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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/01/2012	.	
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The Committee on Budget Subcommittee on General Government Appropriations (Hays) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Present subsections (4) and (5) of section 373.042, Florida Statutes, are redesignated as subsections (5) and (6), respectively, a new subsection (4) is added to that section, and subsection (2) of that section is amended, to read:

373.042 Minimum flows and levels.—

(2) By November 15, 1997, and annually thereafter, each water management district shall submit to the department for review and approval a priority list and schedule for the



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13 establishment of minimum flows and levels for surface
14 watercourses, aquifers, and surface waters within the district.
15 The priority list and schedule shall ~~also~~ identify those listed
16 water bodies for which the district will voluntarily undertake
17 independent scientific peer review, any reservations proposed by
18 the district to be established pursuant to s. 373.223(4), and
19 those listed water bodies that have the potential to be affected
20 by withdrawals in an adjacent district for which department
21 adoption of a reservation pursuant to s. 373.223(4) or a minimum
22 flow or level pursuant to subsection (1) may be appropriate. By
23 March 1, 2006, and annually thereafter, each water management
24 district shall include its approved priority list and schedule
25 in the consolidated annual report required by s. 373.036(7). The
26 priority list shall be based upon the importance of the waters
27 to the state or region and the existence of or potential for
28 significant harm to the water resources or ecology of the state
29 or region, and shall include those waters which are experiencing
30 or may reasonably be expected to experience adverse impacts.
31 Each water management district's priority list and schedule
32 shall include all first magnitude springs, and all second
33 magnitude springs within state or federally owned lands
34 purchased for conservation purposes. The specific schedule for
35 establishment of spring minimum flows and levels shall be
36 commensurate with the existing or potential threat to spring
37 flow from consumptive uses. Springs within the Suwannee River
38 Water Management District, or second magnitude springs in other
39 areas of the state, need not be included on the priority list if
40 the water management district submits a report to the Department
41 of Environmental Protection demonstrating that adverse impacts



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42 are not now occurring nor are reasonably expected to occur from
43 consumptive uses during the next 20 years. The priority list and
44 schedule shall not be subject to any proceeding pursuant to
45 chapter 120. Except as provided in subsection (3), the
46 development of a priority list and compliance with the schedule
47 for the establishment of minimum flows and levels pursuant to
48 this subsection shall satisfy the requirements of subsection
49 (1).

50 (4) A water management district shall provide the
51 department with technical information and staff support for the
52 development of a reservation, minimum flow or level, or recovery
53 or prevention strategy to be adopted by rule by the department.
54 A reservation, minimum flow or level, or recovery or prevention
55 strategy adopted by rule by the department shall be applied by
56 the water management districts without adoption of such
57 reservation, minimum flow or level, or recovery or prevention
58 strategy by rule.

59 Section 2. Subsection (7) is added to section 373.046,
60 Florida Statutes, to read:

61 373.046 Interagency agreements.—

62 (7) If the geographic area of a resource management
63 activity, study, or project crosses water management district
64 boundaries, the affected districts may designate a single
65 affected district to conduct all or part of the applicable
66 resource management responsibilities under this chapter, with
67 the exception of those regulatory responsibilities that are
68 subject to subsection (6). If funding assistance is provided to
69 a resource management activity, study, or project, the district
70 providing the funding must ensure that some or all of the



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71 benefits accrue to the funding district. This subsection does
72 not impair any interagency agreement in effect on July 1, 2012.

73 Section 3. Subsection (5) is added to section 373.171,
74 Florida Statutes, to read:

75 373.171 Rules.—

76 (5) Cooperative funding programs are not subject to the
77 rulemaking requirements of chapter 120. However, any portion of
78 an approved program which affects the substantial interests of a
79 party is subject to s. 120.569.

80 Section 4. Subsection (5) of section 373.236, Florida
81 Statutes, is amended to read:

82 373.236 Duration of permits; compliance reports.—

83 (5) (a) Permits approved for the development of alternative
84 water supplies shall be granted for a term of at least 20 years
85 if there is sufficient data to provide reasonable assurance that
86 the conditions for permit issuance will be met for the duration
87 of the permit. However, if the permittee issues bonds for the
88 construction of the project, upon request of the permittee
89 before ~~prior to~~ the expiration of the permit, ~~the that~~ permit
90 shall be extended for such additional time as is required for
91 the retirement of bonds, not including any refunding or
92 refinancing of such bonds, ~~if provided that~~ the governing board
93 determines that the use will continue to meet the conditions for
94 the issuance of the permit. Such a permit is subject to
95 compliance reports under subsection (4).

96 (b)1. Permits approved on or after July 1, 2012, for the
97 development of alternative water supplies shall be granted for a
98 term of at least 30 years if there is sufficient data to provide
99 reasonable assurance that the conditions for permit issuance



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100 will be met for the duration of the permit. If, within 7 years
101 after a permit is granted, the permittee issues bonds to finance
102 the project, completes construction of the project, and requests
103 an extension of the permit duration, the permit shall be
104 extended to expire upon the retirement of such bonds or 30 years
105 after the date construction of the project is complete,
106 whichever occurs later. However, a permit's duration may not be
107 extended by more than 7 years beyond the permit's original
108 expiration date. A 7-year permit extension, as described in this
109 subparagraph, shall be applicable to any 30-year permit for the
110 development of alternative water supplies granted between June
111 1, 2011, and July 1, 2012.

112 2. Permits issued under this paragraph are subject to
113 compliance reports under subsection (4). However, if the
114 permittee demonstrates that bonds issued to finance the project
115 are outstanding, the quantity of alternative water allocated in
116 the permit may not be reduced during a compliance report review
117 unless a reduction is needed to address unanticipated harm to
118 water resources or to existing legal uses present when the
119 permit was issued. A reduction required by an applicable water
120 shortage order shall apply to permits issued under this
121 paragraph.

122 3. Permits issued under this paragraph may not authorize
123 the use of nonbrackish groundwater supplies or nonalternative
124 water supplies.

125 (c) Entities that wish to develop alternative water
126 supplies may apply for a permit under paragraph (a) or paragraph
127 (b).

128 Section 5. Section 373.605, Florida Statutes, is amended to



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129 read:

130 373.605 Group insurance for water management districts.—

131 (1) The governing board of a any water management district
132 ~~may is hereby authorized and empowered to~~ provide group
133 insurance for its employees in the same manner and with the same
134 provisions and limitations authorized for other public employees
135 by ss. 112.08, 112.09, 112.10, 112.11, and 112.14.

136 (2) The governing board of a water management district may
137 provide group insurance for its employees and the employees of
138 another water management district in the same manner and with
139 the same provisions and limitations authorized for other public
140 employees by ss. 112.08, 112.09, 112.10, 112.11, and 112.14. Any
141 ~~and all insurance agreements in effect as of October 1, 1974,~~
142 ~~which conform to the provisions of this section are hereby~~
143 ~~ratified.~~

144 Section 6. Subsection (3) of section 373.709, Florida
145 Statutes, is amended to read:

146 373.709 Regional water supply planning.—

147 (3) The water supply development component of a regional
148 water supply plan which deals with or affects public utilities
149 and public water supply for those areas served by a regional
150 water supply authority and its member governments ~~within the~~
151 ~~boundary of the Southwest Florida Water Management District~~
152 shall be developed jointly by the authority and the applicable
153 water management district. In areas not served by regional water
154 supply authorities, or other multijurisdictional water supply
155 entities, and where opportunities exist to meet water supply
156 needs more efficiently through multijurisdictional projects
157 identified pursuant to paragraph (2) (a), water management



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158 districts are directed to assist in developing
159 multijurisdictional approaches to water supply project
160 development jointly with affected water utilities, special
161 districts, and local governments.

162 Section 7. Study Committee on Investor-Owned Water and
163 Wastewater Utility Systems.-

164 (1) There is created a Study Committee on Investor-Owned
165 Water and Wastewater Utility Systems, which shall be composed of
166 18 residents of the state designated and appointed as follows:

167 (a) The chair of the Public Service Commission or a
168 commissioner designated by the chair, who shall serve as chair
169 of the committee and shall be a nonvoting member of the
170 committee.

171 (b) The Secretary of Environmental Protection or his or her
172 designee, who shall be a nonvoting member of the committee.

173 (c) The Public Counsel or his or her designee, who shall be
174 a nonvoting member of the committee.

175 (d) One member of the Senate appointed by the President of
176 the Senate.

177 (e) One member of the House of Representatives appointed by
178 the Speaker of the House of Representatives.

179 (f) Two representatives of Class A investor-owned water or
180 wastewater utilities appointed by the Governor.

181 (g) One representative of a Class B investor-owned water or
182 wastewater utility appointed by the Governor.

183 (h) One representative of a Class C investor-owned water or
184 wastewater utility appointed by the Governor.

185 (i) One customer of a Class A investor-owned water or
186 wastewater utility appointed by the Governor.



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187 (j) One customer of a Class B or Class C investor-owned
188 water or wastewater utility appointed by the Governor.

189 (k) One representative of a water management district
190 appointed by the Governor.

191 (l) One representative of the Florida Section of the
192 American Water Works Association appointed by the Governor.

193 (m) One representative of the Florida Rural Water
194 Association appointed by the Governor.

195 (n) One representative of a water or wastewater system
196 owned or operated by a municipal or county government appointed
197 by the Governor.

198 (o) One representative of a governmental authority that is
199 created pursuant to chapter 163, Florida Statutes, appointed by
200 the Governor.

201 (p) The chair of a county commission that regulates
202 investor-owned water or wastewater utility systems appointed by
203 the Governor.

204 (q) One representative of a county health department
205 appointed by the Governor.

206 (2) The members shall serve until the work of the committee
207 is complete and the committee is terminated, except that if a
208 member no longer serves in the position required for
209 appointment, the member shall be replaced by the individual who
210 serves in such position.

211 (3) Members of the committee shall serve without
212 compensation, but are entitled to reimbursement for all
213 reasonable and necessary expenses, including travel expenses, in
214 the performance of their duties as provided in s. 112.061,
215 Florida Statutes.



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216 (4) An appointing authority may remove or suspend a member
217 appointed by it for cause, including, but not limited to,
218 failure to attend two or more meetings of the committee.

219 (5) The Public Service Commission shall provide the staff,
220 information, assistance, and facilities as are deemed necessary
221 for the committee to carry out its duties under this section.
222 Funding for the committee shall be paid from the Florida Public
223 Service Regulatory Trust Fund.

224 (6) The committee shall identify issues of concern of
225 investor-owned water and wastewater utility systems,
226 particularly small systems, and their customers and research
227 possible solutions. In addition, the committee shall consider:

228 (a) The ability of a small investor-owned water or
229 wastewater utility to achieve economies of scale when purchasing
230 equipment, commodities, or services.

231 (b) The availability of low interest loans to a small,
232 privately owned water or wastewater utility.

233 (c) Any tax incentives or exemptions, temporary or
234 permanent, which are available to a small water or wastewater
235 utility.

236 (d) The impact on customer rates if a utility purchases an
237 existing water or wastewater utility system.

238 (e) The impact on customer rates of a utility providing
239 service through the use of a reseller.

240 (f) Other issues that the committee identifies during its
241 investigation.

242 (7) The committee shall meet at the time and location as
243 the chair determines, except that the committee shall meet a
244 minimum of four times. At least two meetings must be held in an



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245 area that is centrally located to utility customers who have
246 recently been affected by a significant increase in water or
247 wastewater utility rates. The public shall be given the
248 opportunity to speak at the meetings.

249 (8) By February 15, 2013, the committee shall prepare and
250 submit to the Governor, the President of the Senate, and the
251 Speaker of the House of Representatives a report detailing its
252 findings pursuant to subsection (6) and making specific
253 legislative recommendations, including proposed legislation
254 intended to implement its recommendations. If the committee, in
255 its report, finds that an issue may effectively be addressed
256 through agency rulemaking, the committee shall submit to the
257 appropriate agencies its report and recommendations, including
258 proposed rules.

259 (9) This section expires and the committee terminates June
260 30, 2013.

261 Section 8. This act shall take effect July 1, 2012.

262
263 ===== T I T L E A M E N D M E N T =====

264 And the title is amended as follows:

265 Delete everything before the enacting clause
266 and insert:

267 A bill to be entitled
268 An act relating to water management; amending s.
269 373.042, F.S.; requiring water management districts to
270 include certain reservations and water bodies in
271 priority lists and schedules; providing for the
272 adoption of certain reservations and minimum flows and
273 levels by the Department of Environmental Protection;



274 requiring water management districts to apply, without
275 adopting by rule, reservations, minimum flows and
276 levels, and recovery and prevention strategies adopted
277 by the department; amending s. 373.046, F.S.;

278 authorizing water management districts to enter into
279 interagency agreements for resource management
280 activities, studies, or projects under specified
281 conditions; requiring that the district providing the
282 funding for an activity, study, or project ensure that
283 some or all of the benefits accrue to the funding
284 district; providing applicability; amending s.
285 373.171, F.S.; exempting cooperative funding programs
286 from certain rulemaking requirements; amending s.
287 373.236, F.S.; specifying conditions for the issuance
288 of permits for the development of alternative water
289 supplies; requiring that certain permits be granted
290 for at least 30 years; requiring that such permits be
291 extended under specified conditions; providing for a
292 reduction in permitted water quantities during
293 compliance reviews under certain circumstances;
294 excluding from application of the act a permit for
295 nonbrackish groundwater or nonalternative water
296 supplies; providing an option for the duration of an
297 alternative water supply permit to a county, special
298 district, regional water supply authority,
299 multijurisdictional water supply entity, or publicly
300 or privately owned utility; amending s. 373.605, F.S.;

301 authorizing water management districts to provide
302 group insurance for employees of other water



303 management districts; removing obsolete provisions;
304 amending s. 373.709, F.S., relating to regional water
305 supply planning; removing a reference to the Southwest
306 Florida Water Management District; requiring a
307 regional water supply authority and the applicable
308 water management district to jointly develop the water
309 supply component of the regional water supply plan;
310 creating the Study Committee on Investor-Owned Water
311 and Wastewater Utility Systems; providing for
312 membership and terms of service; prohibiting
313 compensation of the members; providing for
314 reimbursement of the members for certain expenses;
315 providing for removal or suspension of members by the
316 appointing authority; requiring the Public Service
317 Commission to provide staff, information, assistance,
318 and facilities that are deemed necessary for the
319 committee to perform its duties; providing for funding
320 from the Florida Public Service Regulatory Trust Fund;
321 providing duties of the committee; providing for
322 public meetings; requiring the committee to report its
323 findings to the Governor, the Legislature, and
324 appropriate agencies and make certain recommendations;
325 providing for future termination of the committee;
326 providing an effective date.