

1 A bill to be entitled
 2 An act relating to consumptive use permits; amending s.
 3 373.236, F.S.; reducing the frequency of compliance
 4 reports during the term of a consumptive use permit;
 5 prohibiting decreases in the maximum permitted allocation
 6 for consumptive use of water under specified conditions;
 7 amending s. 373.243, F.S.; providing for an exception to
 8 certain revocation of consumptive use permits for
 9 implementation of conservation measures; providing an
 10 effective date.

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

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 14 Section 1. Subsection (4) of section 373.236, Florida
 15 Statutes, is amended to read:

16 373.236 Duration of permits; compliance reports.—

17 (4) Where necessary to maintain reasonable assurance that
 18 the conditions for issuance of a 20-year permit can continue to
 19 be met, the governing board or department, in addition to any
 20 conditions required pursuant to s. 373.219, may require a
 21 compliance report by the permittee every 10 ~~5~~ years during the
 22 term of a permit. This report shall contain sufficient data to
 23 maintain reasonable assurance that the initial conditions for
 24 permit issuance are met. Following review of this report, the
 25 governing board or the department may modify the permit to
 26 ensure that the use meets the conditions for issuance. Decreases
 27 in the permittee's need for the permitted allocation due to
 28 conservation activities shall not result in a modification that

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29 decreases the maximum allocation during the term of the permit.
 30 An agricultural water use permit that requires implementation of
 31 the most efficient irrigation system that is economically
 32 feasible and available at the time of permit issuance shall not
 33 be modified to decrease the maximum allocation during the term
 34 of the permit if the permittee has implemented the required
 35 irrigation system. Permit modifications pursuant to this
 36 subsection shall not be subject to competing applications,
 37 provided there is no increase in the permitted allocation or
 38 permit duration, and no change in source, except for changes in
 39 source requested by the district. This subsection shall not be
 40 construed to limit the existing authority of the department or
 41 the governing board to modify or revoke a consumptive use
 42 permit.

43 Section 2. Subsection (4) of section 373.243, Florida
 44 Statutes, is amended to read:

45 373.243 Revocation of permits.—The governing board or the
 46 department may revoke a permit as follows:

47 (4) For nonuse of the water supply allowed by the permit
 48 for a period of 2 years or more, the governing board or the
 49 department may revoke the permit permanently and in whole unless
 50 the user can prove that his or her nonuse was due to extreme
 51 hardship caused by factors beyond the user's control or due to
 52 reductions in water use caused by the implementation of
 53 conservation measures. For a permit issued pursuant to s.
 54 373.236(7), the governing board or the department may revoke the
 55 permit only if the nonuse of the water supply allowed by the
 56 permit is for a period of 4 years or more.

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Section 3. This act shall take effect July 1, 2010.