

By Senator Young

18-00825B-18

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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.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
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

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30 and upon satisfaction of all conditions precedent in the
31 interlocal agreement:

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

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

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

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

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

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

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

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

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

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

76
77 Except as otherwise provided in this section or in the voluntary
78 interlocal agreement between the member governments, a majority
79 vote shall bind the authority and its member governments in all
80 matters relating to the funding of wholesale water supply,
81 production, delivery, and related activities.

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

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