

By Senator Hays

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1 A bill to be entitled
2 An act relating to consumptive use permits for
3 development of alternative water supplies; amending s.
4 373.236, F.S.; revising conditions for issuance of
5 permits; providing for the issuance, extension, and
6 review of permits approved on or after a certain date;
7 providing for applicability; providing an effective
8 date.

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

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12 Section 1. Subsection (5) of section 373.236, Florida
13 Statutes, is amended to read:

14 373.236 Duration of permits; compliance reports.—

15 (5) (a) A permit ~~Permits~~ approved for the development of
16 alternative water supplies shall be granted for a term of at
17 least 20 years if there is sufficient data to provide reasonable
18 assurance that the conditions for permit issuance will be met
19 for the duration of the permit. However, if the permittee issues
20 bonds for the construction of the project, upon request of the
21 permittee before ~~prior to~~ the expiration of the permit, the ~~that~~
22 permit shall be extended for such additional time as is required
23 for the retirement of bonds, not including any refunding or
24 refinancing of such bonds, if ~~provided that~~ the governing board
25 determines that the use will continue to meet the conditions for
26 the issuance of the permit. The ~~Such a~~ permit is subject to
27 compliance reports under subsection (4).

28 (b)1. A permit approved on or after July 1, 2013, for the
29 development of alternative water supplies shall be granted for a

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30 term of at least 30 years if there is sufficient data to provide
31 reasonable assurance that the conditions for permit issuance
32 will be met for the duration of the permit. If, within 7 years
33 after a permit is granted, the permittee issues bonds to finance
34 the project, completes construction of the project, and requests
35 an extension of the permit duration, the permit shall be
36 extended to expire upon the retirement of such bonds or 30 years
37 after the date that construction of the project is complete,
38 whichever occurs later. However, a permit's duration may not be
39 extended by more than 7 years beyond the permit's original
40 expiration date.

41 2. A permit issued under this paragraph is subject to
42 compliance reports under subsection (4). If the permittee
43 demonstrates that bonds issued to finance the project are
44 outstanding, the quantity of alternative water allocated in the
45 permit may not be reduced during a compliance report review
46 unless a reduction is needed to address unanticipated harm to
47 water resources or to existing legal uses present when the
48 permit was issued. A reduction required by an applicable water
49 shortage order applies to a permit issued under this paragraph.

50 3. A permit issued under this paragraph may not authorize
51 the use of nonbrackish groundwater supplies or nonalternative
52 water supplies.

53 (c) An entity that wishes to develop alternative water
54 supplies may apply for a permit under paragraph (a) or paragraph
55 (b).

56 Section 2. This act shall take effect July 1, 2013.