

By the Policy and Steering Committee on Ways and Means; the Committees on Governmental Oversight and Accountability; and Environmental Preservation and Conservation; and Senator Constantine

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

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

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

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88 exemptions; authorizing the West Coast Regional Water
89 Supply Authority and its member governments to
90 reconstitute the authority's governance and rename the
91 authority under a voluntary interlocal agreement;
92 providing compliance requirements with respect to the
93 interlocal agreement; providing for supersession of
94 conflicting general or special laws; providing
95 requirements with respect to annual budgets;
96 specifying the annual millage for the authority;
97 authorizing the authority to request the governing
98 board of the district to levy ad valorem taxes within
99 the boundaries of the authority to finance authority
100 functions; providing requirements and procedures with
101 respect to the collection of such taxes; amending ss.
102 120.52, 163.3167, 163.3177, 163.3191, 189.404,
103 189.4155, 189.4156, and 367.021, F.S.; conforming
104 cross-references and removing obsolete provisions;
105 amending ss. 373.036, 373.0363, 373.0421, 373.0695,
106 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59,
107 378.212, 378.404, 403.0891, 403.890, 403.891, and
108 682.02, F.S.; conforming cross-references and removing
109 obsolete provisions; renumbering s. 373.71, F.S.;
110 relating to the Apalachicola-Chattahoochee-Flint River
111 Basin Compact, to clarify retention of the section in
112 part VI of ch. 373, F.S.; repealing s. 373.0361, F.S.,
113 relating to regional water supply planning; repealing
114 s. 373.0391, F.S., relating to technical assistance to
115 local governments; repealing s. 373.0831, F.S.,
116 relating to water resource and water supply

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117 development; repealing s. 373.196, F.S., relating to
118 alternative water supply development; repealing s.
119 373.1961, F.S., relating to water production and
120 related powers and duties of water management
121 districts; repealing s. 373.1962, F.S., relating to
122 regional water supply authorities; repealing s.
123 373.1963, F.S., relating to assistance to the West
124 Coast Regional Water Supply Authority; amending s.
125 373.1961, F.S.; adding a high-water recharge criterion
126 to the ranking criteria for water projects; amending
127 s. 373.019, F.S.; redefining the term "alternative
128 water supply" to include conservation projects;
129 amending s. 373.414, F.S.; adding limestone extraction
130 operations to activities in surface waters and
131 wetlands that require mitigation; amending s. 378.901,
132 F.S.; allowing life-of-the-mine permits for limestone
133 extraction operations; providing authority for local
134 governments to impose different permit restrictions;
135 creating s. 373.4131, F.S.; providing legislative
136 findings; providing definitions; directing the
137 Department of Environmental Protection, along with the
138 water management districts, to create a statewide
139 uniform stormwater management rule; providing
140 requirements for rule creation; exempting agriculture
141 from the rule; amending s. 373.41492, F.S.; updating
142 mitigation fees for the Miami-Dade Lake Belt
143 Mitigation Plan; amending s. 403.031, F.S.; modifying
144 the definition of "pollution" to include excess
145 nutrients; providing definitions for "first magnitude

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146 spring" and "second magnitude spring"; amending s.
147 403.061, F.S.; directing the Department of
148 Environmental Protection to limit nutrients in water
149 bodies; creating s. 403.0675, F.S.; directing the
150 Department of Environmental Protection to establish
151 and implement numeric nutrient criteria that comply
152 with the United States Environmental Protection
153 Agency's requirements; providing legislative findings;
154 providing requirements for development of the numeric
155 nutrient criteria; amending s. 215.619, F.S.;
156 authorizing the issuance of bonds to be used to
157 finance the management of sewage facilities in the
158 Florida Keys Area of Critical State Concern; amending
159 s. 380.0552, F.S.; revising legislative intent
160 relating to the designation of the Florida Keys as an
161 area of critical state concern; revising the
162 procedures for removing the designation; providing for
163 administrative review of such removal rather than
164 judicial review; authorizing the Administration
165 Commission to adopt rules or revise existing rules;
166 revising the principles guiding development; revising
167 compliance requirements for reviewing comprehensive
168 plan amendments; amending s. 381.0065, F.S.; providing
169 additional legislative intent; providing additional
170 requirements for onsite sewage treatment and disposal
171 systems in Monroe County; directing the Department of
172 Health to create and administer a statewide septic
173 tank evaluation program; providing procedures and
174 criteria for the evaluation program; prohibiting the

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175 land application of septage after January 1, 2016;
176 creating s. 381.00656, F.S.; providing for a low-
177 income grant program for septic tank maintenance and
178 replacement; amending s. 381.0066, F.S.; authorizing
179 the Department of Health to collect an evaluation
180 report fee; requiring such fees to be revenue neutral;
181 amending s. 403.086, F.S.; requiring the Department of
182 Environmental Protection to submit a report on the
183 effects of reclaimed water use; clarifying reuse
184 requirements for domestic wastewater facilities that
185 discharge through ocean outfalls; clarifying reuse
186 requirements for domestic wastewater facilities that
187 divert wastewater from facilities discharging through
188 ocean outfalls; providing legislative findings and
189 discharge requirements for wastewater facilities in
190 Monroe County; repealing sections 4, 5, and 6 of
191 chapter 99-395, Laws of Florida, as amended, relating
192 to sewage treatment in the Florida Keys; amending s.
193 403.1835, F.S.; conforming terms to changes made to
194 the Florida Water Pollution Control Financing
195 Corporation; amending s. 403.1837, F.S.; expanding the
196 purview of the corporation to include loans made from
197 the drinking water state revolving loan fund;
198 providing conforming changes; amending s. 403.8532,
199 F.S.; providing definitions for the terms "bonds" and
200 "corporation"; providing conforming changes;
201 authorizing the Department of Environmental Protection
202 to adopt certain rules; amending s. 403.8533, F.S.;

203 revising the purposes for the Drinking Water Revolving

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204 Loan Trust Fund; providing that the trust fund is
205 exempt from the termination provisions of the State
206 Constitution; amending s. 369.317, F.S.; clarifying
207 mitigation offsets in the Wekiva Study Area; creating
208 s. 373.631, F.S.; providing legislative intent to
209 utilize State University System academic bodies to
210 provide regular science-based policy recommendations
211 to the Legislature; directing that the University of
212 Florida Water Institute be the lead academic body;
213 amending s. 553.77, F.S.; directing the Florida
214 Building Commission to recommend products that result
215 in water conservation; amending s. 215.47, F.S.;
216 authorizing the State Board of Administration to make
217 investments in alternative water supply and water
218 resource development projects; amending s. 373.129,
219 F.S.; requiring the water management districts to
220 submit to alternative dispute resolution in conflicts
221 with other governmental entities; amending s. 403.707,
222 F.S.; requiring liners for new landfills and
223 expansions of existing landfills not yet permitted
224 that will accept construction and demolition debris;
225 amending s. 298.66, F.S.; clarifying penalties for
226 people who damage drainage works constructed or
227 maintained by a water management district; amending s.
228 212.055, F.S.; allowing counties designated as an area
229 of critical state concern to levy a one-cent sales
230 surtax for stormwater and wastewater management;
231 requiring approval of the surtax by voter referendum;
232 providing legislative intent that there are no

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233 substantive changes in the reorganization ch. 373,
234 F.S.; providing legislative intent that substantive
235 changes affecting repealed sections of law relating to
236 the reorganization of ch. 373, F.S., shall be given
237 full force and effect; providing an effective date.
238

239 Be It Enacted by the Legislature of the State of Florida:
240

241 Section 1. Part VII of chapter 373, Florida Statutes,
242 consisting of sections 373.701, 373.703, 373.705, 373.707,
243 373.709, 373.711, 373.713, and 373.715, is created to read:

244 PART VII

245 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

246 373.701 Declaration of policy.—It is declared to be the
247 policy of the Legislature:

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

251 (2) (a) Because water constitutes a public resource
252 benefiting the entire state, it is the policy of the Legislature
253 that the waters in the state be managed on a state and regional
254 basis. Consistent with this directive, the Legislature
255 recognizes the need to allocate water throughout the state so as
256 to meet all reasonable-beneficial uses. However, the Legislature
257 acknowledges that such allocations have in the past adversely
258 affected the water resources of certain areas in this state. To
259 protect such water resources and to meet the current and future
260 needs of those areas with abundant water, the Legislature
261 directs the department and the water management districts to

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262 encourage the use of water from sources nearest the area of use
263 or application whenever practicable. Such sources shall include
264 all naturally occurring water sources and all alternative water
265 sources, including, but not limited to, desalination,
266 conservation, reuse of nonpotable reclaimed water and
267 stormwater, and aquifer storage and recovery. Reuse of potable
268 reclaimed water and stormwater shall not be subject to the
269 evaluation described in s. 373.223(3)(a)-(g). However, this
270 directive to encourage the use of water, whenever practicable,
271 from sources nearest the area of use or application shall not
272 apply to the transport and direct and indirect use of water
273 within the area encompassed by the Central and Southern Florida
274 Flood Control Project, nor shall it apply anywhere in the state
275 to the transport and use of water supplied exclusively for
276 bottled water as defined in s. 500.03(1)(d), nor shall it apply
277 to the transport and use of reclaimed water for electrical power
278 production by an electric utility as defined in s. 366.02(2).

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

283 (3) Cooperative efforts between municipalities, counties,
284 water management districts, and the department are mandatory in
285 order to meet the water needs of rapidly urbanizing areas in a
286 manner that will supply adequate and dependable supplies of
287 water where needed without resulting in adverse effects upon the
288 areas from which such water is withdrawn. Such efforts should
289 use all practical means of obtaining water, including, but not
290 limited to, withdrawals of surface water and ground water,

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291 reuse, and desalination and will necessitate not only
292 cooperation but also well-coordinated activities.

293 Municipalities, counties, and special districts are encouraged
294 to create regional water supply authorities as authorized in s.
295 373.713 or multijurisdictional water supply entities.

296 373.703 Water production; general powers and duties.—In the
297 performance of, and in conjunction with, its other powers and
298 duties, the governing board of a water management district
299 existing pursuant to this chapter:

300 (1) Shall engage in planning to assist counties,
301 municipalities, special districts, publicly owned and privately
302 owned water utilities, multijurisdictional water supply
303 entities, or regional water supply authorities in meeting water
304 supply needs in such manner as will give priority to encouraging
305 conservation and reducing adverse environmental effects of
306 improper or excessive withdrawals of water from concentrated
307 areas. As used in this section and s. 373.707, regional water
308 supply authorities are regional water authorities created under
309 s. 373.713 or other laws of this state.

310 (2) Shall assist counties, municipalities, special
311 districts, publicly owned or privately owned water utilities,
312 multijurisdictional water supply entities, or regional water
313 supply authorities in meeting water supply needs in such manner
314 as will give priority to encouraging conservation and reducing
315 adverse environmental effects of improper or excessive
316 withdrawals of water from concentrated areas.

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

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320 publicly owned and privately owned water utilities,
321 multijurisdictional water supply entities, or regional water
322 supply authorities. The permit required by part II of this
323 chapter for a water management district engaged in water
324 production and transmission shall be granted, denied, or granted
325 with conditions by the department.

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

327 (5) Shall not deprive, directly or indirectly, any county
328 wherein water is withdrawn of the prior right to the reasonable
329 and beneficial use of water which is required to supply
330 adequately the reasonable and beneficial needs of the county or
331 any of the inhabitants or property owners therein.

332 (6) May provide water and financial assistance to regional
333 water supply authorities, but may not provide water to counties
334 and municipalities which are located within the area of such
335 authority without the specific approval of the authority or, in
336 the event of the authority's disapproval, the approval of the
337 Governor and Cabinet sitting as the Land and Water Adjudicatory
338 Commission. The district may supply water at rates and upon
339 terms mutually agreed to by the parties or, if they do not
340 agree, as set by the governing board and specifically approved
341 by the Governor and Cabinet sitting as the Land and Water
342 Adjudicatory Commission.

343 (7) May acquire title to such interest as is necessary in
344 real property, by purchase, gift, devise, lease, eminent domain,
345 or otherwise, for water production and transmission consistent
346 with this section and s. 373.707. However, the district shall
347 not use any of the eminent domain powers herein granted to
348 acquire water and water rights already devoted to reasonable and

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349 beneficial use or any water production or transmission
350 facilities owned by any county, municipality, or regional water
351 supply authority. The district may exercise eminent domain
352 powers outside of its district boundaries for the acquisition of
353 pumpage facilities, storage areas, transmission facilities, and
354 the normal appurtenances thereto, provided that at least 45 days
355 prior to the exercise of eminent domain, the district notifies
356 the district where the property is located after public notice
357 and the district where the property is located does not object
358 within 45 days after notification of such exercise of eminent
359 domain authority.

360 (8) In addition to the power to issue revenue bonds
361 pursuant to s. 373.584, may issue revenue bonds for the purposes
362 of paying the costs and expenses incurred in carrying out the
363 purposes of this chapter or refunding obligations of the
364 district issued pursuant to this section. Such revenue bonds
365 shall be secured by, and be payable from, revenues derived from
366 the operation, lease, or use of its water production and
367 transmission facilities and other water-related facilities and
368 from the sale of water or services relating thereto. Such
369 revenue bonds may not be secured by, or be payable from, moneys
370 derived by the district from the Water Management Lands Trust
371 Fund or from ad valorem taxes received by the district. All
372 provisions of s. 373.584 relating to the issuance of revenue
373 bonds which are not inconsistent with this section shall apply
374 to the issuance of revenue bonds pursuant to this section. The
375 district may also issue bond anticipation notes in accordance
376 with the provisions of s. 373.584.

377 (9) May join with one or more other water management

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378 districts, counties, municipalities, special districts, publicly
379 owned or privately owned water utilities, multijurisdictional
380 water supply entities, or regional water supply authorities for
381 the purpose of carrying out any of its powers, and may contract
382 with such other entities to finance acquisitions, construction,
383 operation, and maintenance. The contract may provide for
384 contributions to be made by each party thereto, for the division
385 and apportionment of the expenses of acquisitions, construction,
386 operation, and maintenance, and for the division and
387 apportionment of the benefits, services, and products therefrom.
388 The contracts may contain other covenants and agreements
389 necessary and appropriate to accomplish their purposes.

390 373.705 Water resource development; water supply
391 development.-

392 (1) The Legislature finds that:

393 (a) The proper role of the water management districts in
394 water supply is primarily planning and water resource
395 development, but this does not preclude them from providing
396 assistance with water supply development.

397 (b) The proper role of local government, regional water
398 supply authorities, and government-owned and privately owned
399 water utilities in water supply is primarily water supply
400 development, but this does not preclude them from providing
401 assistance with water resource development.

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

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

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407 (a) Sufficient water be available for all existing and
408 future reasonable-beneficial uses and the natural systems, and
409 that the adverse effects of competition for water supplies be
410 avoided.

411 (b) Water management districts take the lead in identifying
412 and implementing water resource development projects, and be
413 responsible for securing necessary funding for regionally
414 significant water resource development projects.

415 (c) Local governments, regional water supply authorities,
416 and government-owned and privately owned water utilities take
417 the lead in securing funds for and implementing water supply
418 development projects. Generally, direct beneficiaries of water
419 supply development projects should pay the costs of the projects
420 from which they benefit, and water supply development projects
421 should continue to be paid for through local funding sources.

422 (d) Water supply development be conducted in coordination
423 with water management district regional water supply planning
424 and water resource development.

425 (3) The water management districts shall fund and implement
426 water resource development as defined in s. 373.019. The water
427 management districts are encouraged to implement water resource
428 development as expeditiously as possible in areas subject to
429 regional water supply plans. Each governing board shall include
430 in its annual budget the amount needed for the fiscal year to
431 implement water resource development projects, as prioritized in
432 its regional water supply plans.

433 (4) (a) Water supply development projects that are
434 consistent with the relevant regional water supply plans and
435 that meet one or more of the following criteria shall receive

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436 priority consideration for state or water management district
437 funding assistance:

438 1. The project supports establishment of a dependable,
439 sustainable supply of water which is not otherwise financially
440 feasible;

441 2. The project provides substantial environmental benefits
442 by preventing or limiting adverse water resource impacts, but
443 requires funding assistance to be economically competitive with
444 other options; or

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

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

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

454 2. The project implements reuse that assists in the
455 elimination of domestic wastewater ocean outfalls as provided in
456 s. 403.086(9).

457 373.707 Alternative water supply development.—

458 (1) The purpose of this section is to encourage cooperation
459 in the development of water supplies and to provide for
460 alternative water supply development.

461 (a) Demands on natural supplies of fresh water to meet the
462 needs of a rapidly growing population and the needs of the
463 environment, agriculture, industry, and mining will continue to
464 increase.

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

468 (c) Cooperative efforts between municipalities, counties,
469 special districts, water management districts, and the
470 Department of Environmental Protection are mandatory in order to
471 meet the water needs of rapidly urbanizing areas in a manner
472 that will supply adequate and dependable supplies of water where
473 needed without resulting in adverse effects upon the areas from
474 which such water is withdrawn. Such efforts should use all
475 practical means of obtaining water, including, but not limited
476 to, withdrawals of surface water and ground water, reuse, and
477 desalinization, and will necessitate not only cooperation but
478 also well-coordinated activities. Municipalities, counties, and
479 special districts are encouraged to create regional water supply
480 authorities as authorized in s. 373.713 or multijurisdictional
481 water supply entities.

482 (d) Alternative water supply development must receive
483 priority funding attention to increase the available supplies of
484 water to meet all existing and future reasonable-beneficial uses
485 and to benefit the natural systems.

486 (e) Cooperation between counties, municipalities, regional
487 water supply authorities, multijurisdictional water supply
488 entities, special districts, and publicly owned and privately
489 owned water utilities in the development of countywide and
490 multicountywide alternative water supply projects will allow for
491 necessary economies of scale and efficiencies to be achieved in
492 order to accelerate the development of new, dependable, and
493 sustainable alternative water supplies.

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494 (f) It is in the public interest that county, municipal,
495 industrial, agricultural, and other public and private water
496 users, the Department of Environmental Protection, and the water
497 management districts cooperate and work together in the
498 development of alternative water supplies to avoid the adverse
499 effects of competition for limited supplies of water. Public
500 moneys or services provided to private entities for alternative
501 water supply development may constitute public purposes that
502 also are in the public interest.

503 (2) (a) Sufficient water must be available for all existing
504 and future reasonable-beneficial uses and the natural systems,
505 and the adverse effects of competition for water supplies must
506 be avoided.

507 (b) Water supply development and alternative water supply
508 development must be conducted in coordination with water
509 management district regional water supply planning.

510 (c) Funding for the development of alternative water
511 supplies shall be a shared responsibility of water suppliers and
512 users, the State of Florida, and the water management districts,
513 with water suppliers and users having the primary responsibility
514 and the State of Florida and the water management districts
515 being responsible for providing funding assistance.

516 (3) The primary roles of the water management districts in
517 water resource development as it relates to supporting
518 alternative water supply development are:

519 (a) The formulation and implementation of regional water
520 resource management strategies that support alternative water
521 supply development;

522 (b) The collection and evaluation of surface water and

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523 groundwater data to be used for a planning level assessment of
524 the feasibility of alternative water supply development
525 projects;

526 (c) The construction, operation, and maintenance of major
527 public works facilities for flood control, surface and
528 underground water storage, and groundwater recharge augmentation
529 to support alternative water supply development;

530 (d) Planning for alternative water supply development as
531 provided in regional water supply plans in coordination with
532 local governments, regional water supply authorities,
533 multijurisdictional water supply entities, special districts,
534 and publicly owned and privately owned water utilities and self-
535 suppliers;

536 (e) The formulation and implementation of structural and
537 nonstructural programs to protect and manage water resources in
538 support of alternative water supply projects; and

539 (f) The provision of technical and financial assistance to
540 local governments and publicly owned and privately owned water
541 utilities for alternative water supply projects.

542 (4) The primary roles of local government, regional water
543 supply authorities, multijurisdictional water supply entities,
544 special districts, and publicly owned and privately owned water
545 utilities in alternative water supply development shall be:

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

548 (b) The formulation and implementation of alternative water
549 supply development strategies and programs;

550 (c) The planning, design, construction, operation, and
551 maintenance of facilities to collect, divert, produce, treat,

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552 transmit, and distribute water for sale, resale, or end use; and

553 (d) The coordination of alternative water supply
554 development activities with the appropriate water management
555 district having jurisdiction over the activity.

556 (5) Nothing in this section shall be construed to preclude
557 the various special districts, municipalities, and counties from
558 continuing to operate existing water production and transmission
559 facilities or to enter into cooperative agreements with other
560 special districts, municipalities, and counties for the purpose
561 of meeting their respective needs for dependable and adequate
562 supplies of water; however, the obtaining of water through such
563 operations shall not be done in a manner that results in adverse
564 effects upon the areas from which such water is withdrawn.

565 (6) (a) The statewide funds provided pursuant to the Water
566 Protection and Sustainability Program serve to supplement
567 existing water management district or basin board funding for
568 alternative water supply development assistance and should not
569 result in a reduction of such funding. Therefore, the water
570 management districts shall include in the annual tentative and
571 adopted budget submittals required under this chapter the amount
572 of funds allocated for water resource development that supports
573 alternative water supply development and the funds allocated for
574 alternative water supply projects selected for inclusion in the
575 Water Protection and Sustainability Program. It shall be the
576 goal of each water management district and basin boards that the
577 combined funds allocated annually for these purposes be, at a
578 minimum, the equivalent of 100 percent of the state funding
579 provided to the water management district for alternative water
580 supply development. If this goal is not achieved, the water

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581 management district shall provide in the budget submittal an
582 explanation of the reasons or constraints that prevent this goal
583 from being met, an explanation of how the goal will be met in
584 future years, and affirmation of match is required during the
585 budget review process as established under s. 373.536(5). The
586 Suwannee River Water Management District and the Northwest
587 Florida Water Management District shall not be required to meet
588 the match requirements of this paragraph; however, they shall
589 try to achieve the match requirement to the greatest extent
590 practicable.

591 (b) State funds from the Water Protection and
592 Sustainability Program created in s. 403.890 shall be made
593 available for financial assistance for the project construction
594 costs of alternative water supply development projects selected
595 by a water management district governing board for inclusion in
596 the program.

597 (7) The water management district shall implement its
598 responsibilities as expeditiously as possible in areas subject
599 to regional water supply plans. Each district's governing board
600 shall include in its annual budget the amount needed for the
601 fiscal year to assist in implementing alternative water supply
602 development projects.

603 (8) (a) The water management districts and the state shall
604 share a percentage of revenues with water providers and users,
605 including local governments, water, wastewater, and reuse
606 utilities, municipal, special district, industrial, and
607 agricultural water users, and other public and private water
608 users, to be used to supplement other funding sources in the
609 development of alternative water supplies.

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610 (b) Beginning in the 2005-2006 fiscal year, the state shall
611 annually provide a portion of those revenues deposited into the
612 Water Protection and Sustainability Program Trust Fund for the
613 purpose of providing funding assistance for the development of
614 alternative water supplies pursuant to the Water Protection and
615 Sustainability Program. At the beginning of each fiscal year,
616 beginning with the 2005-2006 fiscal year, such revenues shall be
617 distributed by the department into the alternative water supply
618 trust fund accounts created by each district for the purpose of
619 alternative water supply development under the following funding
620 formula:

621 1. Thirty percent to the South Florida Water Management
622 District;

623 2. Twenty-five percent to the Southwest Florida Water
624 Management District;

625 3. Twenty-five percent to the St. Johns River Water
626 Management District;

627 4. Ten percent to the Suwannee River Water Management
628 District; and

629 5. Ten percent to the Northwest Florida Water Management
630 District.

631 (c) The financial assistance for alternative water supply
632 projects allocated in each district's budget as required in
633 subsection (6) shall be combined with the state funds and used
634 to assist in funding the project construction costs of
635 alternative water supply projects selected by the governing
636 board. If the district has not completed any regional water
637 supply plan, or the regional water supply plan does not identify
638 the need for any alternative water supply projects, funds

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639 deposited in that district's trust fund may be used for water
640 resource development projects, including, but not limited to,
641 springs protection.

642 (d) All projects submitted to the governing board for
643 consideration shall reflect the total capital cost for
644 implementation. The costs shall be segregated pursuant to the
645 categories described in the definition of capital costs.

646 (e) Applicants for projects that may receive funding
647 assistance pursuant to the Water Protection and Sustainability
648 Program shall, at a minimum, be required to pay 60 percent of
649 the project's construction costs. The water management districts
650 may, at their discretion, totally or partially waive this
651 requirement for projects sponsored by financially disadvantaged
652 small local governments as defined in former s. 403.885(5). The
653 water management districts or basin boards may, at their
654 discretion, use ad valorem or federal revenues to assist a
655 project applicant in meeting the requirements of this paragraph.

656 (f) The governing boards shall determine those projects
657 that will be selected for financial assistance. The governing
658 boards may establish factors to determine project funding;
659 however, significant weight shall be given to the following
660 factors:

661 1. Whether the project provides substantial environmental
662 benefits by preventing or limiting adverse water resource
663 impacts.

664 2. Whether the project reduces competition for water
665 supplies.

666 3. Whether the project brings about replacement of
667 traditional sources in order to help implement a minimum flow or

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668 level or a reservation.

669 4. Whether the project will be implemented by a consumptive
670 use permittee that has achieved the targets contained in a goal-
671 based water conservation program approved pursuant to s.
672 373.227.

673 5. The quantity of water supplied by the project as
674 compared to its cost.

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

677 7. Whether the project will be implemented by a
678 multijurisdictional water supply entity or regional water supply
679 authority.

680 8. Whether the project implements reuse that assists in the
681 elimination of domestic wastewater ocean outfalls as provided in
682 s. 403.086(9).

683 (g) Additional factors to be considered in determining
684 project funding shall include:

685 1. Whether the project is part of a plan to implement two
686 or more alternative water supply projects, all of which will be
687 operated to produce water at a uniform rate for the participants
688 in a multijurisdictional water supply entity or regional water
689 supply authority.

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

692 3. Whether the project proposal includes sufficient
693 preliminary planning and engineering to demonstrate that the
694 project can reasonably be implemented within the timeframes
695 provided in the regional water supply plan.

696 4. Whether the project is a subsequent phase of an

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697 alternative water supply project that is underway.

698 5. Whether and in what percentage a local government or
699 local government utility is transferring water supply system
700 revenues to the local government general fund in excess of
701 reimbursements for services received from the general fund,
702 including direct and indirect costs and legitimate payments in
703 lieu of taxes.

704 (h) After conducting one or more meetings to solicit public
705 input on eligible projects, including input from those entities
706 identified pursuant to s. 373.709(2)(a)3.d. for implementation
707 of alternative water supply projects, the governing board of
708 each water management district shall select projects for funding
709 assistance based upon the criteria set forth in paragraphs (f)
710 and (g). The governing board may select a project identified or
711 listed as an alternative water supply development project in the
712 regional water supply plan, or allocate up to 20 percent of the
713 funding for alternative water supply projects that are not
714 identified or listed in the regional water supply plan but are
715 consistent with the goals of the plan.

716 (i) Without diminishing amounts available through other
717 means described in this paragraph, the governing boards are
718 encouraged to consider establishing revolving loan funds to
719 expand the total funds available to accomplish the objectives of
720 this section. A revolving loan fund created under this paragraph
721 must be a nonlapsing fund from which the water management
722 district may make loans with interest rates below prevailing
723 market rates to public or private entities for the purposes
724 described in this section. The governing board may adopt
725 resolutions to establish revolving loan funds which must specify

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726 the details of the administration of the fund, the procedures
727 for applying for loans from the fund, the criteria for awarding
728 loans from the fund, the initial capitalization of the fund, and
729 the goals for future capitalization of the fund in subsequent
730 budget years. Revolving loan funds created under this paragraph
731 must be used to expand the total sums and sources of cooperative
732 funding available for the development of alternative water
733 supplies. The Legislature does not intend for the creation of
734 revolving loan funds to supplant or otherwise reduce existing
735 sources or amounts of funds currently available through other
736 means.

737 (j) For each utility that receives financial assistance
738 from the state or a water management district for an alternative
739 water supply project, the water management district shall
740 require the appropriate rate-setting authority to develop rate
741 structures for water customers in the service area of the funded
742 utility that will:

- 743 1. Promote the conservation of water; and
744 2. Promote the use of water from alternative water
745 supplies.

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

748 (l) All revenues made available pursuant to this subsection
749 must be encumbered annually by the governing board when it
750 approves projects sufficient to expend the available revenues.

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

753 (n) By March 1 of each year, as part of the consolidated
754 annual report required by s. 373.036(7), each water management

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755 district shall submit a report on the disbursal of all budgeted
756 amounts pursuant to this section. Such report shall describe all
757 alternative water supply projects funded as well as the quantity
758 of new water to be created as a result of such projects and
759 shall account separately for any other moneys provided through
760 grants, matching grants, revolving loans, and the use of
761 district lands or facilities to implement regional water supply
762 plans.

763 (o) The Florida Public Service Commission shall allow
764 entities under its jurisdiction constructing or participating in
765 constructing facilities that provide alternative water supplies
766 to recover their full, prudently incurred cost of constructing
767 such facilities through their rate structure. If construction of
768 a facility or participation in construction is pursuant to or in
769 furtherance of a regional water supply plan, the cost shall be
770 deemed to be prudently incurred. Every component of an
771 alternative water supply facility constructed by an investor-
772 owned utility shall be recovered in current rates. Any state or
773 water management district cost-share is not subject to the
774 recovery provisions allowed in this paragraph.

775 (9) Funding assistance provided by the water management
776 districts for a water reuse system may include the following
777 conditions for that project if a water management district
778 determines that such conditions will encourage water use
779 efficiency:

780 (a) Metering of reclaimed water use for residential
781 irrigation, agricultural irrigation, industrial uses, except for
782 electric utilities as defined in s. 366.02(2), landscape
783 irrigation, golf course irrigation, irrigation of other public

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784 access areas, commercial and institutional uses such as toilet
785 flushing, and transfers to other reclaimed water utilities;

786 (b) Implementation of reclaimed water rate structures based
787 on actual use of reclaimed water for the reuse activities listed
788 in paragraph (a);

789 (c) Implementation of education programs to inform the
790 public about water issues, water conservation, and the
791 importance and proper use of reclaimed water; or

792 (d) Development of location data for key reuse facilities.
793 373.709 Regional water supply planning.—

794 (1) The governing board of each water management district
795 shall conduct water supply planning for any water supply
796 planning region within the district identified in the
797 appropriate district water supply plan under s. 373.036, where
798 it determines that existing sources of water are not adequate to
799 supply water for all existing and future reasonable-beneficial
800 uses and to sustain the water resources and related natural
801 systems for the planning period. The planning must be conducted
802 in an open public process, in coordination and cooperation with
803 local governments, regional water supply authorities,
804 government-owned and privately owned water utilities,
805 multijurisdictional water supply entities, self-suppliers, and
806 other affected and interested parties. The districts shall
807 actively engage in public education and outreach to all affected
808 local entities and their officials, as well as members of the
809 public, in the planning process and in seeking input. During
810 preparation, but prior to completion of the regional water
811 supply plan, the district must conduct at least one public
812 workshop to discuss the technical data and modeling tools

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813 anticipated to be used to support the regional water supply
814 plan. The district shall also hold several public meetings to
815 communicate the status, overall conceptual intent, and impacts
816 of the plan on existing and future reasonable-beneficial uses
817 and related natural systems. During the planning process, a
818 local government may choose to prepare its own water supply
819 assessment to determine if existing water sources are adequate
820 to meet existing and projected reasonable-beneficial needs of
821 the local government while sustaining water resources and
822 related natural systems. The local government shall submit such
823 assessment, including the data and methodology used, to the
824 district. The district shall consider the local government's
825 assessment during the formation of the plan. A determination by
826 the governing board that initiation of a regional water supply
827 plan for a specific planning region is not needed pursuant to
828 this section shall be subject to s. 120.569. The governing board
829 shall reevaluate such a determination at least once every 5
830 years and shall initiate a regional water supply plan, if
831 needed, pursuant to this subsection.

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

835 (a) A water supply development component for each water
836 supply planning region identified by the district which
837 includes:

838 1. A quantification of the water supply needs for all
839 existing and future reasonable-beneficial uses within the
840 planning horizon. The level-of-certainty planning goal
841 associated with identifying the water supply needs of existing

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842 and future reasonable-beneficial uses shall be based upon
843 meeting those needs for a 1-in-10-year drought event. Population
844 projections used for determining public water supply needs must
845 be based upon the best available data. In determining the best
846 available data, the district shall consider the University of
847 Florida's Bureau of Economic and Business Research (BEBR) medium
848 population projections and any population projection data and
849 analysis submitted by a local government pursuant to the public
850 workshop described in subsection (1) if the data and analysis
851 support the local government's comprehensive plan. Any
852 adjustment of or deviation from the BEBR projections must be
853 fully described, and the original BEBR data must be presented
854 along with the adjusted data.

855 2. A list of water supply development project options,
856 including traditional and alternative water supply project
857 options, from which local government, government-owned and
858 privately owned utilities, regional water supply authorities,
859 multijurisdictional water supply entities, self-suppliers, and
860 others may choose for water supply development. In addition to
861 projects listed by the district, such users may propose specific
862 projects for inclusion in the list of alternative water supply
863 projects. If such users propose a project to be listed as an
864 alternative water supply project, the district shall determine
865 whether it meets the goals of the plan, and, if so, it shall be
866 included in the list. The total capacity of the projects
867 included in the plan shall exceed the needs identified in
868 subparagraph 1. and shall take into account water conservation
869 and other demand management measures, as well as water resources
870 constraints, including adopted minimum flows and levels and

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871 water reservations. Where the district determines it is
872 appropriate, the plan should specifically identify the need for
873 multijurisdictional approaches to project options that, based on
874 planning level analysis, are appropriate to supply the intended
875 uses and that, based on such analysis, appear to be permissible
876 and financially and technically feasible. The list of water
877 supply development options must contain provisions that
878 recognize that alternative water supply options for agricultural
879 self-suppliers are limited.

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

882 a. An estimate of the amount of water to become available
883 through the project.

884 b. The timeframe in which the project option should be
885 implemented and the estimated planning-level costs for capital
886 investment and operating and maintaining the project.

887 c. An analysis of funding needs and sources of possible
888 funding options. For alternative water supply projects the water
889 management districts shall provide funding assistance in
890 accordance with s. 373.707(8).

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

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

894 1. A listing of those water resource development projects
895 that support water supply development.

896 2. For each water resource development project listed:

897 a. An estimate of the amount of water to become available
898 through the project.

899 b. The timeframe in which the project option should be

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900 implemented and the estimated planning-level costs for capital
901 investment and for operating and maintaining the project.

902 c. An analysis of funding needs and sources of possible
903 funding options.

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

906 (c) The recovery and prevention strategy described in s.
907 373.0421(2).

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

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

917 (f) The technical data and information applicable to each
918 planning region which are necessary to support the regional
919 water supply plan.

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

922 (h) Reservations of water adopted by rule pursuant to s.
923 373.223(4) within each planning region.

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

926 (j) An analysis, developed in cooperation with the
927 department, of areas or instances in which the variance
928 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to

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929 create water supply development or water resource development
930 projects.

931 (3) The water supply development component of a regional
932 water supply plan which deals with or affects public utilities
933 and public water supply for those areas served by a regional
934 water supply authority and its member governments within the
935 boundary of the Southwest Florida Water Management District
936 shall be developed jointly by the authority and the district. In
937 areas not served by regional water supply authorities, or other
938 multijurisdictional water supply entities, and where
939 opportunities exist to meet water supply needs more efficiently
940 through multijurisdictional projects identified pursuant to
941 paragraph (2) (a), water management districts are directed to
942 assist in developing multijurisdictional approaches to water
943 supply project development jointly with affected water
944 utilities, special districts, and local governments.

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

949 (5) Governing board approval of a regional water supply
950 plan shall not be subject to the rulemaking requirements of
951 chapter 120. However, any portion of an approved regional water
952 supply plan which affects the substantial interests of a party
953 shall be subject to s. 120.569.

954 (6) Annually and in conjunction with the reporting
955 requirements of s. 373.536(6) (a)4., the department shall submit
956 to the Governor and the Legislature a report on the status of
957 regional water supply planning in each district. The report

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958 shall include:

959 (a) A compilation of the estimated costs of and potential
960 sources of funding for water resource development and water
961 supply development projects as identified in the water
962 management district regional water supply plans.

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

966 (c) A description of each district's progress toward
967 achieving its water resource development objectives, including
968 the district's implementation of its 5-year water resource
969 development work program.

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

973 (e) An overall assessment of the progress being made to
974 develop water supply in each district, including, but not
975 limited to, an explanation of how each project, either
976 alternative or traditional, will produce, contribute to, or
977 account for additional water being made available for
978 consumptive uses, an estimate of the quantity of water to be
979 produced by each project, and an assessment of the contribution
980 of the district's regional water supply plan in providing
981 sufficient water to meet the needs of existing and future
982 reasonable-beneficial uses for a 1-in-10 year drought event, as
983 well as the needs of the natural systems.

984 (7) Nothing contained in the water supply development
985 component of a regional water supply plan shall be construed to
986 require local governments, government-owned or privately owned

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987 water utilities, special districts, self-suppliers, regional
988 water supply authorities, multijurisdictional water supply
989 entities, or other water suppliers to select a water supply
990 development project identified in the component merely because
991 it is identified in the plan. Except as provided in s.
992 373.223(3) and (5), the plan may not be used in the review of
993 permits under part II of this chapter unless the plan or an
994 applicable portion thereof has been adopted by rule. However,
995 this subsection does not prohibit a water management district
996 from employing the data or other information used to establish
997 the plan in reviewing permits under part II, nor does it limit
998 the authority of the department or governing board under part
999 II.

1000 (8) Where the water supply component of a water supply
1001 planning region shows the need for one or more alternative water
1002 supply projects, the district shall notify the affected local
1003 governments and make every reasonable effort to educate and
1004 involve local public officials in working toward solutions in
1005 conjunction with the districts and, where appropriate, other
1006 local and regional water supply entities.

1007 (a) Within 6 months following approval or amendment of its
1008 regional water supply plan, each water management district shall
1009 notify by certified mail each entity identified in sub-
1010 paragraph (2)(a)3.d. of that portion of the plan relevant to
1011 the entity. Upon request of such an entity, the water management
1012 district shall appear before and present its findings and
1013 recommendations to the entity.

1014 (b) Within 1 year after the notification by a water
1015 management district pursuant to paragraph (a), each entity

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1016 identified in sub-subparagraph (2)(a)3.d. shall provide to the
1017 water management district written notification of the following:
1018 the alternative water supply projects or options identified in
1019 paragraph (2)(a) which it has developed or intends to develop,
1020 if any; an estimate of the quantity of water to be produced by
1021 each project; and the status of project implementation,
1022 including development of the financial plan, facilities master
1023 planning, permitting, and efforts in coordinating
1024 multijurisdictional projects, if applicable. The information
1025 provided in the notification shall be updated annually, and a
1026 progress report shall be provided by November 15 of each year to
1027 the water management district. If an entity does not intend to
1028 develop one or more of the alternative water supply project
1029 options identified in the regional water supply plan, the entity
1030 shall propose, within 1 year after notification by a water
1031 management district pursuant to paragraph (a), another
1032 alternative water supply project option sufficient to address
1033 the needs identified in paragraph (2)(a) within the entity's
1034 jurisdiction and shall provide an estimate of the quantity of
1035 water to be produced by the project and the status of project
1036 implementation as described in this paragraph. The entity may
1037 request that the water management district consider the other
1038 project for inclusion in the regional water supply plan.

1039 (9) For any regional water supply plan that is scheduled to
1040 be updated before December 31, 2005, the deadline for such
1041 update shall be extended by 1 year.

1042 373.711 Technical assistance to local governments.-

1043 (1) The water management districts shall assist local
1044 governments in the development and future revision of local

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1045 government comprehensive plan elements or public facilities
1046 report as required by s. 189.415, related to water resource
1047 issues.

1048 (2) By July 1, 1991, each water management district shall
1049 prepare and provide information and data to assist local
1050 governments in the preparation and implementation of their local
1051 government comprehensive plans or public facilities report as
1052 required by s. 189.415, whichever is applicable. Such
1053 information and data shall include, but not be limited to:

1054 (a) All information and data required in a public
1055 facilities report pursuant to s. 189.415.

1056 (b) A description of regulations, programs, and schedules
1057 implemented by the district.

1058 (c) Identification of regulations, programs, and schedules
1059 undertaken or proposed by the district to further the State
1060 Comprehensive Plan.

1061 (d) A description of surface water basins, including
1062 regulatory jurisdictions, flood-prone areas, existing and
1063 projected water quality in water management district operated
1064 facilities, as well as surface water runoff characteristics and
1065 topography regarding flood plains, wetlands, and recharge areas.

1066 (e) A description of groundwater characteristics, including
1067 existing and planned wellfield sites, existing and anticipated
1068 cones of influence, highly productive groundwater areas, aquifer
1069 recharge areas, deep well injection zones, contaminated areas,
1070 an assessment of regional water resource needs and sources for
1071 the next 20 years, and water quality.

1072 (f) The identification of existing and potential water
1073 management district land acquisitions.

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1074 (g) Information reflecting the minimum flows for surface
1075 watercourses to avoid harm to water resources or the ecosystem
1076 and information reflecting the minimum water levels for aquifers
1077 to avoid harm to water resources or the ecosystem.

1078 373.713 Regional water supply authorities.-

1079 (1) By interlocal agreement between counties,
1080 municipalities, or special districts, as applicable, pursuant to
1081 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and
1082 upon the approval of the Secretary of Environmental Protection
1083 to ensure that such agreement will be in the public interest and
1084 complies with the intent and purposes of this act, regional
1085 water supply authorities may be created for the purpose of
1086 developing, recovering, storing, and supplying water for county
1087 or municipal purposes in such a manner as will give priority to
1088 reducing adverse environmental effects of excessive or improper
1089 withdrawals of water from concentrated areas. In approving said
1090 agreement the Secretary of Environmental Protection shall
1091 consider, but not be limited to, the following:

1092 (a) Whether the geographic territory of the proposed
1093 authority is of sufficient size and character to reduce the
1094 environmental effects of improper or excessive withdrawals of
1095 water from concentrated areas.

1096 (b) The maximization of economic development of the water
1097 resources within the territory of the proposed authority.

1098 (c) The availability of a dependable and adequate water
1099 supply.

1100 (d) The ability of any proposed authority to design,
1101 construct, operate, and maintain water supply facilities in the
1102 locations, and at the times necessary, to ensure that an

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1103 adequate water supply will be available to all citizens within
1104 the authority.

1105 (e) The effect or impact of any proposed authority on any
1106 municipality, county, or existing authority or authorities.

1107 (f) The existing needs of the water users within the area
1108 of the authority.

1109 (2) In addition to other powers and duties agreed upon, and
1110 notwithstanding the provisions of s. 163.01, such authority may:

1111 (a) Upon approval of the electors residing in each county
1112 or municipality within the territory to be included in any
1113 authority, levy ad valorem taxes, not to exceed 0.5 mill,
1114 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
1115 authorized by this paragraph shall be levied in any county or
1116 municipality without an affirmative vote of the electors
1117 residing in such county or municipality.

1118 (b) Acquire water and water rights; develop, store, and
1119 transport water; provide, sell, and deliver water for county or
1120 municipal uses and purposes; and provide for the furnishing of
1121 such water and water service upon terms and conditions and at
1122 rates which will apportion to parties and nonparties an
1123 equitable share of the capital cost and operating expense of the
1124 authority's work to the purchaser.

1125 (c) Collect, treat, and recover wastewater.

1126 (d) Not engage in local distribution.

1127 (e) Exercise the power of eminent domain in the manner
1128 provided by law for the condemnation of private property for
1129 public use to acquire title to such interest in real property as
1130 is necessary to the exercise of the powers herein granted,
1131 except water and water rights already devoted to reasonable and

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1132 beneficial use or any water production or transmission
1133 facilities owned by any county or municipality.

1134 (f) Issue revenue bonds in the manner prescribed by the
1135 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
1136 payable solely from funds derived from the sale of water by the
1137 authority to any county or municipality. Such bonds may be
1138 additionally secured by the full faith and credit of any county
1139 or municipality, as provided by s. 159.16 or by a pledge of
1140 excise taxes, as provided by s. 159.19. For the purpose of
1141 issuing revenue bonds, an authority shall be considered a "unit"
1142 as defined in s. 159.02(2) and as that term is used in the
1143 Revenue Bond Act of 1953, as amended. Such bonds may be issued
1144 to finance the cost of acquiring properties and facilities for
1145 the production and transmission of water by the authority to any
1146 county or municipality, which cost shall include the acquisition
1147 of real property and easements therein for such purposes. Such
1148 bonds may be in the form of refunding bonds to take up any
1149 outstanding bonds of the authority or of any county or
1150 municipality where such outstanding bonds are secured by
1151 properties and facilities for production and transmission of
1152 water, which properties and facilities are being acquired by the
1153 authority. Refunding bonds may be issued to take up and refund
1154 all outstanding bonds of said authority that are subject to call
1155 and termination, and all bonds of said authority that are not
1156 subject to call or redemption, when the surrender of said bonds
1157 can be procured from the holder thereof at prices satisfactory
1158 to the authority. Such refunding bonds may be issued at any time
1159 when, in the judgment of the authority, it will be to the best
1160 interest of the authority financially or economically by

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1161 securing a lower rate of interest on said bonds or by extending
1162 the time of maturity of said bonds or, for any other reason, in
1163 the judgment of the authority, advantageous to said authority.

1164 (g) Sue and be sued in its own name.

1165 (h) Borrow money and incur indebtedness and issue bonds or
1166 other evidence of such indebtedness.

1167 (i) Join with one or more other public corporations for the
1168 purpose of carrying out any of its powers and for that purpose
1169 to contract with such other public corporation or corporations
1170 for the purpose of financing such acquisitions, construction,
1171 and operations. Such contracts may provide for contributions to
1172 be made by each party thereto, for the division and
1173 apportionment of the expenses of such acquisitions and
1174 operations, and for the division and apportionment of the
1175 benefits, services, and products therefrom. Such contract may
1176 contain such other and further covenants and agreements as may
1177 be necessary and convenient to accomplish the purposes hereof.

1178 (3) A regional water supply authority is authorized to
1179 develop, construct, operate, maintain, or contract for
1180 alternative sources of potable water, including desalinated
1181 water, and pipelines to interconnect authority sources and
1182 facilities, either by itself or jointly with a water management
1183 district; however, such alternative potable water sources,
1184 facilities, and pipelines may also be privately developed,
1185 constructed, owned, operated, and maintained, in which event an
1186 authority and a water management district are authorized to
1187 pledge and contribute their funds to reduce the wholesale cost
1188 of water from such alternative sources of potable water supplied
1189 by an authority to its member governments.

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1190 (4) When it is found to be in the public interest, for the
1191 public convenience and welfare, for a public benefit, and
1192 necessary for carrying out the purpose of any regional water
1193 supply authority, any state agency, county, water control
1194 district existing pursuant to chapter 298, water management
1195 district existing pursuant to this chapter, municipality,
1196 governmental agency, or public corporation in this state holding
1197 title to any interest in land is hereby authorized, in its
1198 discretion, to convey the title to or dedicate land, title to
1199 which is in such entity, including tax-reverted land, or to
1200 grant use-rights therein, to any regional water supply authority
1201 created pursuant to this section. Land granted or conveyed to
1202 such authority shall be for the public purposes of such
1203 authority and may be made subject to the condition that in the
1204 event said land is not so used, or if used and subsequently its
1205 use for said purpose is abandoned, the interest granted shall
1206 cease as to such authority and shall automatically revert to the
1207 granting entity.

1208 (5) Each county, special district, or municipality that is
1209 a party to an agreement pursuant to subsection (1) shall have a
1210 preferential right to purchase water from the regional water
1211 supply authority for use by such county, special district, or
1212 municipality.

1213 (6) In carrying out the provisions of this section, any
1214 county wherein water is withdrawn by the authority shall not be
1215 deprived, directly or indirectly, of the prior right to the
1216 reasonable and beneficial use of water which is required
1217 adequately to supply the reasonable and beneficial needs of the
1218 county or any of the inhabitants or property owners therein.

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1219 (7) Upon a resolution adopted by the governing body of any
1220 county or municipality, the authority may, subject to a majority
1221 vote of its voting members, include such county or municipality
1222 in its regional water supply authority upon such terms and
1223 conditions as may be prescribed.

1224 (8) The authority shall design, construct, operate, and
1225 maintain facilities in the locations and at the times necessary
1226 to ensure that an adequate water supply will be available to all
1227 citizens within the authority.

1228 (9) Where a water supply authority exists pursuant to this
1229 section or s. 373.715 under a voluntary interlocal agreement
1230 that is consistent with requirements in s. 373.715(1)(b) and
1231 receives or maintains consumptive use permits under this
1232 voluntary agreement consistent with the water supply plan, if
1233 any, adopted by the governing board, such authority shall be
1234 exempt from consideration by the governing board or department
1235 of the factors specified in s. 373.223(3)(a)-(g) and the
1236 submissions required by s. 373.229(3). Such exemptions shall
1237 apply only to water sources within the jurisdictional areas of
1238 such voluntary water supply interlocal agreements.

1239 373.715 Assistance to West Coast Regional Water Supply
1240 Authority.—

1241 (1) It is the intent of the Legislature to authorize the
1242 implementation of changes in governance recommended by the West
1243 Coast Regional Water Supply Authority in its reports to the
1244 Legislature dated February 1, 1997, and January 5, 1998. The
1245 authority and its member governments may reconstitute the
1246 authority's governance and rename the authority under a
1247 voluntary interlocal agreement with a term of not less than 20

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1248 years. The interlocal agreement must comply with this subsection
1249 as follows:

1250 (a) The authority and its member governments agree that
1251 cooperative efforts are mandatory to meet their water needs in a
1252 manner that will provide adequate and dependable supplies of
1253 water where needed without resulting in adverse environmental
1254 effects upon the areas from which the water is withdrawn or
1255 otherwise produced.

1256 (b) In accordance with s. 4, Art. VIII of the State
1257 Constitution and notwithstanding s. 163.01, the interlocal
1258 agreement may include the following terms, which are considered
1259 approved by the parties without a vote of their electors, upon
1260 execution of the interlocal agreement by all member governments
1261 and upon satisfaction of all conditions precedent in the
1262 interlocal agreement:

1263 1. All member governments shall relinquish to the authority
1264 their individual rights to develop potable water supply sources,
1265 except as otherwise provided in the interlocal agreement;

1266 2. The authority shall be the sole and exclusive wholesale
1267 potable water supplier for all member governments; and

1268 3. The authority shall have the absolute and unequivocal
1269 obligation to meet the wholesale needs of the member governments
1270 for potable water.

1271 4. A member government may not restrict or prohibit the use
1272 of land within a member's jurisdictional boundaries by the
1273 authority for water supply purposes through use of zoning, land
1274 use, comprehensive planning, or other form of regulation.

1275 5. A member government may not impose any tax, fee, or
1276 charge upon the authority in conjunction with the production or

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1277 supply of water not otherwise provided for in the interlocal
1278 agreement.

1279 6. The authority may use the powers provided in part II of
1280 chapter 159 for financing and refinancing water treatment,
1281 production, or transmission facilities, including, but not
1282 limited to, desalinization facilities. All such water treatment,
1283 production, or transmission facilities are considered a
1284 "manufacturing plant" for purposes of s. 159.27(5) and serve a
1285 paramount public purpose by providing water to citizens of the
1286 state.

1287 7. A member government and any governmental or quasi-
1288 judicial board or commission established by local ordinance or
1289 general or special law where the governing membership of such
1290 board or commission is shared, in whole or in part, or appointed
1291 by a member government agreeing to be bound by the interlocal
1292 agreement shall be limited to the procedures set forth therein
1293 regarding actions that directly or indirectly restrict or
1294 prohibit the use of lands or other activities related to the
1295 production or supply of water.

1296 (c) The authority shall acquire full or lesser interests in
1297 all regionally significant member government wholesale water
1298 supply facilities and tangible assets and each member government
1299 shall convey such interests in the facilities and assets to the
1300 authority, at an agreed value.

1301 (d) The authority shall charge a uniform per gallon
1302 wholesale rate to member governments for the wholesale supply of
1303 potable water. All capital, operation, maintenance, and
1304 administrative costs for existing facilities and acquired
1305 facilities, authority master water plan facilities, and other

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1306 future projects must be allocated to member governments based on
1307 water usage at the uniform per gallon wholesale rate.

1308 (e) The interlocal agreement may include procedures for
1309 resolving the parties' differences regarding water management
1310 district proposed agency action in the water use permitting
1311 process within the authority. Such procedures should minimize
1312 the potential for litigation and include alternative dispute
1313 resolution. Any governmental or quasi-judicial board or
1314 commission established by local ordinance or general or special
1315 law where the governing members of such board or commission is
1316 shared, in whole or in part, or appointed by a member
1317 government, may agree to be bound by the dispute resolution
1318 procedures set forth in the interlocal agreement.

1319 (f) Upon execution of the voluntary interlocal agreement
1320 provided for herein, the authority shall jointly develop with
1321 the Southwest Florida Water Management District alternative
1322 sources of potable water and transmission pipelines to
1323 interconnect regionally significant water supply sources and
1324 facilities of the authority in amounts sufficient to meet the
1325 needs of all member governments for a period of at least 20
1326 years and for natural systems. Nothing herein, however, shall
1327 preclude the authority and its member governments from
1328 developing traditional water sources pursuant to the voluntary
1329 interlocal agreement. Development and construction costs for
1330 alternative source facilities, which may include a desalination
1331 facility and significant regional interconnects, must be borne
1332 as mutually agreed to by both the authority and the Southwest
1333 Florida Water Management District. Nothing herein shall preclude
1334 authority or district cost sharing with private entities for the

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1335 construction or ownership of alternative source facilities. By
1336 December 31, 1997, the authority and the Southwest Florida Water
1337 Management District shall enter into a mutually acceptable
1338 agreement detailing the development and implementation of
1339 directives contained in this paragraph. Nothing in this section
1340 shall be construed to modify the rights or responsibilities of
1341 the authority or its member governments, except as otherwise
1342 provided herein, or of the Southwest Florida Water Management
1343 District or the department pursuant to this chapter or chapter
1344 403 and as otherwise set forth by statutes.

1345 (g) Unless otherwise provided in the interlocal agreement,
1346 the authority shall be governed by a board of commissioners
1347 consisting of nine voting members, all of whom must be elected
1348 officers, as follows:

1349 1. Three members from Hillsborough County who must be
1350 selected by the county commission; provided, however, that one
1351 member shall be selected by the Mayor of Tampa in the event that
1352 the City of Tampa elects to be a member of the authority;

1353 2. Three members from Pasco County, two of whom must be
1354 selected by the county commission and one of whom must be
1355 selected by the City Council of New Port Richey; and

1356 3. Three members from Pinellas County, two of whom must be
1357 selected by the county commission and one of whom must be
1358 selected by the City Council of St. Petersburg.

1359
1360 Except as otherwise provided in this section or in the voluntary
1361 interlocal agreement between the member governments, a majority
1362 vote shall bind the authority and its member governments in all
1363 matters relating to the funding of wholesale water supply,

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1364 production, delivery, and related activities.

1365 (2) The provisions of this section supersede any
1366 conflicting provisions contained in all other general or special
1367 laws or provisions thereof as they may apply directly or
1368 indirectly to the exclusivity of water supply or withdrawal of
1369 water, including provisions relating to the environmental
1370 effects, if any, in conjunction with the production and supply
1371 of potable water, and the provisions of this section are
1372 intended to be a complete revision of all laws related to a
1373 regional water supply authority created under s. 373.713 and
1374 this section.

1375 (3) In lieu of the provisions in s. 373.713(2)(a), the
1376 Southwest Florida Water Management District shall assist the
1377 West Coast Regional Water Supply Authority for a period of 5
1378 years, terminating December 31, 1981, by levying an ad valorem
1379 tax, upon request of the authority, of not more than 0.05 mill
1380 on all taxable property within the limits of the authority.
1381 During such period the corresponding basin board ad valorem tax
1382 levies shall be reduced accordingly.

1383 (4) The authority shall prepare its annual budget in the
1384 same manner as prescribed for the preparation of basin budgets,
1385 but such authority budget shall not be subject to review by the
1386 respective basin boards or by the governing board of the
1387 district.

1388 (5) The annual millage for the authority shall be the
1389 amount required to raise the amount called for by the annual
1390 budget when applied to the total assessment on all taxable
1391 property within the limits of the authority, as determined for
1392 county taxing purposes.

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1393 (6) The authority may, by resolution, request the governing
1394 board of the district to levy ad valorem taxes within the
1395 boundaries of the authority. Upon receipt of such request,
1396 together with formal certification of the adoption of its annual
1397 budget and of the required tax levy, the authority tax levy
1398 shall be made by the governing board of the district to finance
1399 authority functions.

1400 (7) The taxes provided for in this section shall be
1401 extended by the property appraiser on the county tax roll in
1402 each county within, or partly within, the authority boundaries
1403 and shall be collected by the tax collector in the same manner
1404 and time as county taxes, and the proceeds therefrom paid to the
1405 district which shall forthwith pay them over to the authority.
1406 Until paid, such taxes shall be a lien on the property against
1407 which assessed and enforceable in like manner as county taxes.
1408 The property appraisers, tax collectors, and clerks of the
1409 circuit court of the respective counties shall be entitled to
1410 compensation for services performed in connection with such
1411 taxes at the same rates as apply to county taxes.

1412 (8) The governing board of the district shall not be
1413 responsible for any actions or lack of actions by the authority.

1414 Section 2. Subsection (13) of section 120.52, Florida
1415 Statutes, is amended to read:

1416 120.52 Definitions.—As used in this act:

1417 (13) "Party" means:

1418 (a) Specifically named persons whose substantial interests
1419 are being determined in the proceeding.

1420 (b) Any other person who, as a matter of constitutional
1421 right, provision of statute, or provision of agency regulation,

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1422 is entitled to participate in whole or in part in the
1423 proceeding, or whose substantial interests will be affected by
1424 proposed agency action, and who makes an appearance as a party.

1425 (c) Any other person, including an agency staff member,
1426 allowed by the agency to intervene or participate in the
1427 proceeding as a party. An agency may by rule authorize limited
1428 forms of participation in agency proceedings for persons who are
1429 not eligible to become parties.

1430 (d) Any county representative, agency, department, or unit
1431 funded and authorized by state statute or county ordinance to
1432 represent the interests of the consumers of a county, when the
1433 proceeding involves the substantial interests of a significant
1434 number of residents of the county and the board of county
1435 commissioners has, by resolution, authorized the representative,
1436 agency, department, or unit to represent the class of interested
1437 persons. The authorizing resolution shall apply to a specific
1438 proceeding and to appeals and ancillary proceedings thereto, and
1439 it shall not be required to state the names of the persons whose
1440 interests are to be represented.

1441
1442 The term "party" does not include a member government of a
1443 regional water supply authority or a governmental or quasi-
1444 judicial board or commission established by local ordinance or
1445 special or general law where the governing membership of such
1446 board or commission is shared with, in whole or in part, or
1447 appointed by a member government of a regional water supply
1448 authority in proceedings under s. 120.569, s. 120.57, or s.
1449 120.68, to the extent that an interlocal agreement under ss.
1450 163.01 and 373.713 ~~373.1962~~ exists in which the member

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1451 government has agreed that its substantial interests are not
1452 affected by the proceedings or that it is to be bound by
1453 alternative dispute resolution in lieu of participating in the
1454 proceedings. This exclusion applies only to those particular
1455 types of disputes or controversies, if any, identified in an
1456 interlocal agreement.

1457 Section 3. Subsection (13) of section 163.3167, Florida
1458 Statutes, is amended to read:

1459 163.3167 Scope of act.—

1460 (13) Each local government shall address in its
1461 comprehensive plan, as enumerated in this chapter, the water
1462 supply sources necessary to meet and achieve the existing and
1463 projected water use demand for the established planning period,
1464 considering the applicable plan developed pursuant to s. 373.709
1465 ~~373.0361~~.

1466 Section 4. Paragraph (a) of subsection (4) and paragraphs
1467 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
1468 Statutes, are amended to read:

1469 163.3177 Required and optional elements of comprehensive
1470 plan; studies and surveys.—

1471 (4) (a) Coordination of the local comprehensive plan with
1472 the comprehensive plans of adjacent municipalities, the county,
1473 adjacent counties, or the region; with the appropriate water
1474 management district's regional water supply plans approved
1475 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
1476 to designated areas of critical state concern; and with the
1477 state comprehensive plan shall be a major objective of the local
1478 comprehensive planning process. To that end, in the preparation
1479 of a comprehensive plan or element thereof, and in the

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1480 comprehensive plan or element as adopted, the governing body
1481 shall include a specific policy statement indicating the
1482 relationship of the proposed development of the area to the
1483 comprehensive plans of adjacent municipalities, the county,
1484 adjacent counties, or the region and to the state comprehensive
1485 plan, as the case may require and as such adopted plans or plans
1486 in preparation may exist.

1487 (6) In addition to the requirements of subsections (1)-(5)
1488 and (12), the comprehensive plan shall include the following
1489 elements:

1490 (c) A general sanitary sewer, solid waste, drainage,
1491 potable water, and natural groundwater aquifer recharge element
1492 correlated to principles and guidelines for future land use,
1493 indicating ways to provide for future potable water, drainage,
1494 sanitary sewer, solid waste, and aquifer recharge protection
1495 requirements for the area. The element may be a detailed
1496 engineering plan including a topographic map depicting areas of
1497 prime groundwater recharge. The element shall describe the
1498 problems and needs and the general facilities that will be
1499 required for solution of the problems and needs. The element
1500 shall also include a topographic map depicting any areas adopted
1501 by a regional water management district as prime groundwater
1502 recharge areas for the Floridan or Biscayne aquifers. These
1503 areas shall be given special consideration when the local
1504 government is engaged in zoning or considering future land use
1505 for said designated areas. For areas served by septic tanks,
1506 soil surveys shall be provided which indicate the suitability of
1507 soils for septic tanks. Within 18 months after the governing
1508 board approves an updated regional water supply plan, the

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1509 element must incorporate the alternative water supply project or
1510 projects selected by the local government from those identified
1511 in the regional water supply plan pursuant to s. 373.709(2)(a)
1512 ~~373.0361(2)(a)~~ or proposed by the local government under s.
1513 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located
1514 within two water management districts, the local government
1515 shall adopt its comprehensive plan amendment within 18 months
1516 after the later updated regional water supply plan. The element
1517 must identify such alternative water supply projects and
1518 traditional water supply projects and conservation and reuse
1519 necessary to meet the water needs identified in s. 373.709(2)(a)
1520 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1521 include a work plan, covering at least a 10 year planning
1522 period, for building public, private, and regional water supply
1523 facilities, including development of alternative water supplies,
1524 which are identified in the element as necessary to serve
1525 existing and new development. The work plan shall be updated, at
1526 a minimum, every 5 years within 18 months after the governing
1527 board of a water management district approves an updated
1528 regional water supply plan. Amendments to incorporate the work
1529 plan do not count toward the limitation on the frequency of
1530 adoption of amendments to the comprehensive plan. Local
1531 governments, public and private utilities, regional water supply
1532 authorities, special districts, and water management districts
1533 are encouraged to cooperatively plan for the development of
1534 multijurisdictional water supply facilities that are sufficient
1535 to meet projected demands for established planning periods,
1536 including the development of alternative water sources to
1537 supplement traditional sources of groundwater and surface water

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1538 supplies.

1539 (d) A conservation element for the conservation, use, and
1540 protection of natural resources in the area, including air,
1541 water, water recharge areas, wetlands, waterwells, estuarine
1542 marshes, soils, beaches, shores, flood plains, rivers, bays,
1543 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1544 minerals, and other natural and environmental resources,
1545 including factors that affect energy conservation. Local
1546 governments shall assess their current, as well as projected,
1547 water needs and sources for at least a 10-year period,
1548 considering the appropriate regional water supply plan approved
1549 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
1550 approved regional water supply plan, the district water
1551 management plan approved pursuant to s. 373.036(2). This
1552 information shall be submitted to the appropriate agencies. The
1553 land use map or map series contained in the future land use
1554 element shall generally identify and depict the following:

- 1555 1. Existing and planned waterwells and cones of influence
1556 where applicable.
- 1557 2. Beaches and shores, including estuarine systems.
- 1558 3. Rivers, bays, lakes, flood plains, and harbors.
- 1559 4. Wetlands.
- 1560 5. Minerals and soils.
- 1561 6. Energy conservation.

1562

1563 The land uses identified on such maps shall be consistent with
1564 applicable state law and rules.

1565 (h)1. An intergovernmental coordination element showing
1566 relationships and stating principles and guidelines to be used

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1567 in the accomplishment of coordination of the adopted
1568 comprehensive plan with the plans of school boards, regional
1569 water supply authorities, and other units of local government
1570 providing services but not having regulatory authority over the
1571 use of land, with the comprehensive plans of adjacent
1572 municipalities, the county, adjacent counties, or the region,
1573 with the state comprehensive plan and with the applicable
1574 regional water supply plan approved pursuant to s. 373.709
1575 ~~373.0361~~, as the case may require and as such adopted plans or
1576 plans in preparation may exist. This element of the local
1577 comprehensive plan shall demonstrate consideration of the
1578 particular effects of the local plan, when adopted, upon the
1579 development of adjacent municipalities, the county, adjacent
1580 counties, or the region, or upon the state comprehensive plan,
1581 as the case may require.

1582 a. The intergovernmental coordination element shall provide
1583 procedures to identify and implement joint planning areas,
1584 especially for the purpose of annexation, municipal
1585 incorporation, and joint infrastructure service areas.

1586 b. The intergovernmental coordination element shall provide
1587 for recognition of campus master plans prepared pursuant to s.
1588 1013.30 and airport master plans under paragraph(k).

1589 c. The intergovernmental coordination element shall provide
1590 for a dispute resolution process as established pursuant to s.
1591 186.509 for bringing to closure in a timely manner
1592 intergovernmental disputes.

1593 d. The intergovernmental coordination element shall provide
1594 for interlocal agreements as established pursuant to s.
1595 333.03(1)(b).

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1596 2. The intergovernmental coordination element shall further
1597 state principles and guidelines to be used in the accomplishment
1598 of coordination of the adopted comprehensive plan with the plans
1599 of school boards and other units of local government providing
1600 facilities and services but not having regulatory authority over
1601 the use of land. In addition, the intergovernmental coordination
1602 element shall describe joint processes for collaborative
1603 planning and decisionmaking on population projections and public
1604 school siting, the location and extension of public facilities
1605 subject to concurrency, and siting facilities with countywide
1606 significance, including locally unwanted land uses whose nature
1607 and identity are established in an agreement. Within 1 year of
1608 adopting their intergovernmental coordination elements, each
1609 county, all the municipalities within that county, the district
1610 school board, and any unit of local government service providers
1611 in that county shall establish by interlocal or other formal
1612 agreement executed by all affected entities, the joint processes
1613 described in this subparagraph consistent with their adopted
1614 intergovernmental coordination elements.

1615 3. To foster coordination between special districts and
1616 local general-purpose governments as local general-purpose
1617 governments implement local comprehensive plans, each
1618 independent special district must submit a public facilities
1619 report to the appropriate local government as required by s.
1620 189.415.

1621 4.a. Local governments shall execute an interlocal
1622 agreement with the district school board, the county, and
1623 nonexempt municipalities pursuant to s. 163.31777. The local
1624 government shall amend the intergovernmental coordination

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1625 element to provide that coordination between the local
1626 government and school board is pursuant to the agreement and
1627 shall state the obligations of the local government under the
1628 agreement.

1629 b. Plan amendments that comply with this subparagraph are
1630 exempt from the provisions of s. 163.3187(1).

1631 5. The state land planning agency shall establish a
1632 schedule for phased completion and transmittal of plan
1633 amendments to implement subparagraphs 1., 2., and 3. from all
1634 jurisdictions so as to accomplish their adoption by December 31,
1635 1999. A local government may complete and transmit its plan
1636 amendments to carry out these provisions prior to the scheduled
1637 date established by the state land planning agency. The plan
1638 amendments are exempt from the provisions of s. 163.3187(1).

1639 6. By January 1, 2004, any county having a population
1640 greater than 100,000, and the municipalities and special
1641 districts within that county, shall submit a report to the
1642 Department of Community Affairs which:

1643 a. Identifies all existing or proposed interlocal service
1644 delivery agreements regarding the following: education; sanitary
1645 sewer; public safety; solid waste; drainage; potable water;
1646 parks and recreation; and transportation facilities.

1647 b. Identifies any deficits or duplication in the provision
1648 of services within its jurisdiction, whether capital or
1649 operational. Upon request, the Department of Community Affairs
1650 shall provide technical assistance to the local governments in
1651 identifying deficits or duplication.

1652 7. Within 6 months after submission of the report, the
1653 Department of Community Affairs shall, through the appropriate

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1654 regional planning council, coordinate a meeting of all local
1655 governments within the regional planning area to discuss the
1656 reports and potential strategies to remedy any identified
1657 deficiencies or duplications.

1658 8. Each local government shall update its intergovernmental
1659 coordination element based upon the findings in the report
1660 submitted pursuant to subparagraph 6. The report may be used as
1661 supporting data and analysis for the intergovernmental
1662 coordination element.

1663 Section 5. Paragraph (1) of subsection (2) of section
1664 163.3191, Florida Statutes, is amended to read:

1665 163.3191 Evaluation and appraisal of comprehensive plan.—

1666 (2) The report shall present an evaluation and assessment
1667 of the comprehensive plan and shall contain appropriate
1668 statements to update the comprehensive plan, including, but not
1669 limited to, words, maps, illustrations, or other media, related
1670 to:

1671 (1) The extent to which the local government has been
1672 successful in identifying alternative water supply projects and
1673 traditional water supply projects, including conservation and
1674 reuse, necessary to meet the water needs identified in s.
1675 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
1676 jurisdiction. The report must evaluate the degree to which the
1677 local government has implemented the work plan for building
1678 public, private, and regional water supply facilities, including
1679 development of alternative water supplies, identified in the
1680 element as necessary to serve existing and new development.

1681 Section 6. Paragraphs (c) and (d) of subsection (4) of
1682 section 189.404, Florida Statutes, are amended to read:

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1683 189.404 Legislative intent for the creation of independent
1684 special districts; special act prohibitions; model elements and
1685 other requirements; general-purpose local government/Governor
1686 and Cabinet creation authorizations.—

1687 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
1688 AUTHORIZATIONS.—Except as otherwise authorized by general law,
1689 only the Legislature may create independent special districts.

1690 (c) The Governor and Cabinet may create an independent
1691 special district which shall be established by rule in
1692 accordance with s. 190.005 or as otherwise authorized in general
1693 law. The Governor and Cabinet may also approve the establishment
1694 of a charter for the creation of an independent special district
1695 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
1696 otherwise authorized in general law.

1697 (d)1. Any combination of two or more counties may create a
1698 regional special district which shall be established in
1699 accordance with s. 950.001, or as otherwise authorized in
1700 general law.

1701 2. Any combination of two or more counties or
1702 municipalities may create a regional special district which
1703 shall be established in accordance with s. 373.713 ~~373.1962~~, or
1704 as otherwise authorized by general law.

1705 3. Any combination of two or more counties, municipalities,
1706 or other political subdivisions may create a regional special
1707 district in accordance with s. 163.567, or as otherwise
1708 authorized in general law.

1709 Section 7. Subsection (3) of section 189.4155, Florida
1710 Statutes, is amended to read:

1711 189.4155 Activities of special districts; local government

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1712 comprehensive planning.—

1713 (3) The provisions of this section shall not apply to water
1714 management districts created pursuant to s. 373.069, to regional
1715 water supply authorities created pursuant to s. 373.713
1716 ~~373.1962~~, or to spoil disposal sites owned or used by the
1717 Federal Government.

1718 Section 8. Section 189.4156, Florida Statutes, is amended
1719 to read:

1720 189.4156 Water management district technical assistance;
1721 local government comprehensive planning.—Water management
1722 districts shall assist local governments in the development of
1723 local government comprehensive plan elements related to water
1724 resource issues as required by s. 373.711 ~~373.0391~~.

1725 Section 9. Subsection (7) of section 367.021, Florida
1726 Statutes, is amended to read:

1727 367.021 Definitions.—As used in this chapter, the following
1728 words or terms shall have the meanings indicated:

1729 (7) "Governmental authority" means a political subdivision,
1730 as defined by s. 1.01(8), a regional water supply authority
1731 created pursuant to s. 373.713 ~~373.1962~~, or a nonprofit
1732 corporation formed for the purpose of acting on behalf of a
1733 political subdivision with respect to a water or wastewater
1734 facility.

1735 Section 10. Subsections (1) and (17) of section 373.019,
1736 Florida Statutes, are amended to read:

1737 373.019 Definitions.—When appearing in this chapter or in
1738 any rule, regulation, or order adopted pursuant thereto, the
1739 term:

1740 (1) "Alternative water supplies" means salt water; brackish

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1741 surface and groundwater; surface water captured predominately
1742 during wet-weather flows; sources made available through the
1743 addition of new storage capacity for surface or groundwater,
1744 water that has been reclaimed after one or more public supply,
1745 municipal, industrial, commercial, or agricultural uses; the
1746 downstream augmentation of water bodies with reclaimed water;
1747 stormwater; and any other water supply source that is designated
1748 as nontraditional for a water supply planning region in the
1749 applicable regional water supply plan.

1750 (17) "Regional water supply plan" means a detailed water
1751 supply plan developed by a governing board under s. 373.709 ~~s.~~
1752 ~~373.0361~~.

1753 Section 11. Paragraph (b) of subsection (2) and paragraph
1754 (b) of subsection (7) of section 373.036, Florida Statutes, are
1755 amended to read:

1756 373.036 Florida water plan; district water management
1757 plans.—

1758 (2) DISTRICT WATER MANAGEMENT PLANS.—

1759 (b) The district water management plan shall include, but
1760 not be limited to:

1761 1. The scientific methodologies for establishing minimum
1762 flows and levels under s. 373.042, and all established minimum
1763 flows and levels.

1764 2. Identification of one or more water supply planning
1765 regions that singly or together encompass the entire district.

1766 3. Technical data and information prepared under s. 373.711
1767 ~~373.0391~~.

1768 4. A districtwide water supply assessment, to be completed
1769 no later than July 1, 1998, which determines for each water

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1770 supply planning region:

1771 a. Existing legal uses, reasonably anticipated future
1772 needs, and existing and reasonably anticipated sources of water
1773 and conservation efforts; and

1774 b. Whether existing and reasonably anticipated sources of
1775 water and conservation efforts are adequate to supply water for
1776 all existing legal uses and reasonably anticipated future needs
1777 and to sustain the water resources and related natural systems.

1778 5. Any completed regional water supply plans.

1779 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1780 (b) The consolidated annual report shall contain the
1781 following elements, as appropriate to that water management
1782 district:

1783 1. A district water management plan annual report or the
1784 annual work plan report allowed in subparagraph (2)(e)4.

1785 2. The department-approved minimum flows and levels annual
1786 priority list and schedule required by s. 373.042(2).

1787 3. The annual 5-year capital improvements plan required by
1788 s. 373.536(6)(a)3.

1789 4. The alternative water supplies annual report required by
1790 s. 373.707(8)(n) ~~373.1961(3)(n)~~.

1791 5. The final annual 5-year water resource development work
1792 program required by s. 373.536(6)(a)4.

1793 6. The Florida Forever Water Management District Work Plan
1794 annual report required by s. 373.199(7).

1795 7. The mitigation donation annual report required by s.
1796 373.414(1)(b)2.

1797 Section 12. Paragraphs (a) and (e) of subsection (4) of
1798 section 373.0363, Florida Statutes, are amended to read:

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1799 373.0363 Southern Water Use Caution Area Recovery
1800 Strategy.—

1801 (4) The West-Central Florida Water Restoration Action Plan
1802 includes:

1803 (a) The Central West Coast Surface Water Enhancement
1804 Initiative. The purpose of this initiative is to make additional
1805 surface waters available for public supply through restoration
1806 of surface waters, natural water flows, and freshwater wetland
1807 communities. This initiative is designed to allow limits on
1808 groundwater withdrawals in order to slow the rate of saltwater
1809 intrusion. The initiative shall be an ongoing program in
1810 cooperation with the Peace River-Manasota Regional Water Supply
1811 Authority created under s. 373.713 ~~373.1962~~.

1812 (e) The Central Florida Water Resource Development
1813 Initiative. The purpose of this initiative is to create and
1814 implement a long-term plan that takes a comprehensive approach
1815 to limit ground water withdrawals in the Southern Water Use
1816 Caution Area and to identify and develop alternative water
1817 supplies for Polk County. The project components developed
1818 pursuant to this initiative are eligible for state and regional
1819 funding under s. 373.707 ~~373.196~~ as an alternative water supply,
1820 as defined in s. 373.019, or as a supplemental water supply
1821 under the rules of the Southwest Florida Water Management
1822 District or the South Florida Water Management District. The
1823 initiative shall be implemented by the district as an ongoing
1824 program in cooperation with Polk County and the South Florida
1825 Water Management District.

1826 Section 13. Subsection (2) of section 373.0421, Florida
1827 Statutes, is amended to read:

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1828 373.0421 Establishment and implementation of minimum flows
1829 and levels.—

1830 (2) If the existing flow or level in a water body is below,
1831 or is projected to fall within 20 years below, the applicable
1832 minimum flow or level established pursuant to s. 373.042, the
1833 department or governing board, as part of the regional water
1834 supply plan described in s. 373.709 ~~373.0361~~, shall
1835 expeditiously implement a recovery or prevention strategy, which
1836 includes the development of additional water supplies and other
1837 actions, consistent with the authority granted by this chapter,
1838 to:

1839 (a) Achieve recovery to the established minimum flow or
1840 level as soon as practicable; or

1841 (b) Prevent the existing flow or level from falling below
1842 the established minimum flow or level.

1843
1844 The recovery or prevention strategy shall include phasing or a
1845 timetable which will allow for the provision of sufficient water
1846 supplies for all existing and projected reasonable-beneficial
1847 uses, including development of additional water supplies and
1848 implementation of conservation and other efficiency measures
1849 concurrent with, to the extent practical, and to offset,
1850 reductions in permitted withdrawals, consistent with the
1851 provisions of this chapter.

1852 Section 14. Subsection (4) of section 373.0695, Florida
1853 Statutes, is amended to read:

1854 373.0695 Duties of basin boards; authorized expenditures.—

1855 (4) In the exercise of the duties and powers granted
1856 herein, the basin boards shall be subject to all the limitations

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1857 and restrictions imposed on the water management districts in s.
1858 373.703 ~~373.1961~~.

1859 Section 15. Subsections (3) and (5) of section 373.223,
1860 Florida Statutes, are amended to read:

1861 373.223 Conditions for a permit.—

1862 (3) Except for the transport and use of water supplied by
1863 the Central and Southern Florida Flood Control Project, and
1864 anywhere in the state when the transport and use of water is
1865 supplied exclusively for bottled water as defined in s.

1866 500.03(1)(d), any water use permit applications pending as of
1867 April 1, 1998, with the Northwest Florida Water Management
1868 District and self-suppliers of water for which the proposed
1869 water source and area of use or application are located on
1870 contiguous private properties, when evaluating whether a
1871 potential transport and use of ground or surface water across
1872 county boundaries is consistent with the public interest,
1873 pursuant to paragraph (1)(c), the governing board or department
1874 shall consider:

1875 (a) The proximity of the proposed water source to the area
1876 of use or application.

1877 (b) All impoundments, streams, groundwater sources, or
1878 watercourses that are geographically closer to the area of use
1879 or application than the proposed source, and that are
1880 technically and economically feasible for the proposed transport
1881 and use.

1882 (c) All economically and technically feasible alternatives
1883 to the proposed source, including, but not limited to,
1884 desalination, conservation, reuse of nonpotable reclaimed water
1885 and stormwater, and aquifer storage and recovery.

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1886 (d) The potential environmental impacts that may result
1887 from the transport and use of water from the proposed source,
1888 and the potential environmental impacts that may result from use
1889 of the other water sources identified in paragraphs (b) and (c).

1890 (e) Whether existing and reasonably anticipated sources of
1891 water and conservation efforts are adequate to supply water for
1892 existing legal uses and reasonably anticipated future needs of
1893 the water supply planning region in which the proposed water
1894 source is located.

1895 (f) Consultations with local governments affected by the
1896 proposed transport and use.

1897 (g) The value of the existing capital investment in water-
1898 related infrastructure made by the applicant.

1899
1900 Where districtwide water supply assessments and regional water
1901 supply plans have been prepared pursuant to ss. 373.036 and
1902 373.709 ~~373.0361~~, the governing board or the department shall
1903 use the applicable plans and assessments as the basis for its
1904 consideration of the applicable factors in this subsection.

1905 (5) In evaluating an application for consumptive use of
1906 water which proposes the use of an alternative water supply
1907 project as described in the regional water supply plan and
1908 provides reasonable assurances of the applicant's capability to
1909 design, construct, operate, and maintain the project, the
1910 governing board or department shall presume that the alternative
1911 water supply use is consistent with the public interest under
1912 paragraph (1)(c). However, where the governing board identifies
1913 the need for a multijurisdictional water supply entity or
1914 regional water supply authority to develop the alternative water

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1915 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,
1916 the presumption shall be accorded only to that use proposed by
1917 such entity or authority. This subsection does not effect
1918 evaluation of the use pursuant to the provisions of paragraphs
1919 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
1920 373.233.

1921 Section 16. Section 373.2234, Florida Statutes, is amended
1922 to read:

1923 373.2234 Preferred water supply sources.—The governing
1924 board of a water management district is authorized to adopt
1925 rules that identify preferred water supply sources for
1926 consumptive uses for which there is sufficient data to establish
1927 that a preferred source will provide a substantial new water
1928 supply to meet the existing and projected reasonable-beneficial
1929 uses of a water supply planning region identified pursuant to s.
1930 373.709(1) ~~373.0361(1)~~, while sustaining existing water
1931 resources and natural systems. At a minimum, such rules must
1932 contain a description of the preferred water supply source and
1933 an assessment of the water the preferred source is projected to
1934 produce. If an applicant proposes to use a preferred water
1935 supply source, that applicant's proposed water use is subject to
1936 s. 373.223(1), except that the proposed use of a preferred water
1937 supply source must be considered by a water management district
1938 when determining whether a permit applicant's proposed use of
1939 water is consistent with the public interest pursuant to s.
1940 373.223(1)(c). A consumptive use permit issued for the use of a
1941 preferred water supply source must be granted, when requested by
1942 the applicant, for at least a 20-year period and may be subject
1943 to the compliance reporting provisions of s. 373.236(4). Nothing

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1944 in this section shall be construed to exempt the use of
1945 preferred water supply sources from the provisions of ss.
1946 373.016(4) and 373.223(2) and (3), or be construed to provide
1947 that permits issued for the use of a nonpreferred water supply
1948 source must be issued for a duration of less than 20 years or
1949 that the use of a nonpreferred water supply source is not
1950 consistent with the public interest. Additionally, nothing in
1951 this section shall be interpreted to require the use of a
1952 preferred water supply source or to restrict or prohibit the use
1953 of a nonpreferred water supply source. Rules adopted by the
1954 governing board of a water management district to implement this
1955 section shall specify that the use of a preferred water supply
1956 source is not required and that the use of a nonpreferred water
1957 supply source is not restricted or prohibited.

1958 Section 17. Subsection (3) of section 373.229, Florida
1959 Statutes, is amended to read:

1960 373.229 Application for permit.—

1961 (3) In addition to the information required in subsection
1962 (1), all permit applications filed with the governing board or
1963 the department which propose the transport and use of water
1964 across county boundaries shall include information pertaining to
1965 factors to be considered, pursuant to s. 373.223(3), unless
1966 exempt under s. 373.713(9) ~~373.1962(9)~~.

1967 Section 18. Paragraph (a) of subsection (6) of section
1968 373.236, Florida Statutes, is amended to read:

1969 373.236 Duration of permits; compliance reports.—

1970 (6) (a) The Legislature finds that the need for alternative
1971 water supply development projects to meet anticipated public
1972 water supply demands of the state is so important that it is

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1973 essential to encourage participation in and contribution to
1974 these projects by private-rural-land owners who
1975 characteristically have relatively modest near-term water
1976 demands but substantially increasing demands after the 20-year
1977 planning period in s. 373.709 ~~373.0361~~. Therefore, where such
1978 landowners make extraordinary contributions of lands or
1979 construction funding to enable the expeditious implementation of
1980 such projects, water management districts and the department may
1981 grant permits for such projects for a period of up to 50 years
1982 to municipalities, counties, special districts, regional water
1983 supply authorities, multijurisdictional water supply entities,
1984 and publicly or privately owned utilities, with the exception of
1985 any publicly or privately owned utilities created for or by a
1986 private landowner after April 1, 2008, which have entered into
1987 an agreement with the private landowner for the purpose of more
1988 efficiently pursuing alternative public water supply development
1989 projects identified in a district's regional water supply plan
1990 and meeting water demands of both the applicant and the
1991 landowner.

1992 Section 19. Paragraph (a) of subsection (6) of section
1993 373.536, Florida Statutes, is amended to read:

1994 373.536 District budget and hearing thereon.—

1995 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
1996 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1997 (a) Each district must, by the date specified for each
1998 item, furnish copies of the following documents to the Governor,
1999 the President of the Senate, the Speaker of the House of
2000 Representatives, the chairs of all legislative committees and
2001 subcommittees having substantive or fiscal jurisdiction over the

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2002 districts, as determined by the President of the Senate or the
2003 Speaker of the House of Representatives as applicable, the
2004 secretary of the department, and the governing board of each
2005 county in which the district has jurisdiction or derives any
2006 funds for the operations of the district:

2007 1. The adopted budget, to be furnished within 10 days after
2008 its adoption.

2009 2. A financial audit of its accounts and records, to be
2010 furnished within 10 days after its acceptance by the governing
2011 board. The audit must be conducted in accordance with the
2012 provisions of s. 11.45 and the rules adopted thereunder. In
2013 addition to the entities named above, the district must provide
2014 a copy of the audit to the Auditor General within 10 days after
2015 its acceptance by the governing board.

2016 3. A 5-year capital improvements plan, to be included in
2017 the consolidated annual report required by s. 373.036(7). The
2018 plan must include expected sources of revenue for planned
2019 improvements and must be prepared in a manner comparable to the
2020 fixed capital outlay format set forth in s. 216.043.

2021 4. A 5-year water resource development work program to be
2022 furnished within 30 days after the adoption of the final budget.
2023 The program must describe the district's implementation strategy
2024 for the water resource development component of each approved
2025 regional water supply plan developed or revised under s. 373.709
2026 ~~373.0361~~. The work program must address all the elements of the
2027 water resource development component in the district's approved
2028 regional water supply plans and must identify which projects in
2029 the work program will provide water, explain how each water
2030 resource development project will produce additional water

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2031 available for consumptive uses, estimate the quantity of water
2032 to be produced by each project, and provide an assessment of the
2033 contribution of the district's regional water supply plans in
2034 providing sufficient water to meet the water supply needs of
2035 existing and future reasonable-beneficial uses for a 1-in-10-
2036 year drought event. Within 30 days after its submittal, the
2037 department shall review the proposed work program and submit its
2038 findings, questions, and comments to the district. The review
2039 must include a written evaluation of the program's consistency
2040 with the furtherance of the district's approved regional water
2041 supply plans, and the adequacy of proposed expenditures. As part
2042 of the review, the department shall give interested parties the
2043 opportunity to provide written comments on each district's
2044 proposed work program. Within 45 days after receipt of the
2045 department's evaluation, the governing board shall state in
2046 writing to the department which changes recommended in the
2047 evaluation it will incorporate into its work program submitted
2048 as part of the March 1 consolidated annual report required by s.
2049 373.036(7) or specify the reasons for not incorporating the
2050 changes. The department shall include the district's responses
2051 in a final evaluation report and shall submit a copy of the
2052 report to the Governor, the President of the Senate, and the
2053 Speaker of the House of Representatives.

2054 Section 20. Subsection (11) of section 373.59, Florida
2055 Statutes, is amended to read:

2056 373.59 Water Management Lands Trust Fund.—

2057 (11) Notwithstanding any provision of this section to the
2058 contrary, the governing board of a water management district may
2059 request, and the Secretary of Environmental Protection shall

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2060 release upon such request, moneys allocated to the districts
2061 pursuant to subsection (8) for purposes consistent with the
2062 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
2063 373.139, or ss. 373.451-373.4595 and for legislatively
2064 authorized land acquisition and water restoration initiatives.
2065 No funds may be used pursuant to this subsection until necessary
2066 debt service obligations, requirements for payments in lieu of
2067 taxes, and land management obligations that may be required by
2068 this chapter are provided for.

2069 Section 21. Paragraph (g) of subsection (1) of section
2070 378.212, Florida Statutes, is amended to read:

2071 378.212 Variances.—

2072 (1) Upon application, the secretary may grant a variance
2073 from the provisions of this part or the rules adopted pursuant
2074 thereto. Variances and renewals thereof may be granted for any
2075 one of the following reasons:

2076 (g) To accommodate reclamation that provides water supply
2077 development or water resource development not inconsistent with
2078 the applicable regional water supply plan approved pursuant to
2079 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
2080 the water resources in the basin. A variance may also be granted
2081 from the requirements of part IV of chapter 373, or the rules
2082 adopted thereunder, when a project provides an improvement in
2083 water availability in the basin and does not cause adverse
2084 impacts to water resources in the basin.

2085 Section 22. Subsection (9) of section 378.404, Florida
2086 Statutes, is amended to read:

2087 378.404 Department of Environmental Protection; powers and
2088 duties.—The department shall have the following powers and

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2089 duties:

2090 (9) To grant variances from the provisions of this part to
2091 accommodate reclamation that provides for water supply
2092 development or water resource development not inconsistent with
2093 the applicable regional water supply plan approved pursuant to
2094 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
2095 wildlife habitat, recreation, or a mixture thereof, provided
2096 adverse impacts are not caused to the water resources in the
2097 basin and public health and safety are not adversely affected.

2098 Section 23. Paragraph (a) of subsection (3) of section
2099 403.0891, Florida Statutes, is amended to read:

2100 403.0891 State, regional, and local stormwater management
2101 plans and programs.—The department, the water management
2102 districts, and local governments shall have the responsibility
2103 for the development of mutually compatible stormwater management
2104 programs.

2105 (3) (a) Each local government required by chapter 163 to
2106 submit a comprehensive plan, whose plan is submitted after July
2107 1, 1992, and the others when updated after July 1, 1992, in the
2108 development of its stormwater management program described by
2109 elements within its comprehensive plan shall consider the water
2110 resource implementation rule, district stormwater management
2111 goals, plans approved pursuant to the Surface Water Improvement
2112 and Management Act, ss. 373.451-373.4595, and technical
2113 assistance information provided by the water management
2114 districts pursuant to s. 373.711 ~~373.0391~~.

2115 Section 24. Section 403.890, Florida Statutes, is amended
2116 to read:

2117 403.890 Water Protection and Sustainability Program~~r~~

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2118 ~~intent; goals; purposes.-~~

2119 ~~(1) Effective July 1, 2006, revenues transferred from the~~
2120 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~
2121 ~~deposited into the Water Protection and Sustainability Program~~
2122 ~~Trust Fund in the Department of Environmental Protection. These~~
2123 ~~revenues and any other additional revenues deposited into or~~
2124 ~~appropriated to the Water Protection and Sustainability Program~~
2125 ~~Trust Fund shall be distributed by the Department of~~
2126 ~~Environmental Protection in the following manner:~~

2127 ~~(a) Sixty percent to the Department of Environmental~~
2128 ~~Protection for the implementation of an alternative water supply~~
2129 ~~program as provided in s. 373.1961.~~

2130 ~~(b) Twenty percent for the implementation of best~~
2131 ~~management practices and capital project expenditures necessary~~
2132 ~~for the implementation of the goals of the total maximum daily~~
2133 ~~load program established in s. 403.067. Of these funds, 85~~
2134 ~~percent shall be transferred to the credit of the Department of~~
2135 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
2136 ~~address water quality impacts associated with nonagricultural~~
2137 ~~nonpoint sources. Fifteen percent of these funds shall be~~
2138 ~~transferred to the Department of Agriculture and Consumer~~
2139 ~~Services General Inspection Trust Fund to address water quality~~
2140 ~~impacts associated with agricultural nonpoint sources. These~~
2141 ~~funds shall be used for research, development, demonstration,~~
2142 ~~and implementation of the total maximum daily load program under~~
2143 ~~s. 403.067, suitable best management practices or other measures~~
2144 ~~used to achieve water quality standards in surface waters and~~
2145 ~~water segments identified pursuant to s. 303(d) of the Clean~~
2146 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~

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2147 ~~Implementation of best management practices and other measures~~
2148 ~~may include cost-share grants, technical assistance,~~
2149 ~~implementation tracking, and conservation leases or other~~
2150 ~~agreements for water quality improvement. The Department of~~
2151 ~~Environmental Protection and the Department of Agriculture and~~
2152 ~~Consumer Services may adopt rules governing the distribution of~~
2153 ~~funds for implementation of capital projects, best management~~
2154 ~~practices, and other measures. These funds shall not be used to~~
2155 ~~abrogate the financial responsibility of those point and~~
2156 ~~nonpoint sources that have contributed to the degradation of~~
2157 ~~water or land areas. Increased priority shall be given by the~~
2158 ~~department and the water management district governing boards to~~
2159 ~~those projects that have secured a cost-sharing agreement~~
2160 ~~allocating responsibility for the cleanup of point and nonpoint~~
2161 ~~sources.~~

2162 ~~(c) Ten percent shall be disbursed for the purposes of~~
2163 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~
2164 ~~water restoration activities in water-management-district-~~
2165 ~~designated priority water bodies. The Secretary of Environmental~~
2166 ~~Protection shall ensure that each water management district~~
2167 ~~receives the following percentage of funds annually:~~

2168 ~~1. Thirty five percent to the South Florida Water~~
2169 ~~Management District;~~

2170 ~~2. Twenty-five percent to the Southwest Florida Water~~
2171 ~~Management District;~~

2172 ~~3. Twenty five percent to the St. Johns River Water~~
2173 ~~Management District;~~

2174 ~~4. Seven and one-half percent to the Suwannee River Water~~
2175 ~~Management District; and~~

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2176 ~~5. Seven and one-half percent to the Northwest Florida~~
2177 ~~Water Management District.~~

2178 ~~(d) Ten percent to the Department of Environmental~~
2179 ~~Protection for the Disadvantaged Small Community Wastewater~~
2180 ~~Grant Program as provided in s. 403.1838.~~

2181 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~
2182 ~~revenues transferred from the Department of Revenue pursuant to~~
2183 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~
2184 ~~and Sustainability Program Trust Fund in the Department of~~
2185 ~~Environmental Protection. These revenues and any other~~
2186 ~~additional Revenues deposited into or appropriated to the Water~~
2187 ~~Protection and Sustainability Program Trust Fund shall be~~
2188 ~~distributed by the Department of Environmental Protection in the~~
2189 ~~following manner:~~

2190 ~~(1)(a)~~ (1) Sixty-five percent to the Department of
2191 Environmental Protection for the implementation of an
2192 alternative water supply program as provided in s. 373.707
2193 ~~373.1961.~~

2194 ~~(2)(b)~~ (2) Twenty-two and five-tenths percent for the
2195 implementation of best management practices and capital project
2196 expenditures necessary for the implementation of the goals of
2197 the total maximum daily load program established in s. 403.067.
2198 Of these funds, 83.33 percent shall be transferred to the credit
2199 of the Department of Environmental Protection Water Quality
2200 Assurance Trust Fund to address water quality impacts associated
2201 with nonagricultural nonpoint sources. Sixteen and sixty-seven
2202 hundredths percent of these funds shall be transferred to the
2203 Department of Agriculture and Consumer Services General
2204 Inspection Trust Fund to address water quality impacts

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2205 associated with agricultural nonpoint sources. These funds shall
2206 be used for research, development, demonstration, and
2207 implementation of the total maximum daily load program under s.
2208 403.067, suitable best management practices or other measures
2209 used to achieve water quality standards in surface waters and
2210 water segments identified pursuant to s. 303(d) of the Clean
2211 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
2212 Implementation of best management practices and other measures
2213 may include cost-share grants, technical assistance,
2214 implementation tracking, and conservation leases or other
2215 agreements for water quality improvement. The Department of
2216 Environmental Protection and the Department of Agriculture and
2217 Consumer Services may adopt rules governing the distribution of
2218 funds for implementation of capital projects, best management
2219 practices, and other measures. These funds shall not be used to
2220 abrogate the financial responsibility of those point and
2221 nonpoint sources that have contributed to the degradation of
2222 water or land areas. Increased priority shall be given by the
2223 department and the water management district governing boards to
2224 those projects that have secured a cost-sharing agreement
2225 allocating responsibility for the cleanup of point and nonpoint
2226 sources.

2227 (3) ~~(e)~~ Twelve and five-tenths percent to the Department of
2228 Environmental Protection for the Disadvantaged Small Community
2229 Wastewater Grant Program as provided in s. 403.1838.

2230 (4) ~~(d)~~ On June 30, 2009, and every 24 months thereafter,
2231 the Department of Environmental Protection shall request the
2232 return of all unencumbered funds distributed pursuant to this
2233 section. These funds shall be deposited into the Water

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2234 Protection and Sustainability Program Trust Fund and
2235 redistributed pursuant to the provisions of this section.

2236 ~~(3) For the 2008-2009 fiscal year only, moneys in the Water~~
2237 ~~Protection and Sustainability Program Trust Fund shall be~~
2238 ~~transferred to the Ecosystem Management and Restoration Trust~~
2239 ~~Fund for grants and aids to local governments for water projects~~
2240 ~~as provided in the General Appropriations Act. This subsection~~
2241 ~~expires July 1, 2009.~~

2242 ~~(4) For fiscal year 2005-2006, funds deposited or~~
2243 ~~appropriated into the Water Protection and Sustainability~~
2244 ~~Program Trust Fund shall be distributed as follows:~~

2245 ~~(a) One hundred million dollars to the Department of~~
2246 ~~Environmental Protection for the implementation of an~~
2247 ~~alternative water supply program as provided in s. 373.1961.~~

2248 ~~(b) Funds remaining after the distribution provided for in~~
2249 ~~subsection (1) shall be distributed as follows:~~

2250 ~~1. Fifty percent for the implementation of best management~~
2251 ~~practices and capital project expenditures necessary for the~~
2252 ~~implementation of the goals of the total maximum daily load~~
2253 ~~program established in s. 403.067. Of these funds, 85 percent~~
2254 ~~shall be transferred to the credit of the Department of~~
2255 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
2256 ~~address water quality impacts associated with nonagricultural~~
2257 ~~nonpoint sources. Fifteen percent of these funds shall be~~
2258 ~~transferred to the Department of Agriculture and Consumer~~
2259 ~~Services General Inspection Trust Fund to address water quality~~
2260 ~~impacts associated with agricultural nonpoint sources. These~~
2261 ~~funds shall be used for research, development, demonstration,~~
2262 ~~and implementation of suitable best management practices or~~

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2263 ~~other measures used to achieve water quality standards in~~
2264 ~~surface waters and water segments identified pursuant to s.~~
2265 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~
2266 ~~1251 et seq. Implementation of best management practices and~~
2267 ~~other measures may include cost-share grants, technical~~
2268 ~~assistance, implementation tracking, and conservation leases or~~
2269 ~~other agreements for water quality improvement. The Department~~
2270 ~~of Environmental Protection and the Department of Agriculture~~
2271 ~~and Consumer Services may adopt rules governing the distribution~~
2272 ~~of funds for implementation of best management practices. These~~
2273 ~~funds shall not be used to abrogate the financial responsibility~~
2274 ~~of those point and nonpoint sources that have contributed to the~~
2275 ~~degradation of water or land areas. Increased priority shall be~~
2276 ~~given by the department and the water management district~~
2277 ~~governing boards to those projects that have secured a cost-~~
2278 ~~sharing agreement allocating responsibility for the cleanup of~~
2279 ~~point and nonpoint sources.~~

2280 ~~2. Twenty-five percent for the purposes of funding projects~~
2281 ~~pursuant to ss. 373.451-373.459 or surface water restoration~~
2282 ~~activities in water management district designated priority~~
2283 ~~water bodies. The Secretary of Environmental Protection shall~~
2284 ~~ensure that each water management district receives the~~
2285 ~~following percentage of funds annually:~~

2286 ~~a. Thirty-five percent to the South Florida Water~~
2287 ~~Management District;~~

2288 ~~b. Twenty-five percent to the Southwest Florida Water~~
2289 ~~Management District;~~

2290 ~~e. Twenty-five percent to the St. Johns River Water~~
2291 ~~Management District;~~

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2292 ~~d. Seven and one-half percent to the Suwannee River Water~~
2293 ~~Management District; and~~

2294 ~~e. Seven and one-half percent to the Northwest Florida~~
2295 ~~Water Management District.~~

2296 ~~3. Twenty-five percent to the Department of Environmental~~
2297 ~~Protection for the Disadvantaged Small Community Wastewater~~
2298 ~~Grant Program as provided in s. 403.1838.~~

2299
2300 ~~Prior to the end of the 2008 Regular Session, the Legislature~~
2301 ~~must review the distribution of funds under the Water Protection~~
2302 ~~and Sustainability Program to determine if revisions to the~~
2303 ~~funding formula are required. At the discretion of the President~~
2304 ~~of the Senate and the Speaker of the House of Representatives,~~
2305 ~~the appropriate substantive committees of the Legislature may~~
2306 ~~conduct an interim project to review the Water Protection and~~
2307 ~~Sustainability Program and the funding formula and make written~~
2308 ~~recommendations to the Legislature proposing necessary changes,~~
2309 ~~if any.~~

2310 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~
2311 ~~distributed as follows:~~

2312 ~~(a) Thirty-one and twenty-one hundredths percent to the~~
2313 ~~Department of Environmental Protection for the implementation of~~
2314 ~~an alternative water supply program as provided in s. 373.1961.~~

2315 ~~(b) Twenty-six and eighty-seven hundredths percent for the~~
2316 ~~implementation of best management practices and capital project~~
2317 ~~expenditures necessary for the implementation of the goals of~~
2318 ~~the total maximum daily load program established in s. 403.067.~~
2319 ~~Of these funds, 86 percent shall be transferred to the credit of~~
2320 ~~the Water Quality Assurance Trust Fund of the Department of~~

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2321 ~~Environmental Protection to address water quality impacts~~
2322 ~~associated with nonagricultural nonpoint sources. Fourteen~~
2323 ~~percent of these funds shall be transferred to the General~~
2324 ~~Inspection Trust Fund of the Department of Agriculture and~~
2325 ~~Consumer Services to address water quality impacts associated~~
2326 ~~with agricultural nonpoint sources. These funds shall be used~~
2327 ~~for research, development, demonstration, and implementation of~~
2328 ~~the total maximum daily load program under s. 403.067, suitable~~
2329 ~~best management practices, or other measures used to achieve~~
2330 ~~water quality standards in surface waters and water segments~~
2331 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~
2332 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
2333 ~~management practices and other measures may include cost-share~~
2334 ~~grants, technical assistance, implementation tracking, and~~
2335 ~~conservation leases or other agreements for water quality~~
2336 ~~improvement. The Department of Environmental Protection and the~~
2337 ~~Department of Agriculture and Consumer Services may adopt rules~~
2338 ~~governing the distribution of funds for implementation of~~
2339 ~~capital projects, best management practices, and other measures.~~
2340 ~~These funds may not be used to abrogate the financial~~
2341 ~~responsibility of those point and nonpoint sources that have~~
2342 ~~contributed to the degradation of water or land areas. Increased~~
2343 ~~priority shall be given by the department and the water~~
2344 ~~management district governing boards to those projects that have~~
2345 ~~secured a cost-sharing agreement that allocates responsibility~~
2346 ~~for the cleanup of point and nonpoint sources.~~

2347 ~~(c) Forty-one and ninety-two hundredths percent to the~~
2348 ~~Department of Environmental Protection for the Disadvantaged~~
2349 ~~Small Community Wastewater Grant Program as provided in s.~~

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2350 ~~403.1838.~~

2351

2352 ~~This subsection expires July 1, 2010.~~2353 Section 25. Subsection (1) of section 403.891, Florida
2354 Statutes, is amended to read:2355 403.891 Water Protection and Sustainability Program Trust
2356 Fund of the Department of Environmental Protection.—2357 (1) The Water Protection and Sustainability Program Trust
2358 Fund is created within the Department of Environmental
2359 Protection. The purpose of the trust fund is to ~~receive funds~~
2360 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~
2361 ~~for in law and the General Appropriations Act, and funds~~
2362 ~~received by the department in order to~~ implement the provisions
2363 ~~of the~~ Water Sustainability and Protection Program created in s.
2364 403.890.2365 Section 26. Section 682.02, Florida Statutes, is amended to
2366 read:2367 682.02 Arbitration agreements made valid, irrevocable, and
2368 enforceable; scope.—Two or more parties may agree in writing to
2369 submit to arbitration any controversy existing between them at
2370 the time of the agreement, or they may include in a written
2371 contract a provision for the settlement by arbitration of any
2372 controversy thereafter arising between them relating to such
2373 contract or the failure or refusal to perform the whole or any
2374 part thereof. This section also applies to written interlocal
2375 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
2376 more parties agree to submit to arbitration any controversy
2377 between them concerning water use permit applications and other
2378 matters, regardless of whether or not the water management

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2379 district with jurisdiction over the subject application is a
2380 party to the interlocal agreement or a participant in the
2381 arbitration. Such agreement or provision shall be valid,
2382 enforceable, and irrevocable without regard to the justiciable
2383 character of the controversy; provided that this act shall not
2384 apply to any such agreement or provision to arbitrate in which
2385 it is stipulated that this law shall not apply or to any
2386 arbitration or award thereunder.

2387 Section 27. Section 373.71, Florida Statutes, is renumbered
2388 as section 373.69, Florida Statutes.

2389 Section 28. Sections 373.0361, 373.0391, 373.0831, 373.196,
2390 373.1961, 373.1962, and 373.1963, Florida Statutes, are
2391 repealed.

2392 Section 29. Paragraph (f) of subsection (3) of section
2393 373.1961, Florida Statutes, is amended to read:

2394 373.1961 Water production; general powers and duties;
2395 identification of needs; funding criteria; economic incentives;
2396 reuse funding.—

2397 (3) FUNDING.—

2398 (f) The governing boards shall determine those projects
2399 that will be selected for financial assistance. The governing
2400 boards may establish factors to determine project funding;
2401 however, significant weight shall be given to the following
2402 factors:

2403 1. Whether the project provides substantial environmental
2404 benefits by preventing or limiting adverse water resource
2405 impacts.

2406 2. Whether the project reduces competition for water
2407 supplies.

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2408 3. Whether the project brings about replacement of
2409 traditional sources in order to help implement a minimum flow or
2410 level or a reservation.

2411 4. Whether the project will be implemented by a consumptive
2412 use permittee that has achieved the targets contained in a goal-
2413 based water conservation program approved pursuant to s.
2414 373.227.

2415 5. The quantity of water supplied by the project as
2416 compared to its cost.

2417 6. Projects in which the construction and delivery to end
2418 users of reuse water is a major component.

2419 7. Whether the project will be implemented by a
2420 multijurisdictional water supply entity or regional water supply
2421 authority.

2422 8. Whether the project implements reuse that assists in the
2423 elimination of domestic wastewater ocean outfalls as provided in
2424 s. 403.086(9).

2425 9. Whether the county or municipality, or the multiple
2426 counties or municipalities, in which the project is located has
2427 implemented a high-water recharge tax protection program as
2428 provided in s. 193.625.

2429 Section 30. Subsection (1) of section 373.019, Florida
2430 Statutes, is amended to read:

2431 373.019 Definitions.—When appearing in this chapter or in
2432 any rule, regulation, or order adopted pursuant thereto, the
2433 term:

2434 (1) "Alternative water supplies" means salt water; brackish
2435 surface and groundwater; surface water captured predominately
2436 during wet-weather flows; sources made available through the

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2437 addition of new storage capacity for surface or groundwater,
2438 water that has been reclaimed after one or more public supply,
2439 municipal, industrial, commercial, or agricultural uses; the
2440 downstream augmentation of water bodies with reclaimed water;
2441 stormwater; quantifiable water savings from water conservation
2442 projects; and any other water supply source that is designated
2443 as nontraditional for a water supply planning region in the
2444 applicable regional water supply plan.

2445 Section 31. Paragraph (a) of subsection (19) of section
2446 373.414, Florida Statutes, is amended to read:

2447 373.414 Additional criteria for activities in surface
2448 waters and wetlands.—

2449 (19) (a) Financial responsibility for mitigation for
2450 wetlands and other surface waters required by a permit issued
2451 pursuant to this part for activities associated with the
2452 extraction of limestone and phosphate are subject to approval by
2453 the department as part of the permit application review.
2454 Financial responsibility for permitted activities that ~~which~~
2455 will occur over a period of 3 years or less of mining operations
2456 must be provided to the department before ~~prior to~~ the
2457 commencement of mining operations and must ~~shall be in an amount~~
2458 equal ~~to~~ 110 percent of the estimated mitigation costs for
2459 wetlands and other surface waters affected under the permit. For
2460 permitted activities that ~~which~~ will occur over a period of more
2461 than 3 years of mining operations, the initial financial
2462 responsibility demonstration must ~~shall be in an amount~~ equal ~~to~~
2463 110 percent of the estimated mitigation costs for wetlands and
2464 other surface waters affected in the first 3 years of operation
2465 under the permit. ~~and,~~ For each year thereafter, the financial

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2466 responsibility demonstration must ~~shall~~ be updated, including
2467 providing to provide an amount equal to 110 percent of the
2468 estimated mitigation costs for the next year of operations under
2469 the permit for which financial responsibility has not already
2470 been demonstrated and to release portions of the financial
2471 responsibility mechanisms in accordance with applicable rules.

2472 Section 32. Subsection (2) of section 378.901, Florida
2473 Statutes, is amended to read:

2474 378.901 Life-of-the-mine permit.-

2475 (2) As an alternative to, and in lieu of, separate
2476 applications for permits required under ~~by~~ part IV of chapter
2477 373 and part IV of this chapter, any each operator who mines or
2478 extracts or proposes to mine or extract heavy minerals,
2479 limestone, or fuller's earth clay may apply to the bureau for a
2480 life-of-the-mine permit. This subsection does not limit the
2481 authority of a local government to approve, approve with
2482 conditions, deny, or impose a permit duration that is different
2483 from the duration issued pursuant to this section.

2484 Section 33. Section 373.4131, Florida Statutes, is created
2485 to read:

2486 373.4131 Stormwater quality treatment requirements.-

2487 (1) The Legislature finds that nutrients in stormwater
2488 contribute to nutrient impairment of the state's waters. The
2489 Legislature further finds and declares that a uniform statewide
2490 rule that is consistent with the state's strategy to reduce the
2491 adverse effects of nutrients on water quality as outlined in
2492 chapter 403 will provide a scientifically and technically sound
2493 method to assist permit holders in their efforts to meet state
2494 water quality standards.

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- 2495 (2) As used in this section, the term:
- 2496 (a) "Nutrient" means total nitrogen and total phosphorus.
- 2497 (b) "Public roads" means paved roadways within incorporated
- 2498 city limits, with urban curb and gutter sections, maintained by
- 2499 a governmental entity and used by the general public for motor
- 2500 vehicle traffic.
- 2501 (c) "Redevelopment" means construction of a surface water
- 2502 management system on sites with existing commercial, industrial,
- 2503 institutional, or multifamily land uses where the existing
- 2504 impervious surface will be removed as part of the proposed
- 2505 activity.
- 2506 (d) "Stormwater quality treatment requirements" means the
- 2507 minimum level of stormwater treatment and design criteria for
- 2508 the construction, operation, and maintenance of stormwater
- 2509 management systems.
- 2510 (3) The department, in coordination with the water
- 2511 management districts, shall develop a uniform statewide
- 2512 stormwater quality treatment rule for stormwater management
- 2513 systems. The rule must provide for geographic differences in
- 2514 physical and natural characteristics, such as rainfall patterns,
- 2515 topography, soil type, and vegetation. The department shall
- 2516 adopt the rule no sooner than July 1, 2011. The water management
- 2517 districts and any delegated local program under this part shall
- 2518 implement the rule without having to adopt it pursuant to s.
- 2519 120.54. However, the department, water management districts, and
- 2520 local governments may adopt, amend, or retain rules designed to
- 2521 implement a basin management action plan for a total maximum
- 2522 daily load and rules established pursuant to s. 373.4592, s.
- 2523 373.4595, s. 373.461, or s. 403.067.

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2524 (a) Except as otherwise provided in this section,
2525 variations from the rule adopted pursuant to this section are
2526 prohibited under this part.

2527 (b) Existing stormwater quality treatment rules that are
2528 superseded by the rule adopted pursuant to this section may be
2529 repealed without further rulemaking pursuant to s. 120.54 by
2530 publication of a notice of repeal in the Florida Administrative
2531 Weekly and subsequent filing of a list of the rules repealed
2532 with the Department of State.

2533 (c) Until the rule adopted pursuant to this section becomes
2534 effective, existing stormwater quality treatment rules adopted
2535 pursuant to this part are deemed authorized under this part and
2536 remain in full force and effect.

2537 (4) The rule adopted pursuant to this section shall
2538 establish the stormwater quality treatment requirements
2539 necessary to meet the applicable state water quality standards,
2540 including nutrient standards. Compliance with the stormwater
2541 quality treatment requirements creates a presumption that
2542 stormwater discharged from the system will meet the applicable
2543 state water quality standards, whether expressed in narrative or
2544 numeric form, in the receiving waters.

2545 (5) Notwithstanding subsection (4), the rule adopted
2546 pursuant to this section may establish alternative stormwater
2547 quality treatment requirements for the redevelopment of sites,
2548 the widening of public roads, and the development of sites with
2549 legacy pollutants from past activities. Such requirements must
2550 be based upon a feasibility assessment of stormwater best-
2551 management practices that considers factors such as site size,
2552 availability of offsite regional stormwater treatment systems,

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2553 and physical site characteristics. In addition, the rule adopted
2554 pursuant to this section shall establish alternative stormwater
2555 quality treatment requirements for the retrofitting of existing
2556 stormwater management systems where such retrofitting results in
2557 a net reduction in the discharge of nutrients and other
2558 pollutants to the receiving waters.

2559 (6) After the adoption of the rule pursuant to this
2560 section, the following shall continue to be governed by the
2561 stormwater quality treatment rules adopted by the department,
2562 the water management districts, and any delegated local program
2563 under this part in effect before the effective date of the rule
2564 adopted pursuant to this section, unless the applicant elects to
2565 have an application reviewed in accordance with the rule adopted
2566 pursuant to this section:

2567 (a) The operation and maintenance of stormwater management
2568 systems legally in existence before the effective date of the
2569 rule adopted pursuant to this section if the terms and
2570 conditions of the permit, exemption, or other authorization for
2571 such systems continue to be met;

2572 (b) The activities approved in a permit issued pursuant to
2573 this part and the review of activities proposed in applications
2574 received and completed before the effective date of the rule
2575 adopted pursuant to this section. This paragraph also applies to
2576 any modification of the plans, terms, and conditions of the
2577 permit, including new activities, within the geographical area
2578 to which the permit applies. However, this paragraph does not
2579 apply to a modification that would extend the permitted time
2580 limit for construction beyond 4 additional years or to any
2581 modification that is reasonably expected to lead to additional

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2582 or substantially different stormwater quality impacts. This
2583 paragraph also applies to any modification that lessens or does
2584 not increase stormwater quality impacts; or

2585 (c) Department of Transportation projects that have
2586 completed the project development and environment phase, the
2587 design phase, or for which bids have been advertised.

2588 (7) This section does not apply to stormwater management
2589 systems serving agriculture.

2590 Section 34. Subsections (2), (5), and (9) of section
2591 373.41492, Florida Statutes, are amended to read:

2592 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
2593 mitigation for mining activities within the Miami-Dade County
2594 Lake Belt.—

2595 (2) To provide for the mitigation of wetland resources lost
2596 to mining activities within the Miami-Dade County Lake Belt
2597 Plan, effective October 1, 1999, a mitigation fee is imposed on
2598 each ton of limerock and sand extracted by any person who
2599 engages in the business of extracting limerock or sand from
2600 within the Miami-Dade County Lake Belt Area and the east one-
2601 half of sections 24 and 25 and all of sections 35 and 36,
2602 Township 53 South, Range 39 East. The mitigation fee is imposed
2603 for each ton of limerock and sand sold from within the
2604 properties where the fee applies in raw, processed, or
2605 manufactured form, including, but not limited to, sized
2606 aggregate, asphalt, cement, concrete, and other limerock and
2607 concrete products. The mitigation fee imposed by this subsection
2608 for each ton of limerock and sand sold shall be 12 cents per ton
2609 beginning January 1, 2007; 18 cents per ton beginning January 1,
2610 2008; ~~and~~ 24 cents per ton beginning January 1, 2009, and 45

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2611 cents per ton beginning January 1, 2011. To upgrade a water
2612 treatment plant that treats water coming from the Northwest
2613 Wellfield in Miami-Dade County, a water treatment plant upgrade
2614 fee is imposed within the same Lake Belt Area subject to the
2615 mitigation fee and upon the same kind of mined limerock and sand
2616 subject to the mitigation fee. The water treatment plant upgrade
2617 fee imposed by this subsection for each ton of limerock and sand
2618 sold shall be 15 cents per ton beginning on January 1, 2007, and
2619 the collection of this fee shall cease once the total amount of
2620 proceeds collected for this fee reaches the amount of the actual
2621 moneys necessary to design and construct the water treatment
2622 plant upgrade, as determined in an open, public solicitation
2623 process. Any limerock or sand that is used within the mine from
2624 which the limerock or sand is extracted is exempt from the fees.
2625 The amount of the mitigation fee and the water treatment plant
2626 upgrade fee imposed under this section must be stated separately
2627 on the invoice provided to the purchaser of the limerock or sand
2628 product from the limerock or sand miner, or its subsidiary or
2629 affiliate, for which the fee or fees apply. The limerock or sand
2630 miner, or its subsidiary or affiliate, who sells the limerock or
2631 sand product shall collect the mitigation fee and the water
2632 treatment plant upgrade fee and forward the proceeds of the fees
2633 to the Department of Revenue on or before the 20th day of the
2634 month following the calendar month in which the sale occurs.

2635 (5) Each January 1, beginning January 1, 2010, through
2636 December 31, 2011, ~~Beginning January 1, 2010, and each January 1~~
2637 ~~thereafter,~~ the per-ton mitigation fee shall be increased by 2.1
2638 percentage points, plus a cost growth index. The cost growth
2639 index shall be the percentage change in the weighted average of

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2640 the Employment Cost Index for All Civilian Workers (ecu 10001I),
2641 issued by the United States Department of Labor for the most
2642 recent 12-month period ending on September 30, and the
2643 percentage change in the Producer Price Index for All
2644 Commodities (WPU 00000000), issued by the United States
2645 Department of Labor for the most recent 12-month period ending
2646 on September 30, compared to the weighted average of these
2647 indices for the previous year. The weighted average shall be
2648 calculated as 0.6 times the percentage change in the Employment
2649 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times
2650 the percentage change in the Producer Price Index for All
2651 Commodities (WPU 00000000). If either index is discontinued, it
2652 shall be replaced by its successor index, as identified by the
2653 United States Department of Labor.

2654 (9) (a) The interagency committee established in this
2655 section shall annually prepare and submit to the governing board
2656 of the South Florida Water Management District a report
2657 evaluating the mitigation costs and revenues generated by the
2658 mitigation fee.

2659 (b) No sooner than January 31, 2010, and no more frequently
2660 than every 5 years thereafter, the interagency committee shall
2661 submit to the Legislature a report recommending any needed
2662 adjustments to the mitigation fee, including the annual
2663 escalator provided for in subsection (5), to ensure that the
2664 revenue generated reflects the actual costs of the mitigation.

2665 Section 35. Subsection (7) of section 403.031, Florida
2666 Statutes, is amended, and subsections (22) and (23) are added to
2667 that section, to read:

2668 403.031 Definitions.—In construing this chapter, or rules

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2669 and regulations adopted pursuant hereto, the following words,
2670 phrases, or terms, unless the context otherwise indicates, have
2671 the following meanings:

2672 (7) "Pollution" is the presence in the outdoor atmosphere
2673 or waters of the state of any substances, contaminants, noise,
2674 or manmade or human-induced impairment of air or waters or
2675 alteration of the chemical, physical, biological, or
2676 radiological integrity of air or water in quantities or at
2677 levels which are or may be potentially harmful or injurious to
2678 human health or welfare, animal or plant life, or property or
2679 which unreasonably interfere with the enjoyment of life or
2680 property, including outdoor recreation unless authorized by
2681 applicable law. Nutrients become pollution in a water body at a
2682 level determined by the department to cause in an imbalance of
2683 naturally occurring aquatic flora or fauna in that water body.

2684 (22) "First magnitude spring" means a spring that has a
2685 median discharge of greater than or equal to 100 cubic feet per
2686 second for the period of record, as determined by the
2687 department.

2688 (23) "Second magnitude spring" means a spring that has a
2689 median discharge of 10 to 100 cubic feet per second for the
2690 period of record, as determined by the department.

2691 Section 36. Subsection (11) of section 403.061, Florida
2692 Statutes, is amended to read:

2693 403.061 Department; powers and duties.—The department shall
2694 have the power and the duty to control and prohibit pollution of
2695 air and water in accordance with the law and rules adopted and
2696 promulgated by it and, for this purpose, to:

2697 (11) Establish ambient air quality and water quality

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2698 standards for the state as a whole or for any part thereof, and
2699 also standards for the abatement of excessive and unnecessary
2700 noise. The department is authorized to establish reasonable
2701 zones of mixing for discharges into waters. Water quality
2702 criteria for nutrients shall limit loadings or concentrations to
2703 those that will not cause an imbalance of naturally occurring
2704 populations of aquatic flora or fauna.

2705 (a) When a receiving body of water fails to meet a water
2706 quality standard for pollutants set forth in department rules, a
2707 steam electric generating plant discharge of pollutants that is
2708 existing or licensed under this chapter on July 1, 1984, may
2709 nevertheless be granted a mixing zone, provided that:

2710 1. The standard would not be met in the water body in the
2711 absence of the discharge;

2712 2. The discharge is in compliance with all applicable
2713 technology-based effluent limitations;

2714 3. The discharge does not cause a measurable increase in
2715 the degree of noncompliance with the standard at the boundary of
2716 the mixing zone; and

2717 4. The discharge otherwise complies with the mixing zone
2718 provisions specified in department rules.

2719 (b) No mixing zone for point source discharges shall be
2720 permitted in Outstanding Florida Waters except for:

2721 1. Sources that have received permits from the department
2722 prior to April 1, 1982, or the date of designation, whichever is
2723 later;

2724 2. Blowdown from new power plants certified pursuant to the
2725 Florida Electrical Power Plant Siting Act;

2726 3. Discharges of water necessary for water management

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2727 purposes which have been approved by the governing board of a
2728 water management district and, if required by law, by the
2729 secretary; and

2730 4. The discharge of demineralization concentrate which has
2731 been determined permittable under s. 403.0882 and which meets
2732 the specific provisions of s. 403.0882(4)(a) and (b), if the
2733 proposed discharge is clearly in the public interest.

2734 (c) The department, by rule, shall establish water quality
2735 criteria for wetlands which criteria give appropriate
2736 recognition to the water quality of such wetlands in their
2737 natural state.

2738
2739 Nothing in this act shall be construed to invalidate any
2740 existing department rule relating to mixing zones. The
2741 department shall cooperate with the Department of Highway Safety
2742 and Motor Vehicles in the development of regulations required by
2743 s. 316.272(1).

2744
2745 The department shall implement such programs in conjunction with
2746 its other powers and duties and shall place special emphasis on
2747 reducing and eliminating contamination that presents a threat to
2748 humans, animals or plants, or to the environment.

2749 Section 37. Section 403.0675, Florida Statutes, is created
2750 to read:

2751 403.0675 Establishment and implementation of numeric
2752 nutrient standards.—

2753 (1) The Legislature finds the following: nutrients are
2754 essential for the biological health and productivity of Florida
2755 waters; a delicate relationship exists between the concentration

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2756 and loading of nutrients in a water body which reflects its
2757 health and productivity; the improper combination of nutrients
2758 with site-specific factors may cause adverse effects on water
2759 quality; when establishing numeric nutrient standards, the
2760 failure to take into account site-specific factors and ensure
2761 scientific validity may result in standards that lack adequate
2762 scientific support and cause unintended environmental and
2763 economic consequences; the total maximum daily load program is
2764 the best mechanism for establishing numeric nutrient standards
2765 for nutrient impaired water bodies and restoring nutrient
2766 impaired water bodies; and consistent with the Congressional
2767 intent expressed in the Clean Water Act, any numeric nutrient
2768 standards established pursuant to s. 303(c) of the Clean Water
2769 Act should work in concert with the total maximum daily load
2770 program and other water quality programs.

2771 (2) As provided in this section, by August 16, 2010, the
2772 Department of Environmental Protection shall submit to the
2773 United States Environmental Protection Agency the following
2774 numeric nutrient standards in fulfillment of the Environmental
2775 Protection Agency's mandate to adopt numeric nutrient criteria
2776 under s. 303(c)(4)(B) of the Clean Water Act:

2777 (a) All site-specific numeric nutrient criteria established
2778 pursuant to subsection (5).

2779 (b) The site-specific numeric nutrient criteria
2780 methodology, planning list, and schedule developed in accordance
2781 with subsection (3).

2782 (c) The schedule for developing site-specific numeric
2783 nutrient criteria in accordance with paragraph (4) of this
2784 section.

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2785
2786 The submission of these standards to the Environmental
2787 Protection Agency shall be a ministerial act that is not subject
2788 to challenge under section 120.

2789 (3) The department shall use the following methodology for
2790 developing site-specific numeric nutrient criteria for Florida
2791 streams:

2792 (a) Categorize all streams into the basins established
2793 pursuant to s. 403.067.

2794 (b) Prioritize all streams for establishing numeric
2795 nutrient criteria with highest priority given to nutrient-
2796 impaired waters, followed by unimpaired nutrient-sensitive
2797 waters, and waters that flow into nutrient-sensitive waters. The
2798 department may also consider the nutrient concentrations of the
2799 waters and level of potential anthropogenic influence on the
2800 waters.

2801 (c) Develop a planning list and schedule for adopting site-
2802 specific numeric nutrient criteria in accordance with paragraphs
2803 (3) (a) and (b).

2804 (d) Adopt by rule site-specific numeric nutrient criteria
2805 for identified water bodies at the nutrient levels at which the
2806 water bodies will exhibit imbalances of naturally occurring
2807 populations of flora and fauna.

2808 (e) Nutrient criteria may be expressed in terms of
2809 concentration, mass loading, load allocation, or surrogate
2810 standards, such as chlorophyll-a, and may be supplemented by
2811 narrative statements.

2812 (f) For any waters identified as impaired pursuant to the
2813 department's impaired waters rule, any nutrient total maximum

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2814 daily loads established in accordance with s. 403.067 shall be
2815 submitted to the Environmental Protection Agency in accordance
2816 with ss. 303(c) and 303(d) of the Clean Water Act, subject to
2817 the conditions of s. 403.067 and paragraph (d).

2818 (4) The department shall use the following methodology for
2819 developing site-specific numeric nutrient criteria for Florida
2820 lakes and springs:

2821 (a) The department shall propose for adoption by rule site-
2822 specific numeric nutrient criteria for all first and second
2823 magnitude Florida springs by January 31, 2011.

2824 (b) The department shall propose for adoption by rule site-
2825 specific numeric nutrient criteria for Florida lakes by July 31,
2826 2011.

2827 (c) Criteria developed in accordance with this paragraph
2828 shall be subject to paragraphs (3)(d)-(f) and paragraph (5)(a).

2829 (5) The following nutrient standards shall constitute site-
2830 specific numeric nutrient water quality criteria:

2831 (a) All nutrient total maximum daily loads and associated
2832 numeric interpretations of the narrative nutrient criterion,
2833 whether total nitrogen, total phosphorus, or a surrogate
2834 nutrient standard, such as chlorophyll-a, biological demand, or
2835 specific biological metric, developed by the department and
2836 approved by the Environmental Protection Agency as of March 1,
2837 2010, subject to the requirements of s. 403.067.

2838 (b) The total nitrogen load allocations for Tampa Bay and
2839 its bay segments, as defined in the Reasonable Assurance
2840 demonstration submitted by the Nitrogen Management Consortium of
2841 Tampa Bay, as approved by the department.

2842 (c) The establishment of these standards shall not affect a

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2843 person's right to challenge the standards as an existing rule
2844 pursuant to s. 120.56.

2845 (6) The site-specific numeric nutrient criteria established
2846 in subsection (5), the methodology for developing site-specific
2847 numeric nutrient criteria for Florida streams as delineated in
2848 subsection (3), the planning list and schedule developed in
2849 accordance with paragraph (3)(c), and the schedule for
2850 developing site-specific numeric nutrient criteria for Florida
2851 springs and lakes in subsection (4) prepared by the department
2852 under this subsection shall be made available for public comment
2853 prior to the department's submission of these standards to the
2854 Environmental Protection Agency, but shall not be subject to
2855 challenge under chapter 120.

2856 (7) If the Environmental Protection Agency disapproves,
2857 approves in part, or conditions its approval of the site-
2858 specific numeric nutrient criteria established in subsection
2859 (5), the methodology for developing site-specific numeric
2860 nutrient criteria for Florida streams as delineated in paragraph
2861 (3), the planning list developed in accordance with paragraph
2862 (3)(c), or the schedule for developing site-specific numeric
2863 nutrient criteria for Florida springs and lakes in subsection
2864 (4) as satisfying s. 303(c)(4)(B) of the Clean Water Act, those
2865 numeric nutrient standards shall not be effective until ratified
2866 by the Legislature.

2867 (8) Prior to adopting additional or more stringent water
2868 quality standards or criteria applicable to manmade lakes,
2869 canals or ditches, or streams converted to canals before 1975,
2870 the Environmental Regulation Commission shall determine the
2871 aquatic life support and habitat limitations of these waters and

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2872 adopt appropriate classifications or sub-classifications for
2873 them, together with appropriate designated uses based upon their
2874 physical and hydrologic characteristics. Any new standards or
2875 criteria for these waters so classified shall be based upon a
2876 determination that the standards or criteria are necessary for
2877 the control of pollution and needed to protect against adverse
2878 effects of pollution on aquatic life reasonably anticipated in
2879 these manmade or modified waters. In order to facilitate the
2880 adoption of site-specific numeric nutrient criteria for these
2881 waters, the department shall propose for adoption by rule a new
2882 designated use classification or classifications for these
2883 waters by October 31, 2010.

2884 (9) The department shall, when conducting its next
2885 triennial review of water quality criteria after the effective
2886 date of this Act, review the numeric nutrient criteria
2887 established pursuant to paragraph (5) (a) to verify compliance
2888 with paragraph (3) (d).

2889 Section 38. Subsection (1) of section 215.619, Florida
2890 Statutes, is amended to read:

2891 215.619 Bonds for Everglades restoration.—

2892 (1) The issuance of Everglades restoration bonds to finance
2893 or refinance the cost of the acquisition and improvement of
2894 land, water areas, and related property interests and resources
2895 for the purpose of implementing the Comprehensive Everglades
2896 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
2897 Protection Plan under s. 373.4595, the Caloosahatchee River
2898 Watershed Protection Plan under s. 373.4595, the St. Lucie River
2899 Watershed Protection Plan under s. 373.4595, and the Florida
2900 Keys Area of Critical State Concern protection program under ss.

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2901 380.05 and 380.0552 in order to restore and conserve natural
2902 systems through the implementation of water management projects,
2903 including wastewater management projects identified in the "Keys
2904 Wastewater Plan," dated November 2007, and submitted to the
2905 Florida House of Representatives on December 4, 2007, is
2906 authorized in accordance with s. 11(e), Art. VII of the State
2907 Constitution.

2908 (a) Everglades restoration bonds, except refunding bonds,
2909 may be issued only in fiscal years 2002-2003 through 2019-2020
2910 and may not be issued in an amount exceeding \$100 million per
2911 fiscal year unless:

2912 1.(a) The Department of Environmental Protection has
2913 requested additional amounts in order to achieve cost savings or
2914 accelerate the purchase of land; or

2915 2.(b) The Legislature authorizes an additional amount of
2916 bonds not to exceed \$200 and limited to \$50 million per fiscal
2917 year, for no more than 4 fiscal years, specifically for the
2918 purpose of funding the Florida Keys Area of Critical State
2919 Concern protection program. Proceeds from the bonds shall be
2920 managed by the Department of Environmental Protection for the
2921 purpose of entering into financial assistance agreements with
2922 local governments located in the Florida Keys Area of Critical
2923 State Concern to finance or refinance the cost of constructing
2924 sewage collection, treatment, and disposal facilities.

2925 (b) The duration of Everglades restoration bonds may not
2926 exceed 20 annual maturities, and ~~those bonds~~ must mature by
2927 December 31, 2040. Except for refunding bonds, a series of bonds
2928 may not be issued unless an amount equal to the debt service
2929 coming due in the year of issuance has been appropriated by the

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2930 Legislature. Beginning July 1, 2010, the Legislature shall
2931 analyze the ratio of the state's debt to projected revenues
2932 before authorizing the issuance of ~~prior to the authorization to~~
2933 ~~issue any~~ bonds under this section.

2934 Section 39. Subsections (2), (4), (7), and (9) of section
2935 380.0552, Florida Statutes, are amended to read:

2936 380.0552 Florida Keys Area; protection and designation as
2937 area of critical state concern.—

2938 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that~~ the
2939 intent of the Legislature to is:

2940 (a) ~~To~~ Establish a land use management system that protects
2941 the natural environment of the Florida Keys.

2942 (b) ~~To~~ Establish a land use management system that
2943 conserves and promotes the community character of the Florida
2944 Keys.

2945 (c) ~~To~~ Establish a land use management system that promotes
2946 orderly and balanced growth in accordance with the capacity of
2947 available and planned public facilities and services.

2948 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to
2949 places of employment in the Florida Keys.

2950 (e) ~~To~~ Establish a land use management system that promotes
2951 and supports a diverse and sound economic base.

2952 (f) ~~To~~ Protect the constitutional rights of property owners
2953 to own, use, and dispose of their real property.

2954 (g) ~~To~~ Promote coordination and efficiency among
2955 governmental agencies that have ~~with~~ permitting jurisdiction
2956 over land use activities in the Florida Keys.

2957 (h) Promote an appropriate land acquisition and protection
2958 strategy for environmentally sensitive lands within the Florida

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2959 Keys.

2960 (i) Protect and improve the nearshore water quality of the
2961 Florida Keys through the construction and operation of
2962 wastewater management facilities that meet the requirements of
2963 ss. 381.0065(4)(1) and 403.086(10), as applicable.

2964 (j) Ensure that the population of the Florida Keys can be
2965 safely evacuated.

2966 (4) REMOVAL OF DESIGNATION.—

2967 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~
2968 ~~land planning agency shall submit a written report to the~~
2969 ~~Administration Commission describing in detail the progress of~~
2970 ~~the Florida Keys Area toward accomplishing the tasks of the work~~
2971 ~~program as defined in paragraph (c) and providing a~~
2972 ~~recommendation as to whether substantial progress toward~~
2973 ~~accomplishing the tasks of the work program has been achieved.~~
2974 ~~Subsequent to receipt of the report, the Administration~~
2975 ~~Commission shall determine, prior to October 1, 2008, whether~~
2976 ~~substantial progress has been achieved toward accomplishing the~~
2977 ~~tasks of the work program. The designation of the Florida Keys~~
2978 ~~Area as an area of critical state concern under this section may~~
2979 ~~be recommended for removal upon fulfilling the legislative~~
2980 ~~intent under subsection (2) and completion of all the work~~
2981 ~~program tasks specified in rules of the Administration~~
2982 ~~Commission shall be removed October 1, 2009, unless the~~
2983 ~~Administration Commission finds, after receipt of the state land~~
2984 ~~planning agency report, that substantial progress has not been~~
2985 ~~achieved toward accomplishing the tasks of the work program. If~~
2986 ~~the designation of the Florida Keys Area as an area of critical~~
2987 ~~state concern is removed, the Administration Commission, within~~

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2988 ~~60 days after removal of the designation, shall initiate~~
2989 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~
2990 ~~to the designation of the Florida Keys Area as an area of~~
2991 ~~critical state concern. If, after receipt of the state land~~
2992 ~~planning agency's report, the Administration Commission finds~~
2993 ~~that substantial progress toward accomplishing the tasks of the~~
2994 ~~work program has not been achieved, the Administration~~
2995 ~~Commission shall provide a written report to the Monroe County~~
2996 ~~Commission within 30 days after making such finding detailing~~
2997 ~~the tasks under the work program that must be accomplished in~~
2998 ~~order for substantial progress to be achieved within the next 12~~
2999 ~~months.~~

3000 (b) Beginning November 30, 2010, the state land planning
3001 agency shall annually submit a written report to the
3002 Administration Commission describing the progress of the Florida
3003 Keys Area toward completing the work program tasks specified in
3004 commission rules. The land planning agency shall recommend
3005 removing the Florida Keys Area from being designated as an area
3006 of critical state concern to the commission if it determines
3007 that:

3008 1. All of the work program tasks have been completed,
3009 including construction of, operation of, and connection to
3010 central wastewater management facilities pursuant to s.
3011 403.086(10) and upgrade of onsite sewage treatment and disposal
3012 systems pursuant to s. 381.0065(4)(1);

3013 2. All local comprehensive plans and land development
3014 regulations and the administration of such plans and regulations
3015 are adequate to protect the Florida Keys Area, fulfill the
3016 legislative intent specified in subsection (2), and are

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3017 consistent with and further the principles guiding development;
3018 and

3019 3. A local government has adopted a resolution at a public
3020 hearing recommending the removal of the designation.

3021 ~~(b) If the designation of the Florida Keys Area as an area~~
3022 ~~of critical state concern is not removed in accordance with~~
3023 ~~paragraph (a), the state land planning agency shall submit a~~
3024 ~~written annual report to the Administration Commission on~~
3025 ~~November 1 of each year, until such time as the designation is~~
3026 ~~removed, describing the progress of the Florida Keys Area toward~~
3027 ~~accomplishing remaining tasks under the work program and~~
3028 ~~providing a recommendation as to whether substantial progress~~
3029 ~~toward accomplishing the tasks of the work program has been~~
3030 ~~achieved. The Administration Commission shall determine, within~~
3031 ~~45 days after receipt of the annual report, whether substantial~~
3032 ~~progress has been achieved toward accomplishing the remaining~~
3033 ~~tasks of the work program. The designation of the Florida Keys~~
3034 ~~Area as an area of critical state concern under this section~~
3035 ~~shall be removed unless the Administration Commission finds that~~
3036 ~~substantial progress has not been achieved toward accomplishing~~
3037 ~~the tasks of the work program. If the designation of the Florida~~
3038 ~~Keys Area as an area of critical state concern is removed, the~~
3039 ~~Administration Commission, within 60 days after removal of the~~
3040 ~~designation, shall initiate rulemaking pursuant to chapter 120~~
3041 ~~to repeal any rules relating to the designation of the Florida~~
3042 ~~Keys Area as an area of critical state concern. If the~~
3043 ~~Administration Commission finds that substantial progress has~~
3044 ~~not been achieved, the Administration Commission shall provide~~
3045 ~~to the Monroe County Commission, within 30 days after making its~~

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3046 ~~finding, a report detailing the tasks under the work program~~
3047 ~~that must be accomplished in order for substantial progress to~~
3048 ~~be achieved within the next 12 months.~~

3049 (c) After receipt of the state land planning agency report
3050 and recommendation, the Administration Commission shall
3051 determine whether the requirements have been fulfilled and may
3052 remove the designation of the Florida Keys as an area of
3053 critical state concern. If the commission removes the
3054 designation, it shall initiate rulemaking to repeal any rules
3055 relating such designation within 60 days. If, after receipt of
3056 the state land planning agency's report and recommendation, the
3057 commission finds that the requirements for recommending removal
3058 of designation have not been met, the commission shall provide a
3059 written report to the local governments within 30 days after
3060 making such a finding detailing the tasks that must be completed
3061 by the local government.

3062 ~~(c) For purposes of this subsection, the term "work~~
3063 ~~program" means the 10-year work program as set forth in rule 28-~~
3064 ~~20.110, Florida Administrative Code, on January 1, 2006,~~
3065 ~~excluding amendments to the work program that take effect after~~
3066 ~~January 1, 2006.~~

3067 ~~(d) The determination of the Administration Commission's~~
3068 ~~determination concerning the removal of the designation of the~~
3069 ~~Florida Keys as an area of critical state concern Commission as~~
3070 ~~to whether substantial progress has been made toward~~
3071 ~~accomplishing the tasks of the work program may be judicially~~
3072 ~~reviewed pursuant to chapter 120 ~~86~~. All proceedings shall be~~
3073 ~~conducted by the Division of Administrative Hearings and must be~~
3074 ~~initiated within 30 days after the commission issues its~~

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3075 ~~determination in the circuit court of the judicial circuit where~~
3076 ~~the Administration Commission maintains its headquarters and~~
3077 ~~shall be initiated within 30 days after rendition of the~~
3078 ~~Administration Commission's determination. The Administration~~
3079 ~~Commission's determination as to whether substantial progress~~
3080 ~~has been made toward accomplishing the tasks of the work program~~
3081 ~~shall be upheld if it is supported by competent and substantial~~
3082 ~~evidence and shall not be subject to administrative review under~~
3083 ~~chapter 120.~~

3084 (e) After removal of the designation of the Florida Keys as
3085 an area of critical state concern, the state land planning
3086 agency shall review proposed local comprehensive plans, and any
3087 amendments to existing comprehensive plans, which are applicable
3088 to the Florida Keys Area, the boundaries of which were described
3089 in chapter 28-29, Florida Administrative Code, as of January 1,
3090 2006, for compliance ~~with subparagraphs 1. and 2., in addition~~
3091 ~~to reviewing proposed local comprehensive plans and amendments~~
3092 ~~for compliance as defined in s. 163.3184. All procedures and~~
3093 ~~penalties described in s. 163.3184 apply to the review conducted~~
3094 ~~pursuant to this paragraph.~~

3095 ~~1. Adoption of construction schedules for wastewater~~
3096 ~~facilities improvements in the annually adopted capital~~
3097 ~~improvements element and adoption of standards for the~~
3098 ~~construction of wastewater treatment facilities which meet or~~
3099 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

3100 ~~2. Adoption of goals, objectives, and policies to protect~~
3101 ~~public safety and welfare in the event of a natural disaster by~~
3102 ~~maintaining a hurricane evacuation clearance time for permanent~~
3103 ~~residents of no more than 24 hours. The hurricane evacuation~~

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3104 ~~clearance time shall be determined by a hurricane evacuation~~
3105 ~~study conducted in accordance with a professionally accepted~~
3106 ~~methodology and approved by the state land planning agency.~~

3107 (f) The Administration Commission may adopt rules or revise
3108 existing rules as necessary to administer this subsection.

3109 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
3110 and local agencies and units of government in the Florida Keys
3111 Area shall coordinate their plans and conduct their programs and
3112 regulatory activities consistent with the principles for guiding
3113 development as specified ~~set forth~~ in chapter 27F-8, Florida
3114 Administrative Code, as amended effective August 23, 1984, which
3115 ~~chapter~~ is hereby adopted and incorporated herein by reference.
3116 For the purposes of reviewing the consistency of the adopted
3117 plan, or any amendments to that plan, with the principles for
3118 guiding development, and any amendments to the principles, the
3119 principles shall be construed as a whole and ~~no~~ specific
3120 provisions may not ~~provision shall~~ be construed or applied in
3121 isolation from the other provisions. However, the principles for
3122 guiding development ~~as set forth in chapter 27F-8, Florida~~
3123 ~~Administrative Code, as amended effective August 23, 1984,~~ are
3124 repealed 18 months from July 1, 1986. After repeal, ~~the~~
3125 ~~following shall be the principles with which~~ any plan amendments
3126 must be consistent with the following principles:

3127 (a) Strengthening ~~To strengthen~~ local government
3128 capabilities for managing land use and development so that local
3129 government is able to achieve these objectives without
3130 continuing the continuation of the area of critical state
3131 concern designation.

3132 (b) Protecting ~~To protect~~ shoreline and marine resources,

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3133 including mangroves, coral reef formations, seagrass beds,
3134 wetlands, fish and wildlife, and their habitat.

3135 (c) Protecting ~~To protect~~ upland resources, tropical
3136 biological communities, freshwater wetlands, native tropical
3137 vegetation (for example, hardwood hammocks and pinelands), dune
3138 ridges and beaches, wildlife, and their habitat.

3139 (d) Ensuring ~~To ensure~~ the maximum well-being of the
3140 Florida Keys and its citizens through sound economic
3141 development.

3142 (e) Limiting ~~To limit~~ the adverse impacts of development on
3143 the quality of water throughout the Florida Keys.

3144 (f) Enhancing ~~To enhance~~ natural scenic resources,
3145 promoting ~~promote~~ the aesthetic benefits of the natural
3146 environment, and ensuring ~~ensure~~ that development is compatible
3147 with the unique historic character of the Florida Keys.

3148 (g) Protecting ~~To protect~~ the historical heritage of the
3149 Florida Keys.

3150 (h) Protecting ~~To protect~~ the value, efficiency, cost-
3151 effectiveness, and amortized life of existing and proposed major
3152 public investments, including:

- 3153 1. The Florida Keys Aqueduct and water supply facilities;
- 3154 2. Sewage collection, treatment, and disposal facilities;
- 3155 3. Solid waste treatment, collection, and disposal
3156 facilities;
- 3157 4. Key West Naval Air Station and other military
3158 facilities;
- 3159 5. Transportation facilities;
- 3160 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 3161 7. State parks, recreation facilities, aquatic preserves,

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3162 and other publicly owned properties;

3163 8. City electric service and the Florida Keys Electric Co-
3164 op; and

3165 9. Other utilities, as appropriate.

3166 (i) Protecting and improving water quality by providing for
3167 the construction, operation, maintenance, and replacement of
3168 stormwater management facilities; central sewage collection;
3169 treatment and disposal facilities; and the installation and
3170 proper operation and maintenance of onsite sewage treatment and
3171 disposal systems.

3172 (j) Ensuring the improvement of nearshore water quality by
3173 requiring the construction and operation of wastewater
3174 management facilities that meet the requirements of ss.
3175 381.0065(4)(1) and 403.086(10), as applicable, and by directing
3176 growth to areas served by central wastewater treatment
3177 facilities through permit allocation systems.

3178 (k) ~~(i)~~ Limiting ~~To limit~~ the adverse impacts of public
3179 investments on the environmental resources of the Florida Keys.

3180 (l) ~~(j)~~ Making ~~To make~~ available adequate affordable housing
3181 for all sectors of the population of the Florida Keys.

3182 (m) ~~(k)~~ Providing ~~To provide~~ adequate alternatives for the
3183 protection of public safety and welfare in the event of a
3184 natural or manmade disaster and for a postdisaster
3185 reconstruction plan.

3186 (n) ~~(l)~~ Protecting ~~To protect~~ the public health, safety, and
3187 welfare of the citizens of the Florida Keys and maintain the
3188 Florida Keys as a unique Florida resource.

3189 (9) MODIFICATION TO PLANS AND REGULATIONS.—

3190 (a) Any land development regulation or element of a local

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3191 comprehensive plan in the Florida Keys Area may be enacted,
3192 amended, or rescinded by a local government, but the enactment,
3193 amendment, or rescission becomes ~~shall become~~ effective only
3194 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The
3195 state land planning agency shall review the proposed change to
3196 determine if it is in compliance with the principles for guiding
3197 development specified ~~set forth~~ in chapter 27F-8, Florida
3198 Administrative Code, as amended effective August 23, 1984, and
3199 must ~~shall either~~ approve or reject the requested changes within
3200 60 days after ~~of~~ receipt ~~thereof~~. Amendments to local
3201 comprehensive plans in the Florida Keys Area must also be
3202 reviewed for compliance with the following:

3203 1. Construction schedules and detailed capital financing
3204 plans for wastewater management improvements in the annually
3205 adopted capital improvements element, and standards for the
3206 construction of wastewater treatment and disposal facilities or
3207 collection systems that meet or exceed the criteria in s.
3208 403.086(10) for wastewater treatment and disposal facilities or
3209 s. 381.0065(4)(1) for onsite sewage treatment and disposal
3210 systems.

3211 2. Goals, objectives, and policies to protect public safety
3212 and welfare in the event of a natural disaster by maintaining a
3213 hurricane evacuation clearance time for permanent residents of
3214 no more than 24 hours. The hurricane evacuation clearance time
3215 shall be determined by a hurricane evacuation study conducted in
3216 accordance with a professionally accepted methodology and
3217 approved by the state land planning agency.

3218 (b) Further, The state land planning agency, after
3219 consulting with the appropriate local government, may, no more

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3220 ~~often~~ than once per a year, recommend to the Administration
3221 Commission the enactment, amendment, or rescission of a land
3222 development regulation or element of a local comprehensive plan.
3223 Within 45 days following the receipt of such recommendation ~~by~~
3224 ~~the state land planning agency~~, the commission shall reject the
3225 recommendation, or accept it with or without modification and
3226 adopt it, by rule, including any changes. ~~Any~~ Such local
3227 development regulation or plan must ~~shall~~ be in compliance with
3228 the principles for guiding development.

3229 Section 40. Subsection (1) and paragraph (1) of subsection
3230 (4) of section 381.0065, Florida Statutes are amended, present
3231 subsection (5) of that section is renumbered as subsection (6),
3232 and new subsections (5) and (7) are added to that section, to
3233 read:

3234 381.0065 Onsite sewage treatment and disposal systems;
3235 regulation.—

3236 (1) LEGISLATIVE INTENT.—

3237 (a) It is the intent of the Legislature that proper
3238 management of onsite sewage treatment and disposal systems is
3239 paramount to the health, safety, and welfare of the public. It
3240 is further the intent of the Legislature that the department
3241 shall administer an evaluation program to ensure the operational
3242 condition of the system and identify any failure with the
3243 system.

3244 (b) It is the intent of the Legislature that where a
3245 publicly owned or investor-owned sewerage system is not
3246 available, the department shall issue permits for the
3247 construction, installation, modification, abandonment, or repair
3248 of onsite sewage treatment and disposal systems under conditions

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3249 as described in this section and rules adopted under this
3250 section. It is further the intent of the Legislature that the
3251 installation and use of onsite sewage treatment and disposal
3252 systems not adversely affect the public health or significantly
3253 degrade the groundwater or surface water.

3254 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
3255 construct, repair, modify, abandon, or operate an onsite sewage
3256 treatment and disposal system without first obtaining a permit
3257 approved by the department. The department may issue permits to
3258 carry out this section, but shall not make the issuance of such
3259 permits contingent upon prior approval by the Department of
3260 Environmental Protection, except that the issuance of a permit
3261 for work seaward of the coastal construction control line
3262 established under s. 161.053 shall be contingent upon receipt of
3263 any required coastal construction control line permit from the
3264 Department of Environmental Protection. A construction permit is
3265 valid for 18 months from the issuance date and may be extended
3266 by the department for one 90-day period under rules adopted by
3267 the department. A repair permit is valid for 90 days from the
3268 date of issuance. An operating permit must be obtained prior to
3269 the use of any aerobic treatment unit or if the establishment
3270 generates commercial waste. Buildings or establishments that use
3271 an aerobic treatment unit or generate commercial waste shall be
3272 inspected by the department at least annually to assure
3273 compliance with the terms of the operating permit. The operating
3274 permit for a commercial wastewater system is valid for 1 year
3275 from the date of issuance and must be renewed annually. The
3276 operating permit for an aerobic treatment unit is valid for 2
3277 years from the date of issuance and must be renewed every 2

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3278 years. If all information pertaining to the siting, location,
3279 and installation conditions or repair of an onsite sewage
3280 treatment and disposal system remains the same, a construction
3281 or repair permit for the onsite sewage treatment and disposal
3282 system may be transferred to another person, if the transferee
3283 files, within 60 days after the transfer of ownership, an
3284 amended application providing all corrected information and
3285 proof of ownership of the property. There is no fee associated
3286 with the processing of this supplemental information. A person
3287 may not contract to construct, modify, alter, repair, service,
3288 abandon, or maintain any portion of an onsite sewage treatment
3289 and disposal system without being registered under part III of
3290 chapter 489. A property owner who personally performs
3291 construction, maintenance, or repairs to a system serving his or
3292 her own owner-occupied single-family residence is exempt from
3293 registration requirements for performing such construction,
3294 maintenance, or repairs on that residence, but is subject to all
3295 permitting requirements. A municipality or political subdivision
3296 of the state may not issue a building or plumbing permit for any
3297 building that requires the use of an onsite sewage treatment and
3298 disposal system unless the owner or builder has received a
3299 construction permit for such system from the department. A
3300 building or structure may not be occupied and a municipality,
3301 political subdivision, or any state or federal agency may not
3302 authorize occupancy until the department approves the final
3303 installation of the onsite sewage treatment and disposal system.
3304 A municipality or political subdivision of the state may not
3305 approve any change in occupancy or tenancy of a building that
3306 uses an onsite sewage treatment and disposal system until the

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3307 department has reviewed the use of the system with the proposed
3308 change, approved the change, and amended the operating permit.

3309 (1) For the Florida Keys, the department shall adopt a
3310 special rule for the construction, installation, modification,
3311 operation, repair, maintenance, and performance of onsite sewage
3312 treatment and disposal systems which considers the unique soil
3313 conditions and ~~which considers~~ water table elevations,
3314 densities, and setback requirements. On lots where a setback
3315 distance of 75 feet from surface waters, saltmarsh, and
3316 buttonwood association habitat areas cannot be met, an injection
3317 well, approved and permitted by the department, may be used for
3318 disposal of effluent from onsite sewage treatment and disposal
3319 systems. The following additional requirements apply to onsite
3320 sewage treatment and disposal systems in Monroe County:

3321 1. The county, each municipality, and those special
3322 districts established for the purpose of the collection,
3323 transmission, treatment, or disposal of sewage shall ensure, in
3324 accordance with the specific schedules adopted by the
3325 Administration Commission under s. 380.0552, the completion of
3326 onsite sewage treatment and disposal system upgrades to meet the
3327 requirements of this paragraph.

3328 2. Onsite sewage treatment and disposal systems must cease
3329 discharge by December 31, 2015, or must comply with department
3330 rules and provide the level of treatment which, on a permitted
3331 annual average basis, produces an effluent that contains no more
3332 than the following concentrations:

3333 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3334 b. Suspended Solids of 10 mg/l.

3335 c. Total Nitrogen, expressed as N, of 10 mg/l.

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3336 d. Total Phosphorus, expressed as P, of 1 mg/l.

3337
3338 In addition, onsite sewage treatment and disposal systems
3339 discharging to an injection well must provide basic disinfection
3340 as defined by department rule.

3341 3. On or after July 1, 2010, all new, modified, and
3342 repaired onsite sewage treatment and disposal systems must
3343 provide the level of treatment described in subparagraph 2.
3344 However, in areas scheduled to be served by central sewer by
3345 December 31, 2015, if the property owner has paid a connection
3346 fee or assessment for connection to the central sewer system, an
3347 onsite sewage treatment and disposal system may be repaired to
3348 the following minimum standards:

3349 a. The existing tanks must be pumped and inspected and
3350 certified as being watertight and free of defects in accordance
3351 with department rule; and

3352 b. A sand-lined drainfield or injection well in accordance
3353 with department rule must be installed.

3354 4. Onsite sewage treatment and disposal systems must be
3355 monitored for total nitrogen and total phosphorus concentrations
3356 as required by department rule.

3357 5. The department shall enforce proper installation,
3358 operation, and maintenance of onsite sewage treatment and
3359 disposal systems pursuant to this chapter, including ensuring
3360 that the appropriate level of treatment described in
3361 subparagraph 2. is met.

3362 6. The county, each municipality, and those special
3363 districts established for the purpose of collection,
3364 transmission, treatment, or disposal of sewage may require

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3365 connecting onsite sewage treatment and disposal systems to a
3366 central sewer system within 30 days after notice of availability
3367 of service.

3368 (5) EVALUATION AND ASSESSMENT.—

3369 (a) Beginning January 1, 2011, the department shall
3370 administer an onsite sewage treatment and disposal system
3371 evaluation program for the purpose of assessing the fundamental
3372 operational condition of systems and identifying any failures
3373 within the systems. The department shall adopt rules
3374 implementing the program standards, procedures, and
3375 requirements, including, but not limited to, a schedule for a 5-
3376 year evaluation cycle, requirements for the pump-out of a system
3377 or repair of a failing system, enforcement procedures for
3378 failure of a system owner to obtain an evaluation of the system,
3379 and failure of a contractor to timely submit evaluation results
3380 to the department and the system owner. The department shall
3381 ensure statewide implementation of the evaluation and assessment
3382 program by January 1, 2016.

3383 (b) Owners of an onsite sewage treatment and disposal
3384 system, excluding a system that is required to obtain an
3385 operating permit, shall have the system evaluated at least once
3386 every 5 years to assess the fundamental operational condition of
3387 the system, and identify any failure within the system.

3388 (c) All evaluation procedures must be documented and
3389 nothing in this subsection limits the amount of detail an
3390 evaluator may provide at his or her professional discretion. The
3391 evaluation must include a tank and drainfield evaluation, a
3392 written assessment of the condition of the system, and, if
3393 necessary, a disclosure statement pursuant to the department's

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3394 procedure.

3395 (d) Systems being evaluated are required to meet at least a
3396 12-inch separation from the bottom of the drainfield to the
3397 wettest season water table elevation as defined by department
3398 rule. All drainfield repairs, replacements, or modifications
3399 shall meet a 24-inch separation from the bottom of the
3400 drainfield to the wettest season water table elevation as
3401 defined by department rule. Where a system repair or
3402 modification to a site developed prior to January 1, 1983,
3403 exceeds the lot size requirements for installation, or will not
3404 meet the required well setbacks, a system meeting the maximum
3405 separation from the bottom of the drainfield to the wettest
3406 season water table possible shall be installed. In no case shall
3407 well setbacks be less than those required of the existing system
3408 being repaired or modified.

3409 (e) If documentation of a tank pump-out or a permitted new
3410 installation, repair, or modification of the system within the
3411 previous 3 years is provided and states the capacity of the tank
3412 and indicates that the condition of the tank is not a sanitary
3413 or public health nuisance pursuant to department rule, a pump-
3414 out of the system is not required.

3415 (f) Owners are responsible for paying the cost of any
3416 required pump-out, repair, or replacement pursuant to department
3417 rule, and may not request partial evaluation or the omission of
3418 portions of the evaluation.

3419 (g) Each evaluation or pump-out required under this
3420 subsection must be performed by a septic tank contractor or
3421 master septic tank contractor registered under part III of
3422 chapter 489, a professional engineer with wastewater treatment

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3423 system experience licensed pursuant to chapter 471, or an
3424 environmental health professional certified under chapter 381 in
3425 the area of onsite sewage treatment and disposal system
3426 evaluation.

3427 (h) The evaluation report fee collected pursuant to s.
3428 381.0066(2)(b) shall be remitted to the department by the
3429 evaluator at the time the report is submitted.

3430 (i) Prior to any evaluation deadline, the department must
3431 provide a minimum of 60 days' notice to owners that their
3432 systems must be evaluated by that deadline. The department may
3433 include a copy of any homeowner educational materials developed
3434 pursuant to this section which provides information on the
3435 proper maintenance of onsite sewage treatment and disposal
3436 systems.

3437 (6) ~~(5)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

3438 (a) Department personnel who have reason to believe
3439 noncompliance exists, may at any reasonable time, enter the
3440 premises permitted under ss. 381.0065-381.0066, or the business
3441 premises of any septic tank contractor or master septic tank
3442 contractor registered under part III of chapter 489, or any
3443 premises that the department has reason to believe is being
3444 operated or maintained not in compliance, to determine
3445 compliance with the provisions of this section, part I of
3446 chapter 386, or part III of chapter 489 or rules or standards
3447 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
3448 part III of chapter 489. As used in this paragraph, the term
3449 "premises" does not include a residence or private building. To
3450 gain entry to a residence or private building, the department
3451 must obtain permission from the owner or occupant or secure an

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3452 inspection warrant from a court of competent jurisdiction.

3453 (b)1. The department may issue citations that may contain
3454 an order of correction or an order to pay a fine, or both, for
3455 violations of ss. 381.0065-381.0067, part I of chapter 386, or
3456 part III of chapter 489 or the rules adopted by the department,
3457 when a violation of these sections or rules is enforceable by an
3458 administrative or civil remedy, or when a violation of these
3459 sections or rules is a misdemeanor of the second degree. A
3460 citation issued under ss. 381.0065-381.0067, part I of chapter
3461 386, or part III of chapter 489 constitutes a notice of proposed
3462 agency action.

3463 2. A citation must be in writing and must describe the
3464 particular nature of the violation, including specific reference
3465 to the provisions of law or rule allegedly violated.

3466 3. The fines imposed by a citation issued by the department
3467 may not exceed \$500 for each violation. Each day the violation
3468 exists constitutes a separate violation for which a citation may
3469 be issued.

3470 4. The department shall inform the recipient, by written
3471 notice pursuant to ss. 120.569 and 120.57, of the right to an
3472 administrative hearing to contest the citation within 21 days
3473 after the date the citation is received. The citation must
3474 contain a conspicuous statement that if the recipient fails to
3475 pay the fine within the time allowed, or fails to appear to
3476 contest the citation after having requested a hearing, the
3477 recipient has waived the recipient's right to contest the
3478 citation and must pay an amount up to the maximum fine.

3479 5. The department may reduce or waive the fine imposed by
3480 the citation. In determining whether to reduce or waive the

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3481 fine, the department must consider the gravity of the violation,
3482 the person's attempts at correcting the violation, and the
3483 person's history of previous violations including violations for
3484 which enforcement actions were taken under ss. 381.0065-
3485 381.0067, part I of chapter 386, part III of chapter 489, or
3486 other provisions of law or rule.

3487 6. Any person who willfully refuses to sign and accept a
3488 citation issued by the department commits a misdemeanor of the
3489 second degree, punishable as provided in s. 775.082 or s.
3490 775.083.

3491 7. The department, pursuant to ss. 381.0065-381.0067, part
3492 I of chapter 386, or part III of chapter 489, shall deposit any
3493 fines it collects in the county health department trust fund for
3494 use in providing services specified in those sections.

3495 8. This section provides an alternative means of enforcing
3496 ss. 381.0065-381.0067, part I of chapter 386, and part III of
3497 chapter 489. This section does not prohibit the department from
3498 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
3499 III of chapter 489, or its rules, by any other means. However,
3500 the department must elect to use only a single method of
3501 enforcement for each violation.

3502 (7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
3503 January 1, 2016, the land application of septage from onsite
3504 sewage treatment and disposal systems is prohibited. The
3505 department, in consultation with the Department of Environmental
3506 Protection shall initiate rulemaking and develop enforcement
3507 mechanisms and penalties to implement the provisions of this
3508 subsection.

3509 Section 41. Section 381.00656, Florida Statutes, is created

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3510 to read:

3511 381.00656 Grant program for repair of onsite sewage
3512 treatment disposal systems.—Effective January 1, 2012, the
3513 department shall administer a grant program to assist owners of
3514 onsite sewage treatment and disposal systems identified pursuant
3515 to s. 381.0065 or the rules adopted thereunder. A grant under
3516 the program may be awarded to an owner only for the purpose of
3517 inspecting, pumping, repairing, or replacing a system serving a
3518 single-family residence occupied by an owner with a family
3519 income of less than or equal to 133 percent of the federal
3520 poverty level at the time of application. The department may
3521 prioritize applications for an award of grant funds based upon
3522 the severity of a system's failure, its relative environmental
3523 impact, the income of the family, or any combination thereof.
3524 The department shall adopt rules establishing the grant
3525 application and award process, including an application form.
3526 The department shall seek to make grants in each fiscal year
3527 equal to the total amount of grant funds available, with any
3528 excess funds used for grant awards in subsequent fiscal years.

3529 Section 42. Subsection (2) of section 381.0066, Florida
3530 Statutes, is amended to read:

3531 381.0066 Onsite sewage treatment and disposal systems;
3532 fees.—

3533 (2) The minimum fees in the following fee schedule apply
3534 until changed by rule by the department within the following
3535 limits:

3536 (a) Application review, permit issuance, or system
3537 inspection, including repair of a subsurface, mound, filled, or
3538 other alternative system or permitting of an abandoned system: a

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3539 fee of not less than \$25, or more than \$125.

3540 (b) A 5-year evaluation report submitted pursuant to s.
3541 381.0065(5): a fee not less than \$15, or more than \$30. At least
3542 \$1 and no more than \$5 collected pursuant to this paragraph
3543 shall be used to fund a grant program established under s.
3544 381.00656.

3545 (c)~~(b)~~ Site evaluation, site reevaluation, evaluation of a
3546 system previously in use, or a per annum septage disposal site
3547 evaluation: a fee of not less than \$40, or more than \$115.

3548 (d)~~(e)~~ Biennial Operating permit for aerobic treatment
3549 units or performance-based treatment systems: a fee of not more
3550 than \$100.

3551 (e)~~(d)~~ Annual operating permit for systems located in areas
3552 zoned for industrial manufacturing or equivalent uses or where
3553 the system is expected to receive wastewater which is not
3554 domestic in nature: a fee of not less than \$150, or more than
3555 \$300.

3556 (f)~~(e)~~ Innovative technology: a fee not to exceed \$25,000.

3557 (g)~~(f)~~ Septage disposal service, septage stabilization
3558 facility, portable or temporary toilet service, tank
3559 manufacturer inspection: a fee of not less than \$25, or more
3560 than \$200, per year.

3561 (h)~~(g)~~ Application for variance: a fee of not less than
3562 \$150, or more than \$300.

3563 (i)~~(h)~~ Annual operating permit for waterless, incinerating,
3564 or organic waste composting toilets: a fee of not less than \$50,
3565 or more than \$150.

3566 (j)~~(i)~~ Aerobic treatment unit or performance-based
3567 treatment system maintenance entity permit: a fee of not less

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3568 than \$25, or more than \$150, per year.

3569 (k)~~(j)~~ Reinspection fee per visit for site inspection after
3570 system construction approval or for noncompliant system
3571 installation per site visit: a fee of not less than \$25, or more
3572 than \$100.

3573 (l)~~(k)~~ Research: An additional \$5 fee shall be added to
3574 each new system construction permit issued to be used to fund
3575 onsite sewage treatment and disposal system research,
3576 demonstration, and training projects. Five dollars from any
3577 repair permit fee collected under this section shall be used for
3578 funding the hands-on training centers described in s.
3579 381.0065(3) (j).

3580 (m)~~(l)~~ Annual operating permit, including annual inspection
3581 and any required sampling and laboratory analysis of effluent,
3582 for an engineer-designed performance-based system: a fee of not
3583 less than \$150, or more than \$300.

3584
3585 On or before January 1, 2011, the Surgeon General, after
3586 consultation with the Revenue Estimating Conference, shall
3587 determine a revenue neutral fee schedule for services provided
3588 pursuant to s. 381.0065(5) within the parameters set in
3589 paragraph (b). Such determination is not subject to the
3590 provisions of chapter 120. The funds collected pursuant to this
3591 subsection must be deposited in a trust fund administered by the
3592 department, to be used for the purposes stated in this section
3593 and ss. 381.0065 and 381.00655.

3594 Section 43. Subsection (9) of section 403.086, Florida
3595 Statutes, is amended, and subsection (10) is added to that
3596 section, to read:

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3597 403.086 Sewage disposal facilities; advanced and secondary
3598 waste treatment.-

3599 (9) The Legislature finds that the discharge of domestic
3600 wastewater through ocean outfalls wastes valuable water supplies
3601 that should be reclaimed for beneficial purposes to meet public
3602 and natural systems demands. The Legislature also finds that
3603 discharge of domestic wastewater through ocean outfalls
3604 compromises the coastal environment, quality of life, and local
3605 economies that depend on those resources. The Legislature
3606 declares that more stringent treatment and management
3607 requirements for such domestic wastewater and the subsequent,
3608 timely elimination of ocean outfalls as a primary means of
3609 domestic wastewater discharge are in the public interest.

3610 (a) The construction of new ocean outfalls for domestic
3611 wastewater discharge and the expansion of existing ocean
3612 outfalls for this purpose, along with associated pumping and
3613 piping systems, are prohibited. Each domestic wastewater ocean
3614 outfall shall be limited to the discharge capacity specified in
3615 the department permit authorizing the outfall in effect on July
3616 1, 2008, which discharge capacity shall not be increased.
3617 Maintenance of existing, department-authorized domestic
3618 wastewater ocean outfalls and associated pumping and piping
3619 systems is allowed, subject to the requirements of this section.
3620 The department is directed to work with the United States
3621 Environmental Protection Agency to ensure that the requirements
3622 of this subsection are implemented consistently for all domestic
3623 wastewater facilities in Florida which discharge through ocean
3624 outfalls.

3625 (b) The discharge of domestic wastewater through ocean

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3626 outfalls shall meet advanced wastewater treatment and management
3627 requirements no later than December 31, 2018. For purposes of
3628 this subsection, the term "advanced wastewater treatment and
3629 management requirements" means the advanced waste treatment
3630 requirements set forth in subsection (4), a reduction in outfall
3631 baseline loadings of total nitrogen and total phosphorus which
3632 is equivalent to that which would be achieved by the advanced
3633 waste treatment requirements in subsection (4), or a reduction
3634 in cumulative outfall loadings of total nitrogen and total
3635 phosphorus occurring between December 31, 2008, and December 31,
3636 2025, which is equivalent to that which would be achieved if the
3637 advanced waste treatment requirements in subsection (4) were
3638 fully implemented beginning December 31, 2018, and continued
3639 through December 31, 2025. The department shall establish the
3640 average baseline loadings of total nitrogen and total phosphorus
3641 for each outfall using monitoring data available for calendar
3642 years 2003 through 2007 and shall establish required loading
3643 reductions based on this baseline. The baseline loadings and
3644 required loading reductions of total nitrogen and total
3645 phosphorus shall be expressed as an average annual daily loading
3646 value. The advanced wastewater treatment and management
3647 requirements of this paragraph shall be deemed to be met for any
3648 domestic wastewater facility discharging through an ocean
3649 outfall on July 1, 2008, which has installed no later than
3650 December 31, 2018, a fully operational reuse system comprising
3651 100 percent of the facility's annual average daily flow for
3652 reuse activities authorized by the department.

3653 (c) Each domestic wastewater facility that discharges
3654 through an ocean outfall on July 1, 2008, shall install a

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3655 functioning reuse system no later than December 31, 2025. For
3656 purposes of this subsection, a "functioning reuse system" means
3657 an environmentally, economically, and technically feasible
3658 system that provides a minimum of 60 percent of the facility's
3659 actual flow on an annual basis for irrigation of public access
3660 areas, residential properties, or agricultural crops; aquifer
3661 recharge; groundwater recharge; industrial cooling; or other
3662 acceptable reuse purposes authorized by the department. For
3663 purposes of this subsection, the term "facility's actual flow on
3664 an annual basis" means the annual average flow of domestic
3665 wastewater discharging through the facility's ocean outfall, as
3666 determined by the department, using monitoring data available
3667 for calendar years 2003 through 2007. Flows diverted ~~Diversion~~
3668 ~~of flows~~ from ~~these~~ facilities to other facilities that provide
3669 100 percent reuse of the diverted flows prior to December 31,
3670 2025, shall be considered to contribute to meeting the 60
3671 percent ~~60-percent~~ reuse requirement. For utilities operating
3672 more than one outfall, the reuse requirement can be met if the
3673 combined actual reuse flows from facilities served by the
3674 outfalls is at least 60 percent of the sum of the total actual
3675 flows from the ~~these~~ facilities, including flows diverted to
3676 other facilities for 100 percent reuse prior to December 31,
3677 2025. In the event treatment in addition to the advanced
3678 wastewater treatment and management requirements described in
3679 paragraph (b) is needed in order to support a functioning reuse
3680 system, such treatment shall be fully operational no later than
3681 December 31, 2025.

3682 (d) The discharge of domestic wastewater through ocean
3683 outfalls is prohibited after December 31, 2025, except as a

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3684 backup discharge that is part of a functioning reuse system
3685 authorized by the department as provided for in paragraph (c). A
3686 backup discharge may occur only during periods of reduced demand
3687 for reclaimed water in the reuse system, such as periods of wet
3688 weather, and shall comply with the advanced wastewater treatment
3689 and management requirements of paragraph (b).

3690 (e) The holder of a department permit authorizing the
3691 discharge of domestic wastewater through an ocean outfall as of
3692 July 1, 2008, shall submit to the secretary of the department
3693 the following:

3694 1. A detailed plan to meet the requirements of this
3695 subsection, including an identification of all land acquisition
3696 and facilities necessary to provide for reuse of the domestic
3697 wastewater; an analysis of the costs to meet the requirements;
3698 and a financing plan for meeting the requirements, including
3699 identifying any actions necessary to implement the financing
3700 plan, such as bond issuance or other borrowing, assessments,
3701 rate increases, fees, other charges, or other financing
3702 mechanisms. The plan shall include a detailed schedule for the
3703 completion of all necessary actions and shall be accompanied by
3704 supporting data and other documentation. The plan shall be
3705 submitted no later than July 1, 2013.

3706 2. No later than July 1, 2016, an update of the plan
3707 required in subparagraph 1. documenting any refinements or
3708 changes in the costs, actions, or financing necessary to
3709 eliminate the ocean outfall discharge in accordance with this
3710 subsection or a written statement that the plan is current and
3711 accurate.

3712 (f) By December 31, 2009, and by December 31 every 5 years

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3713 thereafter, the holder of a department permit authorizing the
3714 discharge of domestic wastewater through an ocean outfall shall
3715 submit to the secretary of the department a report summarizing
3716 the actions accomplished to date and the actions remaining and
3717 proposed to meet the requirements of this subsection, including
3718 progress toward meeting the specific deadlines set forth in
3719 paragraphs (b) through (e). The report shall include the
3720 detailed schedule for and status of the evaluation of reuse and
3721 disposal options, preparation of preliminary design reports,
3722 preparation and submittal of permit applications, construction
3723 initiation, construction progress milestones, construction
3724 completion, initiation of operation, and continuing operation
3725 and maintenance.

3726 (g) No later than July 1, 2010, and by July 1 every 5 years
3727 thereafter, the department shall submit a report to the
3728 Governor, the President of the Senate, and the Speaker of the
3729 House of Representatives on the implementation of this
3730 subsection. The report shall summarize progress to date,
3731 including the increased amount of reclaimed water provided and
3732 potable water offsets achieved, and identify any obstacles to
3733 continued progress, including all instances of substantial
3734 noncompliance.

3735 (h) By February 1, 2012, the department shall submit a
3736 report to the Governor and Legislature detailing the results and
3737 recommendations from phases 1 through 3 of its ongoing study on
3738 reclaimed water use.

3739 (i) ~~(h)~~ The renewal of each permit that authorizes the
3740 discharge of domestic wastewater through an ocean outfall as of
3741 July 1, 2008, shall be accompanied by an order in accordance

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3742 with s. 403.088(2)(e) and (f) which establishes an enforceable
3743 compliance schedule consistent with the requirements of this
3744 subsection.

3745 (j) An entity that diverts wastewater flow from a receiving
3746 facility that discharges domestic wastewater through an ocean
3747 outfall must meet the 60 percent reuse requirement of paragraph
3748 (c). Reuse by the diverting entity of the diverted flows shall
3749 be credited to the diverting entity. The diverted flow shall
3750 also be correspondingly deducted from the receiving facility's
3751 actual flow on an annual basis from which the required reuse is
3752 calculated pursuant to paragraph (c), and the receiving
3753 facility's reuse requirement shall be recalculated accordingly.

3754 (10) The Legislature finds that the discharge of
3755 inadequately treated and managed domestic wastewater from dozens
3756 of small wastewater facilities and thousands of septic tanks and
3757 other onsite systems in the Florida Keys compromises the quality
3758 of the coastal environment, including nearshore and offshore
3759 waters, and threatens the quality of life and local economies
3760 that depend on those resources. The Legislature also finds that
3761 the only practical and cost-effective way to fundamentally
3762 improve wastewater management in the Florida Keys is for the
3763 local governments in Monroe County, including those special
3764 districts established for the purpose of collection,
3765 transmission, treatment, or disposal of sewage, to timely
3766 complete the wastewater or sewage treatment and disposal
3767 facilities initiated under the work program of Administration
3768 Commission rule 28-20, Florida Administrative Code, and the
3769 Monroe County Sanitary Master Wastewater Plan, dated June 2000.
3770 The Legislature therefore declares that the construction and

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3771 operation of comprehensive central wastewater systems in
3772 accordance with this subsection is in the public interest. To
3773 give effect to those findings, the requirements of this
3774 subsection apply to all domestic wastewater facilities in Monroe
3775 County, including privately owned facilities, unless otherwise
3776 provided under this subsection.

3777 (a) The discharge of domestic wastewater into surface
3778 waters is prohibited.

3779 (b) Monroe County, each municipality, and those special
3780 districts established for the purpose of collection,
3781 transmission, treatment, or disposal of sewage in Monroe County
3782 shall complete the wastewater collection, treatment, and
3783 disposal facilities within its jurisdiction designated as hot
3784 spots in the Monroe County Sanitary Master Wastewater Plan,
3785 dated June 2000, specifically listed in Exhibits 6-1 through 6-3
3786 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F
3787 of the plan. The required facilities and connections, and any
3788 additional facilities or other adjustments required by rules
3789 adopted by the Administration Commission under s. 380.0552, must
3790 be completed by December 31, 2015, pursuant to specific
3791 schedules established by the commission. Domestic wastewater
3792 facilities located outside local government and special district
3793 service areas must meet the treatment and disposal requirements
3794 of this subsection by December 31, 2015.

3795 (c) After December 31, 2015, all new or expanded domestic
3796 wastewater discharges must comply with the treatment and
3797 disposal requirements of this subsection and department rules.

3798 (d) Wastewater treatment facilities having design
3799 capacities:

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3800 1. Greater than or equal to 100,000 gallons per day must
3801 provide basic disinfection as defined by department rule and the
3802 level of treatment which, on a permitted annual average basis,
3803 produces an effluent that contains no more than the following
3804 concentrations:

- 3805 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.
3806 b. Suspended Solids of 5 mg/l.
3807 c. Total Nitrogen, expressed as N, of 3 mg/l.
3808 d. Total Phosphorus, expressed as P, of 1 mg/l.

3809 2. Less than 100,000 gallons per day must provide basic
3810 disinfection as defined by department rule and the level of
3811 treatment which, on a permitted annual average basis, produces
3812 an effluent that contains no more than the following
3813 concentrations:

- 3814 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
3815 b. Suspended Solids of 10 mg/l.
3816 c. Total Nitrogen, expressed as N, of 10 mg/l.
3817 d. Total Phosphorus, expressed as P, of 1 mg/l.

3818 (e) Class V injection wells, as defined by department or
3819 Department of Health rule, must meet the following requirements
3820 and otherwise comply with department or Department of Health
3821 rules, as applicable:

3822 1. If the design capacity of the facility is less than 1
3823 million gallons per day, the injection well must be at least 90
3824 feet deep and cased to a minimum depth of 60 feet or to such
3825 greater cased depth and total well depth as may be required by
3826 department rule.

3827 2. Except as provided in subparagraph 3. for backup wells,
3828 if the design capacity of the facility is equal to or greater

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3829 than 1 million gallons per day, each primary injection well must
3830 be cased to a minimum depth of 2,000 feet or to such greater
3831 depth as may be required by department rule.

3832 3. If an injection well is used as a backup to a primary
3833 injection well, the following conditions apply:

3834 a. The backup well may be used only when the primary
3835 injection well is out of service because of equipment failure,
3836 power failure, or the need for mechanical integrity testing or
3837 repair;

3838 b. The backup well may not be used for more than a total of
3839 500 hours during any 5-year period unless specifically
3840 authorized in writing by the department;

3841 c. The backup well must be at least 90 feet deep and cased
3842 to a minimum depth of 60 feet, or to such greater cased depth
3843 and total well depth as may be required by department rule; and

3844 d. Fluid injected into the backup well must meet the
3845 requirements of paragraph (d).

3846 (f) The requirements of paragraphs (d) and (e) do not apply
3847 to:

3848 1. Class I injection wells as defined by department rule,
3849 including any authorized mechanical integrity tests;

3850 2. Authorized mechanical integrity tests associated with
3851 Class V wells as defined by department rule; or

3852 3. The following types of reuse systems authorized by
3853 department rule:

3854 a. Slow-rate land application systems;

3855 b. Industrial uses of reclaimed water; and

3856 c. Use of reclaimed water for toilet flushing, fire
3857 protection, vehicle washing, construction dust control, and

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3858 decorative water features.

3859

3860 However, disposal systems serving as backups to reuse systems
3861 must comply with the other provisions of this subsection.

3862 (g) For wastewater treatment facilities in operation as of
3863 July 1, 2010, which are located within areas to be served by
3864 Monroe County, municipalities in Monroe County, or those special
3865 districts established for the purpose of collection,
3866 transmission, treatment, or disposal of sewage but which are
3867 owned by other entities, the requirements of paragraphs (d) and
3868 (e) do not apply until January 1, 2016. Wastewater operating
3869 permits issued pursuant to this chapter and in effect for these
3870 facilities as of June 30, 2010, are extended until December 31,
3871 2015, or until the facility is connected to a local government
3872 central wastewater system, whichever occurs first. Wastewater
3873 treatment facilities in operation after December 31, 2015, must
3874 comply with the treatment and disposal requirements of this
3875 subsection and department rules.

3876 (h) If it is demonstrated that a discharge, even if the
3877 discharge is otherwise in compliance with this subsection, will
3878 cause or contribute to a violation of state water quality
3879 standards, the department shall:

- 3880 1. Require more stringent effluent limitations;
3881 2. Order the point or method of discharge changed;
3882 3. Limit the duration or volume of the discharge; or
3883 4. Prohibit the discharge.

3884 (i) All sewage treatment facilities must monitor effluent
3885 for total nitrogen and total phosphorus concentration as
3886 required by department rule.

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3887 (j) The department shall require the levels of operator
3888 certification and staffing necessary to ensure proper operation
3889 and maintenance of sewage facilities.

3890 (k) The department may adopt rules necessary to carry out
3891 this subsection.

3892 (l) The county, each municipality, and those special
3893 districts established for the purpose of collection,
3894 transmission, treatment, or disposal of sewage may require
3895 connecting wastewater treatment facilities owned by other
3896 entities to a central sewer system within 30 days after notice
3897 of availability of service.

3898 Section 44. Section 4 of chapter 99-395, Laws of Florida,
3899 as amended by section 6 of chapter 2006-223, Laws of Florida;
3900 section 5 of chapter 99-395, Laws of Florida; and section 6 of
3901 chapter 99-395, Laws of Florida, as amended by section 1 of
3902 chapter 2001-337, and section 1 of chapter 2004-455, Laws of
3903 Florida, are repealed.

3904 Section 45. Subsection (2) of section 403.1835, Florida
3905 Statutes, is reordered and amended, and subsections (3) and (10)
3906 of that section are amended, to read:

3907 403.1835 Water pollution control financial assistance.—

3908 (2) As used in ~~For the purposes of this section and s.~~
3909 403.1837, the term:

3910 (c) ~~(a)~~ "Local governmental agencies" refers to any
3911 municipality, county, district, or authority, or any agency
3912 thereof, or a combination of two or more of the foregoing,
3913 acting jointly in connection with a project having jurisdiction
3914 over collection, transmission, treatment, or disposal of sewage,
3915 industrial wastes, stormwater, or other wastes and includes a

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3916 district or authority whose ~~the~~ principal responsibility ~~of~~
3917 ~~which~~ is to provide airport, industrial or research park, or
3918 port facilities to the public.

3919 (a) ~~(b)~~ "Bonds" means bonds, certificates, or other
3920 obligations of indebtedness issued by the ~~Florida Water~~
3921 ~~Pollution Control Financing~~ corporation under this section and
3922 s. 403.1837.

3923 (b) ~~(c)~~ "Corporation" means the Florida Water Pollution
3924 Control Financing Corporation created under s. 403.1837.

3925 (3) The department may provide financial assistance through
3926 any program authorized under 33 U.S.C. s. 1383 ~~s.603 of the~~
3927 ~~Federal Water Pollution Control Act (Clean Water Act), Pub. L.~~
3928 ~~No. 92-500~~, as amended, including, but not limited to, making
3929 grants and loans, providing loan guarantees, purchasing loan
3930 insurance or other credit enhancements, and buying or
3931 refinancing local debt. This financial assistance must be
3932 administered in accordance with this section and applicable
3933 federal authorities. ~~The department shall administer all~~
3934 ~~programs operated from funds secured through the activities of~~
3935 ~~the Florida Water Pollution Control Financing corporation under~~
3936 ~~s. 403.1837, to fulfill the purposes of this section.~~

3937 (a) The department may make or request the corporation to
3938 make loans to local government agencies, which ~~agencies~~ may
3939 pledge any revenue available to them to repay any funds
3940 borrowed.

3941 (b) The department may make or request the corporation to
3942 make loans, grants, and deposits to other entities eligible to
3943 participate in the financial assistance programs authorized
3944 under the Federal Water Pollution Control Act, or as a result of

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3945 other federal action, which ~~entities~~ may pledge any revenue
3946 available to them to repay any funds borrowed. Notwithstanding
3947 s. 17.57, the department may make deposits to financial
3948 institutions that ~~which~~ earn less than the prevailing rate for
3949 United States Treasury securities that have ~~with~~ corresponding
3950 maturities for the purpose of enabling such financial
3951 institutions to make below-market interest rate loans to
3952 entities qualified to receive loans under this section and the
3953 rules of the department.

3954 (c) The department shall administer financial assistance so
3955 that at least 15 percent of the funding made available each year
3956 under this section is reserved for use by small communities
3957 during the year it is reserved.

3958 (d) The department may make grants to financially
3959 disadvantaged small communities, as defined in s. 403.1838,
3960 using funds made available from grant allocations on loans
3961 authorized under subsection (4). The grants must be administered
3962 in accordance with s. 403.1838.

3963 (10) The department may adopt rules regarding program
3964 administration; project eligibilities and priorities, including
3965 the development and management of project priority lists;
3966 financial assistance application requirements associated with
3967 planning, design, construction, and implementation activities,
3968 including environmental and engineering requirements; financial
3969 assistance agreement conditions; disbursement and repayment
3970 provisions; auditing provisions; program exceptions; the
3971 procedural and contractual relationship between the department
3972 and the ~~Florida Water Pollution Control Financing~~ corporation
3973 under s. 403.1837; and other provisions consistent with the

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3974 purposes of this section.

3975 Section 46. Section 403.1837, Florida Statutes, is amended
3976 to read:

3977 403.1837 Florida Water Pollution Control Financing
3978 Corporation.—

3979 (1) The Florida Water Pollution Control Financing
3980 Corporation is created as a nonprofit public-benefit corporation
3981 for the purpose of financing or refinancing the costs of ~~water~~
3982 ~~pollution control~~ projects and activities described in ss. s.
3983 403.1835 and 403.8532. The projects and activities described in
3984 those sections ~~that section are found to~~ constitute a public
3985 governmental purpose; are ~~be~~ necessary for the health, safety,
3986 and welfare of all residents; and include legislatively approved
3987 fixed capital outlay projects. Fulfilling ~~The fulfillment of~~ the
3988 purposes of the corporation promotes the health, safety, and
3989 welfare of the people of the state and serves essential
3990 governmental functions and a paramount public purpose. The
3991 activities of the corporation are specifically limited to
3992 assisting the department in implementing financing activities to
3993 provide funding for the programs authorized in ss. s. 403.1835
3994 and 403.8532. All other activities relating to the purposes for
3995 which the corporation raises funds are the responsibility of the
3996 department, including, but not limited to, development of
3997 program criteria, review of applications for financial
3998 assistance, decisions relating to the number and amount of loans
3999 or other financial assistance to be provided, and enforcement of
4000 the terms of any financial assistance agreements provided
4001 through funds raised by the corporation. The corporation shall
4002 terminate upon fulfilling ~~fulfillment of~~ the purposes of this

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4003 section.

4004 (2) The corporation shall be governed by a board of
4005 directors consisting of the Governor's Budget Director or ~~the~~
4006 ~~budget director's~~ designee, the Chief Financial Officer or ~~the~~
4007 ~~Chief Financial Officer's~~ designee, and the Secretary of
4008 Environmental Protection or ~~the secretary's~~ designee. The
4009 executive director of the State Board of Administration shall be
4010 the chief executive officer of the corporation; shall direct and
4011 supervise the administrative affairs of the corporation; and
4012 shall control, direct, and supervise operation of the
4013 corporation. The corporation shall have such other officers as
4014 may be determined by the board of directors.

4015 (3) The corporation shall have all the powers of a
4016 corporate body under the laws of the state, consistent to ~~the~~
4017 ~~extent not inconsistent with or restricted by~~ this section,
4018 including, but not limited to, the power to:

4019 (a) Adopt, amend, and repeal bylaws consistent ~~not~~
4020 ~~inconsistent~~ with this section.

4021 (b) Sue and be sued.

4022 (c) Adopt and use a common seal.

4023 (d) Acquire, purchase, hold, lease, and convey any real and
4024 personal property as may be proper or expedient to carry out the
4025 purposes of the corporation and this section, and to sell,
4026 lease, or otherwise dispose of that property.

4027 (e) Elect or appoint and employ such officers, agents, and
4028 employees as the corporation considers advisable to operate and
4029 manage the affairs of the corporation, who ~~which officers,~~
4030 ~~agents, and employees~~ may be officers or employees of the
4031 department and the state agencies represented on the board of

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4032 directors of the corporation.

4033 (f) Borrow money and issue notes, bonds, certificates of
4034 indebtedness, or other obligations or evidences of indebtedness
4035 described in s. 403.1835 or s. 403.8532.

4036 (g) Operate, as specifically directed by the department,
4037 any program to provide financial assistance authorized under s.
4038 403.1835(3) or s. 403.8532(3), which may be funded from any
4039 funds received under a service contract with the department,
4040 from the proceeds of bonds issued by the corporation, or from
4041 any other funding sources obtained by the corporation.

4042 (h) Sell all or any portion of the loans issued under s.
4043 403.1835 or s. 403.8532 to accomplish the purposes of those
4044 sections ~~this section and s. 403.1835~~.

4045 (i) Make and execute any contracts, trust agreements, and
4046 other instruments and agreements necessary or convenient to
4047 accomplish the purposes of the corporation and this section.

4048 (j) Select, retain, and employ professionals, contractors,
4049 or agents, which may include the Division of Bond Finance of the
4050 State Board of Administration, as ~~are~~ necessary or convenient to
4051 enable or assist the corporation in carrying out its purposes
4052 and this section.

4053 (k) Do any act or thing necessary or convenient to carry
4054 out the purposes of the corporation and this section.

4055 (4) The corporation shall evaluate all financial and market
4056 conditions necessary and prudent for the purpose of making
4057 sound, financially responsible, and cost-effective decisions in
4058 order to secure additional funds to fulfill the purposes of this
4059 section and ss. s. 403.1835 and 403.8532.

4060 (5) The corporation may enter into one or more service

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4061 contracts with the department under which the corporation shall
4062 provide services to the department in connection with financing
4063 the functions, projects, and activities provided ~~for~~ in ss. s.
4064 403.1835 and 403.8532. The department may enter into one or more
4065 service contracts with the corporation and provide for payments
4066 under those contracts pursuant to s. 403.1835(9) or s. 403.8533,
4067 subject to annual appropriation by the Legislature.

4068 (a) The service contracts may provide for the transfer of
4069 all or a portion of the funds in the Wastewater Treatment and
4070 Stormwater Management Revolving Loan Trust Fund and the Drinking
4071 Water Revolving Loan Trust Fund to the corporation for use by
4072 the corporation for costs incurred by the corporation in its
4073 operations, including, but not limited to, payment of debt
4074 service, reserves, or other costs in relation to bonds issued by
4075 the corporation, for use by the corporation at the request of
4076 the department to directly provide the types of local financial
4077 assistance provided ~~for~~ in ss. s. 403.1835(3) and 403.8532(3),
4078 or for payment of the administrative costs of the corporation.

4079 (b) The department may not transfer funds under any service
4080 contract with the corporation without a specific appropriation
4081 for such purpose in the General Appropriations Act, except for
4082 administrative expenses incurred by the State Board of
4083 Administration or other expenses necessary under documents
4084 authorizing or securing previously issued bonds of the
4085 corporation. The service contracts may also provide for the
4086 assignment or transfer to the corporation of any loans made by
4087 the department.

4088 (c) The service contracts may establish the operating
4089 relationship between the department and the corporation and must

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4090 ~~shall~~ require the department to request the corporation to issue
4091 bonds before any issuance of bonds by the corporation, to take
4092 any actions necessary to enforce the agreements entered into
4093 between the corporation and other parties, and to take all other
4094 actions necessary to assist the corporation in its operations.

4095 (d) In compliance with s. 287.0641 and other applicable
4096 provisions of law, the obligations of the department under the
4097 service contracts do not constitute a general obligation of the
4098 state or a pledge of the faith and credit or taxing power of the
4099 state, nor may the obligations be construed ~~in any manner~~ as an
4100 obligation of the State Board of Administration or entities for
4101 which it invests funds, or of the department except as provided
4102 in this section as payable solely from amounts available under
4103 any service contract between the corporation and the department,
4104 subject to appropriation.

4105 (e) In compliance with this subsection and s. 287.0582,
4106 service contracts must expressly include the following
4107 statement: "The State of Florida's performance and obligation to
4108 pay under this contract is contingent upon an annual
4109 appropriation by the Legislature."

4110 (6) The corporation may issue and incur notes, bonds,
4111 certificates of indebtedness, or other obligations or evidences
4112 of indebtedness payable from and secured by amounts received
4113 from payment of loans and other moneys received by the
4114 corporation, including, but not limited to, amounts payable to
4115 the corporation by the department under a service contract
4116 entered into under subsection (5). The proceeds of the bonds may
4117 be used for the purpose of providing funds for projects and
4118 activities provided ~~for~~ in subsection (1) or for refunding bonds

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4119 previously issued by the corporation. The corporation may select
4120 a financing team and issue obligations through competitive
4121 bidding or negotiated contracts, whichever is most cost-
4122 effective. ~~Any~~ Such indebtedness of the corporation does not
4123 constitute a debt or obligation of the state or a pledge of the
4124 faith and credit or taxing power of the state.

4125 (7) The corporation is exempt from taxation and assessments
4126 of any nature whatsoever upon its income and any property,
4127 assets, or revenues acquired, received, or used in the
4128 furtherance of the purposes provided in ss. 403.1835, and
4129 403.1838, and 403.8532. The obligations of the corporation
4130 incurred under subsection (6) and the interest and income on the
4131 obligations and all security agreements, letters of credit,
4132 liquidity facilities, or other obligations or instruments
4133 arising out of, entered into in connection with, or given to
4134 secure payment of the obligations are exempt from all taxation;
4135 however, the exemption does not apply to any tax imposed by
4136 chapter 220 on the interest, income, or profits on debt
4137 obligations owned by corporations.

4138 (8) The corporation shall validate any bonds issued under
4139 this section, except refunding bonds, which may be validated at
4140 the option of the corporation, by proceedings under chapter 75.
4141 The validation complaint must be filed ~~only~~ in the Circuit Court
4142 for Leon County. The notice required under s. 75.06 must be
4143 published in Leon County, and the complaint and order of the
4144 circuit court shall be served only on the State Attorney for the
4145 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not
4146 apply to a validation complaint filed as authorized in this
4147 subsection. The validation of the first bonds issued under this

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4148 section may be appealed to the Supreme Court, and the appeal
4149 shall be handled on an expedited basis.

4150 (9) The corporation and the department may ~~shall~~ not take
4151 any action that ~~will~~ materially and adversely affects ~~affect~~ the
4152 rights of holders of any obligations issued under this section
4153 as long as the obligations are outstanding.

4154 (10) The corporation is not a special district for purposes
4155 of chapter 189 or a unit of local government for purposes of
4156 part III of chapter 218. The provisions of chapters 120 and 215,
4157 except the limitation on interest rates provided by s. 215.84,
4158 which applies to obligations of the corporation issued under
4159 this section, and part I of chapter 287, except ss. 287.0582 and
4160 287.0641, do not apply to this section, the corporation ~~created~~
4161 ~~in this section~~, the service contracts entered into under this
4162 section, or debt obligations issued by the corporation as
4163 provided in this section.

4164 (11) The benefits or earnings of the corporation may not
4165 inure to the benefit of any private person, except persons
4166 receiving grants and loans under s. 403.1835 or s. 403.8532.

4167 (12) Upon dissolution of the corporation, title to all
4168 property owned by the corporation reverts to the department.

4169 (13) The corporation may contract with the State Board of
4170 Administration to serve as trustee with respect to debt
4171 obligations issued by the corporation as provided by this
4172 section; to hold, administer, and invest proceeds of those debt
4173 obligations and other funds of the corporation; and to perform
4174 other services required by the corporation. The State Board of
4175 Administration may perform these services and may contract with
4176 others to provide all or a part of those services and to recover

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4177 the costs and expenses of providing those services.

4178 Section 47. Subsections (2), (3), (9), and (14) of section
4179 403.8532, Florida Statutes, are amended to read:

4180 403.8532 Drinking water state revolving loan fund; use;
4181 rules.—

4182 (2) For purposes of this section, the term:

4183 (a) "Bonds" means bonds, certificates, or other obligations
4184 of indebtedness issued by the corporation under this section and
4185 s. 403.1837.

4186 (b) "Corporation" means the Florida Water Pollution Control
4187 Financing Corporation created pursuant to s. 403.1837.

4188 (c)~~(a)~~ "Financially disadvantaged community" means the
4189 service area of a project to be served by a public water system
4190 that meets criteria established by department rule and in
4191 accordance with federal guidance.

4192 (d)~~(b)~~ "Local governmental agency" means any municipality,
4193 county, district, or authority, or any agency thereof, or a
4194 combination of two or more of the foregoing acting jointly in
4195 connection with a project, having jurisdiction over a public
4196 water system.

4197 (e)~~(c)~~ "Public water system" means all facilities,
4198 including land, necessary for the treatment and distribution of
4199 water for human consumption and includes public water systems as
4200 defined in s. 403.852 and as otherwise defined in the federal
4201 Safe Drinking Water Act, as amended. Such systems may be
4202 publicly owned, privately owned, investor-owned, or
4203 cooperatively held.

4204 (f)~~(d)~~ "Small public water system" means a public water
4205 system that ~~which~~ regularly serves fewer than 10,000 people.

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4206 (3) The department may ~~is authorized to~~ make, or request
 4207 that the corporation make, loans, grants, and deposits to
 4208 community water systems, nonprofit transient noncommunity water
 4209 systems, and nonprofit nontransient noncommunity water systems
 4210 to assist them in planning, designing, and constructing public
 4211 water systems, unless such public water systems are for-profit
 4212 privately owned or investor-owned systems that regularly serve
 4213 1,500 service connections or more within a single certified or
 4214 franchised area. However, a for-profit privately owned or
 4215 investor-owned public water system that regularly serves 1,500
 4216 service connections or more within a single certified or
 4217 franchised area may qualify for a loan only if the proposed
 4218 project will result in the consolidation of two or more public
 4219 water systems. The department may ~~is authorized to~~ provide loan
 4220 guarantees, ~~to~~ purchase loan insurance, and ~~to~~ refinance local
 4221 debt through the issue of new loans for projects approved by the
 4222 department. Public water systems may ~~are authorized to~~ borrow
 4223 funds made available pursuant to this section and may pledge any
 4224 revenues or other adequate security available to them to repay
 4225 any funds borrowed.

4226 (a) The department shall administer loans so that amounts
 4227 credited to the Drinking Water Revolving Loan Trust Fund in any
 4228 fiscal year are reserved for the following purposes:

4229 1. ~~(a)~~ At least 15 percent for ~~to~~ qualifying small public
 4230 water systems.

4231 2. ~~(b)~~ Up to 15 percent for ~~to~~ qualifying financially
 4232 disadvantaged communities.

4233 (b) ~~(c)~~ ~~However,~~ If an insufficient number of the projects
 4234 for which funds are reserved under this subsection ~~paragraph~~

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4235 have been submitted to the department at the time the funding
4236 priority list authorized under this section is adopted, the
4237 reservation of these funds ~~shall~~ no longer applies ~~apply~~. The
4238 department may award the unreserved funds as otherwise provided
4239 in this section.

4240 (9) The department may adopt rules regarding the procedural
4241 and contractual relationship between the department and the
4242 corporation under s. 403.1837 and is authorized to make rules
4243 ~~necessary~~ to carry out the purposes of this section and the
4244 federal Safe Drinking Water Act, as amended. Such rules shall:

4245 (a) Set forth a priority system for loans based on public
4246 health considerations, compliance with state and federal
4247 requirements relating to public drinking water systems, and
4248 affordability. The priority system shall give special
4249 consideration to ~~the following~~:

4250 1. Projects that provide for the development of alternative
4251 drinking water supply projects and management techniques in
4252 areas where existing source waters are limited or threatened by
4253 saltwater intrusion, excessive drawdowns, contamination, or
4254 other problems;

4255 2. Projects that provide for a dependable, sustainable
4256 supply of drinking water and that are not otherwise financially
4257 feasible; and

4258 3. Projects that contribute to the sustainability of
4259 regional water sources.

4260 (b) Establish the requirements for the award and repayment
4261 of financial assistance.

4262 (c) Require evidence of credit worthiness and adequate
4263 security, including an identification of revenues to be pledged,

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4264 and documentation of their sufficiency for loan repayment and
4265 pledged revenue coverage, to ensure that each loan recipient can
4266 meet its loan repayment requirements.

4267 (d) Require each project receiving financial assistance to
4268 be cost-effective, environmentally sound, implementable, and
4269 self-supporting.

4270 (e) Implement other provisions of the federal Safe Drinking
4271 Water Act, as amended.

4272 (14) ~~All moneys available for financial assistance under~~
4273 ~~this section shall be deposited in~~ The Drinking Water Revolving
4274 Loan Trust Fund established under s. 403.8533 shall be used
4275 exclusively to carry out the purposes of this section. Any funds
4276 that therein which are not needed on an immediate basis for
4277 financial assistance shall be invested pursuant to s. 215.49.
4278 State revolving fund capitalization grants awarded by the
4279 Federal Government, state matching funds, and investment
4280 earnings thereon shall be deposited into the fund. The principal
4281 and interest of all loans repaid and investment earnings thereon
4282 shall be deposited into the fund.

4283 Section 48. Section 403.8533, Florida Statutes, is amended
4284 to read:

4285 403.8533 Drinking Water Revolving Loan Trust Fund.—

4286 (1) There is created the Drinking Water Revolving Loan
4287 Trust Fund to be administered by the Department of Environmental
4288 Protection for the purposes of:

4289 (a) Funding for low-interest loans for planning,
4290 engineering design, and construction of public drinking water
4291 systems and improvements to such systems;

4292 (b) Funding for compliance activities, operator

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4293 certification programs, and source water protection programs;
4294 ~~and~~

4295 (c) Funding for administering loans by the department; ~~and-~~

4296 (d) Paying amounts payable under any service contract
4297 entered into by the department under s. 403.1837, subject to
4298 annual appropriation by the Legislature.

4299 (2) The trust fund shall be used for the deposit of all
4300 moneys awarded by the Federal Government to fund revolving loan
4301 programs. All moneys in the fund that are not needed on an
4302 immediate basis for loans shall be invested pursuant to s.
4303 215.49. The principal and interest of all loans repaid and
4304 investment earnings shall be deposited into this fund.

4305 (3) Pursuant to s. 19(f)(3), Art. III of the State
4306 Constitution, the Drinking Water Revolving Loan Trust Fund is
4307 exempt from the termination provisions of s. 19(f)(2), Art. III
4308 of the State Constitution.

4309 Section 49. Subsection (6) of section 369.317, Florida
4310 Statutes, is amended to read:

4311 369.317 Wekiva Parkway.—

4312 (6) The Orlando-Orange County Expressway Authority is
4313 hereby granted the authority to act as a third-party acquisition
4314 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
4315 or chapter 373 on behalf of the governing board of the St. Johns
4316 River Water Management District, for the acquisition of all
4317 necessary lands, property and all interests in property
4318 identified herein, including fee simple or less-than-fee simple
4319 interests. The lands subject to this authority are identified in
4320 paragraph 10.a., State of Florida, Office of the Governor,
4321 Executive Order 03-112 of July 1, 2003, and in Recommendation 16

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4322 of the Wekiva Basin Area Task Force created by Executive Order
4323 2002-259, such lands otherwise known as Neighborhood Lakes, a
4324 1,587+/- acre parcel located in Orange and Lake Counties within
4325 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
4326 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
4327 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
4328 County within Section 37, Township 19 South, Range 28 East; New
4329 Garden Coal; a 1,605+/- acre parcel in Lake County within
4330 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
4331 East; Pine Plantation, a 617+/- acre tract consisting of eight
4332 individual parcels within the Apopka City limits. The Department
4333 of Transportation, the Department of Environmental Protection,
4334 the St. Johns River Water Management District, and other land
4335 acquisition entities shall participate and cooperate in
4336 providing information and support to the third-party acquisition
4337 agent. The land acquisition process authorized by this paragraph
4338 shall begin no later than December 31, 2004. Acquisition of the
4339 properties identified as Neighborhood Lakes, Pine Plantation,
4340 and New Garden Coal, or approval as a mitigation bank shall be
4341 concluded no later than December 31, 2010. Department of
4342 Transportation and Orlando-Orange County Expressway Authority
4343 funds expended to purchase an interest in those lands identified
4344 in this subsection shall be eligible as environmental mitigation
4345 for road construction related impacts in the Wekiva Study Area.
4346 If any of the lands identified in this subsection are used as
4347 environmental mitigation for road construction related impacts
4348 incurred by the Department of Transportation or Orlando-Orange
4349 County Expressway Authority, or for other impacts incurred by
4350 other entities, within the Wekiva Study Area or within the

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4351 Wekiva parkway alignment corridor, and if the mitigation offsets
4352 these impacts, the St. Johns River Water Management District and
4353 the Department of Environmental Protection shall consider the
4354 activity regulated under part IV of chapter 373 to meet the
4355 cumulative impact requirements of s. 373.414(8) (a).

4356 Section 50. Section 373.631, Florida Statutes, is created
4357 to read:

4358 373.631 Water advisory entities.—It is the intent of the
4359 Legislature to utilize academic entities within universities in
4360 the State University System as advisory bodies to provide
4361 recommendations based on the best scientific data available to
4362 the Legislature to guide water policy in the state. In
4363 consideration of preference given to such universities in s.
4364 373.63, the University of Florida Water Institute shall be the
4365 lead entity and, in consultation with other entities within the
4366 State University System, shall submit a report detailing
4367 recommendations to the Legislature by February 1, 2011, and by
4368 February 1 every 2 years thereafter.

4369 Section 51. Paragraph (m) is added to subsection (1) of
4370 section 553.77, Florida Statutes, to read:

4371 553.77 Specific powers of the commission.—

4372 (1) The commission shall:

4373 (m) Develop recommendations that result in conservation of
4374 Florida's water resources. The commission must consider products
4375 that exceed National Energy Policy Act requirements for water
4376 use and may consider products certified by the Environmental
4377 Protection Agency's WaterSense program, the Department of
4378 Energy's Energy Star program, or other certification programs.

4379 Section 52. Subsection (20) is added to section 215.47,

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4380 Florida Statutes, to read:

4381 215.47 Investments; authorized securities; loan of
4382 securities.—Subject to the limitations and conditions of the
4383 State Constitution or of the trust agreement relating to a trust
4384 fund, moneys available for investments under ss. 215.44-215.53
4385 may be invested as follows:

4386 (20) The State Board of Administration, consistent with its
4387 fiduciary duties, may invest net assets of the system trust fund
4388 in projects deemed eligible under the provisions of s. 373.707.

4389 Section 53. Subsection (8) is added to section 373.129,
4390 Florida Statutes, to read:

4391 373.129 Maintenance of actions.—The department, the
4392 governing board of any water management district, any local
4393 board, or a local government to which authority has been
4394 delegated pursuant to s. 373.103(8), is authorized to commence
4395 and maintain proper and necessary actions and proceedings in any
4396 court of competent jurisdiction for any of the following
4397 purposes:

4398 (8) In conflicts arising where a water management district
4399 is a party to litigation against another governmental entity, as
4400 defined in s. 164.1031, a district has an affirmative duty to
4401 engage in alternative dispute resolution in good faith as
4402 required by chapter 164.

4403 Section 54. Paragraph (b) of subsection (9) of section
4404 403.707, Florida Statutes, is amended to read:

4405 403.707 Permits.—

4406 (9) The department shall establish a separate category for
4407 solid waste management facilities that accept only construction
4408 and demolition debris for disposal or recycling. The department

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4409 shall establish a reasonable schedule for existing facilities to
 4410 comply with this section to avoid undue hardship to such
 4411 facilities. However, a permitted solid waste disposal unit that
 4412 receives a significant amount of waste prior to the compliance
 4413 deadline established in this schedule shall not be required to
 4414 be retrofitted with liners or leachate control systems.

4415 (b) The department shall ~~not~~ require liners and leachate
 4416 collection systems at individual disposal units and lateral
 4417 expansions of existing disposal units that have not received a
 4418 department permit authorizing construction or operation prior to
 4419 July 1, 2010. ~~facilities unless it demonstrates, based upon the~~
 4420 ~~types of waste received, the methods for controlling types of~~
 4421 ~~waste disposed of, the proximity of groundwater and surface~~
 4422 ~~water, and the results of the hydrogeological and geotechnical~~
 4423 ~~investigations, that the facility is reasonably expected to~~
 4424 ~~result in violations of groundwater standards and criteria~~
 4425 ~~otherwise.~~

4426 Section 55. Section 298.66, Florida Statutes, is amended to
 4427 read:

4428 298.66 Obstruction of public drainage canals, etc.,
 4429 prohibited; damages; penalties.-

4430 (1) A ~~No~~ person may not willfully, or otherwise, obstruct
 4431 any public canal, drain, ditch or watercourse or damage or
 4432 destroy any public drainage works constructed in or maintained
 4433 by any district.

4434 (2) ~~(1)~~ Any person who ~~shall~~ willfully obstructs ~~obstruct~~
 4435 any public canal, drain, ditch, or watercourse or damages or
 4436 destroys ~~shall damage or destroy~~ any public drainage works
 4437 constructed in or maintained by any district, shall be liable to

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4438 any person injured thereby for the full amount of the injury
4439 occasioned to any land or crops or other property by reason of
4440 such misconduct, and shall be liable to the district
4441 constructing the drainage ~~said~~ work for double the cost of
4442 removing such obstruction or repairing such damage.

4443 (3) ~~(2)~~ Any person who ~~Whoever shall~~ willfully, or
4444 otherwise, obstructs ~~obstruct~~ any public canal, drain, ditch, or
4445 watercourse, impedes or obstructs ~~or impede or obstruct~~ the flow
4446 of water therein, or damages or destroys ~~shall damage or destroy~~
4447 any public drainage works constructed in or maintained by any
4448 district commits ~~shall be guilty of~~ a felony of the third
4449 degree, punishable as provided in s. 775.082, s. 775.083, or s.
4450 775.084.

4451 Section 56. Subsection (9) is added to section 212.055,
4452 Florida Statutes, to read:

4453 212.055 Discretionary sales surtaxes; legislative intent;
4454 authorization and use of proceeds.—It is the legislative intent
4455 that any authorization for imposition of a discretionary sales
4456 surtax shall be published in the Florida Statutes as a
4457 subsection of this section, irrespective of the duration of the
4458 levy. Each enactment shall specify the types of counties
4459 authorized to levy; the rate or rates which may be imposed; the
4460 maximum length of time the surtax may be imposed, if any; the
4461 procedure which must be followed to secure voter approval, if
4462 required; the purpose for which the proceeds may be expended;
4463 and such other requirements as the Legislature may provide.
4464 Taxable transactions and administrative procedures shall be as
4465 provided in s. 212.054.

4466 (9) AREA OF CRITICAL STATE CONCERN WASTEWATER AND

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4467 STORMWATER SURTAX.—

4468 (a) A county designated as an area of critical state
4469 concern may levy a discretionary sales surtax of 1 percent
4470 pursuant to an ordinance that is enacted by a majority of the
4471 members of the county governing authority and is conditioned to
4472 take effect only upon approval by a majority vote of the
4473 electors of the county voting in a referendum.

4474 (b) The referendum to be placed on the ballot must include
4475 a statement that provides a brief and general description of the
4476 purposes for which the proceeds of the surtax may be used. The
4477 statement must conform to the requirement of s. 101.161 and
4478 shall be placed on the ballot by the governing body of the
4479 county. The following question shall be placed on the ballot:

4480 FOR the one-cent sales tax

4481 AGAINST the one-cent sales tax

4482 (c) Pursuant to s. 212.054(4), the proceeds of the surtax
4483 levied under this subsection shall be distributed to the county
4484 and the municipalities within such county in which the surtax
4485 was collected, according to:

4486 1. An interlocal agreement between the county governing
4487 authority and the governing bodies of the municipalities
4488 representing a majority of the county's municipal population,
4489 which agreement may include a school district with the consent
4490 of the county governing authority and the governing bodies of
4491 the municipalities representing a majority of the county's
4492 municipal population; or

4493 2. If there is no interlocal agreement, according to the
4494 formula provided in s. 218.62, any change in the distribution
4495 formula must take effect on the first day of any month that

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4496 begins at least 60 days after written notification of that
4497 change has been made to the department.

4498 (d) The proceeds of the surtax and any interest accrued
4499 thereto may be expended within the county and municipalities for
4500 the purposes of servicing existing bond and state revolving loan
4501 fund indebtedness to finance, plan, construct, upgrade,
4502 reconstruct or renovate wastewater and stormwater collection and
4503 treatment infrastructure; and to finance, plan, construct,
4504 upgrade, reconstruct or renovate, wastewater and stormwater
4505 collection and treatment infrastructure; fixed capital costs
4506 associated with the construction, upgrade, reconstruction,
4507 renovation, expansion or improvement of wastewater and
4508 stormwater facilities which has a useful life expectancy of at
4509 least 5 years; land acquisition, land improvement, design, and
4510 engineering costs related thereto. The proceeds of the surtax
4511 must be set aside and invested as permitted by law, with the
4512 principal and income to be used for the purposes provided in
4513 this subsection. Counties and municipalities receiving proceeds
4514 under the provisions of this subsection may pledge such proceeds
4515 for the purpose of servicing new bond or state revolving loan
4516 indebtedness incurred pursuant to law. Counties and
4517 municipalities may use the services of the Division of Bond
4518 Finance of the State Board of Administration pursuant to the
4519 State Bond Act to issue any bonds through the provisions of this
4520 subsection. Counties and municipalities may join together for
4521 the issuance of bonds authorized by this subsection.

4522 (e) A surtax imposed under this subsection expires 20 years
4523 after the effective date of the surtax unless reenacted by an
4524 ordinance that is subject to approval by a majority of the

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4525 electors of the county voting in a subsequent referendum.

4526 (f) This subsection shall be liberally construed to achieve
4527 its purpose.

4528 Section 57. It is the intent of the Legislature that the
4529 creation of part VII of chapter 373, Florida Statutes, is to
4530 reorganize certain existing provisions of part I of chapter 373,
4531 Florida Statutes, and does not make any substantive changes to
4532 existing law or judicial interpretation thereof. It is further
4533 the intent of the Legislature that any legislation enacted
4534 during the 2010 Regular Session and any extension thereof
4535 affecting ss. 373.0361, 373.0391, 373.0831, 373.196, 373.1961,
4536 373.1962, and 373.1963, Florida Statutes, either before or after
4537 this act becomes law, be given full force and effect
4538 substantively and that such new substantive provisions of law
4539 shall be integrated into ss. 373.703, 373.705, 373.707, 373.709,
4540 373.711, 373.713, and 373.715, Florida Statutes, as created by
4541 this act.

4542 Section 58. This act shall take effect July 1, 2010.