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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.; expanding alternative water supply  
126 funding to include quantifiable conservation projects;  
127 adding a high-water recharge criterion to the ranking  
128 criteria for water projects; amending s. 373.414,  
129 F.S.; adding limestone extraction operations to  
130 activities in surface waters and wetlands that require  
131 mitigation; amending s. 378.901, F.S.; allowing life-  
132 of-the-mine permits for limestone extraction  
133 operations; providing authority for local governments  
134 to impose different permit restrictions; amending s.  
135 373.41492, F.S.; updating mitigation fees for the  
136 Miami-Dade Lake Belt Mitigation Plan; amending s.  
137 215.619, F.S.; authorizing the issuance of bonds to be  
138 used to finance the management of sewage facilities in  
139 the Florida Keys Area of Critical State Concern;  
140 amending s. 380.0552, F.S.; revising legislative  
141 intent relating to the designation of the Florida Keys  
142 as an area of critical state concern; revising the  
143 procedures for removing the designation; providing for  
144 administrative review of such removal rather than  
145 judicial review; authorizing the Administration

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146 Commission to adopt rules or revise existing rules;  
147 revising the principles guiding development; revising  
148 compliance requirements for reviewing comprehensive  
149 plan amendments; amending s. 381.0065, F.S.; providing  
150 additional legislative intent; providing additional  
151 requirements for onsite sewage treatment and disposal  
152 systems in Monroe County; directing the Department of  
153 Health to create and administer a statewide septic  
154 tank evaluation program; providing procedures and  
155 criteria for the evaluation program; prohibiting the  
156 land application of septage after January 1, 2016;  
157 creating s. 381.00656, F.S.; providing for a low-  
158 income grant program for septic tank maintenance and  
159 replacement; amending s. 381.0066, F.S.; authorizing  
160 the Department of Health to collect an evaluation  
161 report fee; requiring such fees to be revenue neutral;  
162 amending s. 403.086, F.S.; requiring the Department of  
163 Environmental Protection to submit a report on the  
164 effects of reclaimed water use; clarifying reuse  
165 requirements for domestic wastewater facilities that  
166 discharge through ocean outfalls; clarifying reuse  
167 requirements for domestic wastewater facilities that  
168 divert wastewater from facilities discharging through  
169 ocean outfalls; providing legislative findings and  
170 discharge requirements for wastewater facilities in  
171 Monroe County; repealing sections 4, 5, and 6 of  
172 chapter 99-395, Laws of Florida, as amended, relating  
173 to sewage treatment in the Florida Keys; amending s.  
174 403.1835, F.S.; conforming terms to changes made to

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175 the Florida Water Pollution Control Financing  
176 Corporation; amending s. 403.1837, F.S.; expanding the  
177 purview of the corporation to include loans made from  
178 the drinking water state revolving loan fund;  
179 providing conforming changes; amending s. 403.8532,  
180 F.S.; providing definitions for the terms "bonds" and  
181 "corporation"; providing conforming changes;  
182 authorizing the Department of Environmental Protection  
183 to adopt certain rules; amending s. 403.8533, F.S.;  
184 revising the purposes for the Drinking Water Revolving  
185 Loan Trust Fund; providing that the trust fund is  
186 exempt from the termination provisions of the State  
187 Constitution; amending s. 369.317, F.S.; clarifying  
188 mitigation offsets in the Wekiva Study Area; amending  
189 s. 553.77, F.S.; directing the Florida Building  
190 Commission to recommend products that result in water  
191 conservation; amending s. 215.47, F.S.; authorizing  
192 the State Board of Administration to make investments  
193 in alternative water supply and water resource  
194 development projects; amending s. 373.129, F.S.;  
195 requiring the water management districts to submit to  
196 alternative dispute resolution in conflicts with other  
197 governmental entities; amending s. 403.707, F.S.;  
198 requiring liners for new landfills and expansions of  
199 existing landfills not yet permitted that will accept  
200 construction and demolition debris; amending s.  
201 298.66, F.S.; clarifying penalties for people who  
202 damage drainage works constructed or maintained by a  
203 water management district; providing legislative

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204 intent that there are no substantive changes in the  
205 reorganization ch. 373, F.S.; providing legislative  
206 intent that substantive changes affecting repealed  
207 sections of law relating to the reorganization of ch.  
208 373, F.S., shall be given full force and effect;  
209 providing an effective date.

210  
211 Be It Enacted by the Legislature of the State of Florida:

212  
213 Section 1. Part VII of chapter 373, Florida Statutes,  
214 consisting of sections 373.701, 373.703, 373.705, 373.707,  
215 373.709, 373.711, 373.713, and 373.715, is created to read:

216 PART VII

217 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

218 373.701 Declaration of policy.—It is declared to be the  
219 policy of the Legislature:

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

223 (2) (a) Because water constitutes a public resource  
224 benefiting the entire state, it is the policy of the Legislature  
225 that the waters in the state be managed on a state and regional  
226 basis. Consistent with this directive, the Legislature  
227 recognizes the need to allocate water throughout the state so as  
228 to meet all reasonable-beneficial uses. However, the Legislature  
229 acknowledges that such allocations have in the past adversely  
230 affected the water resources of certain areas in this state. To  
231 protect such water resources and to meet the current and future  
232 needs of those areas with abundant water, the Legislature



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233 directs the department and the water management districts to  
234 encourage the use of water from sources nearest the area of use  
235 or application whenever practicable. Such sources shall include  
236 all naturally occurring water sources and all alternative water  
237 sources, including, but not limited to, desalination,  
238 conservation, reuse of nonpotable reclaimed water and  
239 stormwater, and aquifer storage and recovery. Reuse of potable  
240 reclaimed water and stormwater shall not be subject to the  
241 evaluation described in s. 373.223(3)(a)-(g). However, this  
242 directive to encourage the use of water, whenever practicable,  
243 from sources nearest the area of use or application shall not  
244 apply to the transport and direct and indirect use of water  
245 within the area encompassed by the Central and Southern Florida  
246 Flood Control Project, nor shall it apply anywhere in the state  
247 to the transport and use of water supplied exclusively for  
248 bottled water as defined in s. 500.03(1)(d), nor shall it apply  
249 to the transport and use of reclaimed water for electrical power  
250 production by an electric utility as defined in s. 366.02(2).

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

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

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262 limited to, withdrawals of surface water and ground water,  
263 reuse, and desalination and will necessitate not only  
264 cooperation but also well-coordinated activities.  
265 Municipalities, counties, and special districts are encouraged  
266 to create regional water supply authorities as authorized in s.  
267 373.713 or multijurisdictional water supply entities.

268 373.703 Water production; general powers and duties.-In the  
269 performance of, and in conjunction with, its other powers and  
270 duties, the governing board of a water management district  
271 existing pursuant to this chapter:

272 (1) Shall engage in planning to assist counties,  
273 municipalities, special districts, publicly owned and privately  
274 owned water utilities, multijurisdictional water supply  
275 entities, or regional water supply authorities in meeting water  
276 supply needs in such manner as will give priority to encouraging  
277 conservation and reducing adverse environmental effects of  
278 improper or excessive withdrawals of water from concentrated  
279 areas. As used in this section and s. 373.707, regional water  
280 supply authorities are regional water authorities created under  
281 s. 373.713 or other laws of this state.

282 (2) Shall assist counties, municipalities, special  
283 districts, publicly owned or privately owned water utilities,  
284 multijurisdictional water supply entities, or regional water  
285 supply authorities in meeting water supply needs in such manner  
286 as will give priority to encouraging conservation and reducing  
287 adverse environmental effects of improper or excessive  
288 withdrawals of water from concentrated areas.

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

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291 supplying water to counties, municipalities, special districts,  
292 publicly owned and privately owned water utilities,  
293 multijurisdictional water supply entities, or regional water  
294 supply authorities. The permit required by part II of this  
295 chapter for a water management district engaged in water  
296 production and transmission shall be granted, denied, or granted  
297 with conditions by the department.

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

299 (5) Shall not deprive, directly or indirectly, any county  
300 wherein water is withdrawn of the prior right to the reasonable  
301 and beneficial use of water which is required to supply  
302 adequately the reasonable and beneficial needs of the county or  
303 any of the inhabitants or property owners therein.

304 (6) May provide water and financial assistance to regional  
305 water supply authorities, but may not provide water to counties  
306 and municipalities which are located within the area of such  
307 authority without the specific approval of the authority or, in  
308 the event of the authority's disapproval, the approval of the  
309 Governor and Cabinet sitting as the Land and Water Adjudicatory  
310 Commission. The district may supply water at rates and upon  
311 terms mutually agreed to by the parties or, if they do not  
312 agree, as set by the governing board and specifically approved  
313 by the Governor and Cabinet sitting as the Land and Water  
314 Adjudicatory Commission.

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

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320 acquire water and water rights already devoted to reasonable and  
321 beneficial use or any water production or transmission  
322 facilities owned by any county, municipality, or regional water  
323 supply authority. The district may exercise eminent domain  
324 powers outside of its district boundaries for the acquisition of  
325 pumpage facilities, storage areas, transmission facilities, and  
326 the normal appurtenances thereto, provided that at least 45 days  
327 prior to the exercise of eminent domain, the district notifies  
328 the district where the property is located after public notice  
329 and the district where the property is located does not object  
330 within 45 days after notification of such exercise of eminent  
331 domain authority.

332 (8) In addition to the power to issue revenue bonds  
333 pursuant to s. 373.584, may issue revenue bonds for the purposes  
334 of paying the costs and expenses incurred in carrying out the  
335 purposes of this chapter or refunding obligations of the  
336 district issued pursuant to this section. Such revenue bonds  
337 shall be secured by, and be payable from, revenues derived from  
338 the operation, lease, or use of its water production and  
339 transmission facilities and other water-related facilities and  
340 from the sale of water or services relating thereto. Such  
341 revenue bonds may not be secured by, or be payable from, moneys  
342 derived by the district from the Water Management Lands Trust  
343 Fund or from ad valorem taxes received by the district. All  
344 provisions of s. 373.584 relating to the issuance of revenue  
345 bonds which are not inconsistent with this section shall apply  
346 to the issuance of revenue bonds pursuant to this section. The  
347 district may also issue bond anticipation notes in accordance  
348 with the provisions of s. 373.584.

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349 (9) May join with one or more other water management  
350 districts, counties, municipalities, special districts, publicly  
351 owned or privately owned water utilities, multijurisdictional  
352 water supply entities, or regional water supply authorities for  
353 the purpose of carrying out any of its powers, and may contract  
354 with such other entities to finance acquisitions, construction,  
355 operation, and maintenance. The contract may provide for  
356 contributions to be made by each party thereto, for the division  
357 and apportionment of the expenses of acquisitions, construction,  
358 operation, and maintenance, and for the division and  
359 apportionment of the benefits, services, and products therefrom.  
360 The contracts may contain other covenants and agreements  
361 necessary and appropriate to accomplish their purposes.

362 373.705 Water resource development; water supply  
363 development.-

364 (1) The Legislature finds that:

365 (a) The proper role of the water management districts in  
366 water supply is primarily planning and water resource  
367 development, but this does not preclude them from providing  
368 assistance with water supply development.

369 (b) The proper role of local government, regional water  
370 supply authorities, and government-owned and privately owned  
371 water utilities in water supply is primarily water supply  
372 development, but this does not preclude them from providing  
373 assistance with water resource development.

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

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

379 (a) Sufficient water be available for all existing and  
380 future reasonable-beneficial uses and the natural systems, and  
381 that the adverse effects of competition for water supplies be  
382 avoided.

383 (b) Water management districts take the lead in identifying  
384 and implementing water resource development projects, and be  
385 responsible for securing necessary funding for regionally  
386 significant water resource development projects.

387 (c) Local governments, regional water supply authorities,  
388 and government-owned and privately owned water utilities take  
389 the lead in securing funds for and implementing water supply  
390 development projects. Generally, direct beneficiaries of water  
391 supply development projects should pay the costs of the projects  
392 from which they benefit, and water supply development projects  
393 should continue to be paid for through local funding sources.

394 (d) Water supply development be conducted in coordination  
395 with water management district regional water supply planning  
396 and water resource development.

397 (3) The water management districts shall fund and implement  
398 water resource development as defined in s. 373.019. The water  
399 management districts are encouraged to implement water resource  
400 development as expeditiously as possible in areas subject to  
401 regional water supply plans. Each governing board shall include  
402 in its annual budget the amount needed for the fiscal year to  
403 implement water resource development projects, as prioritized in  
404 its regional water supply plans.

405 (4) (a) Water supply development projects that are  
406 consistent with the relevant regional water supply plans and

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407 that meet one or more of the following criteria shall receive  
408 priority consideration for state or water management district  
409 funding assistance:

410 1. The project supports establishment of a dependable,  
411 sustainable supply of water which is not otherwise financially  
412 feasible;

413 2. The project provides substantial environmental benefits  
414 by preventing or limiting adverse water resource impacts, but  
415 requires funding assistance to be economically competitive with  
416 other options; or

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

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

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

426 2. The project implements reuse that assists in the  
427 elimination of domestic wastewater ocean outfalls as provided in  
428 s. 403.086(9).

429 373.707 Alternative water supply development.—

430 (1) The purpose of this section is to encourage cooperation  
431 in the development of water supplies and to provide for  
432 alternative water supply development.

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

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436 increase.

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

440 (c) Cooperative efforts between municipalities, counties,  
441 special districts, water management districts, and the  
442 Department of Environmental Protection are mandatory in order to  
443 meet the water needs of rapidly urbanizing areas in a manner  
444 that will supply adequate and dependable supplies of water where  
445 needed without resulting in adverse effects upon the areas from  
446 which such water is withdrawn. Such efforts should use all  
447 practical means of obtaining water, including, but not limited  
448 to, withdrawals of surface water and ground water, reuse, and  
449 desalinization, and will necessitate not only cooperation but  
450 also well-coordinated activities. Municipalities, counties, and  
451 special districts are encouraged to create regional water supply  
452 authorities as authorized in s. 373.713 or multijurisdictional  
453 water supply entities.

454 (d) Alternative water supply development must receive  
455 priority funding attention to increase the available supplies of  
456 water to meet all existing and future reasonable-beneficial uses  
457 and to benefit the natural systems.

458 (e) Cooperation between counties, municipalities, regional  
459 water supply authorities, multijurisdictional water supply  
460 entities, special districts, and publicly owned and privately  
461 owned water utilities in the development of countywide and  
462 multicountywide alternative water supply projects will allow for  
463 necessary economies of scale and efficiencies to be achieved in  
464 order to accelerate the development of new, dependable, and



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465 sustainable alternative water supplies.

466 (f) It is in the public interest that county, municipal,  
467 industrial, agricultural, and other public and private water  
468 users, the Department of Environmental Protection, and the water  
469 management districts cooperate and work together in the  
470 development of alternative water supplies to avoid the adverse  
471 effects of competition for limited supplies of water. Public  
472 moneys or services provided to private entities for alternative  
473 water supply development may constitute public purposes that  
474 also are in the public interest.

475 (2) (a) Sufficient water must be available for all existing  
476 and future reasonable-beneficial uses and the natural systems,  
477 and the adverse effects of competition for water supplies must  
478 be avoided.

479 (b) Water supply development and alternative water supply  
480 development must be conducted in coordination with water  
481 management district regional water supply planning.

482 (c) Funding for the development of alternative water  
483 supplies shall be a shared responsibility of water suppliers and  
484 users, the State of Florida, and the water management districts,  
485 with water suppliers and users having the primary responsibility  
486 and the State of Florida and the water management districts  
487 being responsible for providing funding assistance.

488 (3) The primary roles of the water management districts in  
489 water resource development as it relates to supporting  
490 alternative water supply development are:

491 (a) The formulation and implementation of regional water  
492 resource management strategies that support alternative water  
493 supply development;

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494 (b) The collection and evaluation of surface water and  
495 groundwater data to be used for a planning level assessment of  
496 the feasibility of alternative water supply development  
497 projects;

498 (c) The construction, operation, and maintenance of major  
499 public works facilities for flood control, surface and  
500 underground water storage, and groundwater recharge augmentation  
501 to support alternative water supply development;

502 (d) Planning for alternative water supply development as  
503 provided in regional water supply plans in coordination with  
504 local governments, regional water supply authorities,  
505 multijurisdictional water supply entities, special districts,  
506 and publicly owned and privately owned water utilities and self-  
507 suppliers;

508 (e) The formulation and implementation of structural and  
509 nonstructural programs to protect and manage water resources in  
510 support of alternative water supply projects; and

511 (f) The provision of technical and financial assistance to  
512 local governments and publicly owned and privately owned water  
513 utilities for alternative water supply projects.

514 (4) The primary roles of local government, regional water  
515 supply authorities, multijurisdictional water supply entities,  
516 special districts, and publicly owned and privately owned water  
517 utilities in alternative water supply development shall be:

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

520 (b) The formulation and implementation of alternative water  
521 supply development strategies and programs;

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

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

525 (d) The coordination of alternative water supply  
526 development activities with the appropriate water management  
527 district having jurisdiction over the activity.

528 (5) Nothing in this section shall be construed to preclude  
529 the various special districts, municipalities, and counties from  
530 continuing to operate existing water production and transmission  
531 facilities or to enter into cooperative agreements with other  
532 special districts, municipalities, and counties for the purpose  
533 of meeting their respective needs for dependable and adequate  
534 supplies of water; however, the obtaining of water through such  
535 operations shall not be done in a manner that results in adverse  
536 effects upon the areas from which such water is withdrawn.

537 (6) (a) The statewide funds provided pursuant to the Water  
538 Protection and Sustainability Program serve to supplement  
539 existing water management district or basin board funding for  
540 alternative water supply development assistance and should not  
541 result in a reduction of such funding. Therefore, the water  
542 management districts shall include in the annual tentative and  
543 adopted budget submittals required under this chapter the amount  
544 of funds allocated for water resource development that supports  
545 alternative water supply development and the funds allocated for  
546 alternative water supply projects selected for inclusion in the  
547 Water Protection and Sustainability Program. It shall be the  
548 goal of each water management district and basin boards that the  
549 combined funds allocated annually for these purposes be, at a  
550 minimum, the equivalent of 100 percent of the state funding  
551 provided to the water management district for alternative water

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552 supply development. If this goal is not achieved, the water  
553 management district shall provide in the budget submittal an  
554 explanation of the reasons or constraints that prevent this goal  
555 from being met, an explanation of how the goal will be met in  
556 future years, and affirmation of match is required during the  
557 budget review process as established under s. 373.536(5). The  
558 Suwannee River Water Management District and the Northwest  
559 Florida Water Management District shall not be required to meet  
560 the match requirements of this paragraph; however, they shall  
561 try to achieve the match requirement to the greatest extent  
562 practicable.

563 (b) State funds from the Water Protection and  
564 Sustainability Program created in s. 403.890 shall be made  
565 available for financial assistance for the project construction  
566 costs of alternative water supply development projects selected  
567 by a water management district governing board for inclusion in  
568 the program.

569 (7) The water management district shall implement its  
570 responsibilities as expeditiously as possible in areas subject  
571 to regional water supply plans. Each district's governing board  
572 shall include in its annual budget the amount needed for the  
573 fiscal year to assist in implementing alternative water supply  
574 development projects.

575 (8) (a) The water management districts and the state shall  
576 share a percentage of revenues with water providers and users,  
577 including local governments, water, wastewater, and reuse  
578 utilities, municipal, special district, industrial, and  
579 agricultural water users, and other public and private water  
580 users, to be used to supplement other funding sources in the

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581 development of alternative water supplies.

582 (b) Beginning in the 2005-2006 fiscal year, the state shall  
583 annually provide a portion of those revenues deposited into the  
584 Water Protection and Sustainability Program Trust Fund for the  
585 purpose of providing funding assistance for the development of  
586 alternative water supplies pursuant to the Water Protection and  
587 Sustainability Program. At the beginning of each fiscal year,  
588 beginning with the 2005-2006 fiscal year, such revenues shall be  
589 distributed by the department into the alternative water supply  
590 trust fund accounts created by each district for the purpose of  
591 alternative water supply development under the following funding  
592 formula:

593 1. Thirty percent to the South Florida Water Management  
594 District;

595 2. Twenty-five percent to the Southwest Florida Water  
596 Management District;

597 3. Twenty-five percent to the St. Johns River Water  
598 Management District;

599 4. Ten percent to the Suwannee River Water Management  
600 District; and

601 5. Ten percent to the Northwest Florida Water Management  
602 District.

603 (c) The financial assistance for alternative water supply  
604 projects allocated in each district's budget as required in  
605 subsection (6) shall be combined with the state funds and used  
606 to assist in funding the project construction costs of  
607 alternative water supply projects selected by the governing  
608 board. If the district has not completed any regional water  
609 supply plan, or the regional water supply plan does not identify

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610 the need for any alternative water supply projects, funds  
611 deposited in that district's trust fund may be used for water  
612 resource development projects, including, but not limited to,  
613 springs protection.

614 (d) All projects submitted to the governing board for  
615 consideration shall reflect the total capital cost for  
616 implementation. The costs shall be segregated pursuant to the  
617 categories described in the definition of capital costs.

618 (e) Applicants for projects that may receive funding  
619 assistance pursuant to the Water Protection and Sustainability  
620 Program shall, at a minimum, be required to pay 60 percent of  
621 the project's construction costs. The water management districts  
622 may, at their discretion, totally or partially waive this  
623 requirement for projects sponsored by financially disadvantaged  
624 small local governments as defined in former s. 403.885(5). The  
625 water management districts or basin boards may, at their  
626 discretion, use ad valorem or federal revenues to assist a  
627 project applicant in meeting the requirements of this paragraph.

628 (f) The governing boards shall determine those projects  
629 that will be selected for financial assistance. The governing  
630 boards may establish factors to determine project funding;  
631 however, significant weight shall be given to the following  
632 factors:

633 1. Whether the project provides substantial environmental  
634 benefits by preventing or limiting adverse water resource  
635 impacts.

636 2. Whether the project reduces competition for water  
637 supplies.

638 3. Whether the project brings about replacement of

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639 traditional sources in order to help implement a minimum flow or  
640 level or a reservation.

641 4. Whether the project will be implemented by a consumptive  
642 use permittee that has achieved the targets contained in a goal-  
643 based water conservation program approved pursuant to s.  
644 373.227.

645 5. The quantity of water supplied by the project as  
646 compared to its cost.

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

649 7. Whether the project will be implemented by a  
650 multijurisdictional water supply entity or regional water supply  
651 authority.

652 8. Whether the project implements reuse that assists in the  
653 elimination of domestic wastewater ocean outfalls as provided in  
654 s. 403.086(9).

655 (g) Additional factors to be considered in determining  
656 project funding shall include:

657 1. Whether the project is part of a plan to implement two  
658 or more alternative water supply projects, all of which will be  
659 operated to produce water at a uniform rate for the participants  
660 in a multijurisdictional water supply entity or regional water  
661 supply authority.

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

664 3. Whether the project proposal includes sufficient  
665 preliminary planning and engineering to demonstrate that the  
666 project can reasonably be implemented within the timeframes  
667 provided in the regional water supply plan.

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

670 5. Whether and in what percentage a local government or  
671 local government utility is transferring water supply system  
672 revenues to the local government general fund in excess of  
673 reimbursements for services received from the general fund,  
674 including direct and indirect costs and legitimate payments in  
675 lieu of taxes.

676 (h) After conducting one or more meetings to solicit public  
677 input on eligible projects, including input from those entities  
678 identified pursuant to s. 373.709(2)(a)3.d. for implementation  
679 of alternative water supply projects, the governing board of  
680 each water management district shall select projects for funding  
681 assistance based upon the criteria set forth in paragraphs (f)  
682 and (g). The governing board may select a project identified or  
683 listed as an alternative water supply development project in the  
684 regional water supply plan, or allocate up to 20 percent of the  
685 funding for alternative water supply projects that are not  
686 identified or listed in the regional water supply plan but are  
687 consistent with the goals of the plan.

688 (i) Without diminishing amounts available through other  
689 means described in this paragraph, the governing boards are  
690 encouraged to consider establishing revolving loan funds to  
691 expand the total funds available to accomplish the objectives of  
692 this section. A revolving loan fund created under this paragraph  
693 must be a nonlapsing fund from which the water management  
694 district may make loans with interest rates below prevailing  
695 market rates to public or private entities for the purposes  
696 described in this section. The governing board may adopt



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697 resolutions to establish revolving loan funds which must specify  
698 the details of the administration of the fund, the procedures  
699 for applying for loans from the fund, the criteria for awarding  
700 loans from the fund, the initial capitalization of the fund, and  
701 the goals for future capitalization of the fund in subsequent  
702 budget years. Revolving loan funds created under this paragraph  
703 must be used to expand the total sums and sources of cooperative  
704 funding available for the development of alternative water  
705 supplies. The Legislature does not intend for the creation of  
706 revolving loan funds to supplant or otherwise reduce existing  
707 sources or amounts of funds currently available through other  
708 means.

709 (j) For each utility that receives financial assistance  
710 from the state or a water management district for an alternative  
711 water supply project, the water management district shall  
712 require the appropriate rate-setting authority to develop rate  
713 structures for water customers in the service area of the funded  
714 utility that will:

- 715 1. Promote the conservation of water; and  
716 2. Promote the use of water from alternative water  
717 supplies.

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

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

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

725 (n) By March 1 of each year, as part of the consolidated

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726 annual report required by s. 373.036(7), each water management  
727 district shall submit a report on the disbursal of all budgeted  
728 amounts pursuant to this section. Such report shall describe all  
729 alternative water supply projects funded as well as the quantity  
730 of new water to be created as a result of such projects and  
731 shall account separately for any other moneys provided through  
732 grants, matching grants, revolving loans, and the use of  
733 district lands or facilities to implement regional water supply  
734 plans.

735 (o) The Florida Public Service Commission shall allow  
736 entities under its jurisdiction constructing or participating in  
737 constructing facilities that provide alternative water supplies  
738 to recover their full, prudently incurred cost of constructing  
739 such facilities through their rate structure. If construction of  
740 a facility or participation in construction is pursuant to or in  
741 furtherance of a regional water supply plan, the cost shall be  
742 deemed to be prudently incurred. Every component of an  
743 alternative water supply facility constructed by an investor-  
744 owned utility shall be recovered in current rates. Any state or  
745 water management district cost-share is not subject to the  
746 recovery provisions allowed in this paragraph.

747 (9) Funding assistance provided by the water management  
748 districts for a water reuse system may include the following  
749 conditions for that project if a water management district  
750 determines that such conditions will encourage water use  
751 efficiency:

752 (a) Metering of reclaimed water use for residential  
753 irrigation, agricultural irrigation, industrial uses, except for  
754 electric utilities as defined in s. 366.02(2), landscape

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755 irrigation, golf course irrigation, irrigation of other public  
756 access areas, commercial and institutional uses such as toilet  
757 flushing, and transfers to other reclaimed water utilities;

758 (b) Implementation of reclaimed water rate structures based  
759 on actual use of reclaimed water for the reuse activities listed  
760 in paragraph (a);

761 (c) Implementation of education programs to inform the  
762 public about water issues, water conservation, and the  
763 importance and proper use of reclaimed water; or

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

765 373.709 Regional water supply planning.—

766 (1) The governing board of each water management district  
767 shall conduct water supply planning for any water supply  
768 planning region within the district identified in the  
769 appropriate district water supply plan under s. 373.036, where  
770 it determines that existing sources of water are not adequate to  
771 supply water for all existing and future reasonable-beneficial  
772 uses and to sustain the water resources and related natural  
773 systems for the planning period. The planning must be conducted  
774 in an open public process, in coordination and cooperation with  
775 local governments, regional water supply authorities,  
776 government-owned and privately owned water utilities,  
777 multijurisdictional water supply entities, self-suppliers, and  
778 other affected and interested parties. The districts shall  
779 actively engage in public education and outreach to all affected  
780 local entities and their officials, as well as members of the  
781 public, in the planning process and in seeking input. During  
782 preparation, but prior to completion of the regional water  
783 supply plan, the district must conduct at least one public

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784 workshop to discuss the technical data and modeling tools  
785 anticipated to be used to support the regional water supply  
786 plan. The district shall also hold several public meetings to  
787 communicate the status, overall conceptual intent, and impacts  
788 of the plan on existing and future reasonable-beneficial uses  
789 and related natural systems. During the planning process, a  
790 local government may choose to prepare its own water supply  
791 assessment to determine if existing water sources are adequate  
792 to meet existing and projected reasonable-beneficial needs of  
793 the local government while sustaining water resources and  
794 related natural systems. The local government shall submit such  
795 assessment, including the data and methodology used, to the  
796 district. The district shall consider the local government's  
797 assessment during the formation of the plan. A determination by  
798 the governing board that initiation of a regional water supply  
799 plan for a specific planning region is not needed pursuant to  
800 this section shall be subject to s. 120.569. The governing board  
801 shall reevaluate such a determination at least once every 5  
802 years and shall initiate a regional water supply plan, if  
803 needed, pursuant to this subsection.

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

807 (a) A water supply development component for each water  
808 supply planning region identified by the district which  
809 includes:

810 1. A quantification of the water supply needs for all  
811 existing and future reasonable-beneficial uses within the  
812 planning horizon. The level-of-certainty planning goal

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813 associated with identifying the water supply needs of existing  
814 and future reasonable-beneficial uses shall be based upon  
815 meeting those needs for a 1-in-10-year drought event. Population  
816 projections used for determining public water supply needs must  
817 be based upon the best available data. In determining the best  
818 available data, the district shall consider the University of  
819 Florida's Bureau of Economic and Business Research (BEBR) medium  
820 population projections and any population projection data and  
821 analysis submitted by a local government pursuant to the public  
822 workshop described in subsection (1) if the data and analysis  
823 support the local government's comprehensive plan. Any  
824 adjustment of or deviation from the BEBR projections must be  
825 fully described, and the original BEBR data must be presented  
826 along with the adjusted data.

827 2. A list of water supply development project options,  
828 including traditional and alternative water supply project  
829 options, from which local government, government-owned and  
830 privately owned utilities, regional water supply authorities,  
831 multijurisdictional water supply entities, self-suppliers, and  
832 others may choose for water supply development. In addition to  
833 projects listed by the district, such users may propose specific  
834 projects for inclusion in the list of alternative water supply  
835 projects. If such users propose a project to be listed as an  
836 alternative water supply project, the district shall determine  
837 whether it meets the goals of the plan, and, if so, it shall be  
838 included in the list. The total capacity of the projects  
839 included in the plan shall exceed the needs identified in  
840 subparagraph 1. and shall take into account water conservation  
841 and other demand management measures, as well as water resources

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842 constraints, including adopted minimum flows and levels and  
843 water reservations. Where the district determines it is  
844 appropriate, the plan should specifically identify the need for  
845 multijurisdictional approaches to project options that, based on  
846 planning level analysis, are appropriate to supply the intended  
847 uses and that, based on such analysis, appear to be permissible  
848 and financially and technically feasible. The list of water  
849 supply development options must contain provisions that  
850 recognize that alternative water supply options for agricultural  
851 self-suppliers are limited.

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

854 a. An estimate of the amount of water to become available  
855 through the project.

856 b. The timeframe in which the project option should be  
857 implemented and the estimated planning-level costs for capital  
858 investment and operating and maintaining the project.

859 c. An analysis of funding needs and sources of possible  
860 funding options. For alternative water supply projects the water  
861 management districts shall provide funding assistance in  
862 accordance with s. 373.707(8).

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

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

866 1. A listing of those water resource development projects  
867 that support water supply development.

868 2. For each water resource development project listed:

869 a. An estimate of the amount of water to become available  
870 through the project.

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871 b. The timeframe in which the project option should be  
872 implemented and the estimated planning-level costs for capital  
873 investment and for operating and maintaining the project.

874 c. An analysis of funding needs and sources of possible  
875 funding options.

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

878 (c) The recovery and prevention strategy described in s.  
879 373.0421(2).

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

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

889 (f) The technical data and information applicable to each  
890 planning region which are necessary to support the regional  
891 water supply plan.

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

894 (h) Reservations of water adopted by rule pursuant to s.  
895 373.223(4) within each planning region.

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

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

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900 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
901 create water supply development or water resource development  
902 projects.

903 (3) The water supply development component of a regional  
904 water supply plan which deals with or affects public utilities  
905 and public water supply for those areas served by a regional  
906 water supply authority and its member governments within the  
907 boundary of the Southwest Florida Water Management District  
908 shall be developed jointly by the authority and the district. In  
909 areas not served by regional water supply authorities, or other  
910 multijurisdictional water supply entities, and where  
911 opportunities exist to meet water supply needs more efficiently  
912 through multijurisdictional projects identified pursuant to  
913 paragraph (2)(a), water management districts are directed to  
914 assist in developing multijurisdictional approaches to water  
915 supply project development jointly with affected water  
916 utilities, special districts, and local governments.

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

921 (5) Governing board approval of a regional water supply  
922 plan shall not be subject to the rulemaking requirements of  
923 chapter 120. However, any portion of an approved regional water  
924 supply plan which affects the substantial interests of a party  
925 shall be subject to s. 120.569.

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



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929 regional water supply planning in each district. The report  
930 shall include:

931 (a) A compilation of the estimated costs of and potential  
932 sources of funding for water resource development and water  
933 supply development projects as identified in the water  
934 management district regional water supply plans.

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

938 (c) A description of each district's progress toward  
939 achieving its water resource development objectives, including  
940 the district's implementation of its 5-year water resource  
941 development work program.

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

945 (e) An overall assessment of the progress being made to  
946 develop water supply in each district, including, but not  
947 limited to, an explanation of how each project, either  
948 alternative or traditional, will produce, contribute to, or  
949 account for additional water being made available for  
950 consumptive uses, an estimate of the quantity of water to be  
951 produced by each project, and an assessment of the contribution  
952 of the district's regional water supply plan in providing  
953 sufficient water to meet the needs of existing and future  
954 reasonable-beneficial uses for a 1-in-10 year drought event, as  
955 well as the needs of the natural systems.

956 (7) Nothing contained in the water supply development  
957 component of a regional water supply plan shall be construed to

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958 require local governments, government-owned or privately owned  
959 water utilities, special districts, self-suppliers, regional  
960 water supply authorities, multijurisdictional water supply  
961 entities, or other water suppliers to select a water supply  
962 development project identified in the component merely because  
963 it is identified in the plan. Except as provided in s.  
964 373.223(3) and (5), the plan may not be used in the review of  
965 permits under part II of this chapter unless the plan or an  
966 applicable portion thereof has been adopted by rule. However,  
967 this subsection does not prohibit a water management district  
968 from employing the data or other information used to establish  
969 the plan in reviewing permits under part II, nor does it limit  
970 the authority of the department or governing board under part  
971 II.

972 (8) Where the water supply component of a water supply  
973 planning region shows the need for one or more alternative water  
974 supply projects, the district shall notify the affected local  
975 governments and make every reasonable effort to educate and  
976 involve local public officials in working toward solutions in  
977 conjunction with the districts and, where appropriate, other  
978 local and regional water supply entities.

979 (a) Within 6 months following approval or amendment of its  
980 regional water supply plan, each water management district shall  
981 notify by certified mail each entity identified in sub-  
982 subparagraph (2)(a)3.d. of that portion of the plan relevant to  
983 the entity. Upon request of such an entity, the water management  
984 district shall appear before and present its findings and  
985 recommendations to the entity.

986 (b) Within 1 year after the notification by a water

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987 management district pursuant to paragraph (a), each entity  
988 identified in sub-subparagraph (2)(a)3.d. shall provide to the  
989 water management district written notification of the following:  
990 the alternative water supply projects or options identified in  
991 paragraph (2)(a) which it has developed or intends to develop,  
992 if any; an estimate of the quantity of water to be produced by  
993 each project; and the status of project implementation,  
994 including development of the financial plan, facilities master  
995 planning, permitting, and efforts in coordinating  
996 multijurisdictional projects, if applicable. The information  
997 provided in the notification shall be updated annually, and a  
998 progress report shall be provided by November 15 of each year to  
999 the water management district. If an entity does not intend to  
1000 develop one or more of the alternative water supply project  
1001 options identified in the regional water supply plan, the entity  
1002 shall propose, within 1 year after notification by a water  
1003 management district pursuant to paragraph (a), another  
1004 alternative water supply project option sufficient to address  
1005 the needs identified in paragraph (2)(a) within the entity's  
1006 jurisdiction and shall provide an estimate of the quantity of  
1007 water to be produced by the project and the status of project  
1008 implementation as described in this paragraph. The entity may  
1009 request that the water management district consider the other  
1010 project for inclusion in the regional water supply plan.

1011 (9) For any regional water supply plan that is scheduled to  
1012 be updated before December 31, 2005, the deadline for such  
1013 update shall be extended by 1 year.

1014 373.711 Technical assistance to local governments.—

1015 (1) The water management districts shall assist local

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1016 governments in the development and future revision of local  
1017 government comprehensive plan elements or public facilities  
1018 report as required by s. 189.415, related to water resource  
1019 issues.

1020 (2) By July 1, 1991, each water management district shall  
1021 prepare and provide information and data to assist local  
1022 governments in the preparation and implementation of their local  
1023 government comprehensive plans or public facilities report as  
1024 required by s. 189.415, whichever is applicable. Such  
1025 information and data shall include, but not be limited to:

1026 (a) All information and data required in a public  
1027 facilities report pursuant to s. 189.415.

1028 (b) A description of regulations, programs, and schedules  
1029 implemented by the district.

1030 (c) Identification of regulations, programs, and schedules  
1031 undertaken or proposed by the district to further the State  
1032 Comprehensive Plan.

1033 (d) A description of surface water basins, including  
1034 regulatory jurisdictions, flood-prone areas, existing and  
1035 projected water quality in water management district operated  
1036 facilities, as well as surface water runoff characteristics and  
1037 topography regarding flood plains, wetlands, and recharge areas.

1038 (e) A description of groundwater characteristics, including  
1039 existing and planned wellfield sites, existing and anticipated  
1040 cones of influence, highly productive groundwater areas, aquifer  
1041 recharge areas, deep well injection zones, contaminated areas,  
1042 an assessment of regional water resource needs and sources for  
1043 the next 20 years, and water quality.

1044 (f) The identification of existing and potential water

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1045 management district land acquisitions.

1046 (g) Information reflecting the minimum flows for surface  
1047 watercourses to avoid harm to water resources or the ecosystem  
1048 and information reflecting the minimum water levels for aquifers  
1049 to avoid harm to water resources or the ecosystem.

1050 373.713 Regional water supply authorities.—

1051 (1) By interlocal agreement between counties,  
1052 municipalities, or special districts, as applicable, pursuant to  
1053 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and  
1054 upon the approval of the Secretary of Environmental Protection  
1055 to ensure that such agreement will be in the public interest and  
1056 complies with the intent and purposes of this act, regional  
1057 water supply authorities may be created for the purpose of  
1058 developing, recovering, storing, and supplying water for county  
1059 or municipal purposes in such a manner as will give priority to  
1060 reducing adverse environmental effects of excessive or improper  
1061 withdrawals of water from concentrated areas. In approving said  
1062 agreement the Secretary of Environmental Protection shall  
1063 consider, but not be limited to, the following:

1064 (a) Whether the geographic territory of the proposed  
1065 authority is of sufficient size and character to reduce the  
1066 environmental effects of improper or excessive withdrawals of  
1067 water from concentrated areas.

1068 (b) The maximization of economic development of the water  
1069 resources within the territory of the proposed authority.

1070 (c) The availability of a dependable and adequate water  
1071 supply.

1072 (d) The ability of any proposed authority to design,  
1073 construct, operate, and maintain water supply facilities in the

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1074 locations, and at the times necessary, to ensure that an  
1075 adequate water supply will be available to all citizens within  
1076 the authority.

1077 (e) The effect or impact of any proposed authority on any  
1078 municipality, county, or existing authority or authorities.

1079 (f) The existing needs of the water users within the area  
1080 of the authority.

1081 (2) In addition to other powers and duties agreed upon, and  
1082 notwithstanding the provisions of s. 163.01, such authority may:

1083 (a) Upon approval of the electors residing in each county  
1084 or municipality within the territory to be included in any  
1085 authority, levy ad valorem taxes, not to exceed 0.5 mill,  
1086 pursuant to s. 9(b), Art. VII of the State Constitution. No tax  
1087 authorized by this paragraph shall be levied in any county or  
1088 municipality without an affirmative vote of the electors  
1089 residing in such county or municipality.

1090 (b) Acquire water and water rights; develop, store, and  
1091 transport water; provide, sell, and deliver water for county or  
1092 municipal uses and purposes; and provide for the furnishing of  
1093 such water and water service upon terms and conditions and at  
1094 rates which will apportion to parties and nonparties an  
1095 equitable share of the capital cost and operating expense of the  
1096 authority's work to the purchaser.

1097 (c) Collect, treat, and recover wastewater.

1098 (d) Not engage in local distribution.

1099 (e) Exercise the power of eminent domain in the manner  
1100 provided by law for the condemnation of private property for  
1101 public use to acquire title to such interest in real property as  
1102 is necessary to the exercise of the powers herein granted,

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1103 except water and water rights already devoted to reasonable and  
1104 beneficial use or any water production or transmission  
1105 facilities owned by any county or municipality.

1106 (f) Issue revenue bonds in the manner prescribed by the  
1107 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be  
1108 payable solely from funds derived from the sale of water by the  
1109 authority to any county or municipality. Such bonds may be  
1110 additionally secured by the full faith and credit of any county  
1111 or municipality, as provided by s. 159.16 or by a pledge of  
1112 excise taxes, as provided by s. 159.19. For the purpose of  
1113 issuing revenue bonds, an authority shall be considered a "unit"  
1114 as defined in s. 159.02(2) and as that term is used in the  
1115 Revenue Bond Act of 1953, as amended. Such bonds may be issued  
1116 to finance the cost of acquiring properties and facilities for  
1117 the production and transmission of water by the authority to any  
1118 county or municipality, which cost shall include the acquisition  
1119 of real property and easements therein for such purposes. Such  
1120 bonds may be in the form of refunding bonds to take up any  
1121 outstanding bonds of the authority or of any county or  
1122 municipality where such outstanding bonds are secured by  
1123 properties and facilities for production and transmission of  
1124 water, which properties and facilities are being acquired by the  
1125 authority. Refunding bonds may be issued to take up and refund  
1126 all outstanding bonds of said authority that are subject to call  
1127 and termination, and all bonds of said authority that are not  
1128 subject to call or redemption, when the surrender of said bonds  
1129 can be procured from the holder thereof at prices satisfactory  
1130 to the authority. Such refunding bonds may be issued at any time  
1131 when, in the judgment of the authority, it will be to the best

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1132 interest of the authority financially or economically by  
1133 securing a lower rate of interest on said bonds or by extending  
1134 the time of maturity of said bonds or, for any other reason, in  
1135 the judgment of the authority, advantageous to said authority.

1136 (g) Sue and be sued in its own name.

1137 (h) Borrow money and incur indebtedness and issue bonds or  
1138 other evidence of such indebtedness.

1139 (i) Join with one or more other public corporations for the  
1140 purpose of carrying out any of its powers and for that purpose  
1141 to contract with such other public corporation or corporations  
1142 for the purpose of financing such acquisitions, construction,  
1143 and operations. Such contracts may provide for contributions to  
1144 be made by each party thereto, for the division and  
1145 apportionment of the expenses of such acquisitions and  
1146 operations, and for the division and apportionment of the  
1147 benefits, services, and products therefrom. Such contract may  
1148 contain such other and further covenants and agreements as may  
1149 be necessary and convenient to accomplish the purposes hereof.

1150 (3) A regional water supply authority is authorized to  
1151 develop, construct, operate, maintain, or contract for  
1152 alternative sources of potable water, including desalinated  
1153 water, and pipelines to interconnect authority sources and  
1154 facilities, either by itself or jointly with a water management  
1155 district; however, such alternative potable water sources,  
1156 facilities, and pipelines may also be privately developed,  
1157 constructed, owned, operated, and maintained, in which event an  
1158 authority and a water management district are authorized to  
1159 pledge and contribute their funds to reduce the wholesale cost  
1160 of water from such alternative sources of potable water supplied



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1161 by an authority to its member governments.

1162 (4) When it is found to be in the public interest, for the  
1163 public convenience and welfare, for a public benefit, and  
1164 necessary for carrying out the purpose of any regional water  
1165 supply authority, any state agency, county, water control  
1166 district existing pursuant to chapter 298, water management  
1167 district existing pursuant to this chapter, municipality,  
1168 governmental agency, or public corporation in this state holding  
1169 title to any interest in land is hereby authorized, in its  
1170 discretion, to convey the title to or dedicate land, title to  
1171 which is in such entity, including tax-reverted land, or to  
1172 grant use-rights therein, to any regional water supply authority  
1173 created pursuant to this section. Land granted or conveyed to  
1174 such authority shall be for the public purposes of such  
1175 authority and may be made subject to the condition that in the  
1176 event said land is not so used, or if used and subsequently its  
1177 use for said purpose is abandoned, the interest granted shall  
1178 cease as to such authority and shall automatically revert to the  
1179 granting entity.

1180 (5) Each county, special district, or municipality that is  
1181 a party to an agreement pursuant to subsection (1) shall have a  
1182 preferential right to purchase water from the regional water  
1183 supply authority for use by such county, special district, or  
1184 municipality.

1185 (6) In carrying out the provisions of this section, any  
1186 county wherein water is withdrawn by the authority shall not be  
1187 deprived, directly or indirectly, of the prior right to the  
1188 reasonable and beneficial use of water which is required  
1189 adequately to supply the reasonable and beneficial needs of the

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1190 county or any of the inhabitants or property owners therein.

1191 (7) Upon a resolution adopted by the governing body of any  
1192 county or municipality, the authority may, subject to a majority  
1193 vote of its voting members, include such county or municipality  
1194 in its regional water supply authority upon such terms and  
1195 conditions as may be prescribed.

1196 (8) The authority shall design, construct, operate, and  
1197 maintain facilities in the locations and at the times necessary  
1198 to ensure that an adequate water supply will be available to all  
1199 citizens within the authority.

1200 (9) Where a water supply authority exists pursuant to this  
1201 section or s. 373.715 under a voluntary interlocal agreement  
1202 that is consistent with requirements in s. 373.715(1)(b) and  
1203 receives or maintains consumptive use permits under this  
1204 voluntary agreement consistent with the water supply plan, if  
1205 any, adopted by the governing board, such authority shall be  
1206 exempt from consideration by the governing board or department  
1207 of the factors specified in s. 373.223(3)(a)-(g) and the  
1208 submissions required by s. 373.229(3). Such exemptions shall  
1209 apply only to water sources within the jurisdictional areas of  
1210 such voluntary water supply interlocal agreements.

1211 373.715 Assistance to West Coast Regional Water Supply  
1212 Authority.—

1213 (1) It is the intent of the Legislature to authorize the  
1214 implementation of changes in governance recommended by the West  
1215 Coast Regional Water Supply Authority in its reports to the  
1216 Legislature dated February 1, 1997, and January 5, 1998. The  
1217 authority and its member governments may reconstitute the  
1218 authority's governance and rename the authority under a

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1219 voluntary interlocal agreement with a term of not less than 20  
1220 years. The interlocal agreement must comply with this subsection  
1221 as follows:

1222 (a) The authority and its member governments agree that  
1223 cooperative efforts are mandatory to meet their water needs in a  
1224 manner that will provide adequate and dependable supplies of  
1225 water where needed without resulting in adverse environmental  
1226 effects upon the areas from which the water is withdrawn or  
1227 otherwise produced.

1228 (b) In accordance with s. 4, Art. VIII of the State  
1229 Constitution and notwithstanding s. 163.01, the interlocal  
1230 agreement may include the following terms, which are considered  
1231 approved by the parties without a vote of their electors, upon  
1232 execution of the interlocal agreement by all member governments  
1233 and upon satisfaction of all conditions precedent in the  
1234 interlocal agreement:

1235 1. All member governments shall relinquish to the authority  
1236 their individual rights to develop potable water supply sources,  
1237 except as otherwise provided in the interlocal agreement;

1238 2. The authority shall be the sole and exclusive wholesale  
1239 potable water supplier for all member governments; and

1240 3. The authority shall have the absolute and unequivocal  
1241 obligation to meet the wholesale needs of the member governments  
1242 for potable water.

1243 4. A member government may not restrict or prohibit the use  
1244 of land within a member's jurisdictional boundaries by the  
1245 authority for water supply purposes through use of zoning, land  
1246 use, comprehensive planning, or other form of regulation.

1247 5. A member government may not impose any tax, fee, or

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1248 charge upon the authority in conjunction with the production or  
1249 supply of water not otherwise provided for in the interlocal  
1250 agreement.

1251 6. The authority may use the powers provided in part II of  
1252 chapter 159 for financing and refinancing water treatment,  
1253 production, or transmission facilities, including, but not  
1254 limited to, desalinization facilities. All such water treatment,  
1255 production, or transmission facilities are considered a  
1256 "manufacturing plant" for purposes of s. 159.27(5) and serve a  
1257 paramount public purpose by providing water to citizens of the  
1258 state.

1259 7. A member government and any governmental or quasi-  
1260 judicial board or commission established by local ordinance or  
1261 general or special law where the governing membership of such  
1262 board or commission is shared, in whole or in part, or appointed  
1263 by a member government agreeing to be bound by the interlocal  
1264 agreement shall be limited to the procedures set forth therein  
1265 regarding actions that directly or indirectly restrict or  
1266 prohibit the use of lands or other activities related to the  
1267 production or supply of water.

1268 (c) The authority shall acquire full or lesser interests in  
1269 all regionally significant member government wholesale water  
1270 supply facilities and tangible assets and each member government  
1271 shall convey such interests in the facilities and assets to the  
1272 authority, at an agreed value.

1273 (d) The authority shall charge a uniform per gallon  
1274 wholesale rate to member governments for the wholesale supply of  
1275 potable water. All capital, operation, maintenance, and  
1276 administrative costs for existing facilities and acquired

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1277 facilities, authority master water plan facilities, and other  
1278 future projects must be allocated to member governments based on  
1279 water usage at the uniform per gallon wholesale rate.

1280 (e) The interlocal agreement may include procedures for  
1281 resolving the parties' differences regarding water management  
1282 district proposed agency action in the water use permitting  
1283 process within the authority. Such procedures should minimize  
1284 the potential for litigation and include alternative dispute  
1285 resolution. Any governmental or quasi-judicial board or  
1286 commission established by local ordinance or general or special  
1287 law where the governing members of such board or commission is  
1288 shared, in whole or in part, or appointed by a member  
1289 government, may agree to be bound by the dispute resolution  
1290 procedures set forth in the interlocal agreement.

1291 (f) Upon execution of the voluntary interlocal agreement  
1292 provided for herein, the authority shall jointly develop with  
1293 the Southwest Florida Water Management District alternative  
1294 sources of potable water and transmission pipelines to  
1295 interconnect regionally significant water supply sources and  
1296 facilities of the authority in amounts sufficient to meet the  
1297 needs of all member governments for a period of at least 20  
1298 years and for natural systems. Nothing herein, however, shall  
1299 preclude the authority and its member governments from  
1300 developing traditional water sources pursuant to the voluntary  
1301 interlocal agreement. Development and construction costs for  
1302 alternative source facilities, which may include a desalination  
1303 facility and significant regional interconnects, must be borne  
1304 as mutually agreed to by both the authority and the Southwest  
1305 Florida Water Management District. Nothing herein shall preclude

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1306 authority or district cost sharing with private entities for the  
1307 construction or ownership of alternative source facilities. By  
1308 December 31, 1997, the authority and the Southwest Florida Water  
1309 Management District shall enter into a mutually acceptable  
1310 agreement detailing the development and implementation of  
1311 directives contained in this paragraph. Nothing in this section  
1312 shall be construed to modify the rights or responsibilities of  
1313 the authority or its member governments, except as otherwise  
1314 provided herein, or of the Southwest Florida Water Management  
1315 District or the department pursuant to this chapter or chapter  
1316 403 and as otherwise set forth by statutes.

1317 (g) Unless otherwise provided in the interlocal agreement,  
1318 the authority shall be governed by a board of commissioners  
1319 consisting of nine voting members, all of whom must be elected  
1320 officers, as follows:

1321 1. Three members from Hillsborough County who must be  
1322 selected by the county commission; provided, however, that one  
1323 member shall be selected by the Mayor of Tampa in the event that  
1324 the City of Tampa elects to be a member of the authority;

1325 2. Three members from Pasco County, two of whom must be  
1326 selected by the county commission and one of whom must be  
1327 selected by the City Council of New Port Richey; and

1328 3. Three members from Pinellas County, two of whom must be  
1329 selected by the county commission and one of whom must be  
1330 selected by the City Council of St. Petersburg.

1331  
1332 Except as otherwise provided in this section or in the voluntary  
1333 interlocal agreement between the member governments, a majority  
1334 vote shall bind the authority and its member governments in all

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1335 matters relating to the funding of wholesale water supply,  
1336 production, delivery, and related activities.

1337 (2) The provisions of this section supersede any  
1338 conflicting provisions contained in all other general or special  
1339 laws or provisions thereof as they may apply directly or  
1340 indirectly to the exclusivity of water supply or withdrawal of  
1341 water, including provisions relating to the environmental  
1342 effects, if any, in conjunction with the production and supply  
1343 of potable water, and the provisions of this section are  
1344 intended to be a complete revision of all laws related to a  
1345 regional water supply authority created under s. 373.713 and  
1346 this section.

1347 (3) In lieu of the provisions in s. 373.713(2)(a), the  
1348 Southwest Florida Water Management District shall assist the  
1349 West Coast Regional Water Supply Authority for a period of 5  
1350 years, terminating December 31, 1981, by levying an ad valorem  
1351 tax, upon request of the authority, of not more than 0.05 mill  
1352 on all taxable property within the limits of the authority.  
1353 During such period the corresponding basin board ad valorem tax  
1354 levies shall be reduced accordingly.

1355 (4) The authority shall prepare its annual budget in the  
1356 same manner as prescribed for the preparation of basin budgets,  
1357 but such authority budget shall not be subject to review by the  
1358 respective basin boards or by the governing board of the  
1359 district.

1360 (5) The annual millage for the authority shall be the  
1361 amount required to raise the amount called for by the annual  
1362 budget when applied to the total assessment on all taxable  
1363 property within the limits of the authority, as determined for

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1364 county taxing purposes.

1365 (6) The authority may, by resolution, request the governing  
1366 board of the district to levy ad valorem taxes within the  
1367 boundaries of the authority. Upon receipt of such request,  
1368 together with formal certification of the adoption of its annual  
1369 budget and of the required tax levy, the authority tax levy  
1370 shall be made by the governing board of the district to finance  
1371 authority functions.

1372 (7) The taxes provided for in this section shall be  
1373 extended by the property appraiser on the county tax roll in  
1374 each county within, or partly within, the authority boundaries  
1375 and shall be collected by the tax collector in the same manner  
1376 and time as county taxes, and the proceeds therefrom paid to the  
1377 district which shall forthwith pay them over to the authority.  
1378 Until paid, such taxes shall be a lien on the property against  
1379 which assessed and enforceable in like manner as county taxes.  
1380 The property appraisers, tax collectors, and clerks of the  
1381 circuit court of the respective counties shall be entitled to  
1382 compensation for services performed in connection with such  
1383 taxes at the same rates as apply to county taxes.

1384 (8) The governing board of the district shall not be  
1385 responsible for any actions or lack of actions by the authority.

1386 Section 2. Subsection (13) of section 120.52, Florida  
1387 Statutes, is amended to read:

1388 120.52 Definitions.—As used in this act:

1389 (13) "Party" means:

1390 (a) Specifically named persons whose substantial interests  
1391 are being determined in the proceeding.

1392 (b) Any other person who, as a matter of constitutional



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1393 right, provision of statute, or provision of agency regulation,  
1394 is entitled to participate in whole or in part in the  
1395 proceeding, or whose substantial interests will be affected by  
1396 proposed agency action, and who makes an appearance as a party.

1397 (c) Any other person, including an agency staff member,  
1398 allowed by the agency to intervene or participate in the  
1399 proceeding as a party. An agency may by rule authorize limited  
1400 forms of participation in agency proceedings for persons who are  
1401 not eligible to become parties.

1402 (d) Any county representative, agency, department, or unit  
1403 funded and authorized by state statute or county ordinance to  
1404 represent the interests of the consumers of a county, when the  
1405 proceeding involves the substantial interests of a significant  
1406 number of residents of the county and the board of county  
1407 commissioners has, by resolution, authorized the representative,  
1408 agency, department, or unit to represent the class of interested  
1409 persons. The authorizing resolution shall apply to a specific  
1410 proceeding and to appeals and ancillary proceedings thereto, and  
1411 it shall not be required to state the names of the persons whose  
1412 interests are to be represented.

1413  
1414 The term "party" does not include a member government of a  
1415 regional water supply authority or a governmental or quasi-  
1416 judicial board or commission established by local ordinance or  
1417 special or general law where the governing membership of such  
1418 board or commission is shared with, in whole or in part, or  
1419 appointed by a member government of a regional water supply  
1420 authority in proceedings under s. 120.569, s. 120.57, or s.  
1421 120.68, to the extent that an interlocal agreement under ss.

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1422 163.01 and 373.713 ~~373.1962~~ exists in which the member  
1423 government has agreed that its substantial interests are not  
1424 affected by the proceedings or that it is to be bound by  
1425 alternative dispute resolution in lieu of participating in the  
1426 proceedings. This exclusion applies only to those particular  
1427 types of disputes or controversies, if any, identified in an  
1428 interlocal agreement.

1429 Section 3. Subsection (13) of section 163.3167, Florida  
1430 Statutes, is amended to read:

1431 163.3167 Scope of act.—

1432 (13) Each local government shall address in its  
1433 comprehensive plan, as enumerated in this chapter, the water  
1434 supply sources necessary to meet and achieve the existing and  
1435 projected water use demand for the established planning period,  
1436 considering the applicable plan developed pursuant to s. 373.709  
1437 ~~373.0361~~.

1438 Section 4. Paragraph (a) of subsection (4) and paragraphs  
1439 (c), (d), and (h) of subsection (6) of section 163.3177, Florida  
1440 Statutes, are amended to read:

1441 163.3177 Required and optional elements of comprehensive  
1442 plan; studies and surveys.—

1443 (4) (a) Coordination of the local comprehensive plan with  
1444 the comprehensive plans of adjacent municipalities, the county,  
1445 adjacent counties, or the region; with the appropriate water  
1446 management district's regional water supply plans approved  
1447 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining  
1448 to designated areas of critical state concern; and with the  
1449 state comprehensive plan shall be a major objective of the local  
1450 comprehensive planning process. To that end, in the preparation

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1451 of a comprehensive plan or element thereof, and in the  
1452 comprehensive plan or element as adopted, the governing body  
1453 shall include a specific policy statement indicating the  
1454 relationship of the proposed development of the area to the  
1455 comprehensive plans of adjacent municipalities, the county,  
1456 adjacent counties, or the region and to the state comprehensive  
1457 plan, as the case may require and as such adopted plans or plans  
1458 in preparation may exist.

1459 (6) In addition to the requirements of subsections (1)-(5)  
1460 and (12), the comprehensive plan shall include the following  
1461 elements:

1462 (c) A general sanitary sewer, solid waste, drainage,  
1463 potable water, and natural groundwater aquifer recharge element  
1464 correlated to principles and guidelines for future land use,  
1465 indicating ways to provide for future potable water, drainage,  
1466 sanitary sewer, solid waste, and aquifer recharge protection  
1467 requirements for the area. The element may be a detailed  
1468 engineering plan including a topographic map depicting areas of  
1469 prime groundwater recharge. The element shall describe the  
1470 problems and needs and the general facilities that will be  
1471 required for solution of the problems and needs. The element  
1472 shall also include a topographic map depicting any areas adopted  
1473 by a regional water management district as prime groundwater  
1474 recharge areas for the Floridan or Biscayne aquifers. These  
1475 areas shall be given special consideration when the local  
1476 government is engaged in zoning or considering future land use  
1477 for said designated areas. For areas served by septic tanks,  
1478 soil surveys shall be provided which indicate the suitability of  
1479 soils for septic tanks. Within 18 months after the governing

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1480 board approves an updated regional water supply plan, the  
1481 element must incorporate the alternative water supply project or  
1482 projects selected by the local government from those identified  
1483 in the regional water supply plan pursuant to s. 373.709(2)(a)  
1484 ~~373.0361(2)(a)~~ or proposed by the local government under s.  
1485 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located  
1486 within two water management districts, the local government  
1487 shall adopt its comprehensive plan amendment within 18 months  
1488 after the later updated regional water supply plan. The element  
1489 must identify such alternative water supply projects and  
1490 traditional water supply projects and conservation and reuse  
1491 necessary to meet the water needs identified in s. 373.709(2)(a)  
1492 ~~373.0361(2)(a)~~ within the local government's jurisdiction and  
1493 include a work plan, covering at least a 10 year planning  
1494 period, for building public, private, and regional water supply  
1495 facilities, including development of alternative water supplies,  
1496 which are identified in the element as necessary to serve  
1497 existing and new development. The work plan shall be updated, at  
1498 a minimum, every 5 years within 18 months after the governing  
1499 board of a water management district approves an updated  
1500 regional water supply plan. Amendments to incorporate the work  
1501 plan do not count toward the limitation on the frequency of  
1502 adoption of amendments to the comprehensive plan. Local  
1503 governments, public and private utilities, regional water supply  
1504 authorities, special districts, and water management districts  
1505 are encouraged to cooperatively plan for the development of  
1506 multijurisdictional water supply facilities that are sufficient  
1507 to meet projected demands for established planning periods,  
1508 including the development of alternative water sources to

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1509 supplement traditional sources of groundwater and surface water  
1510 supplies.

1511 (d) A conservation element for the conservation, use, and  
1512 protection of natural resources in the area, including air,  
1513 water, water recharge areas, wetlands, waterwells, estuarine  
1514 marshes, soils, beaches, shores, flood plains, rivers, bays,  
1515 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1516 minerals, and other natural and environmental resources,  
1517 including factors that affect energy conservation. Local  
1518 governments shall assess their current, as well as projected,  
1519 water needs and sources for at least a 10-year period,  
1520 considering the appropriate regional water supply plan approved  
1521 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an  
1522 approved regional water supply plan, the district water  
1523 management plan approved pursuant to s. 373.036(2). This  
1524 information shall be submitted to the appropriate agencies. The  
1525 land use map or map series contained in the future land use  
1526 element shall generally identify and depict the following:

- 1527 1. Existing and planned waterwells and cones of influence  
1528 where applicable.
- 1529 2. Beaches and shores, including estuarine systems.
- 1530 3. Rivers, bays, lakes, flood plains, and harbors.
- 1531 4. Wetlands.
- 1532 5. Minerals and soils.
- 1533 6. Energy conservation.

1534  
1535 The land uses identified on such maps shall be consistent with  
1536 applicable state law and rules.

1537 (h)1. An intergovernmental coordination element showing

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1538 relationships and stating principles and guidelines to be used  
1539 in the accomplishment of coordination of the adopted  
1540 comprehensive plan with the plans of school boards, regional  
1541 water supply authorities, and other units of local government  
1542 providing services but not having regulatory authority over the  
1543 use of land, with the comprehensive plans of adjacent  
1544 municipalities, the county, adjacent counties, or the region,  
1545 with the state comprehensive plan and with the applicable  
1546 regional water supply plan approved pursuant to s. 373.709  
1547 ~~373.0361~~, as the case may require and as such adopted plans or  
1548 plans in preparation may exist. This element of the local  
1549 comprehensive plan shall demonstrate consideration of the  
1550 particular effects of the local plan, when adopted, upon the  
1551 development of adjacent municipalities, the county, adjacent  
1552 counties, or the region, or upon the state comprehensive plan,  
1553 as the case may require.

1554 a. The intergovernmental coordination element shall provide  
1555 procedures to identify and implement joint planning areas,  
1556 especially for the purpose of annexation, municipal  
1557 incorporation, and joint infrastructure service areas.

1558 b. The intergovernmental coordination element shall provide  
1559 for recognition of campus master plans prepared pursuant to s.  
1560 1013.30 and airport master plans under paragraph(k).

1561 c. The intergovernmental coordination element shall provide  
1562 for a dispute resolution process as established pursuant to s.  
1563 186.509 for bringing to closure in a timely manner  
1564 intergovernmental disputes.

1565 d. The intergovernmental coordination element shall provide  
1566 for interlocal agreements as established pursuant to s.

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1567 333.03(1) (b) .

1568       2. The intergovernmental coordination element shall further  
1569 state principles and guidelines to be used in the accomplishment  
1570 of coordination of the adopted comprehensive plan with the plans  
1571 of school boards and other units of local government providing  
1572 facilities and services but not having regulatory authority over  
1573 the use of land. In addition, the intergovernmental coordination  
1574 element shall describe joint processes for collaborative  
1575 planning and decisionmaking on population projections and public  
1576 school siting, the location and extension of public facilities  
1577 subject to concurrency, and siting facilities with countywide  
1578 significance, including locally unwanted land uses whose nature  
1579 and identity are established in an agreement. Within 1 year of  
1580 adopting their intergovernmental coordination elements, each  
1581 county, all the municipalities within that county, the district  
1582 school board, and any unit of local government service providers  
1583 in that county shall establish by interlocal or other formal  
1584 agreement executed by all affected entities, the joint processes  
1585 described in this subparagraph consistent with their adopted  
1586 intergovernmental coordination elements.

1587       3. To foster coordination between special districts and  
1588 local general-purpose governments as local general-purpose  
1589 governments implement local comprehensive plans, each  
1590 independent special district must submit a public facilities  
1591 report to the appropriate local government as required by s.  
1592 189.415.

1593       4.a. Local governments shall execute an interlocal  
1594 agreement with the district school board, the county, and  
1595 nonexempt municipalities pursuant to s. 163.31777. The local

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1596 government shall amend the intergovernmental coordination  
1597 element to provide that coordination between the local  
1598 government and school board is pursuant to the agreement and  
1599 shall state the obligations of the local government under the  
1600 agreement.

1601 b. Plan amendments that comply with this subparagraph are  
1602 exempt from the provisions of s. 163.3187(1).

1603 5. The state land planning agency shall establish a  
1604 schedule for phased completion and transmittal of plan  
1605 amendments to implement subparagraphs 1., 2., and 3. from all  
1606 jurisdictions so as to accomplish their adoption by December 31,  
1607 1999. A local government may complete and transmit its plan  
1608 amendments to carry out these provisions prior to the scheduled  
1609 date established by the state land planning agency. The plan  
1610 amendments are exempt from the provisions of s. 163.3187(1).

1611 6. By January 1, 2004, any county having a population  
1612 greater than 100,000, and the municipalities and special  
1613 districts within that county, shall submit a report to the  
1614 Department of Community Affairs which:

1615 a. Identifies all existing or proposed interlocal service  
1616 delivery agreements regarding the following: education; sanitary  
1617 sewer; public safety; solid waste; drainage; potable water;  
1618 parks and recreation; and transportation facilities.

1619 b. Identifies any deficits or duplication in the provision  
1620 of services within its jurisdiction, whether capital or  
1621 operational. Upon request, the Department of Community Affairs  
1622 shall provide technical assistance to the local governments in  
1623 identifying deficits or duplication.

1624 7. Within 6 months after submission of the report, the



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1625 Department of Community Affairs shall, through the appropriate  
1626 regional planning council, coordinate a meeting of all local  
1627 governments within the regional planning area to discuss the  
1628 reports and potential strategies to remedy any identified  
1629 deficiencies or duplications.

1630 8. Each local government shall update its intergovernmental  
1631 coordination element based upon the findings in the report  
1632 submitted pursuant to subparagraph 6. The report may be used as  
1633 supporting data and analysis for the intergovernmental  
1634 coordination element.

1635 Section 5. Paragraph (1) of subsection (2) of section  
1636 163.3191, Florida Statutes, is amended to read:

1637 163.3191 Evaluation and appraisal of comprehensive plan.—

1638 (2) The report shall present an evaluation and assessment  
1639 of the comprehensive plan and shall contain appropriate  
1640 statements to update the comprehensive plan, including, but not  
1641 limited to, words, maps, illustrations, or other media, related  
1642 to:

1643 (1) The extent to which the local government has been  
1644 successful in identifying alternative water supply projects and  
1645 traditional water supply projects, including conservation and  
1646 reuse, necessary to meet the water needs identified in s.  
1647 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's  
1648 jurisdiction. The report must evaluate the degree to which the  
1649 local government has implemented the work plan for building  
1650 public, private, and regional water supply facilities, including  
1651 development of alternative water supplies, identified in the  
1652 element as necessary to serve existing and new development.

1653 Section 6. Paragraphs (c) and (d) of subsection (4) of

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1654 section 189.404, Florida Statutes, are amended to read:

1655 189.404 Legislative intent for the creation of independent  
1656 special districts; special act prohibitions; model elements and  
1657 other requirements; general-purpose local government/Governor  
1658 and Cabinet creation authorizations.—

1659 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
1660 AUTHORIZATIONS.—Except as otherwise authorized by general law,  
1661 only the Legislature may create independent special districts.

1662 (c) The Governor and Cabinet may create an independent  
1663 special district which shall be established by rule in  
1664 accordance with s. 190.005 or as otherwise authorized in general  
1665 law. The Governor and Cabinet may also approve the establishment  
1666 of a charter for the creation of an independent special district  
1667 which shall be in accordance with s. 373.713 ~~373.1962~~, or as  
1668 otherwise authorized in general law.

1669 (d)1. Any combination of two or more counties may create a  
1670 regional special district which shall be established in  
1671 accordance with s. 950.001, or as otherwise authorized in  
1672 general law.

1673 2. Any combination of two or more counties or  
1674 municipalities may create a regional special district which  
1675 shall be established in accordance with s. 373.713 ~~373.1962~~, or  
1676 as otherwise authorized by general law.

1677 3. Any combination of two or more counties, municipalities,  
1678 or other political subdivisions may create a regional special  
1679 district in accordance with s. 163.567, or as otherwise  
1680 authorized in general law.

1681 Section 7. Subsection (3) of section 189.4155, Florida  
1682 Statutes, is amended to read:

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1683 189.4155 Activities of special districts; local government  
1684 comprehensive planning.—

1685 (3) The provisions of this section shall not apply to water  
1686 management districts created pursuant to s. 373.069, to regional  
1687 water supply authorities created pursuant to s. 373.713  
1688 ~~373.1962~~, or to spoil disposal sites owned or used by the  
1689 Federal Government.

1690 Section 8. Section 189.4156, Florida Statutes, is amended  
1691 to read:

1692 189.4156 Water management district technical assistance;  
1693 local government comprehensive planning.—Water management  
1694 districts shall assist local governments in the development of  
1695 local government comprehensive plan elements related to water  
1696 resource issues as required by s. 373.711 ~~373.0391~~.

1697 Section 9. Subsection (7) of section 367.021, Florida  
1698 Statutes, is amended to read:

1699 367.021 Definitions.—As used in this chapter, the following  
1700 words or terms shall have the meanings indicated:

1701 (7) "Governmental authority" means a political subdivision,  
1702 as defined by s. 1.01(8), a regional water supply authority  
1703 created pursuant to s. 373.713 ~~373.1962~~, or a nonprofit  
1704 corporation formed for the purpose of acting on behalf of a  
1705 political subdivision with respect to a water or wastewater  
1706 facility.

1707 Section 10. Subsections (1) and (17) of section 373.019,  
1708 Florida Statutes, are amended to read:

1709 373.019 Definitions.—When appearing in this chapter or in  
1710 any rule, regulation, or order adopted pursuant thereto, the  
1711 term:

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1712 (1) "Alternative water supplies" means salt water; brackish  
1713 surface and groundwater; surface water captured predominately  
1714 during wet-weather flows; sources made available through the  
1715 addition of new storage capacity for surface or groundwater,  
1716 water that has been reclaimed after one or more public supply,  
1717 municipal, industrial, commercial, or agricultural uses; the  
1718 downstream augmentation of water bodies with reclaimed water;  
1719 stormwater; and any other water supply source that is designated  
1720 as nontraditional for a water supply planning region in the  
1721 applicable regional water supply plan.

1722 (17) "Regional water supply plan" means a detailed water  
1723 supply plan developed by a governing board under s. 373.709 ~~s.~~  
1724 ~~373.0361~~.

1725 Section 11. Paragraph (b) of subsection (2) and paragraph  
1726 (b) of subsection (7) of section 373.036, Florida Statutes, are  
1727 amended to read:

1728 373.036 Florida water plan; district water management  
1729 plans.—

1730 (2) DISTRICT WATER MANAGEMENT PLANS.—

1731 (b) The district water management plan shall include, but  
1732 not be limited to:

1733 1. The scientific methodologies for establishing minimum  
1734 flows and levels under s. 373.042, and all established minimum  
1735 flows and levels.

1736 2. Identification of one or more water supply planning  
1737 regions that singly or together encompass the entire district.

1738 3. Technical data and information prepared under s. 373.711  
1739 ~~373.0391~~.

1740 4. A districtwide water supply assessment, to be completed

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1741 no later than July 1, 1998, which determines for each water  
1742 supply planning region:

1743 a. Existing legal uses, reasonably anticipated future  
1744 needs, and existing and reasonably anticipated sources of water  
1745 and conservation efforts; and

1746 b. Whether existing and reasonably anticipated sources of  
1747 water and conservation efforts are adequate to supply water for  
1748 all existing legal uses and reasonably anticipated future needs  
1749 and to sustain the water resources and related natural systems.

1750 5. Any completed regional water supply plans.

1751 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1752 (b) The consolidated annual report shall contain the  
1753 following elements, as appropriate to that water management  
1754 district:

1755 1. A district water management plan annual report or the  
1756 annual work plan report allowed in subparagraph (2)(e)4.

1757 2. The department-approved minimum flows and levels annual  
1758 priority list and schedule required by s. 373.042(2).

1759 3. The annual 5-year capital improvements plan required by  
1760 s. 373.536(6)(a)3.

1761 4. The alternative water supplies annual report required by  
1762 s. 373.707(8)(n) ~~373.1961(3)(n)~~.

1763 5. The final annual 5-year water resource development work  
1764 program required by s. 373.536(6)(a)4.

1765 6. The Florida Forever Water Management District Work Plan  
1766 annual report required by s. 373.199(7).

1767 7. The mitigation donation annual report required by s.  
1768 373.414(1)(b)2.

1769 Section 12. Paragraphs (a) and (e) of subsection (4) of

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1770 section 373.0363, Florida Statutes, are amended to read:

1771 373.0363 Southern Water Use Caution Area Recovery  
1772 Strategy.—

1773 (4) The West-Central Florida Water Restoration Action Plan  
1774 includes:

1775 (a) The Central West Coast Surface Water Enhancement  
1776 Initiative. The purpose of this initiative is to make additional  
1777 surface waters available for public supply through restoration  
1778 of surface waters, natural water flows, and freshwater wetland  
1779 communities. This initiative is designed to allow limits on  
1780 groundwater withdrawals in order to slow the rate of saltwater  
1781 intrusion. The initiative shall be an ongoing program in  
1782 cooperation with the Peace River-Manasota Regional Water Supply  
1783 Authority created under s. 373.713 ~~373.1962~~.

1784 (e) The Central Florida Water Resource Development  
1785 Initiative. The purpose of this initiative is to create and  
1786 implement a long-term plan that takes a comprehensive approach  
1787 to limit ground water withdrawals in the Southern Water Use  
1788 Caution Area and to identify and develop alternative water  
1789 supplies for Polk County. The project components developed  
1790 pursuant to this initiative are eligible for state and regional  
1791 funding under s. 373.707 ~~373.196~~ as an alternative water supply,  
1792 as defined in s. 373.019, or as a supplemental water supply  
1793 under the rules of the Southwest Florida Water Management  
1794 District or the South Florida Water Management District. The  
1795 initiative shall be implemented by the district as an ongoing  
1796 program in cooperation with Polk County and the South Florida  
1797 Water Management District.

1798 Section 13. Subsection (2) of section 373.0421, Florida

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1799 Statutes, is amended to read:

1800 373.0421 Establishment and implementation of minimum flows  
1801 and levels.—

1802 (2) If the existing flow or level in a water body is below,  
1803 or is projected to fall within 20 years below, the applicable  
1804 minimum flow or level established pursuant to s. 373.042, the  
1805 department or governing board, as part of the regional water  
1806 supply plan described in s. 373.709 ~~373.0361~~, shall  
1807 expeditiously implement a recovery or prevention strategy, which  
1808 includes the development of additional water supplies and other  
1809 actions, consistent with the authority granted by this chapter,  
1810 to:

1811 (a) Achieve recovery to the established minimum flow or  
1812 level as soon as practicable; or

1813 (b) Prevent the existing flow or level from falling below  
1814 the established minimum flow or level.

1815

1816 The recovery or prevention strategy shall include phasing or a  
1817 timetable which will allow for the provision of sufficient water  
1818 supplies for all existing and projected reasonable-beneficial  
1819 uses, including development of additional water supplies and  
1820 implementation of conservation and other efficiency measures  
1821 concurrent with, to the extent practical, and to offset,  
1822 reductions in permitted withdrawals, consistent with the  
1823 provisions of this chapter.

1824 Section 14. Subsection (4) of section 373.0695, Florida  
1825 Statutes, is amended to read:

1826 373.0695 Duties of basin boards; authorized expenditures.—

1827 (4) In the exercise of the duties and powers granted

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1828 herein, the basin boards shall be subject to all the limitations  
1829 and restrictions imposed on the water management districts in s.  
1830 373.703 ~~373.1961~~.

1831 Section 15. Subsections (3) and (5) of section 373.223,  
1832 Florida Statutes, are amended to read:

1833 373.223 Conditions for a permit.—

1834 (3) Except for the transport and use of water supplied by  
1835 the Central and Southern Florida Flood Control Project, and  
1836 anywhere in the state when the transport and use of water is  
1837 supplied exclusively for bottled water as defined in s.  
1838 500.03(1)(d), any water use permit applications pending as of  
1839 April 1, 1998, with the Northwest Florida Water Management  
1840 District and self-suppliers of water for which the proposed  
1841 water source and area of use or application are located on  
1842 contiguous private properties, when evaluating whether a  
1843 potential transport and use of ground or surface water across  
1844 county boundaries is consistent with the public interest,  
1845 pursuant to paragraph (1)(c), the governing board or department  
1846 shall consider:

1847 (a) The proximity of the proposed water source to the area  
1848 of use or application.

1849 (b) All impoundments, streams, groundwater sources, or  
1850 watercourses that are geographically closer to the area of use  
1851 or application than the proposed source, and that are  
1852 technically and economically feasible for the proposed transport  
1853 and use.

1854 (c) All economically and technically feasible alternatives  
1855 to the proposed source, including, but not limited to,  
1856 desalination, conservation, reuse of nonpotable reclaimed water



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1857 and stormwater, and aquifer storage and recovery.

1858 (d) The potential environmental impacts that may result  
1859 from the transport and use of water from the proposed source,  
1860 and the potential environmental impacts that may result from use  
1861 of the other water sources identified in paragraphs (b) and (c).

1862 (e) Whether existing and reasonably anticipated sources of  
1863 water and conservation efforts are adequate to supply water for  
1864 existing legal uses and reasonably anticipated future needs of  
1865 the water supply planning region in which the proposed water  
1866 source is located.

1867 (f) Consultations with local governments affected by the  
1868 proposed transport and use.

1869 (g) The value of the existing capital investment in water-  
1870 related infrastructure made by the applicant.

1871  
1872 Where districtwide water supply assessments and regional water  
1873 supply plans have been prepared pursuant to ss. 373.036 and  
1874 373.709 ~~373.0361~~, the governing board or the department shall  
1875 use the applicable plans and assessments as the basis for its  
1876 consideration of the applicable factors in this subsection.

1877 (5) In evaluating an application for consumptive use of  
1878 water which proposes the use of an alternative water supply  
1879 project as described in the regional water supply plan and  
1880 provides reasonable assurances of the applicant's capability to  
1881 design, construct, operate, and maintain the project, the  
1882 governing board or department shall presume that the alternative  
1883 water supply use is consistent with the public interest under  
1884 paragraph (1)(c). However, where the governing board identifies  
1885 the need for a multijurisdictional water supply entity or

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1886 regional water supply authority to develop the alternative water  
1887 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,  
1888 the presumption shall be accorded only to that use proposed by  
1889 such entity or authority. This subsection does not effect  
1890 evaluation of the use pursuant to the provisions of paragraphs  
1891 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and  
1892 373.233.

1893 Section 16. Section 373.2234, Florida Statutes, is amended  
1894 to read:

1895 373.2234 Preferred water supply sources.—The governing  
1896 board of a water management district is authorized to adopt  
1897 rules that identify preferred water supply sources for  
1898 consumptive uses for which there is sufficient data to establish  
1899 that a preferred source will provide a substantial new water  
1900 supply to meet the existing and projected reasonable-beneficial  
1901 uses of a water supply planning region identified pursuant to s.  
1902 373.709(1) ~~373.0361(1)~~, while sustaining existing water  
1903 resources and natural systems. At a minimum, such rules must  
1904 contain a description of the preferred water supply source and  
1905 an assessment of the water the preferred source is projected to  
1906 produce. If an applicant proposes to use a preferred water  
1907 supply source, that applicant's proposed water use is subject to  
1908 s. 373.223(1), except that the proposed use of a preferred water  
1909 supply source must be considered by a water management district  
1910 when determining whether a permit applicant's proposed use of  
1911 water is consistent with the public interest pursuant to s.  
1912 373.223(1)(c). A consumptive use permit issued for the use of a  
1913 preferred water supply source must be granted, when requested by  
1914 the applicant, for at least a 20-year period and may be subject

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1915 to the compliance reporting provisions of s. 373.236(4). Nothing  
1916 in this section shall be construed to exempt the use of  
1917 preferred water supply sources from the provisions of ss.  
1918 373.016(4) and 373.223(2) and (3), or be construed to provide  
1919 that permits issued for the use of a nonpreferred water supply  
1920 source must be issued for a duration of less than 20 years or  
1921 that the use of a nonpreferred water supply source is not  
1922 consistent with the public interest. Additionally, nothing in  
1923 this section shall be interpreted to require the use of a  
1924 preferred water supply source or to restrict or prohibit the use  
1925 of a nonpreferred water supply source. Rules adopted by the  
1926 governing board of a water management district to implement this  
1927 section shall specify that the use of a preferred water supply  
1928 source is not required and that the use of a nonpreferred water  
1929 supply source is not restricted or prohibited.

1930 Section 17. Subsection (3) of section 373.229, Florida  
1931 Statutes, is amended to read:

1932 373.229 Application for permit.—

1933 (3) In addition to the information required in subsection  
1934 (1), all permit applications filed with the governing board or  
1935 the department which propose the transport and use of water  
1936 across county boundaries shall include information pertaining to  
1937 factors to be considered, pursuant to s. 373.223(3), unless  
1938 exempt under s. 373.713(9) ~~373.1962(9)~~.

1939 Section 18. Paragraph (a) of subsection (6) of section  
1940 373.236, Florida Statutes, is amended to read:

1941 373.236 Duration of permits; compliance reports.—

1942 (6) (a) The Legislature finds that the need for alternative  
1943 water supply development projects to meet anticipated public

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1944 water supply demands of the state is so important that it is  
1945 essential to encourage participation in and contribution to  
1946 these projects by private-rural-land owners who  
1947 characteristically have relatively modest near-term water  
1948 demands but substantially increasing demands after the 20-year  
1949 planning period in s. 373.709 ~~373.0361~~. Therefore, where such  
1950 landowners make extraordinary contributions of lands or  
1951 construction funding to enable the expeditious implementation of  
1952 such projects, water management districts and the department may  
1953 grant permits for such projects for a period of up to 50 years  
1954 to municipalities, counties, special districts, regional water  
1955 supply authorities, multijurisdictional water supply entities,  
1956 and publicly or privately owned utilities, with the exception of  
1957 any publicly or privately owned utilities created for or by a  
1958 private landowner after April 1, 2008, which have entered into  
1959 an agreement with the private landowner for the purpose of more  
1960 efficiently pursuing alternative public water supply development  
1961 projects identified in a district's regional water supply plan  
1962 and meeting water demands of both the applicant and the  
1963 landowner.

1964 Section 19. Paragraph (a) of subsection (6) of section  
1965 373.536, Florida Statutes, is amended to read:

1966 373.536 District budget and hearing thereon.—

1967 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
1968 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1969 (a) Each district must, by the date specified for each  
1970 item, furnish copies of the following documents to the Governor,  
1971 the President of the Senate, the Speaker of the House of  
1972 Representatives, the chairs of all legislative committees and

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1973 subcommittees having substantive or fiscal jurisdiction over the  
1974 districts, as determined by the President of the Senate or the  
1975 Speaker of the House of Representatives as applicable, the  
1976 secretary of the department, and the governing board of each  
1977 county in which the district has jurisdiction or derives any  
1978 funds for the operations of the district:

1979 1. The adopted budget, to be furnished within 10 days after  
1980 its adoption.

1981 2. A financial audit of its accounts and records, to be  
1982 furnished within 10 days after its acceptance by the governing  
1983 board. The audit must be conducted in accordance with the  
1984 provisions of s. 11.45 and the rules adopted thereunder. In  
1985 addition to the entities named above, the district must provide  
1986 a copy of the audit to the Auditor General within 10 days after  
1987 its acceptance by the governing board.

1988 3. A 5-year capital improvements plan, to be included in  
1989 the consolidated annual report required by s. 373.036(7). The  
1990 plan must include expected sources of revenue for planned  
1991 improvements and must be prepared in a manner comparable to the  
1992 fixed capital outlay format set forth in s. 216.043.

1993 4. A 5-year water resource development work program to be  
1994 furnished within 30 days after the adoption of the final budget.  
1995 The program must describe the district's implementation strategy  
1996 for the water resource development component of each approved  
1997 regional water supply plan developed or revised under s. 373.709  
1998 ~~373.0361~~. The work program must address all the elements of the  
1999 water resource development component in the district's approved  
2000 regional water supply plans and must identify which projects in  
2001 the work program will provide water, explain how each water

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2002 resource development project will produce additional water  
2003 available for consumptive uses, estimate the quantity of water  
2004 to be produced by each project, and provide an assessment of the  
2005 contribution of the district's regional water supply plans in  
2006 providing sufficient water to meet the water supply needs of  
2007 existing and future reasonable-beneficial uses for a 1-in-10-  
2008 year drought event. Within 30 days after its submittal, the  
2009 department shall review the proposed work program and submit its  
2010 findings, questions, and comments to the district. The review  
2011 must include a written evaluation of the program's consistency  
2012 with the furtherance of the district's approved regional water  
2013 supply plans, and the adequacy of proposed expenditures. As part  
2014 of the review, the department shall give interested parties the  
2015 opportunity to provide written comments on each district's  
2016 proposed work program. Within 45 days after receipt of the  
2017 department's evaluation, the governing board shall state in  
2018 writing to the department which changes recommended in the  
2019 evaluation it will incorporate into its work program submitted  
2020 as part of the March 1 consolidated annual report required by s.  
2021 373.036(7) or specify the reasons for not incorporating the  
2022 changes. The department shall include the district's responses  
2023 in a final evaluation report and shall submit a copy of the  
2024 report to the Governor, the President of the Senate, and the  
2025 Speaker of the House of Representatives.

2026 Section 20. Subsection (11) of section 373.59, Florida  
2027 Statutes, is amended to read:

2028 373.59 Water Management Lands Trust Fund.—

2029 (11) Notwithstanding any provision of this section to the  
2030 contrary, the governing board of a water management district may

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2031 request, and the Secretary of Environmental Protection shall  
2032 release upon such request, moneys allocated to the districts  
2033 pursuant to subsection (8) for purposes consistent with the  
2034 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.  
2035 373.139, or ss. 373.451-373.4595 and for legislatively  
2036 authorized land acquisition and water restoration initiatives.  
2037 No funds may be used pursuant to this subsection until necessary  
2038 debt service obligations, requirements for payments in lieu of  
2039 taxes, and land management obligations that may be required by  
2040 this chapter are provided for.

2041 Section 21. Paragraph (g) of subsection (1) of section  
2042 378.212, Florida Statutes, is amended to read:

2043 378.212 Variances.—

2044 (1) Upon application, the secretary may grant a variance  
2045 from the provisions of this part or the rules adopted pursuant  
2046 thereto. Variances and renewals thereof may be granted for any  
2047 one of the following reasons:

2048 (g) To accommodate reclamation that provides water supply  
2049 development or water resource development not inconsistent with  
2050 the applicable regional water supply plan approved pursuant to  
2051 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to  
2052 the water resources in the basin. A variance may also be granted  
2053 from the requirements of part IV of chapter 373, or the rules  
2054 adopted thereunder, when a project provides an improvement in  
2055 water availability in the basin and does not cause adverse  
2056 impacts to water resources in the basin.

2057 Section 22. Subsection (9) of section 378.404, Florida  
2058 Statutes, is amended to read:

2059 378.404 Department of Environmental Protection; powers and

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2060 duties.—The department shall have the following powers and  
2061 duties:

2062 (9) To grant variances from the provisions of this part to  
2063 accommodate reclamation that provides for water supply  
2064 development or water resource development not inconsistent with  
2065 the applicable regional water supply plan approved pursuant to  
2066 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved  
2067 wildlife habitat, recreation, or a mixture thereof, provided  
2068 adverse impacts are not caused to the water resources in the  
2069 basin and public health and safety are not adversely affected.

2070 Section 23. Paragraph (a) of subsection (3) of section  
2071 403.0891, Florida Statutes, is amended to read:

2072 403.0891 State, regional, and local stormwater management  
2073 plans and programs.—The department, the water management  
2074 districts, and local governments shall have the responsibility  
2075 for the development of mutually compatible stormwater management  
2076 programs.

2077 (3) (a) Each local government required by chapter 163 to  
2078 submit a comprehensive plan, whose plan is submitted after July  
2079 1, 1992, and the others when updated after July 1, 1992, in the  
2080 development of its stormwater management program described by  
2081 elements within its comprehensive plan shall consider the water  
2082 resource implementation rule, district stormwater management  
2083 goals, plans approved pursuant to the Surface Water Improvement  
2084 and Management Act, ss. 373.451–373.4595, and technical  
2085 assistance information provided by the water management  
2086 districts pursuant to s. 373.711 ~~373.0391~~.

2087 Section 24. Section 403.890, Florida Statutes, is amended  
2088 to read:



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2089 403.890 Water Protection and Sustainability Program;  
2090 ~~intent; goals; purposes.-~~

2091 ~~(1) Effective July 1, 2006, revenues transferred from the~~  
2092 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~  
2093 ~~deposited into the Water Protection and Sustainability Program~~  
2094 ~~Trust Fund in the Department of Environmental Protection. These~~  
2095 ~~revenues and any other additional revenues deposited into or~~  
2096 ~~appropriated to the Water Protection and Sustainability Program~~  
2097 ~~Trust Fund shall be distributed by the Department of~~  
2098 ~~Environmental Protection in the following manner:~~

2099 ~~(a) Sixty percent to the Department of Environmental~~  
2100 ~~Protection for the implementation of an alternative water supply~~  
2101 ~~program as provided in s. 373.1961.~~

2102 ~~(b) Twenty percent for the implementation of best~~  
2103 ~~management practices and capital project expenditures necessary~~  
2104 ~~for the implementation of the goals of the total maximum daily~~  
2105 ~~load program established in s. 403.067. Of these funds, 85~~  
2106 ~~percent shall be transferred to the credit of the Department of~~  
2107 ~~Environmental Protection Water Quality Assurance Trust Fund to~~  
2108 ~~address water quality impacts associated with nonagricultural~~  
2109 ~~nonpoint sources. Fifteen percent of these funds shall be~~  
2110 ~~transferred to the Department of Agriculture and Consumer~~  
2111 ~~Services General Inspection Trust Fund to address water quality~~  
2112 ~~impacts associated with agricultural nonpoint sources. These~~  
2113 ~~funds shall be used for research, development, demonstration,~~  
2114 ~~and implementation of the total maximum daily load program under~~  
2115 ~~s. 403.067, suitable best management practices or other measures~~  
2116 ~~used to achieve water quality standards in surface waters and~~  
2117 ~~water segments identified pursuant to s. 303(d) of the Clean~~

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2118 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~  
2119 ~~Implementation of best management practices and other measures~~  
2120 ~~may include cost-share grants, technical assistance,~~  
2121 ~~implementation tracking, and conservation leases or other~~  
2122 ~~agreements for water quality improvement. The Department of~~  
2123 ~~Environmental Protection and the Department of Agriculture and~~  
2124 ~~Consumer Services may adopt rules governing the distribution of~~  
2125 ~~funds for implementation of capital projects, best management~~  
2126 ~~practices, and other measures. These funds shall not be used to~~  
2127 ~~abrogate the financial responsibility of those point and~~  
2128 ~~nonpoint sources that have contributed to the degradation of~~  
2129 ~~water or land areas. Increased priority shall be given by the~~  
2130 ~~department and the water management district governing boards to~~  
2131 ~~those projects that have secured a cost-sharing agreement~~  
2132 ~~allocating responsibility for the cleanup of point and nonpoint~~  
2133 ~~sources.~~

2134 ~~(c) Ten percent shall be disbursed for the purposes of~~  
2135 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~  
2136 ~~water restoration activities in water-management-district-~~  
2137 ~~designated priority water bodies. The Secretary of Environmental~~  
2138 ~~Protection shall ensure that each water management district~~  
2139 ~~receives the following percentage of funds annually:~~

- 2140 ~~1. Thirty five percent to the South Florida Water~~  
2141 ~~Management District;~~
- 2142 ~~2. Twenty five percent to the Southwest Florida Water~~  
2143 ~~Management District;~~
- 2144 ~~3. Twenty five percent to the St. Johns River Water~~  
2145 ~~Management District;~~
- 2146 ~~4. Seven and one-half percent to the Suwannee River Water~~

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2147 Management District; and  
2148 5. ~~Seven and one-half percent to the Northwest Florida~~  
2149 ~~Water Management District.~~  
2150 ~~(d) Ten percent to the Department of Environmental~~  
2151 ~~Protection for the Disadvantaged Small Community Wastewater~~  
2152 ~~Grant Program as provided in s. 403.1838.~~  
2153 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~  
2154 ~~revenues transferred from the Department of Revenue pursuant to~~  
2155 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~  
2156 ~~and Sustainability Program Trust Fund in the Department of~~  
2157 ~~Environmental Protection. These revenues and any other~~  
2158 ~~additional~~ Revenues deposited into or appropriated to the Water  
2159 Protection and Sustainability Program Trust Fund shall be  
2160 distributed by the Department of Environmental Protection in the  
2161 following manner:  
2162 (1) ~~(a)~~ Sixty-five percent to the Department of  
2163 Environmental Protection for the implementation of an  
2164 alternative water supply program as provided in s. 373.707  
2165 ~~373.1961~~.  
2166 (2) ~~(b)~~ Twenty-two and five-tenths percent for the  
2167 implementation of best management practices and capital project  
2168 expenditures necessary for the implementation of the goals of  
2169 the total maximum daily load program established in s. 403.067.  
2170 Of these funds, 83.33 percent shall be transferred to the credit  
2171 of the Department of Environmental Protection Water Quality  
2172 Assurance Trust Fund to address water quality impacts associated  
2173 with nonagricultural nonpoint sources. Sixteen and sixty-seven  
2174 hundredths percent of these funds shall be transferred to the  
2175 Department of Agriculture and Consumer Services General

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2176 Inspection Trust Fund to address water quality impacts  
2177 associated with agricultural nonpoint sources. These funds shall  
2178 be used for research, development, demonstration, and  
2179 implementation of the total maximum daily load program under s.  
2180 403.067, suitable best management practices or other measures  
2181 used to achieve water quality standards in surface waters and  
2182 water segments identified pursuant to s. 303(d) of the Clean  
2183 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.  
2184 Implementation of best management practices and other measures  
2185 may include cost-share grants, technical assistance,  
2186 implementation tracking, and conservation leases or other  
2187 agreements for water quality improvement. The Department of  
2188 Environmental Protection and the Department of Agriculture and  
2189 Consumer Services may adopt rules governing the distribution of  
2190 funds for implementation of capital projects, best management  
2191 practices, and other measures. These funds shall not be used to  
2192 abrogate the financial responsibility of those point and  
2193 nonpoint sources that have contributed to the degradation of  
2194 water or land areas. Increased priority shall be given by the  
2195 department and the water management district governing boards to  
2196 those projects that have secured a cost-sharing agreement  
2197 allocating responsibility for the cleanup of point and nonpoint  
2198 sources.

2199 (3)~~(e)~~ Twelve and five-tenths percent to the Department of  
2200 Environmental Protection for the Disadvantaged Small Community  
2201 Wastewater Grant Program as provided in s. 403.1838.

2202 (4)~~(d)~~ On June 30, 2009, and every 24 months thereafter,  
2203 the Department of Environmental Protection shall request the  
2204 return of all unencumbered funds distributed pursuant to this

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2205 section. These funds shall be deposited into the Water  
2206 Protection and Sustainability Program Trust Fund and  
2207 redistributed pursuant to the provisions of this section.

2208 ~~(3) For the 2008-2009 fiscal year only, moneys in the Water~~  
2209 ~~Protection and Sustainability Program Trust Fund shall be~~  
2210 ~~transferred to the Ecosystem Management and Restoration Trust~~  
2211 ~~Fund for grants and aids to local governments for water projects~~  
2212 ~~as provided in the General Appropriations Act. This subsection~~  
2213 ~~expires July 1, 2009.~~

2214 ~~(4) For fiscal year 2005-2006, funds deposited or~~  
2215 ~~appropriated into the Water Protection and Sustainability~~  
2216 ~~Program Trust Fund shall be distributed as follows:~~

2217 ~~(a) One hundred million dollars to the Department of~~  
2218 ~~Environmental Protection for the implementation of an~~  
2219 ~~alternative water supply program as provided in s. 373.1961.~~

2220 ~~(b) Funds remaining after the distribution provided for in~~  
2221 ~~subsection (1) shall be distributed as follows:~~

2222 ~~1. Fifty percent for the implementation of best management~~  
2223 ~~practices and capital project expenditures necessary for the~~  
2224 ~~implementation of the goals of the total maximum daily load~~  
2225 ~~program established in s. 403.067. Of these funds, 85 percent~~  
2226 ~~shall be transferred to the credit of the Department of~~  
2227 ~~Environmental Protection Water Quality Assurance Trust Fund to~~  
2228 ~~address water quality impacts associated with nonagricultural~~  
2229 ~~nonpoint sources. Fifteen percent of these funds shall be~~  
2230 ~~transferred to the Department of Agriculture and Consumer~~  
2231 ~~Services General Inspection Trust Fund to address water quality~~  
2232 ~~impacts associated with agricultural nonpoint sources. These~~  
2233 ~~funds shall be used for research, development, demonstration,~~

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2234 ~~and implementation of suitable best management practices or~~  
2235 ~~other measures used to achieve water quality standards in~~  
2236 ~~surface waters and water segments identified pursuant to s.~~  
2237 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~  
2238 ~~1251 et seq. Implementation of best management practices and~~  
2239 ~~other measures may include cost-share grants, technical~~  
2240 ~~assistance, implementation tracking, and conservation leases or~~  
2241 ~~other agreements for water quality improvement. The Department~~  
2242 ~~of Environmental Protection and the Department of Agriculture~~  
2243 ~~and Consumer Services may adopt rules governing the distribution~~  
2244 ~~of funds for implementation of best management practices. These~~  
2245 ~~funds shall not be used to abrogate the financial responsibility~~  
2246 ~~of those point and nonpoint sources that have contributed to the~~  
2247 ~~degradation of water or land areas. Increased priority shall be~~  
2248 ~~given by the department and the water management district~~  
2249 ~~governing boards to those projects that have secured a cost-~~  
2250 ~~sharing agreement allocating responsibility for the cleanup of~~  
2251 ~~point and nonpoint sources.~~

2252 ~~2. Twenty-five percent for the purposes of funding projects~~  
2253 ~~pursuant to ss. 373.451-373.459 or surface water restoration~~  
2254 ~~activities in water management district designated priority~~  
2255 ~~water bodies. The Secretary of Environmental Protection shall~~  
2256 ~~ensure that each water management district receives the~~  
2257 ~~following percentage of funds annually:~~

2258 ~~a. Thirty-five percent to the South Florida Water~~  
2259 ~~Management District;~~

2260 ~~b. Twenty-five percent to the Southwest Florida Water~~  
2261 ~~Management District;~~

2262 ~~c. Twenty-five percent to the St. Johns River Water~~

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2263 ~~Management District;~~

2264 ~~d. Seven and one-half percent to the Suwannee River Water~~  
2265 ~~Management District; and~~

2266 ~~e. Seven and one-half percent to the Northwest Florida~~  
2267 ~~Water Management District.~~

2268 ~~3. Twenty-five percent to the Department of Environmental~~  
2269 ~~Protection for the Disadvantaged Small Community Wastewater~~  
2270 ~~Grant Program as provided in s. 403.1838.~~

2271  
2272 ~~Prior to the end of the 2008 Regular Session, the Legislature~~  
2273 ~~must review the distribution of funds under the Water Protection~~  
2274 ~~and Sustainability Program to determine if revisions to the~~  
2275 ~~funding formula are required. At the discretion of the President~~  
2276 ~~of the Senate and the Speaker of the House of Representatives,~~  
2277 ~~the appropriate substantive committees of the Legislature may~~  
2278 ~~conduct an interim project to review the Water Protection and~~  
2279 ~~Sustainability Program and the funding formula and make written~~  
2280 ~~recommendations to the Legislature proposing necessary changes,~~  
2281 ~~if any.~~

2282 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~  
2283 ~~distributed as follows:~~

2284 ~~(a) Thirty-one and twenty-one hundredths percent to the~~  
2285 ~~Department of Environmental Protection for the implementation of~~  
2286 ~~an alternative water supply program as provided in s. 373.1961.~~

2287 ~~(b) Twenty-six and eighty-seven hundredths percent for the~~  
2288 ~~implementation of best management practices and capital project~~  
2289 ~~expenditures necessary for the implementation of the goals of~~  
2290 ~~the total maximum daily load program established in s. 403.067.~~  
2291 ~~Of these funds, 86 percent shall be transferred to the credit of~~

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2292 ~~the Water Quality Assurance Trust Fund of the Department of~~  
2293 ~~Environmental Protection to address water quality impacts~~  
2294 ~~associated with nonagricultural nonpoint sources. Fourteen~~  
2295 ~~percent of these funds shall be transferred to the General~~  
2296 ~~Inspection Trust Fund of the Department of Agriculture and~~  
2297 ~~Consumer Services to address water quality impacts associated~~  
2298 ~~with agricultural nonpoint sources. These funds shall be used~~  
2299 ~~for research, development, demonstration, and implementation of~~  
2300 ~~the total maximum daily load program under s. 403.067, suitable~~  
2301 ~~best management practices, or other measures used to achieve~~  
2302 ~~water quality standards in surface waters and water segments~~  
2303 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~  
2304 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~  
2305 ~~management practices and other measures may include cost-share~~  
2306 ~~grants, technical assistance, implementation tracking, and~~  
2307 ~~conservation leases or other agreements for water quality~~  
2308 ~~improvement. The Department of Environmental Protection and the~~  
2309 ~~Department of Agriculture and Consumer Services may adopt rules~~  
2310 ~~governing the distribution of funds for implementation of~~  
2311 ~~capital projects, best management practices, and other measures.~~  
2312 ~~These funds may not be used to abrogate the financial~~  
2313 ~~responsibility of those point and nonpoint sources that have~~  
2314 ~~contributed to the degradation of water or land areas. Increased~~  
2315 ~~priority shall be given by the department and the water~~  
2316 ~~management district governing boards to those projects that have~~  
2317 ~~secured a cost-sharing agreement that allocates responsibility~~  
2318 ~~for the cleanup of point and nonpoint sources.~~

2319 ~~(c) Forty-one and ninety-two hundredths percent to the~~  
2320 ~~Department of Environmental Protection for the Disadvantaged~~



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2321 ~~Small Community Wastewater Grant Program as provided in s.~~  
2322 ~~403.1838.~~

2323

2324 ~~This subsection expires July 1, 2010.~~

2325 Section 25. Subsection (1) of section 403.891, Florida  
2326 Statutes, is amended to read:

2327 403.891 Water Protection and Sustainability Program Trust  
2328 Fund of the Department of Environmental Protection.—

2329 (1) The Water Protection and Sustainability Program Trust  
2330 Fund is created within the Department of Environmental  
2331 Protection. The purpose of the trust fund is to ~~receive funds~~  
2332 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~  
2333 ~~for in law and the General Appropriations Act, and funds~~  
2334 ~~received by the department in order to implement the provisions~~  
2335 ~~of the Water Sustainability and Protection Program created in s.~~  
2336 403.890.

2337 Section 26. Section 682.02, Florida Statutes, is amended to  
2338 read:

2339 682.02 Arbitration agreements made valid, irrevocable, and  
2340 enforceable; scope.—Two or more parties may agree in writing to  
2341 submit to arbitration any controversy existing between them at  
2342 the time of the agreement, or they may include in a written  
2343 contract a provision for the settlement by arbitration of any  
2344 controversy thereafter arising between them relating to such  
2345 contract or the failure or refusal to perform the whole or any  
2346 part thereof. This section also applies to written interlocal  
2347 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or  
2348 more parties agree to submit to arbitration any controversy  
2349 between them concerning water use permit applications and other

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2350 matters, regardless of whether or not the water management  
2351 district with jurisdiction over the subject application is a  
2352 party to the interlocal agreement or a participant in the  
2353 arbitration. Such agreement or provision shall be valid,  
2354 enforceable, and irrevocable without regard to the justiciable  
2355 character of the controversy; provided that this act shall not  
2356 apply to any such agreement or provision to arbitrate in which  
2357 it is stipulated that this law shall not apply or to any  
2358 arbitration or award thereunder.

2359 Section 27. Section 373.71, Florida Statutes, is renumbered  
2360 as section 373.69, Florida Statutes.

2361 Section 28. Sections 373.0361, 373.0391, 373.0831, 373.196,  
2362 373.1961, 373.1962, and 373.1963, Florida Statutes, are  
2363 repealed.

2364 Section 29. Paragraphs (a), (b), (c), and (f) of subsection  
2365 (3) of section 373.1961, Florida Statutes, is amended to read:

2366 373.1961 Water production; general powers and duties;  
2367 identification of needs; funding criteria; economic incentives;  
2368 reuse funding.—

2369 (3) FUNDING.—

2370 (a) The water management districts and the state shall  
2371 share a percentage of revenues with water providers and users,  
2372 including local governments, water, wastewater, and reuse  
2373 utilities, municipal, special district, industrial, and  
2374 agricultural water users, and other public and private water  
2375 users, to be used to supplement other funding sources in the  
2376 development of alternative water supplies and conservation  
2377 projects that result in quantifiable water savings.

2378 (b) Beginning in fiscal year 2005-2006, the state shall

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2379 annually provide a portion of those revenues deposited into the  
2380 Water Protection and Sustainability Program Trust Fund for the  
2381 purpose of providing funding assistance for the development of  
2382 alternative water supplies and conservation projects that result  
2383 in quantifiable water savings pursuant to the Water Protection  
2384 and Sustainability Program. At the beginning of each fiscal  
2385 year, beginning with fiscal year 2005-2006, such revenues shall  
2386 be distributed by the department into the alternative water  
2387 supply trust fund accounts created by each district for the  
2388 purpose of alternative water supply development under the  
2389 following funding formula:

2390 1. Thirty percent to the South Florida Water Management  
2391 District;

2392 2. Twenty-five percent to the Southwest Florida Water  
2393 Management District;

2394 3. Twenty-five percent to the St. Johns River Water  
2395 Management District;

2396 4. Ten percent to the Suwannee River Water Management  
2397 District; and

2398 5. Ten percent to the Northwest Florida Water Management  
2399 District.

2400 (c) The financial assistance for alternative water supply  
2401 projects allocated in each district's budget as required in s.  
2402 373.196(6) shall be combined with the state funds and used to  
2403 assist in funding the project construction costs of alternative  
2404 water supply projects and the project costs of conservation  
2405 projects that result in quantifiable water savings selected by  
2406 the governing board. If the district has not completed any  
2407 regional water supply plan, or the regional water supply plan

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2408 does not identify the need for any alternative water supply  
2409 projects, funds deposited in that district's trust fund may be  
2410 used for water resource development projects, including, but not  
2411 limited to, springs protection.

2412 (f) The governing boards shall determine those projects  
2413 that will be selected for financial assistance. The governing  
2414 boards may establish factors to determine project funding;  
2415 however, significant weight shall be given to the following  
2416 factors:

2417 1. Whether the project provides substantial environmental  
2418 benefits by preventing or limiting adverse water resource  
2419 impacts.

2420 2. Whether the project reduces competition for water  
2421 supplies.

2422 3. Whether the project brings about replacement of  
2423 traditional sources in order to help implement a minimum flow or  
2424 level or a reservation.

2425 4. Whether the project will be implemented by a consumptive  
2426 use permittee that has achieved the targets contained in a goal-  
2427 based water conservation program approved pursuant to s.  
2428 373.227.

2429 5. The quantity of water supplied by the project as  
2430 compared to its cost.

2431 6. Projects in which the construction and delivery to end  
2432 users of reuse water is a major component.

2433 7. Whether the project will be implemented by a  
2434 multijurisdictional water supply entity or regional water supply  
2435 authority.

2436 8. Whether the project implements reuse that assists in the

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2437 elimination of domestic wastewater ocean outfalls as provided in  
2438 s. 403.086(9).

2439 9. Whether the county or municipality, or the multiple  
2440 counties or municipalities, in which the project is located has  
2441 implemented a high-water recharge protection tax assessment  
2442 program as provided in s. 193.625.

2443 Section 30. Paragraph (a) of subsection (19) of section  
2444 373.414, Florida Statutes, is amended to read:

2445 373.414 Additional criteria for activities in surface  
2446 waters and wetlands.—

2447 (19) (a) Financial responsibility for mitigation for  
2448 wetlands and other surface waters required by a permit issued  
2449 pursuant to this part for activities associated with the  
2450 extraction of limestone and phosphate are subject to approval by  
2451 the department as part of the permit application review.  
2452 Financial responsibility for permitted activities that ~~which~~  
2453 will occur over a period of 3 years or less of mining operations  
2454 must be provided to the department before ~~prior to~~ the  
2455 commencement of mining operations and must ~~shall be in an amount~~  
2456 equal ~~to~~ 110 percent of the estimated mitigation costs for  
2457 wetlands and other surface waters affected under the permit. For  
2458 permitted activities that ~~which~~ will occur over a period of more  
2459 than 3 years of mining operations, the initial financial  
2460 responsibility demonstration must ~~shall be in an amount~~ equal ~~to~~  
2461 110 percent of the estimated mitigation costs for wetlands and  
2462 other surface waters affected in the first 3 years of operation  
2463 under the permit. ~~and,~~ For each year thereafter, the financial  
2464 responsibility demonstration must ~~shall~~ be updated, including  
2465 providing ~~to provide~~ an amount equal to 110 percent of the

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2466 estimated mitigation costs for the next year of operations under  
2467 the permit for which financial responsibility has not already  
2468 been demonstrated and to release portions of the financial  
2469 responsibility mechanisms in accordance with applicable rules.

2470 Section 31. Subsection (2) of section 378.901, Florida  
2471 Statutes, is amended to read:

2472 378.901 Life-of-the-mine permit.—

2473 (2) As an alternative to, and in lieu of, separate  
2474 applications for permits required under ~~by~~ part IV of chapter  
2475 373 and part IV of this chapter, any each operator who mines or  
2476 extracts or proposes to mine or extract heavy minerals,  
2477 limestone, or fuller's earth clay may apply to the bureau for a  
2478 life-of-the-mine permit. This subsection does not limit the  
2479 authority of a local government to approve, approve with  
2480 conditions, deny, or impose a permit duration that is different  
2481 from the duration issued pursuant to this section.

2482 Section 32. Subsections (2), (5), and (9) of section  
2483 373.41492, Florida Statutes, are amended to read:

2484 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
2485 mitigation for mining activities within the Miami-Dade County  
2486 Lake Belt.—

2487 (2) To provide for the mitigation of wetland resources lost  
2488 to mining activities within the Miami-Dade County Lake Belt  
2489 Plan, effective October 1, 1999, a mitigation fee is imposed on  
2490 each ton of limerock and sand extracted by any person who  
2491 engages in the business of extracting limerock or sand from  
2492 within the Miami-Dade County Lake Belt Area and the east one-  
2493 half of sections 24 and 25 and all of sections 35 and 36,  
2494 Township 53 South, Range 39 East. The mitigation fee is imposed

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2495 for each ton of limerock and sand sold from within the  
2496 properties where the fee applies in raw, processed, or  
2497 manufactured form, including, but not limited to, sized  
2498 aggregate, asphalt, cement, concrete, and other limerock and  
2499 concrete products. The mitigation fee imposed by this subsection  
2500 for each ton of limerock and sand sold shall be 12 cents per ton  
2501 beginning January 1, 2007; 18 cents per ton beginning January 1,  
2502 2008; ~~and~~ 24 cents per ton beginning January 1, 2009, and 45  
2503 cents per ton beginning close of business December 31, 2011. To  
2504 upgrade a water treatment plant that treats water coming from  
2505 the Northwest Wellfield in Miami-Dade County, a water treatment  
2506 plant upgrade fee is imposed within the same Lake Belt Area  
2507 subject to the mitigation fee and upon the same kind of mined  
2508 limerock and sand subject to the mitigation fee. The water  
2509 treatment plant upgrade fee imposed by this subsection for each  
2510 ton of limerock and sand sold shall be 15 cents per ton  
2511 beginning on January 1, 2007, and the collection of this fee  
2512 shall cease once the total amount of proceeds collected for this  
2513 fee reaches the amount of the actual moneys necessary to design  
2514 and construct the water treatment plant upgrade, as determined  
2515 in an open, public solicitation process. Any limerock or sand  
2516 that is used within the mine from which the limerock or sand is  
2517 extracted is exempt from the fees. The amount of the mitigation  
2518 fee and the water treatment plant upgrade fee imposed under this  
2519 section must be stated separately on the invoice provided to the  
2520 purchaser of the limerock or sand product from the limerock or  
2521 sand miner, or its subsidiary or affiliate, for which the fee or  
2522 fees apply. The limerock or sand miner, or its subsidiary or  
2523 affiliate, who sells the limerock or sand product shall collect

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2524 the mitigation fee and the water treatment plant upgrade fee and  
2525 forward the proceeds of the fees to the Department of Revenue on  
2526 or before the 20th day of the month following the calendar month  
2527 in which the sale occurs.

2528 (5) Each January 1, beginning January 1, 2010, through  
2529 December 31, 2011, Beginning January 1, 2010, and each January 1  
2530 ~~thereafter~~, the per-ton mitigation fee shall be increased by 2.1  
2531 percentage points, plus a cost growth index. The cost growth  
2532 index shall be the percentage change in the weighted average of  
2533 the Employment Cost Index for All Civilian Workers (ecu 10001I),  
2534 issued by the United States Department of Labor for the most  
2535 recent 12-month period ending on September 30, and the  
2536 percentage change in the Producer Price Index for All  
2537 Commodities (WPU 00000000), issued by the United States  
2538 Department of Labor for the most recent 12-month period ending  
2539 on September 30, compared to the weighted average of these  
2540 indices for the previous year. The weighted average shall be  
2541 calculated as 0.6 times the percentage change in the Employment  
2542 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times  
2543 the percentage change in the Producer Price Index for All  
2544 Commodities (WPU 00000000). If either index is discontinued, it  
2545 shall be replaced by its successor index, as identified by the  
2546 United States Department of Labor.

2547 (9) (a) The interagency committee established in this  
2548 section shall annually prepare and submit to the governing board  
2549 of the South Florida Water Management District a report  
2550 evaluating the mitigation costs and revenues generated by the  
2551 mitigation fee.

2552 (b) No sooner than January 31, 2010, and no more frequently



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2553 than every 5 years thereafter, the interagency committee shall  
2554 submit to the Legislature a report recommending any needed  
2555 adjustments to the mitigation fee, including the annual  
2556 escalator provided for in subsection (5), to ensure that the  
2557 revenue generated reflects the actual costs of the mitigation.

2558 Section 33. Subsection (1) of section 215.619, Florida  
2559 Statutes, is amended to read:

2560 215.619 Bonds for Everglades restoration.—

2561 (1) The issuance of Everglades restoration bonds to finance  
2562 or refinance the cost of the acquisition and improvement of  
2563 land, water areas, and related property interests and resources  
2564 for the purpose of implementing the Comprehensive Everglades  
2565 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed  
2566 Protection Plan under s. 373.4595, the Caloosahatchee River  
2567 Watershed Protection Plan under s. 373.4595, the St. Lucie River  
2568 Watershed Protection Plan under s. 373.4595, and the Florida  
2569 Keys Area of Critical State Concern protection program under ss.  
2570 380.05 and 380.0552 in order to restore and conserve natural  
2571 systems through the implementation of water management projects,  
2572 including wastewater management projects identified in the “Keys  
2573 Wastewater Plan,” dated November 2007, and submitted to the  
2574 Florida House of Representatives on December 4, 2007, is  
2575 authorized in accordance with s. 11(e), Art. VII of the State  
2576 Constitution.

2577 (a) Everglades restoration bonds, except refunding bonds,  
2578 may be issued only in fiscal years 2002-2003 through 2019-2020  
2579 and may not be issued in an amount exceeding \$100 million per  
2580 fiscal year unless:

2581 1.~~(a)~~ The Department of Environmental Protection has

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2582 requested additional amounts in order to achieve cost savings or  
2583 accelerate the purchase of land; or

2584 2.~~(b)~~ The Legislature authorizes an additional amount of  
2585 bonds not to exceed \$200 million, and limited to \$50 million per  
2586 fiscal year, for no more than 4 fiscal years, specifically for  
2587 the purpose of funding the Florida Keys Area of Critical State  
2588 Concern protection program. Proceeds from the bonds shall be  
2589 managed by the Department of Environmental Protection for the  
2590 purpose of entering into financial assistance agreements with  
2591 local governments located in the Florida Keys Area of Critical  
2592 State Concern to finance or refinance the cost of constructing  
2593 sewage collection, treatment, and disposal facilities.

2594 (b) The duration of Everglades restoration bonds may not  
2595 exceed 20 annual maturities, and ~~those bonds~~ must mature by  
2596 December 31, 2040. Except for refunding bonds, a series of bonds  
2597 may not be issued unless an amount equal to the debt service  
2598 coming due in the year of issuance has been appropriated by the  
2599 Legislature. Beginning July 1, 2010, the Legislature shall  
2600 analyze the ratio of the state's debt to projected revenues  
2601 before authorizing the issuance of ~~prior to the authorization to~~  
2602 ~~issue any~~ bonds under this section.

2603 Section 34. Subsections (2), (4), (7), and (9) of section  
2604 380.0552, Florida Statutes, are amended to read:

2605 380.0552 Florida Keys Area; protection and designation as  
2606 area of critical state concern.—

2607 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that the~~  
2608 intent of the Legislature to is:

2609 (a) ~~To~~ Establish a land use management system that protects  
2610 the natural environment of the Florida Keys.

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2611 (b) ~~To~~ Establish a land use management system that  
2612 conserves and promotes the community character of the Florida  
2613 Keys.

2614 (c) ~~To~~ Establish a land use management system that promotes  
2615 orderly and balanced growth in accordance with the capacity of  
2616 available and planned public facilities and services.

2617 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to  
2618 places of employment in the Florida Keys.

2619 (e) ~~To~~ Establish a land use management system that promotes  
2620 and supports a diverse and sound economic base.

2621 (f) ~~To~~ Protect the constitutional rights of property owners  
2622 to own, use, and dispose of their real property.

2623 (g) ~~To~~ Promote coordination and efficiency among  
2624 governmental agencies that have ~~with~~ permitting jurisdiction  
2625 over land use activities in the Florida Keys.

2626 (h) Promote an appropriate land acquisition and protection  
2627 strategy for environmentally sensitive lands within the Florida  
2628 Keys.

2629 (i) Protect and improve the nearshore water quality of the  
2630 Florida Keys through the construction and operation of  
2631 wastewater management facilities that meet the requirements of  
2632 ss. 381.0065(4)(1) and 403.086(10), as applicable.

2633 (j) Ensure that the population of the Florida Keys can be  
2634 safely evacuated.

2635 (4) REMOVAL OF DESIGNATION.—

2636 ~~(a) Between July 12, 2008, and August 30, 2008, the state~~  
2637 ~~land planning agency shall submit a written report to the~~  
2638 ~~Administration Commission describing in detail the progress of~~  
2639 ~~the Florida Keys Area toward accomplishing the tasks of the work~~

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2640 ~~program as defined in paragraph (c) and providing a~~  
2641 ~~recommendation as to whether substantial progress toward~~  
2642 ~~accomplishing the tasks of the work program has been achieved.~~  
2643 ~~Subsequent to receipt of the report, the Administration~~  
2644 ~~Commission shall determine, prior to October 1, 2008, whether~~  
2645 ~~substantial progress has been achieved toward accomplishing the~~  
2646 ~~tasks of the work program. The designation of the Florida Keys~~  
2647 ~~Area as an area of critical state concern under this section may~~  
2648 ~~be recommended for removal upon fulfilling the legislative~~  
2649 ~~intent under subsection (2) and completion of all the work~~  
2650 ~~program tasks specified in rules of the Administration~~  
2651 ~~Commission shall be removed October 1, 2009, unless the~~  
2652 ~~Administration Commission finds, after receipt of the state land~~  
2653 ~~planning agency report, that substantial progress has not been~~  
2654 ~~achieved toward accomplishing the tasks of the work program. If~~  
2655 ~~the designation of the Florida Keys Area as an area of critical~~  
2656 ~~state concern is removed, the Administration Commission, within~~  
2657 ~~60 days after removal of the designation, shall initiate~~  
2658 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~  
2659 ~~to the designation of the Florida Keys Area as an area of~~  
2660 ~~critical state concern. If, after receipt of the state land~~  
2661 ~~planning agency's report, the Administration Commission finds~~  
2662 ~~that substantial progress toward accomplishing the tasks of the~~  
2663 ~~work program has not been achieved, the Administration~~  
2664 ~~Commission shall provide a written report to the Monroe County~~  
2665 ~~Commission within 30 days after making such finding detailing~~  
2666 ~~the tasks under the work program that must be accomplished in~~  
2667 ~~order for substantial progress to be achieved within the next 12~~  
2668 ~~months.~~

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2669 (b) Beginning November 30, 2010, the state land planning  
2670 agency shall annually submit a written report to the  
2671 Administration Commission describing the progress of the Florida  
2672 Keys Area toward completing the work program tasks specified in  
2673 commission rules. The land planning agency shall recommend  
2674 removing the Florida Keys Area from being designated as an area  
2675 of critical state concern to the commission if it determines  
2676 that:

2677 1. All of the work program tasks have been completed,  
2678 including construction of, operation of, and connection to  
2679 central wastewater management facilities pursuant to s.  
2680 403.086(10) and upgrade of onsite sewage treatment and disposal  
2681 systems pursuant to s. 381.0065(4)(1);

2682 2. All local comprehensive plans and land development  
2683 regulations and the administration of such plans and regulations  
2684 are adequate to protect the Florida Keys Area, fulfill the  
2685 legislative intent specified in subsection (2), and are  
2686 consistent with and further the principles guiding development;  
2687 and

2688 3. A local government has adopted a resolution at a public  
2689 hearing recommending the removal of the designation.

2690 ~~(b) If the designation of the Florida Keys Area as an area~~  
2691 ~~of critical state concern is not removed in accordance with~~  
2692 ~~paragraph (a), the state land planning agency shall submit a~~  
2693 ~~written annual report to the Administration Commission on~~  
2694 ~~November 1 of each year, until such time as the designation is~~  
2695 ~~removed, describing the progress of the Florida Keys Area toward~~  
2696 ~~accomplishing remaining tasks under the work program and~~  
2697 ~~providing a recommendation as to whether substantial progress~~

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2698 ~~toward accomplishing the tasks of the work program has been~~  
2699 ~~achieved. The Administration Commission shall determine, within~~  
2700 ~~45 days after receipt of the annual report, whether substantial~~  
2701 ~~progress has been achieved toward accomplishing the remaining~~  
2702 ~~tasks of the work program. The designation of the Florida Keys~~  
2703 ~~Area as an area of critical state concern under this section~~  
2704 ~~shall be removed unless the Administration Commission finds that~~  
2705 ~~substantial progress has not been achieved toward accomplishing~~  
2706 ~~the tasks of the work program. If the designation of the Florida~~  
2707 ~~Keys Area as an area of critical state concern is removed, the~~  
2708 ~~Administration Commission, within 60 days after removal of the~~  
2709 ~~designation, shall initiate rulemaking pursuant to chapter 120~~  
2710 ~~to repeal any rules relating to the designation of the Florida~~  
2711 ~~Keys Area as an area of critical state concern. If the~~  
2712 ~~Administration Commission finds that substantial progress has~~  
2713 ~~not been achieved, the Administration Commission shall provide~~  
2714 ~~to the Monroe County Commission, within 30 days after making its~~  
2715 ~~finding, a report detailing the tasks under the work program~~  
2716 ~~that must be accomplished in order for substantial progress to~~  
2717 ~~be achieved within the next 12 months.~~

2718 (c) After receipt of the state land planning agency report  
2719 and recommendation, the Administration Commission shall  
2720 determine whether the requirements have been fulfilled and may  
2721 remove the designation of the Florida Keys as an area of  
2722 critical state concern. If the commission removes the  
2723 designation, it shall initiate rulemaking to repeal any rules  
2724 relating such designation within 60 days. If, after receipt of  
2725 the state land planning agency's report and recommendation, the  
2726 commission finds that the requirements for recommending removal

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2727 of designation have not been met, the commission shall provide a  
2728 written report to the local governments within 30 days after  
2729 making such a finding detailing the tasks that must be completed  
2730 by the local government.

2731 ~~(c) For purposes of this subsection, the term "work~~  
2732 ~~program" means the 10-year work program as set forth in rule 28-~~  
2733 ~~20.110, Florida Administrative Code, on January 1, 2006,~~  
2734 ~~excluding amendments to the work program that take effect after~~  
2735 ~~January 1, 2006.~~

2736 (d) The ~~determination of the Administration Commission's~~  
2737 determination concerning the removal of the designation of the  
2738 Florida Keys as an area of critical state concern ~~Commission as~~  
2739 ~~to whether substantial progress has been made toward~~  
2740 ~~accomplishing the tasks of the work program may be judicially~~  
2741 ~~reviewed pursuant to chapter 120 §6. All proceedings shall be~~  
2742 ~~conducted by the Division of Administrative Hearings and must be~~  
2743 initiated within 30 days after the commission issues its  
2744 determination in the circuit court of the judicial circuit where  
2745 ~~the Administration Commission maintains its headquarters and~~  
2746 ~~shall be initiated within 30 days after rendition of the~~  
2747 ~~Administration Commission's determination. The Administration~~  
2748 ~~Commission's determination as to whether substantial progress~~  
2749 ~~has been made toward accomplishing the tasks of the work program~~  
2750 ~~shall be upheld if it is supported by competent and substantial~~  
2751 ~~evidence and shall not be subject to administrative review under~~  
2752 ~~chapter 120.~~

2753 (e) After removal of the designation of the Florida Keys as  
2754 an area of critical state concern, the state land planning  
2755 agency shall review proposed local comprehensive plans, and any

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2756 amendments to existing comprehensive plans, which are applicable  
2757 to the Florida Keys Area, the boundaries of which were described  
2758 in chapter 28-29, Florida Administrative Code, as of January 1,  
2759 2006, for compliance ~~with subparagraphs 1. and 2., in addition~~  
2760 ~~to reviewing proposed local comprehensive plans and amendments~~  
2761 ~~for compliance~~ as defined in s. 163.3184. All procedures and  
2762 penalties described in s. 163.3184 apply to the review conducted  
2763 pursuant to this paragraph.

2764 ~~1. Adoption of construction schedules for wastewater~~  
2765 ~~facilities improvements in the annually adopted capital~~  
2766 ~~improvements element and adoption of standards for the~~  
2767 ~~construction of wastewater treatment facilities which meet or~~  
2768 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

2769 ~~2. Adoption of goals, objectives, and policies to protect~~  
2770 ~~public safety and welfare in the event of a natural disaster by~~  
2771 ~~maintaining a hurricane evacuation clearance time for permanent~~  
2772 ~~residents of no more than 24 hours. The hurricane evacuation~~  
2773 ~~clearance time shall be determined by a hurricane evacuation~~  
2774 ~~study conducted in accordance with a professionally accepted~~  
2775 ~~methodology and approved by the state land planning agency.~~

2776 (f) The Administration Commission may adopt rules or revise  
2777 existing rules as necessary to administer this subsection.

2778 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
2779 and local agencies and units of government in the Florida Keys  
2780 Area shall coordinate their plans and conduct their programs and  
2781 regulatory activities consistent with the principles for guiding  
2782 development as specified ~~set forth~~ in chapter 27F-8, Florida  
2783 Administrative Code, as amended effective August 23, 1984, which  
2784 ~~chapter~~ is hereby adopted and incorporated herein by reference.



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2785 For the purposes of reviewing the consistency of the adopted  
2786 plan, or any amendments to that plan, with the principles for  
2787 guiding development, and any amendments to the principles, the  
2788 principles shall be construed as a whole and ~~no~~ specific  
2789 provisions may not ~~provision shall~~ be construed or applied in  
2790 isolation from the other provisions. However, the principles for  
2791 guiding development as ~~set forth in chapter 27F-8, Florida~~  
2792 ~~Administrative Code, as amended effective August 23, 1984,~~ are  
2793 repealed 18 months from July 1, 1986. After repeal, ~~the~~  
2794 ~~following shall be the principles with which~~ any plan amendments  
2795 must be consistent with the following principles:

2796 (a) Strengthening ~~To strengthen~~ local government  
2797 capabilities for managing land use and development so that local  
2798 government is able to achieve these objectives without  
2799 continuing the continuation of the area of critical state  
2800 concern designation.

2801 (b) Protecting ~~To protect~~ shoreline and marine resources,  
2802 including mangroves, coral reef formations, seagrass beds,  
2803 wetlands, fish and wildlife, and their habitat.

2804 (c) Protecting ~~To protect~~ upland resources, tropical  
2805 biological communities, freshwater wetlands, native tropical  
2806 vegetation (for example, hardwood hammocks and pinelands), dune  
2807 ridges and beaches, wildlife, and their habitat.

2808 (d) Ensuring ~~To ensure~~ the maximum well-being of the  
2809 Florida Keys and its citizens through sound economic  
2810 development.

2811 (e) Limiting ~~To limit~~ the adverse impacts of development on  
2812 the quality of water throughout the Florida Keys.

2813 (f) Enhancing ~~To enhance~~ natural scenic resources,

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2814 promoting ~~promote~~ the aesthetic benefits of the natural  
2815 environment, and ensuring ~~ensure~~ that development is compatible  
2816 with the unique historic character of the Florida Keys.

2817 (g) Protecting ~~To protect~~ the historical heritage of the  
2818 Florida Keys.

2819 (h) Protecting ~~To protect~~ the value, efficiency, cost-  
2820 effectiveness, and amortized life of existing and proposed major  
2821 public investments, including:

- 2822 1. The Florida Keys Aqueduct and water supply facilities;
- 2823 2. Sewage collection, treatment, and disposal facilities;
- 2824 3. Solid waste treatment, collection, and disposal  
2825 facilities;
- 2826 4. Key West Naval Air Station and other military  
2827 facilities;
- 2828 5. Transportation facilities;
- 2829 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 2830 7. State parks, recreation facilities, aquatic preserves,  
2831 and other publicly owned properties;
- 2832 8. City electric service and the Florida Keys Electric Co-  
2833 op; and
- 2834 9. Other utilities, as appropriate.

2835 (i) Protecting and improving water quality by providing for  
2836 the construction, operation, maintenance, and replacement of  
2837 stormwater management facilities; central sewage collection;  
2838 treatment and disposal facilities; and the installation and  
2839 proper operation and maintenance of onsite sewage treatment and  
2840 disposal systems.

2841 (j) Ensuring the improvement of nearshore water quality by  
2842 requiring the construction and operation of wastewater

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2843 management facilities that meet the requirements of ss.  
2844 381.0065(4)(l) and 403.086(10), as applicable, and by directing  
2845 growth to areas served by central wastewater treatment  
2846 facilities through permit allocation systems.

2847 (k) ~~(i)~~ Limiting ~~To limit~~ the adverse impacts of public  
2848 investments on the environmental resources of the Florida Keys.

2849 (l) ~~(j)~~ Making ~~To make~~ available adequate affordable housing  
2850 for all sectors of the population of the Florida Keys.

2851 (m) ~~(k)~~ Providing ~~To provide~~ adequate alternatives for the  
2852 protection of public safety and welfare in the event of a  
2853 natural or manmade disaster and for a postdisaster  
2854 reconstruction plan.

2855 (n) ~~(l)~~ Protecting ~~To protect~~ the public health, safety, and  
2856 welfare of the citizens of the Florida Keys and maintain the  
2857 Florida Keys as a unique Florida resource.

2858 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2859 (a) Any land development regulation or element of a local  
2860 comprehensive plan in the Florida Keys Area may be enacted,  
2861 amended, or rescinded by a local government, but the enactment,  
2862 amendment, or rescission becomes ~~shall become~~ effective only  
2863 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The  
2864 state land planning agency shall review the proposed change to  
2865 determine if it is in compliance with the principles for guiding  
2866 development specified ~~set forth~~ in chapter 27F-8, Florida  
2867 Administrative Code, as amended effective August 23, 1984, and  
2868 must ~~shall either~~ approve or reject the requested changes within  
2869 60 days after ~~of~~ receipt ~~thereof~~. Amendments to local  
2870 comprehensive plans in the Florida Keys Area must also be  
2871 reviewed for compliance with the following:

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2872       1. Construction schedules and detailed capital financing  
2873 plans for wastewater management improvements in the annually  
2874 adopted capital improvements element, and standards for the  
2875 construction of wastewater treatment and disposal facilities or  
2876 collection systems that meet or exceed the criteria in s.  
2877 403.086(10) for wastewater treatment and disposal facilities or  
2878 s. 381.0065(4)(1) for onsite sewage treatment and disposal  
2879 systems.

2880       2. Goals, objectives, and policies to protect public safety  
2881 and welfare in the event of a natural disaster by maintaining a  
2882 hurricane evacuation clearance time for permanent residents of  
2883 no more than 24 hours. The hurricane evacuation clearance time  
2884 shall be determined by a hurricane evacuation study conducted in  
2885 accordance with a professionally accepted methodology and  
2886 approved by the state land planning agency.

2887       (b) Further, The state land planning agency, after  
2888 consulting with the appropriate local government, may, no more  
2889 ~~often~~ than once per a year, recommend to the Administration  
2890 Commission the enactment, amendment, or rescission of a land  
2891 development regulation or element of a local comprehensive plan.  
2892 Within 45 days following the receipt of such recommendation ~~by~~  
2893 ~~the state land planning agency,~~ the commission shall reject the  
2894 recommendation, or accept it with or without modification and  
2895 adopt it, ~~by~~ rule, including any changes. ~~Any~~ Such local  
2896 development regulation or plan must ~~shall~~ be in compliance with  
2897 the principles for guiding development.

2898       Section 35. Subsection (1) and paragraph (1) of subsection  
2899 (4) of section 381.0065, Florida Statutes are amended, present  
2900 subsection (5) of that section is renumbered as subsection (6),

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2901 and new subsections (5) and (7) are added to that section, to  
2902 read:

2903 381.0065 Onsite sewage treatment and disposal systems;  
2904 regulation.—

2905 (1) LEGISLATIVE INTENT.—

2906 (a) It is the intent of the Legislature that proper  
2907 management of onsite sewage treatment and disposal systems is  
2908 paramount to the health, safety, and welfare of the public. It  
2909 is further the intent of the Legislature that the department  
2910 shall administer an evaluation program to ensure the operational  
2911 condition of the system and identify any failure with the  
2912 system.

2913 (b) It is the intent of the Legislature that where a  
2914 publicly owned or investor-owned sewerage system is not  
2915 available, the department shall issue permits for the  
2916 construction, installation, modification, abandonment, or repair  
2917 of onsite sewage treatment and disposal systems under conditions  
2918 as described in this section and rules adopted under this  
2919 section. It is further the intent of the Legislature that the  
2920 installation and use of onsite sewage treatment and disposal  
2921 systems not adversely affect the public health or significantly  
2922 degrade the groundwater or surface water.

2923 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
2924 construct, repair, modify, abandon, or operate an onsite sewage  
2925 treatment and disposal system without first obtaining a permit  
2926 approved by the department. The department may issue permits to  
2927 carry out this section, but shall not make the issuance of such  
2928 permits contingent upon prior approval by the Department of  
2929 Environmental Protection, except that the issuance of a permit

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2930 for work seaward of the coastal construction control line  
2931 established under s. 161.053 shall be contingent upon receipt of  
2932 any required coastal construction control line permit from the  
2933 Department of Environmental Protection. A construction permit is  
2934 valid for 18 months from the issuance date and may be extended  
2935 by the department for one 90-day period under rules adopted by  
2936 the department. A repair permit is valid for 90 days from the  
2937 date of issuance. An operating permit must be obtained prior to  
2938 the use of any aerobic treatment unit or if the establishment  
2939 generates commercial waste. Buildings or establishments that use  
2940 an aerobic treatment unit or generate commercial waste shall be  
2941 inspected by the department at least annually to assure  
2942 compliance with the terms of the operating permit. The operating  
2943 permit for a commercial wastewater system is valid for 1 year  
2944 from the date of issuance and must be renewed annually. The  
2945 operating permit for an aerobic treatment unit is valid for 2  
2946 years from the date of issuance and must be renewed every 2  
2947 years. If all information pertaining to the siting, location,  
2948 and installation conditions or repair of an onsite sewage  
2949 treatment and disposal system remains the same, a construction  
2950 or repair permit for the onsite sewage treatment and disposal  
2951 system may be transferred to another person, if the transferee  
2952 files, within 60 days after the transfer of ownership, an  
2953 amended application providing all corrected information and  
2954 proof of ownership of the property. There is no fee associated  
2955 with the processing of this supplemental information. A person  
2956 may not contract to construct, modify, alter, repair, service,  
2957 abandon, or maintain any portion of an onsite sewage treatment  
2958 and disposal system without being registered under part III of

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2959 chapter 489. A property owner who personally performs  
2960 construction, maintenance, or repairs to a system serving his or  
2961 her own owner-occupied single-family residence is exempt from  
2962 registration requirements for performing such construction,  
2963 maintenance, or repairs on that residence, but is subject to all  
2964 permitting requirements. A municipality or political subdivision  
2965 of the state may not issue a building or plumbing permit for any  
2966 building that requires the use of an onsite sewage treatment and  
2967 disposal system unless the owner or builder has received a  
2968 construction permit for such system from the department. A  
2969 building or structure may not be occupied and a municipality,  
2970 political subdivision, or any state or federal agency may not  
2971 authorize occupancy until the department approves the final  
2972 installation of the onsite sewage treatment and disposal system.  
2973 A municipality or political subdivision of the state may not  
2974 approve any change in occupancy or tenancy of a building that  
2975 uses an onsite sewage treatment and disposal system until the  
2976 department has reviewed the use of the system with the proposed  
2977 change, approved the change, and amended the operating permit.

2978 (1) For the Florida Keys, the department shall adopt a  
2979 special rule for the construction, installation, modification,  
2980 operation, repair, maintenance, and performance of onsite sewage  
2981 treatment and disposal systems which considers the unique soil  
2982 conditions and ~~which considers~~ water table elevations,  
2983 densities, and setback requirements. On lots where a setback  
2984 distance of 75 feet from surface waters, saltmarsh, and  
2985 buttonwood association habitat areas cannot be met, an injection  
2986 well, approved and permitted by the department, may be used for  
2987 disposal of effluent from onsite sewage treatment and disposal

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2988 systems. The following additional requirements apply to onsite  
2989 sewage treatment and disposal systems in Monroe County:

2990 1. The county, each municipality, and those special  
2991 districts established for the purpose of the collection,  
2992 transmission, treatment, or disposal of sewage shall ensure, in  
2993 accordance with the specific schedules adopted by the  
2994 Administration Commission under s. 380.0552, the completion of  
2995 onsite sewage treatment and disposal system upgrades to meet the  
2996 requirements of this paragraph.

2997 2. Onsite sewage treatment and disposal systems must cease  
2998 discharge by December 31, 2015, or must comply with department  
2999 rules and provide the level of treatment which, on a permitted  
3000 annual average basis, produces an effluent that contains no more  
3001 than the following concentrations:

3002 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3003 b. Suspended Solids of 10 mg/l.

3004 c. Total Nitrogen, expressed as N, of 10 mg/l.

3005 d. Total Phosphorus, expressed as P, of 1 mg/l.

3006  
3007 In addition, onsite sewage treatment and disposal systems  
3008 discharging to an injection well must provide basic disinfection  
3009 as defined by department rule.

3010 3. On or after July 1, 2010, all new, modified, and  
3011 repaired onsite sewage treatment and disposal systems must  
3012 provide the level of treatment described in subparagraph 2.  
3013 However, in areas scheduled to be served by central sewer by  
3014 December 31, 2015, if the property owner has paid a connection  
3015 fee or assessment for connection to the central sewer system, an  
3016 onsite sewage treatment and disposal system may be repaired to



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3017 the following minimum standards:

3018 a. The existing tanks must be pumped and inspected and  
3019 certified as being watertight and free of defects in accordance  
3020 with department rule; and

3021 b. A sand-lined drainfield or injection well in accordance  
3022 with department rule must be installed.

3023 4. Onsite sewage treatment and disposal systems must be  
3024 monitored for total nitrogen and total phosphorus concentrations  
3025 as required by department rule.

3026 5. The department shall enforce proper installation,  
3027 operation, and maintenance of onsite sewage treatment and  
3028 disposal systems pursuant to this chapter, including ensuring  
3029 that the appropriate level of treatment described in  
3030 subparagraph 2. is met.

3031 6. The authority of a local government, including a special  
3032 district, to mandate connection of an onsite sewage treatment  
3033 and disposal system is governed by section 4 of chapter 99-395,  
3034 Laws of Florida.

3035 (5) EVALUATION AND ASSESSMENT.—

3036 (a) Beginning January 1, 2011, the department shall  
3037 administer an onsite sewage treatment and disposal system  
3038 evaluation program for the purpose of assessing the fundamental  
3039 operational condition of systems and identifying any failures  
3040 within the systems. The department shall adopt rules  
3041 implementing the program standards, procedures, and  
3042 requirements, including, but not limited to, a schedule for a 5-  
3043 year evaluation cycle, requirements for the pump-out of a system  
3044 or repair of a failing system, enforcement procedures for  
3045 failure of a system owner to obtain an evaluation of the system,

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3046 and failure of a contractor to timely submit evaluation results  
3047 to the department and the system owner. The department shall  
3048 ensure statewide implementation of the evaluation and assessment  
3049 program by January 1, 2016.

3050 (b) Owners of an onsite sewage treatment and disposal  
3051 system, excluding a system that is required to obtain an  
3052 operating permit, shall have the system evaluated at least once  
3053 every 5 years to assess the fundamental operational condition of  
3054 the system, and identify any failure within the system.

3055 (c) All evaluation procedures must be documented and  
3056 nothing in this subsection limits the amount of detail an  
3057 evaluator may provide at his or her professional discretion. The  
3058 evaluation must include a tank and drainfield evaluation, a  
3059 written assessment of the condition of the system, and, if  
3060 necessary, a disclosure statement pursuant to the department's  
3061 procedure.

3062 (d)1. Systems being evaluated that were installed prior to  
3063 January 1, 1983, shall meet a minimum 6-inch separation from the  
3064 bottom of the drainfield to the wettest season water table  
3065 elevation as defined by department rule. All drainfield repairs,  
3066 replacements or modifications to systems installed prior to  
3067 January 1, 1983, shall meet a minimum 12-inch separation from  
3068 the bottom of the drainfield to the wettest season water table  
3069 elevation as defined by department rule.

3070 2. Systems being evaluated that were installed on or after  
3071 January 1, 1983, shall meet a minimum 12-inch separation from  
3072 the bottom of the drainfield to the wettest season water table  
3073 elevation as defined by department rule. All drainfield repairs,  
3074 replacements or modification to systems developed on or after

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3075 January 1, 1983, shall meet a minimum 24-inch separation from  
3076 the bottom of the drainfield to the wettest season water table  
3077 elevation.

3078 (e) If documentation of a tank pump-out or a permitted new  
3079 installation, repair, or modification of the system within the  
3080 previous 5 years is provided, and states the capacity of the  
3081 tank and indicates that the condition of the tank is not a  
3082 sanitary or public health nuisance pursuant to department rule,  
3083 a pump-out of the system is not required.

3084 (f) Owners are responsible for paying the cost of any  
3085 required pump-out, repair, or replacement pursuant to department  
3086 rule, and may not request partial evaluation or the omission of  
3087 portions of the evaluation.

3088 (g) Each evaluation or pump-out required under this  
3089 subsection must be performed by a septic tank contractor or  
3090 master septic tank contractor registered under part III of  
3091 chapter 489, a professional engineer with wastewater treatment  
3092 system experience licensed pursuant to chapter 471, or an  
3093 environmental health professional certified under chapter 381 in  
3094 the area of onsite sewage treatment and disposal system  
3095 evaluation.

3096 (h) The evaluation report fee collected pursuant to s.  
3097 381.0066(2)(b) shall be remitted to the department by the  
3098 evaluator at the time the report is submitted.

3099 (i) Prior to any evaluation deadline, the department must  
3100 provide a minimum of 60 days' notice to owners that their  
3101 systems must be evaluated by that deadline. The department may  
3102 include a copy of any homeowner educational materials developed  
3103 pursuant to this section which provides information on the

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3104 proper maintenance of onsite sewage treatment and disposal  
3105 systems.

3106 (6)~~(5)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

3107 (a) Department personnel who have reason to believe  
3108 noncompliance exists, may at any reasonable time, enter the  
3109 premises permitted under ss. 381.0065-381.0066, or the business  
3110 premises of any septic tank contractor or master septic tank  
3111 contractor registered under part III of chapter 489, or any  
3112 premises that the department has reason to believe is being  
3113 operated or maintained not in compliance, to determine  
3114 compliance with the provisions of this section, part I of  
3115 chapter 386, or part III of chapter 489 or rules or standards  
3116 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
3117 part III of chapter 489. As used in this paragraph, the term  
3118 "premises" does not include a residence or private building. To  
3119 gain entry to a residence or private building, the department  
3120 must obtain permission from the owner or occupant or secure an  
3121 inspection warrant from a court of competent jurisdiction.

3122 (b)1. The department may issue citations that may contain  
3123 an order of correction or an order to pay a fine, or both, for  
3124 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
3125 part III of chapter 489 or the rules adopted by the department,  
3126 when a violation of these sections or rules is enforceable by an  
3127 administrative or civil remedy, or when a violation of these  
3128 sections or rules is a misdemeanor of the second degree. A  
3129 citation issued under ss. 381.0065-381.0067, part I of chapter  
3130 386, or part III of chapter 489 constitutes a notice of proposed  
3131 agency action.

3132 2. A citation must be in writing and must describe the

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3133 particular nature of the violation, including specific reference  
3134 to the provisions of law or rule allegedly violated.

3135 3. The fines imposed by a citation issued by the department  
3136 may not exceed \$500 for each violation. Each day the violation  
3137 exists constitutes a separate violation for which a citation may  
3138 be issued.

3139 4. The department shall inform the recipient, by written  
3140 notice pursuant to ss. 120.569 and 120.57, of the right to an  
3141 administrative hearing to contest the citation within 21 days  
3142 after the date the citation is received. The citation must  
3143 contain a conspicuous statement that if the recipient fails to  
3144 pay the fine within the time allowed, or fails to appear to  
3145 contest the citation after having requested a hearing, the  
3146 recipient has waived the recipient's right to contest the  
3147 citation and must pay an amount up to the maximum fine.

3148 5. The department may reduce or waive the fine imposed by  
3149 the citation. In determining whether to reduce or waive the  
3150 fine, the department must consider the gravity of the violation,  
3151 the person's attempts at correcting the violation, and the  
3152 person's history of previous violations including violations for  
3153 which enforcement actions were taken under ss. 381.0065-  
3154 381.0067, part I of chapter 386, part III of chapter 489, or  
3155 other provisions of law or rule.

3156 6. Any person who willfully refuses to sign and accept a  
3157 citation issued by the department commits a misdemeanor of the  
3158 second degree, punishable as provided in s. 775.082 or s.  
3159 775.083.

3160 7. The department, pursuant to ss. 381.0065-381.0067, part  
3161 I of chapter 386, or part III of chapter 489, shall deposit any

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3162 fines it collects in the county health department trust fund for  
3163 use in providing services specified in those sections.

3164 8. This section provides an alternative means of enforcing  
3165 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
3166 chapter 489. This section does not prohibit the department from  
3167 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
3168 III of chapter 489, or its rules, by any other means. However,  
3169 the department must elect to use only a single method of  
3170 enforcement for each violation.

3171 (7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective  
3172 January 1, 2016, the land application of septage from onsite  
3173 sewage treatment and disposal systems is prohibited. By February  
3174 1, 2011, the department, in consultation with the Department of  
3175 Environmental Protection, shall provide a report to the  
3176 Governor, the President of the Senate, and the Speaker of the  
3177 House of Representatives, recommending alternative methods to  
3178 establish enhanced treatment levels for the land application of  
3179 septage from onsite sewage and disposal systems. The report  
3180 shall include, but is not limited to, a schedule for the  
3181 reduction in land application, appropriate treatment levels,  
3182 alternative methods for treatment and disposal, enhanced  
3183 application site permitting requirements including any  
3184 requirements for nutrient management plans, and the range of  
3185 costs to local governments, affected businesses and individuals  
3186 for alternative treatment and disposal methods. The report shall  
3187 also include any recommendations for legislation or rule  
3188 authority needed to reduce land application of septage.

3189 Section 36. Section 381.00656, Florida Statutes, is created  
3190 to read:

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3191 381.00656 Grant program for repair of onsite sewage  
3192 treatment disposal systems.—Effective January 1, 2012, the  
3193 department shall administer a grant program to assist owners of  
3194 onsite sewage treatment and disposal systems identified pursuant  
3195 to s. 381.0065 or the rules adopted thereunder. A grant under  
3196 the program may be awarded to an owner only for the purpose of  
3197 inspecting, pumping, repairing, or replacing a system serving a  
3198 single-family residence occupied by an owner with a family  
3199 income of less than or equal to 133 percent of the federal  
3200 poverty level at the time of application. The department may  
3201 prioritize applications for an award of grant funds based upon  
3202 the severity of a system's failure, its relative environmental  
3203 impact, the income of the family, or any combination thereof.  
3204 The department shall adopt rules establishing the grant  
3205 application and award process, including an application form.  
3206 The department shall seek to make grants in each fiscal year  
3207 equal to the total amount of grant funds available, with any  
3208 excess funds used for grant awards in subsequent fiscal years.

3209 Section 37. Subsection (2) of section 381.0066, Florida  
3210 Statutes, is amended to read:

3211 381.0066 Onsite sewage treatment and disposal systems;  
3212 fees.—

3213 (2) The minimum fees in the following fee schedule apply  
3214 until changed by rule by the department within the following  
3215 limits:

3216 (a) Application review, permit issuance, or system  
3217 inspection, including repair of a subsurface, mound, filled, or  
3218 other alternative system or permitting of an abandoned system: a  
3219 fee of not less than \$25, or more than \$125.

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3220 (b) A 5-year evaluation report submitted pursuant to s.  
3221 381.0065(5): a fee not less than \$15, or more than \$30. At least  
3222 \$1 and no more than \$5 collected pursuant to this paragraph  
3223 shall be used to fund a grant program established under s.  
3224 381.00656.

3225 (c)~~(b)~~ Site evaluation, site reevaluation, evaluation of a  
3226 system previously in use, or a per annum septage disposal site  
3227 evaluation: a fee of not less than \$40, or more than \$115.

3228 (d)~~(e)~~ Biennial Operating permit for aerobic treatment  
3229 units or performance-based treatment systems: a fee of not more  
3230 than \$100.

3231 (e)~~(d)~~ Annual operating permit for systems located in areas  
3232 zoned for industrial manufacturing or equivalent uses or where  
3233 the system is expected to receive wastewater which is not  
3234 domestic in nature: a fee of not less than \$150, or more than  
3235 \$300.

3236 (f)~~(e)~~ Innovative technology: a fee not to exceed \$25,000.

3237 (g)~~(f)~~ Septage disposal service, septage stabilization  
3238 facility, portable or temporary toilet service, tank  
3239 manufacturer inspection: a fee of not less than \$25, or more  
3240 than \$200, per year.

3241 (h)~~(g)~~ Application for variance: a fee of not less than  
3242 \$150, or more than \$300.

3243 (i)~~(h)~~ Annual operating permit for waterless, incinerating,  
3244 or organic waste composting toilets: a fee of not less than \$50,  
3245 or more than \$150.

3246 (j)~~(i)~~ Aerobic treatment unit or performance-based  
3247 treatment system maintenance entity permit: a fee of not less  
3248 than \$25, or more than \$150, per year.



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3249        (k)~~(j)~~ Reinspection fee per visit for site inspection after  
3250 system construction approval or for noncompliant system  
3251 installation per site visit: a fee of not less than \$25, or more  
3252 than \$100.

3253        (l)~~(k)~~ Research: An additional \$5 fee shall be added to  
3254 each new system construction permit issued to be used to fund  
3255 onsite sewage treatment and disposal system research,  
3256 demonstration, and training projects. Five dollars from any  
3257 repair permit fee collected under this section shall be used for  
3258 funding the hands-on training centers described in s.  
3259 381.0065(3)(j).

3260        (m)~~(l)~~ Annual operating permit, including annual inspection  
3261 and any required sampling and laboratory analysis of effluent,  
3262 for an engineer-designed performance-based system: a fee of not  
3263 less than \$150, or more than \$300.

3264  
3265        On or before January 1, 2011, the Surgeon General, after  
3266 consultation with the Revenue Estimating Conference, shall  
3267 determine a revenue neutral fee schedule for services provided  
3268 pursuant to s. 381.0065(5) within the parameters set in  
3269 paragraph (b). Such determination is not subject to the  
3270 provisions of chapter 120. The funds collected pursuant to this  
3271 subsection must be deposited in a trust fund administered by the  
3272 department, to be used for the purposes stated in this section  
3273 and ss. 381.0065 and 381.00655.

3274        Section 38. Subsection (9) of section 403.086, Florida  
3275 Statutes, is amended, and subsection (10) is added to that  
3276 section, to read:

3277        403.086 Sewage disposal facilities; advanced and secondary

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3278 waste treatment.—

3279 (9) The Legislature finds that the discharge of domestic  
3280 wastewater through ocean outfalls wastes valuable water supplies  
3281 that should be reclaimed for beneficial purposes to meet public  
3282 and natural systems demands. The Legislature also finds that  
3283 discharge of domestic wastewater through ocean outfalls  
3284 compromises the coastal environment, quality of life, and local  
3285 economies that depend on those resources. The Legislature  
3286 declares that more stringent treatment and management  
3287 requirements for such domestic wastewater and the subsequent,  
3288 timely elimination of ocean outfalls as a primary means of  
3289 domestic wastewater discharge are in the public interest.

3290 (a) The construction of new ocean outfalls for domestic  
3291 wastewater discharge and the expansion of existing ocean  
3292 outfalls for this purpose, along with associated pumping and  
3293 piping systems, are prohibited. Each domestic wastewater ocean  
3294 outfall shall be limited to the discharge capacity specified in  
3295 the department permit authorizing the outfall in effect on July  
3296 1, 2008, which discharge capacity shall not be increased.  
3297 Maintenance of existing, department-authorized domestic  
3298 wastewater ocean outfalls and associated pumping and piping  
3299 systems is allowed, subject to the requirements of this section.  
3300 The department is directed to work with the United States  
3301 Environmental Protection Agency to ensure that the requirements  
3302 of this subsection are implemented consistently for all domestic  
3303 wastewater facilities in Florida which discharge through ocean  
3304 outfalls.

3305 (b) The discharge of domestic wastewater through ocean  
3306 outfalls shall meet advanced wastewater treatment and management

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3307 requirements no later than December 31, 2018. For purposes of  
3308 this subsection, the term "advanced wastewater treatment and  
3309 management requirements" means the advanced waste treatment  
3310 requirements set forth in subsection (4), a reduction in outfall  
3311 baseline loadings of total nitrogen and total phosphorus which  
3312 is equivalent to that which would be achieved by the advanced  
3313 waste treatment requirements in subsection (4), or a reduction  
3314 in cumulative outfall loadings of total nitrogen and total  
3315 phosphorus occurring between December 31, 2008, and December 31,  
3316 2025, which is equivalent to that which would be achieved if the  
3317 advanced waste treatment requirements in subsection (4) were  
3318 fully implemented beginning December 31, 2018, and continued  
3319 through December 31, 2025. The department shall establish the  
3320 average baseline loadings of total nitrogen and total phosphorus  
3321 for each outfall using monitoring data available for calendar  
3322 years 2003 through 2007 and shall establish required loading  
3323 reductions based on this baseline. The baseline loadings and  
3324 required loading reductions of total nitrogen and total  
3325 phosphorus shall be expressed as an average annual daily loading  
3326 value. The advanced wastewater treatment and management  
3327 requirements of this paragraph shall be deemed to be met for any  
3328 domestic wastewater facility discharging through an ocean  
3329 outfall on July 1, 2008, which has installed no later than  
3330 December 31, 2018, a fully operational reuse system comprising  
3331 100 percent of the facility's annual average daily flow for  
3332 reuse activities authorized by the department.

3333 (c) Each domestic wastewater facility that discharges  
3334 through an ocean outfall on July 1, 2008, shall install a  
3335 functioning reuse system no later than December 31, 2025. For

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3336 purposes of this subsection, a "functioning reuse system" means  
3337 an environmentally, economically, and technically feasible  
3338 system that provides a minimum of 60 percent of the facility's  
3339 actual flow on an annual basis for irrigation of public access  
3340 areas, residential properties, or agricultural crops; aquifer  
3341 recharge; groundwater recharge; industrial cooling; or other  
3342 acceptable reuse purposes authorized by the department. For  
3343 purposes of this subsection, the term "facility's actual flow on  
3344 an annual basis" means the annual average flow of domestic  
3345 wastewater discharging through the facility's ocean outfall, as  
3346 determined by the department, using monitoring data available  
3347 for calendar years 2003 through 2007. Flows diverted ~~Diversion~~  
3348 ~~of flows~~ from these facilities to other facilities that provide  
3349 100 percent reuse of the diverted flows prior to December 31,  
3350 2025, shall be considered to contribute to meeting the 60  
3351 percent ~~60-percent~~ reuse requirement. For utilities operating  
3352 more than one outfall, the reuse requirement can be met if the  
3353 combined actual reuse flows from facilities served by the  
3354 outfalls is at least 60 percent of the sum of the total actual  
3355 flows from the ~~these~~ facilities, including flows diverted to  
3356 other facilities for 100 percent reuse prior to December 31,  
3357 2025. In the event treatment in addition to the advanced  
3358 wastewater treatment and management requirements described in  
3359 paragraph (b) is needed in order to support a functioning reuse  
3360 system, such treatment shall be fully operational no later than  
3361 December 31, 2025.

3362 (d) The discharge of domestic wastewater through ocean  
3363 outfalls is prohibited after December 31, 2025, except as a  
3364 backup discharge that is part of a functioning reuse system

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3365 authorized by the department as provided for in paragraph (c). A  
3366 backup discharge may occur only during periods of reduced demand  
3367 for reclaimed water in the reuse system, such as periods of wet  
3368 weather, and shall comply with the advanced wastewater treatment  
3369 and management requirements of paragraph (b).

3370 (e) The holder of a department permit authorizing the  
3371 discharge of domestic wastewater through an ocean outfall as of  
3372 July 1, 2008, shall submit to the secretary of the department  
3373 the following:

3374 1. A detailed plan to meet the requirements of this  
3375 subsection, including an identification of all land acquisition  
3376 and facilities necessary to provide for reuse of the domestic  
3377 wastewater; an analysis of the costs to meet the requirements;  
3378 and a financing plan for meeting the requirements, including  
3379 identifying any actions necessary to implement the financing  
3380 plan, such as bond issuance or other borrowing, assessments,  
3381 rate increases, fees, other charges, or other financing  
3382 mechanisms. The plan shall include a detailed schedule for the  
3383 completion of all necessary actions and shall be accompanied by  
3384 supporting data and other documentation. The plan shall be  
3385 submitted no later than July 1, 2013.

3386 2. No later than July 1, 2016, an update of the plan  
3387 required in subparagraph 1. documenting any refinements or  
3388 changes in the costs, actions, or financing necessary to  
3389 eliminate the ocean outfall discharge in accordance with this  
3390 subsection or a written statement that the plan is current and  
3391 accurate.

3392 (f) By December 31, 2009, and by December 31 every 5 years  
3393 thereafter, the holder of a department permit authorizing the

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3394 discharge of domestic wastewater through an ocean outfall shall  
3395 submit to the secretary of the department a report summarizing  
3396 the actions accomplished to date and the actions remaining and  
3397 proposed to meet the requirements of this subsection, including  
3398 progress toward meeting the specific deadlines set forth in  
3399 paragraphs (b) through (e). The report shall include the  
3400 detailed schedule for and status of the evaluation of reuse and  
3401 disposal options, preparation of preliminary design reports,  
3402 preparation and submittal of permit applications, construction  
3403 initiation, construction progress milestones, construction  
3404 completion, initiation of operation, and continuing operation  
3405 and maintenance.

3406 (g) No later than July 1, 2010, and by July 1 every 5 years  
3407 thereafter, the department shall submit a report to the  
3408 Governor, the President of the Senate, and the Speaker of the  
3409 House of Representatives on the implementation of this  
3410 subsection. The report shall summarize progress to date,  
3411 including the increased amount of reclaimed water provided and  
3412 potable water offsets achieved, and identify any obstacles to  
3413 continued progress, including all instances of substantial  
3414 noncompliance.

3415 (h) By February 1, 2012, the department shall submit a  
3416 report to the Governor and Legislature detailing the results and  
3417 recommendations from phases 1 through 3 of its ongoing study on  
3418 reclaimed water use.

3419 (i) ~~(h)~~ The renewal of each permit that authorizes the  
3420 discharge of domestic wastewater through an ocean outfall as of  
3421 July 1, 2008, shall be accompanied by an order in accordance  
3422 with s. 403.088(2) (e) and (f) which establishes an enforceable

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3423 compliance schedule consistent with the requirements of this  
3424 subsection.

3425 (j) An entity that diverts wastewater flow from a receiving  
3426 facility that discharges domestic wastewater through an ocean  
3427 outfall must meet the 60 percent reuse requirement of paragraph  
3428 (c). Reuse by the diverting entity of the diverted flows shall  
3429 be credited to the diverting entity. The diverted flow shall  
3430 also be correspondingly deducted from the receiving facility's  
3431 actual flow on an annual basis from which the required reuse is  
3432 calculated pursuant to paragraph (c), and the receiving  
3433 facility's reuse requirement shall be recalculated accordingly.

3434 (10) The Legislature finds that the discharge of  
3435 inadequately treated and managed domestic wastewater from dozens  
3436 of small wastewater facilities and thousands of septic tanks and  
3437 other onsite systems in the Florida Keys compromises the quality  
3438 of the coastal environment, including nearshore and offshore  
3439 waters, and threatens the quality of life and local economies  
3440 that depend on those resources. The Legislature also finds that  
3441 the only practical and cost-effective way to fundamentally  
3442 improve wastewater management in the Florida Keys is for the  
3443 local governments in Monroe County, including those special  
3444 districts established for the purpose of collection,  
3445 transmission, treatment, or disposal of sewage, to timely  
3446 complete the wastewater or sewage treatment and disposal  
3447 facilities initiated under the work program of Administration  
3448 Commission rule 28-20, Florida Administrative Code, and the  
3449 Monroe County Sanitary Master Wastewater Plan, dated June 2000.  
3450 The Legislature therefore declares that the construction and  
3451 operation of comprehensive central wastewater systems in

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3452 accordance with this subsection is in the public interest. To  
3453 give effect to those findings, the requirements of this  
3454 subsection apply to all domestic wastewater facilities in Monroe  
3455 County, including privately owned facilities, unless otherwise  
3456 provided under this subsection.

3457 (a) The discharge of domestic wastewater into surface  
3458 waters is prohibited.

3459 (b) Monroe County, each municipality, and those special  
3460 districts established for the purpose of collection,  
3461 transmission, treatment, or disposal of sewage in Monroe County  
3462 shall complete the wastewater collection, treatment, and  
3463 disposal facilities within its jurisdiction designated as hot  
3464 spots in the Monroe County Sanitary Master Wastewater Plan,  
3465 dated June 2000, specifically listed in Exhibits 6-1 through 6-3  
3466 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F  
3467 of the plan. The required facilities and connections, and any  
3468 additional facilities or other adjustments required by rules  
3469 adopted by the Administration Commission under s. 380.0552, must  
3470 be completed by December 31, 2015, pursuant to specific  
3471 schedules established by the commission. Domestic wastewater  
3472 facilities located outside local government and special district  
3473 service areas must meet the treatment and disposal requirements  
3474 of this subsection by December 31, 2015.

3475 (c) After December 31, 2015, all new or expanded domestic  
3476 wastewater discharges must comply with the treatment and  
3477 disposal requirements of this subsection and department rules.

3478 (d) Wastewater treatment facilities having design  
3479 capacities:

3480 1. Greater than or equal to 100,000 gallons per day must



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3481 provide basic disinfection as defined by department rule and the  
3482 level of treatment which, on a permitted annual average basis,  
3483 produces an effluent that contains no more than the following  
3484 concentrations:

3485 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

3486 b. Suspended Solids of 5 mg/l.

3487 c. Total Nitrogen, expressed as N, of 3 mg/l.

3488 d. Total Phosphorus, expressed as P, of 1 mg/l.

3489 2. Less than 100,000 gallons per day must provide basic

3490 disinfection as defined by department rule and the level of

3491 treatment which, on a permitted annual average basis, produces

3492 an effluent that contains no more than the following

3493 concentrations:

3494 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3495 b. Suspended Solids of 10 mg/l.

3496 c. Total Nitrogen, expressed as N, of 10 mg/l.

3497 d. Total Phosphorus, expressed as P, of 1 mg/l.

3498 (e) Class V injection wells, as defined by department or

3499 Department of Health rule, must meet the following requirements

3500 and otherwise comply with department or Department of Health

3501 rules, as applicable:

3502 1. If the design capacity of the facility is less than 1

3503 million gallons per day, the injection well must be at least 90

3504 feet deep and cased to a minimum depth of 60 feet or to such

3505 greater cased depth and total well depth as may be required by

3506 department rule.

3507 2. Except as provided in subparagraph 3. for backup wells,

3508 if the design capacity of the facility is equal to or greater

3509 than 1 million gallons per day, each primary injection well must

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3510 be cased to a minimum depth of 2,000 feet or to such greater  
3511 depth as may be required by department rule.

3512 3. If an injection well is used as a backup to a primary  
3513 injection well, the following conditions apply:

3514 a. The backup well may be used only when the primary  
3515 injection well is out of service because of equipment failure,  
3516 power failure, or the need for mechanical integrity testing or  
3517 repair;

3518 b. The backup well may not be used for more than a total of  
3519 500 hours during any 5-year period unless specifically  
3520 authorized in writing by the department;

3521 c. The backup well must be at least 90 feet deep and cased  
3522 to a minimum depth of 60 feet, or to such greater cased depth  
3523 and total well depth as may be required by department rule; and

3524 d. Fluid injected into the backup well must meet the  
3525 requirements of paragraph (d).

3526 (f) The requirements of paragraphs (d) and (e) do not apply  
3527 to:

3528 1. Class I injection wells as defined by department rule,  
3529 including any authorized mechanical integrity tests;

3530 2. Authorized mechanical integrity tests associated with  
3531 Class V wells as defined by department rule; or

3532 3. The following types of reuse systems authorized by  
3533 department rule:

3534 a. Slow-rate land application systems;

3535 b. Industrial uses of reclaimed water; and

3536 c. Use of reclaimed water for toilet flushing, fire  
3537 protection, vehicle washing, construction dust control, and  
3538 decorative water features.

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3539  
3540 However, disposal systems serving as backups to reuse systems  
3541 must comply with the other provisions of this subsection.

3542 (g) For wastewater treatment facilities in operation as of  
3543 July 1, 2010, which are located within areas to be served by  
3544 Monroe County, municipalities in Monroe County, or those special  
3545 districts established for the purpose of collection,  
3546 transmission, treatment, or disposal of sewage but which are  
3547 owned by other entities, the requirements of paragraphs (d) and  
3548 (e) do not apply until January 1, 2016. Wastewater operating  
3549 permits issued pursuant to this chapter and in effect for these  
3550 facilities as of June 30, 2010, are extended until December 31,  
3551 2015, or until the facility is connected to a local government  
3552 central wastewater system, whichever occurs first. Wastewater  
3553 treatment facilities in operation after December 31, 2015, must  
3554 comply with the treatment and disposal requirements of this  
3555 subsection and department rules.

3556 (h) If it is demonstrated that a discharge, even if the  
3557 discharge is otherwise in compliance with this subsection, will  
3558 cause or contribute to a violation of state water quality  
3559 standards, the department shall:

- 3560 1. Require more stringent effluent limitations;  
3561 2. Order the point or method of discharge changed;  
3562 3. Limit the duration or volume of the discharge; or  
3563 4. Prohibit the discharge.

3564 (i) All sewage treatment facilities must monitor effluent  
3565 for total nitrogen and total phosphorus concentration as  
3566 required by department rule.

3567 (j) The department shall require the levels of operator

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3568 certification and staffing necessary to ensure proper operation  
3569 and maintenance of sewage facilities.

3570 (k) The department may adopt rules necessary to carry out  
3571 this subsection.

3572 (l) The authority of a local government, including a  
3573 special district, to mandate connection of a wastewater  
3574 facility, as defined by department rule, is governed by section  
3575 4 of chapter 99-395, Laws of Florida.

3576 Section 39. Section 5 of chapter 99-395, Laws of Florida;  
3577 and section 6 of chapter 99-395, Laws of Florida, as amended by  
3578 section 1 of chapter 2001-337, and section 1 of chapter 2004-  
3579 455, Laws of Florida, are repealed.

3580 Section 40. Subsection (2) of section 403.1835, Florida  
3581 Statutes, is reordered and amended, and subsections (3) and (10)  
3582 of that section are amended, to read:

3583 403.1835 Water pollution control financial assistance.—

3584 (2) As used in ~~For the purposes of~~ this section and s.  
3585 403.1837, the term:

3586 (c) ~~(a)~~ "Local governmental agencies" refers to any  
3587 municipality, county, district, or authority, or any agency  
3588 thereof, or a combination of two or more of the foregoing,  
3589 acting jointly in connection with a project having jurisdiction  
3590 over collection, transmission, treatment, or disposal of sewage,  
3591 industrial wastes, stormwater, or other wastes and includes a  
3592 district or authority whose ~~the~~ principal responsibility ~~of~~  
3593 which is to provide airport, industrial or research park, or  
3594 port facilities to the public.

3595 (a) ~~(b)~~ "Bonds" means bonds, certificates, or other  
3596 obligations of indebtedness issued by the ~~Florida Water~~

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3597 ~~Pollution Control Financing~~ corporation under this section and  
3598 s. 403.1837.

3599 (b)~~(e)~~ "Corporation" means the Florida Water Pollution  
3600 Control Financing Corporation created under s. 403.1837.

3601 (3) The department may provide financial assistance through  
3602 any program authorized under 33 U.S.C. s. 1383 ~~s. 603 of the~~  
3603 ~~Federal Water Pollution Control Act (Clean Water Act), Pub. L.~~  
3604 ~~No. 92-500, as amended, including, but not limited to, making~~  
3605 grants and loans, providing loan guarantees, purchasing loan  
3606 insurance or other credit enhancements, and buying or  
3607 refinancing local debt. This financial assistance must be  
3608 administered in accordance with this section and applicable  
3609 federal authorities. ~~The department shall administer all~~  
3610 ~~programs operated from funds secured through the activities of~~  
3611 ~~the Florida Water Pollution Control Financing corporation under~~  
3612 ~~s. 403.1837, to fulfill the purposes of this section.~~

3613 (a) The department may make or request the corporation to  
3614 make loans to local government agencies, which ~~agencies~~ may  
3615 pledge any revenue available to them to repay any funds  
3616 borrowed.

3617 (b) The department may make or request the corporation to  
3618 make loans, grants, and deposits to other entities eligible to  
3619 participate in the financial assistance programs authorized  
3620 under the Federal Water Pollution Control Act, or as a result of  
3621 other federal action, which ~~entities~~ may pledge any revenue  
3622 available to them to repay any funds borrowed. Notwithstanding  
3623 s. 17.57, the department may make deposits to financial  
3624 institutions that ~~which~~ earn less than the prevailing rate for  
3625 United States Treasury securities that have ~~with~~ corresponding

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3626 maturities for the purpose of enabling such financial  
3627 institutions to make below-market interest rate loans to  
3628 entities qualified to receive loans under this section and the  
3629 rules of the department.

3630 (c) The department shall administer financial assistance so  
3631 that at least 15 percent of the funding made available each year  
3632 under this section is reserved for use by small communities  
3633 during the year it is reserved.

3634 (d) The department may make grants to financially  
3635 disadvantaged small communities, as defined in s. 403.1838,  
3636 using funds made available from grant allocations on loans  
3637 authorized under subsection (4). The grants must be administered  
3638 in accordance with s. 403.1838.

3639 (10) The department may adopt rules regarding program  
3640 administration; project eligibilities and priorities, including  
3641 the development and management of project priority lists;  
3642 financial assistance application requirements associated with  
3643 planning, design, construction, and implementation activities,  
3644 including environmental and engineering requirements; financial  
3645 assistance agreement conditions; disbursement and repayment  
3646 provisions; auditing provisions; program exceptions; the  
3647 procedural and contractual relationship between the department  
3648 and the ~~Florida Water Pollution Control Financing~~ corporation  
3649 under s. 403.1837; and other provisions consistent with the  
3650 purposes of this section.

3651 Section 41. Section 403.1837, Florida Statutes, is amended  
3652 to read:

3653 403.1837 Florida Water Pollution Control Financing  
3654 Corporation.-

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3655 (1) The Florida Water Pollution Control Financing  
3656 Corporation is created as a nonprofit public-benefit corporation  
3657 for the purpose of financing or refinancing the costs of ~~water~~  
3658 ~~pollution control~~ projects and activities described in ss. s.  
3659 403.1835 and 403.8532. The projects and activities described in  
3660 those sections ~~that section are found to~~ constitute a public  
3661 governmental purpose; are ~~be~~ necessary for the health, safety,  
3662 and welfare of all residents; and include legislatively approved  
3663 fixed capital outlay projects. Fulfilling ~~The fulfillment of~~ the  
3664 purposes of the corporation promotes the health, safety, and  
3665 welfare of the people of the state and serves essential  
3666 governmental functions and a paramount public purpose. The  
3667 activities of the corporation are specifically limited to  
3668 assisting the department in implementing financing activities to  
3669 provide funding for the programs authorized in ss. s. 403.1835  
3670 and 403.8532. All other activities relating to the purposes for  
3671 which the corporation raises funds are the responsibility of the  
3672 department, including, but not limited to, development of  
3673 program criteria, review of applications for financial  
3674 assistance, decisions relating to the number and amount of loans  
3675 or other financial assistance to be provided, and enforcement of  
3676 the terms of any financial assistance agreements provided  
3677 through funds raised by the corporation. The corporation shall  
3678 terminate upon fulfilling ~~fulfillment of~~ the purposes of this  
3679 section.

3680 (2) The corporation shall be governed by a board of  
3681 directors consisting of the Governor's Budget Director or ~~the~~  
3682 ~~budget director's~~ designee, the Chief Financial Officer or ~~the~~  
3683 ~~Chief Financial Officer's~~ designee, and the Secretary of

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3684 Environmental Protection or ~~the secretary's~~ designee. The  
3685 executive director of the State Board of Administration shall be  
3686 the chief executive officer of the corporation; shall direct and  
3687 supervise the administrative affairs of the corporation; and  
3688 shall control, direct, and supervise operation of the  
3689 corporation. The corporation shall have such other officers as  
3690 may be determined by the board of directors.

3691 (3) The corporation shall have all the powers of a  
3692 corporate body under the laws of the state, consistent to~~the~~  
3693 ~~extent not inconsistent~~ with ~~or restricted by~~ this section,  
3694 including, but not limited to, the power to:

3695 (a) Adopt, amend, and repeal bylaws consistent ~~not~~  
3696 ~~inconsistent~~ with this section.

3697 (b) Sue and be sued.

3698 (c) Adopt and use a common seal.

3699 (d) Acquire, purchase, hold, lease, and convey any real and  
3700 personal property as may be proper or expedient to carry out the  
3701 purposes of the corporation and this section, and to sell,  
3702 lease, or otherwise dispose of that property.

3703 (e) Elect or appoint and employ such officers, agents, and  
3704 employees as the corporation considers advisable to operate and  
3705 manage the affairs of the corporation, who ~~which officers,~~  
3706 ~~agents, and employees~~ may be officers or employees of the  
3707 department and the state agencies represented on the board of  
3708 directors of the corporation.

3709 (f) Borrow money and issue notes, bonds, certificates of  
3710 indebtedness, or other obligations or evidences of indebtedness  
3711 described in s. 403.1835 or s. 403.8532.

3712 (g) Operate, as specifically directed by the department,



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3713 any program to provide financial assistance authorized under s.  
3714 403.1835(3) or s. 403.8532(3), which may be funded from any  
3715 funds received under a service contract with the department,  
3716 from the proceeds of bonds issued by the corporation, or from  
3717 any other funding sources obtained by the corporation.

3718 (h) Sell all or any portion of the loans issued under s.  
3719 403.1835 or s. 403.8532 to accomplish the purposes of those  
3720 sections ~~this section and s. 403.1835.~~

3721 (i) Make and execute any contracts, trust agreements, and  
3722 other instruments and agreements necessary or convenient to  
3723 accomplish the purposes of the corporation and this section.

3724 (j) Select, retain, and employ professionals, contractors,  
3725 or agents, which may include the Division of Bond Finance of the  
3726 State Board of Administration, as ~~are~~ necessary or convenient to  
3727 enable or assist the corporation in carrying out its purposes  
3728 and this section.

3729 (k) Do any act or thing necessary or convenient to carry  
3730 out the purposes of the corporation and this section.

3731 (4) The corporation shall evaluate all financial and market  
3732 conditions necessary and prudent for the purpose of making  
3733 sound, financially responsible, and cost-effective decisions in  
3734 order to secure additional funds to fulfill the purposes of this  
3735 section and ss. ~~s.~~ 403.1835 and 403.8532.

3736 (5) The corporation may enter into one or more service  
3737 contracts with the department under which the corporation shall  
3738 provide services to the department in connection with financing  
3739 the functions, projects, and activities provided ~~for~~ in ss. ~~s.~~  
3740 403.1835 and 403.8532. The department may enter into one or more  
3741 service contracts with the corporation and provide for payments

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3742 under those contracts pursuant to s. 403.1835(9) or s. 403.8533,  
3743 subject to annual appropriation by the Legislature.

3744 (a) The service contracts may provide for the transfer of  
3745 all or a portion of the funds in the Wastewater Treatment and  
3746 Stormwater Management Revolving Loan Trust Fund and the Drinking  
3747 Water Revolving Loan Trust Fund to the corporation for use by  
3748 the corporation for costs incurred by the corporation in its  
3749 operations, including, but not limited to, payment of debt  
3750 service, reserves, or other costs in relation to bonds issued by  
3751 the corporation, for use by the corporation at the request of  
3752 the department to directly provide the types of local financial  
3753 assistance provided ~~for~~ in ss. s. 403.1835(3) and 403.8532(3),  
3754 or for payment of the administrative costs of the corporation.

3755 (b) The department may not transfer funds under any service  
3756 contract with the corporation without a specific appropriation  
3757 for such purpose in the General Appropriations Act, except for  
3758 administrative expenses incurred by the State Board of  
3759 Administration or other expenses necessary under documents  
3760 authorizing or securing previously issued bonds of the  
3761 corporation. The service contracts may also provide for the  
3762 assignment or transfer to the corporation of any loans made by  
3763 the department.

3764 (c) The service contracts may establish the operating  
3765 relationship between the department and the corporation and must  
3766 ~~shall~~ require the department to request the corporation to issue  
3767 bonds before any issuance of bonds by the corporation, to take  
3768 any actions necessary to enforce the agreements entered into  
3769 between the corporation and other parties, and to take all other  
3770 actions necessary to assist the corporation in its operations.

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3771       (d) In compliance with s. 287.0641 and other applicable  
3772 provisions of law, the obligations of the department under the  
3773 service contracts do not constitute a general obligation of the  
3774 state or a pledge of the faith and credit or taxing power of the  
3775 state, nor may the obligations be construed ~~in any manner~~ as an  
3776 obligation of the State Board of Administration or entities for  
3777 which it invests funds, or of the department except as provided  
3778 in this section as payable solely from amounts available under  
3779 any service contract between the corporation and the department,  
3780 subject to appropriation.

3781       (e) In compliance with this subsection and s. 287.0582,  
3782 service contracts must expressly include the following  
3783 statement: "The State of Florida's performance and obligation to  
3784 pay under this contract is contingent upon an annual  
3785 appropriation by the Legislature."

3786       (6) The corporation may issue and incur notes, bonds,  
3787 certificates of indebtedness, or other obligations or evidences  
3788 of indebtedness payable from and secured by amounts received  
3789 from payment of loans and other moneys received by the  
3790 corporation, including, but not limited to, amounts payable to  
3791 the corporation by the department under a service contract  
3792 entered into under subsection (5). The proceeds of the bonds may  
3793 be used for the purpose of providing funds for projects and  
3794 activities provided ~~for~~ in subsection (1) or for refunding bonds  
3795 previously issued by the corporation. The corporation may select  
3796 a financing team and issue obligations through competitive  
3797 bidding or negotiated contracts, whichever is most cost-  
3798 effective. ~~Any~~ Such indebtedness of the corporation does not  
3799 constitute a debt or obligation of the state or a pledge of the

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3800 faith and credit or taxing power of the state.

3801 (7) The corporation is exempt from taxation and assessments  
3802 of any nature whatsoever upon its income and any property,  
3803 assets, or revenues acquired, received, or used in the  
3804 furtherance of the purposes provided in ss. 403.1835, ~~and~~  
3805 403.1838, and 403.8532. The obligations of the corporation  
3806 incurred under subsection (6) and the interest and income on the  
3807 obligations and all security agreements, letters of credit,  
3808 liquidity facilities, or other obligations or instruments  
3809 arising out of, entered into in connection with, or given to  
3810 secure payment of the obligations are exempt from all taxation;  
3811 however, the exemption does not apply to any tax imposed by  
3812 chapter 220 on the interest, income, or profits on debt  
3813 obligations owned by corporations.

3814 (8) The corporation shall validate any bonds issued under  
3815 this section, except refunding bonds, which may be validated at  
3816 the option of the corporation, by proceedings under chapter 75.  
3817 The validation complaint must be filed ~~only~~ in the Circuit Court  
3818 for Leon County. The notice required under s. 75.06 must be  
3819 published in Leon County, and the complaint and order of the  
3820 circuit court shall be served only on the State Attorney for the  
3821 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not  
3822 apply to a validation complaint filed as authorized in this  
3823 subsection. The validation of the first bonds issued under this  
3824 section may be appealed to the Supreme Court, and the appeal  
3825 shall be handled on an expedited basis.

3826 (9) The corporation and the department may ~~shall~~ not take  
3827 any action that ~~will~~ materially and adversely affects ~~affect~~ the  
3828 rights of holders of any obligations issued under this section

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3829 as long as the obligations are outstanding.

3830 (10) The corporation is not a special district for purposes  
3831 of chapter 189 or a unit of local government for purposes of  
3832 part III of chapter 218. The provisions of chapters 120 and 215,  
3833 except the limitation on interest rates provided by s. 215.84,  
3834 which applies to obligations of the corporation issued under  
3835 this section, and part I of chapter 287, except ss. 287.0582 and  
3836 287.0641, do not apply to this section, the corporation ~~created~~  
3837 ~~in this section~~, the service contracts entered into under this  
3838 section, or debt obligations issued by the corporation as  
3839 provided in this section.

3840 (11) The benefits or earnings of the corporation may not  
3841 inure to the benefit of any private person, except persons  
3842 receiving grants and loans under s. 403.1835 or s. 403.8532.

3843 (12) Upon dissolution of the corporation, title to all  
3844 property owned by the corporation reverts to the department.

3845 (13) The corporation may contract with the State Board of  
3846 Administration to serve as trustee with respect to debt  
3847 obligations issued by the corporation as provided by this  
3848 section; to hold, administer, and invest proceeds of those debt  
3849 obligations and other funds of the corporation; and to perform  
3850 other services required by the corporation. The State Board of  
3851 Administration may perform these services and may contract with  
3852 others to provide all or a part of those services and to recover  
3853 the costs and expenses of providing those services.

3854 Section 42. Subsections (2), (3), (9), and (14) of section  
3855 403.8532, Florida Statutes, are amended to read:

3856 403.8532 Drinking water state revolving loan fund; use;  
3857 rules.-

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3858 (2) For purposes of this section, the term:

3859 (a) "Bonds" means bonds, certificates, or other obligations  
3860 of indebtedness issued by the corporation under this section and  
3861 s. 403.1837.

3862 (b) "Corporation" means the Florida Water Pollution Control  
3863 Financing Corporation created pursuant to s. 403.1837.

3864 (c) ~~(a)~~ "Financially disadvantaged community" means the  
3865 service area of a project to be served by a public water system  
3866 that meets criteria established by department rule and in  
3867 accordance with federal guidance.

3868 (d) ~~(b)~~ "Local governmental agency" means any municipality,  
3869 county, district, or authority, or any agency thereof, or a  
3870 combination of two or more of the foregoing acting jointly in  
3871 connection with a project, having jurisdiction over a public  
3872 water system.

3873 (e) ~~(c)~~ "Public water system" means all facilities,  
3874 including land, necessary for the treatment and distribution of  
3875 water for human consumption and includes public water systems as  
3876 defined in s. 403.852 and as otherwise defined in the federal  
3877 Safe Drinking Water Act, as amended. Such systems may be  
3878 publicly owned, privately owned, investor-owned, or  
3879 cooperatively held.

3880 (f) ~~(d)~~ "Small public water system" means a public water  
3881 system that ~~which~~ regularly serves fewer than 10,000 people.

3882 (3) The department may ~~is authorized to~~ make, or request  
3883 that the corporation make, loans, grants, and deposits to  
3884 community water systems, nonprofit transient noncommunity water  
3885 systems, and nonprofit nontransient noncommunity water systems  
3886 to assist them in planning, designing, and constructing public

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3887 water systems, unless such public water systems are for-profit  
3888 privately owned or investor-owned systems that regularly serve  
3889 1,500 service connections or more within a single certified or  
3890 franchised area. However, a for-profit privately owned or  
3891 investor-owned public water system that regularly serves 1,500  
3892 service connections or more within a single certified or  
3893 franchised area may qualify for a loan only if the proposed  
3894 project will result in the consolidation of two or more public  
3895 water systems. The department may ~~is authorized to~~ provide loan  
3896 guarantees, ~~to~~ purchase loan insurance, and ~~to~~ refinance local  
3897 debt through the issue of new loans for projects approved by the  
3898 department. Public water systems may ~~are authorized to~~ borrow  
3899 funds made available pursuant to this section and may pledge any  
3900 revenues or other adequate security available to them to repay  
3901 any funds borrowed.

3902 (a) The department shall administer loans so that amounts  
3903 credited to the Drinking Water Revolving Loan Trust Fund in any  
3904 fiscal year are reserved for the following purposes:

3905 1. ~~(a)~~ At least 15 percent for ~~to~~ qualifying small public  
3906 water systems.

3907 2. ~~(b)~~ Up to 15 percent for ~~to~~ qualifying financially  
3908 disadvantaged communities.

3909 (b) ~~(c) However,~~ If an insufficient number of the projects  
3910 for which funds are reserved under this subsection ~~paragraph~~  
3911 have been submitted to the department at the time the funding  
3912 priority list authorized under this section is adopted, the  
3913 reservation of these funds ~~shall~~ no longer applies ~~apply~~. The  
3914 department may award the unreserved funds as otherwise provided  
3915 in this section.

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3916 (9) The department may adopt rules regarding the procedural  
3917 and contractual relationship between the department and the  
3918 corporation under s. 403.1837 and is authorized to make rules  
3919 ~~necessary~~ to carry out the purposes of this section and the  
3920 federal Safe Drinking Water Act, as amended. Such rules shall:

3921 (a) Set forth a priority system for loans based on public  
3922 health considerations, compliance with state and federal  
3923 requirements relating to public drinking water systems, and  
3924 affordability. The priority system shall give special  
3925 consideration to ~~the following~~:

3926 1. Projects that provide for the development of alternative  
3927 drinking water supply projects and management techniques in  
3928 areas where existing source waters are limited or threatened by  
3929 saltwater intrusion, excessive drawdowns, contamination, or  
3930 other problems;

3931 2. Projects that provide for a dependable, sustainable  
3932 supply of drinking water and that are not otherwise financially  
3933 feasible; and

3934 3. Projects that contribute to the sustainability of  
3935 regional water sources.

3936 (b) Establish the requirements for the award and repayment  
3937 of financial assistance.

3938 (c) Require evidence of credit worthiness and adequate  
3939 security, including an identification of revenues to be pledged,  
3940 and documentation of their sufficiency for loan repayment and  
3941 pledged revenue coverage, to ensure that each loan recipient can  
3942 meet its loan repayment requirements.

3943 (d) Require each project receiving financial assistance to  
3944 be cost-effective, environmentally sound, implementable, and



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3945 self-supporting.

3946 (e) Implement other provisions of the federal Safe Drinking  
3947 Water Act, as amended.

3948 (14) ~~All moneys available for financial assistance under~~  
3949 ~~this section shall be deposited in~~ The Drinking Water Revolving  
3950 Loan Trust Fund established under s. 403.8533 shall be used  
3951 exclusively to carry out the purposes of this section. Any funds  
3952 that therein which are not needed on an immediate basis for  
3953 financial assistance shall be invested pursuant to s. 215.49.  
3954 State revolving fund capitalization grants awarded by the  
3955 Federal Government, state matching funds, and investment  
3956 earnings thereon shall be deposited into the fund. The principal  
3957 and interest of all loans repaid and investment earnings thereon  
3958 shall be deposited into the fund.

3959 Section 43. Section 403.8533, Florida Statutes, is amended  
3960 to read:

3961 403.8533 Drinking Water Revolving Loan Trust Fund.—

3962 (1) There is created the Drinking Water Revolving Loan  
3963 Trust Fund to be administered by the Department of Environmental  
3964 Protection for the purposes of:

3965 (a) Funding for low-interest loans for planning,  
3966 engineering design, and construction of public drinking water  
3967 systems and improvements to such systems;

3968 (b) Funding for compliance activities, operator  
3969 certification programs, and source water protection programs;  
3970 and

3971 (c) Funding for administering loans by the department; and—

3972 (d) Paying amounts payable under any service contract  
3973 entered into by the department under s. 403.1837, subject to

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3974 annual appropriation by the Legislature.

3975 (2) The trust fund shall be used for the deposit of all  
3976 moneys awarded by the Federal Government to fund revolving loan  
3977 programs. All moneys in the fund that are not needed on an  
3978 immediate basis for loans shall be invested pursuant to s.  
3979 215.49. The principal and interest of all loans repaid and  
3980 investment earnings shall be deposited into this fund.

3981 (3) Pursuant to s. 19(f)(3), Art. III of the State  
3982 Constitution, the Drinking Water Revolving Loan Trust Fund is  
3983 exempt from the termination provisions of s. 19(f)(2), Art. III  
3984 of the State Constitution.

3985 Section 44. Subsection (6) of section 369.317, Florida  
3986 Statutes, is amended to read:

3987 369.317 Wekiva Parkway.—

3988 (6) The Orlando-Orange County Expressway Authority is  
3989 hereby granted the authority to act as a third-party acquisition  
3990 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
3991 or chapter 373 on behalf of the governing board of the St. Johns  
3992 River Water Management District, for the acquisition of all  
3993 necessary lands, property and all interests in property  
3994 identified herein, including fee simple or less-than-fee simple  
3995 interests. The lands subject to this authority are identified in  
3996 paragraph 10.a., State of Florida, Office of the Governor,  
3997 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
3998 of the Wekiva Basin Area Task Force created by Executive Order  
3999 2002-259, such lands otherwise known as Neighborhood Lakes, a  
4000 1,587+/- acre parcel located in Orange and Lake Counties within  
4001 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
4002 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;

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4003 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
4004 County within Section 37, Township 19 South, Range 28 East; New  
4005 Garden Coal; a 1,605+/- acre parcel in Lake County within  
4006 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
4007 East; Pine Plantation, a 617+/- acre tract consisting of eight  
4008 individual parcels within the Apopka City limits. The Department  
4009 of Transportation, the Department of Environmental Protection,  
4010 the St. Johns River Water Management District, and other land  
4011 acquisition entities shall participate and cooperate in  
4012 providing information and support to the third-party acquisition  
4013 agent. The land acquisition process authorized by this paragraph  
4014 shall begin no later than December 31, 2004. Acquisition of the  
4015 properties identified as Neighborhood Lakes, Pine Plantation,  
4016 and New Garden Coal, or approval as a mitigation bank shall be  
4017 concluded no later than December 31, 2010. Department of  
4018 Transportation and Orlando-Orange County Expressway Authority  
4019 funds expended to purchase an interest in those lands identified  
4020 in this subsection shall be eligible as environmental mitigation  
4021 for road construction related impacts in the Wekiva Study Area.  
4022 If any of the lands identified in this subsection are used as  
4023 environmental mitigation for road construction related impacts  
4024 incurred by the Department of Transportation or Orlando-Orange  
4025 County Expressway Authority, or for other impacts incurred by  
4026 other entities, within the Wekiva Study Area or within the  
4027 Wekiva parkway alignment corridor, and if the mitigation offsets  
4028 these impacts, the St. Johns River Water Management District and  
4029 the Department of Environmental Protection shall consider the  
4030 activity regulated under part IV of chapter 373 to meet the  
4031 cumulative impact requirements of s. 373.414(8) (a).

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4032 Section 45. Paragraph (m) is added to subsection (1) of  
4033 section 553.77, Florida Statutes, to read:

4034 553.77 Specific powers of the commission.—

4035 (1) The commission shall:

4036 (m) Develop recommendations that result in conservation of  
4037 Florida's water resources. The commission must consider products  
4038 that exceed National Energy Policy Act requirements for water  
4039 use and may consider products certified by the Environmental  
4040 Protection Agency's WaterSense program, the Department of  
4041 Energy's Energy Star program, or other certification programs.

4042 Section 46. Subsection (20) is added to section 215.47,  
4043 Florida Statutes, to read:

4044 215.47 Investments; authorized securities; loan of  
4045 securities.—Subject to the limitations and conditions of the  
4046 State Constitution or of the trust agreement relating to a trust  
4047 fund, moneys available for investments under ss. 215.44-215.53  
4048 may be invested as follows:

4049 (20) The State Board of Administration, consistent with its  
4050 fiduciary duties, may invest net assets of the system trust fund  
4051 in projects deemed eligible under the provisions of s. 373.707.

4052 Section 47. Subsection (8) is added to section 373.129,  
4053 Florida Statutes, to read:

4054 373.129 Maintenance of actions.—The department, the  
4055 governing board of any water management district, any local  
4056 board, or a local government to which authority has been  
4057 delegated pursuant to s. 373.103(8), is authorized to commence  
4058 and maintain proper and necessary actions and proceedings in any  
4059 court of competent jurisdiction for any of the following  
4060 purposes:

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4061       (8) In conflicts arising where a water management district  
4062 is a party to litigation against another governmental entity, as  
4063 defined in s. 164.1031, a district has an affirmative duty to  
4064 engage in alternative dispute resolution in good faith as  
4065 required by chapter 164.

4066       Section 48. Paragraph (b) of subsection (9) of section  
4067 403.707, Florida Statutes, is amended to read:

4068       403.707 Permits.—

4069       (9) The department shall establish a separate category for  
4070 solid waste management facilities that accept only construction  
4071 and demolition debris for disposal or recycling. The department  
4072 shall establish a reasonable schedule for existing facilities to  
4073 comply with this section to avoid undue hardship to such  
4074 facilities. However, a permitted solid waste disposal unit that  
4075 receives a significant amount of waste prior to the compliance  
4076 deadline established in this schedule shall not be required to  
4077 be retrofitted with liners or leachate control systems.

4078       (b) The department shall ~~not~~ require liners and leachate  
4079 collection systems at individual disposal units and lateral  
4080 expansions of existing disposal units that have not received a  
4081 department permit authorizing construction or operation prior to  
4082 July 1, 2010, facilities unless the owner or operator ~~it~~  
4083 demonstrates, based upon the types of waste received, the  
4084 methods for controlling types of waste disposed of, the  
4085 proximity of the groundwater and surface water, and the results  
4086 of the hydrogeological and geotechnical investigations, that the  
4087 facility is not reasonably expected to result in violations of  
4088 the groundwater standards and criteria if built without a liner  
4089 otherwise.

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4090 Section 49. Section 298.66, Florida Statutes, is amended to  
4091 read:

4092 298.66 Obstruction of public drainage canals, etc.,  
4093 prohibited; damages; penalties.-

4094 (1) A ~~No~~ person may not willfully, or otherwise, obstruct  
4095 any public canal, drain, ditch or watercourse or damage or  
4096 destroy any public drainage works constructed in or maintained  
4097 by any district.

4098 (2) ~~(1)~~ Any person who ~~shall~~ willfully obstructs ~~obstruct~~  
4099 any public canal, drain, ditch, or watercourse or damages or  
4100 destroys ~~shall damage or destroy~~ any public drainage works  
4101 constructed in or maintained by any district, shall be liable to  
4102 any person injured thereby for the full amount of the injury  
4103 occasioned to any land or crops or other property by reason of  
4104 such misconduct, and shall be liable to the district  
4105 constructing the drainage ~~said~~ work for double the cost of  
4106 removing such obstruction or repairing such damage.

4107 (3) ~~(2)~~ Any person who ~~Whoever shall~~ willfully, or  
4108 otherwise, obstructs ~~obstruct~~ any public canal, drain, ditch, or  
4109 watercourse, impedes or obstructs ~~or impede or obstruct~~ the flow  
4110 of water therein, or damages or destroys ~~shall damage or destroy~~  
4111 any public drainage works constructed in or maintained by any  
4112 district commits ~~shall be guilty of~~ a felony of the third  
4113 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
4114 775.084.

4115 Section 50. It is the intent of the Legislature that the  
4116 creation of part VII of chapter 373, Florida Statutes, is to  
4117 reorganize certain existing provisions of part I of chapter 373,  
4118 Florida Statutes, and does not make any substantive changes to

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4119 existing law or judicial interpretation thereof. It is further  
4120 the intent of the Legislature that any legislation enacted  
4121 during the 2010 Regular Session and any extension thereof  
4122 affecting ss. 373.0361, 373.0391, 373.0831, 373.196, 373.1961,  
4123 373.1962, and 373.1963, Florida Statutes, either before or after  
4124 this act becomes law, be given full force and effect  
4125 substantively and that such new substantive provisions of law  
4126 shall be integrated into ss. 373.703, 373.705, 373.707, 373.709,  
4127 373.711, 373.713, and 373.715, Florida Statutes, as created by  
4128 this act.

4129 Section 51. This act shall take effect July 1, 2010.