



440298

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2011	.	
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The Committee on Agriculture (Montford) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 42 - 144  
and insert:

Section 1. Subsections (4), (6), and (7) of section 373.236, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

373.236 Duration of permits; compliance reports.-

(4) Where necessary to maintain reasonable assurance that the conditions for issuance of a 20-year permit can continue to be met, the governing board or department, in addition to any conditions required pursuant to s. 373.219, may require a



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13 compliance report by the permittee every 10 years during the  
14 term of a permit. This review shall be limited to a 3-month  
15 period from the 10-year date. During the review, the department  
16 or governing board may make only one request for additional  
17 information. The Suwannee River Water Management District may  
18 require a compliance report by the permittee every 5 years  
19 through July 1, 2015, and thereafter every 10 years during the  
20 term of the permit. This review shall be limited to a 3-month  
21 period from the 10-year date. During the review, the department  
22 or governing board may make only one request for additional  
23 information. This report shall contain sufficient data to  
24 maintain reasonable assurance that the initial conditions for  
25 permit issuance are met. Following review of this report, the  
26 governing board or the department may modify the permit to  
27 ensure that the use meets the conditions for issuance. Permit  
28 modifications pursuant to this subsection shall not be subject  
29 to competing applications, provided there is no increase in the  
30 permitted allocation or permit duration, and no change in  
31 source, except for changes in source requested by the district.  
32 This subsection shall not be construed to limit the existing  
33 authority of the department or the governing board to modify or  
34 revoke a consumptive use permit.

35 (6) (a) The Legislature finds that the need for alternative  
36 water supply development projects to meet anticipated public  
37 water supply demands of the state is so important that it is  
38 essential to encourage participation in and contribution to  
39 these projects by private-rural-land owners who  
40 characteristically have relatively modest near-term water  
41 demands but substantially increasing demands after the 20-year



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42 planning period in s. 373.709. Therefore, where such landowners  
43 make extraordinary contributions of lands or construction  
44 funding to enable the expeditious implementation of such  
45 projects, the governing board ~~water management districts~~ and the  
46 department may grant permits for such projects for a period of  
47 up to 50 years to municipalities, counties, special districts,  
48 regional water supply authorities, multijurisdictional water  
49 supply entities, and publicly or privately owned utilities, with  
50 the exception of any publicly or privately owned utilities  
51 created for or by a private landowner after April 1, 2008, which  
52 have entered into an agreement with the private landowner for  
53 the purpose of more efficiently pursuing alternative public  
54 water supply development projects identified in a district's  
55 regional water supply plan and meeting water demands of both the  
56 applicant and the landowner.

57 (b) A permit under paragraph (a) may be granted only for  
58 that period for which there is sufficient data to provide  
59 reasonable assurance that the conditions for permit issuance  
60 will be met. Such a permit shall require a compliance report by  
61 the permittee every 10 ~~5~~ years during the term of the permit.  
62 The report shall contain sufficient data to maintain reasonable  
63 assurance that the conditions for permit issuance applicable at  
64 the time of district review of the compliance report are met.  
65 After review of this report, the governing board or the  
66 department may modify the permit to ensure that the use meets  
67 the conditions for issuance. This subsection does not limit the  
68 existing authority of the department or the governing board to  
69 modify or revoke a consumptive use permit.

70 (7) A permit approved for a renewable energy generating



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71 facility or the cultivation of agricultural products on lands  
72 consisting of 1,000 acres or more for use in the production of  
73 renewable energy, as defined in s. 366.91(2)(d), shall be  
74 granted for a term of at least 25 years at the applicant's  
75 request based on the anticipated life of the facility if there  
76 is sufficient data to provide reasonable assurance that the  
77 conditions for permit issuance will be met for the duration of  
78 the permit; otherwise, a permit may be issued for a shorter  
79 duration if requested by the applicant ~~that reflects the longest~~  
80 ~~period for which such reasonable assurances are provided. Such a~~  
81 ~~permit is subject to compliance reports under subsection (4).~~

82 (8) If requested by an existing consumptive use permit  
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84 ===== T I T L E A M E N D M E N T =====

85 And the title is amended as follows:

86 Delete lines 4 - 12

87 and insert:

88 the Department of Environmental Protection or  
89 governing board to limit its review following issuance  
90 of a consumptive use permit and make only one request  
91 for additional information; providing for the  
92 governing board rather than the district to grant  
93 permits for certain projects; extending the term to 10  
94 years from 5 years for submitting compliance reports;  
95 allowing a permit to be issued for a shorter period if  
96 requested by the applicant;