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Proposed Committee Substitute by the Committee on Environmental  
Preservation and Conservation

A bill to be entitled

An act relating to Environmental Protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; amending s. 11.45, F.S.; amending s. 120.52, F.S.; amending s. 163.3167, F.S.; amending s. 163.3177, F.S.; amending s. 163.3191, F.S.; amending s. 189.404, F.S.; amending s. 189.4155, F.S.; amending s. 189.4156, F.S.; amending s. 215.47, F.S.; amending s. 215.619, F.S.; amending s. 259.105, F.S.; amending s. 298.66, amending s. 367.021, F.S.; amending s. 369.317, F.S.; amending s. 373.019, F.S.; amending s. 373.036, F.S.; amending s. 373.0363, F.S.; amending s. 373.0421, F.S.; amending s. 373.0695, F.S. amending s. 373.079, F.S.; amending s. 373.083, F.S.; amending s. 373.118, amending s. 373.129, F.S. amending s. 373.223, amending s. 373.2234, F.S.; amending s. 373.229, F.S. amending s. 373.236, F.S. amending s. 373.4131, F.S. amending s. 373.536, F.S.; amending s. 373.59, F.S.; amending s. 378.212, F.S.; amending s. 378.404, F.S.; amending s. 380.0552, F.S.; amending s. 381.0065, F.S.; amending s. 381.00655, F.S.; amending s. 381.0066, F.S.; amending s. 403.031, F.S.; amending s. 403.061, F.S.; amending s. 403.086, amending s. 403.0891, F.S.; amending s. 403.1835, F.S.; amending s. 403.1837, F.S.; amending s. 403.707, F.S.; amending s. 403.8532, F.S.; amending s. 403.8533, F.S.; amending s. 403.890, F.S.; amending s. 403.891, F.S.; amending s. 553.77, F.S.; amending s. 682.02, F.S.; amending 212.054, F.S.; repealing s. 373.0361, F.S.; repealing s 373.0391, F.S.; repealing s. 373.0831, F.S.; repealing s. 373.196, F.S.; repealing s.



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28 373.1961, F.S.; repealing s. 373.1962, F.S.; repealing s.  
29 373.1963; repealing ss. 4,5,6, of ch. 99-395, L.O.F.; creating  
30 s. 373.631, F.S.; creating s. 403.0675, F.S.; providing an  
31 effect date.

32  
33  
34 Be It Enacted by the Legislature of the State of Florida:

35  
36 Section 1. Part VII of ch. 373, Florida Statutes,  
37 consisting of sections 373.701, 373.703, 373.705, 373.707,  
38 373.709, 373.711, 373.713, 373.715 is created to read:

39  
40 PART VII

41 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

42 373.701 Declaration of policy.—It is declared to be the  
43 policy of the Legislature:

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

47 (2) (a) Because water constitutes a public resource  
48 benefiting the entire state, it is the policy of the Legislature  
49 that the waters in the state be managed on a state and regional  
50 basis. Consistent with this directive, the Legislature  
51 recognizes the need to allocate water throughout the state so as  
52 to meet all reasonable-beneficial uses. However, the Legislature  
53 acknowledges that such allocations have in the past adversely  
54 affected the water resources of certain areas in this state. To  
55 protect such water resources and to meet the current and future  
56 needs of those areas with abundant water, the Legislature



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57 directs the department and the water management districts to  
58 encourage the use of water from sources nearest the area of use  
59 or application whenever practicable. Such sources shall include  
60 all naturally occurring water sources and all alternative water  
61 sources, including, but not limited to, desalination,  
62 conservation, reuse of nonpotable reclaimed water and  
63 stormwater, and aquifer storage and recovery. Reuse of potable  
64 reclaimed water and stormwater shall not be subject to the  
65 evaluation described in s. 373.223(3)(a)-(g). However, this  
66 directive to encourage the use of water, whenever practicable,  
67 from sources nearest the area of use or application shall not  
68 apply to the transport and direct and indirect use of water  
69 within the area encompassed by the Central and Southern Florida  
70 Flood Control Project, nor shall it apply anywhere in the state  
71 to the transport and use of water supplied exclusively for  
72 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
73 to the transport and use of reclaimed water for electrical power  
74 production by an electric utility as defined in s. 366.02(2).

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

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



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86 limited to, withdrawals of surface water and groundwater, reuse,  
87 and desalination and will necessitate not only cooperation but  
88 also well-coordinated activities. Municipalities, counties, and  
89 special districts are encouraged to create regional water supply  
90 authorities as authorized in s. 373.713 or multijurisdictional  
91 water supply entities.

92 373.703 Water production; powers and duties.—In the  
93 performance of, and in conjunction with, its other powers and  
94 duties, the governing board of a water management district  
95 existing pursuant to this chapter:

96 (1) Shall engage in planning to assist counties,  
97 municipalities, special districts, publicly owned and privately  
98 owned water utilities, multijurisdictional water supply  
99 entities, or regional water supply authorities in meeting water  
100 supply needs in such manner as will give priority to encouraging  
101 conservation and reducing adverse environmental effects of  
102 improper or excessive withdrawals of water from concentrated  
103 areas. As used in this section and s. 373.707, regional water  
104 supply authorities are regional water authorities created under  
105 s. 373.713 or other laws of this state.

106 (2) Shall assist counties, municipalities, special  
107 districts, publicly owned or privately owned water utilities,  
108 multijurisdictional water supply entities, or regional water  
109 supply authorities in meeting water supply needs in such manner  
110 as will give priority to encouraging conservation and reducing  
111 adverse environmental effects of improper or excessive  
112 withdrawals of water from concentrated areas.

113 (3) May establish, design, construct, operate, and maintain  
114 water production and transmission facilities for the purpose of



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115 supplying water to counties, municipalities, special districts,  
116 publicly owned and privately owned water utilities,  
117 multijurisdictional water supply entities, or regional water  
118 supply authorities. The permit required by part II of this  
119 chapter for a water management district engaged in water  
120 production and transmission shall be granted, denied, or granted  
121 with conditions by the department.

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

123 (5) Shall not deprive, directly or indirectly, any county  
124 wherein water is withdrawn of the prior right to the reasonable  
125 and beneficial use of water which is required to supply  
126 adequately the reasonable and beneficial needs of the county or  
127 any of the inhabitants or property owners therein.

128 (6) May provide water and financial assistance to regional  
129 water supply authorities, but may not provide water to counties  
130 and municipalities which are located within the area of such  
131 authority without the specific approval of the authority or, in  
132 the event of the authority's disapproval, the approval of the  
133 Governor and Cabinet sitting as the Land and Water Adjudicatory  
134 Commission. The district may supply water at rates and upon  
135 terms mutually agreed to by the parties or, if they do not  
136 agree, as set by the governing board and specifically approved  
137 by the Governor and Cabinet sitting as the Land and Water  
138 Adjudicatory Commission.

139 (7) May acquire title to such interest as is necessary in  
140 real property, by purchase, gift, devise, lease, eminent domain,  
141 or otherwise, for water production and transmission consistent  
142 with this section and s. 373.707. However, the district shall  
143 not use any of the eminent domain powers herein granted to



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144 acquire water and water rights already devoted to reasonable and  
145 beneficial use or any water production or transmission  
146 facilities owned by any county, municipality, or regional water  
147 supply authority. The district may exercise eminent domain  
148 powers outside of its district boundaries for the acquisition of  
149 pumpage facilities, storage areas, transmission facilities, and  
150 the normal appurtenances thereto, provided that at least 45 days  
151 prior to the exercise of eminent domain, the district notifies  
152 the district where the property is located after public notice  
153 and the district where the property is located does not object  
154 within 45 days after notification of such exercise of eminent  
155 domain authority.

156 (8) In addition to the power to issue revenue bonds  
157 pursuant to s. 373.584, may issue revenue bonds for the purposes  
158 of paying the costs and expenses incurred in carrying out the  
159 purposes of this chapter or refunding obligations of the  
160 district issued pursuant to this section. Such revenue bonds  
161 shall be secured by, and be payable from, revenues derived from  
162 the operation, lease, or use of its water production and  
163 transmission facilities and other water-related facilities and  
164 from the sale of water or services relating thereto. Such  
165 revenue bonds may not be secured by, or be payable from, moneys  
166 derived by the district from the Water Management Lands Trust  
167 Fund or from ad valorem taxes received by the district. All  
168 provisions of s. 373.584 relating to the issuance of revenue  
169 bonds which are not inconsistent with this section shall apply  
170 to the issuance of revenue bonds pursuant to this section. The  
171 district may also issue bond anticipation notes in accordance  
172 with the provisions of s. 373.584.



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173           (9) May join with one or more other water management  
174 districts, counties, municipalities, special districts, publicly  
175 owned or privately owned water utilities, multijurisdictional  
176 water supply entities, or regional water supply authorities for  
177 the purpose of carrying out any of its powers, and may contract  
178 with such other entities to finance acquisitions, construction,  
179 operation, and maintenance. The contract may provide for  
180 contributions to be made by each party thereto, for the division  
181 and apportionment of the expenses of acquisitions, construction,  
182 operation, and maintenance, and for the division and  
183 apportionment of the benefits, services, and products therefrom.  
184 The contracts may contain other covenants and agreements  
185 necessary and appropriate to accomplish their purposes.

186           373.705 Water resource development; water supply  
187 development.—

188           (1) The Legislature finds that:

189           (a) The proper role of the water management districts in  
190 water supply is primarily planning and water resource  
191 development, but this does not preclude them from providing  
192 assistance with water supply development.

193           (b) The proper role of local government, regional water  
194 supply authorities, and government-owned and privately owned  
195 water utilities in water supply is primarily water supply  
196 development, but this does not preclude them from providing  
197 assistance with water resource development.

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



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202       (2) It is the intent of the Legislature that:  
203       (a) Sufficient water be available for all existing and  
204 future reasonable-beneficial uses and the natural systems, and  
205 that the adverse effects of competition for water supplies be  
206 avoided.  
207       (b) Water management districts take the lead in identifying  
208 and implementing water resource development projects, and be  
209 responsible for securing necessary funding for regionally  
210 significant water resource development projects.  
211       (c) Local governments, regional water supply authorities,  
212 and government-owned and privately owned water utilities take  
213 the lead in securing funds for and implementing water supply  
214 development projects. Generally, direct beneficiaries of water  
215 supply development projects should pay the costs of the projects  
216 from which they benefit, and water supply development projects  
217 should continue to be paid for through local funding sources.  
218       (d) Water supply development be conducted in coordination  
219 with water management district regional water supply planning  
220 and water resource development.  
221       (3) The water management districts shall fund and implement  
222 water resource development as defined in s. 373.019. The water  
223 management districts are encouraged to implement water resource  
224 development as expeditiously as possible in areas subject to  
225 regional water supply plans. Each governing board shall include  
226 in its annual budget the amount needed for the fiscal year to  
227 implement water resource development projects, as prioritized in  
228 its regional water supply plans.  
229       (4) (a) Water supply development projects which are  
230 consistent with the relevant regional water supply plans and





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231 which meet one or more of the following criteria shall receive  
232 priority consideration for state or water management district  
233 funding assistance:

234 1. The project supports establishment of a dependable,  
235 sustainable supply of water which is not otherwise financially  
236 feasible;

237 2. The project provides substantial environmental benefits  
238 by preventing or limiting adverse water resource impacts, but  
239 requires funding assistance to be economically competitive with  
240 other options; or

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

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

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

250 2. The project implements reuse that assists in the  
251 elimination of domestic wastewater ocean outfalls as provided in  
252 s. 403.086(9).

253 373.707 Alternative water supply development.-

254 (1) The purpose of this section is to encourage cooperation  
255 in the development of water supplies and to provide for  
256 alternative water supply development.

257 (a) Demands on natural supplies of fresh water to meet the  
258 needs of a rapidly growing population and the needs of the  
259 environment, agriculture, industry, and mining will continue to



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260 increase.

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

264 (c) Cooperative efforts between municipalities, counties,  
265 special districts, water management districts, and the  
266 Department of Environmental Protection are mandatory in order to  
267 meet the water needs of rapidly urbanizing areas in a manner  
268 that will supply adequate and dependable supplies of water where  
269 needed without resulting in adverse effects upon the areas from  
270 which such water is withdrawn. Such efforts should use all  
271 practical means of obtaining water, including, but not limited  
272 to, withdrawals of surface water and groundwater, reuse, and  
273 desalinization, and will necessitate not only cooperation but  
274 also well-coordinated activities. Municipalities, counties, and  
275 special districts are encouraged to create regional water supply  
276 authorities as authorized in s. 373.713 or multijurisdictional  
277 water supply entities.

278 (d) Alternative water supply development must receive  
279 priority funding attention to increase the available supplies of  
280 water to meet all existing and future reasonable-beneficial uses  
281 and to benefit the natural systems.

282 (e) Cooperation between counties, municipalities, regional  
283 water supply authorities, multijurisdictional water supply  
284 entities, special districts, and publicly owned and privately  
285 owned water utilities in the development of countywide and  
286 multicountywide alternative water supply projects will allow for  
287 necessary economies of scale and efficiencies to be achieved in  
288 order to accelerate the development of new, dependable, and



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289 sustainable alternative water supplies.

290 (f) It is in the public interest that county, municipal,  
291 industrial, agricultural, and other public and private water  
292 users, the Department of Environmental Protection, and the water  
293 management districts cooperate and work together in the  
294 development of alternative water supplies to avoid the adverse  
295 effects of competition for limited supplies of water. Public  
296 moneys or services provided to private entities for alternative  
297 water supply development may constitute public purposes that  
298 also are in the public interest.

299 (2) (a) Sufficient water must be available for all existing  
300 and future reasonable-beneficial uses and the natural systems,  
301 and the adverse effects of competition for water supplies must  
302 be avoided.

303 (b) Water supply development and alternative water supply  
304 development must be conducted in coordination with water  
305 management district regional water supply planning.

306 (c) Funding for the development of alternative water  
307 supplies shall be a shared responsibility of water suppliers and  
308 users, the State of Florida, and the water management districts,  
309 with water suppliers and users having the primary responsibility  
310 and the State of Florida and the water management districts  
311 being responsible for providing funding assistance.

312 (3) The primary roles of the water management districts in  
313 water resource development as it relates to supporting  
314 alternative water supply development are:

315 (a) The formulation and implementation of regional water  
316 resource management strategies that support alternative water  
317 supply development;



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318       (b) The collection and evaluation of surface water and  
319 groundwater data to be used for a planning level assessment of  
320 the feasibility of alternative water supply development  
321 projects;

322       (c) The construction, operation, and maintenance of major  
323 public works facilities for flood control, surface and  
324 underground water storage, and groundwater recharge augmentation  
325 to support alternative water supply development;

326       (d) Planning for alternative water supply development as  
327 provided in regional water supply plans in coordination with  
328 local governments, regional water supply authorities,  
329 multijurisdictional water supply entities, special districts,  
330 and publicly owned and privately owned water utilities and self-  
331 suppliers;

332       (e) The formulation and implementation of structural and  
333 nonstructural programs to protect and manage water resources in  
334 support of alternative water supply projects; and

335       (f) The provision of technical and financial assistance to  
336 local governments and publicly owned and privately owned water  
337 utilities for alternative water supply projects.

338       (4) The primary roles of local government, regional water  
339 supply authorities, multijurisdictional water supply entities,  
340 special districts, and publicly owned and privately owned water  
341 utilities in alternative water supply development shall be:

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

344           (b) The formulation and implementation of alternative water  
345 supply development strategies and programs;

346           (c) The planning, design, construction, operation, and



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347 maintenance of facilities to collect, divert, produce, treat,  
348 transmit, and distribute water for sale, resale, or end use; and

349 (d) The coordination of alternative water supply  
350 development activities with the appropriate water management  
351 district having jurisdiction over the activity.

352 (5) Nothing in this section shall be construed to preclude  
353 the various special districts, municipalities, and counties from  
354 continuing to operate existing water production and transmission  
355 facilities or to enter into cooperative agreements with other  
356 special districts, municipalities, and counties for the purpose  
357 of meeting their respective needs for dependable and adequate  
358 supplies of water; however, the obtaining of water through such  
359 operations shall not be done in a manner that results in adverse  
360 effects upon the areas from which such water is withdrawn.

361 (6) (a) The statewide funds provided pursuant to the Water  
362 Protection and Sustainability Program serve to supplement  
363 existing water management district or basin board funding for  
364 alternative water supply development assistance and should not  
365 result in a reduction of such funding. Therefore, the water  
366 management districts shall include in the annual tentative and  
367 adopted budget submittals required under this chapter the amount  
368 of funds allocated for water resource development that supports  
369 alternative water supply development and the funds allocated for  
370 alternative water supply projects selected for inclusion in the  
371 Water Protection and Sustainability Program. It shall be the  
372 goal of each water management district and basin boards that the  
373 combined funds allocated annually for these purposes be, at a  
374 minimum, the equivalent of 100 percent of the state funding  
375 provided to the water management district for alternative water



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376 supply development. If this goal is not achieved, the water  
377 management district shall provide in the budget submittal an  
378 explanation of the reasons or constraints that prevent this goal  
379 from being met, an explanation of how the goal will be met in  
380 future years, and affirmation of match is required during the  
381 budget review process as established under s. 373.536(5). The  
382 Suwannee River Water Management District and the Northwest  
383 Florida Water Management District shall not be required to meet  
384 the match requirements of this paragraph; however, they shall  
385 try to achieve the match requirement to the greatest extent  
386 practicable.

387 (b) State funds from the Water Protection and  
388 Sustainability Program created in s. 403.890 shall be made  
389 available for financial assistance for the project construction  
390 costs of alternative water supply development projects selected  
391 by a water management district governing board for inclusion in  
392 the program.

393 (7) The water management district shall implement its  
394 responsibilities as expeditiously as possible in areas subject  
395 to regional water supply plans. Each district's governing board  
396 shall include in its annual budget the amount needed for the  
397 fiscal year to assist in implementing alternative water supply  
398 development projects.

399 (8) (a) The water management districts and the state shall  
400 share a percentage of revenues with water providers and users,  
401 including local governments, water, wastewater, and reuse  
402 utilities, municipal, special district, industrial, and  
403 agricultural water users, and other public and private water  
404 users, to be used to supplement other funding sources in the



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405 development of alternative water supplies.

406 (b) Beginning in fiscal year 2005-2006, the state shall  
407 annually provide a portion of those revenues deposited into the  
408 Water Protection and Sustainability Program Trust Fund for the  
409 purpose of providing funding assistance for the development of  
410 alternative water supplies pursuant to the Water Protection and  
411 Sustainability Program. At the beginning of each fiscal year,  
412 beginning with fiscal year 2005-2006, such revenues shall be  
413 distributed by the department into the alternative water supply  
414 trust fund accounts created by each district for the purpose of  
415 alternative water supply development under the following funding  
416 formula:

417 1. Thirty percent to the South Florida Water Management  
418 District;

419 2. Twenty-five percent to the Southwest Florida Water  
420 Management District;

421 3. Twenty-five percent to the St. Johns River Water  
422 Management District;

423 4. Ten percent to the Suwannee River Water Management  
424 District; and

425 5. Ten percent to the Northwest Florida Water Management  
426 District.

427 (c) The financial assistance for alternative water supply  
428 projects allocated in each district's budget as required in  
429 subsection (6) shall be combined with the state funds and used  
430 to assist in funding the project construction costs of  
431 alternative water supply projects selected by the governing  
432 board. If the district has not completed any regional water  
433 supply plan, or the regional water supply plan does not identify



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434 the need for any alternative water supply projects, funds  
435 deposited in that district's trust fund may be used for water  
436 resource development projects, including, but not limited to,  
437 springs protection.

438 (d) All projects submitted to the governing board for  
439 consideration shall reflect the total capital cost for  
440 implementation. The costs shall be segregated pursuant to the  
441 categories described in the definition of capital costs.

442 (e) Applicants for projects that may receive funding  
443 assistance pursuant to the Water Protection and Sustainability  
444 Program shall, at a minimum, be required to pay 60 percent of  
445 the project's construction costs. The water management districts  
446 may, at their discretion, totally or partially waive this  
447 requirement for projects sponsored by financially disadvantaged  
448 small local governments as defined in former s. 403.885(5). The  
449 water management districts or basin boards may, at their  
450 discretion, use ad valorem or federal revenues to assist a  
451 project applicant in meeting the requirements of this paragraph.

452 (f) The governing boards shall determine those projects  
453 that will be selected for financial assistance. The governing  
454 boards may establish factors to determine project funding;  
455 however, significant weight shall be given to the following  
456 factors:

457 1. Whether the project provides substantial environmental  
458 benefits by preventing or limiting adverse water resource  
459 impacts.

460 2. Whether the project reduces competition for water  
461 supplies.

462 3. Whether the project brings about replacement of





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463 traditional sources in order to help implement a minimum flow or  
464 level or a reservation.

465 4. Whether the project will be implemented by a consumptive  
466 use permittee that has achieved the targets contained in a goal-  
467 based water conservation program approved pursuant to s.  
468 373.227.

469 5. The quantity of water supplied by the project as  
470 compared to its cost.

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

473 7. Whether the project will be implemented by a  
474 multijurisdictional water supply entity or regional water supply  
475 authority.

476 8. Whether the project implements reuse that assists in the  
477 elimination of domestic wastewater ocean outfalls as provided in  
478 s. 403.086(9).

479 9. Whether the county or municipality, or the multiple  
480 counties or municipalities, in which the project is located has  
481 implemented a high-water recharge tax protection program as  
482 provided in s. 193.625.

483 (g) Additional factors to be considered in determining  
484 project funding shall include:

485 1. Whether the project is part of a plan to implement two  
486 or more alternative water supply projects, all of which will be  
487 operated to produce water at a uniform rate for the participants  
488 in a multijurisdictional water supply entity or regional water  
489 supply authority.

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



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492       3. Whether the project proposal includes sufficient  
493 preliminary planning and engineering to demonstrate that the  
494 project can reasonably be implemented within the timeframes  
495 provided in the regional water supply plan.

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

498       5. Whether and in what percentage a local government or  
499 local government utility is transferring water supply system  
500 revenues to the local government general fund in excess of  
501 reimbursements for services received from the general fund,  
502 including direct and indirect costs and legitimate payments in  
503 lieu of taxes.

504       (h) After conducting one or more meetings to solicit public  
505 input on eligible projects, including input from those entities  
506 identified pursuant to s. 373.709(2)(a)3.d. for implementation  
507 of alternative water supply projects, the governing board of  
508 each water management district shall select projects for funding  
509 assistance based upon the criteria set forth in paragraphs (f)  
510 and (g). The governing board may select a project identified or  
511 listed as an alternative water supply development project in the  
512 regional water supply plan, or allocate up to 20 percent of the  
513 funding for alternative water supply projects that are not  
514 identified or listed in the regional water supply plan but are  
515 consistent with the goals of the plan.

516       (i) Without diminishing amounts available through other  
517 means described in this paragraph, the governing boards are  
518 encouraged to consider establishing revolving loan funds to  
519 expand the total funds available to accomplish the objectives of  
520 this section. A revolving loan fund created under this paragraph



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521 must be a nonlapsing fund from which the water management  
522 district may make loans with interest rates below prevailing  
523 market rates to public or private entities for the purposes  
524 described in this section. The governing board may adopt  
525 resolutions to establish revolving loan funds which must specify  
526 the details of the administration of the fund, the procedures  
527 for applying for loans from the fund, the criteria for awarding  
528 loans from the fund, the initial capitalization of the fund, and  
529 the goals for future capitalization of the fund in subsequent  
530 budget years. Revolving loan funds created under this paragraph  
531 must be used to expand the total sums and sources of cooperative  
532 funding available for the development of alternative water  
533 supplies. The Legislature does not intend for the creation of  
534 revolving loan funds to supplant or otherwise reduce existing  
535 sources or amounts of funds currently available through other  
536 means.

537 (j) For each utility that receives financial assistance  
538 from the state or a water management district for an alternative  
539 water supply project, the water management district shall  
540 require the appropriate rate-setting authority to develop rate  
541 structures for water customers in the service area of the funded  
542 utility that will:

- 543 1. Promote the conservation of water; and  
544 2. Promote the use of water from alternative water  
545 supplies.

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

548 (l) All revenues made available pursuant to this subsection  
549 must be encumbered annually by the governing board when it



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550 approves projects sufficient to expend the available revenues.

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

553 (n) By March 1 of each year, as part of the consolidated  
554 annual report required by s. 373.036(7), each water management  
555 district shall submit a report on the disbursal of all budgeted  
556 amounts pursuant to this section. Such report shall describe all  
557 alternative water supply projects funded as well as the quantity  
558 of new water to be created as a result of such projects and  
559 shall account separately for any other moneys provided through  
560 grants, matching grants, revolving loans, and the use of  
561 district lands or facilities to implement regional water supply  
562 plans.

563 (o) The Florida Public Service Commission shall allow  
564 entities under its jurisdiction constructing or participating in  
565 constructing facilities that provide alternative water supplies  
566 to recover their full, prudently incurred cost of constructing  
567 such facilities through their rate structure. If construction of  
568 a facility or participation in construction is pursuant to or in  
569 furtherance of a regional water supply plan, the cost shall be  
570 deemed to be prudently incurred. Every component of an  
571 alternative water supply facility constructed by an investor-  
572 owned utility shall be recovered in current rates. Any state or  
573 water management district cost-share is not subject to the  
574 recovery provisions allowed in this paragraph.

575 (9) Funding assistance provided by the water management  
576 districts for a water reuse system may include the following  
577 conditions for that project if a water management district  
578 determines that such conditions will encourage water use



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579 efficiency:

580 (a) Metering of reclaimed water use for residential  
581 irrigation, agricultural irrigation, industrial uses, except for  
582 electric utilities as defined in s. 366.02(2), landscape  
583 irrigation, golf course irrigation, irrigation of other public  
584 access areas, commercial and institutional uses such as toilet  
585 flushing, and transfers to other reclaimed water utilities;

586 (b) Implementation of reclaimed water rate structures based  
587 on actual use of reclaimed water for the reuse activities listed  
588 in paragraph (a);

589 (c) Implementation of education programs to inform the  
590 public about water issues, water conservation, and the  
591 importance and proper use of reclaimed water; or

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

593 (10) For the purposes of seeking funding pursuant to s.  
594 315.47(k), the water management districts shall select only  
595 those projects identified under this section that will provide a  
596 regional benefit or will be implemented by a multi-  
597 jurisdictional authority. Projects selected by the water  
598 management districts are to be submitted to the department who  
599 shall be responsible for submission to the State Board of  
600 Administration.

601 373.709 Regional water supply planning.-

602 (1) The governing board of each water management district  
603 shall conduct water supply planning for any water supply  
604 planning region within the district identified in the  
605 appropriate district water supply plan under s. 373.036, where  
606 it determines that existing sources of water are not adequate to  
607 supply water for all existing and future reasonable-beneficial



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608 uses and to sustain the water resources and related natural  
609 systems for the planning period. The planning must be conducted  
610 in an open public process, in coordination and cooperation with  
611 local governments, regional water supply authorities,  
612 government-owned and privately owned water utilities,  
613 multijurisdictional water supply entities, self-suppliers, and  
614 other affected and interested parties. The districts shall  
615 actively engage in public education and outreach to all affected  
616 local entities and their officials, as well as members of the  
617 public, in the planning process and in seeking input. During  
618 preparation, but prior to completion of the regional water  
619 supply plan, the district must conduct at least one public  
620 workshop to discuss the technical data and modeling tools  
621 anticipated to be used to support the regional water supply  
622 plan. The district shall also hold several public meetings to  
623 communicate the status, overall conceptual intent, and impacts  
624 of the plan on existing and future reasonable-beneficial uses  
625 and related natural systems. During the planning process, a  
626 local government may choose to prepare its own water supply  
627 assessment to determine if existing water sources are adequate  
628 to meet existing and projected reasonable-beneficial needs of  
629 the local government while sustaining water resources and  
630 related natural systems. The local government shall submit such  
631 assessment, including the data and methodology used, to the  
632 district. The district shall consider the local government's  
633 assessment during the formation of the plan. A determination by  
634 the governing board that initiation of a regional water supply  
635 plan for a specific planning region is not needed pursuant to  
636 this section shall be subject to s. 120.569. The governing board



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637 shall reevaluate such a determination at least once every 5  
638 years and shall initiate a regional water supply plan, if  
639 needed, pursuant to this subsection.

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

643 (a) A water supply development component for each water  
644 supply planning region identified by the district which  
645 includes:

646 1. A quantification of the water supply needs for all  
647 existing and future reasonable-beneficial uses within the  
648 planning horizon. The level-of-certainty planning goal  
649 associated with identifying the water supply needs of existing  
650 and future reasonable-beneficial uses shall be based upon  
651 meeting those needs for a 1-in-10-year drought event. Population  
652 projections used for determining public water supply needs must  
653 be based upon the best available data. In determining the best  
654 available data, the district shall consider the University of  
655 Florida's Bureau of Economic and Business Research (BEBR) medium  
656 population projections and any population projection data and  
657 analysis submitted by a local government pursuant to the public  
658 workshop described in subsection (1) if the data and analysis  
659 support the local government's comprehensive plan. Any  
660 adjustment of or deviation from the BEBR projections must be  
661 fully described, and the original BEBR data must be presented  
662 along with the adjusted data.

663 2. A list of water supply development project options,  
664 including traditional and alternative water supply project  
665 options, from which local government, government-owned and



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666 privately owned utilities, regional water supply authorities,  
667 multijurisdictional water supply entities, self-suppliers, and  
668 others may choose for water supply development. In addition to  
669 projects listed by the district, such users may propose specific  
670 projects for inclusion in the list of alternative water supply  
671 projects. If such users propose a project to be listed as an  
672 alternative water supply project, the district shall determine  
673 whether it meets the goals of the plan, and, if so, it shall be  
674 included in the list. The total capacity of the projects  
675 included in the plan shall exceed the needs identified in  
676 subparagraph 1. and shall take into account water conservation  
677 and other demand management measures, as well as water resources  
678 constraints, including adopted minimum flows and levels and  
679 water reservations. Where the district determines it is  
680 appropriate, the plan should specifically identify the need for  
681 multijurisdictional approaches to project options that, based on  
682 planning level analysis, are appropriate to supply the intended  
683 uses and that, based on such analysis, appear to be permissible  
684 and financially and technically feasible. The list of water  
685 supply development options must contain provisions that  
686 recognize that alternative water supply options for agricultural  
687 self-suppliers are limited.

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

690 a. An estimate of the amount of water to become available  
691 through the project.

692 b. The timeframe in which the project option should be  
693 implemented and the estimated planning-level costs for capital  
694 investment and operating and maintaining the project.





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695 c. An analysis of funding needs and sources of possible  
696 funding options. For alternative water supply projects the water  
697 management districts shall provide funding assistance in  
698 accordance with s. 373.707(8).

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

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

702 1. A listing of those water resource development projects  
703 that support water supply development.

704 2. For each water resource development project listed:

705 a. An estimate of the amount of water to become available  
706 through the project.

707 b. The timeframe in which the project option should be  
708 implemented and the estimated planning-level costs for capital  
709 investment and for operating and maintaining the project.

710 c. An analysis of funding needs and sources of possible  
711 funding options.

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

714 (c) The recovery and prevention strategy described in s.  
715 373.0421(2).

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

719 (e) Consideration of how the project options addressed in  
720 paragraph (a) serve the public interest or save costs overall by  
721 preventing the loss of natural resources or avoiding greater  
722 future expenditures for water resource development or water  
723 supply development. However, unless adopted by rule, these



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724 considerations do not constitute final agency action.  
725 (f) The technical data and information applicable to each  
726 planning region which are necessary to support the regional  
727 water supply plan.  
728 (g) The minimum flows and levels established for water  
729 resources within each planning region.  
730 (h) Reservations of water adopted by rule pursuant to s.  
731 373.223(4) within each planning region.  
732 (i) Identification of surface waters or aquifers for which  
733 minimum flows and levels are scheduled to be adopted.  
734 (j) An analysis, developed in cooperation with the  
735 department, of areas or instances in which the variance  
736 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
737 create water supply development or water resource development  
738 projects.  
739 (3) The water supply development component of a regional  
740 water supply plan which deals with or affects public utilities  
741 and public water supply for those areas served by a regional  
742 water supply authority and its member governments within the  
743 boundary of the Southwest Florida Water Management District  
744 shall be developed jointly by the authority and the district. In  
745 areas not served by regional water supply authorities, or other  
746 multijurisdictional water supply entities, and where  
747 opportunities exist to meet water supply needs more efficiently  
748 through multijurisdictional projects identified pursuant to  
749 paragraph (2)(a), water management districts are directed to  
750 assist in developing multijurisdictional approaches to water  
751 supply project development jointly with affected water  
752 utilities, special districts, and local governments.



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

757       (5) Governing board approval of a regional water supply  
758 plan shall not be subject to the rulemaking requirements of  
759 chapter 120. However, any portion of an approved regional water  
760 supply plan which affects the substantial interests of a party  
761 shall be subject to s. 120.569.

762       (6) Annually and in conjunction with the reporting  
763 requirements of s. 373.536(6)(a)4., the department shall submit  
764 to the Governor and the Legislature a report on the status of  
765 regional water supply planning in each district. The report  
766 shall include:

767       (a) A compilation of the estimated costs of and potential  
768 sources of funding for water resource development and water  
769 supply development projects as identified in the water  
770 management district regional water supply plans.

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

774       (c) A description of each district's progress toward  
775 achieving its water resource development objectives, including  
776 the district's implementation of its 5-year water resource  
777 development work program.

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

781       (e) An overall assessment of the progress being made to



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782 develop water supply in each district, including, but not  
783 limited to, an explanation of how each project, either  
784 alternative or traditional, will produce, contribute to, or  
785 account for additional water being made available for  
786 consumptive uses, an estimate of the quantity of water to be  
787 produced by each project, and an assessment of the contribution  
788 of the district's regional water supply plan in providing  
789 sufficient water to meet the needs of existing and future  
790 reasonable-beneficial uses for a 1-in-10 year drought event, as  
791 well as the needs of the natural systems.

792 (7) Nothing contained in the water supply development  
793 component of a regional water supply plan shall be construed to  
794 require local governments, government-owned or privately owned  
795 water utilities, special districts, self-suppliers, regional  
796 water supply authorities, multijurisdictional water supply  
797 entities, or other water suppliers to select a water supply  
798 development project identified in the component merely because  
799 it is identified in the plan. Except as provided in s.  
800 373.223(3) and (5), the plan may not be used in the review of  
801 permits under part II of this chapter unless the plan or an  
802 applicable portion thereof has been adopted by rule. However,  
803 this subsection does not prohibit a water management district  
804 from employing the data or other information used to establish  
805 the plan in reviewing permits under part II, nor does it limit  
806 the authority of the department or governing board under part  
807 II.

808 (8) Where the water supply component of a water supply  
809 planning region shows the need for one or more alternative water  
810 supply projects, the district shall notify the affected local



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811 governments and make every reasonable effort to educate and  
812 involve local public officials in working toward solutions in  
813 conjunction with the districts and, where appropriate, other  
814 local and regional water supply entities.

815 (a) Within 6 months following approval or amendment of its  
816 regional water supply plan, each water management district shall  
817 notify by certified mail each entity identified in sub-  
818 subparagraph (2)(a)3.d. of that portion of the plan relevant to  
819 the entity. Upon request of such an entity, the water management  
820 district shall appear before and present its findings and  
821 recommendations to the entity.

822 (b) Within 1 year after the notification by a water  
823 management district pursuant to paragraph (a), each entity  
824 identified in sub-subparagraph (2)(a)3.d. shall provide to the  
825 water management district written notification of the following:  
826 the alternative water supply projects or options identified in  
827 paragraph (2)(a) which it has developed or intends to develop,  
828 if any; an estimate of the quantity of water to be produced by  
829 each project; and the status of project implementation,  
830 including development of the financial plan, facilities master  
831 planning, permitting, and efforts in coordinating  
832 multijurisdictional projects, if applicable. The information  
833 provided in the notification shall be updated annually, and a  
834 progress report shall be provided by November 15 of each year to  
835 the water management district. If an entity does not intend to  
836 develop one or more of the alternative water supply project  
837 options identified in the regional water supply plan, the entity  
838 shall propose, within 1 year after notification by a water  
839 management district pursuant to paragraph (a), another



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840 alternative water supply project option sufficient to address  
841 the needs identified in paragraph (2) (a) within the entity's  
842 jurisdiction and shall provide an estimate of the quantity of  
843 water to be produced by the project and the status of project  
844 implementation as described in this paragraph. The entity may  
845 request that the water management district consider the other  
846 project for inclusion in the regional water supply plan.

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

850 373.711 Technical assistance to local governments.-

851 (1) The water management districts shall assist local  
852 governments in the development and future revision of local  
853 government comprehensive plan elements or public facilities  
854 report as required by s. 189.415, related to water resource  
855 issues.

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

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

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

866 (c) Identification of regulations, programs, and schedules  
867 undertaken or proposed by the district to further the State  
868 Comprehensive Plan.



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869       (d) A description of surface water basins, including  
870 regulatory jurisdictions, flood-prone areas, existing and  
871 projected water quality in water management district operated  
872 facilities, as well as surface water runoff characteristics and  
873 topography regarding flood plains, wetlands, and recharge areas.

874       (e) A description of groundwater characteristics, including  
875 existing and planned wellfield sites, existing and anticipated  
876 cones of influence, highly productive groundwater areas, aquifer  
877 recharge areas, deep well injection zones, contaminated areas,  
878 an assessment of regional water resource needs and sources for  
879 the next 20 years, and water quality.

880       (f) The identification of existing and potential water  
881 management district land acquisitions.

882       (g) Information reflecting the minimum flows for surface  
883 watercourses to avoid harm to water resources or the ecosystem  
884 and information reflecting the minimum water levels for aquifers  
885 to avoid harm to water resources or the ecosystem.

886       373.713 Regional water supply authorities.-

887       (1) By interlocal agreement between counties,  
888 municipalities, or special districts, as applicable, pursuant to  
889 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and  
890 upon the approval of the Secretary of Environmental Protection  
891 to ensure that such agreement will be in the public interest and  
892 complies with the intent and purposes of this act, regional  
893 water supply authorities may be created for the purpose of  
894 developing, recovering, storing, and supplying water for county  
895 or municipal purposes in such a manner as will give priority to  
896 reducing adverse environmental effects of excessive or improper  
897 withdrawals of water from concentrated areas. In approving said



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898 agreement the Secretary of Environmental Protection shall  
899 consider, but not be limited to, the following:

900 (a) Whether the geographic territory of the proposed  
901 authority is of sufficient size and character to reduce the  
902 environmental effects of improper or excessive withdrawals of  
903 water from concentrated areas.

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

906 (c) The availability of a dependable and adequate water  
907 supply.

908 (d) The ability of any proposed authority to design,  
909 construct, operate, and maintain water supply facilities in the  
910 locations, and at the times necessary, to ensure that an  
911 adequate water supply will be available to all citizens within  
912 the authority.

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

915 (f) The existing needs of the water users within the area  
916 of the authority.

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

919 (a) Upon approval of the electors residing in each county  
920 or municipality within the territory to be included in any  
921 authority, levy ad valorem taxes, not to exceed 0.5 mill,  
922 pursuant to s. 9(b), Art. VII of the State Constitution. No tax  
923 authorized by this paragraph shall be levied in any county or  
924 municipality without an affirmative vote of the electors  
925 residing in such county or municipality.

926 (b) Acquire water and water rights; develop, store, and





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927 transport water; provide, sell, and deliver water for county or  
928 municipal uses and purposes; and provide for the furnishing of  
929 such water and water service upon terms and conditions and at  
930 rates which will apportion to parties and nonparties an  
931 equitable share of the capital cost and operating expense of the  
932 authority's work to the purchaser.

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

934 (d) Not engage in local distribution.

935 (e) Exercise the power of eminent domain in the manner  
936 provided by law for the condemnation of private property for  
937 public use to acquire title to such interest in real property as  
938 is necessary to the exercise of the powers herein granted,  
939 except water and water rights already devoted to reasonable and  
940 beneficial use or any water production or transmission  
941 facilities owned by any county or municipality.

942 (f) Issue revenue bonds in the manner prescribed by the  
943 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be  
944 payable solely from funds derived from the sale of water by the  
945 authority to any county or municipality. Such bonds may be  
946 additionally secured by the full faith and credit of any county  
947 or municipality, as provided by s. 159.16 or by a pledge of  
948 excise taxes, as provided by s. 159.19. For the purpose of  
949 issuing revenue bonds, an authority shall be considered a "unit"  
950 as defined in s. 159.02(2) and as that term is used in the  
951 Revenue Bond Act of 1953, as amended. Such bonds may be issued  
952 to finance the cost of acquiring properties and facilities for  
953 the production and transmission of water by the authority to any  
954 county or municipality, which cost shall include the acquisition  
955 of real property and easements therein for such purposes. Such



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956 bonds may be in the form of refunding bonds to take up any  
957 outstanding bonds of the authority or of any county or  
958 municipality where such outstanding bonds are secured by  
959 properties and facilities for production and transmission of  
960 water, which properties and facilities are being acquired by the  
961 authority. Refunding bonds may be issued to take up and refund  
962 all outstanding bonds of said authority that are subject to call  
963 and termination, and all bonds of said authority that are not  
964 subject to call or redemption, when the surrender of said bonds  
965 can be procured from the holder thereof at prices satisfactory  
966 to the authority. Such refunding bonds may be issued at any time  
967 when, in the judgment of the authority, it will be to the best  
968 interest of the authority financially or economically by  
969 securing a lower rate of interest on said bonds or by extending  
970 the time of maturity of said bonds or, for any other reason, in  
971 the judgment of the authority, advantageous to said authority.

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

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

975 (i) Join with one or more other public corporations for the  
976 purpose of carrying out any of its powers and for that purpose  
977 to contract with such other public corporation or corporations  
978 for the purpose of financing such acquisitions, construction,  
979 and operations. Such contracts may provide for contributions to  
980 be made by each party thereto, for the division and  
981 apportionment of the expenses of such acquisitions and  
982 operations, and for the division and apportionment of the  
983 benefits, services, and products therefrom. Such contract may  
984 contain such other and further covenants and agreements as may



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985 be necessary and convenient to accomplish the purposes hereof.

986 (3) A regional water supply authority is authorized to  
987 develop, construct, operate, maintain, or contract for  
988 alternative sources of potable water, including desalinated  
989 water, and pipelines to interconnect authority sources and  
990 facilities, either by itself or jointly with a water management  
991 district; however, such alternative potable water sources,  
992 facilities, and pipelines may also be privately developed,  
993 constructed, owned, operated, and maintained, in which event an  
994 authority and a water management district are authorized to  
995 pledge and contribute their funds to reduce the wholesale cost  
996 of water from such alternative sources of potable water supplied  
997 by an authority to its member governments.

998 (4) When it is found to be in the public interest, for the  
999 public convenience and welfare, for a public benefit, and  
1000 necessary for carrying out the purpose of any regional water  
1001 supply authority, any state agency, county, water control  
1002 district existing pursuant to chapter 298, water management  
1003 district existing pursuant to this chapter, municipality,  
1004 governmental agency, or public corporation in this state holding  
1005 title to any interest in land is hereby authorized, in its  
1006 discretion, to convey the title to or dedicate land, title to  
1007 which is in such entity, including tax-reverted land, or to  
1008 grant use-rights therein, to any regional water supply authority  
1009 created pursuant to this section. Land granted or conveyed to  
1010 such authority shall be for the public purposes of such  
1011 authority and may be made subject to the condition that in the  
1012 event said land is not so used, or if used and subsequently its  
1013 use for said purpose is abandoned, the interest granted shall



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1014 cease as to such authority and shall automatically revert to the  
1015 granting entity.

1016 (5) Each county, special district, or municipality that is  
1017 a party to an agreement pursuant to subsection (1) shall have a  
1018 preferential right to purchase water from the regional water  
1019 supply authority for use by such county, special district, or  
1020 municipality.

1021 (6) In carrying out the provisions of this section, any  
1022 county wherein water is withdrawn by the authority shall not be  
1023 deprived, directly or indirectly, of the prior right to the  
1024 reasonable and beneficial use of water which is required  
1025 adequately to supply the reasonable and beneficial needs of the  
1026 county or any of the inhabitants or property owners therein.

1027 (7) Upon a resolution adopted by the governing body of any  
1028 county or municipality, the authority may, subject to a majority  
1029 vote of its voting members, include such county or municipality  
1030 in its regional water supply authority upon such terms and  
1031 conditions as may be prescribed.

1032 (8) The authority shall design, construct, operate, and  
1033 maintain facilities in the locations and at the times necessary  
1034 to ensure that an adequate water supply will be available to all  
1035 citizens within the authority.

1036 (9) Where a water supply authority exists pursuant to this  
1037 section or s. 373.715 under a voluntary interlocal agreement  
1038 that is consistent with requirements in s. 373.715(1)(b) and  
1039 receives or maintains consumptive use permits under this  
1040 voluntary agreement consistent with the water supply plan, if  
1041 any, adopted by the governing board, such authority shall be  
1042 exempt from consideration by the governing board or department



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1043 of the factors specified in s. 373.223(3) (a)-(g) and the  
1044 submissions required by s. 373.229(3). Such exemptions shall  
1045 apply only to water sources within the jurisdictional areas of  
1046 such voluntary water supply interlocal agreements.

1047 373.715 Assistance to West Coast Regional Water Supply  
1048 Authority.—

1049 (1) It is the intent of the Legislature to authorize the  
1050 implementation of changes in governance recommended by the West  
1051 Coast Regional Water Supply Authority in its reports to the  
1052 Legislature dated February 1, 1997, and January 5, 1998. The  
1053 authority and its member governments may reconstitute the  
1054 authority's governance and rename the authority under a  
1055 voluntary interlocal agreement with a term of not less than 20  
1056 years. The interlocal agreement must comply with this subsection  
1057 as follows:

1058 (a) The authority and its member governments agree that  
1059 cooperative efforts are mandatory to meet their water needs in a  
1060 manner that will provide adequate and dependable supplies of  
1061 water where needed without resulting in adverse environmental  
1062 effects upon the areas from which the water is withdrawn or  
1063 otherwise produced.

1064 (b) In accordance with s. 4, Art. VIII of the State  
1065 Constitution and notwithstanding s. 163.01, the interlocal  
1066 agreement may include the following terms, which are considered  
1067 approved by the parties without a vote of their electors, upon  
1068 execution of the interlocal agreement by all member governments  
1069 and upon satisfaction of all conditions precedent in the  
1070 interlocal agreement:

1071 1. All member governments shall relinquish to the authority



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1072 their individual rights to develop potable water supply sources,  
1073 except as otherwise provided in the interlocal agreement;

1074 2. The authority shall be the sole and exclusive wholesale  
1075 potable water supplier for all member governments; and

1076 3. The authority shall have the absolute and unequivocal  
1077 obligation to meet the wholesale needs of the member governments  
1078 for potable water.

1079 4. A member government may not restrict or prohibit the use  
1080 of land within a member's jurisdictional boundaries by the  
1081 authority for water supply purposes through use of zoning, land  
1082 use, comprehensive planning, or other form of regulation.

1083 5. A member government may not impose any tax, fee, or  
1084 charge upon the authority in conjunction with the production or  
1085 supply of water not otherwise provided for in the interlocal  
1086 agreement.

1087 6. The authority may use the powers provided in part II of  
1088 chapter 159 for financing and refinancing water treatment,  
1089 production, or transmission facilities, including, but not  
1090 limited to, desalinization facilities. All such water treatment,  
1091 production, or transmission facilities are considered a  
1092 "manufacturing plant" for purposes of s. 159.27(5) and serve a  
1093 paramount public purpose by providing water to citizens of the  
1094 state.

1095 7. A member government and any governmental or quasi-  
1096 judicial board or commission established by local ordinance or  
1097 general or special law where the governing membership of such  
1098 board or commission is shared, in whole or in part, or appointed  
1099 by a member government agreeing to be bound by the interlocal  
1100 agreement shall be limited to the procedures set forth therein



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1101 regarding actions that directly or indirectly restrict or  
1102 prohibit the use of lands or other activities related to the  
1103 production or supply of water.

1104 (c) The authority shall acquire full or lesser interests in  
1105 all regionally significant member government wholesale water  
1106 supply facilities and tangible assets and each member government  
1107 shall convey such interests in the facilities and assets to the  
1108 authority, at an agreed value.

1109 (d) The authority shall charge a uniform per gallon  
1110 wholesale rate to member governments for the wholesale supply of  
1111 potable water. All capital, operation, maintenance, and  
1112 administrative costs for existing facilities and acquired  
1113 facilities, authority master water plan facilities, and other  
1114 future projects must be allocated to member governments based on  
1115 water usage at the uniform per gallon wholesale rate.

1116 (e) The interlocal agreement may include procedures for  
1117 resolving the parties' differences regarding water management  
1118 district proposed agency action in the water use permitting  
1119 process within the authority. Such procedures should minimize  
1120 the potential for litigation and include alternative dispute  
1121 resolution. Any governmental or quasi-judicial board or  
1122 commission established by local ordinance or general or special  
1123 law where the governing members of such board or commission is  
1124 shared, in whole or in part, or appointed by a member  
1125 government, may agree to be bound by the dispute resolution  
1126 procedures set forth in the interlocal agreement.

1127 (f) Upon execution of the voluntary interlocal agreement  
1128 provided for herein, the authority shall jointly develop with  
1129 the Southwest Florida Water Management District alternative



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1130 sources of potable water and transmission pipelines to  
1131 interconnect regionally significant water supply sources and  
1132 facilities of the authority in amounts sufficient to meet the  
1133 needs of all member governments for a period of at least 20  
1134 years and for natural systems. Nothing herein, however, shall  
1135 preclude the authority and its member governments from  
1136 developing traditional water sources pursuant to the voluntary  
1137 interlocal agreement. Development and construction costs for  
1138 alternative source facilities, which may include a desalination  
1139 facility and significant regional interconnects, must be borne  
1140 as mutually agreed to by both the authority and the Southwest  
1141 Florida Water Management District. Nothing herein shall preclude  
1142 authority or district cost sharing with private entities for the  
1143 construction or ownership of alternative source facilities. By  
1144 December 31, 1997, the authority and the Southwest Florida Water  
1145 Management District shall enter into a mutually acceptable  
1146 agreement detailing the development and implementation of  
1147 directives contained in this paragraph. Nothing in this section  
1148 shall be construed to modify the rights or responsibilities of  
1149 the authority or its member governments, except as otherwise  
1150 provided herein, or of the Southwest Florida Water Management  
1151 District or the department pursuant to this chapter or chapter  
1152 403 and as otherwise set forth by statutes.

1153 (g) Unless otherwise provided in the interlocal agreement,  
1154 the authority shall be governed by a board of commissioners  
1155 consisting of nine voting members, all of whom must be elected  
1156 officers, as follows:

1157 1. Three members from Hillsborough County who must be  
1158 selected by the county commission; provided, however, that one





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1159 member shall be selected by the Mayor of Tampa in the event that  
1160 the City of Tampa elects to be a member of the authority;

1161 2. Three members from Pasco County, two of whom must be  
1162 selected by the county commission and one of whom must be  
1163 selected by the City Council of New Port Richey;

1164 3. Three members from Pinellas County, two of whom must be  
1165 selected by the county commission and one of whom must be  
1166 selected by the City Council of St. Petersburg.

1167  
1168 Except as otherwise provided in this section or in the  
1169 voluntary interlocal agreement between the member governments, a  
1170 majority vote shall bind the authority and its member  
1171 governments in all matters relating to the funding of wholesale  
1172 water supply, production, delivery, and related activities.

1173 (2) The provisions of this section supersede any  
1174 conflicting provisions contained in all other general or special  
1175 laws or provisions thereof as they may apply directly or  
1176 indirectly to the exclusivity of water supply or withdrawal of  
1177 water, including provisions relating to the environmental  
1178 effects, if any, in conjunction with the production and supply  
1179 of potable water, and the provisions of this section are  
1180 intended to be a complete revision of all laws related to a  
1181 regional water supply authority created under s. 373.713 and  
1182 this section.

1183 (3) In lieu of the provisions in s. 373.713(2)(a), the  
1184 Southwest Florida Water Management District shall assist the  
1185 West Coast Regional Water Supply Authority for a period of 5  
1186 years, terminating December 31, 1981, by levying an ad valorem  
1187 tax, upon request of the authority, of not more than 0.05 mill



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1188 on all taxable property within the limits of the authority.  
1189 During such period the corresponding basin board ad valorem tax  
1190 levies shall be reduced accordingly.

1191 (4) The authority shall prepare its annual budget in the  
1192 same manner as prescribed for the preparation of basin budgets,  
1193 but such authority budget shall not be subject to review by the  
1194 respective basin boards or by the governing board of the  
1195 district.

1196 (5) The annual millage for the authority shall be the  
1197 amount required to raise the amount called for by the annual  
1198 budget when applied to the total assessment on all taxable  
1199 property within the limits of the authority, as determined for  
1200 county taxing purposes.

1201 (6) The authority may, by resolution, request the governing  
1202 board of the district to levy ad valorem taxes within the  
1203 boundaries of the authority. Upon receipt of such request,  
1204 together with formal certification of the adoption of its annual  
1205 budget and of the required tax levy, the authority tax levy  
1206 shall be made by the governing board of the district to finance  
1207 authority functions.

1208 (7) The taxes provided for in this section shall be  
1209 extended by the property appraiser on the county tax roll in  
1210 each county within, or partly within, the authority boundaries  
1211 and shall be collected by the tax collector in the same manner  
1212 and time as county taxes, and the proceeds therefrom paid to the  
1213 district which shall forthwith pay them over to the authority.  
1214 Until paid, such taxes shall be a lien on the property against  
1215 which assessed and enforceable in like manner as county taxes.  
1216 The property appraisers, tax collectors, and clerks of the



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1217 circuit court of the respective counties shall be entitled to  
1218 compensation for services performed in connection with such  
1219 taxes at the same rates as apply to county taxes.

1220 (8) The governing board of the district shall not be  
1221 responsible for any actions or lack of actions by the authority.

1222 Section 2. Subsection (13) of section 120.52, Florida  
1223 Statutes, is amended to read:

1224 120.52 Definitions.—As used in this act:

1225 (13) "Party" means:

1226 (a) Specifically named persons whose substantial interests  
1227 are being determined in the proceeding.

1228 (b) Any other person who, as a matter of constitutional  
1229 right, provision of statute, or provision of agency regulation,  
1230 is entitled to participate in whole or in part in the  
1231 proceeding, or whose substantial interests will be affected by  
1232 proposed agency action, and who makes an appearance as a party.

1233 (c) Any other person, including an agency staff member,  
1234 allowed by the agency to intervene or participate in the  
1235 proceeding as a party. An agency may by rule authorize limited  
1236 forms of participation in agency proceedings for persons who are  
1237 not eligible to become parties.

1238 (d) Any county representative, agency, department, or unit  
1239 funded and authorized by state statute or county ordinance to  
1240 represent the interests of the consumers of a county, when the  
1241 proceeding involves the substantial interests of a significant  
1242 number of residents of the county and the board of county  
1243 commissioners has, by resolution, authorized the representative,  
1244 agency, department, or unit to represent the class of interested  
1245 persons. The authorizing resolution shall apply to a specific



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1246 proceeding and to appeals and ancillary proceedings thereto, and  
1247 it shall not be required to state the names of the persons whose  
1248 interests are to be represented.

1249  
1250 The term "party" does not include a member government of a  
1251 regional water supply authority or a governmental or quasi-  
1252 judicial board or commission established by local ordinance or  
1253 special or general law where the governing membership of such  
1254 board or commission is shared with, in whole or in part, or  
1255 appointed by a member government of a regional water supply  
1256 authority in proceedings under s. 120.569, s. 120.57, or s.  
1257 120.68, to the extent that an interlocal agreement under ss.  
1258 163.01 and 373.713 ~~373.1962~~ exists in which the member  
1259 government has agreed that its substantial interests are not  
1260 affected by the proceedings or that it is to be bound by  
1261 alternative dispute resolution in lieu of participating in the  
1262 proceedings. This exclusion applies only to those particular  
1263 types of disputes or controversies, if any, identified in an  
1264 interlocal agreement.

1265 Section 3. Subsection (13) of section 163.3167, Florida  
1266 Statutes, is amended to read:

1267 163.3167 Scope of act.—

1268 (13) Each local government shall address in its  
1269 comprehensive plan, as enumerated in this chapter, the water  
1270 supply sources necessary to meet and achieve the existing and  
1271 projected water use demand for the established planning period,  
1272 considering the applicable plan developed pursuant to s. 373.709  
1273 ~~373.0361~~.

1274 Section 4. Paragraph (a) of subsection (4) and paragraphs



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1275 (c), (d), and (h) of subsection (6) of section 163.3177, Florida  
1276 Statutes, are amended to read:

1277 163.3177 Required and optional elements of comprehensive  
1278 plan; studies and surveys.—

1279 (4) (a) Coordination of the local comprehensive plan with  
1280 the comprehensive plans of adjacent municipalities, the county,  
1281 adjacent counties, or the region; with the appropriate water  
1282 management district's regional water supply plans approved  
1283 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining  
1284 to designated areas of critical state concern; and with the  
1285 state comprehensive plan shall be a major objective of the local  
1286 comprehensive planning process. To that end, in the preparation  
1287 of a comprehensive plan or element thereof, and in the  
1288 comprehensive plan or element as adopted, the governing body  
1289 shall include a specific policy statement indicating the  
1290 relationship of the proposed development of the area to the  
1291 comprehensive plans of adjacent municipalities, the county,  
1292 adjacent counties, or the region and to the state comprehensive  
1293 plan, as the case may require and as such adopted plans or plans  
1294 in preparation may exist.

1295 (6) In addition to the requirements of subsections (1)-(5)  
1296 and (12), the comprehensive plan shall include the following  
1297 elements:

1298 (c) A general sanitary sewer, solid waste, drainage,  
1299 potable water, and natural groundwater aquifer recharge element  
1300 correlated to principles and guidelines for future land use,  
1301 indicating ways to provide for future potable water, drainage,  
1302 sanitary sewer, solid waste, and aquifer recharge protection  
1303 requirements for the area. The element may be a detailed



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1304 engineering plan including a topographic map depicting areas of  
1305 prime groundwater recharge. The element shall describe the  
1306 problems and needs and the general facilities that will be  
1307 required for solution of the problems and needs. The element  
1308 shall also include a topographic map depicting any areas adopted  
1309 by a regional water management district as prime groundwater  
1310 recharge areas for the Floridan or Biscayne aquifers. These  
1311 areas shall be given special consideration when the local  
1312 government is engaged in zoning or considering future land use  
1313 for said designated areas. For areas served by septic tanks,  
1314 soil surveys shall be provided which indicate the suitability of  
1315 soils for septic tanks. Within 18 months after the governing  
1316 board approves an updated regional water supply plan, the  
1317 element must incorporate the alternative water supply project or  
1318 projects selected by the local government from those identified  
1319 in the regional water supply plan pursuant to s. 373.709(2)(a)  
1320 ~~373.0361(2)(a)~~ or proposed by the local government under s.  
1321 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located  
1322 within two water management districts, the local government  
1323 shall adopt its comprehensive plan amendment within 18 months  
1324 after the later updated regional water supply plan. The element  
1325 must identify such alternative water supply projects and  
1326 traditional water supply projects and conservation and reuse  
1327 necessary to meet the water needs identified in s. 373.709(2)(a)  
1328 ~~373.0361(2)(a)~~ within the local government's jurisdiction and  
1329 include a work plan, covering at least a 10 year planning  
1330 period, for building public, private, and regional water supply  
1331 facilities, including development of alternative water supplies,  
1332 which are identified in the element as necessary to serve



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1333 existing and new development. The work plan shall be updated, at  
1334 a minimum, every 5 years within 18 months after the governing  
1335 board of a water management district approves an updated  
1336 regional water supply plan. Amendments to incorporate the work  
1337 plan do not count toward the limitation on the frequency of  
1338 adoption of amendments to the comprehensive plan. Local  
1339 governments, public and private utilities, regional water supply  
1340 authorities, special districts, and water management districts  
1341 are encouraged to cooperatively plan for the development of  
1342 multijurisdictional water supply facilities that are sufficient  
1343 to meet projected demands for established planning periods,  
1344 including the development of alternative water sources to  
1345 supplement traditional sources of groundwater and surface water  
1346 supplies.

1347 (d) A conservation element for the conservation, use, and  
1348 protection of natural resources in the area, including air,  
1349 water, water recharge areas, wetlands, waterwells, estuarine  
1350 marshes, soils, beaches, shores, flood plains, rivers, bays,  
1351 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1352 minerals, and other natural and environmental resources,  
1353 including factors that affect energy conservation. Local  
1354 governments shall assess their current, as well as projected,  
1355 water needs and sources for at least a 10-year period,  
1356 considering the appropriate regional water supply plan approved  
1357 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an  
1358 approved regional water supply plan, the district water  
1359 management plan approved pursuant to s. 373.036(2). This  
1360 information shall be submitted to the appropriate agencies. The  
1361 land use map or map series contained in the future land use



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1362 element shall generally identify and depict the following:

1363 1. Existing and planned waterwells and cones of influence  
1364 where applicable.

1365 2. Beaches and shores, including estuarine systems.

1366 3. Rivers, bays, lakes, flood plains, and harbors.

1367 4. Wetlands.

1368 5. Minerals and soils.

1369 6. Energy conservation.

1370

1371 The land uses identified on such maps shall be consistent  
1372 with applicable state law and rules.

1373 (h)1. An intergovernmental coordination element showing  
1374 relationships and stating principles and guidelines to be used  
1375 in the accomplishment of coordination of the adopted  
1376 comprehensive plan with the plans of school boards, regional  
1377 water supply authorities, and other units of local government  
1378 providing services but not having regulatory authority over the  
1379 use of land, with the comprehensive plans of adjacent  
1380 municipalities, the county, adjacent counties, or the region,  
1381 with the state comprehensive plan and with the applicable  
1382 regional water supply plan approved pursuant to s. 373.709  
1383 ~~373.0361~~, as the case may require and as such adopted plans or  
1384 plans in preparation may exist. This element of the local  
1385 comprehensive plan shall demonstrate consideration of the  
1386 particular effects of the local plan, when adopted, upon the  
1387 development of adjacent municipalities, the county, adjacent  
1388 counties, or the region, or upon the state comprehensive plan,  
1389 as the case may require.

1390 a. The intergovernmental coordination element shall provide





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1391 procedures to identify and implement joint planning areas,  
1392 especially for the purpose of annexation, municipal  
1393 incorporation, and joint infrastructure service areas.

1394       b. The intergovernmental coordination element shall provide  
1395 for recognition of campus master plans prepared pursuant to s.  
1396 1013.30 and airport master plans under paragraph(k).

1397       c. The intergovernmental coordination element shall provide  
1398 for a dispute resolution process as established pursuant to s.  
1399 186.509 for bringing to closure in a timely manner  
1400 intergovernmental disputes.

1401       d. The intergovernmental coordination element shall provide  
1402 for interlocal agreements as established pursuant to s.  
1403 333.03(1)(b).

1404       2. The intergovernmental coordination element shall further  
1405 state principles and guidelines to be used in the accomplishment  
1406 of coordination of the adopted comprehensive plan with the plans  
1407 of school boards and other units of local government providing  
1408 facilities and services but not having regulatory authority over  
1409 the use of land. In addition, the intergovernmental coordination  
1410 element shall describe joint processes for collaborative  
1411 planning and decisionmaking on population projections and public  
1412 school siting, the location and extension of public facilities  
1413 subject to concurrency, and siting facilities with countywide  
1414 significance, including locally unwanted land uses whose nature  
1415 and identity are established in an agreement. Within 1 year of  
1416 adopting their intergovernmental coordination elements, each  
1417 county, all the municipalities within that county, the district  
1418 school board, and any unit of local government service providers  
1419 in that county shall establish by interlocal or other formal



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1420 agreement executed by all affected entities, the joint processes  
1421 described in this subparagraph consistent with their adopted  
1422 intergovernmental coordination elements.

1423         3. To foster coordination between special districts and  
1424 local general-purpose governments as local general-purpose  
1425 governments implement local comprehensive plans, each  
1426 independent special district must submit a public facilities  
1427 report to the appropriate local government as required by s.  
1428 189.415.

1429         4.a. Local governments shall execute an interlocal  
1430 agreement with the district school board, the county, and  
1431 nonexempt municipalities pursuant to s. 163.31777. The local  
1432 government shall amend the intergovernmental coordination  
1433 element to provide that coordination between the local  
1434 government and school board is pursuant to the agreement and  
1435 shall state the obligations of the local government under the  
1436 agreement.

1437         b. Plan amendments that comply with this subparagraph are  
1438 exempt from the provisions of s. 163.3187(1).

1439         5. The state land planning agency shall establish a  
1440 schedule for phased completion and transmittal of plan  
1441 amendments to implement subparagraphs 1., 2., and 3. from all  
1442 jurisdictions so as to accomplish their adoption by December 31,  
1443 1999. A local government may complete and transmit its plan  
1444 amendments to carry out these provisions prior to the scheduled  
1445 date established by the state land planning agency. The plan  
1446 amendments are exempt from the provisions of s. 163.3187(1).

1447         6. By January 1, 2004, any county having a population  
1448 greater than 100,000, and the municipalities and special



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1449 districts within that county, shall submit a report to the  
1450 Department of Community Affairs which:

1451 a. Identifies all existing or proposed interlocal service  
1452 delivery agreements regarding the following: education; sanitary  
1453 sewer; public safety; solid waste; drainage; potable water;  
1454 parks and recreation; and transportation facilities.

1455 b. Identifies any deficits or duplication in the provision  
1456 of services within its jurisdiction, whether capital or  
1457 operational. Upon request, the Department of Community Affairs  
1458 shall provide technical assistance to the local governments in  
1459 identifying deficits or duplication.

1460 7. Within 6 months after submission of the report, the  
1461 Department of Community Affairs shall, through the appropriate  
1462 regional planning council, coordinate a meeting of all local  
1463 governments within the regional planning area to discuss the  
1464 reports and potential strategies to remedy any identified  
1465 deficiencies or duplications.

1466 8. Each local government shall update its intergovernmental  
1467 coordination element based upon the findings in the report  
1468 submitted pursuant to subparagraph 6. The report may be used as  
1469 supporting data and analysis for the intergovernmental  
1470 coordination element.

1471 Section 5. Paragraph (1) of subsection (2) of section  
1472 163.3191, Florida Statutes, is amended to read:

1473 163.3191 Evaluation and appraisal of comprehensive plan.—

1474 (2) The report shall present an evaluation and assessment  
1475 of the comprehensive plan and shall contain appropriate  
1476 statements to update the comprehensive plan, including, but not  
1477 limited to, words, maps, illustrations, or other media, related



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1478 to:

1479 (1) The extent to which the local government has been  
1480 successful in identifying alternative water supply projects and  
1481 traditional water supply projects, including conservation and  
1482 reuse, necessary to meet the water needs identified in s.  
1483 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's  
1484 jurisdiction. The report must evaluate the degree to which the  
1485 local government has implemented the work plan for building  
1486 public, private, and regional water supply facilities, including  
1487 development of alternative water supplies, identified in the  
1488 element as necessary to serve existing and new development.

1489 Section 6. Paragraphs (c) and (d) of subsection (4) of  
1490 section 189.404, Florida Statutes, are amended to read:

1491 189.404 Legislative intent for the creation of independent  
1492 special districts; special act prohibitions; model elements and  
1493 other requirements; general-purpose local government/Governor  
1494 and Cabinet creation authorizations.—

1495 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
1496 AUTHORIZATIONS.—Except as otherwise authorized by general law,  
1497 only the Legislature may create independent special districts.

1498 (c) The Governor and Cabinet may create an independent  
1499 special district which shall be established by rule in  
1500 accordance with s. 190.005 or as otherwise authorized in general  
1501 law. The Governor and Cabinet may also approve the establishment  
1502 of a charter for the creation of an independent special district  
1503 which shall be in accordance with s. 373.713 ~~373.1962~~, or as  
1504 otherwise authorized in general law.

1505 (d)1. Any combination of two or more counties may create a  
1506 regional special district which shall be established in



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1507 accordance with s. 950.001, or as otherwise authorized in  
1508 general law.

1509       2. Any combination of two or more counties or  
1510 municipalities may create a regional special district which  
1511 shall be established in accordance with s. 373.713 ~~373.1962~~, or  
1512 as otherwise authorized by general law.

1513       3. Any combination of two or more counties, municipalities,  
1514 or other political subdivisions may create a regional special  
1515 district in accordance with s. 163.567, or as otherwise  
1516 authorized in general law.

1517       Section 7. Subsection (3) of section 189.4155, Florida  
1518 Statutes, is amended to read:

1519       189.4155 Activities of special districts; local government  
1520 comprehensive planning.—

1521       (3) The provisions of this section shall not apply to water  
1522 management districts created pursuant to s. 373.069, to regional  
1523 water supply authorities created pursuant to s. 373.713  
1524 ~~373.1962~~, or to spoil disposal sites owned or used by the  
1525 Federal Government.

1526       Section 8. Section 189.4156, Florida Statutes, is amended  
1527 to read:

1528       189.4156 Water management district technical assistance;  
1529 local government comprehensive planning.—Water management  
1530 districts shall assist local governments in the development of  
1531 local government comprehensive plan elements related to water  
1532 resource issues as required by s. 373.711 ~~373.0391~~.

1533       Section 9. Subsection (7) of section 367.021, Florida  
1534 Statutes, is amended to read:

1535       367.021 Definitions.—As used in this chapter, the following



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1536 words or terms shall have the meanings indicated:

1537 (7) "Governmental authority" means a political subdivision,  
1538 as defined by s. 1.01(8), a regional water supply authority  
1539 created pursuant to s. 373.713 ~~373.1962~~, or a nonprofit  
1540 corporation formed for the purpose of acting on behalf of a  
1541 political subdivision with respect to a water or wastewater  
1542 facility.

1543 Section 10. Subsections (1) and (17) of section 373.019,  
1544 Florida Statutes, are amended to read:

1545 373.019 Definitions.—When appearing in this chapter or in  
1546 any rule, regulation, or order adopted pursuant thereto, the  
1547 term:

1548 (1) "Alternative water supplies" means salt water; brackish  
1549 surface and groundwater; surface water captured predominately  
1550 during wet-weather flows; sources made available through the  
1551 addition of new storage capacity for surface or groundwater,  
1552 water that has been reclaimed after one or more public supply,  
1553 municipal, industrial, commercial, or agricultural uses; the  
1554 downstream augmentation of water bodies with reclaimed water;  
1555 stormwater; quantifiable water savings from water conservation  
1556 projects; and any other water supply source that is designated  
1557 as nontraditional for a water supply planning region in the  
1558 applicable regional water supply plan.

1559 (17) "Regional water supply plan" means a detailed water  
1560 supply plan developed by a governing board under s. 373.709 ~~s.~~  
1561 ~~373.0361~~.

1562 Section 11. Paragraph (b) of subsection (2) and paragraph  
1563 (b) of subsection (7) of section 373.036, Florida Statutes, are  
1564 amended to read:



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1565           373.036 Florida water plan; district water management  
1566 plans.—

1567           (2) DISTRICT WATER MANAGEMENT PLANS.—

1568           (b) The district water management plan shall include, but  
1569 not be limited to:

1570           1. The scientific methodologies for establishing minimum  
1571 flows and levels under s. 373.042, and all established minimum  
1572 flows and levels.

1573           2. Identification of one or more water supply planning  
1574 regions that singly or together encompass the entire district.

1575           3. Technical data and information prepared under s. 373.711  
1576 ~~373.0391~~.

1577           4. A districtwide water supply assessment, to be completed  
1578 no later than July 1, 1998, which determines for each water  
1579 supply planning region:

1580           a. Existing legal uses, reasonably anticipated future  
1581 needs, and existing and reasonably anticipated sources of water  
1582 and conservation efforts; and

1583           b. Whether existing and reasonably anticipated sources of  
1584 water and conservation efforts are adequate to supply water for  
1585 all existing legal uses and reasonably anticipated future needs  
1586 and to sustain the water resources and related natural systems.

1587           5. Any completed regional water supply plans.

1588           (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1589           (b) The consolidated annual report shall contain the  
1590 following elements, as appropriate to that water management  
1591 district:

1592           1. A district water management plan annual report or the  
1593 annual work plan report allowed in subparagraph (2)(e)4.



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1594           2. The department-approved minimum flows and levels annual  
1595 priority list and schedule required by s. 373.042(2).

1596           3. The annual 5-year capital improvements plan required by  
1597 s. 373.536(6) (a)3.

1598           4. The alternative water supplies annual report required by  
1599 s. 373.707(8) (n) ~~373.1961(3) (n)~~.

1600           5. The final annual 5-year water resource development work  
1601 program required by s. 373.536(6) (a)4.

1602           6. The Florida Forever Water Management District Work Plan  
1603 annual report required by s. 373.199(7).

1604           7. The mitigation donation annual report required by s.  
1605 373.414(1) (b)2.

1606           Section 12. Paragraphs (a) and (e) of subsection (4) of  
1607 section 373.0363, Florida Statutes, are amended to read:

1608           373.0363 Southern Water Use Caution Area Recovery  
1609 Strategy.—

1610           (4) The West-Central Florida Water Restoration Action Plan  
1611 includes:

1612           (a) The Central West Coast Surface Water Enhancement  
1613 Initiative. The purpose of this initiative is to make additional  
1614 surface waters available for public supply through restoration  
1615 of surface waters, natural water flows, and freshwater wetland  
1616 communities. This initiative is designed to allow limits on  
1617 groundwater withdrawals in order to slow the rate of saltwater  
1618 intrusion. The initiative shall be an ongoing program in  
1619 cooperation with the Peace River-Manasota Regional Water Supply  
1620 Authority created under s. 373.713 ~~373.1962~~.

1621           (e) The Central Florida Water Resource Development  
1622 Initiative. The purpose of this initiative is to create and





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1623 implement a long-term plan that takes a comprehensive approach  
1624 to limit ground water withdrawals in the Southern Water Use  
1625 Caution Area and to identify and develop alternative water  
1626 supplies for Polk County. The project components developed  
1627 pursuant to this initiative are eligible for state and regional  
1628 funding under s. 373.707 ~~373.196~~ as an alternative water supply,  
1629 as defined in s. 373.019, or as a supplemental water supply  
1630 under the rules of the Southwest Florida Water Management  
1631 District or the South Florida Water Management District. The  
1632 initiative shall be implemented by the district as an ongoing  
1633 program in cooperation with Polk County and the South Florida  
1634 Water Management District.

1635 Section 13. Subsection (2) of section 373.0421, Florida  
1636 Statutes, is amended to read:

1637 373.0421 Establishment and implementation of minimum flows  
1638 and levels.—

1639 (2) If the existing flow or level in a water body is below,  
1640 or is projected to fall within 20 years below, the applicable  
1641 minimum flow or level established pursuant to s. 373.042, the  
1642 department or governing board, as part of the regional water  
1643 supply plan described in s. 373.709 ~~373.0361~~, shall  
1644 expeditiously implement a recovery or prevention strategy, which  
1645 includes the development of additional water supplies and other  
1646 actions, consistent with the authority granted by this chapter,  
1647 to:

1648 (a) Achieve recovery to the established minimum flow or  
1649 level as soon as practicable; or

1650 (b) Prevent the existing flow or level from falling below  
1651 the established minimum flow or level.



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

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

373.0695 Duties of basin boards; authorized expenditures.-

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

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

373.223 Conditions for a permit.-

(3) Except for the transport and use of water supplied by the Central and Southern Florida Flood Control Project, and anywhere in the state when the transport and use of water is supplied exclusively for bottled water as defined in s. 500.03(1)(d), any water use permit applications pending as of April 1, 1998, with the Northwest Florida Water Management District and self-suppliers of water for which the proposed water source and area of use or application are located on contiguous private properties, when evaluating whether a potential transport and use of ground or surface water across



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1681 county boundaries is consistent with the public interest,  
1682 pursuant to paragraph (1)(c), the governing board or department  
1683 shall consider:

1684 (a) The proximity of the proposed water source to the area  
1685 of use or application.

1686 (b) All impoundments, streams, groundwater sources, or  
1687 watercourses that are geographically closer to the area of use  
1688 or application than the proposed source, and that are  
1689 technically and economically feasible for the proposed transport  
1690 and use.

1691 (c) All economically and technically feasible alternatives  
1692 to the proposed source, including, but not limited to,  
1693 desalination, conservation, reuse of nonpotable reclaimed water  
1694 and stormwater, and aquifer storage and recovery.

1695 (d) The potential environmental impacts that may result  
1696 from the transport and use of water from the proposed source,  
1697 and the potential environmental impacts that may result from use  
1698 of the other water sources identified in paragraphs (b) and (c).

1699 (e) Whether existing and reasonably anticipated sources of  
1700 water and conservation efforts are adequate to supply water for  
1701 existing legal uses and reasonably anticipated future needs of  
1702 the water supply planning region in which the proposed water  
1703 source is located.

1704 (f) Consultations with local governments affected by the  
1705 proposed transport and use.

1706 (g) The value of the existing capital investment in water-  
1707 related infrastructure made by the applicant.

1708  
1709 Where districtwide water supply assessments and regional



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1710 water supply plans have been prepared pursuant to ss. 373.036  
1711 and ~~373.709~~ ~~373.0361~~, the governing board or the department  
1712 shall use the applicable plans and assessments as the basis for  
1713 its consideration of the applicable factors in this subsection.

1714 (5) In evaluating an application for consumptive use of  
1715 water which proposes the use of an alternative water supply  
1716 project as described in the regional water supply plan and  
1717 provides reasonable assurances of the applicant's capability to  
1718 design, construct, operate, and maintain the project, the  
1719 governing board or department shall presume that the alternative  
1720 water supply use is consistent with the public interest under  
1721 paragraph (1)(c). However, where the governing board identifies  
1722 the need for a multijurisdictional water supply entity or  
1723 regional water supply authority to develop the alternative water  
1724 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,  
1725 the presumption shall be accorded only to that use proposed by  
1726 such entity or authority. This subsection does not effect  
1727 evaluation of the use pursuant to the provisions of paragraphs  
1728 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and  
1729 373.233.

1730 Section 16. Section 373.2234, Florida Statutes, is amended  
1731 to read:

1732 373.2234 Preferred water supply sources.—The governing  
1733 board of a water management district is authorized to adopt  
1734 rules that identify preferred water supply sources for  
1735 consumptive uses for which there is sufficient data to establish  
1736 that a preferred source will provide a substantial new water  
1737 supply to meet the existing and projected reasonable-beneficial  
1738 uses of a water supply planning region identified pursuant to s.



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1739 373.709(1) ~~373.0361(1)~~, while sustaining existing water  
1740 resources and natural systems. At a minimum, such rules must  
1741 contain a description of the preferred water supply source and  
1742 an assessment of the water the preferred source is projected to  
1743 produce. If an applicant proposes to use a preferred water  
1744 supply source, that applicant's proposed water use is subject to  
1745 s. 373.223(1), except that the proposed use of a preferred water  
1746 supply source must be considered by a water management district  
1747 when determining whether a permit applicant's proposed use of  
1748 water is consistent with the public interest pursuant to s.  
1749 373.223(1)(c). A consumptive use permit issued for the use of a  
1750 preferred water supply source must be granted, when requested by  
1751 the applicant, for at least a 20-year period and may be subject  
1752 to the compliance reporting provisions of s. 373.236(4). Nothing  
1753 in this section shall be construed to exempt the use of  
1754 preferred water supply sources from the provisions of ss.  
1755 373.016(4) and 373.223(2) and (3), or be construed to provide  
1756 that permits issued for the use of a nonpreferred water supply  
1757 source must be issued for a duration of less than 20 years or  
1758 that the use of a nonpreferred water supply source is not  
1759 consistent with the public interest. Additionally, nothing in  
1760 this section shall be interpreted to require the use of a  
1761 preferred water supply source or to restrict or prohibit the use  
1762 of a nonpreferred water supply source. Rules adopted by the  
1763 governing board of a water management district to implement this  
1764 section shall specify that the use of a preferred water supply  
1765 source is not required and that the use of a nonpreferred water  
1766 supply source is not restricted or prohibited.

1767 Section 17. Subsection (3) of section 373.229, Florida



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1768 Statutes, is amended to read:

1769       373.229 Application for permit.—

1770       (3) In addition to the information required in subsection  
1771 (1), all permit applications filed with the governing board or  
1772 the department which propose the transport and use of water  
1773 across county boundaries shall include information pertaining to  
1774 factors to be considered, pursuant to s. 373.223(3), unless  
1775 exempt under s. 373.713(9) ~~373.1962(9)~~.

1776       Section 18. Paragraph (a) of subsection (6) of section  
1777 373.236, Florida Statutes, is amended to read:

1778       373.236 Duration of permits; compliance reports.—

1779       (6) (a) The Legislature finds that the need for alternative  
1780 water supply development projects to meet anticipated public  
1781 water supply demands of the state is so important that it is  
1782 essential to encourage participation in and contribution to  
1783 these projects by private-rural-land owners who  
1784 characteristically have relatively modest near-term water  
1785 demands but substantially increasing demands after the 20-year  
1786 planning period in s. 373.709 ~~373.0361~~. Therefore, where such  
1787 landowners make extraordinary contributions of lands or  
1788 construction funding to enable the expeditious implementation of  
1789 such projects, water management districts and the department may  
1790 grant permits for such projects for a period of up to 50 years  
1791 to municipalities, counties, special districts, regional water  
1792 supply authorities, multijurisdictional water supply entities,  
1793 and publicly or privately owned utilities, with the exception of  
1794 any publicly or privately owned utilities created for or by a  
1795 private landowner after April 1, 2008, which have entered into  
1796 an agreement with the private landowner for the purpose of more



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1797 efficiently pursuing alternative public water supply development  
1798 projects identified in a district's regional water supply plan  
1799 and meeting water demands of both the applicant and the  
1800 landowner.

1801 Section 19. Paragraph (a) of subsection (6) of section  
1802 373.536, Florida Statutes, is amended to read:

1803 373.536 District budget and hearing thereon.—

1804 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
1805 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1806 (a) Each district must, by the date specified for each  
1807 item, furnish copies of the following documents to the Governor,  
1808 the President of the Senate, the Speaker of the House of  
1809 Representatives, the chairs of all legislative committees and  
1810 subcommittees having substantive or fiscal jurisdiction over the  
1811 districts, as determined by the President of the Senate or the  
1812 Speaker of the House of Representatives as applicable, the  
1813 secretary of the department, and the governing board of each  
1814 county in which the district has jurisdiction or derives any  
1815 funds for the operations of the district:

1816 1. The adopted budget, to be furnished within 10 days after  
1817 its adoption.

1818 2. A financial audit of its accounts and records, to be  
1819 furnished within 10 days after its acceptance by the governing  
1820 board. The audit must be conducted in accordance with the  
1821 provisions of s. 11.45 and the rules adopted thereunder. In  
1822 addition to the entities named above, the district must provide  
1823 a copy of the audit to the Auditor General within 10 days after  
1824 its acceptance by the governing board.

1825 3. A 5-year capital improvements plan, to be included in



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1826 the consolidated annual report required by s. 373.036(7). The  
1827 plan must include expected sources of revenue for planned  
1828 improvements and must be prepared in a manner comparable to the  
1829 fixed capital outlay format set forth in s. 216.043.

1830 4. A 5-year water resource development work program to be  
1831 furnished within 30 days after the adoption of the final budget.  
1832 The program must describe the district's implementation strategy  
1833 for the water resource development component of each approved  
1834 regional water supply plan developed or revised under s. 373.709  
1835 ~~373.0361~~. The work program must address all the elements of the  
1836 water resource development component in the district's approved  
1837 regional water supply plans and must identify which projects in  
1838 the work program will provide water, explain how each water  
1839 resource development project will produce additional water  
1840 available for consumptive uses, estimate the quantity of water  
1841 to be produced by each project, and provide an assessment of the  
1842 contribution of the district's regional water supply plans in  
1843 providing sufficient water to meet the water supply needs of  
1844 existing and future reasonable-beneficial uses for a 1-in-10-  
1845 year drought event. Within 30 days after its submittal, the  
1846 department shall review the proposed work program and submit its  
1847 findings, questions, and comments to the district. The review  
1848 must include a written evaluation of the program's consistency  
1849 with the furtherance of the district's approved regional water  
1850 supply plans, and the adequacy of proposed expenditures. As part  
1851 of the review, the department shall give interested parties the  
1852 opportunity to provide written comments on each district's  
1853 proposed work program. Within 45 days after receipt of the  
1854 department's evaluation, the governing board shall state in





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1855 writing to the department which changes recommended in the  
1856 evaluation it will incorporate into its work program submitted  
1857 as part of the March 1 consolidated annual report required by s.  
1858 373.036(7) or specify the reasons for not incorporating the  
1859 changes. The department shall include the district's responses  
1860 in a final evaluation report and shall submit a copy of the  
1861 report to the Governor, the President of the Senate, and the  
1862 Speaker of the House of Representatives.

1863 Section 20. Subsection (11) of section 373.59, Florida  
1864 Statutes, is amended to read:

1865 373.59 Water Management Lands Trust Fund.—

1866 (11) Notwithstanding any provision of this section to the  
1867 contrary, the governing board of a water management district may  
1868 request, and the Secretary of Environmental Protection shall  
1869 release upon such request, moneys allocated to the districts  
1870 pursuant to subsection (8) for purposes consistent with the  
1871 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.  
1872 373.139, or ss. 373.451-373.4595 and for legislatively  
1873 authorized land acquisition and water restoration initiatives.  
1874 No funds may be used pursuant to this subsection until necessary  
1875 debt service obligations, requirements for payments in lieu of  
1876 taxes, and land management obligations that may be required by  
1877 this chapter are provided for.

1878 Section 21. Paragraph (g) of subsection (1) of section  
1879 378.212, Florida Statutes, is amended to read:

1880 378.212 Variances.—

1881 (1) Upon application, the secretary may grant a variance  
1882 from the provisions of this part or the rules adopted pursuant  
1883 thereto. Variances and renewals thereof may be granted for any



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1884 one of the following reasons:

1885 (g) To accommodate reclamation that provides water supply  
1886 development or water resource development not inconsistent with  
1887 the applicable regional water supply plan approved pursuant to  
1888 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to  
1889 the water resources in the basin. A variance may also be granted  
1890 from the requirements of part IV of chapter 373, or the rules  
1891 adopted thereunder, when a project provides an improvement in  
1892 water availability in the basin and does not cause adverse  
1893 impacts to water resources in the basin.

1894 Section 22. Subsection (9) of section 378.404, Florida  
1895 Statutes, is amended to read:

1896 378.404 Department of Environmental Protection; powers and  
1897 duties.—The department shall have the following powers and  
1898 duties:

1899 (9) To grant variances from the provisions of this part to  
1900 accommodate reclamation that provides for water supply  
1901 development or water resource development not inconsistent with  
1902 the applicable regional water supply plan approved pursuant to  
1903 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved  
1904 wildlife habitat, recreation, or a mixture thereof, provided  
1905 adverse impacts are not caused to the water resources in the  
1906 basin and public health and safety are not adversely affected.

1907 Section 23. Paragraph (a) of subsection (3) of section  
1908 403.0891, Florida Statutes, is amended to read:

1909 403.0891 State, regional, and local stormwater management  
1910 plans and programs.—The department, the water management  
1911 districts, and local governments shall have the responsibility  
1912 for the development of mutually compatible stormwater management



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1913 programs.

1914 (3) (a) Each local government required by chapter 163 to  
1915 submit a comprehensive plan, whose plan is submitted after July  
1916 1, 1992, and the others when updated after July 1, 1992, in the  
1917 development of its stormwater management program described by  
1918 elements within its comprehensive plan shall consider the water  
1919 resource implementation rule, district stormwater management  
1920 goals, plans approved pursuant to the Surface Water Improvement  
1921 and Management Act, ss. 373.451-373.4595, and technical  
1922 assistance information provided by the water management  
1923 districts pursuant to s. 373.711 ~~373.0391~~.

1924 Section 24. Section 403.890, Florida Statutes, is amended  
1925 to read:

1926 403.890 Water Protection and Sustainability Program,  
1927 ~~intent; goals; purposes.-~~

1928 ~~(1) Effective July 1, 2006, revenues transferred from the~~  
1929 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~  
1930 ~~deposited into the Water Protection and Sustainability Program~~  
1931 ~~Trust Fund in the Department of Environmental Protection. These~~  
1932 ~~revenues and any other additional revenues deposited into or~~  
1933 ~~appropriated to the Water Protection and Sustainability Program~~  
1934 ~~Trust Fund shall be distributed by the Department of~~  
1935 ~~Environmental Protection in the following manner:~~

1936 ~~(a) Sixty percent to the Department of Environmental~~  
1937 ~~Protection for the implementation of an alternative water supply~~  
1938 ~~program as provided in s. 373.1961.~~

1939 ~~(b) Twenty percent for the implementation of best~~  
1940 ~~management practices and capital project expenditures necessary~~  
1941 ~~for the implementation of the goals of the total maximum daily~~



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1942 ~~load program established in s. 403.067. Of these funds, 85~~  
1943 ~~percent shall be transferred to the credit of the Department of~~  
1944 ~~Environmental Protection Water Quality Assurance Trust Fund to~~  
1945 ~~address water quality impacts associated with nonagricultural~~  
1946 ~~nonpoint sources. Fifteen percent of these funds shall be~~  
1947 ~~transferred to the Department of Agriculture and Consumer~~  
1948 ~~Services General Inspection Trust Fund to address water quality~~  
1949 ~~impacts associated with agricultural nonpoint sources. These~~  
1950 ~~funds shall be used for research, development, demonstration,~~  
1951 ~~and implementation of the total maximum daily load program under~~  
1952 ~~s. 403.067, suitable best management practices or other measures~~  
1953 ~~used to achieve water quality standards in surface waters and~~  
1954 ~~water segments identified pursuant to s. 303(d) of the Clean~~  
1955 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~  
1956 ~~Implementation of best management practices and other measures~~  
1957 ~~may include cost-share grants, technical assistance,~~  
1958 ~~implementation tracking, and conservation leases or other~~  
1959 ~~agreements for water quality improvement. The Department of~~  
1960 ~~Environmental Protection and the Department of Agriculture and~~  
1961 ~~Consumer Services may adopt rules governing the distribution of~~  
1962 ~~funds for implementation of capital projects, best management~~  
1963 ~~practices, and other measures. These funds shall not be used to~~  
1964 ~~abrogate the financial responsibility of those point and~~  
1965 ~~nonpoint sources that have contributed to the degradation of~~  
1966 ~~water or land areas. Increased priority shall be given by the~~  
1967 ~~department and the water management district governing boards to~~  
1968 ~~those projects that have secured a cost-sharing agreement~~  
1969 ~~allocating responsibility for the cleanup of point and nonpoint~~  
1970 ~~sources.~~



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1971 ~~(c) Ten percent shall be disbursed for the purposes of~~  
1972 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~  
1973 ~~water restoration activities in water management district-~~  
1974 ~~designated priority water bodies. The Secretary of Environmental~~  
1975 ~~Protection shall ensure that each water management district~~  
1976 ~~receives the following percentage of funds annually:~~

1977 ~~1. Thirty five percent to the South Florida Water~~  
1978 ~~Management District;~~

1979 ~~2. Twenty-five percent to the Southwest Florida Water~~  
1980 ~~Management District;~~

1981 ~~3. Twenty-five percent to the St. Johns River Water~~  
1982 ~~Management District;~~

1983 ~~4. Seven and one-half percent to the Suwannee River Water~~  
1984 ~~Management District; and~~

1985 ~~5. Seven and one-half percent to the Northwest Florida~~  
1986 ~~Water Management District.~~

1987 ~~(d) Ten percent to the Department of Environmental~~  
1988 ~~Protection for the Disadvantaged Small Community Wastewater~~  
1989 ~~Grant Program as provided in s. 403.1838.~~

1990 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~  
1991 ~~revenues transferred from the Department of Revenue pursuant to~~  
1992 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~  
1993 ~~and Sustainability Program Trust Fund in the Department of~~  
1994 ~~Environmental Protection. These revenues and any other~~  
1995 ~~additional Revenues deposited into or appropriated to the Water~~  
1996 ~~Protection and Sustainability Program Trust Fund shall be~~  
1997 ~~distributed by the Department of Environmental Protection in the~~  
1998 ~~following manner:~~

1999 ~~(1)(a) Sixty-five percent to the Department of~~



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2000 Environmental Protection for the implementation of an  
2001 alternative water supply program as provided in s. 373.703  
2002 ~~373.1961~~.

2003       (2) ~~(b)~~ Twenty-two and five-tenths percent for the  
2004 implementation of best management practices and capital project  
2005 expenditures necessary for the implementation of the goals of  
2006 the total maximum daily load program established in s. 403.067.  
2007 Of these funds, 83.33 percent shall be transferred to the credit  
2008 of the Department of Environmental Protection Water Quality  
2009 Assurance Trust Fund to address water quality impacts associated  
2010 with nonagricultural nonpoint sources. Sixteen and sixty-seven  
2011 hundredths percent of these funds shall be transferred to the  
2012 Department of Agriculture and Consumer Services General  
2013 Inspection Trust Fund to address water quality impacts  
2014 associated with agricultural nonpoint sources. These funds shall  
2015 be used for research, development, demonstration, and  
2016 implementation of the total maximum daily load program under s.  
2017 403.067, suitable best management practices or other measures  
2018 used to achieve water quality standards in surface waters and  
2019 water segments identified pursuant to s. 303(d) of the Clean  
2020 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.  
2021 Implementation of best management practices and other measures  
2022 may include cost-share grants, technical assistance,  
2023 implementation tracking, and conservation leases or other  
2024 agreements for water quality improvement. The Department of  
2025 Environmental Protection and the Department of Agriculture and  
2026 Consumer Services may adopt rules governing the distribution of  
2027 funds for implementation of capital projects, best management  
2028 practices, and other measures. These funds shall not be used to



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2029 abrogate the financial responsibility of those point and  
2030 nonpoint sources that have contributed to the degradation of  
2031 water or land areas. Increased priority shall be given by the  
2032 department and the water management district governing boards to  
2033 those projects that have secured a cost-sharing agreement  
2034 allocating responsibility for the cleanup of point and nonpoint  
2035 sources.

2036 ~~(3)(e)~~ Twelve and five-tenths percent to the Department of  
2037 Environmental Protection for the Disadvantaged Small Community  
2038 Wastewater Grant Program as provided in s. 403.1838.

2039 ~~(4)(d)~~ On June 30, 2009, and every 24 months thereafter,  
2040 the Department of Environmental Protection shall request the  
2041 return of all unencumbered funds distributed pursuant to this  
2042 section. These funds shall be deposited into the Water  
2043 Protection and Sustainability Program Trust Fund and  
2044 redistributed pursuant to the provisions of this section.

2045 ~~(3) For the 2008-2009 fiscal year only, moneys in the Water~~  
2046 ~~Protection and Sustainability Program Trust Fund shall be~~  
2047 ~~transferred to the Ecosystem Management and Restoration Trust~~  
2048 ~~Fund for grants and aids to local governments for water projects~~  
2049 ~~as provided in the General Appropriations Act. This subsection~~  
2050 ~~expires July 1, 2009.~~

2051 ~~(4) For fiscal year 2005-2006, funds deposited or~~  
2052 ~~appropriated into the Water Protection and Sustainability~~  
2053 ~~Program Trust Fund shall be distributed as follows:~~

2054 ~~(a) One hundred million dollars to the Department of~~  
2055 ~~Environmental Protection for the implementation of an~~  
2056 ~~alternative water supply program as provided in s. 373.1961.~~

2057 ~~(b) Funds remaining after the distribution provided for in~~



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2058 ~~subsection (1) shall be distributed as follows:~~  
2059 ~~1. Fifty percent for the implementation of best management~~  
2060 ~~practices and capital project expenditures necessary for the~~  
2061 ~~implementation of the goals of the total maximum daily load~~  
2062 ~~program established in s. 403.067. Of these funds, 85 percent~~  
2063 ~~shall be transferred to the credit of the Department of~~  
2064 ~~Environmental Protection Water Quality Assurance Trust Fund to~~  
2065 ~~address water quality impacts associated with nonagricultural~~  
2066 ~~nonpoint sources. Fifteen percent of these funds shall be~~  
2067 ~~transferred to the Department of Agriculture and Consumer~~  
2068 ~~Services General Inspection Trust Fund to address water quality~~  
2069 ~~impacts associated with agricultural nonpoint sources. These~~  
2070 ~~funds shall be used for research, development, demonstration,~~  
2071 ~~and implementation of suitable best management practices or~~  
2072 ~~other measures used to achieve water quality standards in~~  
2073 ~~surface waters and water segments identified pursuant to s.~~  
2074 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~  
2075 ~~1251 et seq. Implementation of best management practices and~~  
2076 ~~other measures may include cost-share grants, technical~~  
2077 ~~assistance, implementation tracking, and conservation leases or~~  
2078 ~~other agreements for water quality improvement. The Department~~  
2079 ~~of Environmental Protection and the Department of Agriculture~~  
2080 ~~and Consumer Services may adopt rules governing the distribution~~  
2081 ~~of funds for implementation of best management practices. These~~  
2082 ~~funds shall not be used to abrogate the financial responsibility~~  
2083 ~~of those point and nonpoint sources that have contributed to the~~  
2084 ~~degradation of water or land areas. Increased priority shall be~~  
2085 ~~given by the department and the water management district~~  
2086 ~~governing boards to those projects that have secured a cost-~~





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2087 ~~sharing agreement allocating responsibility for the cleanup of~~  
2088 ~~point and nonpoint sources.~~

2089 ~~2. Twenty five percent for the purposes of funding projects~~  
2090 ~~pursuant to ss. 373.451-373.459 or surface water restoration~~  
2091 ~~activities in water management district designated priority~~  
2092 ~~water bodies. The Secretary of Environmental Protection shall~~  
2093 ~~ensure that each water management district receives the~~  
2094 ~~following percentage of funds annually:~~

2095 ~~a. Thirty five percent to the South Florida Water~~  
2096 ~~Management District;~~

2097 ~~b. Twenty five percent to the Southwest Florida Water~~  
2098 ~~Management District;~~

2099 ~~e. Twenty five percent to the St. Johns River Water~~  
2100 ~~Management District;~~

2101 ~~d. Seven and one-half percent to the Suwannee River Water~~  
2102 ~~Management District; and~~

2103 ~~e. Seven and one-half percent to the Northwest Florida~~  
2104 ~~Water Management District.~~

2105 ~~3. Twenty five percent to the Department of Environmental~~  
2106 ~~Protection for the Disadvantaged Small Community Wastewater~~  
2107 ~~Grant Program as provided in s. 403.1838.~~

2108  
2109 ~~Prior to the end of the 2008 Regular Session, the~~  
2110 ~~Legislature must review the distribution of funds under the~~  
2111 ~~Water Protection and Sustainability Program to determine if~~  
2112 ~~revisions to the funding formula are required. At the discretion~~  
2113 ~~of the President of the Senate and the Speaker of the House of~~  
2114 ~~Representatives, the appropriate substantive committees of the~~  
2115 ~~Legislature may conduct an interim project to review the Water~~



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2116 ~~Protection and Sustainability Program and the funding formula~~  
2117 ~~and make written recommendations to the Legislature proposing~~  
2118 ~~necessary changes, if any.~~

2119 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~  
2120 ~~distributed as follows:~~

2121 ~~(a) Thirty-one and twenty-one hundredths percent to the~~  
2122 ~~Department of Environmental Protection for the implementation of~~  
2123 ~~an alternative water supply program as provided in s. 373.1961.~~

2124 ~~(b) Twenty-six and eighty-seven hundredths percent for the~~  
2125 ~~implementation of best management practices and capital project~~  
2126 ~~expenditures necessary for the implementation of the goals of~~  
2127 ~~the total maximum daily load program established in s. 403.067.~~  
2128 ~~Of these funds, 86 percent shall be transferred to the credit of~~  
2129 ~~the Water Quality Assurance Trust Fund of the Department of~~  
2130 ~~Environmental Protection to address water quality impacts~~  
2131 ~~associated with nonagricultural nonpoint sources. Fourteen~~  
2132 ~~percent of these funds shall be transferred to the General~~  
2133 ~~Inspection Trust Fund of the Department of Agriculture and~~  
2134 ~~Consumer Services to address water quality impacts associated~~  
2135 ~~with agricultural nonpoint sources. These funds shall be used~~  
2136 ~~for research, development, demonstration, and implementation of~~  
2137 ~~the total maximum daily load program under s. 403.067, suitable~~  
2138 ~~best management practices, or other measures used to achieve~~  
2139 ~~water quality standards in surface waters and water segments~~  
2140 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~  
2141 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~  
2142 ~~management practices and other measures may include cost-share~~  
2143 ~~grants, technical assistance, implementation tracking, and~~  
2144 ~~conservation leases or other agreements for water quality~~



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2145 ~~improvement. The Department of Environmental Protection and the~~  
2146 ~~Department of Agriculture and Consumer Services may adopt rules~~  
2147 ~~governing the distribution of funds for implementation of~~  
2148 ~~capital projects, best management practices, and other measures.~~  
2149 ~~These funds may not be used to abrogate the financial~~  
2150 ~~responsibility of those point and nonpoint sources that have~~  
2151 ~~contributed to the degradation of water or land areas. Increased~~  
2152 ~~priority shall be given by the department and the water~~  
2153 ~~management district governing boards to those projects that have~~  
2154 ~~secured a cost sharing agreement that allocates responsibility~~  
2155 ~~for the cleanup of point and nonpoint sources.~~

2156 ~~(c) Forty one and ninety two hundredths percent to the~~  
2157 ~~Department of Environmental Protection for the Disadvantaged~~  
2158 ~~Small Community Wastewater Grant Program as provided in s.~~  
2159 ~~403.1838.~~

2160  
2161 ~~This subsection expires July 1, 2010.~~

2162 Section 25. Subsection (1) of section 403.891, Florida  
2163 Statutes, is amended to read:

2164 403.891 Water Protection and Sustainability Program Trust  
2165 Fund of the Department of Environmental Protection.—

2166 (1) The Water Protection and Sustainability Program Trust  
2167 Fund is created within the Department of Environmental  
2168 Protection. The purpose of the trust fund is to ~~receive funds~~  
2169 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~  
2170 ~~for in law and the General Appropriations Act, and funds~~  
2171 ~~received by the department in order to implement the provisions~~  
2172 ~~of the Water Sustainability and Protection Program created in s.~~  
2173 ~~403.890.~~



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2174 Section 26. Section 682.02, Florida Statutes, is amended to  
2175 read:

2176 682.02 Arbitration agreements made valid, irrevocable, and  
2177 enforceable; scope.—Two or more parties may agree in writing to  
2178 submit to arbitration any controversy existing between them at  
2179 the time of the agreement, or they may include in a written  
2180 contract a provision for the settlement by arbitration of any  
2181 controversy thereafter arising between them relating to such  
2182 contract or the failure or refusal to perform the whole or any  
2183 part thereof. This section also applies to written interlocal  
2184 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or  
2185 more parties agree to submit to arbitration any controversy  
2186 between them concerning water use permit applications and other  
2187 matters, regardless of whether or not the water management  
2188 district with jurisdiction over the subject application is a  
2189 party to the interlocal agreement or a participant in the  
2190 arbitration. Such agreement or provision shall be valid,  
2191 enforceable, and irrevocable without regard to the justiciable  
2192 character of the controversy; provided that this act shall not  
2193 apply to any such agreement or provision to arbitrate in which  
2194 it is stipulated that this law shall not apply or to any  
2195 arbitration or award thereunder.

2196 Section 27. Section 373.71, Florida Statutes, is renumbered  
2197 as section 373.69, Florida Statutes.

2198 Section 28. Sections 373.0361, 373.0391, 373.0831, 373.196,  
2199 373.1961, 373.1962, and 373.1963, Florida Statutes, are  
2200 repealed.

2201 Section 29. Subsection (4) of section 373.079, Florida  
2202 Statutes, is amended to read:



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2203 373.079 Members of governing board; oath of office; staff.-

2204 (4) ~~(a)~~ The governing board of the district shall ~~is~~  
2205 ~~authorized to employ:~~

2206 (a) An executive director, ombudsman, and such engineers,  
2207 other professional persons, and other personnel and assistants  
2208 as it deems necessary and under such terms and conditions as it  
2209 may determine and to terminate such employment. The appointment  
2210 of an executive director by the governing board is subject to  
2211 approval by the Governor and must be initially confirmed by the  
2212 Florida Senate. The governing board may delegate all or part of  
2213 its authority under this paragraph to the executive director.  
2214 ~~However, the governing board shall delegate to the executive~~  
2215 ~~director all of its authority to take final action on permit~~  
2216 ~~applications under part II or part IV or petitions for variances~~  
2217 ~~or waivers of permitting requirements under part II or part IV,~~  
2218 ~~except for denials of such actions as provided in s. 373.083(5).~~  
2219 ~~The executive director may execute such delegated authority~~  
2220 ~~through designated staff members. Such delegations shall not be~~  
2221 ~~subject to the rulemaking requirements of chapter 120. The~~  
2222 executive director must be confirmed by the Senate upon  
2223 employment and must be confirmed or reconfirmed by the Senate  
2224 during the second regular session of the Legislature following a  
2225 gubernatorial election.

2226 ~~(b)1. The governing board of each water management district~~  
2227 ~~shall employ~~ An inspector general, who shall report directly to  
2228 the board. However, the governing boards of the Suwannee River  
2229 Water Management District and the Northwest Florida Water  
2230 Management District may jointly employ an inspector general, or  
2231 provide for inspector general services by interagency agreement



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2232 with a state agency or water management district inspector  
2233 general.

2234 ~~2.~~ An inspector general must have the same qualifications  
2235 ~~prescribed~~ and perform the applicable duties of state agency  
2236 inspectors general as provided in s. 20.055.

2237 Section 30. Subsection (5) of section 373.083, Florida  
2238 Statutes, is amended to read:

2239 373.083 General powers and duties of the governing board.-  
2240 In addition to other powers and duties allowed it by law, the  
2241 governing board is authorized to:

2242 (5) Execute any of the powers, duties, and functions vested  
2243 in the governing board through a member ~~or members thereof~~, the  
2244 executive director, or other district staff as designated by the  
2245 governing board. The governing board may establish the scope and  
2246 terms of any delegation. However, if the governing board  
2247 delegates ~~shall delegate to the executive director all of its~~  
2248 authority to take final action on permit applications under part  
2249 II or part IV or petitions for variances or waivers of  
2250 permitting requirements under part II or part IV, ~~and the~~  
2251 ~~executive director may execute such delegated authority through~~  
2252 ~~designated staff. Such delegations shall not be subject to the~~  
2253 ~~rulemaking requirements of chapter 120. However,~~ the governing  
2254 board must ~~shall~~ provide a process for referring a ~~any~~ denial of  
2255 such application or petition to the governing board for the  
2256 purpose of taking ~~to take~~ final action. ~~Such process shall~~  
2257 ~~expressly prohibit any member of a governing board from~~  
2258 ~~intervening in any manner during the review of an application~~  
2259 ~~prior to such application being referred to the governing board~~  
2260 ~~for final action.~~ The authority to delegate under ~~in~~ this



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2261 subsection is supplemental to any other provision of this  
2262 chapter granting authority to the governing board to delegate  
2263 specific powers, duties, or functions.

2264 Section 31. Subsection (5) is added to section 373.118,  
2265 Florida Statutes, to read:

2266 373.118 General permits; delegation.—

2267 (5) To improve efficiency, the governing board may delegate  
2268 by rule its powers and duties pertaining to general permits to  
2269 the executive director. The executive director may execute such  
2270 delegated authority through designated staff. However, when  
2271 delegating the authority to take final action on permit  
2272 applications under part II or part IV or petitions for variances  
2273 or waivers of permitting requirements under part II or part IV,  
2274 the governing board must provide a process for referring a  
2275 denial of such application or petition to the governing board  
2276 for the purpose of taking final action.

2277 Section 32. Section 373.4131, Florida Statutes, is created  
2278 to read:

2279 373.4131 Stormwater quality treatment requirements.—

2280 (1) The Legislature finds and declares that nutrients in  
2281 stormwater contribute to nutrient impairment of the state's  
2282 waters. The Legislature further finds and declares that a  
2283 uniform statewide rule, which is consistent with the state's  
2284 strategy to reduce the adverse effects of nutrients on water  
2285 quality as outlined in Chapter 403, will provide a  
2286 scientifically and technically sound method to assist permittees  
2287 in their efforts to meet state water quality standards.

2288 (2) As used in this section, the term:

2289 (a) "Nutrient" means total nitrogen and total phosphorus.



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2290           (b) "Redevelopment" means construction of a surface water  
2291 management system on sites with existing commercial, industrial,  
2292 or multifamily land uses where the existing impervious surface  
2293 will be removed as part of the proposed activity.

2294           (c) "Stormwater quality treatment requirements" means the  
2295 minimum level of stormwater treatment and design criteria for  
2296 the construction, operation, and maintenance of stormwater  
2297 management systems.

2298           (3) The department, in coordination with the water  
2299 management districts, shall develop a uniform statewide  
2300 stormwater quality treatment rule for stormwater management  
2301 systems. The rule must provide for geographic differences in  
2302 physical and natural characteristics, such as rainfall patterns,  
2303 topography, soil type, and vegetation. The department shall  
2304 adopt the rule no later than July 1, 2011. The water management  
2305 districts and any delegated local program under this part shall  
2306 implement the rule without having to adopt it pursuant to s.  
2307 120.54. However, the department and water management districts  
2308 may adopt, amend, or retain rules designed to implement a basin  
2309 management action plan for a total maximum daily load, and rules  
2310 established pursuant to s. 373.4592, s. 373.4595, s. 373.461, or  
2311 s. 403.067.

2312           (a) Except as otherwise provided in this section,  
2313 variations from the rule adopted under this section are  
2314 prohibited.

2315           (b) Existing stormwater quality treatment rules that are  
2316 superseded by the rule adopted under this section may be  
2317 repealed without further rulemaking pursuant to s. 120.54 by  
2318 publication of a notice of repeal in the Florida Administrative





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2319 Weekly and subsequent filing of a list of the rules repealed  
2320 with the Department of State.

2321 (c) Until the rule adopted pursuant to this section becomes  
2322 effective, existing stormwater quality treatment rules adopted  
2323 under this part are deemed authorized under this part and remain  
2324 in full force and effect.

2325 (4) The rule adopted pursuant to this section shall  
2326 establish the stormwater quality treatment requirements  
2327 necessary to meet the applicable state water quality standards,  
2328 including nutrient standards. Compliance with the stormwater  
2329 quality treatment requirements creates a presumption that  
2330 stormwater discharged from the system will meet the applicable  
2331 state water quality standards, whether expressed in narrative or  
2332 numeric form, in the receiving waters.

2333 (5) Notwithstanding subsection (4), the rule shall  
2334 establish alternative stormwater quality treatment requirements  
2335 for the redevelopment of sites totaling 10 acres or less, and  
2336 the retrofitting of existing stormwater management systems where  
2337 such treatment results in a net reduction in the discharge of  
2338 nutrients and other pollutants to the receiving waters. The  
2339 alternative treatment requirements for redevelopment must be  
2340 based upon a feasibility assessment of stormwater best  
2341 management practices that considers factors such as site size,  
2342 availability of regional stormwater treatment systems, and  
2343 physical site characteristics. The rule may also establish  
2344 alternative stormwater quality treatment requirements for the  
2345 development of sites with legacy pollutants from past  
2346 activities.

2347 (6) Subsequent to the adoption of the rule under this



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2348 section, the following shall continue to be governed by the  
2349 stormwater quality treatment rules adopted by the department,  
2350 water management districts, and any delegated local program  
2351 under this part in effect before the effective date of the rule  
2352 adopted pursuant to this section, unless the applicant elects to  
2353 have an application reviewed under the rule adopted under this  
2354 section:

2355 (a) The operation and maintenance of stormwater management  
2356 systems legally in existence before the effective date of the  
2357 rule adopted under this section if the terms and conditions of  
2358 the permit, exemption, or other authorization for such systems  
2359 continue to be met; or

2360 (b) The activities approved in a permit issued under this  
2361 part and the review of activities proposed in applications  
2362 received and completed before the effective date of the rule  
2363 adopted under this section. This also applies to any  
2364 modification of the plans, terms, and conditions of the permit,  
2365 including new activities, within the geographical area to which  
2366 the permit applies. However, this shall not apply to a  
2367 modification that would extend the permitted time limit for  
2368 construction beyond 4 additional years or to any modification  
2369 reasonably expected to lead to additional or substantially  
2370 different stormwater quality impacts. This shall also apply to  
2371 any modification which lessens or does not increase stormwater  
2372 quality impacts.

2373 (9) The provisions of this section do not apply to  
2374 stormwater management systems serving agriculture.

2375 Section 33. Subsection (7) of section 403.031, Florida  
2376 Statutes, is amended to read:



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2377           403.031 Definitions.—In construing this chapter, or rules  
2378 and regulations adopted pursuant hereto, the following words,  
2379 phrases, or terms, unless the context otherwise indicates, have  
2380 the following meanings:

2381           (7) "Pollution" is the presence in the outdoor atmosphere  
2382 or waters of the state of any substances, contaminants, noise,  
2383 or manmade or human-induced impairment of air or waters or  
2384 alteration of the chemical, physical, biological, or  
2385 radiological integrity of air or water in quantities or at  
2386 levels which are or may be potentially harmful or injurious to  
2387 human health or welfare, animal or plant life, or property or  
2388 which unreasonably interfere with the enjoyment of life or  
2389 property, including outdoor recreation unless authorized by  
2390 applicable law. Nutrients become pollution in a water body at a  
2391 level determined by the department to cause in an imbalance of  
2392 naturally occurring aquatic flora or fauna in that water body.

2393           (22) "First magnitude spring" means a spring that has a  
2394 median discharge of greater than or equal to 100 cubic feet per  
2395 second for the period of record, as determined by the  
2396 department.

2397           (23) "Second magnitude spring" means a spring that has a  
2398 median discharge of 10 to 100 cubic feet per second for the  
2399 period of record, as determined by the department.

2400           Section 34. Subsection (11) of section 403.061, Florida  
2401 Statutes, is amended and a new subsection (41) is added to read:

2402           403.061 Department; powers and duties.—The department shall  
2403 have the power and the duty to control and prohibit pollution of  
2404 air and water in accordance with the law and rules adopted and  
2405 promulgated by it and, for this purpose, to:



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2406 (11) Establish ambient air quality and water quality  
2407 standards for the state as a whole or for any part thereof, and  
2408 also standards for the abatement of excessive and unnecessary  
2409 noise. The department is authorized to establish reasonable  
2410 zones of mixing for discharges into waters. Water quality  
2411 criteria for nutrients shall limit loadings or concentrations to  
2412 those that will not cause an imbalance of naturally occurring  
2413 populations of aquatic flora or fauna.

2414  
2415 Nothing in this act shall be construed to invalidate any  
2416 existing department rule relating to mixing zones. The  
2417 department shall cooperate with the Department of Highway Safety  
2418 and Motor Vehicles in the development of regulations required by  
2419 s. 316.272(1).

2420  
2421 (41) By December 31, 2011, the department, in coordination  
2422 with the water management districts, shall create and maintain  
2423 an online portal accessible by the public listing all existing  
2424 consumptive use permits granted by the districts. The districts  
2425 shall also report each new consumptive use permit or  
2426 modification of an existing permit to the department within 30  
2427 days of final approval for inclusion in the online portal. The  
2428 department must identify, at a minimum, the applicant, the  
2429 owner, the date issued, the source of the water, the total  
2430 quantity of water granted, the use to be made of the water and  
2431 any limitations, the place of use, the location of the well or  
2432 point of diversion, the duration of the permit, modifications of  
2433 the permit, if any, and the actual amount withdrawn under the  
2434 permit, if known.



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The department shall implement such programs in conjunction with its other powers and duties and shall place special emphasis on reducing and eliminating contamination that presents a threat to humans, animals or plants, or to the environment.

Section 35. Section 403.0675, Florida Statutes, is created to read:

403.0675 .- Establishment and Implementation of Numeric Nutrient Standards.

(1) The Legislature finds the following: nutrients are essential for the biological health and productivity of Florida waters; a delicate relationship exists between the concentration and loading of nutrients in a water body which reflects its health and productivity; the improper combination of nutrients with site specific factors may cause adverse effects on water quality; when establishing numeric nutrient standards, the failure to take into account site specific factors and ensure scientific validity may result in standards that lack adequate scientific support and cause unintended environmental and economic consequences; the total maximum daily load program is the best mechanism for establishing numeric nutrient standards for nutrient impaired water bodies and restoring nutrient impaired water bodies; and consistent with the Congressional intent expressed in the Clean Water Act, any numeric nutrient standards established pursuant to section 303(c) of the Clean Water Act should work in concert with the total maximum daily load program and other water quality programs.

(2) As provided in this section, by August 16, 2010 the Department of Environmental Protection shall submit to the



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2464 United States Environmental Protection Agency the following  
2465 numeric nutrient standards in fulfillment of the Environmental  
2466 Protection Agency's mandate to adopt numeric nutrient criteria  
2467 under section 303(c)(4)(B) of the Clean Water Act:

2468 (a) All site specific numeric nutrient criteria established  
2469 pursuant to paragraph (5) of this section.

2470 (b) The site specific numeric nutrient criteria  
2471 methodology, planning list, and schedule developed in accordance  
2472 with paragraph (3) of this section.

2473 (c) The schedule for developing site specific numeric  
2474 nutrient criteria in accordance with paragraph (4) of this  
2475 section.

2476 The submission of these standards to the Environmental  
2477 Protection Agency shall be a ministerial act that is not subject  
2478 to challenge under section 120.

2479 (3) The department shall utilize the following methodology  
2480 for developing site specific numeric nutrient criteria for  
2481 Florida streams:

2482 (a) Categorize all streams into the basins established  
2483 pursuant to section 403.067.

2484 (b) Prioritize all streams for establishing numeric  
2485 nutrient criteria with highest priority given to nutrient-  
2486 impaired waters, followed by unimpaired nutrient sensitive  
2487 waters, and waters that flow into nutrient sensitive waters. The  
2488 department may also consider the nutrient concentrations of the  
2489 waters and level of potential anthropogenic influence on the  
2490 waters.

2491 (c) Develop a planning list and schedule for adopting site  
2492 specific numeric nutrient criteria in accordance with



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2493 subparagraphs (3) (a) and (b)

2494 (d) Adopt by rule site specific numeric nutrient criteria  
2495 for identified water bodies at the nutrient levels at which the  
2496 water bodies will exhibit imbalances of naturally occurring  
2497 populations of flora and fauna.

2498 (e) Nutrient criteria may be expressed in terms of  
2499 concentration, mass loading, load allocation, and/or surrogate  
2500 standards, such as chlorophyll-a, and may be supplemented by  
2501 narrative statements.

2502 (f) For any waters identified as impaired pursuant to the  
2503 department's impaired waters rule, any nutrient total maximum  
2504 daily loads established in accordance with section 403.067 shall  
2505 be submitted to the Environmental Protection Agency in  
2506 accordance with sections 303(c) and 303(d) of the Clean Water  
2507 Act, subject to the conditions of sections 403.067 and  
2508 403.0675(3) (d).

2509 (4) The department shall utilize the following methodology  
2510 for developing site specific numeric nutrient criteria for  
2511 Florida lakes and springs:

2512 (a) The department shall propose for adoption by rule site  
2513 specific numeric nutrient criteria for all first and second  
2514 magnitude Florida springs by January 31, 2011.

2515 (b) The department shall propose for adoption by rule site  
2516 specific numeric nutrient criteria for Florida lakes by July 31,  
2517 2011.

2518 (c) Criteria developed in accordance with this paragraph  
2519 shall be subject to sections 403.0675(3) (d)-(f) and  
2520 403.0675(5) (a).

2521 (5) The following nutrient standards shall constitute site



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2522 specific numeric nutrient water quality criteria:

2523 (a) All nutrient total maximum daily loads and associated  
2524 numeric interpretations of the narrative nutrient criterion,  
2525 whether Total Nitrogen, Total Phosphorus, or a surrogate  
2526 nutrient standard, such as chlorophyll-a, biological demand or  
2527 specific biological metric, developed by the department and  
2528 approved by the Environmental Protection Agency as of March 1,  
2529 2010, subject to the requirements of section 403.067.

2530 (b) The total nitrogen load allocations for Tampa Bay and  
2531 its bay segments, as defined in the Reasonable Assurance  
2532 demonstration submitted by the Nitrogen Management Consortium of  
2533 Tampa Bay, as approved by the department.

2534 (c) The establishment of these standards shall not affect a  
2535 person's right to challenge the standards as an existing rule  
2536 pursuant to section 120.56.

2537 (6) The site specific numeric nutrient criteria established  
2538 in paragraph (5), the methodology for developing site specific  
2539 numeric nutrient criteria for Florida streams as delineated in  
2540 paragraph (3), the planning list and schedule developed in  
2541 accordance with paragraph (3)(c), and the schedule for  
2542 developing site specific numeric nutrient criteria for Florida  
2543 springs and lakes in paragraph (4) prepared by the department  
2544 under this subsection shall be made available for public comment  
2545 prior to the department's submission of these standards to the  
2546 Environmental Protection Agency, but shall not be subject to  
2547 challenge under chapter 120.

2548 (7) f the Environmental Protection Agency disapproves,  
2549 approves in part, or conditions its approval of the site  
2550 specific numeric nutrient criteria established in paragraph (5),





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2551 the methodology for developing site specific numeric nutrient  
2552 criteria for Florida streams as delineated in paragraph (3), the  
2553 planning list developed in accordance with paragraph (3)(c), or  
2554 the schedule for developing site specific numeric nutrient  
2555 criteria for Florida springs and lakes in paragraph (4) as  
2556 satisfying section 303(c)(4)(B) of the Clean Water Act, then  
2557 those numeric nutrient standards shall not be effective until  
2558 ratified by the Legislature.

2559 (8) Prior to adopting additional or more stringent water  
2560 quality standards or criteria applicable to manmade lakes,  
2561 canals or ditches, or streams converted to canals before 1975,  
2562 the Environmental Regulation Commission shall determine the  
2563 aquatic life support and habitat limitations of these waters and  
2564 adopt appropriate classifications or sub-classifications for  
2565 them together with appropriate designated uses based upon their  
2566 physical and hydrologic characteristics. Any new standards or  
2567 criteria for these waters so classified shall be based upon a  
2568 determination that the standards or criteria are necessary for  
2569 the control of pollution and needed to protect against adverse  
2570 effects of pollution on aquatic life reasonably anticipated in  
2571 these manmade or modified waters. In order to facilitate the  
2572 adoption of site specific numeric nutrient criteria for these  
2573 waters, the department shall propose for adoption by rule a new  
2574 designated use classification or classifications for these  
2575 waters by October 31, 2010.

2576 (9) The department shall, when conducting its next  
2577 triennial review of water quality criteria after the effective  
2578 date of this Act, review the numeric nutrient criteria  
2579 established pursuant to section 403.0675(5)(a) to verify



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2580 compliance with section 403.0675(3)(d).

2581

2582 Section 36. Subsection (1) of section 215.619, Florida  
2583 Statutes, is amended to read:

2584 215.619 Bonds for Everglades restoration.—

2585 (1) The issuance of Everglades restoration bonds to finance  
2586 or refinance the cost of the acquisition and improvement of  
2587 land, water areas, and related property interests and resources  
2588 for the purpose of implementing the Comprehensive Everglades  
2589 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed  
2590 Protection Plan under s. 373.4595, the Caloosahatchee River  
2591 Watershed Protection Plan under s. 373.4595, the St. Lucie River  
2592 Watershed Protection Plan under s. 373.4595, and the Florida  
2593 Keys Area of Critical State Concern protection program under ss.  
2594 380.05 and 380.0552 in order to restore and conserve natural  
2595 systems through the implementation of water management projects,  
2596 including wastewater management projects identified in the “Keys  
2597 Wastewater Plan,” dated November 2007, and submitted to the  
2598 Florida House of Representatives on December 4, 2007, is  
2599 authorized in accordance with s. 11(e), Art. VII of the State  
2600 Constitution.

2601 (a) Everglades restoration bonds, except refunding bonds,  
2602 may be issued only in fiscal years 2002-2003 through 2019-2020  
2603 and may not be issued in an amount exceeding \$100 million per  
2604 fiscal year unless:

2605 1. (a) The Department of Environmental Protection has  
2606 requested additional amounts in order to achieve cost savings or  
2607 accelerate the purchase of land; or

2608 2. (b) The Legislature authorizes an additional amount of



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2609 bonds not to exceed \$200 and limited to \$50 million per fiscal  
2610 year, for no more than 4 fiscal years, specifically for the  
2611 purpose of funding the Florida Keys Area of Critical State  
2612 Concern protection program. Proceeds from the bonds shall be  
2613 managed by the Department of Environmental Protection for the  
2614 purpose of entering into financial assistance agreements with  
2615 local governments located in the Florida Keys Area of Critical  
2616 State Concern to finance or refinance the cost of constructing  
2617 sewage collection, treatment, and disposal facilities.

2618 (b) The duration of Everglades restoration bonds may not  
2619 exceed 20 annual maturities, ~~and these bonds~~ must mature by  
2620 December 31, 2040. Except for refunding bonds, a series of bonds  
2621 may not be issued unless an amount equal to the debt service  
2622 coming due in the year of issuance has been appropriated by the  
2623 Legislature. Beginning July 1, 2010, the Legislature shall  
2624 analyze the ratio of the state's debt to projected revenues  
2625 before authorizing the issuance of ~~prior to the authorization to~~  
2626 ~~issue any~~ bonds under this section.

2627 Section 37. Subsections (2), (4), (7), and (9) of section  
2628 380.0552, Florida Statutes, are amended to read:

2629 380.0552 Florida Keys Area; protection and designation as  
2630 area of critical state concern.—

2631 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that~~ the  
2632 intent of the Legislature to is:

2633 (a) ~~To~~ Establish a land use management system that protects  
2634 the natural environment of the Florida Keys.

2635 (b) ~~To~~ Establish a land use management system that  
2636 conserves and promotes the community character of the Florida  
2637 Keys.



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2638 (c) ~~To~~ Establish a land use management system that promotes  
2639 orderly and balanced growth in accordance with the capacity of  
2640 available and planned public facilities and services.

2641 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to  
2642 places of employment in the Florida Keys.

2643 (e) ~~To~~ Establish a land use management system that promotes  
2644 and supports a diverse and sound economic base.

2645 (f) ~~To~~ Protect the constitutional rights of property owners  
2646 to own, use, and dispose of their real property.

2647 (g) ~~To~~ Promote coordination and efficiency among  
2648 governmental agencies that have ~~with~~ permitting jurisdiction  
2649 over land use activities in the Florida Keys.

2650 (h) Promote an appropriate land acquisition and protection  
2651 strategy for environmentally sensitive lands within the Florida  
2652 Keys.

2653 (i) Protect and improve the nearshore water quality of the  
2654 Florida Keys through the construction and operation of  
2655 wastewater management facilities that meet the requirements of  
2656 ss. 381.0065(4)(1) and 403.086(10), as applicable.

2657 (j) Ensure that the population of the Florida Keys can be  
2658 safely evacuated.

2659 (4) REMOVAL OF DESIGNATION.—

2660 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~  
2661 ~~land planning agency shall submit a written report to the~~  
2662 ~~Administration Commission describing in detail the progress of~~  
2663 ~~the Florida Keys Area toward accomplishing the tasks of the work~~  
2664 ~~program as defined in paragraph (c) and providing a~~  
2665 ~~recommendation as to whether substantial progress toward~~  
2666 ~~accomplishing the tasks of the work program has been achieved.~~



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2667 ~~Subsequent to receipt of the report, the Administration~~  
2668 ~~Commission shall determine, prior to October 1, 2008, whether~~  
2669 ~~substantial progress has been achieved toward accomplishing the~~  
2670 ~~tasks of the work program. The designation of the Florida Keys~~  
2671 ~~Area as an area of critical state concern under this section may~~  
2672 ~~be recommended for removal upon fulfilling the legislative~~  
2673 ~~intent under subsection (2) and completion of all the work~~  
2674 ~~program tasks specified in rules of the Administration~~  
2675 ~~Commission shall be removed October 1, 2009, unless the~~  
2676 ~~Administration Commission finds, after receipt of the state land~~  
2677 ~~planning agency report, that substantial progress has not been~~  
2678 ~~achieved toward accomplishing the tasks of the work program. If~~  
2679 ~~the designation of the Florida Keys Area as an area of critical~~  
2680 ~~state concern is removed, the Administration Commission, within~~  
2681 ~~60 days after removal of the designation, shall initiate~~  
2682 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~  
2683 ~~to the designation of the Florida Keys Area as an area of~~  
2684 ~~critical state concern. If, after receipt of the state land~~  
2685 ~~planning agency's report, the Administration Commission finds~~  
2686 ~~that substantial progress toward accomplishing the tasks of the~~  
2687 ~~work program has not been achieved, the Administration~~  
2688 ~~Commission shall provide a written report to the Monroe County~~  
2689 ~~Commission within 30 days after making such finding detailing~~  
2690 ~~the tasks under the work program that must be accomplished in~~  
2691 ~~order for substantial progress to be achieved within the next 12~~  
2692 ~~months.~~

2693 (b) Beginning November 30, 2010, the state land planning  
2694 agency shall annually submit a written report to the  
2695 Administration Commission describing the progress of the Florida



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2696 Keys Area toward completing the work program tasks specified in  
2697 commission rules. The land planning agency shall recommend  
2698 removing the Florida Keys Area from being designated as an area  
2699 of critical state concern to the commission if it determines  
2700 that:

2701 1. All of the work program tasks have been completed,  
2702 including construction of, operation of, and connection to  
2703 central wastewater management facilities pursuant to s.  
2704 403.086(10) and upgrade of onsite sewage treatment and disposal  
2705 systems pursuant to s. 381.0065(4)(1);

2706 2. All local comprehensive plans and land development  
2707 regulations and the administration of such plans and regulations  
2708 are adequate to protect the Florida Keys Area, fulfill the  
2709 legislative intent specified in subsection (2), and are  
2710 consistent with and further the principles guiding development;  
2711 and

2712 3. A local government has adopted a resolution at a public  
2713 hearing recommending the removal of the designation.

2714 ~~(b) If the designation of the Florida Keys Area as an area~~  
2715 ~~of critical state concern is not removed in accordance with~~  
2716 ~~paragraph (a), the state land planning agency shall submit a~~  
2717 ~~written annual report to the Administration Commission on~~  
2718 ~~November 1 of each year, until such time as the designation is~~  
2719 ~~removed, describing the progress of the Florida Keys Area toward~~  
2720 ~~accomplishing remaining tasks under the work program and~~  
2721 ~~providing a recommendation as to whether substantial progress~~  
2722 ~~toward accomplishing the tasks of the work program has been~~  
2723 ~~achieved. The Administration Commission shall determine, within~~  
2724 ~~45 days after receipt of the annual report, whether substantial~~



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2725 ~~progress has been achieved toward accomplishing the remaining~~  
2726 ~~tasks of the work program. The designation of the Florida Keys~~  
2727 ~~Area as an area of critical state concern under this section~~  
2728 ~~shall be removed unless the Administration Commission finds that~~  
2729 ~~substantial progress has not been achieved toward accomplishing~~  
2730 ~~the tasks of the work program. If the designation of the Florida~~  
2731 ~~Keys Area as an area of critical state concern is removed, the~~  
2732 ~~Administration Commission, within 60 days after removal of the~~  
2733 ~~designation, shall initiate rulemaking pursuant to chapter 120~~  
2734 ~~to repeal any rules relating to the designation of the Florida~~  
2735 ~~Keys Area as an area of critical state concern. If the~~  
2736 ~~Administration Commission finds that substantial progress has~~  
2737 ~~not been achieved, the Administration Commission shall provide~~  
2738 ~~to the Monroe County Commission, within 30 days after making its~~  
2739 ~~finding, a report detailing the tasks under the work program~~  
2740 ~~that must be accomplished in order for substantial progress to~~  
2741 ~~be achieved within the next 12 months.~~

2742 (c) After receipt of the state land planning agency report  
2743 and recommendation, the Administration Commission shall  
2744 determine whether the requirements have been fulfilled and may  
2745 remove the designation of the Florida Keys as an area of  
2746 critical state concern. If the commission removes the  
2747 designation, it shall initiate rulemaking to repeal any rules  
2748 relating such designation within 60 days. If, after receipt of  
2749 the state land planning agency's report and recommendation, the  
2750 commission finds that the requirements for recommending removal  
2751 of designation have not been met, the commission shall provide a  
2752 written report to the local governments within 30 days after  
2753 making such a finding detailing the tasks that must be completed



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2754 by the local government.

2755 ~~(c) For purposes of this subsection, the term "work~~  
2756 ~~program" means the 10-year work program as set forth in rule 28-~~  
2757 ~~20.110, Florida Administrative Code, on January 1, 2006,~~  
2758 ~~excluding amendments to the work program that take effect after~~  
2759 ~~January 1, 2006.~~

2760 (d) The ~~determination of the Administration Commission's~~  
2761 ~~determination concerning the removal of the designation of the~~  
2762 ~~Florida Keys as an area of critical state concern Commission as~~  
2763 ~~to whether substantial progress has been made toward~~  
2764 ~~accomplishing the tasks of the work program may be judicially~~  
2765 ~~reviewed pursuant to chapter 120 86. All proceedings shall be~~  
2766 ~~conducted by the Division of Administrative Hearings and must be~~  
2767 ~~initiated within 30 days after the commission issues its~~  
2768 ~~determination in the circuit court of the judicial circuit where~~  
2769 ~~the Administration Commission maintains its headquarters and~~  
2770 ~~shall be initiated within 30 days after rendition of the~~  
2771 ~~Administration Commission's determination. The Administration~~  
2772 ~~Commission's determination as to whether substantial progress~~  
2773 ~~has been made toward accomplishing the tasks of the work program~~  
2774 ~~shall be upheld if it is supported by competent and substantial~~  
2775 ~~evidence and shall not be subject to administrative review under~~  
2776 ~~chapter 120.~~

2777 (e) After removal of the designation of the Florida Keys as  
2778 an area of critical state concern, the state land planning  
2779 agency shall review proposed local comprehensive plans, and any  
2780 amendments to existing comprehensive plans, which are applicable  
2781 to the Florida Keys Area, the boundaries of which were described  
2782 in chapter 28-29, Florida Administrative Code, as of January 1,





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2783 2006, for compliance with ~~subparagraphs 1. and 2.,~~ in addition  
2784 ~~to reviewing proposed local comprehensive plans and amendments~~  
2785 ~~for compliance~~ as defined in s. 163.3184. All procedures and  
2786 penalties described in s. 163.3184 apply to the review conducted  
2787 pursuant to this paragraph.

2788 ~~1. Adoption of construction schedules for wastewater~~  
2789 ~~facilities improvements in the annually adopted capital~~  
2790 ~~improvements element and adoption of standards for the~~  
2791 ~~construction of wastewater treatment facilities which meet or~~  
2792 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

2793 ~~2. Adoption of goals, objectives, and policies to protect~~  
2794 ~~public safety and welfare in the event of a natural disaster by~~  
2795 ~~maintaining a hurricane evacuation clearance time for permanent~~  
2796 ~~residents of no more than 24 hours. The hurricane evacuation~~  
2797 ~~clearance time shall be determined by a hurricane evacuation~~  
2798 ~~study conducted in accordance with a professionally accepted~~  
2799 ~~methodology and approved by the state land planning agency.~~

2800 (f) The Administration Commission may adopt rules or revise  
2801 existing rules as necessary to administer this subsection.

2802 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
2803 and local agencies and units of government in the Florida Keys  
2804 Area shall coordinate their plans and conduct their programs and  
2805 regulatory activities consistent with the principles for guiding  
2806 development as specified ~~set forth~~ in chapter 27F-8, Florida  
2807 Administrative Code, as amended effective August 23, 1984, which  
2808 ~~chapter~~ is ~~hereby~~ adopted and incorporated herein by reference.  
2809 For the purposes of reviewing the consistency of the adopted  
2810 plan, or any amendments to that plan, with the principles for  
2811 guiding development, and any amendments to the principles, the



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2812 principles shall be construed as a whole and ~~no~~ specific  
2813 provisions may not ~~provision shall~~ be construed or applied in  
2814 isolation from the other provisions. However, the principles for  
2815 guiding development ~~as set forth in chapter 27F-8, Florida~~  
2816 ~~Administrative Code, as amended effective August 23, 1984,~~ are  
2817 repealed 18 months from July 1, 1986. After repeal, ~~the~~  
2818 ~~following shall be the principles with which~~ any plan amendments  
2819 must be consistent with the following principles:

2820 (a) Strengthening ~~To strengthen~~ local government  
2821 capabilities for managing land use and development so that local  
2822 government is able to achieve these objectives without  
2823 continuing ~~the continuation of~~ the area of critical state  
2824 concern designation.

2825 (b) Protecting ~~To protect~~ shoreline and marine resources,  
2826 including mangroves, coral reef formations, seagrass beds,  
2827 wetlands, fish and wildlife, and their habitat.

2828 (c) Protecting ~~To protect~~ upland resources, tropical  
2829 biological communities, freshwater wetlands, native tropical  
2830 vegetation (for example, hardwood hammocks and pinelands), dune  
2831 ridges and beaches, wildlife, and their habitat.

2832 (d) Ensuring ~~To ensure~~ the maximum well-being of the  
2833 Florida Keys and its citizens through sound economic  
2834 development.

2835 (e) Limiting ~~To limit~~ the adverse impacts of development on  
2836 the quality of water throughout the Florida Keys.

2837 (f) Enhancing ~~To enhance~~ natural scenic resources,  
2838 promoting ~~promote~~ the aesthetic benefits of the natural  
2839 environment, and ensuring ~~ensure~~ that development is compatible  
2840 with the unique historic character of the Florida Keys.



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2841 (g) Protecting ~~To protect~~ the historical heritage of the  
2842 Florida Keys.

2843 (h) Protecting ~~To protect~~ the value, efficiency, cost-  
2844 effectiveness, and amortized life of existing and proposed major  
2845 public investments, including:

2846 1. The Florida Keys Aqueduct and water supply facilities;

2847 2. Sewage collection, treatment, and disposal facilities;

2848 3. Solid waste treatment, collection, and disposal

2849 facilities;

2850 4. Key West Naval Air Station and other military

2851 facilities;

2852 5. Transportation facilities;

2853 6. Federal parks, wildlife refuges, and marine sanctuaries;

2854 7. State parks, recreation facilities, aquatic preserves,  
2855 and other publicly owned properties;

2856 8. City electric service and the Florida Keys Electric Co-  
2857 op; and

2858 9. Other utilities, as appropriate.

2859 (i) Protecting and improving water quality by providing for  
2860 the construction, operation, maintenance, and replacement of  
2861 stormwater management facilities; central sewage collection;  
2862 treatment and disposal facilities; and the installation and  
2863 proper operation and maintenance of onsite sewage treatment and  
2864 disposal systems.

2865 (j) Ensuring the improvement of nearshore water quality by  
2866 requiring the construction and operation of wastewater  
2867 management facilities that meet the requirements of s.  
2868 381.0065(4)(1) and s. 403.086(10), as applicable, and by  
2869 directing growth to areas served by central wastewater treatment



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2870 facilities through permit allocation systems.

2871 (k) ~~(i)~~ Limiting ~~To limit~~ the adverse impacts of public  
2872 investments on the environmental resources of the Florida Keys.

2873 (l) ~~(j)~~ Making ~~To make~~ available adequate affordable housing  
2874 for all sectors of the population of the Florida Keys.

2875 (m) ~~(k)~~ Providing ~~To provide~~ adequate alternatives for the  
2876 protection of public safety and welfare in the event of a  
2877 natural or manmade disaster and for a postdisaster  
2878 reconstruction plan.

2879 (n) ~~(l)~~ Protecting ~~To protect~~ the public health, safety, and  
2880 welfare of the citizens of the Florida Keys and maintain the  
2881 Florida Keys as a unique Florida resource.

2882 (9) MODIFICATION TO PLANS AND REGULATIONS.-

2883 (a) Any land development regulation or element of a local  
2884 comprehensive plan in the Florida Keys Area may be enacted,  
2885 amended, or rescinded by a local government, but the enactment,  
2886 amendment, or rescission becomes ~~shall become~~ effective only  
2887 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The  
2888 state land planning agency shall review the proposed change to  
2889 determine if it is in compliance with the principles for guiding  
2890 development specified ~~set forth~~ in chapter 27F-8, Florida  
2891 Administrative Code, as amended effective August 23, 1984, and  
2892 must ~~shall either~~ approve or reject the requested changes within  
2893 60 days after ~~of~~ receipt ~~thereof~~. Amendments to local  
2894 comprehensive plans in the Florida Keys Area must also be  
2895 reviewed for compliance with the following:

2896 1. Construction schedules and detailed capital financing  
2897 plans for wastewater management improvements in the annually  
2898 adopted capital improvements element, and standards for the



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2899 construction of wastewater treatment and disposal facilities or  
2900 collection systems that meet or exceed the criteria in s.  
2901 403.086(10) for wastewater treatment and disposal facilities or  
2902 s. 381.0065(4)(1) for onsite sewage treatment and disposal  
2903 systems.

2904 2. Goals, objectives, and policies to protect public safety  
2905 and welfare in the event of a natural disaster by maintaining a  
2906 hurricane evacuation clearance time for permanent residents of  
2907 no more than 24 hours. The hurricane evacuation clearance time  
2908 shall be determined by a hurricane evacuation study conducted in  
2909 accordance with a professionally accepted methodology and  
2910 approved by the state land planning agency.

2911 (b) ~~Further,~~ The state land planning agency, after  
2912 consulting with the appropriate local government, may, no more  
2913 ~~often~~ than once per a year, recommend to the Administration  
2914 Commission the enactment, amendment, or rescission of a land  
2915 development regulation or element of a local comprehensive plan.  
2916 Within 45 days following the receipt of such recommendation ~~by~~  
2917 ~~the state land planning agency,~~ the commission shall reject the  
2918 recommendation, or accept it with or without modification and  
2919 adopt it~~,~~ by rule, including any changes. ~~Any~~ Such local  
2920 development regulation or plan must ~~shall~~ be in compliance with  
2921 the principles for guiding development.

2922 Section 38. Section 381.0065, Florida Statutes, is amended  
2923 to read:

2924 381.0065 Onsite sewage treatment and disposal systems;  
2925 regulation.—

2926 (1) LEGISLATIVE INTENT.—

2927 (a) It is the intent of the Legislature that proper



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2928 management of onsite sewage treatment and disposal systems in  
2929 paramount to the health, safety and welfare of the public. It is  
2930 further the intent of the Legislature that local governments  
2931 shall create a legal authority, either entirely within their  
2932 jurisdiction, by interlocal agreement pursuant to s. 163.01, or  
2933 by a public-private partnership for the purpose of providing  
2934 management services to ensure the management and operation of  
2935 onsite sewage treatment and disposal systems in their  
2936 jurisdiction.

2937       (b) It is the intent of the Legislature that where a  
2938 publicly owned or investor-owned sewerage system is not  
2939 available, the department shall issue permits for the  
2940 construction, installation, modification, abandonment, or repair  
2941 of onsite sewage treatment and disposal systems under conditions  
2942 as described in this section and rules adopted under this  
2943 section. It is further the intent of the Legislature that the  
2944 installation and use of onsite sewage treatment and disposal  
2945 systems not adversely affect the public health or significantly  
2946 degrade the groundwater or surface water.

2947       (2) DEFINITIONS.—As used in ss. 381.0065–381.0067, the  
2948 term:

2949       (a) "Available," as applied to a publicly owned or  
2950 investor-owned sewerage system, means that the publicly owned or  
2951 investor-owned sewerage system is capable of being connected to  
2952 the plumbing of an establishment or residence, is not under a  
2953 Department of Environmental Protection moratorium, and has  
2954 adequate permitted capacity to accept the sewage to be generated  
2955 by the establishment or residence; and:

2956       1. For a residential subdivision lot, a single-family



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2957 residence, or an establishment, any of which has an estimated  
2958 sewage flow of 1,000 gallons per day or less, a gravity sewer  
2959 line to maintain gravity flow from the property's drain to the  
2960 sewer line, or a low pressure or vacuum sewage collection line  
2961 in those areas approved for low pressure or vacuum sewage  
2962 collection, exists in a public easement or right-of-way that  
2963 abuts the property line of the lot, residence, or establishment.

2964       2. For an establishment with an estimated sewage flow  
2965 exceeding 1,000 gallons per day, a sewer line, force main, or  
2966 lift station exists in a public easement or right-of-way that  
2967 abuts the property of the establishment or is within 50 feet of  
2968 the property line of the establishment as accessed via existing  
2969 rights-of-way or easements.

2970       3. For proposed residential subdivisions with more than 50  
2971 lots, for proposed commercial subdivisions with more than 5  
2972 lots, and for areas zoned or used for an industrial or  
2973 manufacturing purpose or its equivalent, a sewerage system  
2974 exists within one-fourth mile of the development as measured and  
2975 accessed via existing easements or rights-of-way.

2976       4. For repairs or modifications within areas zoned or used  
2977 for an industrial or manufacturing purpose or its equivalent, a  
2978 sewerage system exists within 500 feet of an establishment's or  
2979 residence's sewer stub-out as measured and accessed via existing  
2980 rights-of-way or easements.

2981       (b) "Blackwater" means that part of domestic sewage carried  
2982 off by toilets, urinals, and kitchen drains.

2983       (c) "Domestic sewage" means human body waste and  
2984 wastewater, including bath and toilet waste, residential laundry  
2985 waste, residential kitchen waste, and other similar waste from



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2986 appurtenances at a residence or establishment.

2987 (d) "Evaluation" means the determination of compliance with  
2988 all existing construction, design, installation, and operational  
2989 standards of onsite sewage treatment and disposal system  
2990 pursuant to this section.

2991 (e)~~(d)~~ "Graywater" means that part of domestic sewage that  
2992 is not blackwater, including waste from the bath, lavatory,  
2993 laundry, and sink, except kitchen sink waste.

2994 (f)~~(e)~~ "Florida Keys" means those islands of the state  
2995 located within the boundaries of Monroe County.

2996 (g)~~(f)~~ "Injection well" means an open vertical hole at  
2997 least 90 feet in depth, cased and grouted to at least 60 feet in  
2998 depth which is used to dispose of effluent from an onsite sewage  
2999 treatment and disposal system.

3000 (h)~~(g)~~ "Innovative system" means an onsite sewage treatment  
3001 and disposal system that, in whole or in part, employs  
3002 materials, devices, or techniques that are novel or unique and  
3003 that have not been successfully field-tested under sound  
3004 scientific and engineering principles under climatic and soil  
3005 conditions found in this state.

3006 (i)~~(h)~~ "Lot" means a parcel or tract of land described by  
3007 reference to recorded plats or by metes and bounds, or the least  
3008 fractional part of subdivided lands having limited fixed  
3009 boundaries or an assigned number, letter, or any other legal  
3010 description by which it can be identified.

3011 (j)~~(i)~~ "Mean annual flood line" means the elevation  
3012 determined by calculating the arithmetic mean of the elevations  
3013 of the highest yearly flood stage or discharge for the period of  
3014 record, to include at least the most recent 10-year period. If





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3015 at least 10 years of data is not available, the mean annual  
3016 flood line shall be as determined based upon the data available  
3017 and field verification conducted by a certified professional  
3018 surveyor and mapper with experience in the determination of  
3019 flood water elevation lines or, at the option of the applicant,  
3020 by department personnel. Field verification of the mean annual  
3021 flood line shall be performed using a combination of those  
3022 indicators listed in subparagraphs 1.-7. that are present on the  
3023 site, and that reflect flooding that recurs on an annual basis.  
3024 In those situations where any one or more of these indicators  
3025 reflect a rare or aberrant event, such indicator or indicators  
3026 shall not be utilized in determining the mean annual flood line.  
3027 The indicators that may be considered are:

- 3028 1. Water stains on the ground surface, trees, and other  
3029 fixed objects;
- 3030 2. Hydric adventitious roots;
- 3031 3. Drift lines;
- 3032 4. Rafted debris;
- 3033 5. Aquatic mosses and liverworts;
- 3034 6. Moss collars; and
- 3035 7. Lichen lines.

3036 (k)~~(j)~~ "Onsite sewage treatment and disposal system" means  
3037 a system that contains a standard subsurface, filled, or mound  
3038 drainfield system; an aerobic treatment unit; a graywater system  
3039 tank; a laundry wastewater system tank; a septic tank; a grease  
3040 interceptor; a pump tank; a solids or effluent pump; a  
3041 waterless, incinerating, or organic waste-composting toilet; or  
3042 a sanitary pit privy that is installed or proposed to be  
3043 installed beyond the building sewer on land of the owner or on



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3044 other land to which the owner has the legal right to install a  
3045 system. The term includes any item placed within, or intended to  
3046 be used as a part of or in conjunction with, the system. This  
3047 term does not include package sewage treatment facilities and  
3048 other treatment works regulated under chapter 403.

3049 (l)~~(k)~~ "Permanent nontidal surface water body" means a  
3050 perennial stream, a perennial river, an intermittent stream, a  
3051 perennial lake, a submerged marsh or swamp, a submerged wooded  
3052 marsh or swamp, a spring, or a seep, as identified on the most  
3053 recent quadrangle map, 7.5 minute series (topographic), produced  
3054 by the United States Geological Survey, or products derived from  
3055 that series. "Permanent nontidal surface water body" shall also  
3056 mean an artificial surface water body that does not have an  
3057 impermeable bottom and side and that is designed to hold, or  
3058 does hold, visible standing water for at least 180 days of the  
3059 year. However, a nontidal surface water body that is drained,  
3060 either naturally or artificially, where the intent or the result  
3061 is that such drainage be temporary, shall be considered a  
3062 permanent nontidal surface water body. A nontidal surface water  
3063 body that is drained of all visible surface water, where the  
3064 lawful intent or the result of such drainage is that such  
3065 drainage will be permanent, shall not be considered a permanent  
3066 nontidal surface water body. The boundary of a permanent  
3067 nontidal surface water body shall be the mean annual flood line.

3068 (m)~~(l)~~ "Potable water line" means any water line that is  
3069 connected to a potable water supply source, but the term does  
3070 not include an irrigation line with any of the following types  
3071 of backflow devices:

3072 1. For irrigation systems into which chemicals are not



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3073 injected, any atmospheric or pressure vacuum breaker or double  
3074 check valve or any detector check assembly.

3075 2. For irrigation systems into which chemicals such as  
3076 fertilizers, pesticides, or herbicides are injected, any reduced  
3077 pressure backflow preventer.

3078 (n) "Responsible Management Entity" means a legal authority  
3079 created by local governments, either entirely within their  
3080 jurisdiction, by interlocal agreement pursuant to s. 163.01, or  
3081 by a public-private partnership responsible for providing  
3082 management services to ensure the management and operation of  
3083 onsite sewage treatment and disposal systems in their  
3084 jurisdiction.

3085 (o) ~~(m)~~ "Septage" means a mixture of sludge, fatty  
3086 materials, human feces, and wastewater removed during the  
3087 pumping of an onsite sewage treatment and disposal system.

3088 (p) ~~(n)~~ "Subdivision" means, for residential use, any tract  
3089 or plot of land divided into two or more lots or parcels of  
3090 which at least one is 1 acre or less in size for sale, lease, or  
3091 rent. A subdivision for commercial or industrial use is any  
3092 tract or plot of land divided into two or more lots or parcels  
3093 of which at least one is 5 acres or less in size and which is  
3094 for sale, lease, or rent. A subdivision shall be deemed to be  
3095 proposed until such time as an application is submitted to the  
3096 local government for subdivision approval or, in those areas  
3097 where no local government subdivision approval is required,  
3098 until such time as a plat of the subdivision is recorded.

3099 (q) ~~(o)~~ "Tidally influenced surface water body" means a body  
3100 of water that is subject to the ebb and flow of the tides and  
3101 has as its boundary a mean high-water line as defined by s.



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3102 177.27(15).

3103 ~~(r)~~ ~~(p)~~ "Toxic or hazardous chemical" means a substance that  
3104 poses a serious danger to human health or the environment.

3105 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The  
3106 department shall:

3107 (a) Adopt rules to administer ss. 381.0065-381.0067,  
3108 including definitions that are consistent with the definitions  
3109 in this section, decreases to setback requirements where no  
3110 health hazard exists, increases for the lot-flow allowance for  
3111 performance-based systems, requirements for separation from  
3112 water table elevation during the wettest season, requirements  
3113 for the design and construction of any component part of an  
3114 onsite sewage treatment and disposal system, application and  
3115 permit requirements for persons who maintain an onsite sewage  
3116 treatment and disposal system, requirements for maintenance and  
3117 service agreements for aerobic treatment units and performance-  
3118 based treatment systems, and recommended standards, including  
3119 disclosure requirements, for voluntary system inspections to be  
3120 performed by individuals who are authorized by law to perform  
3121 such inspections and who shall inform a person having ownership,  
3122 control, or use of an onsite sewage treatment and disposal  
3123 system of the inspection standards and of that person's  
3124 authority to request an inspection based on all or part of the  
3125 standards.

3126 (b) Perform application reviews and site evaluations, issue  
3127 permits, and conduct inspections and complaint investigations  
3128 associated with the construction, installation, maintenance,  
3129 modification, abandonment, operation, use, or repair of an  
3130 onsite sewage treatment and disposal system for a residence or



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3131 establishment with an estimated domestic sewage flow of 10,000  
3132 gallons or less per day, or an estimated commercial sewage flow  
3133 of 5,000 gallons or less per day, which is not currently  
3134 regulated under chapter 403.

3135 (c) Develop a comprehensive program to ensure that onsite  
3136 sewage treatment and disposal systems regulated by the  
3137 department are sized, designed, constructed, installed,  
3138 repaired, modified, abandoned, used, operated, and maintained in  
3139 compliance with this section and rules adopted under this  
3140 section to prevent groundwater contamination and surface water  
3141 contamination and to preserve the public health. The department  
3142 is the final administrative interpretive authority regarding  
3143 rule interpretation. In the event of a conflict regarding rule  
3144 interpretation, the Division Director for Environmental Health  
3145 of the department, or his or her designee, shall timely assign a  
3146 staff person to resolve the dispute.

3147 (d) Grant variances in hardship cases under the conditions  
3148 prescribed in this section and rules adopted under this section.

3149 (e) Permit the use of a limited number of innovative  
3150 systems for a specific period of time, when there is compelling  
3151 evidence that the system will function properly and reliably to  
3152 meet the requirements of this section and rules adopted under  
3153 this section.

3154 (f) Issue annual operating permits under this section.

3155 (g) Establish and collect fees as established under s.  
3156 381.0066 for services provided with respect to onsite sewage  
3157 treatment and disposal systems.

3158 (h) Conduct enforcement activities, including imposing  
3159 fines, issuing citations, suspensions, revocations, injunctions,



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3160 and emergency orders for violations of this section, part I of  
3161 chapter 386, or part III of chapter 489 or for a violation of  
3162 any rule adopted under this section, part I of chapter 386, or  
3163 part III of chapter 489.

3164 (i) Provide or conduct education and training of department  
3165 personnel, service providers, and the public regarding onsite  
3166 sewage treatment and disposal systems.

3167 (j) Supervise research on, demonstration of, and training  
3168 on the performance, environmental impact, and public health  
3169 impact of onsite sewage treatment and disposal systems within  
3170 this state. Research fees collected under s. 381.0066(2)(k) must  
3171 be used to develop and fund hands-on training centers designed  
3172 to provide practical information about onsite sewage treatment  
3173 and disposal systems to septic tank contractors, master septic  
3174 tank contractors, contractors, inspectors, engineers, and the  
3175 public and must also be used to fund research projects which  
3176 focus on improvements of onsite sewage treatment and disposal  
3177 systems, including use of performance-based standards and  
3178 reduction of environmental impact. Research projects shall be  
3179 initially approved by the technical review and advisory panel  
3180 and shall be applicable to and reflect the soil conditions  
3181 specific to Florida. Such projects shall be awarded through  
3182 competitive negotiation, using the procedures provided in s.  
3183 287.055, to public or private entities that have experience in  
3184 onsite sewage treatment and disposal systems in Florida and that  
3185 are principally located in Florida. Research projects shall not  
3186 be awarded to firms or entities that employ or are associated  
3187 with persons who serve on either the technical review and  
3188 advisory panel or the research review and advisory committee.



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3189           (k) Approve the installation of individual graywater  
3190 disposal systems in which blackwater is treated by a central  
3191 sewerage system.

3192           (l) Regulate and permit the sanitation, handling,  
3193 treatment, storage, reuse, and disposal of byproducts from any  
3194 system regulated under this chapter and not regulated by the  
3195 Department of Environmental Protection.

3196           (m) Permit and inspect portable or temporary toilet  
3197 services and holding tanks. The department shall review  
3198 applications, perform site evaluations, and issue permits for  
3199 the temporary use of holding tanks, privies, portable toilet  
3200 services, or any other toilet facility that is intended for use  
3201 on a permanent or nonpermanent basis, including facilities  
3202 placed on construction sites when workers are present. The  
3203 department may specify standards for the construction,  
3204 maintenance, use, and operation of any such facility for  
3205 temporary use.

3206           (n) Regulate and permit maintenance entities for  
3207 performance-based treatment systems and aerobic treatment unit  
3208 systems. To ensure systems are maintained and operated according  
3209 to manufacturer's specifications and designs, the department  
3210 shall establish by rule minimum qualifying criteria for  
3211 maintenance entities. The criteria shall include: training,  
3212 access to approved spare parts and components, access to  
3213 manufacturer's maintenance and operation manuals, and service  
3214 response time. The maintenance entity shall employ a contractor  
3215 licensed under s. 489.105(3)(m), or part III of chapter 489, or  
3216 a state-licensed wastewater plant operator, who is responsible  
3217 for maintenance and repair of all systems under contract.



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3218           (o) By January 1, 2011, the department, in cooperation with  
3219 the Department of Community Affairs and the Department of  
3220 Environmental Protection, shall develop guidelines that assist  
3221 local governments with the creation of responsible management  
3222 entities. The development of these guidelines are not subject to  
3223 review under s. 381.0068.

3224           (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
3225 construct, repair, modify, abandon, or operate an onsite sewage  
3226 treatment and disposal system without first obtaining a permit  
3227 approved by the department. The department may issue permits to  
3228 carry out this section, but shall not make the issuance of such  
3229 permits contingent upon prior approval by the Department of  
3230 Environmental Protection, except that the issuance of a permit  
3231 for work seaward of the coastal construction control line  
3232 established under s. 161.053 shall be contingent upon receipt of  
3233 any required coastal construction control line permit from the  
3234 Department of Environmental Protection. A construction permit is  
3235 valid for 18 months from the issuance date and may be extended  
3236 by the department for one 90-day period under rules adopted by  
3237 the department. A repair permit is valid for 90 days from the  
3238 date of issuance. An operating permit must be obtained prior to  
3239 the use of any aerobic treatment unit or if the establishment  
3240 generates commercial waste. Buildings or establishments that use  
3241 an aerobic treatment unit or generate commercial waste shall be  
3242 inspected by the department at least annually to assure  
3243 compliance with the terms of the operating permit. The operating  
3244 permit for a commercial wastewater system is valid for 1 year  
3245 from the date of issuance and must be renewed annually. The  
3246 operating permit for an aerobic treatment unit is valid for 2





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3247 years from the date of issuance and must be renewed every 2  
3248 years. If all information pertaining to the siting, location,  
3249 and installation conditions or repair of an onsite sewage  
3250 treatment and disposal system remains the same, a construction  
3251 or repair permit for the onsite sewage treatment and disposal  
3252 system may be transferred to another person, if the transferee  
3253 files, within 60 days after the transfer of ownership, an  
3254 amended application providing all corrected information and  
3255 proof of ownership of the property. There is no fee associated  
3256 with the processing of this supplemental information. A person  
3257 may not contract to construct, modify, alter, repair, service,  
3258 abandon, or maintain any portion of an onsite sewage treatment  
3259 and disposal system without being registered under part III of  
3260 chapter 489. A property owner who personally performs  
3261 construction, maintenance, or repairs to a system serving his or  
3262 her own owner-occupied single-family residence is exempt from  
3263 registration requirements for performing such construction,  
3264 maintenance, or repairs on that residence, but is subject to all  
3265 permitting requirements. A municipality or political subdivision  
3266 of the state may not issue a building or plumbing permit for any  
3267 building that requires the use of an onsite sewage treatment and  
3268 disposal system unless the owner or builder has received a  
3269 construction permit for such system from the department. A  
3270 building or structure may not be occupied and a municipality,  
3271 political subdivision, or any state or federal agency may not  
3272 authorize occupancy until the department approves the final  
3273 installation of the onsite sewage treatment and disposal system.  
3274 A municipality or political subdivision of the state may not  
3275 approve any change in occupancy or tenancy of a building that



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3276 uses an onsite sewage treatment and disposal system until the  
3277 department has reviewed the use of the system with the proposed  
3278 change, approved the change, and amended the operating permit.

3279 (a) Subdivisions and lots in which each lot has a minimum  
3280 area of at least one-half acre and either a minimum dimension of  
3281 100 feet or a mean of at least 100 feet of the side bordering  
3282 the street and the distance formed by a line parallel to the  
3283 side bordering the street drawn between the two most distant  
3284 points of the remainder of the lot may be developed with a water  
3285 system regulated under s. 381.0062 and onsite sewage treatment  
3286 and disposal systems, provided the projected daily sewage flow  
3287 does not exceed an average of 1,500 gallons per acre per day,  
3288 and provided satisfactory drinking water can be obtained and all  
3289 distance and setback, soil condition, water table elevation, and  
3290 other related requirements of this section and rules adopted  
3291 under this section can be met.

3292 (b) Subdivisions and lots using a public water system as  
3293 defined in s. 403.852 may use onsite sewage treatment and  
3294 disposal systems, provided there are no more than four lots per  
3295 acre, provided the projected daily sewage flow does not exceed  
3296 an average of 2,500 gallons per acre per day, and provided that  
3297 all distance and setback, soil condition, water table elevation,  
3298 and other related requirements that are generally applicable to  
3299 the use of onsite sewage treatment and disposal systems are met.

3300 (c) Notwithstanding paragraphs (a) and (b), for  
3301 subdivisions platted of record on or before October 1, 1991,  
3302 when a developer or other appropriate entity has previously made  
3303 or makes provisions, including financial assurances or other  
3304 commitments, acceptable to the Department of Health, that a



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3305 central water system will be installed by a regulated public  
3306 utility based on a density formula, private potable wells may be  
3307 used with onsite sewage treatment and disposal systems until the  
3308 agreed-upon densities are reached. In a subdivision regulated by  
3309 this paragraph, the average daily sewage flow may not exceed  
3310 2,500 gallons per acre per day. This section does not affect the  
3311 validity of existing prior agreements. After October 1, 1991,  
3312 the exception provided under this paragraph is not available to  
3313 a developer or other appropriate entity.

3314 (d) Paragraphs (a) and (b) do not apply to any proposed  
3315 residential subdivision with more than 50 lots or to any  
3316 proposed commercial subdivision with more than 5 lots where a  
3317 publicly owned or investor-owned sewerage system is available.  
3318 It is the intent of this paragraph not to allow development of  
3319 additional proposed subdivisions in order to evade the  
3320 requirements of this paragraph.

3321 (e) Onsite sewage treatment and disposal systems must not  
3322 be placed closer than:

- 3323 1. Seventy-five feet from a private potable well.
- 3324 2. Two hundred feet from a public potable well serving a  
3325 residential or nonresidential establishment having a total  
3326 sewage flow of greater than 2,000 gallons per day.
- 3327 3. One hundred feet from a public potable well serving a  
3328 residential or nonresidential establishment having a total  
3329 sewage flow of less than or equal to 2,000 gallons per day.
- 3330 4. Fifty feet from any nonpotable well.
- 3331 5. Ten feet from any storm sewer pipe, to the maximum  
3332 extent possible, but in no instance shall the setback be less  
3333 than 5 feet.



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3334           6. Seventy-five feet from the mean high-water line of a  
3335 tidally influenced surface water body.

3336           7. Seventy-five feet from the mean annual flood line of a  
3337 permanent nontidal surface water body.

3338           8. Fifteen feet from the design high-water line of  
3339 retention areas, detention areas, or swales designed to contain  
3340 standing or flowing water for less than 72 hours after a  
3341 rainfall or the design high-water level of normally dry drainage  
3342 ditches or normally dry individual lot stormwater retention  
3343 areas.

3344           (f) Except as provided under paragraphs (e) and (t), no  
3345 limitations shall be imposed by rule, relating to the distance  
3346 between an onsite disposal system and any area that either  
3347 permanently or temporarily has visible surface water.

3348           (g) All provisions of this section and rules adopted under  
3349 this section relating to soil condition, water table elevation,  
3350 distance, and other setback requirements must be equally applied  
3351 to all lots, with the following exceptions:

3352           1. Any residential lot that was platted and recorded on or  
3353 after January 1, 1972, or that is part of a residential  
3354 subdivision that was approved by the appropriate permitting  
3355 agency on or after January 1, 1972, and that was eligible for an  
3356 onsite sewage treatment and disposal system construction permit  
3357 on the date of such platting and recording or approval shall be  
3358 eligible for an onsite sewage treatment and disposal system  
3359 construction permit, regardless of when the application for a  
3360 permit is made. If rules in effect at the time the permit  
3361 application is filed cannot be met, residential lots platted and  
3362 recorded or approved on or after January 1, 1972, shall, to the



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3363 maximum extent possible, comply with the rules in effect at the  
3364 time the permit application is filed. At a minimum, however,  
3365 those residential lots platted and recorded or approved on or  
3366 after January 1, 1972, but before January 1, 1983, shall comply  
3367 with those rules in effect on January 1, 1983, and those  
3368 residential lots platted and recorded or approved on or after  
3369 January 1, 1983, shall comply with those rules in effect at the  
3370 time of such platting and recording or approval. In determining  
3371 the maximum extent of compliance with current rules that is  
3372 possible, the department shall allow structures and  
3373 appurtenances thereto which were authorized at the time such  
3374 lots were platted and recorded or approved.

3375         2. Lots platted before 1972 are subject to a 50-foot  
3376 minimum surface water setback and are not subject to lot size  
3377 requirements. The projected daily flow for onsite sewage  
3378 treatment and disposal systems for lots platted before 1972 may  
3379 not exceed:

3380             a. Two thousand five hundred gallons per acre per day for  
3381 lots served by public water systems as defined in s. 403.852.

3382             b. One thousand five hundred gallons per acre per day for  
3383 lots served by water systems regulated under s. 381.0062.

3384             (h)1. The department may grant variances in hardship cases  
3385 which may be less restrictive than the provisions specified in  
3386 this section. If a variance is granted and the onsite sewage  
3387 treatment and disposal system construction permit has been  
3388 issued, the variance may be transferred with the system  
3389 construction permit, if the transferee files, within 60 days  
3390 after the transfer of ownership, an amended construction permit  
3391 application providing all corrected information and proof of



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3392 ownership of the property and if the same variance would have  
3393 been required for the new owner of the property as was  
3394 originally granted to the original applicant for the variance.  
3395 There is no fee associated with the processing of this  
3396 supplemental information. A variance may not be granted under  
3397 this section until the department is satisfied that:

3398 a. The hardship was not caused intentionally by the action  
3399 of the applicant;

3400 b. No reasonable alternative, taking into consideration  
3401 factors such as cost, exists for the treatment of the sewage;  
3402 and

3403 c. The discharge from the onsite sewage treatment and  
3404 disposal system will not adversely affect the health of the  
3405 applicant or the public or significantly degrade the groundwater  
3406 or surface waters.

3407  
3408 Where soil conditions, water table elevation, and setback  
3409 provisions are determined by the department to be satisfactory,  
3410 special consideration must be given to those lots platted before  
3411 1972.

3412 2. The department shall appoint and staff a variance review  
3413 and advisory committee, which shall meet monthly to recommend  
3414 agency action on variance requests. The committee shall make its  
3415 recommendations on variance requests at the meeting in which the  
3416 application is scheduled for consideration, except for an  
3417 extraordinary change in circumstances, the receipt of new  
3418 information that raises new issues, or when the applicant  
3419 requests an extension. The committee shall consider the criteria  
3420 in subparagraph 1. in its recommended agency action on variance



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3421 requests and shall also strive to allow property owners the full  
3422 use of their land where possible. The committee consists of the  
3423 following:

3424 a. The Division Director for Environmental Health of the  
3425 department or his or her designee.

3426 b. A representative from the county health departments.

3427 c. A representative from the home building industry  
3428 recommended by the Florida Home Builders Association.

3429 d. A representative from the septic tank industry  
3430 recommended by the Florida Onsite Wastewater Association.

3431 e. A representative from the Department of Environmental  
3432 Protection.

3433 f. A representative from the real estate industry who is  
3434 also a developer in this state who develops lots using onsite  
3435 sewage treatment and disposal systems, recommended by the  
3436 Florida Association of Realtors.

3437 g. A representative from the engineering profession  
3438 recommended by the Florida Engineering Society.

3439  
3440 Members shall be appointed for a term of 3 years, with such  
3441 appointments being staggered so that the terms of no more than  
3442 two members expire in any one year. Members shall serve without  
3443 remuneration, but if requested, shall be reimbursed for per diem  
3444 and travel expenses as provided in s. 112.061.

3445 (i) A construction permit may not be issued for an onsite  
3446 sewage treatment and disposal system in any area zoned or used  
3447 for industrial or manufacturing purposes, or its equivalent,  
3448 where a publicly owned or investor-owned sewage treatment system  
3449 is available, or where a likelihood exists that the system will



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3450 receive toxic, hazardous, or industrial waste. An existing  
3451 onsite sewage treatment and disposal system may be repaired if a  
3452 publicly owned or investor-owned sewerage system is not  
3453 available within 500 feet of the building sewer stub-out and if  
3454 system construction and operation standards can be met. This  
3455 paragraph does not require publicly owned or investor-owned  
3456 sewerage treatment systems to accept anything other than  
3457 domestic wastewater.

3458 1. A building located in an area zoned or used for  
3459 industrial or manufacturing purposes, or its equivalent, when  
3460 such building is served by an onsite sewage treatment and  
3461 disposal system, must not be occupied until the owner or tenant  
3462 has obtained written approval from the department. The  
3463 department shall not grant approval when the proposed use of the  
3464 system is to dispose of toxic, hazardous, or industrial  
3465 wastewater or toxic or hazardous chemicals.

3466 2. Each person who owns or operates a business or facility  
3467 in an area zoned or used for industrial or manufacturing  
3468 purposes, or its equivalent, or who owns or operates a business  
3469 that has the potential to generate toxic, hazardous, or  
3470 industrial wastewater or toxic or hazardous chemicals, and uses  
3471 an onsite sewage treatment and disposal system that is installed  
3472 on or after July 5, 1989, must obtain an annual system operating  
3473 permit from the department. A person who owns or operates a  
3474 business that uses an onsite sewage treatment and disposal  
3475 system that was installed and approved before July 5, 1989, need  
3476 not obtain a system operating permit. However, upon change of  
3477 ownership or tenancy, the new owner or operator must notify the  
3478 department of the change, and the new owner or operator must





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3479 obtain an annual system operating permit, regardless of the date  
3480 that the system was installed or approved.

3481         3. The department shall periodically review and evaluate  
3482 the continued use of onsite sewage treatment and disposal  
3483 systems in areas zoned or used for industrial or manufacturing  
3484 purposes, or its equivalent, and may require the collection and  
3485 analyses of samples from within and around such systems. If the  
3486 department finds that toxic or hazardous chemicals or toxic,  
3487 hazardous, or industrial wastewater have been or are being  
3488 disposed of through an onsite sewage treatment and disposal  
3489 system, the department shall initiate enforcement actions  
3490 against the owner or tenant to ensure adequate cleanup,  
3491 treatment, and disposal.

3492         (j) An onsite sewage treatment and disposal system for a  
3493 single-family residence that is designed by a professional  
3494 engineer registered in the state and certified by such engineer  
3495 as complying with performance criteria adopted by the department  
3496 must be approved by the department subject to the following:

3497         1. The performance criteria applicable to engineer-designed  
3498 systems must be limited to those necessary to ensure that such  
3499 systems do not adversely affect the public health or  
3500 significantly degrade the groundwater or surface water. Such  
3501 performance criteria shall include consideration of the quality  
3502 of system effluent, the proposed total sewage flow per acre,  
3503 wastewater treatment capabilities of the natural or replaced  
3504 soil, water quality classification of the potential surface-  
3505 water-receiving body, and the structural and maintenance  
3506 viability of the system for the treatment of domestic  
3507 wastewater. However, performance criteria shall address only the



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3508 performance of a system and not a system's design.

3509         2. The technical review and advisory panel shall assist the  
3510 department in the development of performance criteria applicable  
3511 to engineer-designed systems.

3512         3. A person electing to utilize an engineer-designed system  
3513 shall, upon completion of the system design, submit such design,  
3514 certified by a registered professional engineer, to the county  
3515 health department. The county health department may utilize an  
3516 outside consultant to review the engineer-designed system, with  
3517 the actual cost of such review to be borne by the applicant.

3518 Within 5 working days after receiving an engineer-designed  
3519 system permit application, the county health department shall  
3520 request additional information if the application is not  
3521 complete. Within 15 working days after receiving a complete  
3522 application for an engineer-designed system, the county health  
3523 department either shall issue the permit or, if it determines  
3524 that the system does not comply with the performance criteria,  
3525 shall notify the applicant of that determination and refer the  
3526 application to the department for a determination as to whether  
3527 the system should be approved, disapproved, or approved with  
3528 modification. The department engineer's determination shall  
3529 prevail over the action of the county health department. The  
3530 applicant shall be notified in writing of the department's  
3531 determination and of the applicant's rights to pursue a variance  
3532 or seek review under the provisions of chapter 120.

3533         4. The owner of an engineer-designed performance-based  
3534 system must maintain a current maintenance service agreement  
3535 with a maintenance entity permitted by the department. The  
3536 maintenance entity shall obtain a biennial system operating



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3537 permit from the department for each system under service  
3538 contract. The department shall inspect the system at least  
3539 annually, or on such periodic basis as the fee collected  
3540 permits, and may collect system-effluent samples if appropriate  
3541 to determine compliance with the performance criteria. The fee  
3542 for the biennial operating permit shall be collected beginning  
3543 with the second year of system operation. The maintenance entity  
3544 shall inspect each system at least twice each year and shall  
3545 report quarterly to the department on the number of systems  
3546 inspected and serviced.

3547         5. If an engineer-designed system fails to properly  
3548 function or fails to meet performance standards, the system  
3549 shall be re-engineered, if necessary, to bring the system into  
3550 compliance with the provisions of this section.

3551         (k) An innovative system may be approved in conjunction  
3552 with an engineer-designed site-specific system which is  
3553 certified by the engineer to meet the performance-based criteria  
3554 adopted by the department.

3555         (l) For the Florida Keys, the department shall adopt a  
3556 special rule for the construction, installation, modification,  
3557 operation, repair, maintenance, and performance of onsite sewage  
3558 treatment and disposal systems which considers the unique soil  
3559 conditions and ~~which considers~~ water table elevations,  
3560 densities, and setback requirements. On lots where a setback  
3561 distance of 75 feet from surface waters, saltmarsh, and  
3562 buttonwood association habitat areas cannot be met, an injection  
3563 well, approved and permitted by the department, may be used for  
3564 disposal of effluent from onsite sewage treatment and disposal  
3565 systems. The following additional requirements apply to onsite



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3566 sewage treatment and disposal systems in Monroe County:  
3567 1. The county, each municipality, and those special  
3568 districts established for the purpose of the collection,  
3569 transmission, treatment, or disposal of sewage shall ensure, in  
3570 accordance with the specific schedules adopted by the  
3571 Administration Commission under s. 380.0552, the completion of  
3572 onsite sewage treatment and disposal system upgrades to meet the  
3573 requirements of this paragraph.  
3574 2. Onsite sewage treatment and disposal systems must cease  
3575 discharge by December 31, 2015, or must comply with department  
3576 rules and provide the level of treatment which, on a permitted  
3577 annual average basis, produces an effluent that contains no more  
3578 than the following concentrations:  
3579 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.  
3580 b. Suspended Solids of 10 mg/l.  
3581 c. Total Nitrogen, expressed as N, of 10 mg/l.  
3582 d. Total Phosphorus, expressed as P, of 1 mg/l.  
3583  
3584 In addition, onsite sewage treatment and disposal systems  
3585 discharging to an injection well must provide basic disinfection  
3586 as defined by department rule.  
3587 3. On or after July 1, 2010, all new, modified, and  
3588 repaired onsite sewage treatment and disposal systems must  
3589 provide the level of treatment described in subparagraph 2.  
3590 However, in areas scheduled to be served by central sewer by  
3591 December 31, 2015, if the property owner has paid a connection  
3592 fee or assessment for connection to the central sewer system, an  
3593 onsite sewage treatment and disposal system may be repaired to  
3594 the following minimum standards:



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3595        a. The existing tanks must be pumped and inspected and  
3596 certified as being watertight and free of defects in accordance  
3597 with department rule; and

3598        b. A sand-lined drainfield or injection well in accordance  
3599 with department rule must be installed.

3600        4. Onsite sewage treatment and disposal systems must be  
3601 monitored for total nitrogen and total phosphorus concentrations  
3602 as required by department rule.

3603        5. The department shall enforce proper installation,  
3604 operation, and maintenance of onsite sewage treatment and  
3605 disposal systems pursuant to this chapter, including ensuring  
3606 that the appropriate level of treatment described in  
3607 subparagraph 2. is met.

3608        6. The county, each municipality, and those special  
3609 districts established for the purpose of collection,  
3610 transmission, treatment, or disposal of sewage may require  
3611 connecting onsite sewage treatment and disposal systems to a  
3612 central sewer system within 30 days after notice of availability  
3613 of service.

3614        (m) No product sold in the state for use in onsite sewage  
3615 treatment and disposal systems may contain any substance in  
3616 concentrations or amounts that would interfere with or prevent  
3617 the successful operation of such system, or that would cause  
3618 discharges from such systems to violate applicable water quality  
3619 standards. The department shall publish criteria for products  
3620 known or expected to meet the conditions of this paragraph. In  
3621 the event a product does not meet such criteria, such product  
3622 may be sold if the manufacturer satisfactorily demonstrates to  
3623 the department that the conditions of this paragraph are met.



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3624 (n) Evaluations for determining the seasonal high-water  
3625 table elevations or the suitability of soils for the use of a  
3626 new onsite sewage treatment and disposal system shall be  
3627 performed by department personnel, professional engineers  
3628 registered in the state, or such other persons with expertise,  
3629 as defined by rule, in making such evaluations. Evaluations for  
3630 determining mean annual flood lines shall be performed by those  
3631 persons identified in paragraph (2) (i). The department shall  
3632 accept evaluations submitted by professional engineers and such  
3633 other persons as meet the expertise established by this section  
3634 or by rule unless the department has a reasonable scientific  
3635 basis for questioning the accuracy or completeness of the  
3636 evaluation.

3637 (o) The department shall appoint a research review and  
3638 advisory committee, which shall meet at least semiannually. The  
3639 committee shall advise the department on directions for new  
3640 research, review and rank proposals for research contracts, and  
3641 review draft research reports and make comments. The committee  
3642 is comprised of:

3643 1. A representative of the Division of Environmental Health  
3644 of the Department of Health.

3645 2. A representative from the septic tank industry.

3646 3. A representative from the home building industry.

3647 4. A representative from an environmental interest group.

3648 5. A representative from the State University System, from  
3649 a department knowledgeable about onsite sewage treatment and  
3650 disposal systems.

3651 6. A professional engineer registered in this state who has  
3652 work experience in onsite sewage treatment and disposal systems.



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3653           7. A representative from local government who is  
3654 knowledgeable about domestic wastewater treatment.

3655           8. A representative from the real estate profession.

3656           9. A representative from the restaurant industry.

3657           10. A consumer.

3658

3659 Members shall be appointed for a term of 3 years, with the  
3660 appointments being staggered so that the terms of no more than  
3661 four members expire in any one year. Members shall serve without  
3662 remuneration, but are entitled to reimbursement for per diem and  
3663 travel expenses as provided in s. 112.061.

3664           (p) An application for an onsite sewage treatment and  
3665 disposal system permit shall be completed in full, signed by the  
3666 owner or the owner's authorized representative, or by a  
3667 contractor licensed under chapter 489, and shall be accompanied  
3668 by all required exhibits and fees. No specific documentation of  
3669 property ownership shall be required as a prerequisite to the  
3670 review of an application or the issuance of a permit. The  
3671 issuance of a permit does not constitute determination by the  
3672 department of property ownership.

3673           (q) The department may not require any form of subdivision  
3674 analysis of property by an owner, developer, or subdivider prior  
3675 to submission of an application for an onsite sewage treatment  
3676 and disposal system.

3677           (r) Nothing in this section limits the power of a  
3678 municipality or county to enforce other laws for the protection  
3679 of the public health and safety.

3680           (s) In the siting of onsite sewage treatment and disposal  
3681 systems, including drainfields, shoulders, and slopes, guttering



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3682 shall not be required on single-family residential dwelling  
3683 units for systems located greater than 5 feet from the roof drip  
3684 line of the house. If guttering is used on residential dwelling  
3685 units, the downspouts shall be directed away from the  
3686 drainfield.

3687 (t) Notwithstanding the provisions of subparagraph (g)1.,  
3688 onsite sewage treatment and disposal systems located in  
3689 floodways of the Suwannee and Aucilla Rivers must adhere to the  
3690 following requirements:

3691 1. The absorption surface of the drainfield shall not be  
3692 subject to flooding based on 10-year flood elevations. Provided,  
3693 however, for lots or parcels created by the subdivision of land  
3694 in accordance with applicable local government regulations prior  
3695 to January 17, 1990, if an applicant cannot construct a  
3696 drainfield system with the absorption surface of the drainfield  
3697 at an elevation equal to or above 10-year flood elevation, the  
3698 department shall issue a permit for an onsite sewage treatment  
3699 and disposal system within the 10-year floodplain of rivers,  
3700 streams, and other bodies of flowing water if all of the  
3701 following criteria are met:

3702 a. The lot is at least one-half acre in size;

3703 b. The bottom of the drainfield is at least 36 inches above  
3704 the 2-year flood elevation; and

3705 c. The applicant installs either: a waterless,  
3706 incinerating, or organic waste composting toilet and a graywater  
3707 system and drainfield in accordance with department rules; an  
3708 aerobic treatment unit and drainfield in accordance with  
3709 department rules; a system approved by the State Health Office  
3710 that is capable of reducing effluent nitrate by at least 50





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3711 percent; or a system approved by the county health department  
3712 pursuant to department rule other than a system using  
3713 alternative drainfield materials. The United States Department  
3714 of Agriculture Soil Conservation Service soil maps, State of  
3715 Florida Water Management District data, and Federal Emergency  
3716 Management Agency Flood Insurance maps are resources that shall  
3717 be used to identify flood-prone areas.

3718         2. The use of fill or mounding to elevate a drainfield  
3719 system out of the 10-year floodplain of rivers, streams, or  
3720 other bodies of flowing water shall not be permitted if such a  
3721 system lies within a regulatory floodway of the Suwannee and  
3722 Aucilla Rivers. In cases where the 10-year flood elevation does  
3723 not coincide with the boundaries of the regulatory floodway, the  
3724 regulatory floodway will be considered for the purposes of this  
3725 subsection to extend at a minimum to the 10-year flood  
3726 elevation.

3727         (u) The owner of an aerobic treatment unit system shall  
3728 maintain a current maintenance service agreement with an aerobic  
3729 treatment unit maintenance entity permitted by the department.  
3730 The maintenance entity shall obtain a system operating permit  
3731 from the department for each aerobic treatment unit under  
3732 service contract. The maintenance entity shall inspect each  
3733 aerobic treatment unit system at least twice each year and shall  
3734 report quarterly to the department on the number of aerobic  
3735 treatment unit systems inspected and serviced. The owner shall  
3736 allow the department to inspect during reasonable hours each  
3737 aerobic treatment unit system at least annually, and such  
3738 inspection may include collection and analysis of system-  
3739 effluent samples for performance criteria established by rule of



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3740 the department.

3741 (v) The department may require the submission of detailed  
3742 system construction plans that are prepared by a professional  
3743 engineer registered in this state. The department shall  
3744 establish by rule criteria for determining when such a  
3745 submission is required.

3746 (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

3747 (a) Department personnel who have reason to believe  
3748 noncompliance exists, may at any reasonable time, enter the  
3749 premises permitted under ss. 381.0065-381.0066, or the business  
3750 premises of any septic tank contractor or master septic tank  
3751 contractor registered under part III of chapter 489, or any  
3752 premises that the department has reason to believe is being  
3753 operated or maintained not in compliance, to determine  
3754 compliance with the provisions of this section, part I of  
3755 chapter 386, or part III of chapter 489 or rules or standards  
3756 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
3757 part III of chapter 489. As used in this paragraph, the term  
3758 "premises" does not include a residence or private building. To  
3759 gain entry to a residence or private building, the department  
3760 must obtain permission from the owner or occupant or secure an  
3761 inspection warrant from a court of competent jurisdiction.

3762 (b)1. The department may issue citations that may contain  
3763 an order of correction or an order to pay a fine, or both, for  
3764 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
3765 part III of chapter 489 or the rules adopted by the department,  
3766 when a violation of these sections or rules is enforceable by an  
3767 administrative or civil remedy, or when a violation of these  
3768 sections or rules is a misdemeanor of the second degree. A



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3769 citation issued under ss. 381.0065-381.0067, part I of chapter  
3770 386, or part III of chapter 489 constitutes a notice of proposed  
3771 agency action.

3772 2. A citation must be in writing and must describe the  
3773 particular nature of the violation, including specific reference  
3774 to the provisions of law or rule allegedly violated.

3775 3. The fines imposed by a citation issued by the department  
3776 may not exceed \$500 for each violation. Each day the violation  
3777 exists constitutes a separate violation for which a citation may  
3778 be issued.

3779 4. The department shall inform the recipient, by written  
3780 notice pursuant to ss. 120.569 and 120.57, of the right to an  
3781 administrative hearing to contest the citation within 21 days  
3782 after the date the citation is received. The citation must  
3783 contain a conspicuous statement that if the recipient fails to  
3784 pay the fine within the time allowed, or fails to appear to  
3785 contest the citation after having requested a hearing, the  
3786 recipient has waived the recipient's right to contest the  
3787 citation and must pay an amount up to the maximum fine.

3788 5. The department may reduce or waive the fine imposed by  
3789 the citation. In determining whether to reduce or waive the  
3790 fine, the department must consider the gravity of the violation,  
3791 the person's attempts at correcting the violation, and the  
3792 person's history of previous violations including violations for  
3793 which enforcement actions were taken under ss. 381.0065-  
3794 381.0067, part I of chapter 386, part III of chapter 489, or  
3795 other provisions of law or rule.

3796 6. Any person who willfully refuses to sign and accept a  
3797 citation issued by the department commits a misdemeanor of the



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3798 second degree, punishable as provided in s. 775.082 or s.  
3799 775.083.

3800 7. The department, pursuant to ss. 381.0065-381.0067, part  
3801 I of chapter 386, or part III of chapter 489, shall deposit any  
3802 fines it collects in the county health department trust fund for  
3803 use in providing services specified in those sections.

3804 8. This section provides an alternative means of enforcing  
3805 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
3806 chapter 489. This section does not prohibit the department from  
3807 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
3808 III of chapter 489, or its rules, by any other means. However,  
3809 the department must elect to use only a single method of  
3810 enforcement for each violation.

3811 (c) Responsible management entity personnel or personnel of  
3812 entities they have contracted with to provide services may enter  
3813 premises to evaluate systems for compliance. Upon determination  
3814 that a noncompliance exists, the responsible maintenance entity  
3815 shall notify the department for further action.

3816 (6) DUTIES AND POWERS OF THE RESPONSIBLE MANAGEMENT  
3817 ENTITY.-

3818 (a) The responsible management entity shall administer an  
3819 onsite sewage treatment and disposal system evaluation program  
3820 and shall adopt rules or ordinances implementing the program  
3821 standards, procedures, and requirements, including, but not  
3822 limited to, a schedule for a 5-year evaluation cycle, a  
3823 prohibition on the land application of septage, and  
3824 recommendations for repairs or replacements pursuant to this  
3825 section.

3826 (b) Evaluation, pumpout, repair, replacement, or



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3827 retrofitting services conducted under (6) (a) shall be performed  
3828 by a septic tank contractor or master septic tank contractor  
3829 registered under part III of chapter 489. The responsible  
3830 management entity is authorized to enter into contractual  
3831 agreements with entities licensed and bonded to perform such  
3832 duties.

3833 (c) The responsible management entity may charge fees for  
3834 services conducted pursuant to paragraph (6) (a). Such fees shall  
3835 be recommended by the responsible management entity, approved by  
3836 the local government or governments pursuant to 163.01, and  
3837 shall be fair and equitable to cover the cost of administration,  
3838 operation and maintenance, repair or replacement of all systems  
3839 in the responsible management entity service area.

3840 (d) Any responsible management entity created under this  
3841 paragraph is not subject to Public Service Commission  
3842 jurisdiction.

3843 (e) The responsible management entity shall obtain a single  
3844 operating permit for all systems under its jurisdiction from the  
3845 department and shall annually report to the department on its  
3846 evaluations and operation and maintenance program.

3847 (f) Participation by the onsite sewage treatment and  
3848 disposal system owner in the responsible management entity  
3849 program implies compliance with all federal and state water  
3850 quality standards.

3851 (7) IMPLEMENTATION OF RESPONSIBLE MANAGEMENT ENTITIES.—

3852 (a) By July 1, 2012, responsible management entities  
3853 created pursuant to this section shall be implemented in the  
3854 following areas of the state:

3855 1. Northwestern region that includes Franklin, Gadsden,



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3856 Jefferson, Leon, Liberty and Wakulla counties.

3857 2. North central region that includes Citrus, Levy and  
3858 Marion counties.

3859 3. Central region that includes Lake, Orange and Seminole  
3860 counties.

3861 4. Southeastern region that includes Indian River, Martin,  
3862 Okeechobee, and St. Lucie counties.

3863 5. Southwestern region that includes Collier, Hendry and  
3864 Lee counties.

3865 (b) By January 1, 2015, the duties and powers under  
3866 subsection (6) shall be implemented in all remaining areas of  
3867 the state not implemented under subsection (7) (a).

3868 (c) Nothing in this section precludes any areas of the  
3869 state from establishing responsible management entities pursuant  
3870 to this section prior to any dates established herein.

3871 (8) Effective January 1, 2015, the land application of  
3872 septage from onsite sewage treatment and disposal systems  
3873 is prohibited. The department, in consultation with the  
3874 Department of Environmental Protection, and any responsible  
3875 management entities, shall initiate rulemaking and develop  
3876 enforcement mechanisms and penalties to implement the provisions  
3877 of this subsection.

3878 Section 39. Paragraph (a) of subsection (2) of section  
3879 381.00655, Florida Statutes, is amended to read:

3880 381.00655 Connection of existing onsite sewage treatment  
3881 and disposal systems to central sewerage system; requirements.—

3882 (2) The provisions of subsection (1) or any other provision  
3883 of law to the contrary notwithstanding:

3884 (a) The local governing body of the jurisdiction in which



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3885 the owner of the onsite sewage treatment and disposal system  
3886 resides may provide that any connection fee charged under this  
3887 section by an investor-owned sewerage system shall ~~may~~ be paid  
3888 with revenues collected by the responsible management entity in  
3889 that jurisdiction ~~without interest in monthly installments, over~~  
3890 ~~a period of time not to exceed 5 years from the date the~~  
3891 ~~sewerage system becomes available if it determines that the~~  
3892 ~~owner has demonstrated a financial hardship. The local governing~~  
3893 ~~body shall establish criteria for making this determination~~  
3894 ~~which take into account the owner's net worth, income, and~~  
3895 ~~financial needs.~~

3896 Section 40. Paragraph (m) of subsection (2) of section  
3897 381.0066, Florida Statutes, is created to read

3898 381.0066 Onsite sewage treatment and disposal systems;  
3899 fees.—

3900 (2) The minimum fees in the following fee schedule apply  
3901 until changed by rule by the department within the following  
3902 limits:

3903 (m) Operating permit for responsible management entity: a  
3904 fee of not less than \$10 per system per year.

3905  
3906 By January 1, 2015, the department shall complete an evaluation  
3907 of its fee structure under the new responsible management entity  
3908 program and submit the evaluation to the Legislature. The  
3909 evaluation shall, at a minimum, identify any fees that may be  
3910 reduced or eliminated based on the responsible management entity  
3911 assuming associated duties or through streamlining of the  
3912 application and permitting process. The evaluation shall also  
3913 include justification for maintaining fees at the current



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3914 statutory level.

3915

3916 The funds collected pursuant to this subsection must be  
3917 deposited in a trust fund administered by the department, to be  
3918 used for the purposes stated in this section and ss. 381.0065  
3919 and 381.00655.

3920 Section 41. Subsection (9) of section 403.086, Florida  
3921 Statutes, is amended and new subsections (10) and (11) are  
3922 created to read:

3923 403.086 Sewage disposal facilities; advanced and secondary  
3924 waste treatment.—

3925 (9) The Legislature finds that the discharge of domestic  
3926 wastewater through ocean outfalls wastes valuable water supplies  
3927 that should be reclaimed for beneficial purposes to meet public  
3928 and natural systems demands. The Legislature also finds that  
3929 discharge of domestic wastewater through ocean outfalls  
3930 compromises the coastal environment, quality of life, and local  
3931 economies that depend on those resources. The Legislature  
3932 declares that more stringent treatment and management  
3933 requirements for such domestic wastewater and the subsequent,  
3934 timely elimination of ocean outfalls as a primary means of  
3935 domestic wastewater discharge are in the public interest.

3936 (a) The construction of new ocean outfalls for domestic  
3937 wastewater discharge and the expansion of existing ocean  
3938 outfalls for this purpose, along with associated pumping and  
3939 piping systems, are prohibited. Each domestic wastewater ocean  
3940 outfall shall be limited to the discharge capacity specified in  
3941 the department permit authorizing the outfall in effect on July  
3942 1, 2008, which discharge capacity shall not be increased.





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3943 Maintenance of existing, department-authorized domestic  
3944 wastewater ocean outfalls and associated pumping and piping  
3945 systems is allowed, subject to the requirements of this section.  
3946 The department is directed to work with the United States  
3947 Environmental Protection Agency to ensure that the requirements  
3948 of this subsection are implemented consistently for all domestic  
3949 wastewater facilities in Florida which discharge through ocean  
3950 outfalls.

3951 (b) The discharge of domestic wastewater through ocean  
3952 outfalls shall meet advanced wastewater treatment and management  
3953 requirements no later than December 31, 2018. For purposes of  
3954 this subsection, the term "advanced wastewater treatment and  
3955 management requirements" means the advanced waste treatment  
3956 requirements set forth in subsection (4), a reduction in outfall  
3957 baseline loadings of total nitrogen and total phosphorus which  
3958 is equivalent to that which would be achieved by the advanced  
3959 waste treatment requirements in subsection (4), or a reduction  
3960 in cumulative outfall loadings of total nitrogen and total  
3961 phosphorus occurring between December 31, 2008, and December 31,  
3962 2025, which is equivalent to that which would be achieved if the  
3963 advanced waste treatment requirements in subsection (4) were  
3964 fully implemented beginning December 31, 2018, and continued  
3965 through December 31, 2025. The department shall establish the  
3966 average baseline loadings of total nitrogen and total phosphorus  
3967 for each outfall using monitoring data available for calendar  
3968 years 2003 through 2007 and shall establish required loading  
3969 reductions based on this baseline. The baseline loadings and  
3970 required loading reductions of total nitrogen and total  
3971 phosphorus shall be expressed as an average annual daily loading



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3972 value. The advanced wastewater treatment and management  
3973 requirements of this paragraph shall be deemed to be met for any  
3974 domestic wastewater facility discharging through an ocean  
3975 outfall on July 1, 2008, which has installed no later than  
3976 December 31, 2018, a fully operational reuse system comprising  
3977 100 percent of the facility's annual average daily flow for  
3978 reuse activities authorized by the department.

3979 (c) Each domestic wastewater facility that discharges  
3980 through an ocean outfall on July 1, 2008, shall install a  
3981 functioning reuse system no later than December 31, 2025. For  
3982 purposes of this subsection, a "functioning reuse system" means  
3983 an environmentally, economically, and technically feasible  
3984 system that provides a minimum of 60 percent of the facility's  
3985 actual flow on an annual basis for irrigation of public access  
3986 areas, residential properties, or agricultural crops; aquifer  
3987 recharge; groundwater recharge; industrial cooling; or other  
3988 acceptable reuse purposes authorized by the department. For  
3989 purposes of this subsection, the term "facility's actual flow on  
3990 an annual basis" means the annual average flow of domestic  
3991 wastewater discharging through the facility's ocean outfall, as  
3992 determined by the department, using monitoring data available  
3993 for calendar years 2003 through 2007. Diversion of flows from  
3994 these facilities to other facilities that provide 100 percent  
3995 reuse of the diverted flows prior to December 31, 2025, shall be  
3996 considered to contribute to meeting the 60-percent reuse  
3997 requirement. For utilities operating more than one outfall, the  
3998 reuse requirement can be met if the combined actual reuse flows  
3999 from facilities served by the outfalls is at least 60 percent of  
4000 the sum of the total actual flows from these facilities,



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4001 including flows diverted to other facilities for 100 percent  
4002 reuse prior to December 31, 2025. In the event treatment in  
4003 addition to the advanced wastewater treatment and management  
4004 requirements described in paragraph (b) is needed in order to  
4005 support a functioning reuse system, such treatment shall be  
4006 fully operational no later than December 31, 2025.

4007 (d) The discharge of domestic wastewater through ocean  
4008 outfalls is prohibited after December 31, 2025, except as a  
4009 backup discharge that is part of a functioning reuse system  
4010 authorized by the department as provided for in paragraph (c). A  
4011 backup discharge may occur only during periods of reduced demand  
4012 for reclaimed water in the reuse system, such as periods of wet  
4013 weather, and shall comply with the advanced wastewater treatment  
4014 and management requirements of paragraph (b).

4015 (e) The holder of a department permit authorizing the  
4016 discharge of domestic wastewater through an ocean outfall as of  
4017 July 1, 2008, shall submit to the secretary of the department  
4018 the following:

4019 1. A detailed plan to meet the requirements of this  
4020 subsection, including an identification of all land acquisition  
4021 and facilities necessary to provide for reuse of the domestic  
4022 wastewater; an analysis of the costs to meet the requirements;  
4023 and a financing plan for meeting the requirements, including  
4024 identifying any actions necessary to implement the financing  
4025 plan, such as bond issuance or other borrowing, assessments,  
4026 rate increases, fees, other charges, or other financing  
4027 mechanisms. The plan shall include a detailed schedule for the  
4028 completion of all necessary actions and shall be accompanied by  
4029 supporting data and other documentation. The plan shall be



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4030 submitted no later than July 1, 2013.

4031         2. No later than July 1, 2016, an update of the plan  
4032 required in subparagraph 1. documenting any refinements or  
4033 changes in the costs, actions, or financing necessary to  
4034 eliminate the ocean outfall discharge in accordance with this  
4035 subsection or a written statement that the plan is current and  
4036 accurate.

4037         (f) By December 31, 2009, and by December 31 every 5 years  
4038 thereafter, the holder of a department permit authorizing the  
4039 discharge of domestic wastewater through an ocean outfall shall  
4040 submit to the secretary of the department a report summarizing  
4041 the actions accomplished to date and the actions remaining and  
4042 proposed to meet the requirements of this subsection, including  
4043 progress toward meeting the specific deadlines set forth in  
4044 paragraphs (b) through (e). The report shall include the  
4045 detailed schedule for and status of the evaluation of reuse and  
4046 disposal options, preparation of preliminary design reports,  
4047 preparation and submittal of permit applications, construction  
4048 initiation, construction progress milestones, construction  
4049 completion, initiation of operation, and continuing operation  
4050 and maintenance.

4051         (g) No later than July 1, 2010, and by July 1 every 5 years  
4052 thereafter, the department shall submit a report to the  
4053 Governor, the President of the Senate, and the Speaker of the  
4054 House of Representatives on the implementation of this  
4055 subsection. The report shall summarize progress to date,  
4056 including the increased amount of reclaimed water provided and  
4057 potable water offsets achieved, and identify any obstacles to  
4058 continued progress, including all instances of substantial



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4059 noncompliance.

4060 (h) By February 1, 2012, the department shall submit a  
4061 report to the Governor and Legislature detailing the results and  
4062 recommendations from phases 1 through 3 of its ongoing study on  
4063 reclaimed water use.

4064 (i) ~~(h)~~ The renewal of each permit that authorizes the  
4065 discharge of domestic wastewater through an ocean outfall as of  
4066 July 1, 2008, shall be accompanied by an order in accordance  
4067 with s. 403.088(2)(e) and (f) which establishes an enforceable  
4068 compliance schedule consistent with the requirements of this  
4069 subsection.

4070 (j) An entity that diverts wastewater flow from a receiving  
4071 facility that discharges domestic wastewater through an ocean  
4072 outfall must meet the 60-percent reuse requirement of paragraph  
4073 (c). Reuse by the diverting entity of the diverted flows shall  
4074 be credited to the diverting entity. The diverted flow must also  
4075 be deducted from the receiving facility's actual flow on an  
4076 annual basis as determined under paragraph (c) and the receiving  
4077 facility's reuse requirement recalculated accordingly.

4078 (10) The Legislature finds that the discharge of  
4079 inadequately treated and managed domestic wastewater from dozens  
4080 of small wastewater facilities and thousands of septic tanks and  
4081 other onsite systems in the Florida Keys compromises the quality  
4082 of the coastal environment, including nearshore and offshore  
4083 waters, and threatens the quality of life and local economies  
4084 that depend on those resources. The Legislature also finds that  
4085 the only practical and cost-effective way to fundamentally  
4086 improve wastewater management in the Florida Keys is for the  
4087 local governments in Monroe County, including those special



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4088 districts established for the purpose of collection,  
4089 transmission, treatment, or disposal of sewage, to timely  
4090 complete the wastewater or sewage treatment and disposal  
4091 facilities initiated under the work program of Administration  
4092 Commission rule 28-20, Florida Administrative Code, and the  
4093 Monroe County Sanitary Master Wastewater Plan, dated June 2000.  
4094 The Legislature therefore declares that the construction and  
4095 operation of comprehensive central wastewater systems in  
4096 accordance with this subsection is in the public interest. To  
4097 give effect to those findings, the requirements of this  
4098 subsection apply to all domestic wastewater facilities in Monroe  
4099 County, including privately owned facilities, unless otherwise  
4100 provided under this subsection.

4101 (a) The discharge of domestic wastewater into surface  
4102 waters is prohibited.

4103 (b) Monroe County, each municipality, and those special  
4104 districts established for the purpose of collection,  
4105 transmission, treatment, or disposal of sewage in Monroe County  
4106 shall complete the wastewater collection, treatment, and  
4107 disposal facilities within its jurisdiction designated as hot  
4108 spots in the Monroe County Sanitary Master Wastewater Plan,  
4109 dated June 2000, specifically listed in Exhibits 6-1 through 6-3  
4110 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F  
4111 of the plan. The required facilities and connections, and any  
4112 additional facilities or other adjustments required by rules  
4113 adopted by the Administration Commission under s. 380.0552, must  
4114 be completed by December 31, 2015, pursuant to specific  
4115 schedules established by the commission. Domestic wastewater  
4116 facilities located outside local government and special district



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4117 service areas must meet the treatment and disposal requirements  
4118 of this subsection by December 31, 2015.

4119 (c) After December 31, 2015, all new or expanded domestic  
4120 wastewater discharges must comply with the treatment and  
4121 disposal requirements of this subsection and department rules.

4122 (d) Wastewater treatment facilities having design  
4123 capacities:

4124 1. Greater than or equal to 100,000 gallons per day must  
4125 provide basic disinfection as defined by department rule and the  
4126 level of treatment which, on a permitted annual average basis,  
4127 produces an effluent that contains no more than the following  
4128 concentrations:

4129 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

4130 b. Suspended Solids of 5 mg/l.

4131 c. Total Nitrogen, expressed as N, of 3 mg/l.

4132 d. Total Phosphorus, expressed as P, of 1 mg/l.

4133 2. Less than 100,000 gallons per day must provide basic  
4134 disinfection as defined by department rule and the level of  
4135 treatment which, on a permitted annual average basis, produces  
4136 an effluent that contains no more than the following  
4137 concentrations:

4138 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

4139 b. Suspended Solids of 10 mg/l.

4140 c. Total Nitrogen, expressed as N, of 10 mg/l.

4141 d. Total Phosphorus, expressed as P, of 1 mg/l.

4142 (e) Class V injection wells, as defined by department or  
4143 Department of Health rule, must meet the following requirements  
4144 and otherwise comply with department or Department of Health  
4145 rules, as applicable:



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4146 1. If the design capacity of the facility is less than 1  
4147 million gallons per day, the injection well must be at least 90  
4148 feet deep and cased to a minimum depth of 60 feet or to such  
4149 greater cased depth and total well depth as may be required by  
4150 department rule.

4151 2. Except as provided in subparagraph 3. for backup wells,  
4152 if the design capacity of the facility is equal to or greater  
4153 than 1 million gallons per day, each primary injection well must  
4154 be cased to a minimum depth of 2,000 feet or to such greater  
4155 depth as may be required by department rule.

4156 3. If an injection well is used as a backup to a primary  
4157 injection well, the following conditions apply:

4158 a. The backup well may be used only when the primary  
4159 injection well is out of service because of equipment failure,  
4160 power failure, or the need for mechanical integrity testing or  
4161 repair;

4162 b. The backup well may not be used for more than a total of  
4163 500 hours during any 5-year period unless specifically  
4164 authorized in writing by the department;

4165 c. The backup well must be at least 90 feet deep and cased  
4166 to a minimum depth of 60 feet, or to such greater cased depth  
4167 and total well depth as may be required by department rule; and

4168 d. Fluid injected into the backup well must meet the  
4169 requirements of paragraph (d).

4170 (f) The requirements of paragraphs (d) and (e) do not apply  
4171 to:

4172 1. Class I injection wells as defined by department rule,  
4173 including any authorized mechanical integrity tests;

4174 2. Authorized mechanical integrity tests associated with





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4175 Class V wells as defined by department rule; or

4176 3. The following types of reuse systems authorized by  
4177 department rule:

4178 a. Slow-rate land application systems;

4179 b. Industrial uses of reclaimed water; and

4180 c. Use of reclaimed water for toilet flushing, fire  
4181 protection, vehicle washing, construction dust control, and  
4182 decorative water features.

4183  
4184 However, disposal systems serving as backups to reuse  
4185 systems must comply with the other provisions of this  
4186 subsection.

4187 (g) For wastewater treatment facilities in operation as of  
4188 July 1, 2010, which are located within areas to be served by  
4189 Monroe County, municipalities in Monroe County, or those special  
4190 districts established for the purpose of collection,  
4191 transmission, treatment, or disposal of sewage but which are  
4192 owned by other entities, the requirements of paragraphs (d) and  
4193 (e) do not apply until January 1, 2016. Wastewater operating  
4194 permits issued pursuant to this chapter and in effect for these  
4195 facilities as of June 30, 2010, are extended until December 31,  
4196 2015, or until the facility is connected to a local government  
4197 central wastewater system, whichever occurs first. Wastewater  
4198 treatment facilities in operation after December 31, 2015, must  
4199 comply with the treatment and disposal requirements of this  
4200 subsection and department rules.

4201 (h) If it is demonstrated that a discharge, even if the  
4202 discharge is otherwise in compliance with this subsection, will  
4203 cause or contribute to a violation of state water quality



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4204 standards, the department shall:

4205 1. Require more stringent effluent limitations;

4206 2. Order the point or method of discharge changed;

4207 3. Limit the duration or volume of the discharge; or

4208 4. Prohibit the discharge.

4209 (i) All sewage treatment facilities must monitor effluent  
4210 for total nitrogen and total phosphorus concentration as  
4211 required by department rule.

4212 (j) The department shall require the levels of operator  
4213 certification and staffing necessary to ensure proper operation  
4214 and maintenance of sewage facilities.

4215 (k) The department may adopt rules necessary to carry out  
4216 this subsection.

4217 (l) The county, each municipality, and those special  
4218 districts established for the purpose of collection,  
4219 transmission, treatment, or disposal of sewage may require  
4220 connecting wastewater treatment facilities owned by other  
4221 entities to a central sewer system within 30 days after notice  
4222 of availability of service.

4223 (11) The land application of class AA, class A and class B  
4224 wastewater residuals, as defined by department rule, is  
4225 prohibited after July 1, 2015. The prohibition does not apply to  
4226 Class AA residuals that are marketed, distributed and applied as  
4227 fertilizer products in accordance with department rule, provided  
4228 they are applied at the proper agronomic rate. The department  
4229 shall initiate rulemaking and develop enforcement mechanisms and  
4230 penalties to implement the provisions of this subsection.

4231 Section 42. Section 4 of chapter 99-395, Law of Florida, as  
4232 amended by section 6 of chapter 2006-223, Law of Florida;



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4233 section 5 of chapter 99-395, Law of Florida; and section 6 of  
4234 chapter 99-395, Law of Florida, as amended by section 1 of  
4235 chapter 2001-337 and section 1 of chapter 2004-455, Law of  
4236 Florida, are repealed.

4237 Section 43. Paragraph (o) of subsection (3) of section  
4238 11.45, Florida Statutes, is amended to read:

4239 11.45 Definitions; duties; authorities; reports; rules.-

4240 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.-The Auditor  
4241 General may, pursuant to his or her own authority, or at the  
4242 direction of the Legislative Auditing Committee, conduct audits  
4243 or other engagements as determined appropriate by the Auditor  
4244 General of:

4245 (o) The Florida Water Pollution Control and Drinking Water  
4246 Financing Corporation created pursuant to s. 403.1837.

4247 Section 44. Subsection (2) of section 403.1835, Florida  
4248 Statutes, is reordered and amended, and subsections (3) and (10)  
4249 of that section is amended, to read:

4250 403.1835 Water pollution control financial assistance.-

4251 (2) As used in ~~For the purposes of~~ this section and s.  
4252 403.1837, the term:

4253 (c) ~~(a)~~ "Local governmental agencies" refers to any  
4254 municipality, county, district, or authority, or any agency  
4255 thereof, or a combination of two or more of the foregoing,  
4256 acting jointly in connection with a project having jurisdiction  
4257 over collection, transmission, treatment, or disposal of sewage,  
4258 industrial wastes, stormwater, or other wastes and includes a  
4259 district or authority whose ~~the~~ principal responsibility ~~of~~  
4260 ~~which~~ is to provide airport, industrial or research park, or  
4261 port facilities to the public.



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4262            (a) ~~(b)~~ "Bonds" means bonds, certificates, or other  
4263 obligations of indebtedness issued by the ~~Florida Water~~  
4264 ~~Pollution Control Financing~~ corporation under this section and  
4265 s. 403.1837.

4266            (b) ~~(c)~~ "Corporation" means the Florida Water Pollution  
4267 Control and Drinking Water Financing Corporation created under  
4268 s. 403.1837.

4269            (3) The department may provide financial assistance through  
4270 any program authorized under 33 U.S.C. s. 1383 ~~s. 603~~ of the  
4271 ~~Federal Water Pollution Control Act (Clean Water Act), Pub. L.~~  
4272 ~~No. 92-500~~, as amended, including, but not limited to, making  
4273 grants and loans, providing loan guarantees, purchasing loan  
4274 insurance or other credit enhancements, and buying or  
4275 refinancing local debt. This financial assistance must be  
4276 administered in accordance with this section and applicable  
4277 federal authorities. ~~The department shall administer all~~  
4278 ~~programs operated from funds secured through the activities of~~  
4279 ~~the Florida Water Pollution Control Financing corporation under~~  
4280 ~~s. 403.1837, to fulfill the purposes of this section.~~

4281            (a) The department may make or request the corporation to  
4282 make loans to local government agencies, which ~~agencies~~ may  
4283 pledge any revenue available to them to repay any funds  
4284 borrowed.

4285            (b) The department may make or request the corporation to  
4286 make loans, grants, and deposits to other entities eligible to  
4287 participate in the financial assistance programs authorized  
4288 under the Federal Water Pollution Control Act, or as a result of  
4289 other federal action, which ~~entities~~ may pledge any revenue  
4290 available to them to repay any funds borrowed. Notwithstanding



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4291 s. 17.57, the department may make deposits to financial  
4292 institutions that ~~which~~ earn less than the prevailing rate for  
4293 United States Treasury securities that have ~~with~~ corresponding  
4294 maturities for the purpose of enabling such financial  
4295 institutions to make below-market interest rate loans to  
4296 entities qualified to receive loans under this section and the  
4297 rules of the department.

4298 (c) The department shall administer financial assistance so  
4299 that at least 15 percent of the funding made available each year  
4300 under this section is reserved for use by small communities  
4301 during the year it is reserved.

4302 (d) The department may make grants to financially  
4303 disadvantaged small communities, as defined in s. 403.1838,  
4304 using funds made available from grant allocations on loans  
4305 authorized under subsection (4). The grants must be administered  
4306 in accordance with s. 403.1838.

4307 (10) The department may adopt rules regarding program  
4308 administration; project eligibilities and priorities, including  
4309 the development and management of project priority lists;  
4310 financial assistance application requirements associated with  
4311 planning, design, construction, and implementation activities,  
4312 including environmental and engineering requirements; financial  
4313 assistance agreement conditions; disbursement and repayment  
4314 provisions; auditing provisions; program exceptions; the  
4315 procedural and contractual relationship between the department  
4316 and the ~~Florida Water Pollution Control Financing~~ corporation  
4317 under s. 403.1837; and other provisions consistent with the  
4318 purposes of this section.

4319 Section 45. Section 403.1837, Florida Statutes, is amended



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4320 to read:  
4321           403.1837 Florida Water Pollution Control and Drinking Water  
4322 Financing Corporation.—

4323           (1) The Florida Water Pollution Control and Drinking Water  
4324 Financing Corporation is created as a nonprofit public-benefit  
4325 corporation for the purpose of financing or refinancing the  
4326 costs of ~~water pollution control~~ projects and activities  
4327 described in ss. ~~s.~~ 403.1835 and 403.8532. The projects and  
4328 activities described in those sections ~~that section are found to~~  
4329 constitute a public governmental purpose; are ~~be~~ necessary for  
4330 the health, safety, and welfare of all residents; and include  
4331 legislatively approved fixed capital outlay projects. Fulfilling  
4332 ~~The fulfillment of~~ the purposes of the corporation promotes the  
4333 health, safety, and welfare of the people of the state and  
4334 serves essential governmental functions and a paramount public  
4335 purpose. The activities of the corporation are specifically  
4336 limited to assisting the department in implementing financing  
4337 activities to provide funding for the programs authorized in ss.  
4338 ~~s.~~ 403.1835 and 403.8532. All other activities relating to the  
4339 purposes for which the corporation raises funds are the  
4340 responsibility of the department, including, but not limited to,  
4341 development of program criteria, review of applications for  
4342 financial assistance, decisions relating to the number and  
4343 amount of loans or other financial assistance to be provided,  
4344 and enforcement of the terms of any financial assistance  
4345 agreements provided through funds raised by the corporation. The  
4346 corporation shall terminate upon fulfilling ~~fulfillment of~~ the  
4347 purposes of this section.

4348           (2) The corporation shall be governed by a board of



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4349 directors consisting of the Governor's Budget Director or ~~the~~  
4350 ~~budget director's~~ designee, the Chief Financial Officer or ~~the~~  
4351 ~~Chief Financial Officer's~~ designee, and the Secretary of  
4352 Environmental Protection or ~~the secretary's~~ designee. The  
4353 executive director of the State Board of Administration shall be  
4354 the chief executive officer of the corporation; shall direct and  
4355 supervise the administrative affairs of the corporation; and  
4356 shall control, direct, and supervise operation of the  
4357 corporation. The corporation shall have such other officers as  
4358 may be determined by the board of directors.

4359 (3) The corporation shall have all the powers of a  
4360 corporate body under the laws of the state, consistent to the  
4361 ~~extent not inconsistent with or restricted by~~ this section,  
4362 including, but not limited to, the power to:

4363 (a) Adopt, amend, and repeal bylaws consistent not  
4364 ~~inconsistent~~ with this section.

4365 (b) Sue and be sued.

4366 (c) Adopt and use a common seal.

4367 (d) Acquire, purchase, hold, lease, and convey any real and  
4368 personal property as may be proper or expedient to carry out the  
4369 purposes of the corporation and this section, and to sell,  
4370 lease, or otherwise dispose of that property.

4371 (e) Elect or appoint and employ such officers, agents, and  
4372 employees as the corporation considers advisable to operate and  
4373 manage the affairs of the corporation, who ~~which officers,~~  
4374 ~~agents, and employees~~ may be officers or employees of the  
4375 department and the state agencies represented on the board of  
4376 directors of the corporation.

4377 (f) Borrow money and issue notes, bonds, certificates of



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4378 indebtedness, or other obligations or evidences of indebtedness  
4379 described in s. 403.1835 or s. 403.8532.

4380 (g) Operate, as specifically directed by the department,  
4381 any program to provide financial assistance authorized under s.  
4382 403.1835(3) or s. 403.8532(3), which may be funded from any  
4383 funds received under a service contract with the department,  
4384 from the proceeds of bonds issued by the corporation, or from  
4385 any other funding sources obtained by the corporation.

4386 (h) Sell all or any portion of the loans issued under s.  
4387 403.1835 or s. 403.8532 to accomplish the purposes of those  
4388 sections ~~this section and s. 403.1835~~.

4389 (i) Make and execute any contracts, trust agreements, and  
4390 other instruments and agreements necessary or convenient to  
4391 accomplish the purposes of the corporation and this section.

4392 (j) Select, retain, and employ professionals, contractors,  
4393 or agents, which may include the Division of Bond Finance of the  
4394 State Board of Administration, as ~~are~~ necessary or convenient to  
4395 enable or assist the corporation in carrying out its purposes  
4396 and this section.

4397 (k) Do any act or thing necessary or convenient to carry  
4398 out the purposes of the corporation and this section.

4399 (4) The corporation shall evaluate all financial and market  
4400 conditions necessary and prudent for the purpose of making  
4401 sound, financially responsible, and cost-effective decisions in  
4402 order to secure additional funds to fulfill the purposes of this  
4403 section and ss. s. 403.1835 and 403.8532.

4404 (5) The corporation may enter into one or more service  
4405 contracts with the department under which the corporation shall  
4406 provide services to the department in connection with financing





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4407 the functions, projects, and activities provided ~~for~~ in ss. s.  
4408 403.1835 and 403.8532. The department may enter into one or more  
4409 service contracts with the corporation and provide for payments  
4410 under those contracts pursuant to s. 403.1835(9) or s. 403.8533,  
4411 subject to annual appropriation by the Legislature.

4412 (a) The service contracts may provide for the transfer of  
4413 all or a portion of the funds in the Wastewater Treatment and  
4414 Stormwater Management Revolving Loan Trust Fund and the Drinking  
4415 Water Revolving Loan Trust Fund to the corporation for use by  
4416 the corporation for costs incurred by the corporation in its  
4417 operations, including, but not limited to, payment of debt  
4418 service, reserves, or other costs in relation to bonds issued by  
4419 the corporation, for use by the corporation at the request of  
4420 the department to directly provide the types of local financial  
4421 assistance provided ~~for~~ in ss. s. 403.1835(3) and 403.8532(3),  
4422 or for payment of the administrative costs of the corporation.

4423 (b) The department may not transfer funds under any service  
4424 contract with the corporation without a specific appropriation  
4425 for such purpose in the General Appropriations Act, except for  
4426 administrative expenses incurred by the State Board of  
4427 Administration or other expenses necessary under documents  
4428 authorizing or securing previously issued bonds of the  
4429 corporation. The service contracts may also provide for the  
4430 assignment or transfer to the corporation of any loans made by  
4431 the department.

4432 (c) The service contracts may establish the operating  
4433 relationship between the department and the corporation and must  
4434 ~~shall~~ require the department to request the corporation to issue  
4435 bonds before any issuance of bonds by the corporation, to take



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4436 any actions necessary to enforce the agreements entered into  
4437 between the corporation and other parties, and to take all other  
4438 actions necessary to assist the corporation in its operations.

4439 (d) In compliance with s. 287.0641 and other applicable  
4440 provisions of law, the obligations of the department under the  
4441 service contracts do not constitute a general obligation of the  
4442 state or a pledge of the faith and credit or taxing power of the  
4443 state, nor may the obligations be construed ~~in any manner~~ as an  
4444 obligation of the State Board of Administration or entities for  
4445 which it invests funds, or of the department except as provided  
4446 in this section as payable solely from amounts available under  
4447 any service contract between the corporation and the department,  
4448 subject to appropriation.

4449 (e) In compliance with this subsection and s. 287.0582,  
4450 service contracts must expressly include the following  
4451 statement: "The State of Florida's performance and obligation to  
4452 pay under this contract is contingent upon an annual  
4453 appropriation by the Legislature."

4454 (6) The corporation may issue and incur notes, bonds,  
4455 certificates of indebtedness, or other obligations or evidences  
4456 of indebtedness payable from and secured by amounts received  
4457 from payment of loans and other moneys received by the  
4458 corporation, including, but not limited to, amounts payable to  
4459 the corporation by the department under a service contract  
4460 entered into under subsection (5). The proceeds of the bonds may  
4461 be used for the purpose of providing funds for projects and  
4462 activities provided ~~for~~ in subsection (1) or for refunding bonds  
4463 previously issued by the corporation. The corporation may select  
4464 a financing team and issue obligations through competitive



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4465 bidding or negotiated contracts, whichever is most cost-  
4466 effective. ~~Any~~ Such indebtedness of the corporation does not  
4467 constitute a debt or obligation of the state or a pledge of the  
4468 faith and credit or taxing power of the state.

4469 (7) The corporation is exempt from taxation and assessments  
4470 of any nature whatsoever upon its income and any property,  
4471 assets, or revenues acquired, received, or used in the  
4472 furtherance of the purposes provided in ss. 403.1835, ~~and~~  
4473 403.1838, and 403.8532. The obligations of the corporation  
4474 incurred under subsection (6) and the interest and income on the  
4475 obligations and all security agreements, letters of credit,  
4476 liquidity facilities, or other obligations or instruments  
4477 arising out of, entered into in connection with, or given to  
4478 secure payment of the obligations are exempt from all taxation;  
4479 however, the exemption does not apply to any tax imposed by  
4480 chapter 220 on the interest, income, or profits on debt  
4481 obligations owned by corporations.

4482 (8) The corporation shall validate any bonds issued under  
4483 this section, except refunding bonds, which may be validated at  
4484 the option of the corporation, by proceedings under chapter 75.  
4485 The validation complaint must be filed ~~only~~ in the Circuit Court  
4486 for Leon County. The notice required under s. 75.06 must be  
4487 published in Leon County, and the complaint and order of the  
4488 circuit court shall be served only on the State Attorney for the  
4489 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not  
4490 apply to a validation complaint filed as authorized in this  
4491 subsection. The validation of the first bonds issued under this  
4492 section may be appealed to the Supreme Court, and the appeal  
4493 shall be handled on an expedited basis.



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4494           (9) The corporation and the department may ~~shall~~ not take  
4495 any action that ~~will~~ materially and adversely affects ~~affect~~ the  
4496 rights of holders of any obligations issued under this section  
4497 as long as the obligations are outstanding.

4498           (10) The corporation is not a special district for purposes  
4499 of chapter 189 or a unit of local government for purposes of  
4500 part III of chapter 218. The provisions of chapters 120 and 215,  
4501 except the limitation on interest rates provided by s. 215.84,  
4502 which applies to obligations of the corporation issued under  
4503 this section, and part I of chapter 287, except ss. 287.0582 and  
4504 287.0641, do not apply to this section, the corporation ~~created~~  
4505 ~~in this section~~, the service contracts entered into under this  
4506 section, or debt obligations issued by the corporation as  
4507 provided in this section.

4508           (11) The benefits or earnings of the corporation may not  
4509 inure to the benefit of any private person, except persons  
4510 receiving grants and loans under s. 403.1835 or s. 403.8532.

4511           (12) Upon dissolution of the corporation, title to all  
4512 property owned by the corporation reverts to the department.

4513           (13) The corporation may contract with the State Board of  
4514 Administration to serve as trustee with respect to debt  
4515 obligations issued by the corporation as provided by this  
4516 section; to hold, administer, and invest proceeds of those debt  
4517 obligations and other funds of the corporation; and to perform  
4518 other services required by the corporation. The State Board of  
4519 Administration may perform these services and may contract with  
4520 others to provide all or a part of those services and to recover  
4521 the costs and expenses of providing those services.

4522           Section 46. Subsections (2), (3), (9), and (14) of section



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4523 403.8532, Florida Statutes, are amended to read:  
4524 403.8532 Drinking water state revolving loan fund; use;  
4525 rules.—  
4526 (2) For purposes of this section, the term:  
4527 (a) "Bonds" means bonds, certificates, or other obligations  
4528 of indebtedness issued by the corporation under this section and  
4529 s. 403.1837.  
4530 (b) "Corporation" means the Florida Water Pollution Control  
4531 and Drinking Water Financing Corporation created pursuant to s.  
4532 403.1837.  
4533 (c)~~(a)~~ "Financially disadvantaged community" means the  
4534 service area of a project to be served by a public water system  
4535 that meets criteria established by department rule and in  
4536 accordance with federal guidance.  
4537 (d)~~(b)~~ "Local governmental agency" means any municipality,  
4538 county, district, or authority, or any agency thereof, or a  
4539 combination of two or more of the foregoing acting jointly in  
4540 connection with a project, having jurisdiction over a public  
4541 water system.  
4542 (e)~~(c)~~ "Public water system" means all facilities,  
4543 including land, necessary for the treatment and distribution of  
4544 water for human consumption and includes public water systems as  
4545 defined in s. 403.852 and as otherwise defined in the federal  
4546 Safe Drinking Water Act, as amended. Such systems may be  
4547 publicly owned, privately owned, investor-owned, or  
4548 cooperatively held.  
4549 (f)~~(d)~~ "Small public water system" means a public water  
4550 system that ~~which~~ regularly serves fewer than 10,000 people.  
4551 (3) The department may ~~is authorized to~~ make, or request



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4552 that the corporation make, loans, grants, and deposits to  
4553 community water systems, nonprofit transient noncommunity water  
4554 systems, and nonprofit nontransient noncommunity water systems  
4555 to assist them in planning, designing, and constructing public  
4556 water systems, unless such public water systems are for-profit  
4557 privately owned or investor-owned systems that regularly serve  
4558 1,500 service connections or more within a single certified or  
4559 franchised area. However, a for-profit privately owned or  
4560 investor-owned public water system that regularly serves 1,500  
4561 service connections or more within a single certified or  
4562 franchised area may qualify for a loan only if the proposed  
4563 project will result in the consolidation of two or more public  
4564 water systems. The department may ~~is authorized to~~ provide loan  
4565 guarantees, ~~to~~ purchase loan insurance, and ~~to~~ refinance local  
4566 debt through the issue of new loans for projects approved by the  
4567 department. Public water systems may ~~are authorized to~~ borrow  
4568 funds made available pursuant to this section and may pledge any  
4569 revenues or other adequate security available to them to repay  
4570 any funds borrowed.

4571 (a) The department shall administer loans so that amounts  
4572 credited to the Drinking Water Revolving Loan Trust Fund in any  
4573 fiscal year are reserved for the following purposes:

4574 1. ~~(a)~~ At least 15 percent for ~~to~~ qualifying small public  
4575 water systems.

4576 2. ~~(b)~~ Up to 15 percent for ~~to~~ qualifying financially  
4577 disadvantaged communities.

4578 (b) ~~(c) However,~~ If an insufficient number of the projects  
4579 for which funds are reserved under this subsection ~~paragraph~~  
4580 have been submitted to the department at the time the funding



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4581 priority list authorized under this section is adopted, the  
4582 reservation of these funds ~~shall~~ no longer applies ~~apply~~. The  
4583 department may award the unreserved funds as otherwise provided  
4584 in this section.

4585 (9) The department may adopt rules regarding the procedural  
4586 and contractual relationship between the department and the  
4587 corporation under s. 403.1837 and is authorized to make rules  
4588 ~~necessary~~ to carry out the purposes of this section and the  
4589 federal Safe Drinking Water Act, as amended. Such rules shall:

4590 (a) Set forth a priority system for loans based on public  
4591 health considerations, compliance with state and federal  
4592 requirements relating to public drinking water systems, and  
4593 affordability. The priority system shall give special  
4594 consideration to ~~the following~~:

4595 1. Projects that provide for the development of alternative  
4596 drinking water supply projects and management techniques in  
4597 areas where existing source waters are limited or threatened by  
4598 saltwater intrusion, excessive drawdowns, contamination, or  
4599 other problems;

4600 2. Projects that provide for a dependable, sustainable  
4601 supply of drinking water and that are not otherwise financially  
4602 feasible; and

4603 3. Projects that contribute to the sustainability of  
4604 regional water sources.

4605 (b) Establish the requirements for the award and repayment  
4606 of financial assistance.

4607 (c) Require evidence of credit worthiness and adequate  
4608 security, including an identification of revenues to be pledged,  
4609 and documentation of their sufficiency for loan repayment and



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4610 pledged revenue coverage, to ensure that each loan recipient can  
4611 meet its loan repayment requirements.

4612 (d) Require each project receiving financial assistance to  
4613 be cost-effective, environmentally sound, implementable, and  
4614 self-supporting.

4615 (e) Implement other provisions of the federal Safe Drinking  
4616 Water Act, as amended.

4617 (14) ~~All moneys available for financial assistance under~~  
4618 ~~this section shall be deposited in~~ The Drinking Water Revolving  
4619 Loan Trust Fund established under s. 403.8533 shall be used  
4620 exclusively to carry out the purposes of this section. Any funds  
4621 that therein which are not needed on an immediate basis for  
4622 financial assistance shall be invested pursuant to s. 215.49.  
4623 State revolving fund capitalization grants awarded by the  
4624 Federal Government, state matching funds, and investment  
4625 earnings thereon shall be deposited into the fund. The principal  
4626 and interest of all loans repaid and investment earnings thereon  
4627 shall be deposited into the fund.

4628 Section 47. Section 403.8533, Florida Statutes, is amended  
4629 to read:

4630 403.8533 Drinking Water Revolving Loan Trust Fund.—

4631 (1) There is created the Drinking Water Revolving Loan  
4632 Trust Fund to be administered by the Department of Environmental  
4633 Protection for the purposes of:

4634 (a) Funding for low-interest loans for planning,  
4635 engineering design, and construction of public drinking water  
4636 systems and improvements to such systems;

4637 (b) Funding for compliance activities, operator  
4638 certification programs, and source water protection programs;





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4639 and

4640 (c) Funding for administering loans by the department; ~~and~~

4641 (d) Paying amounts payable under any service contract

4642 entered into by the department under s. 403.1837, subject to

4643 annual appropriation by the Legislature.

4644 (2) The trust fund shall be used for the deposit of all  
4645 moneys awarded by the Federal Government to fund revolving loan  
4646 programs. All moneys in the fund that are not needed on an  
4647 immediate basis for loans shall be invested pursuant to s.  
4648 215.49. The principal and interest of all loans repaid and  
4649 investment earnings shall be deposited into this fund.

4650 (3) Pursuant to s. 19(f)(3), Art. III of the State  
4651 Constitution, the Drinking Water Revolving Loan Trust Fund is  
4652 exempt from the termination provisions of s. 19(f)(2), Art. III  
4653 of the State Constitution.

4654 Section 48. Part IV of chapter 369, Florida Statutes,  
4655 consisting of sections 369.401, 369.402, 369.403, 369.404,  
4656 369.405, 369.406, and 369.407, is created to read:

4657 369.401 Short title.—This part may be cited as the "Florida  
4658 Springs Protection Act."

4659 369.402 Legislative findings and intent.—

4660 (1) Florida's springs are a precious and fragile natural  
4661 resource that must be protected. Springs provide recreational  
4662 opportunities for swimmers, canoeists, wildlife watchers, cave  
4663 divers, and others. Because of the recreational opportunities  
4664 and accompanying tourism, many of the state's springs greatly  
4665 benefit state and local economies. In addition, springs provide  
4666 critical habitat for plants and animals, including many  
4667 endangered or threatened species, and serve as indicators of



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4668 groundwater and surface water quality.

4669 (2) In general, Florida's springs, whether found in urban  
4670 or rural settings, or on public or private lands, are threatened  
4671 by actual, or potential, flow reductions and declining water  
4672 quality. Many of Florida's springs show signs of ecological  
4673 imbalance, increased nutrient loading, and lowered water flow.  
4674 Groundwater sources of spring discharges are recharged by  
4675 seepage from the surface and through direct conduits such as  
4676 sinkholes and can be adversely affected by polluted runoff from  
4677 urban and agricultural lands and discharges resulting from poor  
4678 wastewater management practices.

4679 (3) Springs and groundwater can be restored through good  
4680 stewardship, including effective planning strategies, best-  
4681 management practices, and appropriate regulatory programs that  
4682 preserve and protect the springs and their springheds.

4683 369.403 Definitions.—As used in this part, the term:

4684 (1) "Cooperating entities" means the Department of  
4685 Environmental Protection, the Department of Health, the  
4686 Department of Agriculture and Consumer Services, the Department  
4687 of Community Affairs, the Department of Transportation, and each  
4688 water management district and those county and municipal  
4689 governments having jurisdiction in the areas of the springs  
4690 identified in s. 369.404.

4691 (2) "Department" means the Department of Environmental  
4692 Protection.

4693 (3) "Estimated sewage flow" means the quantity of domestic  
4694 and commercial wastewater in gallons per day which is expected  
4695 to be produced by an establishment or single-family residence as  
4696 determined by rule of the Department of Health.



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4697           (4) "First magnitude spring" means a spring that has a  
4698 median discharge of greater than or equal to 100 cubic feet per  
4699 second for the period of record, as determined by the  
4700 department.

4701           (5) "Karst" means landforms, generally formed by the  
4702 dissolution of soluble rocks such as limestone or dolostone,  
4703 forming direct connections to the groundwater such as springs,  
4704 sinkholes, sinking streams, closed depressions, subterranean  
4705 drainage, and caves.

4706           (6) "Onsite sewage treatment and disposal system" or  
4707 "septic system" means a system that contains a standard  
4708 subsurface, filled, or mound drainfield system; an aerobic  
4709 treatment unit; a graywater system tank; a laundry wastewater  
4710 system tank; a septic tank; a grease interceptor; a pump tank; a  
4711 solids or effluent pump; a waterless, incinerating, or organic  
4712 waste-composting toilet; or a sanitary pit privy that is  
4713 installed or proposed to be installed beyond the building sewer  
4714 on land of the owner or on other land to which the owner has the  
4715 legal right to install a system. The term includes any item  
4716 placed within, or intended to be used as a part of or in  
4717 conjunction with, the system. This term does not include package  
4718 sewage treatment facilities and other treatment works regulated  
4719 under chapter 403.

4720           (7) "Second magnitude spring" means a spring that has a  
4721 median discharge of 10 to 100 cubic feet per second for the  
4722 period of record, as determined by the department.

4723           (8) "Spring" means a point where groundwater is discharged  
4724 onto the earth's surface, including under any surface water of  
4725 the state, including seeps. The term includes a spring run.



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4726 (9) "Springshed" means those areas within the groundwater  
4727 and surface water basins which contribute to the discharge of a  
4728 spring.

4729 (10) "Usable property" means the area of the property  
4730 expressed in acres exclusive of all paved areas and prepared  
4731 road beds within public or private rights-of-way or easements  
4732 and exclusive of surface water bodies.

4733 369.404 Designation of spring protection zones.-

4734 (1) All counties or municipalities in which there are  
4735 located first or second magnitude springs are hereby designated  
4736 as spring protection zones.

4737 (2) By July 1, 2011, the department is directed to propose  
4738 for adoption rules to implement the requirements of this  
4739 section.

4740 (a) Such rules at a minimum shall create a priority list of  
4741 first and second magnitude springs designating them as high,  
4742 medium, or low priority based on the following measurements of  
4743 nitrate concentration in the water column at the point that the  
4744 spring discharges onto the earth's surface as an average annual  
4745 concentration:

4746 1. High - nitrate greater than or equal to 1.0 milligrams  
4747 per liter as determined using existing water quality data;

4748 2. Medium - nitrate greater than or equal to 0.5 milligrams  
4749 per liter and less than 1.0 milligrams per liter as determined  
4750 using existing water quality data; and

4751 3. Low - all first or second magnitude springs not  
4752 categorized as either High or Medium.

4753 (b) Based on the priority determination of the department  
4754 for first and second magnitude springs, the corresponding



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4755 deadlines apply to the requirements of s. 369.405 to spring  
4756 protection zones as designated in this section.

4757 1. For high-priority springs, the deadline for compliance  
4758 shall be no later than July 1, 2017;

4759 2. For medium-priority springs, the deadline for compliance  
4760 shall be no later than July 1, 2020; and

4761 3. For low-priority springs, the deadline for compliance  
4762 shall be no later than July 1, 2025.

4763 (3) By July 1, 2011, the department is directed to propose  
4764 for adoption rules that provide the minimum scientific  
4765 methodologies, data, or tools that shall be used by a county or  
4766 municipal government to support the request for an exemption as  
4767 provided for in subsection (4).

4768 (4) A county or municipal government, upon application to  
4769 the department, may seek to have specific geographic areas  
4770 exempted from the requirements of sections 369.405, 369.406, and  
4771 369.407 by demonstrating that activities within such areas will  
4772 not lead to a violation of numeric nutrient criteria established  
4773 under s. 403.067 for springsheds.

4774 (5) Pursuant to subsection (4), the department may approve  
4775 or deny an application for an exemption, or may modify the  
4776 boundaries of the specific geographic areas for which an  
4777 exemption is sought. The ruling of the department on the  
4778 applicant's request shall constitute a final agency action  
4779 subject to review pursuant to ss. 120.569 and 120.57.

4780 (6) By July 1, 2012, the department must conduct a study  
4781 and report its findings of nitrate concentrations within spring  
4782 protection zones designated pursuant to s. 369.404.

4783 369.405 Requirements for spring protection zones.—The



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4784 requirements of this section are subject to the timelines  
4785 established in s. 369.404.

4786 (1) Agricultural operations must implement applicable best-  
4787 management practices, including nutrient management, adopted by  
4788 the Department of Agriculture and Consumer Services to reduce  
4789 nitrogen impacts to groundwater. By December 31, 2010, the  
4790 Department of Agriculture and Consumer Services, in cooperation  
4791 with the other cooperating entities and stakeholders, must  
4792 develop and propose for adoption by rule equine, and cow and  
4793 calf best-management practices pursuant to this paragraph.  
4794 Implementation must be in accordance with paragraph  
4795 403.067(7)(b).

4796 (2) Local governments in cooperation with the water  
4797 management districts must develop and implement a remediation  
4798 plan to reduce nitrogen loading to groundwater including  
4799 reducing existing direct discharges of stormwater into  
4800 groundwater through karst features to the maximum extent  
4801 practicable. The department shall review and approve the  
4802 remediation plan prior to implementation.

4803 369.406 Additional requirements for all spring protection  
4804 zones.-

4805 (1) All new septic systems installed on or after January 1,  
4806 2011 that are located on properties abutting a water body or  
4807 water segment that is listed as impaired pursuant to s. 403.067,  
4808 or properties within a designated spring protection zone  
4809 pursuant to s. 369.404, must be designed to meet a target annual  
4810 average groundwater concentration of no more than 3 milligrams  
4811 per liter total nitrogen at the owner's property line.  
4812 Compliance with these requirements does not require groundwater



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4813 monitoring. The Department of Health in cooperation with the  
4814 department must initiate and develop by rule design standards  
4815 for achieving this target annual average groundwater  
4816 concentration. At a minimum, this standard must take into  
4817 consideration the relationship between the treatment level  
4818 achieved by the septic system and the area of usable property  
4819 available for rainwater dilution. Such design standards adopted  
4820 by the Department of Health must provide multiple options that  
4821 may be used to meet the standards established in s. 369.406(3).  
4822 Rules developed pursuant to this paragraph are not subject to  
4823 review under s. 381.0068.

4824 (2) Subsection (1) does not supersede the jurisdictional  
4825 flow limits established in s. 381.0065(3) (b).

4826 (3) Land application of septage is prohibited and subject  
4827 to a \$250 fine for a first offense and \$500 fine for a second or  
4828 subsequent offense pursuant to the authority granted to the  
4829 Department of Health in s. 381.0065(3) (h).

4830 (4) Any septic system, when requiring repair, modification,  
4831 or reapproval, must meet a 24-inch separation from the wet  
4832 season water table and the surface water setback requirements in  
4833 s. 381.0065(4). All treatment receptacles must be within one  
4834 size of the requirements in rules of the Department of Health  
4835 and must be tested for watertightness by a septic tank  
4836 contractor or master septic tank contractor registered under  
4837 part III chapter 489.

4838 (5) After July 1, 2011, land application of Class A, Class  
4839 B, or Class AA wastewater residuals, as defined by department  
4840 rule, is prohibited. This prohibition does not apply to Class AA  
4841 residuals that are marketed, distributed and applied as



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4842 fertilizer products in accordance with department rule.

4843 (6) Animal feeding operations must implement the  
4844 requirements of rules adopted by the department to reduce  
4845 nitrogen impacts to groundwater. By December 31, 2010, the  
4846 department, in cooperation with the other cooperating entities  
4847 and stakeholders, must develop and propose for adoption, revised  
4848 rules for animal feeding operations which address requirements  
4849 for lined wastewater storage ponds and the development and  
4850 implementation of nutrient management plans, including the land  
4851 spreading of animal waste not treated and packaged as  
4852 fertilizer.

4853 369.407 Rules.-

4854 (1) The department, the Department of Health, and the  
4855 Department of Agriculture and Consumer Services may adopt rules  
4856 pursuant to ss. 120.536(1) and 120.54 to administer the  
4857 provisions of this part, as applicable.

4858 (2) (a) The Department of Agriculture and Consumer Services  
4859 shall be the lead agency coordinating the reduction of  
4860 agricultural nonpoint sources of pollution for springs  
4861 protection. The Department of Agriculture and Consumer Services  
4862 and the department, pursuant to s. 403.067(7)(c)4., shall study  
4863 and if necessary, in cooperation with the other cooperating  
4864 entities, applicable county and municipal governments, and  
4865 stakeholders, initiate rulemaking to implement new or revised  
4866 best-management practices for improving and protecting springs.  
4867 As needed to implement the new or revised practices, the  
4868 Department of Agriculture and Consumer Services, shall revise  
4869 its best-management practices rules to require implementation of  
4870 the modified practice within a reasonable time period as





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4871 specified in the rule.

4872 (b) The Department of Agriculture and Consumer Services,  
4873 the department, and the University of Florida's Institute of  
4874 Food and Agricultural Sciences shall cooperate in the conduct of  
4875 necessary research and demonstration projects to develop  
4876 improved or additional nutrient management tools, including the  
4877 use of controlled release fertilizer, which can be used by  
4878 agricultural producers as part of an agricultural best-  
4879 management practices program. The development of such tools  
4880 shall reflect a balance between water quality improvements and  
4881 agricultural productivity and, where applicable, shall be  
4882 incorporated into revised best-management practices adopted by  
4883 rule of the Department of Agriculture and Consumer Services.

4884 (3) The department shall as a part of the rules developed  
4885 for this part include provisions that allow for the variance of  
4886 the compliance deadlines provided for in paragraph (b) of s.  
4887 369.404(2). Such variance shall, at a minimum, be based on the  
4888 financial ability of the responsible county or municipality to  
4889 meet the requirements of this part.

4890 Section 49. Paragraph (m) of subsection (9) of section  
4891 259.105, Florida Statutes, is created to read:

4892 259.105 The Florida Forever Act.—

4893 (9) The Acquisition and Restoration Council shall recommend  
4894 rules for adoption by the board of trustees to competitively  
4895 evaluate, select, and rank projects eligible for Florida Forever  
4896 funds pursuant to paragraph (3) (b) and for additions to the  
4897 Conservation and Recreation Lands list pursuant to ss. 259.032  
4898 and 259.101(4). In developing these proposed rules, the  
4899 Acquisition and Restoration Council shall give weight to the



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4900 following criteria:

4901 (m) Any part of the project area falls within a springs  
4902 protection zone as defined by ss. 369.401-369.406.

4903 Section 50. Subsection (6) of section 369.317, Florida  
4904 Statutes, is amended to read:

4905 369.317 Wekiva Parkway.—

4906 (6) The Orlando-Orange County Expressway Authority is  
4907 hereby granted the authority to act as a third-party acquisition  
4908 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
4909 or chapter 373 on behalf of the governing board of the St. Johns  
4910 River Water Management District, for the acquisition of all  
4911 necessary lands, property and all interests in property  
4912 identified herein, including fee simple or less-than-fee simple  
4913 interests. The lands subject to this authority are identified in  
4914 paragraph 10.a., State of Florida, Office of the Governor,  
4915 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
4916 of the Wekiva Basin Area Task Force created by Executive Order  
4917 2002-259, such lands otherwise known as Neighborhood Lakes, a  
4918 1,587+/- acre parcel located in Orange and Lake Counties within  
4919 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
4920 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
4921 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
4922 County within Section 37, Township 19 South, Range 28 East; New  
4923 Garden Coal; a 1,605+/- acre parcel in Lake County within  
4924 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
4925 East; Pine Plantation, a 617+/- acre tract consisting of eight  
4926 individual parcels within the Apopka City limits. The Department  
4927 of Transportation, the Department of Environmental Protection,  
4928 the St. Johns River Water Management District, and other land



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4929 acquisition entities shall participate and cooperate in  
4930 providing information and support to the third-party acquisition  
4931 agent. The land acquisition process authorized by this paragraph  
4932 shall begin no later than December 31, 2004. Acquisition of the  
4933 properties identified as Neighborhood Lakes, Pine Plantation,  
4934 and New Garden Coal, or approval as a mitigation bank shall be  
4935 concluded no later than December 31, 2010. Department of  
4936 Transportation and Orlando-Orange County Expressway Authority  
4937 funds expended to purchase an interest in those lands identified  
4938 in this subsection shall be eligible as environmental mitigation  
4939 for road construction related impacts in the Wekiva Study Area.  
4940 If any of the lands identified in this subsection are used as  
4941 environmental mitigation for road construction related impacts  
4942 incurred by the Department of Transportation or Orlando-Orange  
4943 County Expressway Authority, or for other impacts incurred by  
4944 other entities, within the Wekiva Study Area or within the  
4945 Wekiva parkway alignment corridor, and if the mitigation offsets  
4946 these impacts, the St. Johns River Water Management District and  
4947 the Department of Environmental Protection shall consider the  
4948 activity regulated under part IV of chapter 373 to meet the  
4949 cumulative impact requirements of s. 373.414(8)(a).

4950  
4951 Section 51. Section 373.631, Florida Statutes, is created  
4952 to read:

4953 373.631 .- Water Advisory Entities

4954 It is the intent of the Legislature to utilize academic  
4955 entities within universities in the State University System as  
4956 advisory bodies to provide recommendations based on the best  
4957 scientific data available to the Legislature to guide water



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4958 policy in the state. In consideration of preference given to  
4959 such universities in s. 373.63, the University of Florida Water  
4960 Institute shall be the lead entity and, in consultation with  
4961 other entities within the State University System, shall submit  
4962 a report detailing recommendations to the Legislature by  
4963 February 1, 2011, and by February 1 every 2 years thereafter.

4964 Section 52. Paragraph (m) is added to subsection (1) of  
4965 section 553.77, Florida Statutes, to read:

4966 553.77 Specific powers of the commission.—

4967 (1) The commission shall:

4968 (m) Develop recommendations that result in conservation of  
4969 Florida's water resources. The Commission must consider products  
4970 that exceed National Energy Policy Act requirements for water  
4971 use and may consider products certified by the Environmental  
4972 Protection Agency's WaterSense program, the Department of  
4973 Energy's Energy Star program, or other certification programs.

4974 Section 53. Paragraph (k) of subsection (2) of section  
4975 215.47, Florida Statutes, is amended to read:

4976 215.47 Investments; authorized securities; loan of  
4977 securities.—Subject to the limitations and conditions of the  
4978 State Constitution or of the trust agreement relating to a trust  
4979 fund, moneys available for investments under ss. 215.44-215.53  
4980 may be invested as follows:

4981 (2) With no more than 25 percent of any fund in:

4982 (k) Bonds, notes, or obligations of any municipality or  
4983 political subdivision, or any agency, district, or authority  
4984 thereof or of any agency or authority of this state; or  
4985 interests in real property and related personal property,  
4986 including mortgages and related instruments on commercial or



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4987 industrial real property with provisions for equity or income  
4988 participation or with provisions for convertibility to equity  
4989 ownership, or other investment methods authorized under this  
4990 section for projects deemed eligible under the provisions of s.  
4991 373.707.

4992 Section 54. Subsection (8) of section 373.129, Florida  
4993 Statutes, is created to read:

4994 373.129 Maintenance of actions.—The department, the  
4995 governing board of any water management district, any local  
4996 board, or a local government to which authority has been  
4997 delegated pursuant to s. 373.103(8), is authorized to commence  
4998 and maintain proper and necessary actions and proceedings in any  
4999 court of competent jurisdiction for any of the following  
5000 purposes:

5001 (8) In conflicts arising where a water management district  
5002 is a party to litigation against another governmental entity, as  
5003 defined in s. 164.1031, a district has an affirmative duty to  
5004 engage in alternative dispute resolution in good faith as  
5005 required by chapter 164.

5006 Section 55. Paragraph (b) of subsection (9) of section  
5007 403.707, Florida Statutes, is amended to read:

5008 403.707 Permits.—

5009 (9) The department shall establish a separate category for  
5010 solid waste management facilities that accept only construction  
5011 and demolition debris for disposal or recycling. The department  
5012 shall establish a reasonable schedule for existing facilities to  
5013 comply with this section to avoid undue hardship to such  
5014 facilities. However, a permitted solid waste disposal unit that  
5015 receives a significant amount of waste prior to the compliance



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5016 deadline established in this schedule shall not be required to  
5017 be retrofitted with liners or leachate control systems.

5018 (b) The department shall ~~not~~ require liners and leachate  
5019 collection systems at individual disposal units ~~facilities~~  
5020 constructed after July 1, 2010. ~~unless it demonstrates, based~~  
5021 ~~upon the types of waste received, the methods for controlling~~  
5022 ~~types of waste disposed of, the proximity of groundwater and~~  
5023 ~~surface water, and the results of the hydrogeological and~~  
5024 ~~geotechnical investigations, that the facility is reasonably~~  
5025 ~~expected to result in violations of groundwater standards and~~  
5026 ~~eriteria otherwise.~~

5027 Section 56. Subsection (2) of section 298.66, Florida  
5028 Statutes, is amended to read:

5029 298.66 Obstruction of drainage canals, etc., prohibited;  
5030 damages; penalties.—No person may willfully, or otherwise,  
5031 obstruct any canal, drain, ditch or watercourse or damage or  
5032 destroy any drainage works constructed in any district.

5033 (2) Whoever shall willfully or otherwise obstruct any  
5034 canal, drain, ditch, or watercourse, or impede or obstruct the  
5035 flow of water therein, or shall damage or destroy any drainage  
5036 works constructed in ~~by~~ any district shall be guilty of a felony  
5037 of the third degree, punishable as provided in s. 775.082, s.  
5038 775.083, or s. 775.084.

5039 Section 57. Subsection (9) of section 212.054, Florida  
5040 Statutes, is created to read:

5041 212.054 Discretionary sales surtax; limitations,  
5042 administration, and collection.—

5043 (9) AREA OF CRITICAL STATE CONCERN WSTEWATER AND STORMWATER  
5044 SURTAX.—



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5045 (a) A county designated as an area of critical state  
5046 concern may levy a discretionary sales surtax of 1 percent  
5047 pursuant to an ordinance that is enacted by a majority of the  
5048 members of the county governing authority and is conditioned to  
5049 take effect only upon approval by a majority vote of the  
5050 electors of the county voting in a referendum.

5051 (b) The referendum to be placed on the ballot must include  
5052 a statement that provides a brief and general description of the  
5053 purposes for which the proceeds of the surtax may be used. The  
5054 statement must conform to the requirement of s. 101.161 and  
5055 shall be placed on the ballot by the governing body of the  
5056 county. The following question shall be placed on the ballot:

5057 FOR the one-cent sales tax

5058 AGAINST the one-cent sales tax

5059 (c) Pursuant to s. 212.054(4), the proceeds of the surtax  
5060 levied under this subsection shall be distributed to the county  
5061 and the municipalities within such county in which the surtax  
5062 was collected, according to:

5063 1. An interlocal agreement between the county governing  
5064 authority and the governing bodies of the municipalities  
5065 representing a majority of the county's municipal population,  
5066 which agreement may include a school district with the consent  
5067 of the county governing authority and the governing bodies of  
5068 the municipalities representing a majority of the county's  
5069 municipal population; or

5070 2. If there is no interlocal agreement, according to the  
5071 formula provided in s. 218.62, any change in the distribution  
5072 formula must take effect on the first day of any month that  
5073 begins at least 60 days after written notification of that



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5074 change has been made to the department.

5075 (d) The proceeds of the surtax and any interest accrued  
5076 thereto may be expended within the county and municipalities for  
5077 the purposes of servicing existing bond and state revolving loan  
5078 fund indebtedness to finance, plan, construct, upgrade,  
5079 reconstruct or renovate wastewater and stormwater collection and  
5080 treatment infrastructure; and to finance, plan, construct,  
5081 upgrade, reconstruct or renovate, wastewater and stormwater  
5082 collection and treatment infrastructure; fixed capital costs  
5083 associated with the construction, upgrade, reconstruction,  
5084 renovation, expansion or improvement of wastewater and  
5085 stormwater facilities which has a useful life expectancy of at  
5086 least 5 years; land acquisition, land improvement, design, and  
5087 engineering costs related thereto. The proceeds of the surtax  
5088 must be set aside and invested as permitted by law, with the  
5089 principal and income to be used for the the purposes provided in  
5090 this subsection. Counties and municipalities receiving proceeds  
5091 under the provisions of this subsection may pledge such proceeds  
5092 for the purpose of servicing new bond or state revolving loan  
5093 indebtedness incurred pursuant to law. Counties and  
5094 municipalities may use the services of the Division of Bond  
5095 Finance of the State Board of Administration pursuant to the  
5096 State Bond Act to issue any bonds through the provisions of this  
5097 subsection. Counties and municipalities may join together for  
5098 the issuance of bonds authorized by this subsection.

5099 (e) A surtax imposed under this subsection expires 20 years  
5100 after the effective date of the surtax unless reenacted by an  
5101 ordinance that is subject to approval by a majority of the  
5102 electors of the county voting in a subsequent referendum.





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5103           (f) This subsection shall be liberally construed to achieve  
5104 its purpose.

5105           Section 58. This act shall take effect July 1, 2010.

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