable water sources,
 1066 facilities, and pipelines may also be privately developed,
 1067 constructed, owned, operated, and maintained, in which event an
 1068 authority and a water management district are authorized to
 1069 pledge and contribute their funds to reduce the wholesale cost
 1070 of water from such alternative sources of potable water supplied
 1071 by an authority to its member governments.

1072 (4) When it is found to be in the public interest, for the
 1073 public convenience and welfare, for a public benefit, and
 1074 necessary for carrying out the purpose of any regional water
 1075 supply authority, any state agency, county, water control
 1076 district existing pursuant to chapter 298, water management
 1077 district existing pursuant to this chapter, municipality,
 1078 governmental agency, or public corporation in this state holding
 1079 title to any interest in land is hereby authorized, in its
 1080 discretion, to convey the title to or dedicate land, title to
 1081 which is in such entity, including tax-reverted land, or to
 1082 grant use-rights therein, to any regional water supply authority
 1083 created pursuant to this section. Land granted or conveyed to
 1084 such authority shall be for the public purposes of such
 1085 authority and may be made subject to the condition that in the
 1086 event said land is not so used, or if used and subsequently its
 1087 use for said purpose is abandoned, the interest granted shall
 1088 cease as to such authority and shall automatically revert to the
 1089 granting entity.

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

1093 supply authority for use by such county, special district, or
 1094 municipality.

1095 (6) In carrying out the provisions of this section, any
 1096 county wherein water is withdrawn by the authority shall not be
 1097 deprived, directly or indirectly, of the prior right to the
 1098 reasonable and beneficial use of water which is required
 1099 adequately to supply the reasonable and beneficial needs of the
 1100 county or any of the inhabitants or property owners therein.

1101 (7) Upon a resolution adopted by the governing body of any
 1102 county or municipality, the authority may, subject to a majority
 1103 vote of its voting members, include such county or municipality
 1104 in its regional water supply authority upon such terms and
 1105 conditions as may be prescribed.

1106 (8) The authority shall design, construct, operate, and
 1107 maintain facilities in the locations and at the times necessary
 1108 to ensure that an adequate water supply will be available to all
 1109 citizens within the authority.

1110 (9) Where a water supply authority exists pursuant to this
 1111 section or s. 373.715 under a voluntary interlocal agreement
 1112 that is consistent with requirements in s. 373.715(1)(b) and
 1113 receives or maintains consumptive use permits under this
 1114 voluntary agreement consistent with the water supply plan, if
 1115 any, adopted by the governing board, such authority shall be
 1116 exempt from consideration by the governing board or department
 1117 of the factors specified in s. 373.223(3)(a)-(g) and the
 1118 submissions required by s. 373.229(3). Such exemptions shall
 1119 apply only to water sources within the jurisdictional areas of
 1120 such voluntary water supply interlocal agreements.

1121 373.715 Assistance to West Coast Regional Water Supply
 1122 Authority.—

1123 (1) It is the intent of the Legislature to authorize the
 1124 implementation of changes in governance recommended by the West
 1125 Coast Regional Water Supply Authority in its reports to the
 1126 Legislature dated February 1, 1997, and January 5, 1998. The
 1127 authority and its member governments may reconstitute the
 1128 authority's governance and rename the authority under a
 1129 voluntary interlocal agreement with a term of not less than 20
 1130 years. The interlocal agreement must comply with this subsection
 1131 as follows:

1132 (a) The authority and its member governments agree that
 1133 cooperative efforts are mandatory to meet their water needs in a
 1134 manner that will provide adequate and dependable supplies of
 1135 water where needed without resulting in adverse environmental
 1136 effects upon the areas from which the water is withdrawn or
 1137 otherwise produced.

1138 (b) In accordance with s. 4, Art. VIII of the State
 1139 Constitution and notwithstanding s. 163.01, the interlocal
 1140 agreement may include the following terms, which are considered
 1141 approved by the parties without a vote of their electors, upon
 1142 execution of the interlocal agreement by all member governments
 1143 and upon satisfaction of all conditions precedent in the
 1144 interlocal agreement:

1145 1. All member governments shall relinquish to the
 1146 authority their individual rights to develop potable water
 1147 supply sources, except as otherwise provided in the interlocal
 1148 agreement;

1149 2. The authority shall be the sole and exclusive wholesale
 1150 potable water supplier for all member governments; and

1151 3. The authority shall have the absolute and unequivocal
 1152 obligation to meet the wholesale needs of the member governments
 1153 for potable water.

1154 4. A member government may not restrict or prohibit the
 1155 use of land within a member's jurisdictional boundaries by the
 1156 authority for water supply purposes through use of zoning, land
 1157 use, comprehensive planning, or other form of regulation.

1158 5. A member government may not impose any tax, fee, or
 1159 charge upon the authority in conjunction with the production or
 1160 supply of water not otherwise provided for in the interlocal
 1161 agreement.

1162 6. The authority may use the powers provided in part II of
 1163 chapter 159 for financing and refinancing water treatment,
 1164 production, or transmission facilities, including, but not
 1165 limited to, desalinization facilities. All such water treatment,
 1166 production, or transmission facilities are considered a
 1167 "manufacturing plant" for purposes of s. 159.27(5) and serve a
 1168 paramount public purpose by providing water to citizens of the
 1169 state.

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

1177 prohibit the use of lands or other activities related to the
1178 production or supply of water.

1179 (c) The authority shall acquire full or lesser interests
1180 in all regionally significant member government wholesale water
1181 supply facilities and tangible assets and each member government
1182 shall convey such interests in the facilities and assets to the
1183 authority, at an agreed value.

1184 (d) The authority shall charge a uniform per gallon
1185 wholesale rate to member governments for the wholesale supply of
1186 potable water. All capital, operation, maintenance, and
1187 administrative costs for existing facilities and acquired
1188 facilities, authority master water plan facilities, and other
1189 future projects must be allocated to member governments based on
1190 water usage at the uniform per gallon wholesale rate.

1191 (e) The interlocal agreement may include procedures for
1192 resolving the parties' differences regarding water management
1193 district proposed agency action in the water use permitting
1194 process within the authority. Such procedures should minimize
1195 the potential for litigation and include alternative dispute
1196 resolution. Any governmental or quasi-judicial board or
1197 commission established by local ordinance or general or special
1198 law where the governing members of such board or commission is
1199 shared, in whole or in part, or appointed by a member
1200 government, may agree to be bound by the dispute resolution
1201 procedures set forth in the interlocal agreement.

1202 (f) Upon execution of the voluntary interlocal agreement
1203 provided for herein, the authority shall jointly develop with
1204 the Southwest Florida Water Management District alternative

1205 sources of potable water and transmission pipelines to
 1206 interconnect regionally significant water supply sources and
 1207 facilities of the authority in amounts sufficient to meet the
 1208 needs of all member governments for a period of at least 20
 1209 years and for natural systems. Nothing herein, however, shall
 1210 preclude the authority and its member governments from
 1211 developing traditional water sources pursuant to the voluntary
 1212 interlocal agreement. Development and construction costs for
 1213 alternative source facilities, which may include a desalination
 1214 facility and significant regional interconnects, must be borne
 1215 as mutually agreed to by both the authority and the Southwest
 1216 Florida Water Management District. Nothing herein shall preclude
 1217 authority or district cost sharing with private entities for the
 1218 construction or ownership of alternative source facilities. By
 1219 December 31, 1997, the authority and the Southwest Florida Water
 1220 Management District shall enter into a mutually acceptable
 1221 agreement detailing the development and implementation of
 1222 directives contained in this paragraph. Nothing in this section
 1223 shall be construed to modify the rights or responsibilities of
 1224 the authority or its member governments, except as otherwise
 1225 provided herein, or of the Southwest Florida Water Management
 1226 District or the department pursuant to this chapter or chapter
 1227 403 and as otherwise set forth by statutes.

1228 (g) Unless otherwise provided in the interlocal agreement,
 1229 the authority shall be governed by a board of commissioners
 1230 consisting of nine voting members, all of whom must be elected
 1231 officers, as follows:

1232 1. Three members from Hillsborough County who must be

1233 selected by the county commission; provided, however, that one
 1234 member shall be selected by the Mayor of Tampa in the event that
 1235 the City of Tampa elects to be a member of the authority;

1236 2. Three members from Pasco County, two of whom must be
 1237 selected by the county commission and one of whom must be
 1238 selected by the City Council of New Port Richey;

1239 3. Three members from Pinellas County, two of whom must be
 1240 selected by the county commission and one of whom must be
 1241 selected by the City Council of St. Petersburg.

1242
 1243 Except as otherwise provided in this section or in the voluntary
 1244 interlocal agreement between the member governments, a majority
 1245 vote shall bind the authority and its member governments in all
 1246 matters relating to the funding of wholesale water supply,
 1247 production, delivery, and related activities.

1248 (2) The provisions of this section supersede any
 1249 conflicting provisions contained in all other general or special
 1250 laws or provisions thereof as they may apply directly or
 1251 indirectly to the exclusivity of water supply or withdrawal of
 1252 water, including provisions relating to the environmental
 1253 effects, if any, in conjunction with the production and supply
 1254 of potable water, and the provisions of this section are
 1255 intended to be a complete revision of all laws related to a
 1256 regional water supply authority created under s. 373.713 and
 1257 this section.

1258 (3) In lieu of the provisions in s. 373.713(2)(a), the
 1259 Southwest Florida Water Management District shall assist the
 1260 West Coast Regional Water Supply Authority for a period of 5

1261 years, terminating December 31, 1981, by levying an ad valorem
 1262 tax, upon request of the authority, of not more than 0.05 mill
 1263 on all taxable property within the limits of the authority.
 1264 During such period the corresponding basin board ad valorem tax
 1265 levies shall be reduced accordingly.

1266 (4) The authority shall prepare its annual budget in the
 1267 same manner as prescribed for the preparation of basin budgets,
 1268 but such authority budget shall not be subject to review by the
 1269 respective basin boards or by the governing board of the
 1270 district.

1271 (5) The annual millage for the authority shall be the
 1272 amount required to raise the amount called for by the annual
 1273 budget when applied to the total assessment on all taxable
 1274 property within the limits of the authority, as determined for
 1275 county taxing purposes.

1276 (6) The authority may, by resolution, request the
 1277 governing board of the district to levy ad valorem taxes within
 1278 the boundaries of the authority. Upon receipt of such request,
 1279 together with formal certification of the adoption of its annual
 1280 budget and of the required tax levy, the authority tax levy
 1281 shall be made by the governing board of the district to finance
 1282 authority functions.

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

1289 Until paid, such taxes shall be a lien on the property against
 1290 which assessed and enforceable in like manner as county taxes.
 1291 The property appraisers, tax collectors, and clerks of the
 1292 circuit court of the respective counties shall be entitled to
 1293 compensation for services performed in connection with such
 1294 taxes at the same rates as apply to county taxes.

1295 (8) The governing board of the district shall not be
 1296 responsible for any actions or lack of actions by the authority.

1297 Section 2. Subsection (13) of section 120.52, Florida
 1298 Statutes, is amended to read:

1299 120.52 Definitions.—As used in this act:

1300 (13) "Party" means:

1301 (a) Specifically named persons whose substantial interests
 1302 are being determined in the proceeding.

1303 (b) Any other person who, as a matter of constitutional
 1304 right, provision of statute, or provision of agency regulation,
 1305 is entitled to participate in whole or in part in the
 1306 proceeding, or whose substantial interests will be affected by
 1307 proposed agency action, and who makes an appearance as a party.

1308 (c) Any other person, including an agency staff member,
 1309 allowed by the agency to intervene or participate in the
 1310 proceeding as a party. An agency may by rule authorize limited
 1311 forms of participation in agency proceedings for persons who are
 1312 not eligible to become parties.

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

1317 number of residents of the county and the board of county
 1318 commissioners has, by resolution, authorized the representative,
 1319 agency, department, or unit to represent the class of interested
 1320 persons. The authorizing resolution shall apply to a specific
 1321 proceeding and to appeals and ancillary proceedings thereto, and
 1322 it shall not be required to state the names of the persons whose
 1323 interests are to be represented.

1324
 1325 The term "party" does not include a member government of a
 1326 regional water supply authority or a governmental or quasi-
 1327 judicial board or commission established by local ordinance or
 1328 special or general law where the governing membership of such
 1329 board or commission is shared with, in whole or in part, or
 1330 appointed by a member government of a regional water supply
 1331 authority in proceedings under s. 120.569, s. 120.57, or s.
 1332 120.68, to the extent that an interlocal agreement under ss.
 1333 163.01 and 373.713 ~~373.1962~~ exists in which the member
 1334 government has agreed that its substantial interests are not
 1335 affected by the proceedings or that it is to be bound by
 1336 alternative dispute resolution in lieu of participating in the
 1337 proceedings. This exclusion applies only to those particular
 1338 types of disputes or controversies, if any, identified in an
 1339 interlocal agreement.

1340 Section 3. Subsection (13) of section 163.3167, Florida
 1341 Statutes, is amended to read:

1342 163.3167 Scope of act.—

1343 (13) Each local government shall address in its
 1344 comprehensive plan, as enumerated in this chapter, the water

1345 supply sources necessary to meet and achieve the existing and
 1346 projected water use demand for the established planning period,
 1347 considering the applicable plan developed pursuant to s. 373.709
 1348 ~~373.0361~~.

1349 Section 4. Paragraph (a) of subsection (4) and paragraphs
 1350 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
 1351 Statutes, are amended to read:

1352 163.3177 Required and optional elements of comprehensive
 1353 plan; studies and surveys.—

1354 (4) (a) Coordination of the local comprehensive plan with
 1355 the comprehensive plans of adjacent municipalities, the county,
 1356 adjacent counties, or the region; with the appropriate water
 1357 management district's regional water supply plans approved
 1358 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
 1359 to designated areas of critical state concern; and with the
 1360 state comprehensive plan shall be a major objective of the local
 1361 comprehensive planning process. To that end, in the preparation
 1362 of a comprehensive plan or element thereof, and in the
 1363 comprehensive plan or element as adopted, the governing body
 1364 shall include a specific policy statement indicating the
 1365 relationship of the proposed development of the area to the
 1366 comprehensive plans of adjacent municipalities, the county,
 1367 adjacent counties, or the region and to the state comprehensive
 1368 plan, as the case may require and as such adopted plans or plans
 1369 in preparation may exist.

1370 (6) In addition to the requirements of subsections (1)-(5)
 1371 and (12), the comprehensive plan shall include the following
 1372 elements:

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

1401 traditional water supply projects and conservation and reuse
1402 necessary to meet the water needs identified in s. 373.709(2)(a)
1403 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1404 include a work plan, covering at least a 10 year planning
1405 period, for building public, private, and regional water supply
1406 facilities, including development of alternative water supplies,
1407 which are identified in the element as necessary to serve
1408 existing and new development. The work plan shall be updated, at
1409 a minimum, every 5 years within 18 months after the governing
1410 board of a water management district approves an updated
1411 regional water supply plan. Amendments to incorporate the work
1412 plan do not count toward the limitation on the frequency of
1413 adoption of amendments to the comprehensive plan. Local
1414 governments, public and private utilities, regional water supply
1415 authorities, special districts, and water management districts
1416 are encouraged to cooperatively plan for the development of
1417 multijurisdictional water supply facilities that are sufficient
1418 to meet projected demands for established planning periods,
1419 including the development of alternative water sources to
1420 supplement traditional sources of groundwater and surface water
1421 supplies.

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

1429 governments shall assess their current, as well as projected,
 1430 water needs and sources for at least a 10-year period,
 1431 considering the appropriate regional water supply plan approved
 1432 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
 1433 approved regional water supply plan, the district water
 1434 management plan approved pursuant to s. 373.036(2). This
 1435 information shall be submitted to the appropriate agencies. The
 1436 land use map or map series contained in the future land use
 1437 element shall generally identify and depict the following:

- 1438 1. Existing and planned waterwells and cones of influence
 1439 where applicable.
- 1440 2. Beaches and shores, including estuarine systems.
- 1441 3. Rivers, bays, lakes, flood plains, and harbors.
- 1442 4. Wetlands.
- 1443 5. Minerals and soils.
- 1444 6. Energy conservation.

1445
 1446 The land uses identified on such maps shall be consistent with
 1447 applicable state law and rules.

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

1457 regional water supply plan approved pursuant to s. 373.709
 1458 ~~373.0361~~, as the case may require and as such adopted plans or
 1459 plans in preparation may exist. This element of the local
 1460 comprehensive plan shall demonstrate consideration of the
 1461 particular effects of the local plan, when adopted, upon the
 1462 development of adjacent municipalities, the county, adjacent
 1463 counties, or the region, or upon the state comprehensive plan,
 1464 as the case may require.

1465 a. The intergovernmental coordination element shall
 1466 provide procedures to identify and implement joint planning
 1467 areas, especially for the purpose of annexation, municipal
 1468 incorporation, and joint infrastructure service areas.

1469 b. The intergovernmental coordination element shall
 1470 provide for recognition of campus master plans prepared pursuant
 1471 to s. 1013.30 and airport master plans under paragraph(k).

1472 c. The intergovernmental coordination element shall
 1473 provide for a dispute resolution process as established pursuant
 1474 to s. 186.509 for bringing to closure in a timely manner
 1475 intergovernmental disputes.

1476 d. The intergovernmental coordination element shall
 1477 provide for interlocal agreements as established pursuant to s.
 1478 333.03(1)(b).

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

1485 intergovernmental coordination element shall describe joint
1486 processes for collaborative planning and decisionmaking on
1487 population projections and public school siting, the location
1488 and extension of public facilities subject to concurrency, and
1489 siting facilities with countywide significance, including
1490 locally unwanted land uses whose nature and identity are
1491 established in an agreement. Within 1 year of adopting their
1492 intergovernmental coordination elements, each county, all the
1493 municipalities within that county, the district school board,
1494 and any unit of local government service providers in that
1495 county shall establish by interlocal or other formal agreement
1496 executed by all affected entities, the joint processes described
1497 in this subparagraph consistent with their adopted
1498 intergovernmental coordination elements.

1499 3. To foster coordination between special districts and
1500 local general-purpose governments as local general-purpose
1501 governments implement local comprehensive plans, each
1502 independent special district must submit a public facilities
1503 report to the appropriate local government as required by s.
1504 189.415.

1505 4.a. Local governments shall execute an interlocal
1506 agreement with the district school board, the county, and
1507 nonexempt municipalities pursuant to s. 163.31777. The local
1508 government shall amend the intergovernmental coordination
1509 element to provide that coordination between the local
1510 government and school board is pursuant to the agreement and
1511 shall state the obligations of the local government under the
1512 agreement.

1513 b. Plan amendments that comply with this subparagraph are
1514 exempt from the provisions of s. 163.3187(1).

1515 5. The state land planning agency shall establish a
1516 schedule for phased completion and transmittal of plan
1517 amendments to implement subparagraphs 1., 2., and 3. from all
1518 jurisdictions so as to accomplish their adoption by December 31,
1519 1999. A local government may complete and transmit its plan
1520 amendments to carry out these provisions prior to the scheduled
1521 date established by the state land planning agency. The plan
1522 amendments are exempt from the provisions of s. 163.3187(1).

1523 6. By January 1, 2004, any county having a population
1524 greater than 100,000, and the municipalities and special
1525 districts within that county, shall submit a report to the
1526 Department of Community Affairs which:

1527 a. Identifies all existing or proposed interlocal service
1528 delivery agreements regarding the following: education; sanitary
1529 sewer; public safety; solid waste; drainage; potable water;
1530 parks and recreation; and transportation facilities.

1531 b. Identifies any deficits or duplication in the provision
1532 of services within its jurisdiction, whether capital or
1533 operational. Upon request, the Department of Community Affairs
1534 shall provide technical assistance to the local governments in
1535 identifying deficits or duplication.

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

1541 deficiencies or duplications.

1542 8. Each local government shall update its
 1543 intergovernmental coordination element based upon the findings
 1544 in the report submitted pursuant to subparagraph 6. The report
 1545 may be used as supporting data and analysis for the
 1546 intergovernmental coordination element.

1547 Section 5. Paragraph (1) of subsection (2) of section
 1548 163.3191, Florida Statutes, is amended to read:

1549 163.3191 Evaluation and appraisal of comprehensive plan.—

1550 (2) The report shall present an evaluation and assessment
 1551 of the comprehensive plan and shall contain appropriate
 1552 statements to update the comprehensive plan, including, but not
 1553 limited to, words, maps, illustrations, or other media, related
 1554 to:

1555 (1) The extent to which the local government has been
 1556 successful in identifying alternative water supply projects and
 1557 traditional water supply projects, including conservation and
 1558 reuse, necessary to meet the water needs identified in s.
 1559 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
 1560 jurisdiction. The report must evaluate the degree to which the
 1561 local government has implemented the work plan for building
 1562 public, private, and regional water supply facilities, including
 1563 development of alternative water supplies, identified in the
 1564 element as necessary to serve existing and new development.

1565 Section 6. Paragraphs (c) and (d) of subsection (4) of
 1566 section 189.404, Florida Statutes, are amended to read:

1567 189.404 Legislative intent for the creation of independent
 1568 special districts; special act prohibitions; model elements and

1569 other requirements; general-purpose local government/Governor
 1570 and Cabinet creation authorizations.—

1571 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 1572 AUTHORIZATIONS.—Except as otherwise authorized by general law,
 1573 only the Legislature may create independent special districts.

1574 (c) The Governor and Cabinet may create an independent
 1575 special district which shall be established by rule in
 1576 accordance with s. 190.005 or as otherwise authorized in general
 1577 law. The Governor and Cabinet may also approve the establishment
 1578 of a charter for the creation of an independent special district
 1579 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
 1580 otherwise authorized in general law.

1581 (d)1. Any combination of two or more counties may create a
 1582 regional special district which shall be established in
 1583 accordance with s. 950.001, or as otherwise authorized in
 1584 general law.

1585 2. Any combination of two or more counties or
 1586 municipalities may create a regional special district which
 1587 shall be established in accordance with s. 373.713 ~~373.1962~~, or
 1588 as otherwise authorized by general law.

1589 3. Any combination of two or more counties,
 1590 municipalities, or other political subdivisions may create a
 1591 regional special district in accordance with s. 163.567, or as
 1592 otherwise authorized in general law.

1593 Section 7. Subsection (3) of section 189.4155, Florida
 1594 Statutes, is amended to read:

1595 189.4155 Activities of special districts; local government
 1596 comprehensive planning.—

1597 (3) The provisions of this section shall not apply to
 1598 water management districts created pursuant to s. 373.069, to
 1599 regional water supply authorities created pursuant to s. 373.713
 1600 ~~373.1962~~, or to spoil disposal sites owned or used by the
 1601 Federal Government.

1602 Section 8. Section 189.4156, Florida Statutes, is amended
 1603 to read:

1604 189.4156 Water management district technical assistance;
 1605 local government comprehensive planning.—Water management
 1606 districts shall assist local governments in the development of
 1607 local government comprehensive plan elements related to water
 1608 resource issues as required by s. 373.711 ~~373.0391~~.

1609 Section 9. Subsection (7) of section 367.021, Florida
 1610 Statutes, is amended to read:

1611 367.021 Definitions.—As used in this chapter, the
 1612 following words or terms shall have the meanings indicated:

1613 (7) "Governmental authority" means a political
 1614 subdivision, as defined by s. 1.01(8), a regional water supply
 1615 authority created pursuant to s. 373.713 ~~373.1962~~, or a
 1616 nonprofit corporation formed for the purpose of acting on behalf
 1617 of a political subdivision with respect to a water or wastewater
 1618 facility.

1619 Section 10. Subsection (17) of section 373.019, Florida
 1620 Statutes, is amended to read:

1621 373.019 Definitions.—When appearing in this chapter or in
 1622 any rule, regulation, or order adopted pursuant thereto, the
 1623 term:

1624 (17) "Regional water supply plan" means a detailed water

1625 supply plan developed by a governing board under s. 373.709
 1626 ~~373.0361~~.

1627 Section 11. Paragraph (b) of subsection (2) and paragraph
 1628 (b) of subsection (7) of section 373.036, Florida Statutes, are
 1629 amended to read:

1630 373.036 Florida water plan; district water management
 1631 plans.—

1632 (2) DISTRICT WATER MANAGEMENT PLANS.—

1633 (b) The district water management plan shall include, but
 1634 not be limited to:

1635 1. The scientific methodologies for establishing minimum
 1636 flows and levels under s. 373.042, and all established minimum
 1637 flows and levels.

1638 2. Identification of one or more water supply planning
 1639 regions that singly or together encompass the entire district.

1640 3. Technical data and information prepared under s.
 1641 373.711 ~~373.0391~~.

1642 4. A districtwide water supply assessment, to be completed
 1643 no later than July 1, 1998, which determines for each water
 1644 supply planning region:

1645 a. Existing legal uses, reasonably anticipated future
 1646 needs, and existing and reasonably anticipated sources of water
 1647 and conservation efforts; and

1648 b. Whether existing and reasonably anticipated sources of
 1649 water and conservation efforts are adequate to supply water for
 1650 all existing legal uses and reasonably anticipated future needs
 1651 and to sustain the water resources and related natural systems.

1652 5. Any completed regional water supply plans.

1653 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1654 (b) The consolidated annual report shall contain the
 1655 following elements, as appropriate to that water management
 1656 district:

1657 1. A district water management plan annual report or the
 1658 annual work plan report allowed in subparagraph (2)(e)4.

1659 2. The department-approved minimum flows and levels annual
 1660 priority list and schedule required by s. 373.042(2).

1661 3. The annual 5-year capital improvements plan required by
 1662 s. 373.536(6)(a)3.

1663 4. The alternative water supplies annual report required
 1664 by s. 373.707(8)(n) ~~373.1961(3)(n)~~.

1665 5. The final annual 5-year water resource development work
 1666 program required by s. 373.536(6)(a)4.

1667 6. The Florida Forever Water Management District Work Plan
 1668 annual report required by s. 373.199(7).

1669 7. The mitigation donation annual report required by s.
 1670 373.414(1)(b)2.

1671 Section 12. Paragraphs (a) and (e) of subsection (4) of
 1672 section 373.0363, Florida Statutes, are amended to read:

1673 373.0363 Southern Water Use Caution Area Recovery
 1674 Strategy.—

1675 (4) The West-Central Florida Water Restoration Action Plan
 1676 includes:

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

1681 communities. This initiative is designed to allow limits on
 1682 groundwater withdrawals in order to slow the rate of saltwater
 1683 intrusion. The initiative shall be an ongoing program in
 1684 cooperation with the Peace River-Manasota Regional Water Supply
 1685 Authority created under s. 373.713 ~~373.1962~~.

1686 (e) The Central Florida Water Resource Development
 1687 Initiative. The purpose of this initiative is to create and
 1688 implement a long-term plan that takes a comprehensive approach
 1689 to limit ground water withdrawals in the Southern Water Use
 1690 Caution Area and to identify and develop alternative water
 1691 supplies for Polk County. The project components developed
 1692 pursuant to this initiative are eligible for state and regional
 1693 funding under s. 373.707 ~~373.196~~ as an alternative water supply,
 1694 as defined in s. 373.019, or as a supplemental water supply
 1695 under the rules of the Southwest Florida Water Management
 1696 District or the South Florida Water Management District. The
 1697 initiative shall be implemented by the district as an ongoing
 1698 program in cooperation with Polk County and the South Florida
 1699 Water Management District.

1700 Section 13. Subsection (2) of section 373.0421, Florida
 1701 Statutes, is amended to read:

1702 373.0421 Establishment and implementation of minimum flows
 1703 and levels.—

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

1709 shall expeditiously implement a recovery or prevention strategy,
 1710 which includes the development of additional water supplies and
 1711 other actions, consistent with the authority granted by this
 1712 chapter, to:

1713 (a) Achieve recovery to the established minimum flow or
 1714 level as soon as practicable; or

1715 (b) Prevent the existing flow or level from falling below
 1716 the established minimum flow or level.

1717
 1718 The recovery or prevention strategy shall include phasing or a
 1719 timetable which will allow for the provision of sufficient water
 1720 supplies for all existing and projected reasonable-beneficial
 1721 uses, including development of additional water supplies and
 1722 implementation of conservation and other efficiency measures
 1723 concurrent with, to the extent practical, and to offset,
 1724 reductions in permitted withdrawals, consistent with the
 1725 provisions of this chapter.

1726 Section 14. Subsection (4) of section 373.0695, Florida
 1727 Statutes, is amended to read:

1728 373.0695 Duties of basin boards; authorized expenditures.—

1729 (4) In the exercise of the duties and powers granted
 1730 herein, the basin boards shall be subject to all the limitations
 1731 and restrictions imposed on the water management districts in s.
 1732 373.703 ~~373.1961~~.

1733 Section 15. Subsections (3) and (5) of section 373.223,
 1734 Florida Statutes, are amended to read:

1735 373.223 Conditions for a permit.—

1736 (3) Except for the transport and use of water supplied by

1737 the Central and Southern Florida Flood Control Project, and
 1738 anywhere in the state when the transport and use of water is
 1739 supplied exclusively for bottled water as defined in s.
 1740 500.03(1)(d), any water use permit applications pending as of
 1741 April 1, 1998, with the Northwest Florida Water Management
 1742 District and self-suppliers of water for which the proposed
 1743 water source and area of use or application are located on
 1744 contiguous private properties, when evaluating whether a
 1745 potential transport and use of ground or surface water across
 1746 county boundaries is consistent with the public interest,
 1747 pursuant to paragraph (1)(c), the governing board or department
 1748 shall consider:

1749 (a) The proximity of the proposed water source to the area
 1750 of use or application.

1751 (b) All impoundments, streams, groundwater sources, or
 1752 watercourses that are geographically closer to the area of use
 1753 or application than the proposed source, and that are
 1754 technically and economically feasible for the proposed transport
 1755 and use.

1756 (c) All economically and technically feasible alternatives
 1757 to the proposed source, including, but not limited to,
 1758 desalination, conservation, reuse of nonpotable reclaimed water
 1759 and stormwater, and aquifer storage and recovery.

1760 (d) The potential environmental impacts that may result
 1761 from the transport and use of water from the proposed source,
 1762 and the potential environmental impacts that may result from use
 1763 of the other water sources identified in paragraphs (b) and (c).

1764 (e) Whether existing and reasonably anticipated sources of

1765 water and conservation efforts are adequate to supply water for
 1766 existing legal uses and reasonably anticipated future needs of
 1767 the water supply planning region in which the proposed water
 1768 source is located.

1769 (f) Consultations with local governments affected by the
 1770 proposed transport and use.

1771 (g) The value of the existing capital investment in water-
 1772 related infrastructure made by the applicant.

1773

1774 Where districtwide water supply assessments and regional water
 1775 supply plans have been prepared pursuant to ss. 373.036 and
 1776 373.709 ~~373.0361~~, the governing board or the department shall
 1777 use the applicable plans and assessments as the basis for its
 1778 consideration of the applicable factors in this subsection.

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

1793 (1) (a) and (b), subsections (2) and (3), and ss. 373.2295 and
 1794 373.233.

1795 Section 16. Section 373.2234, Florida Statutes, is amended
 1796 to read:

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

1821 that permits issued for the use of a nonpreferred water supply
 1822 source must be issued for a duration of less than 20 years or
 1823 that the use of a nonpreferred water supply source is not
 1824 consistent with the public interest. Additionally, nothing in
 1825 this section shall be interpreted to require the use of a
 1826 preferred water supply source or to restrict or prohibit the use
 1827 of a nonpreferred water supply source. Rules adopted by the
 1828 governing board of a water management district to implement this
 1829 section shall specify that the use of a preferred water supply
 1830 source is not required and that the use of a nonpreferred water
 1831 supply source is not restricted or prohibited.

1832 Section 17. Subsection (3) of section 373.229, Florida
 1833 Statutes, is amended to read:

1834 373.229 Application for permit.—

1835 (3) In addition to the information required in subsection
 1836 (1), all permit applications filed with the governing board or
 1837 the department which propose the transport and use of water
 1838 across county boundaries shall include information pertaining to
 1839 factors to be considered, pursuant to s. 373.223(3), unless
 1840 exempt under s. 373.713(9) ~~373.1962(9)~~.

1841 Section 18. Paragraph (a) of subsection (6) of section
 1842 373.236, Florida Statutes, is amended to read:

1843 373.236 Duration of permits; compliance reports.—

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

1849 | characteristically have relatively modest near-term water
 1850 | demands but substantially increasing demands after the 20-year
 1851 | planning period in s. 373.709 ~~373.0361~~. Therefore, where such
 1852 | landowners make extraordinary contributions of lands or
 1853 | construction funding to enable the expeditious implementation of
 1854 | such projects, water management districts and the department may
 1855 | grant permits for such projects for a period of up to 50 years
 1856 | to municipalities, counties, special districts, regional water
 1857 | supply authorities, multijurisdictional water supply entities,
 1858 | and publicly or privately owned utilities, with the exception of
 1859 | any publicly or privately owned utilities created for or by a
 1860 | private landowner after April 1, 2008, which have entered into
 1861 | an agreement with the private landowner for the purpose of more
 1862 | efficiently pursuing alternative public water supply development
 1863 | projects identified in a district's regional water supply plan
 1864 | and meeting water demands of both the applicant and the
 1865 | landowner.

1866 | Section 19. Paragraph (a) of subsection (6) of section
 1867 | 373.536, Florida Statutes, is amended to read:

1868 | 373.536 District budget and hearing thereon.—

1869 | (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
 1870 | WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

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

1877 Speaker of the House of Representatives as applicable, the
 1878 secretary of the department, and the governing board of each
 1879 county in which the district has jurisdiction or derives any
 1880 funds for the operations of the district:

1881 1. The adopted budget, to be furnished within 10 days
 1882 after its adoption.

1883 2. A financial audit of its accounts and records, to be
 1884 furnished within 10 days after its acceptance by the governing
 1885 board. The audit must be conducted in accordance with the
 1886 provisions of s. 11.45 and the rules adopted thereunder. In
 1887 addition to the entities named above, the district must provide
 1888 a copy of the audit to the Auditor General within 10 days after
 1889 its acceptance by the governing board.

1890 3. A 5-year capital improvements plan, to be included in
 1891 the consolidated annual report required by s. 373.036(7). The
 1892 plan must include expected sources of revenue for planned
 1893 improvements and must be prepared in a manner comparable to the
 1894 fixed capital outlay format set forth in s. 216.043.

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

1905 available for consumptive uses, estimate the quantity of water
 1906 to be produced by each project, and provide an assessment of the
 1907 contribution of the district's regional water supply plans in
 1908 providing sufficient water to meet the water supply needs of
 1909 existing and future reasonable-beneficial uses for a 1-in-10-
 1910 year drought event. Within 30 days after its submittal, the
 1911 department shall review the proposed work program and submit its
 1912 findings, questions, and comments to the district. The review
 1913 must include a written evaluation of the program's consistency
 1914 with the furtherance of the district's approved regional water
 1915 supply plans, and the adequacy of proposed expenditures. As part
 1916 of the review, the department shall give interested parties the
 1917 opportunity to provide written comments on each district's
 1918 proposed work program. Within 45 days after receipt of the
 1919 department's evaluation, the governing board shall state in
 1920 writing to the department which changes recommended in the
 1921 evaluation it will incorporate into its work program submitted
 1922 as part of the March 1 consolidated annual report required by s.
 1923 373.036(7) or specify the reasons for not incorporating the
 1924 changes. The department shall include the district's responses
 1925 in a final evaluation report and shall submit a copy of the
 1926 report to the Governor, the President of the Senate, and the
 1927 Speaker of the House of Representatives.

1928 Section 20. Subsection (11) of section 373.59, Florida
 1929 Statutes, is amended to read:

1930 373.59 Water Management Lands Trust Fund.—

1931 (11) Notwithstanding any provision of this section to the
 1932 contrary, the governing board of a water management district may

1933 request, and the Secretary of Environmental Protection shall
 1934 release upon such request, moneys allocated to the districts
 1935 pursuant to subsection (8) for purposes consistent with the
 1936 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
 1937 373.139, or ss. 373.451-373.4595 and for legislatively
 1938 authorized land acquisition and water restoration initiatives.
 1939 No funds may be used pursuant to this subsection until necessary
 1940 debt service obligations, requirements for payments in lieu of
 1941 taxes, and land management obligations that may be required by
 1942 this chapter are provided for.

1943 Section 21. Paragraph (g) of subsection (1) of section
 1944 378.212, Florida Statutes, is amended to read:

1945 378.212 Variances.—

1946 (1) Upon application, the secretary may grant a variance
 1947 from the provisions of this part or the rules adopted pursuant
 1948 thereto. Variances and renewals thereof may be granted for any
 1949 one of the following reasons:

1950 (g) To accommodate reclamation that provides water supply
 1951 development or water resource development not inconsistent with
 1952 the applicable regional water supply plan approved pursuant to
 1953 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
 1954 the water resources in the basin. A variance may also be granted
 1955 from the requirements of part IV of chapter 373, or the rules
 1956 adopted thereunder, when a project provides an improvement in
 1957 water availability in the basin and does not cause adverse
 1958 impacts to water resources in the basin.

1959 Section 22. Subsection (9) of section 378.404, Florida
 1960 Statutes, is amended to read:

1961 378.404 Department of Environmental Protection; powers and
 1962 duties.—The department shall have the following powers and
 1963 duties:

1964 (9) To grant variances from the provisions of this part to
 1965 accommodate reclamation that provides for water supply
 1966 development or water resource development not inconsistent with
 1967 the applicable regional water supply plan approved pursuant to
 1968 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
 1969 wildlife habitat, recreation, or a mixture thereof, provided
 1970 adverse impacts are not caused to the water resources in the
 1971 basin and public health and safety are not adversely affected.

1972 Section 23. Paragraph (a) of subsection (3) of section
 1973 403.0891, Florida Statutes, is amended to read:

1974 403.0891 State, regional, and local stormwater management
 1975 plans and programs.—The department, the water management
 1976 districts, and local governments shall have the responsibility
 1977 for the development of mutually compatible stormwater management
 1978 programs.

1979 (3) (a) Each local government required by chapter 163 to
 1980 submit a comprehensive plan, whose plan is submitted after July
 1981 1, 1992, and the others when updated after July 1, 1992, in the
 1982 development of its stormwater management program described by
 1983 elements within its comprehensive plan shall consider the water
 1984 resource implementation rule, district stormwater management
 1985 goals, plans approved pursuant to the Surface Water Improvement
 1986 and Management Act, ss. 373.451-373.4595, and technical
 1987 assistance information provided by the water management
 1988 districts pursuant to s. 373.711 ~~373.0391~~.

1989 Section 24. Section 403.890, Florida Statutes, is amended
 1990 to read:

1991 403.890 Water Protection and Sustainability Program~~;~~
 1992 ~~intent; goals; purposes.-~~

1993 ~~(1) Effective July 1, 2006, revenues transferred from the~~
 1994 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~
 1995 ~~deposited into the Water Protection and Sustainability Program~~
 1996 ~~Trust Fund in the Department of Environmental Protection. These~~
 1997 ~~revenues and any other additional revenues deposited into or~~
 1998 ~~appropriated to the Water Protection and Sustainability Program~~
 1999 ~~Trust Fund shall be distributed by the Department of~~
 2000 ~~Environmental Protection in the following manner:~~

2001 ~~(a) Sixty percent to the Department of Environmental~~
 2002 ~~Protection for the implementation of an alternative water supply~~
 2003 ~~program as provided in s. 373.1961.~~

2004 ~~(b) Twenty percent for the implementation of best~~
 2005 ~~management practices and capital project expenditures necessary~~
 2006 ~~for the implementation of the goals of the total maximum daily~~
 2007 ~~load program established in s. 403.067. Of these funds, 85~~
 2008 ~~percent shall be transferred to the credit of the Department of~~
 2009 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
 2010 ~~address water quality impacts associated with nonagricultural~~
 2011 ~~nonpoint sources. Fifteen percent of these funds shall be~~
 2012 ~~transferred to the Department of Agriculture and Consumer~~
 2013 ~~Services General Inspection Trust Fund to address water quality~~
 2014 ~~impacts associated with agricultural nonpoint sources. These~~
 2015 ~~funds shall be used for research, development, demonstration,~~
 2016 ~~and implementation of the total maximum daily load program under~~

2017 ~~s. 403.067, suitable best management practices or other measures~~
 2018 ~~used to achieve water quality standards in surface waters and~~
 2019 ~~water segments identified pursuant to s. 303(d) of the Clean~~
 2020 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
 2021 ~~Implementation of best management practices and other measures~~
 2022 ~~may include cost share grants, technical assistance,~~
 2023 ~~implementation tracking, and conservation leases or other~~
 2024 ~~agreements for water quality improvement. The Department of~~
 2025 ~~Environmental Protection and the Department of Agriculture and~~
 2026 ~~Consumer Services may adopt rules governing the distribution of~~
 2027 ~~funds for implementation of capital projects, best management~~
 2028 ~~practices, and other measures. These funds shall not be used to~~
 2029 ~~abrogate the financial responsibility of those point and~~
 2030 ~~nonpoint sources that have contributed to the degradation of~~
 2031 ~~water or land areas. Increased priority shall be given by the~~
 2032 ~~department and the water management district governing boards to~~
 2033 ~~those projects that have secured a cost sharing agreement~~
 2034 ~~allocating responsibility for the cleanup of point and nonpoint~~
 2035 ~~sources.~~

2036 ~~(c) Ten percent shall be disbursed for the purposes of~~
 2037 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~
 2038 ~~water restoration activities in water management district-~~
 2039 ~~designated priority water bodies. The Secretary of Environmental~~
 2040 ~~Protection shall ensure that each water management district~~
 2041 ~~receives the following percentage of funds annually:~~

2042 ~~1. Thirty-five percent to the South Florida Water~~
 2043 ~~Management District;~~

2044 ~~2. Twenty-five percent to the Southwest Florida Water~~

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

2073 of the Department of Environmental Protection Water Quality
2074 Assurance Trust Fund to address water quality impacts associated
2075 with nonagricultural nonpoint sources. Sixteen and sixty-seven
2076 hundredths percent of these funds shall be transferred to the
2077 Department of Agriculture and Consumer Services General
2078 Inspection Trust Fund to address water quality impacts
2079 associated with agricultural nonpoint sources. These funds shall
2080 be used for research, development, demonstration, and
2081 implementation of the total maximum daily load program under s.
2082 403.067, suitable best management practices or other measures
2083 used to achieve water quality standards in surface waters and
2084 water segments identified pursuant to s. 303(d) of the Clean
2085 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
2086 Implementation of best management practices and other measures
2087 may include cost-share grants, technical assistance,
2088 implementation tracking, and conservation leases or other
2089 agreements for water quality improvement. The Department of
2090 Environmental Protection and the Department of Agriculture and
2091 Consumer Services may adopt rules governing the distribution of
2092 funds for implementation of capital projects, best management
2093 practices, and other measures. These funds shall not be used to
2094 abrogate the financial responsibility of those point and
2095 nonpoint sources that have contributed to the degradation of
2096 water or land areas. Increased priority shall be given by the
2097 department and the water management district governing boards to
2098 those projects that have secured a cost-sharing agreement
2099 allocating responsibility for the cleanup of point and nonpoint
2100 sources.

2101 (3)~~(e)~~ Twelve and five-tenths percent to the Department of
 2102 Environmental Protection for the Disadvantaged Small Community
 2103 Wastewater Grant Program as provided in s. 403.1838.

2104 (4)~~(d)~~ On June 30, 2009, and every 24 months thereafter,
 2105 the Department of Environmental Protection shall request the
 2106 return of all unencumbered funds distributed pursuant to this
 2107 section. These funds shall be deposited into the Water
 2108 Protection and Sustainability Program Trust Fund and
 2109 redistributed pursuant to the provisions of this section.

2110 ~~(3) For the 2008-2009 fiscal year only, moneys in the
 2111 Water Protection and Sustainability Program Trust Fund shall be
 2112 transferred to the Ecosystem Management and Restoration Trust
 2113 Fund for grants and aids to local governments for water projects
 2114 as provided in the General Appropriations Act. This subsection
 2115 expires July 1, 2009.~~

2116 ~~(4) For fiscal year 2005-2006, funds deposited or
 2117 appropriated into the Water Protection and Sustainability
 2118 Program Trust Fund shall be distributed as follows:~~

2119 ~~(a) One hundred million dollars to the Department of
 2120 Environmental Protection for the implementation of an
 2121 alternative water supply program as provided in s. 373.1961.~~

2122 ~~(b) Funds remaining after the distribution provided for in
 2123 subsection (1) shall be distributed as follows:~~

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

2129 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
 2130 ~~address water quality impacts associated with nonagricultural~~
 2131 ~~nonpoint sources. Fifteen percent of these funds shall be~~
 2132 ~~transferred to the Department of Agriculture and Consumer~~
 2133 ~~Services General Inspection Trust Fund to address water quality~~
 2134 ~~impacts associated with agricultural nonpoint sources. These~~
 2135 ~~funds shall be used for research, development, demonstration,~~
 2136 ~~and implementation of suitable best management practices or~~
 2137 ~~other measures used to achieve water quality standards in~~
 2138 ~~surface waters and water segments identified pursuant to s.~~
 2139 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~
 2140 ~~1251 et seq. Implementation of best management practices and~~
 2141 ~~other measures may include cost-share grants, technical~~
 2142 ~~assistance, implementation tracking, and conservation leases or~~
 2143 ~~other agreements for water quality improvement. The Department~~
 2144 ~~of Environmental Protection and the Department of Agriculture~~
 2145 ~~and Consumer Services may adopt rules governing the distribution~~
 2146 ~~of funds for implementation of best management practices. These~~
 2147 ~~funds shall not be used to abrogate the financial responsibility~~
 2148 ~~of those point and nonpoint sources that have contributed to the~~
 2149 ~~degradation of water or land areas. Increased priority shall be~~
 2150 ~~given by the department and the water management district~~
 2151 ~~governing boards to those projects that have secured a cost-~~
 2152 ~~sharing agreement allocating responsibility for the cleanup of~~
 2153 ~~point and nonpoint sources.~~

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

2157 ~~priority water bodies. The Secretary of Environmental Protection~~
 2158 ~~shall ensure that each water management district receives the~~
 2159 ~~following percentage of funds annually:~~

2160 ~~a. Thirty five percent to the South Florida Water~~
 2161 ~~Management District;~~

2162 ~~b. Twenty five percent to the Southwest Florida Water~~
 2163 ~~Management District;~~

2164 ~~c. Twenty five percent to the St. Johns River Water~~
 2165 ~~Management District;~~

2166 ~~d. Seven and one half percent to the Suwannee River Water~~
 2167 ~~Management District; and~~

2168 ~~e. Seven and one half percent to the Northwest Florida~~
 2169 ~~Water Management District.~~

2170 ~~3. Twenty five percent to the Department of Environmental~~
 2171 ~~Protection for the Disadvantaged Small Community Wastewater~~
 2172 ~~Grant Program as provided in s. 403.1838.~~

2173
 2174 ~~Prior to the end of the 2008 Regular Session, the Legislature~~
 2175 ~~must review the distribution of funds under the Water Protection~~
 2176 ~~and Sustainability Program to determine if revisions to the~~
 2177 ~~funding formula are required. At the discretion of the President~~
 2178 ~~of the Senate and the Speaker of the House of Representatives,~~
 2179 ~~the appropriate substantive committees of the Legislature may~~
 2180 ~~conduct an interim project to review the Water Protection and~~
 2181 ~~Sustainability Program and the funding formula and make written~~
 2182 ~~recommendations to the Legislature proposing necessary changes,~~
 2183 ~~if any.~~

2184 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~

2185 ~~distributed as follows:~~

2186 ~~(a) Thirty one and twenty one hundredths percent to the~~
 2187 ~~Department of Environmental Protection for the implementation of~~
 2188 ~~an alternative water supply program as provided in s. 373.1961.~~

2189 ~~(b) Twenty six and eighty seven hundredths percent for the~~
 2190 ~~implementation of best management practices and capital project~~
 2191 ~~expenditures necessary for the implementation of the goals of~~
 2192 ~~the total maximum daily load program established in s. 403.067.~~

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

2213 ~~capital projects, best management practices, and other measures.~~
 2214 ~~These funds may not be used to abrogate the financial~~
 2215 ~~responsibility of those point and nonpoint sources that have~~
 2216 ~~contributed to the degradation of water or land areas. Increased~~
 2217 ~~priority shall be given by the department and the water~~
 2218 ~~management district governing boards to those projects that have~~
 2219 ~~secured a cost sharing agreement that allocates responsibility~~
 2220 ~~for the cleanup of point and nonpoint sources.~~

2221 ~~(c) Forty-one and ninety-two hundredths percent to the~~
 2222 ~~Department of Environmental Protection for the Disadvantaged~~
 2223 ~~Small Community Wastewater Grant Program as provided in s.~~
 2224 ~~403.1838.~~

2225
 2226 ~~This subsection expires July 1, 2010.~~

2227 Section 25. Subsection (1) of section 403.891, Florida
 2228 Statutes, is amended to read:

2229 403.891 Water Protection and Sustainability Program Trust
 2230 Fund of the Department of Environmental Protection.—

2231 (1) The Water Protection and Sustainability Program Trust
 2232 Fund is created within the Department of Environmental
 2233 Protection. The purpose of the trust fund is to ~~receive funds~~
 2234 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~
 2235 ~~for in law and the General Appropriations Act, and funds~~
 2236 ~~received by the department in order to implement the provisions~~
 2237 ~~of the Water Sustainability and Protection Program created in s.~~
 2238 403.890.

2239 Section 26. Section 682.02, Florida Statutes, is amended
 2240 to read:

2241 682.02 Arbitration agreements made valid, irrevocable, and
 2242 enforceable; scope.—Two or more parties may agree in writing to
 2243 submit to arbitration any controversy existing between them at
 2244 the time of the agreement, or they may include in a written
 2245 contract a provision for the settlement by arbitration of any
 2246 controversy thereafter arising between them relating to such
 2247 contract or the failure or refusal to perform the whole or any
 2248 part thereof. This section also applies to written interlocal
 2249 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
 2250 more parties agree to submit to arbitration any controversy
 2251 between them concerning water use permit applications and other
 2252 matters, regardless of whether or not the water management
 2253 district with jurisdiction over the subject application is a
 2254 party to the interlocal agreement or a participant in the
 2255 arbitration. Such agreement or provision shall be valid,
 2256 enforceable, and irrevocable without regard to the justiciable
 2257 character of the controversy; provided that this act shall not
 2258 apply to any such agreement or provision to arbitrate in which
 2259 it is stipulated that this law shall not apply or to any
 2260 arbitration or award thereunder.

2261 Section 27. Section 373.71, Florida Statutes, is
 2262 renumbered as section 373.69, Florida Statutes.

2263 Section 28. Sections 373.0361, 373.0391, 373.0831,
 2264 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are
 2265 repealed.

2266 Section 29. It is the intent of the Legislature that the
 2267 creation of part VII of chapter 373, Florida Statutes, is to
 2268 reorganize certain existing provisions of part I of chapter 373,

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2010

2269 Florida Statutes, and does not make any substantive changes to
2270 existing law or judicial interpretation thereof. It is further
2271 the intent of the Legislature that any legislation enacted
2272 during the 2010 Regular Session and any extension thereof
2273 affecting ss. 373.0361, 373.0391, 373.0831, 373.196, 373.1961,
2274 373.1962, and 373.1963, Florida Statutes, either before or after
2275 this act becomes law, be given full force and effect
2276 substantively and that such new substantive provisions of law
2277 shall be integrated into ss. 373.703, 373.705, 373.707, 373.709,
2278 373.711, 373.713, and 373.715, Florida Statutes, as created by
2279 this act.

2280 Section 30. This act shall take effect July 1, 2010.