

HB 1605

2010

1 A bill to be entitled
2 An act relating to water resource protection; amending s.
3 153.11, F.S.; conforming provisions to changes made by the
4 act; creating ss. 153.112 and 180.133, F.S.; directing
5 counties and municipalities, in cooperation with water
6 management districts, to conduct an evaluation of primary
7 water resources; authorizing counties and municipalities
8 to use funds collected for water and sewage utility usage
9 to help finance the protection of such resources;
10 authorizing counties and municipalities to transfer funds
11 to a district for this purpose; amending s. 373.0831,
12 F.S.; authorizing water management districts to expend
13 funds received from counties and municipalities to protect
14 water resources; providing an effective date.

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16 WHEREAS, public water utilities are the direct providers of
17 drinking water to the public, and

18 WHEREAS, public water utilities have an interest in
19 protecting water sources that are used by the utility, and

20 WHEREAS, acquiring and preserving lands that are integral
21 to protecting water sources serves an important county and
22 municipal purpose, and

23 WHEREAS, public water utilities should enter into
24 partnerships with water management districts in providing and
25 protecting a reliable and safe drinking water supply for the
26 public, NOW, THEREFORE,

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

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Section 1. Paragraph (b) of subsection (1) of section 153.11, Florida Statutes, is amended to read:

153.11 Water service charges and sewer service charges; revenues.—

(1)

(b) After the system has ~~or systems shall have~~ been in operation, the county commission may revise the ~~such~~ schedule of rates, fees, and charges in order from time to time. ~~Such rates, fees and charges shall be so fixed and revised as to provide funds, including with other funds available for such purposes, sufficient at all times to pay the cost of maintaining, repairing, and operating the system, or systems including the reserves for such purposes and for replacements, and depreciation, and necessary extensions; to finance the protection of water resources as provided in s. 153.112;~~ to pay the principal of and the interest on, and related reserves for, the water revenue bonds or and/or sewer revenue bonds as they the same shall become due; and the reserves therefor, and to provide a margin of safety for making such payments. The county commission shall charge and collect the rates, fees, and charges so fixed or revised, and such rates, fees, and charges are ~~shall~~ not ~~be~~ subject to supervision or regulation by any other commission, board, bureau, or agency of the county or ~~of the~~ state or of any sanitary district or other political subdivision of the state.

Section 2. Section 153.112, Florida Statutes, is created to read:

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57 153.112 Protection of water resources.—A county commission
58 that uses state water resources for water supply purposes shall,
59 in cooperation with the relevant water management districts,
60 conduct an evaluation of water resources that might reasonably
61 be considered to be a primary source of water from which all or
62 part of the county's water supplies are derived. The evaluation
63 must determine if the water resources are adequately protected
64 from sources of pollution and from land uses incompatible with
65 their protection. If the evaluation determines that the resource
66 is not adequately protected, the county may use funds collected
67 under s. 153.11(1) to finance the protection of water resources
68 as provided in s. 373.016(3)(b) and (d), including the
69 acquisition of easements or fee interests to protect or restore
70 land where the water resource is located or from which it flows
71 or is recharged. The county may transfer funds to the water
72 management district for this purpose. Title to lands purchased
73 by a water management district pursuant to this section shall
74 remain with the water management district.

75 Section 3. Section 180.133, Florida Statutes, is created
76 to read:

77 180.133 Protection of municipal water resources.—The
78 governing body of a municipality that provides water utility
79 services that use state water resources for water supply
80 purposes shall, in cooperation with the relevant water
81 management districts, conduct an evaluation of water resources
82 that might reasonably be considered to be a primary source of
83 water from which all or part of the municipality's water
84 supplies are derived. The evaluation must determine if the water

85 resources are adequately protected from sources of pollution and
 86 from land uses incompatible with their protection. If the
 87 evaluation determines that the resource is not adequately
 88 protected, the municipality may use funds collected under s.
 89 180.13 to finance the protection of water resources as provided
 90 in s. 373.016(3) (b) and (d), including the acquisition of
 91 easements or fee interests to protect or restore land where the
 92 water resource is located or from which it flows or is
 93 recharged. The municipality may transfer funds to the water
 94 management district for this purpose. Title to lands purchased
 95 by a water management district pursuant to this section shall
 96 remain with the water management district.

97 Section 4. Subsection (5) is added to section 373.0831,
 98 Florida Statutes, to read:

99 373.0831 Water resource development; water supply
 100 development.-

101 (5) Water management districts may expend funds received
 102 from county and municipal water utilities pursuant to ss.
 103 153.112 and 180.133 for land acquisition and water resource
 104 development projects that contribute to the protection of the
 105 primary source of drinking water used by the utility. In
 106 addition, the water management district may expend these funds
 107 to acquire water resource protection lands identified by the
 108 water management district pursuant to s. 373.199 or for water
 109 resource lands identified for protection pursuant to a watershed
 110 restoration plan adopted by the water management district.

111 Section 5. This act shall take effect July 1, 2010.