

1 A bill to be entitled
 2 An act relating to the West Coast Regional Water
 3 Supply Authority; amending s. 373.715, F.S.;
 4 specifying that each member of the authority has an
 5 absolute right to use its own reclaimed water for
 6 certain purposes; providing applicability; providing a
 7 directive to the Division of Law Revision and
 8 Information; providing an effective date.

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

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 12 Section 1. Paragraph (b) of subsection (1) of section
 13 373.715, Florida Statutes, is amended to read:

14 373.715 Assistance to West Coast Regional Water Supply
 15 Authority.—

16 (1) It is the intent of the Legislature to authorize the
 17 implementation of changes in governance recommended by the West
 18 Coast Regional Water Supply Authority in its reports to the
 19 Legislature dated February 1, 1997, and January 5, 1998. The
 20 authority and its member governments may reconstitute the
 21 authority's governance and rename the authority under a
 22 voluntary interlocal agreement with a term of not less than 20
 23 years. The interlocal agreement must comply with this subsection
 24 as follows:

25 (b) In accordance with s. 4, Art. VIII of the State

26 Constitution and notwithstanding s. 163.01, the interlocal
 27 agreement may include the following terms, which are considered
 28 approved by the parties without a vote of their electors, upon
 29 execution of the interlocal agreement by all member governments
 30 and upon satisfaction of all conditions precedent in the
 31 interlocal agreement:

32 1. All member governments shall relinquish to the
 33 authority their individual rights to develop potable water
 34 supply sources, except as otherwise provided in the interlocal
 35 agreement.

36 2. The authority shall be the sole and exclusive wholesale
 37 potable water supplier for all member governments except,
 38 however, that each member has the absolute right to use the
 39 reclaimed water it produces to develop potable water supplies
 40 for its own use or for sale to the authority or to another
 41 entity that is not a member. This subparagraph:

42 a. Supersedes any provisions of the interlocal agreement
 43 to the contrary, and applies to the interlocal agreement in
 44 effect on the effective date of this act;

45 b. Does not impair, void, or cause the modification of the
 46 interlocal agreement; and

47 c. Supersedes any inconsistent cooperative funding program
 48 policy approved by the water management district.

49 3. The authority shall have the absolute and unequivocal
 50 obligation to meet the wholesale needs of the member governments

51 | for potable water.

52 | 4. A member government may not restrict or prohibit the
53 | use of land within a member's jurisdictional boundaries by the
54 | authority for water supply purposes through use of zoning, land
55 | use, comprehensive planning, or other form of regulation.

56 | 5. A member government may not impose any tax, fee, or
57 | charge upon the authority in conjunction with the production or
58 | supply of water not otherwise provided for in the interlocal
59 | agreement.

60 | 6. The authority may use the powers provided in part II of
61 | chapter 159 for financing and refinancing water treatment,
62 | production, or transmission facilities, including, but not
63 | limited to, desalinization facilities. All such water treatment,
64 | production, or transmission facilities are considered a
65 | "manufacturing plant" for purposes of s. 159.27(5) and serve a
66 | paramount public purpose by providing water to citizens of the
67 | state.

68 | 7. A member government and any governmental or quasi-
69 | judicial board or commission established by local ordinance or
70 | general or special law where the governing membership of such
71 | board or commission is shared, in whole or in part, or appointed
72 | by a member government agreeing to be bound by the interlocal
73 | agreement shall be limited to the procedures set forth therein
74 | regarding actions that directly or indirectly restrict or
75 | prohibit the use of lands or other activities related to the

76 | production or supply of water.

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78 | Except as otherwise provided in this section or in the voluntary
79 | interlocal agreement between the member governments, a majority
80 | vote shall bind the authority and its member governments in all
81 | matters relating to the funding of wholesale water supply,
82 | production, delivery, and related activities.

83 | Section 2. The Division of Law Revision and Information is
84 | directed to replace the phrase "the effective date of this act"
85 | wherever it occurs in this act with the date the act becomes a
86 | law.

87 | Section 3. This act shall take effect upon becoming a law.