

By Senator Haridopolos

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1 A bill to be entitled
2 An act relating to water supply; creating part VII of
3 ch. 373, F.S., relating to water supply policy,
4 planning, production, and funding; providing a
5 declaration of policy; providing for the powers and
6 duties of water management district governing boards;
7 requiring the Department of Environmental Protection
8 to develop the Florida water supply plan; providing
9 components of the plan; requiring water management
10 district governing boards to develop water supply
11 plans for their respective regions; providing
12 components of district water supply plans; providing
13 legislative findings and intent with respect to water
14 resource development and water supply development;
15 requiring water management districts to fund and
16 implement water resource development; specifying water
17 supply development projects that are eligible to
18 receive priority consideration for state or water
19 management district funding assistance; encouraging
20 cooperation in the development of water supplies;
21 providing for alternative water supply development;
22 encouraging municipalities, counties, and special
23 districts to create regional water supply authorities;
24 establishing the primary roles of the water management
25 districts in alternative water supply development;
26 establishing the primary roles of local governments,
27 regional water supply authorities, special districts,
28 and publicly owned and privately owned water utilities
29 in alternative water supply development; requiring the

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30 water management districts to detail the specific
31 allocations to be used for alternative water supply
32 development in their annual budget submission;
33 requiring that the water management districts include
34 the amount needed to implement the water supply
35 development projects in each annual budget;
36 establishing general funding criteria for funding
37 assistance to the state or water management districts;
38 establishing economic incentives for alternative water
39 supply development; providing a funding formula for
40 the distribution of state funds to the water
41 management districts for alternative water supply
42 development; requiring that funding assistance for
43 alternative water supply development be limited to a
44 percentage of the total capital costs of an approved
45 project; establishing a selection process and
46 criteria; providing for cost recovery from the Public
47 Service Commission; requiring a water management
48 district governing board to conduct water supply
49 planning for each region identified in the district
50 water supply plan; providing procedures and
51 requirements with respect to regional water supply
52 plans; providing for joint development of a specified
53 water supply development component of a regional water
54 supply plan within the boundaries of the Southwest
55 Florida Water Management District; providing that
56 approval of a regional water supply plan is not
57 subject to the rulemaking requirements of the
58 Administrative Procedure Act; requiring the department

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59 to submit annual reports on the status of regional
60 water supply planning in each district; providing
61 construction with respect to the water supply
62 development component of a regional water supply plan;
63 requiring water management districts to present to
64 certain entities the relevant portions of a regional
65 water supply plan; requiring certain entities to
66 provide written notification to water management
67 districts as to the implementation of water supply
68 project options; requiring water management districts
69 to notify local governments of the need for
70 alternative water supply projects; requiring water
71 management districts to assist local governments in
72 the development and future revision of local
73 government comprehensive plan elements or public
74 facilities reports related to water resource issues;
75 providing for the creation of regional water supply
76 authorities; providing purpose of such authorities;
77 specifying considerations with respect to the creation
78 of a proposed authority; specifying authority of a
79 regional water supply authority; providing authority
80 of specified entities to convey title, dedicate land,
81 or grant land-use rights to a regional water supply
82 authority for specified purposes; providing
83 preferential rights of counties and municipalities to
84 purchase water from regional water supply authorities;
85 providing exemption for specified water supply
86 authorities from consideration of certain factors and
87 submissions; providing applicability of such

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88 exemptions; authorizing the West Coast Regional Water
89 Supply Authority and its member governments to
90 reconstitute the authority's governance and rename the
91 authority under a voluntary interlocal agreement;
92 providing compliance requirements with respect to the
93 interlocal agreement; providing for supersession of
94 conflicting general or special laws; providing
95 requirements with respect to annual budgets;
96 specifying the annual millage for the authority;
97 authorizing the authority to request the governing
98 board of the district to levy ad valorem taxes within
99 the boundaries of the authority to finance authority
100 functions; providing requirements and procedures with
101 respect to the collection of such taxes; amending ss.
102 120.52, 163.3167, 163.3177, 163.3191, 189.404,
103 189.4155, 189.4156, 367.021, 373.019, 373.0421,
104 373.0695, 373.223, 373.2234, 373.229, 373.536, 373.59,
105 378.212, 378.404, 403.0891, 403.890, and 682.02, F.S.;
106 conforming cross-references; renumbering s. 373.71,
107 F.S., relating to the Apalachicola-Chattahoochee-Flint
108 River Basin Compact, to clarify retention of the
109 section in part VI of ch. 373, F.S.; repealing s.
110 373.0361, F.S., relating to regional water supply
111 planning; repealing s. 373.0391, F.S., relating to
112 technical assistance to local governments; repealing
113 s. 373.0831, F.S., relating to water resource and
114 water supply development; repealing s. 373.196, F.S.,
115 relating to alternative water supply development;
116 repealing s. 373.1961, F.S., relating to water

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117 production and related powers and duties of water
 118 management districts; repealing s. 373.1962, F.S.,
 119 relating to regional water supply authorities;
 120 repealing s. 373.1963, F.S., relating to assistance to
 121 the West Coast Regional Water Supply Authority;
 122 providing an effective date.
 123

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

125
 126 Section 1. Part VII of chapter 373, Florida Statutes,
 127 consisting of sections 373.701, 373.703, 373.705, 373.707,
 128 373.709, 373.711, 373.713, and 373.715, is created to read:

129 PART VII

130 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

131 373.701 Declaration of policy.—It is the policy of the
 132 Legislature to:

133 (1) Promote the availability of sufficient water for all
 134 current and future reasonable-beneficial uses and natural
 135 systems.

136 (2) Manage state waters on a state and regional basis
 137 because water constitutes a public resource benefiting the
 138 entire state. Consistent with this policy, the Legislature
 139 recognizes the need to allocate water throughout the state in
 140 order to meet all reasonable and beneficial uses. However, the
 141 Legislature acknowledges that in the past such allocations have
 142 adversely affected the water resources of certain areas of the
 143 state.

144 (a) To protect water resources and meet the current and
 145 future needs of areas having an abundance of water, the

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146 Legislature encourages the Department of Environmental
147 Protection and the water management districts to use water from
148 sources nearest the area of use or application whenever
149 practicable. Such water sources may include all naturally
150 occurring water sources and all alternative water sources,
151 including, but not limited to, desalination projects,
152 conservation programs, reuse of nonpotable reclaimed water and
153 stormwater, and aquifer storage and recovery. Reuse of potable
154 reclaimed water and stormwater is not subject to the evaluation
155 described in s. 373.223(3)(a)-(g). The directive to encourage
156 the use of water, whenever practicable, from sources nearest the
157 area of use or application does not apply to the transport and
158 direct and indirect use of water within the area encompassed by
159 the Central and Southern Florida Flood Control Project, to the
160 transport and use of water supplied exclusively for bottled
161 water as defined in s. 500.03(1), or to the transport and use of
162 reclaimed water for electrical power production by an electric
163 utility as defined in s. 366.02.

164 (b) In implementing this policy, the Legislature recognizes
165 that under certain circumstances the need to transport water
166 from distant sources may be necessary for environmental,
167 technical, or economic reasons.

168 (3) Encourage municipalities, counties, water management
169 districts, and the department to cooperate in order to meet the
170 water needs of rapidly urbanizing areas in a manner that will
171 supply adequate and dependable supplies of water where needed
172 without resulting in adverse effects upon the areas from which
173 the water is withdrawn. Such efforts should use all practical
174 means of obtaining water, including, but not limited to,

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175 withdrawals of surface water and ground water, reuse, and
176 desalination and necessitate not only cooperation but also well-
177 coordinated activities. Municipalities, counties, and special
178 districts are encouraged to create regional water supply
179 authorities as authorized in s. 373.713 or multijurisdictional
180 water supply entities.

181 373.703 Water production; powers and duties.—In the
182 performance of, and in conjunction with, its other powers and
183 duties, the governing board of a water management district:

184 (1) Shall engage in planning efforts that assists counties,
185 municipalities, special districts, publicly and privately-owned
186 water utilities, multijurisdictional water supply entities, or
187 regional water supply authorities to meet water supply needs by
188 giving priority to plans that encourage conservation and
189 reducing the adverse environmental effects of improper or
190 excessive withdrawals of water from concentrated areas. As used
191 in this section and s. 373.707, regional water supply
192 authorities are regional water authorities created under s.
193 373.713 or other laws of this state.

194 (2) Shall assist counties, municipalities, special
195 districts, publicly owned or privately owned water utilities,
196 multijurisdictional water supply entities, or regional water
197 supply authorities to meet water supply needs by giving priority
198 to encouraging conservation of water resources and reducing the
199 adverse environmental effects of improper or excessive
200 withdrawals of water from concentrated areas.

201 (3) May establish, design, construct, operate, and maintain
202 water production and transmission facilities for the purpose of
203 supplying water to counties, municipalities, special districts,

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204 publicly owned and privately owned water utilities,
205 multijurisdictional water supply entities, or regional water
206 supply authorities. The permit required under part II of this
207 chapter for a water management district engaged in water
208 production and transmission shall be granted, denied, or granted
209 with conditions by the department.

210 (4) May not engage in local water supply distribution.

211 (5) May not deprive, directly or indirectly, any county
212 where water is withdrawn of the prior right to the reasonable
213 and beneficial use of water necessary to adequately supply the
214 reasonable and beneficial needs of the county or the inhabitants
215 or property owners therein.

216 (6) May provide water and financial assistance to regional
217 water supply authorities, but may not provide water to counties
218 or municipalities that are located within the area of the water
219 supply authority without the specific approval of the water
220 supply authority or, if the water supply authority disapproves
221 of supplying the water, the approval of the Land and Water
222 Adjudicatory Commission. The water management district may
223 supply water to counties and municipalities at rates and upon
224 terms mutually agreed to by all, but if the parties do not agree
225 on the rates and terms, rates and terms as set by the governing
226 board and specifically approved by the Land and Water
227 Adjudicatory Commission.

228 (7) May acquire title to such real property by purchase,
229 gift, devise, lease, eminent domain, or otherwise, which is
230 necessary for water production and transmission consistent with
231 this section and s. 373.707. However, the water management
232 district may not use the powers of eminent domain to acquire

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233 water and water rights already devoted to reasonable and
234 beneficial use or any water production or transmission facility
235 owned by any county, municipality, or regional water supply
236 authority. The water management district may exercise its power
237 of eminent domain to real property located outside its
238 boundaries to acquire pumpage facilities, storage areas,
239 transmission facilities, and the normal appurtenances thereto
240 if, at least 45 days before exercising the power of eminent
241 domain, the water management district publically notifies the
242 water management district in which the property is located that
243 it intends to acquire the property by eminent domain. The water
244 management district in which the property is located has 45 days
245 after notification of the exercise of eminent domain to object
246 to any attempt by the other district to acquire the property.

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

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262 issue bond anticipation notes in accordance with s. 373.584.

263 (9) May join with one or more other water management
264 districts, counties, municipalities, special districts, publicly
265 owned or privately owned water utilities, multijurisdictional
266 water supply entities, or regional water supply authorities to
267 contract with other entities to finance acquisitions,
268 construction, operation, and maintenance. The contract may
269 provide for contributions to be made by each party for the
270 division and apportionment of the expenses of acquisitions,
271 construction, operation, and maintenance, and for the division
272 and apportionment of the benefits, services, and products
273 therefrom. The contract may contain other covenants and
274 agreements necessary and appropriate to accomplish their
275 purposes.

276 373.705 Water resource development; water supply
277 development.—

278 (1) The Legislature finds that:

279 (a) The proper role of a water management district in the
280 supply of water is primarily in planning and development of
281 water resources. However, this role does not preclude a water
282 management district from providing assistance with water supply
283 development.

284 (b) The proper role of local government, regional water
285 supply authorities, and government-owned and privately owned
286 water utilities in the supply of water is primarily in water
287 supply development. However, this does not preclude these
288 entities from providing assistance with water resource
289 development.

290 (c) Water resource development and water supply development

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291 must receive priority attention, where needed, to increase the
292 availability of sufficient water for all current and future
293 reasonable-beneficial uses and natural systems.

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

295 (a) Sufficient water be available for all existing and
296 future reasonable-beneficial uses and the natural systems.

297 (b) The adverse effects of competition for water supplies
298 be avoided.

299 (c) Water management districts take the lead in identifying
300 and implementing water resource development projects and be
301 responsible for securing necessary funding for regionally
302 significant water resource development projects.

303 (d) Local governments, regional water supply authorities,
304 and government-owned and privately owned water utilities take
305 the lead in securing funds for and implementing water supply
306 development projects. Generally, direct beneficiaries of water
307 supply development projects should pay the costs of the projects
308 from which they benefit, and water supply development projects
309 should continue to be paid for through local funding sources.

310 (e) Water supply development be coordinated with water
311 management district regional water supply planning and water
312 resource development.

313 (3) Each water management district shall fund and implement
314 water resource development as defined in s. 373.019. The
315 districts are encouraged to implement water resource development
316 as expeditiously as possible in areas subject to regional water
317 supply plans. Each governing board shall include the amount
318 needed for the fiscal year to implement water resource
319 development projects, as prioritized in its regional water

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320 supply plans, in its annual budget.

321 (4) A water supply development project that is consistent
322 with the relevant regional water supply plans and meets one or
323 more of the following criteria shall receive consideration for
324 state or water management district funding assistance:

325 (a) The project supports the establishment of a dependable,
326 sustainable water supply that is not otherwise financially
327 feasible;

328 (b) The project provides substantial environmental benefits
329 by preventing or limiting adverse water resource effects, but
330 requires funding assistance to be economically competitive with
331 other options; or

332 (c) The project significantly implements reuse, storage,
333 recharge, or conservation of water in a manner that contributes
334 to the sustainability of regional water sources.

335 (5) A water supply development project that meets the
336 criteria in subsection (4) and that meets one or more of the
337 following additional criteria shall be given first priority
338 consideration for state or water management district funding
339 assistance:

340 (a) The project brings about replacement of existing
341 sources in order to help implement a minimum flow or level; or

342 (b) The project implements reuse wastewater that assists in
343 the elimination of domestic wastewater ocean outfalls as
344 provided in s. 403.086(9).

345 373.707 Alternative water supply development.—

346 (1) The intent of this section is to encourage cooperation
347 among entities when developing water supplies and when providing
348 alternative water supply developments in this state.

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349 (a) The demands on natural supplies of fresh water to meet
350 the needs of a rapidly growing population and the needs of the
351 environment, agriculture, industry, and mining will continue to
352 increase.

353 (b) Consequently, there is a need to develop alternative
354 water supplies in order to sustain the state's economic growth,
355 economic viability, and natural resources.

356 (c) In order to meet these numerous water needs, the
357 municipalities, counties, special districts, water management
358 districts, and the Department of Environmental Protection must
359 cooperate and coordinate their efforts. Only through cooperation
360 and active coordination will the water needs of the state be met
361 in a manner that will supply adequate and dependable supplies of
362 water where water is needed without resulting in adverse effects
363 upon the areas from which such water is withdrawn. Such efforts
364 should use all practical means of obtaining water, which
365 includes, but is not limited to, withdrawing surface water and
366 ground water, reusing wastewater, and using desalinized water.
367 These efforts require not only cooperation but also well-
368 coordinated activities.

369 (d) Municipalities, counties, and special districts are
370 encouraged to create regional water supply authorities as
371 authorized in s. 373.713 or multijurisdictional water supply
372 entities.

373 (e) Alternative water supply developments should receive
374 priority funding attention in order to increase the available
375 supplies of water to meet all existing and future water needs.

376 (f) Cooperation and coordination between counties,
377 municipalities, regional water supply authorities,

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378 multijurisdictional water supply entities, special districts,
379 and publicly owned and privately owned water utilities when
380 developing countywide and multicountywide alternative water
381 supply projects will allow for necessary economies of scale and
382 efficiencies in order to accelerate the development of new,
383 dependable, and sustainable alternative water supplies.

384 (g) It is in the public interest that county, municipal,
385 industrial, agricultural, and other public and private water
386 users, the Department of Environmental Protection, and the water
387 management districts cooperate to develop alternative water
388 supplies to avoid the adverse effects of competition for limited
389 supplies of water. Public moneys or services provided to private
390 entities for alternative water supply development may constitute
391 public purposes that also are in the public interest.

392 (2) (a) Sufficient water must be available for all existing
393 and future reasonable-beneficial uses and the natural systems.
394 At the same time, adverse effects of competition for water
395 supplies must be avoided.

396 (b) Water supply development and alternative water supply
397 development must be coordinated with the water management
398 district regional water supply planning.

399 (c) Funding for developing alternative water supplies must
400 be the shared responsibility of water suppliers and users, the
401 state, and the water management districts. The water suppliers
402 and users have primary responsibility for funding alternative
403 water supply projects while the state and the water management
404 districts are responsible for providing additional funding
405 assistance.

406 (3) The primary roles of the water management districts in

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407 water resource development as it relates to supporting
408 alternative water supply development are:

409 (a) The formulation and implementation of regional water
410 resource management strategies that support alternative water
411 supply development.

412 (b) The collection and evaluation of surface water and
413 groundwater data to be used for a planning-level assessment of
414 the feasibility of alternative water supply development
415 projects.

416 (c) The construction, operation, and maintenance of major
417 public works facilities for flood control, surface and
418 underground water storage, and groundwater recharge augmentation
419 to support alternative water supply development.

420 (d) Planning for alternative water supply development, as
421 provided in regional water supply plans, coordinated with local
422 governments, regional water supply authorities,
423 multijurisdictional water supply entities, special districts,
424 and publicly owned and privately owned water utilities and self-
425 suppliers.

426 (e) The formulation and implementation of structural and
427 nonstructural programs to protect and manage water resources
428 that support alternative water supply projects.

429 (f) The provision of technical and financial assistance to
430 local governments and publicly owned and privately owned water
431 utilities for alternative water supply projects.

432 (4) The primary roles of local government, regional water
433 supply authorities, multijurisdictional water supply entities,
434 special districts, and publicly owned and privately owned water
435 utilities in alternative water supply development are:

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436 (a) The planning, design, construction, operation, and
437 maintenance of alternative water supply development projects.

438 (b) The formulation and implementation of alternative water
439 supply development strategies and programs.

440 (c) The planning, design, construction, operation, and
441 maintenance of facilities that collect, divert, produce, treat,
442 transmit, and distribute water for sale, resale, or end use.

443 (d) The coordination of alternative water supply
444 development activities with the appropriate water management
445 district having jurisdiction over the activity.

446 (5) This section does not preclude the special districts,
447 municipalities, and counties from continuing to operate existing
448 water production and transmission facilities or from entering
449 into cooperative agreements with other special districts,
450 municipalities, and counties for the purpose of meeting their
451 respective needs for dependable and adequate supplies of water.
452 However, obtaining water through such operations may not be done
453 in a manner that results in adverse effects upon the areas from
454 which the water is withdrawn.

455 (6) The statewide funds provided pursuant to the Water
456 Protection and Sustainability Program serve to supplement
457 existing water management district or basin board funding for
458 alternative water supply development assistance and should not
459 result in a reduction of funding.

460 (a) The water management districts shall include in the
461 annual tentative and adopted budget submittals required under
462 this chapter the amount of funds allocated for water resource
463 development which supports alternative water supply development
464 and the funds allocated for alternative water supply projects

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465 selected for inclusion in the Water Protection and
466 Sustainability Program. The goal of each water management
467 district and basin boards shall be that the combined funds
468 allocated annually for these purposes, at a minimum, be
469 equivalent to 100 percent of the state funding provided to the
470 water management district for alternative water supply
471 development. If this goal is not achieved, the water management
472 district shall provide in the budget submittal an explanation of
473 the reasons or constraints that prevent this goal from being
474 met, an explanation of how the goal will be met in future years,
475 and that affirmation of match is required during the budget
476 review process established under s. 373.536(5). The Suwannee
477 River Water Management District and the Northwest Florida Water
478 Management District are not required to meet the match
479 requirements of this paragraph; however, they must try to
480 achieve the match requirement to the greatest extent
481 practicable.

482 (b) State funds from the Water Protection and
483 Sustainability Program created in s. 403.890 shall be made
484 available for financial assistance for the project construction
485 costs of alternative water supply development projects selected
486 by a water management district governing board for inclusion in
487 the program.

488 (7) The water management district shall implement its
489 responsibilities as expeditiously as possible in areas subject
490 to regional water supply plans. Each district's governing board
491 shall include the amount needed for the fiscal year to assist
492 with implementing alternative water supply development projects
493 in its annual budget.

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494 (8) The water management districts and the state shall
495 share a percentage of revenues it receives with water providers
496 and users, including local governments; water, wastewater, and
497 reuse utilities; municipal, special district, industrial, and
498 agricultural water users; and other public and private water
499 users, to be used to supplement other funding sources in the
500 development of alternative water supplies.

501 (a) The state shall annually provide a portion of the
502 revenues deposited into the Water Protection and Sustainability
503 Program Trust Fund for funding alternative water supply
504 development projects pursuant to the Water Protection and
505 Sustainability Program. At the beginning of each fiscal year,
506 such revenues shall be distributed by the department into the
507 alternative water supply trust fund accounts created by each
508 district for the purpose of alternative water supply development
509 under the following funding formula:

510 1. Thirty percent to the South Florida Water Management
511 District;

512 2. Twenty-five percent to the Southwest Florida Water
513 Management District;

514 3. Twenty-five percent to the St. Johns River Water
515 Management District;

516 4. Ten percent to the Suwannee River Water Management
517 District; and

518 5. Ten percent to the Northwest Florida Water Management
519 District.

520 (b) Financial assistance for alternative water supply
521 projects allocated in each district's budget as required in
522 subsection (6), shall be combined with the state funds and used

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523 to assist in funding the project construction costs of
524 alternative water supply projects selected by the governing
525 board. If the water management district has not completed any
526 regional water supply plan, or the regional water supply plan
527 does not identify the need for any alternative water supply
528 project, funds deposited in that district's trust fund may be
529 used for water resource development projects, including, but not
530 limited to, protection of springs.

531 (c) All projects submitted to the governing board for
532 consideration must reflect the total capital cost for
533 implementing a project. The costs shall be segregated pursuant
534 to the categories described in the definition of capital costs.

535 (d) Applicants for projects that may receive funding
536 assistance pursuant to the Water Protection and Sustainability
537 Program shall, at a minimum, be required to pay 60 percent of
538 the project's construction costs. The water management districts
539 may totally or partially waive this requirement for projects
540 sponsored by financially disadvantaged small local governments
541 as defined in former s. 403.885(5). The water management
542 districts or basin boards may use ad valorem or federal revenues
543 to assist a project applicant in meeting the requirements of
544 this paragraph.

545 (e) The governing boards shall determine those projects to
546 be selected for financial assistance. The governing boards may
547 establish factors to determine project funding; however,
548 significant weight must be given to the following factors:

549 1. Whether the project provides substantial environmental
550 benefits by preventing or limiting adverse water resource
551 effects.

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552 2. Whether the project reduces competition for water
553 supplies.

554 3. Whether the project brings about replacement of
555 traditional sources in order to help implement a minimum flow or
556 level or a reservation.

557 4. Whether the project will be implemented by a consumptive
558 use permittee that has achieved the targets contained in a goal-
559 based water conservation program approved pursuant to s.
560 373.227.

561 5. The quantity of water supplied by the project as
562 compared to its cost.

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

565 7. Whether the project will be implemented by a
566 multijurisdictional water supply entity or regional water supply
567 authority.

568 8. Whether the project implements reuse that assists in the
569 elimination of domestic wastewater ocean outfalls as provided in
570 s. 403.086(9).

571 (f) Additional factors to be considered include:

572 1. Whether the project is part of a plan to implement two
573 or more alternative water supply projects, all of which will
574 produce water at a uniform rate for the participants in a
575 multijurisdictional water supply entity or regional water supply
576 authority.

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

579 3. Whether the project proposal includes sufficient
580 preliminary planning and engineering to demonstrate that the

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581 project can reasonably be implemented within the timeframes
582 provided in the regional water supply plan.

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

585 5. Whether and in what percentage a local government or
586 local government utility is transferring water supply system
587 revenues to the local government general fund in excess of
588 reimbursements for services received from the general fund,
589 including direct and indirect costs and legitimate payments in
590 lieu of taxes.

591 (g) After conducting one or more meetings to solicit public
592 input on eligible projects, including input from entities
593 identified pursuant to s. 373.709(2)(a)3.d. to implement
594 alternative water supply projects, the governing board of each
595 water management district shall select projects for funding
596 assistance based upon the criteria set forth in paragraphs (e)
597 and (f). The governing board may select a project identified or
598 listed as an alternative water supply development project in the
599 regional water supply plan, or allocate up to 20 percent of the
600 funding for alternative water supply projects that are not
601 identified or listed in the plan but are consistent with the
602 goals of the plan.

603 (h) Without diminishing amounts available through other
604 means described in this paragraph, the governing boards are
605 encouraged to consider establishing revolving loan funds to
606 expand the total funds available to accomplish the objectives of
607 this section. The revolving loan fund must be a nonlapsing fund
608 from which the water management district may make loans with
609 interest rates below prevailing market rates to public or

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610 private entities for the purposes described in this section. The
611 governing board may adopt resolutions to establish revolving
612 loan funds which must specify the details of the administration
613 of the fund, the procedures for applying for loans from the
614 fund, the criteria for awarding loans from the fund, the initial
615 capitalization of the fund, and the goals for future
616 capitalization of the fund in subsequent budget years. Revolving
617 loan funds created under this paragraph must be used to expand
618 the total sums and sources of cooperative funding available for
619 the development of alternative water supplies. The Legislature
620 does not intend that the creation of revolving loan funds
621 supplant or otherwise reduce existing sources or amounts of
622 funds currently available through other means.

623 (i) For each utility that receives financial assistance
624 from the state or a water management district for an alternative
625 water supply project, the water management district shall
626 require the appropriate rate-setting authority to develop rate
627 structures for water customers in the service area of the funded
628 utility which will promote the conservation of water and the use
629 of water from alternative water supplies.

630 (j) The governing boards shall establish a process for the
631 disbursal of revenues pursuant to this subsection.

632 (k) All revenues made available pursuant to this subsection
633 must be encumbered annually by the governing board when it
634 approves projects sufficient to expend the available revenues.

635 (l) This subsection is not subject to the rulemaking
636 requirements of chapter 120.

637 (m) By March 1 of each year, as part of the consolidated
638 water management district annual report required under s.

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639 373.036(7), each water management district shall submit a report
640 on the disbursal of all budgeted amounts pursuant to this
641 section. The report must describe all alternative water supply
642 projects funded as well as the quantity of new water to be
643 created as a result of the projects, and shall account
644 separately for any other moneys provided through grants,
645 matching grants, revolving loans, and the use of district lands
646 or facilities to implement regional water supply plans.

647 (n) The Florida Public Service Commission shall allow
648 entities under its jurisdiction which construct or participate
649 in constructing facilities that provide alternative water
650 supplies to recover their full, prudently incurred cost of
651 constructing such facilities through their rate structure. If
652 construction of a facility or participation in construction of a
653 facility is done in furtherance of a regional water supply plan,
654 the costs of construction shall be deemed to be prudently
655 incurred. Every component of an alternative water supply
656 facility constructed by an investor-owned utility shall be
657 recovered in current rates. A state or water management district
658 cost-share arrangement is not subject to the recovery provisions
659 allowed under this paragraph.

660 (9) Funding assistance provided by a water management
661 district for a water reuse system may include the following
662 conditions if a water management district determines that the
663 conditions will encourage water use efficiency:

664 (a) Metering of reclaimed water use for residential
665 irrigation, agricultural irrigation, industrial uses, except for
666 an electric utility as defined in s. 366.02, landscape
667 irrigation, golf course irrigation, irrigation of other public

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668 access areas, commercial and institutional uses such as toilet
669 flushing, and transfers to other reclaimed water utilities.

670 (b) Implementation of reclaimed water rate structures based
671 on actual use of reclaimed water for the reuse activities listed
672 in paragraph (a).

673 (c) Implementation of education programs to inform the
674 public about water issues, water conservation, and the
675 importance and proper use of reclaimed water.

676 (d) Development of location data for key reuse facilities.
677 373.709 Regional water supply planning.—

678 (1) The governing board of each water management district
679 shall conduct water supply planning for any water supply
680 planning region within the water management district identified
681 in the appropriate district water supply plan under s. 373.036,
682 when it determines that existing sources of water are not
683 adequate to supply water for all existing and future reasonable-
684 beneficial uses and to sustain the water resources and related
685 natural systems for the planning period. The planning must be
686 conducted in an open public process, in coordination and
687 cooperation with local governments, regional water supply
688 authorities, government-owned and privately owned water
689 utilities, multijurisdictional water supply entities, self-
690 suppliers, and other affected and interested parties. The water
691 management districts shall actively engage in public education
692 and outreach to all affected local entities and their officials,
693 as well as members of the public. During preparation, but before
694 completion of the regional water supply plan, the water
695 management district must conduct at least one public workshop to
696 discuss the technical data and modeling tools anticipated to be

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697 used to support the regional water supply plan. The district
698 shall also hold several public meetings to communicate the
699 status, overall conceptual intent, and impacts of the plan on
700 existing and future reasonable-beneficial uses and related
701 natural systems. During the planning process, a local government
702 may choose to prepare its own water supply assessment to
703 determine if existing water sources are adequate to meet
704 existing and projected reasonable-beneficial needs of the local
705 government while sustaining water resources and related natural
706 systems. The local government shall submit the assessment,
707 including the data and methodology used, to the water management
708 district. The district shall consider the local government's
709 assessment during the formation of the plan. The governing
710 board's determination that drafting a regional water supply plan
711 for a specific planning region is not needed is subject to a
712 proceeding pursuant to s. 120.569. The governing board shall
713 reevaluate such a determination at least once every 5 years and
714 shall initiate a regional water supply plan, if needed, pursuant
715 to this subsection.

716 (2) Each regional water supply plan shall be based on at
717 least a 20-year planning period and shall include, but is not
718 limited to:

719 (a) A water supply development component for each water
720 supply planning region identified by the water management
721 district which includes:

722 1. A quantification of the water supply needs for all
723 existing and future reasonable-beneficial uses within the
724 planning horizon. The level-of-certainty planning goal
725 associated with identifying the water supply needs of existing

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726 and future reasonable-beneficial uses must be based upon meeting
727 those needs for a 1-in-10-year drought event. Population
728 projections used for determining public water supply needs must
729 be based upon the best available data. In determining the best
730 available data, the district shall consider the medium
731 population projections drafted by the Bureau of Economic and
732 Business Research (BEBR) of the University of Florida and any
733 population projection data and analysis submitted by a local
734 government pursuant to the public workshop described in
735 subsection (1) if the data and analysis support the local
736 government's comprehensive plan. Any adjustment of or deviation
737 from the BEBR projections must be fully described, and the
738 original BEBR data must be presented along with the adjusted
739 data.

740 2. A list of water supply development project options,
741 including traditional and alternative water supply project
742 options, from which local government, government-owned and
743 privately owned utilities, regional water supply authorities,
744 multijurisdictional water supply entities, self-suppliers, and
745 others may choose for water supply development. In addition to
746 projects listed by the district, the users may propose specific
747 projects for inclusion in the list of alternative water supply
748 projects. If the users propose a project to be listed as an
749 alternative water supply project, the district shall determine
750 whether it meets the goals of the plan, and, if so, it shall be
751 included in the list. The total capacity of the projects
752 included in the plan must exceed the needs identified in
753 subparagraph 1. and shall take into account water conservation
754 and other demand-management measures, as well as water resources

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755 constraints, including adopted minimum flows and levels and
756 water reservations. Where the district determines it is
757 appropriate, the plan should specifically identify the need for
758 multijurisdictional approaches to project options that, based on
759 planning level analysis, are appropriate to supply the intended
760 uses and that, based on such analysis, appear to be permissible
761 and financially and technically feasible. The list of water
762 supply development options must contain provisions that
763 recognize that alternative water supply options for agricultural
764 self-suppliers are limited.

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

767 a. An estimate of the amount of water to become available
768 through the project.

769 b. The timeframe in which the project option should be
770 implemented and the estimated planning-level costs for capital
771 investment and operating and maintaining the project.

772 c. An analysis of funding needs and sources of possible
773 funding options. For alternative water supply projects the water
774 management districts shall provide funding assistance in
775 accordance with s. 373.707(8).

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

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

779 1. A listing of those water resource development projects
780 that support water supply development.

781 2. For each water resource development project listed:

782 a. An estimate of the amount of water to become available
783 through the project.

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784 b. The timeframe in which the project option should be
785 implemented and the estimated planning-level costs for capital
786 investment and for operating and maintaining the project.

787 c. An analysis of funding needs and sources of possible
788 funding options.

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

791 (c) The recovery and prevention strategy described in s.
792 373.0421(2).

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

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

802 (f) The technical data and information applicable to each
803 planning region which are necessary to support the regional
804 water supply plan.

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

807 (h) Reservations of water adopted by rule pursuant to s.
808 373.223(4) within each planning region.

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

811 (j) An analysis, developed in cooperation with the
812 department, of areas or instances in which the variance

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813 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
814 create water supply development or water resource development
815 projects.

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

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

834 (5) Governing board approval of a regional water supply
835 plan is not subject to the rulemaking requirements of chapter
836 120. However, any portion of an approved regional water supply
837 plan that affects the substantial interests of a party shall be
838 subject to s. 120.569.

839 (6) Annually and in conjunction with the reporting
840 requirements of s. 373.536(6)(a)4., the department shall submit
841 to the Governor and the Legislature a report on the status of

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842 regional water supply planning in each district. The report
843 shall include:

844 (a) A compilation of the estimated costs of and potential
845 sources of funding for water resource development and water
846 supply development projects as identified in the water
847 management district regional water supply plans.

848 (b) The percentage and amount, by water management
849 district, of district ad valorem tax revenues or other district
850 funds made available to develop alternative water supplies.

851 (c) A description of each water management district's
852 progress toward achieving its water resource development
853 objectives, including the water management district's
854 implementation of its 5-year water resource development work
855 program.

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

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

870 (7) The water supply development component of a regional

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

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

892 (a) Within 6 months after approving or amending its
893 regional water supply plan, each water management district shall
894 notify by certified mail each entity identified in sub-
895 paragraph (2)(a)3.d. of that portion of the plan relevant to
896 the entity. Upon request of such an entity, the water management
897 district shall appear before and present its findings and
898 recommendations to the entity.

899 (b) Within 1 year after notifying a water management

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

924 373.711 Technical assistance to local governments.—

925 (1) The water management districts shall assist local
926 governments in the development and future revision of local
927 government comprehensive plan elements, or the public facilities
928 report as required by s. 189.415, which are related to water

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929 resource issues.

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

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

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

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

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

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

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

956 (g) Information reflecting the minimum flows for surface
957 watercourses to avoid harm to water resources or the ecosystem

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958 and information reflecting the minimum water levels for aquifers
959 to avoid harm to water resources or the ecosystem.

960 373.713 Regional water supply authorities.-

961 (1) By interlocal agreement between counties,
962 municipalities, or special districts, as applicable, pursuant to
963 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and
964 upon the approval of the Secretary of Environmental Protection
965 to ensure that such agreement will be in the public interest and
966 complies with the intent and purposes of this act, regional
967 water supply authorities may be created for the purpose of
968 developing, recovering, storing, and supplying water for county
969 or municipal purposes in such a manner as will give priority to
970 reducing adverse environmental effects of excessive or improper
971 withdrawals of water from concentrated areas. In approving the
972 agreement, the Secretary of Environmental Protection shall
973 consider, without limitation:

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

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

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

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

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987 (e) The effect that a proposed authority may have on any
988 municipality, county, or existing authority or authorities.

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

991 (2) In addition to other powers and duties agreed upon, and
992 notwithstanding the provisions of s. 163.01, the authority 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. A tax
997 authorized by this paragraph may not be levied in any county or
998 municipality without an affirmative vote of the electors
999 residing in the 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 that will apportion to parties and nonparties an equitable
1005 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.

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1016 (f) Issue revenue bonds in the manner prescribed by the
1017 Revenue Bond Act of 1953, as amended, part I of chapter 159, to
1018 be payable solely from funds derived from the sale of water by
1019 the 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 which are subject to
1037 call and termination, and all bonds of said authority which are
1038 not subject to call or redemption, when the surrender of said
1039 bonds can be procured from the holder thereof at prices
1040 satisfactory to the authority. Such refunding bonds may be
1041 issued at any time when, in the judgment of the authority, it
1042 will be to the best interest of the authority financially or
1043 economically by securing a lower rate of interest on said bonds
1044 or by extending the time of maturity of said bonds or, for any

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1045 other reason, in the judgment of the authority, advantageous to
1046 said authority.

1047 (g) Sue and be sued in its own name.

1048 (h) Borrow money and incur indebtedness and issue bonds or
1049 other evidence of such indebtedness.

1050 (i) Join with one or more other public corporations for the
1051 purpose of carrying out any of its powers and for that purpose
1052 to contract with other public corporation or corporations for
1053 the purpose of financing acquisitions, construction, and
1054 operations. The contracts may provide for contributions to be
1055 made by each party thereto, for the division and apportionment
1056 of the expenses of such acquisitions and operations, and for the
1057 division and apportionment of the benefits, services, and
1058 products therefrom. The contract may contain such other and
1059 further covenants and agreements as may be necessary and
1060 convenient to accomplish the purposes hereof.

1061 (3) A regional water supply authority may develop,
1062 construct, operate, maintain, or contract for alternative
1063 sources of potable water, including desalinated water, and
1064 pipelines to interconnect authority sources and facilities, by
1065 itself or jointly with a water management district; however,
1066 such alternative potable water sources, facilities, and
1067 pipelines may also be privately developed, constructed, owned,
1068 operated, and maintained, in which event an authority and a
1069 water management district may pledge and contribute their funds
1070 to reduce the wholesale cost of water from such alternative
1071 sources of potable water supplied by an authority to its member
1072 governments.

1073 (4) When it is found to be in the public interest, for the

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

1090 (5) Each county, special district, or municipality that is
1091 a party to an agreement pursuant to subsection (1) has a
1092 preferential right to purchase water from the regional water
1093 supply authority for use by the county, special district, or
1094 municipality.

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

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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, the authority is exempt
1116 from consideration by the governing board or department of the
1117 factors specified in s. 373.223(3)(a)-(g) and the submissions
1118 required by s. 373.229(3). Such exemptions shall apply only to
1119 water sources within the jurisdictional areas of such voluntary
1120 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 that has a term of not less than
1130 20 years. The interlocal agreement must comply with this
1131 subsection as follows:

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

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

1154 2. A member government may not restrict or prohibit the use
1155 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 3. 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

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1161 agreement.

1162 4. 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 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 residents of the
1169 state.

1170 5. 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 the
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 in
1180 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

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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 the authority shall jointly develop with the Southwest Florida
1204 Water Management District alternative sources of potable water
1205 and transmission pipelines to interconnect regionally
1206 significant water supply sources and facilities of the authority
1207 in amounts sufficient to meet the needs of all member
1208 governments for a period of at least 20 years and for natural
1209 systems. This interlocal agreement does not preclude the
1210 authority and its member governments from developing traditional
1211 water sources pursuant to the voluntary interlocal agreement.
1212 Development and construction costs for alternative source
1213 facilities, which may include a desalination facility and
1214 significant regional interconnects, must be borne as mutually
1215 agreed to by both the authority and the Southwest Florida Water
1216 Management District. The interlocal agreement does not preclude
1217 the authority or the water management district cost sharing with
1218 private entities for the construction or ownership of

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1219 alternative source facilities. The authority and the Southwest
1220 Florida Water Management District shall enter into a mutually
1221 acceptable agreement detailing the development and
1222 implementation of directives contained in this paragraph. This
1223 section does not modify the rights or responsibilities of the
1224 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 if the City of
1235 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; and

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 binds the authority and its member governments in all
1246 matters relating to the funding of wholesale water supply,
1247 production, delivery, and related activities.

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

1257 (3) In lieu of s. 373.713(2) (a), the Southwest Florida
1258 Water Management District shall assist the West Coast Regional
1259 Water Supply Authority for a period of 5 years, terminating
1260 December 31, 1981, by levying an ad valorem tax, upon request of
1261 the authority, of not more than 0.05 mill on all taxable
1262 property within the limits of the authority. During such period
1263 the corresponding basin board ad valorem tax levies shall be
1264 reduced accordingly.

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

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

1275 (6) The authority may, by resolution, request the governing
1276 board of the water management district to levy ad valorem taxes

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1277 within the boundaries of the authority. Upon receipt of the
1278 request, together with formal certification of the adoption of
1279 its annual budget and of the required tax levy, the authority
1280 tax levy shall be made by the governing board of the water
1281 management district to finance authority functions.

1282 (7) The taxes provided for in this section shall be
1283 extended by the property appraiser on the county tax roll in
1284 each county within, or partly within, the authority boundaries
1285 and shall be collected by the tax collector in the same manner
1286 and time as county taxes, and the proceeds therefrom paid to the
1287 water management district which shall forthwith pay them over to
1288 the authority. Until paid, such taxes shall be a lien on the
1289 property against which assessed and enforceable in like manner
1290 as county taxes. The property appraisers, tax collectors, and
1291 clerks of the circuit court of the respective counties shall be
1292 entitled to compensation for services performed in connection
1293 with such taxes at the same rates as apply to county taxes.

1294 (8) The governing board of the water management district is
1295 not responsible for any actions or lack of actions by the
1296 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

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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

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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 ~~s. 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 ~~s. 373.0361~~; with adopted rules
1359 pertaining to designated areas of critical state concern; and
1360 with the state comprehensive plan shall be a major objective of
1361 the local comprehensive planning process. To that end, in the
1362 preparation of a comprehensive plan or element thereof, and in
1363 the comprehensive plan or element as adopted, the governing body

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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

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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 ~~s. 373.0361(2)(a)~~ or proposed by the local government under s.
1396 373.709(7)(b) ~~s. 373.0361(8)(b)~~. If a local government is
1397 located within two water management districts, the local
1398 government shall adopt its comprehensive plan amendment within
1399 18 months after the later updated regional water supply plan.
1400 The element must identify such alternative water supply projects
1401 and traditional water supply projects and conservation and reuse
1402 necessary to meet the water needs identified in s. 373.709(2)(a)
1403 ~~s. 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.

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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 ~~s. 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

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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 ~~s.~~
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 provide
1466 procedures to identify and implement joint planning areas,
1467 especially for the purpose of annexation, municipal
1468 incorporation, and joint infrastructure service areas.

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

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

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

1479 2. The intergovernmental coordination element shall further

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1480 state principles and guidelines to be used in the accomplishment
1481 of coordination of the adopted comprehensive plan with the plans
1482 of school boards and other units of local government providing
1483 facilities and services but not having regulatory authority over
1484 the use of land. In addition, the intergovernmental coordination
1485 element shall describe joint processes for collaborative
1486 planning and decisionmaking on population projections and public
1487 school siting, the location and extension of public facilities
1488 subject to concurrency, and siting facilities with countywide
1489 significance, including locally unwanted land uses whose nature
1490 and identity are established in an agreement. Within 1 year of
1491 adopting their intergovernmental coordination elements, each
1492 county, all the municipalities within that county, the district
1493 school board, and any unit of local government service providers
1494 in that county shall establish by interlocal or other formal
1495 agreement executed by all affected entities, the joint processes
1496 described in this subparagraph consistent with their adopted
1497 intergovernmental coordination elements.

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

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

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1509 government and school board is pursuant to the agreement and
1510 shall state the obligations of the local government under the
1511 agreement.

1512 b. Plan amendments that comply with this subparagraph are
1513 exempt from the provisions of s. 163.3187(1).

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

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

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

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

1535 7. Within 6 months after submission of the report, the
1536 Department of Community Affairs shall, through the appropriate
1537 regional planning council, coordinate a meeting of all local

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1538 governments within the regional planning area to discuss the
1539 reports and potential strategies to remedy any identified
1540 deficiencies or duplications.

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

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

1548 163.3191 Evaluation and appraisal of comprehensive plan.—

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

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

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

1566 189.404 Legislative intent for the creation of independent

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1567 special districts; special act prohibitions; model elements and
 1568 other requirements; general-purpose local government/Governor
 1569 and Cabinet creation authorizations.—

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

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

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

1584 2. Any combination of two or more counties or
 1585 municipalities may create a regional special district which
 1586 shall be established in accordance with s. 373.709 ~~s. 373.1962~~,
 1587 or as otherwise authorized by general law.

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

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

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

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1596 (3) The provisions of this section shall not apply to water
1597 management districts created pursuant to s. 373.069, to regional
1598 water supply authorities created pursuant to s. 373.713 ~~s.~~
1599 ~~373.1962~~, or to spoil disposal sites owned or used by the
1600 Federal Government.

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

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

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

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

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

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

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

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

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1625 ~~373.0361.~~

1626 Section 11. Subsection (2) of section 373.0421, Florida
1627 Statutes, is amended to read:

1628 373.0421 Establishment and implementation of minimum flows
1629 and levels.—

1630 (2) If the existing flow or level in a water body is below,
1631 or is projected to fall within 20 years below, the applicable
1632 minimum flow or level established pursuant to s. 373.042, the
1633 department or governing board, as part of the regional water
1634 supply plan described in s. 373.709 ~~s. 373.0361~~, shall
1635 expeditiously implement a recovery or prevention strategy, which
1636 includes the development of additional water supplies and other
1637 actions, consistent with the authority granted by this chapter,
1638 to:

1639 (a) Achieve recovery to the established minimum flow or
1640 level as soon as practicable; or

1641 (b) Prevent the existing flow or level from falling below
1642 the established minimum flow or level.

1643
1644 The recovery or prevention strategy shall include phasing or a
1645 timetable which will allow for the provision of sufficient water
1646 supplies for all existing and projected reasonable-beneficial
1647 uses, including development of additional water supplies and
1648 implementation of conservation and other efficiency measures
1649 concurrent with, to the extent practical, and to offset,
1650 reductions in permitted withdrawals, consistent with the
1651 provisions of this chapter.

1652 Section 12. Subsection (4) of section 373.0695, Florida
1653 Statutes, is amended to read:

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1654 373.0695 Duties of basin boards; authorized expenditures.-

1655 (4) In the exercise of the duties and powers granted
1656 herein, the basin boards shall be subject to all the limitations
1657 and restrictions imposed on the water management districts in s.
1658 373.703 ~~s. 373.1961~~.

1659 Section 13. Subsections (3) and (5) of section 373.223,
1660 Florida Statutes, are amended to read:

1661 373.223 Conditions for a permit.-

1662 (3) Except for the transport and use of water supplied by
1663 the Central and Southern Florida Flood Control Project, and
1664 anywhere in the state when the transport and use of water is
1665 supplied exclusively for bottled water as defined in s.
1666 500.03(1)(d), any water use permit applications pending as of
1667 April 1, 1998, with the Northwest Florida Water Management
1668 District and self-suppliers of water for which the proposed
1669 water source and area of use or application are located on
1670 contiguous private properties, when evaluating whether a
1671 potential transport and use of ground or surface water across
1672 county boundaries is consistent with the public interest,
1673 pursuant to paragraph (1)(c), the governing board or department
1674 shall consider:

1675 (a) The proximity of the proposed water source to the area
1676 of use or application.

1677 (b) All impoundments, streams, groundwater sources, or
1678 watercourses that are geographically closer to the area of use
1679 or application than the proposed source, and that are
1680 technically and economically feasible for the proposed transport
1681 and use.

1682 (c) All economically and technically feasible alternatives

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1683 to the proposed source, including, but not limited to,
1684 desalination, conservation, reuse of nonpotable reclaimed water
1685 and stormwater, and aquifer storage and recovery.

1686 (d) The potential environmental impacts that may result
1687 from the transport and use of water from the proposed source,
1688 and the potential environmental impacts that may result from use
1689 of the other water sources identified in paragraphs (b) and (c).

1690 (e) Whether existing and reasonably anticipated sources of
1691 water and conservation efforts are adequate to supply water for
1692 existing legal uses and reasonably anticipated future needs of
1693 the water supply planning region in which the proposed water
1694 source is located.

1695 (f) Consultations with local governments affected by the
1696 proposed transport and use.

1697 (g) The value of the existing capital investment in water-
1698 related infrastructure made by the applicant.

1699

1700 Where districtwide water supply assessments and regional water
1701 supply plans have been prepared pursuant to ss. 373.036 and
1702 373.709 ~~373.0361~~, the governing board or the department shall
1703 use the applicable plans and assessments as the basis for its
1704 consideration of the applicable factors in this subsection.

1705 (5) In evaluating an application for consumptive use of
1706 water which proposes the use of an alternative water supply
1707 project as described in the regional water supply plan and
1708 provides reasonable assurances of the applicant's capability to
1709 design, construct, operate, and maintain the project, the
1710 governing board or department shall presume that the alternative
1711 water supply use is consistent with the public interest under

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1712 paragraph (1)(c). However, where the governing board identifies
 1713 the need for a multijurisdictional water supply entity or
 1714 regional water supply authority to develop the alternative water
 1715 supply project pursuant to s. 373.709(2)(a)2. ~~s.~~
 1716 ~~373.0361(2)(a)2.~~, the presumption shall be accorded only to that
 1717 use proposed by such entity or authority. This subsection does
 1718 not affect ~~effect~~ evaluation of the use pursuant to the
 1719 provisions of paragraphs (1)(a) and (b), subsections (2) and
 1720 (3), and ss. 373.2295 and 373.233.

1721 Section 14. Section 373.2234, Florida Statutes, is amended
 1722 to read:

1723 373.2234 Preferred water supply sources.—The governing
 1724 board of a water management district is authorized to adopt
 1725 rules that identify preferred water supply sources for
 1726 consumptive uses for which there is sufficient data to establish
 1727 that a preferred source will provide a substantial new water
 1728 supply to meet the existing and projected reasonable-beneficial
 1729 uses of a water supply planning region identified pursuant to s.
 1730 373.709(1) ~~s. 373.0361(1)~~, while sustaining existing water
 1731 resources and natural systems. At a minimum, such rules must
 1732 contain a description of the preferred water supply source and
 1733 an assessment of the water the preferred source is projected to
 1734 produce. If an applicant proposes to use a preferred water
 1735 supply source, that applicant's proposed water use is subject to
 1736 s. 373.223(1), except that the proposed use of a preferred water
 1737 supply source must be considered by a water management district
 1738 when determining whether a permit applicant's proposed use of
 1739 water is consistent with the public interest pursuant to s.
 1740 373.223(1)(c). A consumptive use permit issued for the use of a

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1741 preferred water supply source must be granted, when requested by
1742 the applicant, for at least a 20-year period and may be subject
1743 to the compliance reporting provisions of s. 373.236(4). Nothing
1744 in this section shall be construed to exempt the use of
1745 preferred water supply sources from the provisions of ss.
1746 373.016(4) and 373.223(2) and (3), or be construed to provide
1747 that permits issued for the use of a nonpreferred water supply
1748 source must be issued for a duration of less than 20 years or
1749 that the use of a nonpreferred water supply source is not
1750 consistent with the public interest. Additionally, nothing in
1751 this section shall be interpreted to require the use of a
1752 preferred water supply source or to restrict or prohibit the use
1753 of a nonpreferred water supply source. Rules adopted by the
1754 governing board of a water management district to implement this
1755 section shall specify that the use of a preferred water supply
1756 source is not required and that the use of a nonpreferred water
1757 supply source is not restricted or prohibited.

1758 Section 15. Subsection (3) of section 373.229, Florida
1759 Statutes, is amended to read:

1760 373.229 Application for permit.—

1761 (3) In addition to the information required in subsection
1762 (1), all permit applications filed with the governing board or
1763 the department which propose the transport and use of water
1764 across county boundaries shall include information pertaining to
1765 factors to be considered, pursuant to s. 373.223(3), unless
1766 exempt under s. 373.713(9) ~~s. 373.1962(9)~~.

1767 Section 16. Paragraph (a) of subsection (6) of section
1768 373.536, Florida Statutes, is amended to read:

1769 373.536 District budget and hearing thereon.—

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1770 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1771 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1772 (a) Each district must, by the date specified for each
1773 item, furnish copies of the following documents to the Governor,
1774 the President of the Senate, the Speaker of the House of
1775 Representatives, the chairs of all legislative committees and
1776 subcommittees having substantive or fiscal jurisdiction over the
1777 districts, as determined by the President of the Senate or the
1778 Speaker of the House of Representatives as applicable, the
1779 secretary of the department, and the governing board of each
1780 county in which the district has jurisdiction or derives any
1781 funds for the operations of the district:

1782 1. The adopted budget, to be furnished within 10 days after
1783 its adoption.

1784 2. A financial audit of its accounts and records, to be
1785 furnished within 10 days after its acceptance by the governing
1786 board. The audit must be conducted in accordance with the
1787 provisions of s. 11.45 and the rules adopted thereunder. In
1788 addition to the entities named above, the district must provide
1789 a copy of the audit to the Auditor General within 10 days after
1790 its acceptance by the governing board.

1791 3. A 5-year capital improvements plan, to be included in
1792 the consolidated annual report required by s. 373.036(7). The
1793 plan must include expected sources of revenue for planned
1794 improvements and must be prepared in a manner comparable to the
1795 fixed capital outlay format set forth in s. 216.043.

1796 4. A 5-year water resource development work program to be
1797 furnished within 30 days after the adoption of the final budget.
1798 The program must describe the district's implementation strategy

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1799 for the water resource development component of each approved
1800 regional water supply plan developed or revised under s. 373.709
1801 ~~s. 373.0361~~. The work program must address all the elements of
1802 the water resource development component in the district's
1803 approved regional water supply plans and must identify which
1804 projects in the work program will provide water, explain how
1805 each water resource development project will produce additional
1806 water available for consumptive uses, estimate the quantity of
1807 water to be produced by each project, and provide an assessment
1808 of the contribution of the district's regional water supply
1809 plans in providing sufficient water to meet the water supply
1810 needs of existing and future reasonable-beneficial uses for a 1-
1811 in-10-year drought event. Within 30 days after its submittal,
1812 the department shall review the proposed work program and submit
1813 its findings, questions, and comments to the district. The
1814 review must include a written evaluation of the program's
1815 consistency with the furtherance of the district's approved
1816 regional water supply plans, and the adequacy of proposed
1817 expenditures. As part of the review, the department shall give
1818 interested parties the opportunity to provide written comments
1819 on each district's proposed work program. Within 45 days after
1820 receipt of the department's evaluation, the governing board
1821 shall state in writing to the department which changes
1822 recommended in the evaluation it will incorporate into its work
1823 program submitted as part of the March 1 consolidated annual
1824 report required by s. 373.036(7) or specify the reasons for not
1825 incorporating the changes. The department shall include the
1826 district's responses in a final evaluation report and shall
1827 submit a copy of the report to the Governor, the President of

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1828 the Senate, and the Speaker of the House of Representatives.

1829 Section 17. Subsection (11) of section 373.59, Florida
1830 Statutes, is amended to read:

1831 373.59 Water Management Lands Trust Fund.—

1832 (11) Notwithstanding any provision of this section to the
1833 contrary, the governing board of a water management district may
1834 request, and the Secretary of Environmental Protection shall
1835 release upon such request, moneys allocated to the districts
1836 pursuant to subsection (8) for purposes consistent with the
1837 provisions of s. 373.709, s. 373.705, ~~s. 373.0361, s. 373.0831,~~
1838 s. 373.139, or ss. 373.451-373.4595 and for legislatively
1839 authorized land acquisition and water restoration initiatives.
1840 No funds may be used pursuant to this subsection until necessary
1841 debt service obligations, requirements for payments in lieu of
1842 taxes, and land management obligations that may be required by
1843 this chapter are provided for.

1844 Section 18. Paragraph (g) of subsection (1) of section
1845 378.212, Florida Statutes, is amended to read:

1846 378.212 Variances.—

1847 (1) Upon application, the secretary may grant a variance
1848 from the provisions of this part or the rules adopted pursuant
1849 thereto. Variances and renewals thereof may be granted for any
1850 one of the following reasons:

1851 (g) To accommodate reclamation that provides water supply
1852 development or water resource development not inconsistent with
1853 the applicable regional water supply plan approved pursuant to
1854 s. 373.709 ~~s. 373.0361~~, provided adverse impacts are not caused
1855 to the water resources in the basin. A variance may also be
1856 granted from the requirements of part IV of chapter 373, or the

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1857 rules adopted thereunder, when a project provides an improvement
1858 in water availability in the basin and does not cause adverse
1859 impacts to water resources in the basin.

1860 Section 19. Subsection (9) of section 378.404, Florida
1861 Statutes, is amended to read:

1862 378.404 Department of Environmental Protection; powers and
1863 duties.—The department shall have the following powers and
1864 duties:

1865 (9) To grant variances from the provisions of this part to
1866 accommodate reclamation that provides for water supply
1867 development or water resource development not inconsistent with
1868 the applicable regional water supply plan approved pursuant to
1869 s. 373.709 ~~s. 373.0361~~, appropriate stormwater management,
1870 improved wildlife habitat, recreation, or a mixture thereof,
1871 provided adverse impacts are not caused to the water resources
1872 in the basin and public health and safety are not adversely
1873 affected.

1874 Section 20. Paragraph (a) of subsection (3) of section
1875 403.0891, Florida Statutes, is amended to read:

1876 403.0891 State, regional, and local stormwater management
1877 plans and programs.—The department, the water management
1878 districts, and local governments shall have the responsibility
1879 for the development of mutually compatible stormwater management
1880 programs.

1881 (3) (a) Each local government required by chapter 163 to
1882 submit a comprehensive plan, whose plan is submitted after July
1883 1, 1992, and the others when updated after July 1, 1992, in the
1884 development of its stormwater management program described by
1885 elements within its comprehensive plan shall consider the water

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1886 resource implementation rule, district stormwater management
1887 goals, plans approved pursuant to the Surface Water Improvement
1888 and Management Act, ss. 373.451-373.4595, and technical
1889 assistance information provided by the water management
1890 districts pursuant to s. 373.711 ~~s. 373.0391~~.

1891 Section 21. Paragraph (a) of subsection (1) and paragraph
1892 (a) of subsection (2) of section 403.890, Florida Statutes, are
1893 amended to read:

1894 403.890 Water Protection and Sustainability Program;
1895 intent; goals; purposes.—

1896 (1) Effective July 1, 2006, revenues transferred from the
1897 Department of Revenue pursuant to s. 201.15(1)(c)2. shall be
1898 deposited into the Water Protection and Sustainability Program
1899 Trust Fund in the Department of Environmental Protection. These
1900 revenues and any other additional revenues deposited into or
1901 appropriated to the Water Protection and Sustainability Program
1902 Trust Fund shall be distributed by the Department of
1903 Environmental Protection in the following manner:

1904 (a) Sixty percent to the Department of Environmental
1905 Protection for the implementation of an alternative water supply
1906 program as provided in s. 373.703 ~~s. 373.1961~~.

1907 (2) Applicable beginning in the 2007-2008 fiscal year,
1908 revenues transferred from the Department of Revenue pursuant to
1909 s. 201.15(1)(c)2. shall be deposited into the Water Protection
1910 and Sustainability Program Trust Fund in the Department of
1911 Environmental Protection. These revenues and any other
1912 additional revenues deposited into or appropriated to the Water
1913 Protection and Sustainability Program Trust Fund shall be
1914 distributed by the Department of Environmental Protection in the

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1915 following manner:

1916 (a) Sixty-five percent to the Department of Environmental
1917 Protection for the implementation of an alternative water supply
1918 program as provided in s. 373.709 ~~s. 373.1961~~.

1919 Section 22. Section 682.02, Florida Statutes, is amended to
1920 read:

1921 682.02 Arbitration agreements made valid, irrevocable, and
1922 enforceable; scope.—Two or more parties may agree in writing to
1923 submit to arbitration any controversy existing between them at
1924 the time of the agreement, or they may include in a written
1925 contract a provision for the settlement by arbitration of any
1926 controversy thereafter arising between them relating to such
1927 contract or the failure or refusal to perform the whole or any
1928 part thereof. This section also applies to written interlocal
1929 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
1930 more parties agree to submit to arbitration any controversy
1931 between them concerning water use permit applications and other
1932 matters, regardless of whether or not the water management
1933 district with jurisdiction over the subject application is a
1934 party to the interlocal agreement or a participant in the
1935 arbitration. Such agreement or provision shall be valid,
1936 enforceable, and irrevocable without regard to the justiciable
1937 character of the controversy; provided that this act shall not
1938 apply to any such agreement or provision to arbitrate in which
1939 it is stipulated that this law shall not apply or to any
1940 arbitration or award thereunder.

1941 Section 23. Section 373.71, Florida Statutes, is renumbered
1942 as section 373.69, Florida Statutes.

1943 Section 24. Sections 373.0361, 373.0391, 373.0831, 373.196,

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1944 373.1961, 373.1962, and 373.1963, Florida Statutes, are
1945 repealed.

1946 Section 25. This act shall take effect July 1, 2010.