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1                                   A bill to be entitled  
 2           An act relating to water supply; creating part VII of ch.  
 3           373, F.S., relating to water supply policy, planning,  
 4           production, and funding; providing a declaration of  
 5           policy; providing for the powers and duties of water  
 6           management district governing boards; requiring the  
 7           Department of Environmental Protection to develop the  
 8           Florida water supply plan; providing components of the  
 9           plan; requiring water management district governing boards  
 10          to develop water supply plans for their respective  
 11          regions; providing components of district water supply  
 12          plans; providing legislative findings and intent with  
 13          respect to water resource development and water supply  
 14          development; requiring water management districts to fund  
 15          and implement water resource development; specifying water  
 16          supply development projects that are eligible to receive  
 17          priority consideration for state or water management  
 18          district funding assistance; encouraging cooperation in  
 19          the development of water supplies; providing for  
 20          alternative water supply development; encouraging  
 21          municipalities, counties, and special districts to create  
 22          regional water supply authorities; establishing the  
 23          primary roles of the water management districts in  
 24          alternative water supply development; establishing the  
 25          primary roles of local governments, regional water supply  
 26          authorities, special districts, and publicly owned and  
 27          privately owned water utilities in alternative water  
 28          supply development; requiring the water management

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29 | districts to detail the specific allocations to be used  
 30 | for alternative water supply development in their annual  
 31 | budget submission; requiring that the water management  
 32 | districts include the amount needed to implement the water  
 33 | supply development projects in each annual budget;  
 34 | establishing general funding criteria for funding  
 35 | assistance to the state or water management districts;  
 36 | establishing economic incentives for alternative water  
 37 | supply development; providing a funding formula for the  
 38 | distribution of state funds to the water management  
 39 | districts for alternative water supply development;  
 40 | requiring that funding assistance for alternative water  
 41 | supply development be limited to a percentage of the total  
 42 | capital costs of an approved project; establishing a  
 43 | selection process and criteria; providing for cost  
 44 | recovery from the Public Service Commission; requiring a  
 45 | water management district governing board to conduct water  
 46 | supply planning for each region identified in the district  
 47 | water supply plan; providing procedures and requirements  
 48 | with respect to regional water supply plans; providing for  
 49 | joint development of a specified water supply development  
 50 | component of a regional water supply plan within the  
 51 | boundaries of the Southwest Florida Water Management  
 52 | District; providing that approval of a regional water  
 53 | supply plan is not subject to the rulemaking requirements  
 54 | of the Administrative Procedure Act; requiring the  
 55 | department to submit annual reports on the status of  
 56 | regional water supply planning in each district; providing

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57 construction with respect to the water supply development  
 58 component of a regional water supply plan; requiring water  
 59 management districts to present to certain entities the  
 60 relevant portions of a regional water supply plan;  
 61 requiring certain entities to provide written notification  
 62 to water management districts as to the implementation of  
 63 water supply project options; requiring water management  
 64 districts to notify local governments of the need for  
 65 alternative water supply projects; requiring water  
 66 management districts to assist local governments in the  
 67 development and future revision of local government  
 68 comprehensive plan elements or public facilities reports  
 69 related to water resource issues; providing for the  
 70 creation of regional water supply authorities; providing  
 71 purpose of such authorities; specifying considerations  
 72 with respect to the creation of a proposed authority;  
 73 specifying authority of a regional water supply authority;  
 74 providing authority of specified entities to convey title,  
 75 dedicate land, or grant land-use rights to a regional  
 76 water supply authority for specified purposes; providing  
 77 preferential rights of counties and municipalities to  
 78 purchase water from regional water supply authorities;  
 79 providing exemption for specified water supply authorities  
 80 from consideration of certain factors and submissions;  
 81 providing applicability of such exemptions; authorizing  
 82 the West Coast Regional Water Supply Authority and its  
 83 member governments to reconstitute the authority's  
 84 governance and rename the authority under a voluntary

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85 | interlocal agreement; providing compliance requirements  
 86 | with respect to the interlocal agreement; providing for  
 87 | supersession of conflicting general or special laws;  
 88 | providing requirements with respect to annual budgets;  
 89 | specifying the annual millage for the authority;  
 90 | authorizing the authority to request the governing board  
 91 | of the district to levy ad valorem taxes within the  
 92 | boundaries of the authority to finance authority  
 93 | functions; providing requirements and procedures with  
 94 | respect to the collection of such taxes; amending s.  
 95 | 373.026, F.S.; conforming provisions relating to the  
 96 | general powers and duties of the Department of  
 97 | Environmental Protection with regard to the state water  
 98 | resource plan to changes made by the act; prohibiting the  
 99 | deprivation of reasonable and beneficial use of water for  
 100 | certain counties; amending ss. 120.52, 163.3167, 163.3177,  
 101 | 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.;  
 102 | conforming cross-references and terminology; amending s.  
 103 | amending s. 373.019, F.S., relating to definitions, to  
 104 | conform; amending ss. 373.0421, 373.0695, 373.223,  
 105 | 373.2234, 373.229, 373.536, 373.59, 378.212, 378.404,  
 106 | 403.0891, 403.890, and 682.02, F.S.; conforming cross-  
 107 | references; renumbering s. 373.71, F.S., relating to the  
 108 | Apalachicola-Chattahoochee-Flint River Basin Compact, to  
 109 | clarify retention of the section in part VI of ch. 373,  
 110 | F.S.; repealing s. 373.0361, F.S., relating to regional  
 111 | water supply planning; repealing s. 373.0391, F.S.,  
 112 | relating to technical assistance to local governments;

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113 | repealing s. 373.0831, F.S., relating to water resource  
 114 | and water supply development; repealing s. 373.196, F.S.,  
 115 | relating to alternative water supply development;  
 116 | repealing s. 373.1961, F.S., relating to water production  
 117 | and related powers and duties of water management  
 118 | districts; repealing s. 373.1962, F.S., relating to  
 119 | regional water supply authorities; repealing s. 373.1963,  
 120 | F.S., relating to assistance to the West Coast Regional  
 121 | Water Supply Authority; providing an effective date.  
 122 |

123 | Be It Enacted by the Legislature of the State of Florida:  
 124 |

125 | Section 1. Part VII of chapter 373, Florida Statutes,  
 126 | consisting of sections 373.701, 373.703, 373.705, 373.707,  
 127 | 373.709, 373.711, 373.713, and 373.715, is created to read:

128 | PART VII

129 | WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

130 | 373.701 Declaration of policy.---It is declared to be the  
 131 | policy of the Legislature:

132 | (1) To promote the availability of sufficient water for  
 133 | all existing and future reasonable-beneficial uses and natural  
 134 | systems;

135 | (2) (a) Because water constitutes a public resource  
 136 | benefiting the entire state, it is the policy of the Legislature  
 137 | that the waters in the state be managed on a state and regional  
 138 | basis. Consistent with this directive, the Legislature  
 139 | recognizes the need to allocate water throughout the state so as  
 140 | to meet all reasonable-beneficial uses. However, the Legislature

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141 acknowledges that such allocations have in the past adversely  
 142 affected the water resources of certain areas in this state. To  
 143 protect such water resources and to meet the current and future  
 144 needs of those areas with abundant water, the Legislature  
 145 directs the department and the water management districts to  
 146 encourage the use of water from sources nearest the area of use  
 147 or application whenever practicable. Such sources shall include  
 148 all naturally occurring water sources and all alternative water  
 149 sources, including, but not limited to, desalination,  
 150 conservation, reuse of nonpotable reclaimed water and  
 151 stormwater, and aquifer storage and recovery. Reuse of potable  
 152 reclaimed water and stormwater shall not be subject to the  
 153 evaluation described in s. 373.223(3) (a)-(g). However, this  
 154 directive to encourage the use of water, whenever practicable,  
 155 from sources nearest the area of use or application shall not  
 156 apply to the transport and direct and indirect use of water  
 157 within the area encompassed by the Central and Southern Florida  
 158 Flood Control Project, nor shall it apply anywhere in the state  
 159 to the transport and use of water supplied exclusively for  
 160 bottled water as defined in s. 500.03(1) (d), nor shall it apply  
 161 to the transport and use of reclaimed water for electrical power  
 162 production by an electric utility as defined in section  
 163 366.02(2).

164 (b) In establishing the policy outlined in paragraph (a),  
 165 the Legislature realizes that under certain circumstances the  
 166 need to transport water from distant sources may be necessary  
 167 for environmental, technical, or economic reasons.

168 (3) Cooperative efforts between municipalities, counties,

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169 water management districts, and the department are mandatory in  
 170 order to meet the water needs of rapidly urbanizing areas in a  
 171 manner that will supply adequate and dependable supplies of  
 172 water where needed without resulting in adverse effects upon the  
 173 areas from which such water is withdrawn. Such efforts should  
 174 use all practical means of obtaining water, including, but not  
 175 limited to, withdrawals of surface water and groundwater, reuse,  
 176 and desalination and will necessitate not only cooperation but  
 177 also well-coordinated activities. Municipalities, counties, and  
 178 special districts are encouraged to create regional water supply  
 179 authorities as authorized in s. 373.713 or multijurisdictional  
 180 water supply entities.

181 (4) Nothing in this part shall be construed to preclude  
 182 the various municipalities and counties from continuing to  
 183 operate existing water production and transmission facilities or  
 184 to enter into cooperative agreements with other municipalities  
 185 and counties for the purpose of meeting their respective needs  
 186 for dependable and adequate supplies of water; however, the  
 187 obtaining of water through such operations shall not be done in  
 188 a manner that results in adverse effects upon the areas from  
 189 which such water is withdrawn.

190 373.703 Powers and duties.--In the performance of, and in  
 191 conjunction with, its other powers and duties, the governing  
 192 board of a water management district existing pursuant to this  
 193 chapter:

194 (1) Shall engage in planning to assist counties,  
 195 municipalities, special districts, publicly owned and privately  
 196 owned water utilities, multijurisdictional water supply

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197 entities, or regional water supply authorities in meeting water  
 198 supply needs in such manner as will give priority to encouraging  
 199 conservation and reducing adverse environmental effects of  
 200 improper or excessive withdrawals of water from concentrated  
 201 areas. As used in this section and s. 373.707, regional water  
 202 supply authorities are regional water authorities created under  
 203 s. 373.713 or other laws of this state.

204 (2) Shall assist counties, municipalities, special  
 205 districts, publicly owned or privately owned water utilities,  
 206 multijurisdictional water supply entities, or regional water  
 207 supply authorities in meeting water supply needs in such manner  
 208 as will give priority to encouraging conservation and reducing  
 209 adverse environmental effects of improper or excessive  
 210 withdrawals of water from concentrated areas.

211 (3) May establish, design, construct, operate, and  
 212 maintain water production and transmission facilities for the  
 213 purpose of supplying water to counties, municipalities, special  
 214 districts, publicly owned and privately owned water utilities,  
 215 multijurisdictional water supply entities, or regional water  
 216 supply authorities. The permit required by part II of this  
 217 chapter for a water management district engaged in water  
 218 production and transmission shall be granted, denied, or granted  
 219 with conditions by the department.

220 (4) Shall not engage in local water supply distribution.

221 (5) Shall not deprive, directly or indirectly, any county  
 222 wherein water is withdrawn of the prior right to the reasonable  
 223 and beneficial use of water which is required to supply  
 224 adequately the reasonable and beneficial needs of the county or



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225 any of the inhabitants or property owners therein.

226 (6) May provide water and financial assistance to regional  
 227 water supply authorities, but may not provide water to counties  
 228 and municipalities which are located within the area of such  
 229 authority without the specific approval of the authority or, in  
 230 the event of the authority's disapproval, the approval of the  
 231 Governor and Cabinet sitting as the Land and Water Adjudicatory  
 232 Commission. The district may supply water at rates and upon  
 233 terms mutually agreed to by the parties or, if they do not  
 234 agree, as set by the governing board and specifically approved  
 235 by the Governor and Cabinet sitting as the Land and Water  
 236 Adjudicatory Commission.

237 (7) May acquire title to such interest as is necessary in  
 238 real property, by purchase, gift, devise, lease, eminent domain,  
 239 or otherwise, for water production and transmission consistent  
 240 with this section and s. 373.707. However, the district shall  
 241 not use any of the eminent domain powers herein granted to  
 242 acquire water and water rights already devoted to reasonable and  
 243 beneficial use or any water production or transmission  
 244 facilities owned by any county, municipality, or regional water  
 245 supply authority. The district may exercise eminent domain  
 246 powers outside of its district boundaries for the acquisition of  
 247 pumpage facilities, storage areas, transmission facilities, and  
 248 the normal appurtenances thereto, provided that at least 45 days  
 249 prior to the exercise of eminent domain, the district notifies  
 250 the district where the property is located after public notice  
 251 and the district where the property is located does not object  
 252 within 45 days after notification of such exercise of eminent

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253 domain authority.

254 (8) In addition to the power to issue revenue bonds  
 255 pursuant to s. 373.584, may issue revenue bonds for the purposes  
 256 of paying the costs and expenses incurred in carrying out the  
 257 purposes of this chapter or refunding obligations of the  
 258 district issued pursuant to this section. Such revenue bonds  
 259 shall be secured by, and be payable from, revenues derived from  
 260 the operation, lease, or use of its water production and  
 261 transmission facilities and other water-related facilities and  
 262 from the sale of water or services relating thereto. Such  
 263 revenue bonds may not be secured by, or be payable from, moneys  
 264 derived by the district from the Water Management Lands Trust  
 265 Fund or from ad valorem taxes received by the district. All  
 266 provisions of s. 373.584 relating to the issuance of revenue  
 267 bonds which are not inconsistent with this section shall apply  
 268 to the issuance of revenue bonds pursuant to this section. The  
 269 district may also issue bond anticipation notes in accordance  
 270 with the provisions of s. 373.584.

271 (9) May join with one or more other water management  
 272 districts, counties, municipalities, special districts, publicly  
 273 owned or privately owned water utilities, multijurisdictional  
 274 water supply entities, or regional water supply authorities for  
 275 the purpose of carrying out any of its powers, and may contract  
 276 with such other entities to finance acquisitions, construction,  
 277 operation, and maintenance. The contract may provide for  
 278 contributions to be made by each party thereto, for the division  
 279 and apportionment of the expenses of acquisitions, construction,  
 280 operation, and maintenance, and for the division and

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281 apportionment of the benefits, services, and products therefrom.  
 282 The contracts may contain other covenants and agreements  
 283 necessary and appropriate to accomplish their purposes.

284 373.705 Water resource development; water supply  
 285 development.--

286 (1) The Legislature finds that:

287 (a) The proper role of the water management districts in  
 288 water supply is primarily planning and water resource  
 289 development, but this does not preclude them from providing  
 290 assistance with water supply development.

291 (b) The proper role of local government, regional water  
 292 supply authorities, and government-owned and privately owned  
 293 water utilities in water supply is primarily water supply  
 294 development, but this does not preclude them from providing  
 295 assistance with water resource development.

296 (c) Water resource development and water supply  
 297 development must receive priority attention, where needed, to  
 298 increase the availability of sufficient water for all existing  
 299 and future reasonable-beneficial uses and natural systems.

300 (2) It is the intent of the Legislature that:

301 (a) Sufficient water be available for all existing and  
 302 future reasonable-beneficial uses and the natural systems, and  
 303 that the adverse effects of competition for water supplies be  
 304 avoided.

305 (b) Water management districts take the lead in  
 306 identifying and implementing water resource development  
 307 projects, and be responsible for securing necessary funding for  
 308 regionally significant water resource development projects.

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309 (c) Local governments, regional water supply authorities,  
 310 and government-owned and privately owned water utilities take  
 311 the lead in securing funds for and implementing water supply  
 312 development projects. Generally, direct beneficiaries of water  
 313 supply development projects should pay the costs of the projects  
 314 from which they benefit, and water supply development projects  
 315 should continue to be paid for through local funding sources.

316 (d) Water supply development be conducted in coordination  
 317 with water management district regional water supply planning  
 318 and water resource development.

319 (3) The water management districts shall fund and  
 320 implement water resource development as defined in s. 373.019.  
 321 The water management districts are encouraged to implement water  
 322 resource development as expeditiously as possible in areas  
 323 subject to regional water supply plans. Each governing board  
 324 shall include in its annual budget the amount needed for the  
 325 fiscal year to implement water resource development projects, as  
 326 prioritized in its regional water supply plans.

327 (4) (a) Water supply development projects which are  
 328 consistent with the relevant regional water supply plans and  
 329 which meet one or more of the following criteria shall receive  
 330 priority consideration for state or water management district  
 331 funding assistance:

332 1. The project supports establishment of a dependable,  
 333 sustainable supply of water which is not otherwise financially  
 334 feasible;

335 2. The project provides substantial environmental benefits  
 336 by preventing or limiting adverse water resource impacts, but

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337 requires funding assistance to be economically competitive with  
 338 other options; or

339 3. The project significantly implements reuse, storage,  
 340 recharge, or conservation of water in a manner that contributes  
 341 to the sustainability of regional water sources.

342 (b) Water supply development projects that meet the  
 343 criteria in paragraph (a) and that meet one or more of the  
 344 following additional criteria shall be given first consideration  
 345 for state or water management district funding assistance:

346 1. The project brings about replacement of existing  
 347 sources in order to help implement a minimum flow or level; or

348 2. The project implements reuse that assists in the  
 349 elimination of domestic wastewater ocean outfalls as provided in  
 350 s. 403.086(9).

351 373.707 Alternative water supply development.--

352 (1) The purpose of this section is to encourage  
 353 cooperation in the development of water supplies and to provide  
 354 for alternative water supply development.

355 (a) Demands on natural supplies of fresh water to meet the  
 356 needs of a rapidly growing population and the needs of the  
 357 environment, agriculture, industry, and mining will continue to  
 358 increase.

359 (b) There is a need for the development of alternative  
 360 water supplies for Florida to sustain its economic growth,  
 361 economic viability, and natural resources.

362 (c) Cooperative efforts between municipalities, counties,  
 363 special districts, water management districts, and the  
 364 Department of Environmental Protection are mandatory in order to

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365 meet the water needs of rapidly urbanizing areas in a manner  
 366 that will supply adequate and dependable supplies of water where  
 367 needed without resulting in adverse effects upon the areas from  
 368 which such water is withdrawn. Such efforts should use all  
 369 practical means of obtaining water, including, but not limited  
 370 to, withdrawals of surface water and groundwater, reuse, and  
 371 desalinization, and will necessitate not only cooperation but  
 372 also well-coordinated activities. Municipalities, counties, and  
 373 special districts are encouraged to create regional water supply  
 374 authorities as authorized in s. 373.713 or multijurisdictional  
 375 water supply entities.

376 (d) Alternative water supply development must receive  
 377 priority funding attention to increase the available supplies of  
 378 water to meet all existing and future reasonable-beneficial uses  
 379 and to benefit the natural systems.

380 (e) Cooperation between counties, municipalities, regional  
 381 water supply authorities, multijurisdictional water supply  
 382 entities, special districts, and publicly owned and privately  
 383 owned water utilities in the development of countywide and  
 384 multicountywide alternative water supply projects will allow for  
 385 necessary economies of scale and efficiencies to be achieved in  
 386 order to accelerate the development of new, dependable, and  
 387 sustainable alternative water supplies.

388 (f) It is in the public interest that county, municipal,  
 389 industrial, agricultural, and other public and private water  
 390 users, the Department of Environmental Protection, and the water  
 391 management districts cooperate and work together in the  
 392 development of alternative water supplies to avoid the adverse

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393 effects of competition for limited supplies of water. Public  
 394 moneys or services provided to private entities for alternative  
 395 water supply development may constitute public purposes that  
 396 also are in the public interest.

397 (2) (a) Sufficient water must be available for all existing  
 398 and future reasonable-beneficial uses and the natural systems,  
 399 and the adverse effects of competition for water supplies must  
 400 be avoided.

401 (b) Water supply development and alternative water supply  
 402 development must be conducted in coordination with water  
 403 management district regional water supply planning.

404 (c) Funding for the development of alternative water  
 405 supplies shall be a shared responsibility of water suppliers and  
 406 users, the State of Florida, and the water management districts,  
 407 with water suppliers and users having the primary responsibility  
 408 and the State of Florida and the water management districts  
 409 being responsible for providing funding assistance.

410 (3) The primary roles of the water management districts in  
 411 water resource development as it relates to supporting  
 412 alternative water supply development are:

413 (a) The formulation and implementation of regional water  
 414 resource management strategies that support alternative water  
 415 supply development;

416 (b) The collection and evaluation of surface water and  
 417 groundwater data to be used for a planning level assessment of  
 418 the feasibility of alternative water supply development  
 419 projects;

420 (c) The construction, operation, and maintenance of major

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421 public works facilities for flood control, surface and  
 422 underground water storage, and groundwater recharge augmentation  
 423 to support alternative water supply development;

424 (d) Planning for alternative water supply development as  
 425 provided in regional water supply plans in coordination with  
 426 local governments, regional water supply authorities,  
 427 multijurisdictional water supply entities, special districts,  
 428 and publicly owned and privately owned water utilities and self-  
 429 suppliers;

430 (e) The formulation and implementation of structural and  
 431 nonstructural programs to protect and manage water resources in  
 432 support of alternative water supply projects; and

433 (f) The provision of technical and financial assistance to  
 434 local governments and publicly owned and privately owned water  
 435 utilities for alternative water supply projects.

436 (4) The primary roles of local government, regional water  
 437 supply authorities, multijurisdictional water supply entities,  
 438 special districts, and publicly owned and privately owned water  
 439 utilities in alternative water supply development shall be:

440 (a) The planning, design, construction, operation, and  
 441 maintenance of alternative water supply development projects;

442 (b) The formulation and implementation of alternative  
 443 water supply development strategies and programs;

444 (c) The planning, design, construction, operation, and  
 445 maintenance of facilities to collect, divert, produce, treat,  
 446 transmit, and distribute water for sale, resale, or end use; and

447 (d) The coordination of alternative water supply  
 448 development activities with the appropriate water management



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449 district having jurisdiction over the activity.

450 (5) Nothing in this section shall be construed to preclude  
 451 the various special districts, municipalities, and counties from  
 452 continuing to operate existing water production and transmission  
 453 facilities or to enter into cooperative agreements with other  
 454 special districts, municipalities, and counties for the purpose  
 455 of meeting their respective needs for dependable and adequate  
 456 supplies of water; however, the obtaining of water through such  
 457 operations shall not be done in a manner that results in adverse  
 458 effects upon the areas from which such water is withdrawn.

459 (6) (a) The statewide funds provided pursuant to the Water  
 460 Protection and Sustainability Program serve to supplement  
 461 existing water management district or basin board funding for  
 462 alternative water supply development assistance and should not  
 463 result in a reduction of such funding. Therefore, the water  
 464 management districts shall include in the annual tentative and  
 465 adopted budget submittals required under this chapter the amount  
 466 of funds allocated for water resource development that supports  
 467 alternative water supply development and the funds allocated for  
 468 alternative water supply projects selected for inclusion in the  
 469 Water Protection and Sustainability Program. It shall be the  
 470 goal of each water management district and basin boards that the  
 471 combined funds allocated annually for these purposes be, at a  
 472 minimum, the equivalent of 100 percent of the state funding  
 473 provided to the water management district for alternative water  
 474 supply development. If this goal is not achieved, the water  
 475 management district shall provide in the budget submittal an  
 476 explanation of the reasons or constraints that prevent this goal

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477 from being met, an explanation of how the goal will be met in  
 478 future years, and affirmation of match is required during the  
 479 budget review process as established under s. 373.536(5). The  
 480 Suwannee River Water Management District and the Northwest  
 481 Florida Water Management District shall not be required to meet  
 482 the match requirements of this paragraph; however, they shall  
 483 try to achieve the match requirement to the greatest extent  
 484 practicable.

485 (b) State funds from the Water Protection and  
 486 Sustainability Program created in s. 403.890 shall be made  
 487 available for financial assistance for the project construction  
 488 costs of alternative water supply development projects selected  
 489 by a water management district governing board for inclusion in  
 490 the program.

491 (7) The water management district shall implement its  
 492 responsibilities as expeditiously as possible in areas subject  
 493 to regional water supply plans. Each district's governing board  
 494 shall include in its annual budget the amount needed for the  
 495 fiscal year to assist in implementing alternative water supply  
 496 development projects.

497 (8) (a) The water management districts and the state shall  
 498 share a percentage of revenues with water providers and users,  
 499 including local governments, water, wastewater, and reuse  
 500 utilities, municipal, special district, industrial, and  
 501 agricultural water users, and other public and private water  
 502 users, to be used to supplement other funding sources in the  
 503 development of alternative water supplies.

504 (b) Beginning in fiscal year 2005-2006, the state shall

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505 annually provide a portion of those revenues deposited into the  
 506 Water Protection and Sustainability Program Trust Fund for the  
 507 purpose of providing funding assistance for the development of  
 508 alternative water supplies pursuant to the Water Protection and  
 509 Sustainability Program. At the beginning of each fiscal year,  
 510 beginning with fiscal year 2005-2006, such revenues shall be  
 511 distributed by the department into the alternative water supply  
 512 trust fund accounts created by each district for the purpose of  
 513 alternative water supply development under the following funding  
 514 formula:

515 1. Thirty percent to the South Florida Water Management  
 516 District;

517 2. Twenty-five percent to the Southwest Florida Water  
 518 Management District;

519 3. Twenty-five percent to the St. Johns River Water  
 520 Management District;

521 4. Ten percent to the Suwannee River Water Management  
 522 District; and

523 5. Ten percent to the Northwest Florida Water Management  
 524 District.

525 (c) The financial assistance for alternative water supply  
 526 projects allocated in each district's budget as required in s.  
 527 373.707(6) shall be combined with the state funds and used to  
 528 assist in funding the project construction costs of alternative  
 529 water supply projects selected by the governing board. If the  
 530 district has not completed any regional water supply plan, or  
 531 the regional water supply plan does not identify the need for  
 532 any alternative water supply projects, funds deposited in that

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533 district's trust fund may be used for water resource development  
 534 projects, including, but not limited to, springs protection.

535 (d) All projects submitted to the governing board for  
 536 consideration shall reflect the total capital cost for  
 537 implementation. The costs shall be segregated pursuant to the  
 538 categories described in the definition of capital costs.

539 (e) Applicants for projects that may receive funding  
 540 assistance pursuant to the Water Protection and Sustainability  
 541 Program shall, at a minimum, be required to pay 60 percent of  
 542 the project's construction costs. The water management districts  
 543 may, at their discretion, totally or partially waive this  
 544 requirement for projects sponsored by financially disadvantaged  
 545 small local governments as defined in s. 403.885(5). The water  
 546 management districts or basin boards may, at their discretion,  
 547 use ad valorem or federal revenues to assist a project applicant  
 548 in meeting the requirements of this paragraph.

549 (f) The governing boards shall determine those projects  
 550 that will be selected for financial assistance. The governing  
 551 boards may establish factors to determine project funding;  
 552 however, significant weight shall be given to the following  
 553 factors:

554 1. Whether the project provides substantial environmental  
 555 benefits by preventing or limiting adverse water resource  
 556 impacts.

557 2. Whether the project reduces competition for water  
 558 supplies.

559 3. Whether the project brings about replacement of  
 560 traditional sources in order to help implement a minimum flow or

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561 level or a reservation.

562 4. Whether the project will be implemented by a  
 563 consumptive use permittee that has achieved the targets  
 564 contained in a goal-based water conservation program approved  
 565 pursuant to s. 373.227.

566 5. The quantity of water supplied by the project as  
 567 compared to its cost.

568 6. Projects in which the construction and delivery to end  
 569 users of reuse water is a major component.

570 7. Whether the project will be implemented by a  
 571 multijurisdictional water supply entity or regional water supply  
 572 authority.

573 8. Whether the project implements reuse that assists in  
 574 the elimination of domestic wastewater ocean outfalls as  
 575 provided in s. 403.086(9).

576 (g) Additional factors to be considered in determining  
 577 project funding shall include:

578 1. Whether the project is part of a plan to implement two  
 579 or more alternative water supply projects, all of which will be  
 580 operated to produce water at a uniform rate for the participants  
 581 in a multijurisdictional water supply entity or regional water  
 582 supply authority.

583 2. The percentage of project costs to be funded by the  
 584 water supplier or water user.

585 3. Whether the project proposal includes sufficient  
 586 preliminary planning and engineering to demonstrate that the  
 587 project can reasonably be implemented within the timeframes  
 588 provided in the regional water supply plan.

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589 4. Whether the project is a subsequent phase of an  
 590 alternative water supply project that is underway.

591 5. Whether and in what percentage a local government or  
 592 local government utility is transferring water supply system  
 593 revenues to the local government general fund in excess of  
 594 reimbursements for services received from the general fund,  
 595 including direct and indirect costs and legitimate payments in  
 596 lieu of taxes.

597 (h) After conducting one or more meetings to solicit  
 598 public input on eligible projects including input from those  
 599 entities identified pursuant to s. 373.709(2)(a)3.d. for  
 600 implementation of alternative water supply projects, the  
 601 governing board of each water management district shall select  
 602 projects for funding assistance based upon the criteria set  
 603 forth in paragraphs (f) and (g). The governing board may select  
 604 a project identified or listed as an alternative water supply  
 605 development project in the regional water supply plan, or  
 606 allocate up to 20 percent of the funding for alternative water  
 607 supply projects that are not identified or listed in the  
 608 regional water supply plan but are consistent with the goals of  
 609 the plan.

610 (i) Without diminishing amounts available through other  
 611 means described in this paragraph, the governing boards are  
 612 encouraged to consider establishing revolving loan funds to  
 613 expand the total funds available to accomplish the objectives of  
 614 this section. A revolving loan fund created under this paragraph  
 615 must be a nonlapsing fund from which the water management  
 616 district may make loans with interest rates below prevailing

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617 market rates to public or private entities for the purposes  
 618 described in this section. The governing board may adopt  
 619 resolutions to establish revolving loan funds which must specify  
 620 the details of the administration of the fund, the procedures  
 621 for applying for loans from the fund, the criteria for awarding  
 622 loans from the fund, the initial capitalization of the fund, and  
 623 the goals for future capitalization of the fund in subsequent  
 624 budget years. Revolving loan funds created under this paragraph  
 625 must be used to expand the total sums and sources of cooperative  
 626 funding available for the development of alternative water  
 627 supplies. The Legislature does not intend for the creation of  
 628 revolving loan funds to supplant or otherwise reduce existing  
 629 sources or amounts of funds currently available through other  
 630 means.

631 (j) For each utility that receives financial assistance  
 632 from the state or a water management district for an alternative  
 633 water supply project, the water management district shall  
 634 require the appropriate rate-setting authority to develop rate  
 635 structures for water customers in the service area of the funded  
 636 utility that will:

- 637 1. Promote the conservation of water; and
- 638 2. Promote the use of water from alternative water  
 639 supplies.

640 (k) The governing boards shall establish a process for the  
 641 disbursal of revenues pursuant to this subsection.

642 (l) All revenues made available pursuant to this  
 643 subsection must be encumbered annually by the governing board  
 644 when it approves projects sufficient to expend the available

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645 revenues.

646 (m) This subsection is not subject to the rulemaking  
 647 requirements of chapter 120.

648 (n) By March 1 of each year, as part of the consolidated  
 649 annual report required by s. 373.036(7), each water management  
 650 district shall submit a report on the disbursal of all budgeted  
 651 amounts pursuant to this section. Such report shall describe all  
 652 alternative water supply projects funded as well as the quantity  
 653 of new water to be created as a result of such projects and  
 654 shall account separately for any other moneys provided through  
 655 grants, matching grants, revolving loans, and the use of  
 656 district lands or facilities to implement regional water supply  
 657 plans.

658 (o) The Florida Public Service Commission shall allow  
 659 entities under its jurisdiction constructing or participating in  
 660 constructing facilities that provide alternative water supplies  
 661 to recover their full, prudently incurred cost of constructing  
 662 such facilities through their rate structure. If construction of  
 663 a facility or participation in construction is pursuant to or in  
 664 furtherance of a regional water supply plan, the cost shall be  
 665 deemed to be prudently incurred. Every component of an  
 666 alternative water supply facility constructed by an investor-  
 667 owned utility shall be recovered in current rates. Any state or  
 668 water management district cost-share is not subject to the  
 669 recovery provisions allowed in this paragraph.

670 (9) Funding assistance provided by the water management  
 671 districts for a water reuse system may include the following  
 672 conditions for that project if a water management district



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673 determines that such conditions will encourage water use  
 674 efficiency:  
 675 (a) Metering of reclaimed water use for residential  
 676 irrigation, agricultural irrigation, industrial uses, except for  
 677 electric utilities as defined in s. 366.02(2), landscape  
 678 irrigation, golf course irrigation, irrigation of other public  
 679 access areas, commercial and institutional uses such as toilet  
 680 flushing, and transfers to other reclaimed water utilities;  
 681 (b) Implementation of reclaimed water rate structures  
 682 based on actual use of reclaimed water for the reuse activities  
 683 listed in paragraph (a);  
 684 (c) Implementation of education programs to inform the  
 685 public about water issues, water conservation, and the  
 686 importance and proper use of reclaimed water; or  
 687 (d) Development of location data for key reuse facilities.  
 688 373.709 Regional water supply planning.--  
 689 (1) The governing board of each water management district  
 690 shall conduct water supply planning for any water supply  
 691 planning region within the district identified in the  
 692 appropriate district water supply plan under s. 373.036, where  
 693 it determines that existing sources of water are not adequate to  
 694 supply water for all existing and future reasonable-beneficial  
 695 uses and to sustain the water resources and related natural  
 696 systems for the planning period. The planning must be conducted  
 697 in an open public process, in coordination and cooperation with  
 698 local governments, regional water supply authorities,  
 699 government-owned and privately owned water utilities,  
 700 multijurisdictional water supply entities, self-suppliers, and

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701 other affected and interested parties. The districts shall  
 702 actively engage in public education and outreach to all affected  
 703 local entities and their officials, as well as members of the  
 704 public, in the planning process and in seeking input. During  
 705 preparation, but prior to completion of the regional water  
 706 supply plan, the district must conduct at least one public  
 707 workshop to discuss the technical data and modeling tools  
 708 anticipated to be used to support the regional water supply  
 709 plan. The district shall also hold several public meetings to  
 710 communicate the status, overall conceptual intent, and impacts  
 711 of the plan on existing and future reasonable-beneficial uses  
 712 and related natural systems. During the planning process, a  
 713 local government may choose to prepare its own water supply  
 714 assessment to determine if existing water sources are adequate  
 715 to meet existing and projected reasonable-beneficial needs of  
 716 the local government while sustaining water resources and  
 717 related natural systems. The local government shall submit such  
 718 assessment, including the data and methodology used, to the  
 719 district. The district shall consider the local government's  
 720 assessment during the formation of the plan. A determination by  
 721 the governing board that initiation of a regional water supply  
 722 plan for a specific planning region is not needed pursuant to  
 723 this section shall be subject to s. 120.569. The governing board  
 724 shall reevaluate such a determination at least once every 5  
 725 years and shall initiate a regional water supply plan, if  
 726 needed, pursuant to this subsection.

727 (2) Each regional water supply plan shall be based on at  
 728 least a 20-year planning period and shall include, but need not

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729 be limited to:

730 (a) A water supply development component for each water  
 731 supply planning region identified by the district which  
 732 includes:

733 1. A quantification of the water supply needs for all  
 734 existing and future reasonable-beneficial uses within the  
 735 planning horizon. The level-of-certainty planning goal  
 736 associated with identifying the water supply needs of existing  
 737 and future reasonable-beneficial uses shall be based upon  
 738 meeting those needs for a 1-in-10-year drought event. Population  
 739 projections used for determining public water supply needs must  
 740 be based upon the best available data. In determining the best  
 741 available data, the district shall consider the University of  
 742 Florida's Bureau of Economic and Business Research (BEBR) medium  
 743 population projections and any population projection data and  
 744 analysis submitted by a local government pursuant to the public  
 745 workshop described in subsection (1) if the data and analysis  
 746 support the local government's comprehensive plan. Any  
 747 adjustment of or deviation from the BEBR projections must be  
 748 fully described, and the original BEBR data must be presented  
 749 along with the adjusted data.

750 2. A list of water supply development project options,  
 751 including traditional and alternative water supply project  
 752 options, from which local government, government-owned and  
 753 privately owned utilities, regional water supply authorities,  
 754 multijurisdictional water supply entities, self-suppliers, and  
 755 others may choose for water supply development. In addition to  
 756 projects listed by the district, such users may propose specific

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757 projects for inclusion in the list of alternative water supply  
 758 projects. If such users propose a project to be listed as an  
 759 alternative water supply project, the district shall determine  
 760 whether it meets the goals of the plan, and, if so, it shall be  
 761 included in the list. The total capacity of the projects  
 762 included in the plan shall exceed the needs identified in  
 763 subparagraph 1. and shall take into account water conservation  
 764 and other demand management measures, as well as water resources  
 765 constraints, including adopted minimum flows and levels and  
 766 water reservations. Where the district determines it is  
 767 appropriate, the plan should specifically identify the need for  
 768 multijurisdictional approaches to project options that, based on  
 769 planning level analysis, are appropriate to supply the intended  
 770 uses and that, based on such analysis, appear to be permissible  
 771 and financially and technically feasible. The list of water  
 772 supply development options must contain provisions that  
 773 recognize that alternative water supply options for agricultural  
 774 self-suppliers are limited.

775 3. For each project option identified in subparagraph 2.,  
 776 the following shall be provided:

777 a. An estimate of the amount of water to become available  
 778 through the project.

779 b. The timeframe in which the project option should be  
 780 implemented and the estimated planning-level costs for capital  
 781 investment and operating and maintaining the project.

782 c. An analysis of funding needs and sources of possible  
 783 funding options. For alternative water supply projects the water  
 784 management districts shall provide funding assistance in

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785 accordance with s. 373.707(8).

786 d. Identification of the entity that should implement each

787 project option and the current status of project implementation.

788 (b) A water resource development component that includes:

789 1. A listing of those water resource development projects

790 that support water supply development.

791 2. For each water resource development project listed:

792 a. An estimate of the amount of water to become available

793 through the project.

794 b. The timeframe in which the project option should be

795 implemented and the estimated planning-level costs for capital

796 investment and for operating and maintaining the project.

797 c. An analysis of funding needs and sources of possible

798 funding options.

799 d. Identification of the entity that should implement each

800 project option and the current status of project implementation.

801 (c) The recovery and prevention strategy described in s.

802 373.0421(2).

803 (d) A funding strategy for water resource development

804 projects, which shall be reasonable and sufficient to pay the

805 cost of constructing or implementing all of the listed projects.

806 (e) Consideration of how the project options addressed in

807 paragraph (a) serve the public interest or save costs overall by

808 preventing the loss of natural resources or avoiding greater

809 future expenditures for water resource development or water

810 supply development. However, unless adopted by rule, these

811 considerations do not constitute final agency action.

812 (f) The technical data and information applicable to each

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813 planning region which are necessary to support the regional  
 814 water supply plan.

815 (g) The minimum flows and levels established for water  
 816 resources within each planning region.

817 (h) Reservations of water adopted by rule pursuant to s.  
 818 373.223(4) within each planning region.

819 (i) Identification of surface waters or aquifers for which  
 820 minimum flows and levels are scheduled to be adopted.

821 (j) An analysis, developed in cooperation with the  
 822 department, of areas or instances in which the variance  
 823 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
 824 create water supply development or water resource development  
 825 projects.

826 (3) The water supply development component of a regional  
 827 water supply plan which deals with or affects public utilities  
 828 and public water supply for those areas served by a regional  
 829 water supply authority and its member governments within the  
 830 boundary of the Southwest Florida Water Management District  
 831 shall be developed jointly by the authority and the district. In  
 832 areas not served by regional water supply authorities, or other  
 833 multijurisdictional water supply entities, and where  
 834 opportunities exist to meet water supply needs more efficiently  
 835 through multijurisdictional projects identified pursuant to  
 836 paragraph (2)(a), water management districts are directed to  
 837 assist in developing multijurisdictional approaches to water  
 838 supply project development jointly with affected water  
 839 utilities, special districts, and local governments.

840 (4) The South Florida Water Management District shall

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841 include in its regional water supply plan water resource and  
 842 water supply development projects that promote the elimination  
 843 of wastewater ocean outfalls as provided in s. 403.086(9).

844 (5) Governing board approval of a regional water supply  
 845 plan shall not be subject to the rulemaking requirements of  
 846 chapter 120. However, any portion of an approved regional water  
 847 supply plan which affects the substantial interests of a party  
 848 shall be subject to s. 120.569.

849 (6) Annually and in conjunction with the reporting  
 850 requirements of s. 373.536(6)(a)4., the department shall submit  
 851 to the Governor and the Legislature a report on the status of  
 852 regional water supply planning in each district. The report  
 853 shall include:

854 (a) A compilation of the estimated costs of and potential  
 855 sources of funding for water resource development and water  
 856 supply development projects as identified in the water  
 857 management district regional water supply plans.

858 (b) The percentage and amount, by district, of district ad  
 859 valorem tax revenues or other district funds made available to  
 860 develop alternative water supplies.

861 (c) A description of each district's progress toward  
 862 achieving its water resource development objectives, including  
 863 the district's implementation of its 5-year water resource  
 864 development work program.

865 (d) An assessment of the specific progress being made to  
 866 implement each alternative water supply project option chosen by  
 867 the entities and identified for implementation in the plan.

868 (e) An overall assessment of the progress being made to

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869 develop water supply in each district, including, but not  
 870 limited to, an explanation of how each project, either  
 871 alternative or traditional, will produce, contribute to, or  
 872 account for additional water being made available for  
 873 consumptive uses, an estimate of the quantity of water to be  
 874 produced by each project, and an assessment of the contribution  
 875 of the district's regional water supply plan in providing  
 876 sufficient water to meet the needs of existing and future  
 877 reasonable-beneficial uses for a 1-in-10 year drought event, as  
 878 well as the needs of the natural systems.

879 (7) Nothing contained in the water supply development  
 880 component of a regional water supply plan shall be construed to  
 881 require local governments, government-owned or privately owned  
 882 water utilities, special districts, self-suppliers, regional  
 883 water supply authorities, multijurisdictional water supply  
 884 entities, or other water suppliers to select a water supply  
 885 development project identified in the component merely because  
 886 it is identified in the plan. Except as provided in s.  
 887 373.223(3) and (5), the plan may not be used in the review of  
 888 permits under part II of this chapter unless the plan or an  
 889 applicable portion thereof has been adopted by rule. However,  
 890 this subsection does not prohibit a water management district  
 891 from employing the data or other information used to establish  
 892 the plan in reviewing permits under part II, nor does it limit  
 893 the authority of the department or governing board under part  
 894 II.

895 (8) Where the water supply component of a water supply  
 896 planning region shows the need for one or more alternative water



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897 supply projects, the district shall notify the affected local  
 898 governments and make every reasonable effort to educate and  
 899 involve local public officials in working toward solutions in  
 900 conjunction with the districts and, where appropriate, other  
 901 local and regional water supply entities.

902 (a) Within 6 months following approval or amendment of its  
 903 regional water supply plan, each water management district shall  
 904 notify by certified mail each entity identified in sub-  
 905 subparagraph (2) (a)3.d. of that portion of the plan relevant to  
 906 the entity. Upon request of such an entity, the water management  
 907 district shall appear before and present its findings and  
 908 recommendations to the entity.

909 (b) Within 1 year after the notification by a water  
 910 management district pursuant to paragraph (a), each entity  
 911 identified in sub-subparagraph (2) (a)3.d. shall provide to the  
 912 water management district written notification of the following:  
 913 the alternative water supply projects or options identified in  
 914 paragraph (2) (a) which it has developed or intends to develop,  
 915 if any; an estimate of the quantity of water to be produced by  
 916 each project; and the status of project implementation,  
 917 including development of the financial plan, facilities master  
 918 planning, permitting, and efforts in coordinating  
 919 multijurisdictional projects, if applicable. The information  
 920 provided in the notification shall be updated annually, and a  
 921 progress report shall be provided by November 15 of each year to  
 922 the water management district. If an entity does not intend to  
 923 develop one or more of the alternative water supply project  
 924 options identified in the regional water supply plan, the entity

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925 shall propose, within 1 year after notification by a water  
 926 management district pursuant to paragraph (a), another  
 927 alternative water supply project option sufficient to address  
 928 the needs identified in paragraph (2) (a) within the entity's  
 929 jurisdiction and shall provide an estimate of the quantity of  
 930 water to be produced by the project and the status of project  
 931 implementation as described in this paragraph. The entity may  
 932 request that the water management district consider the other  
 933 project for inclusion in the regional water supply plan.

934 (9) For any regional water supply plan that is scheduled  
 935 to be updated before December 31, 2005, the deadline for such  
 936 update shall be extended by 1 year.

937 373.711 Technical assistance to local governments.--

938 (1) The water management districts shall assist local  
 939 governments in the development and future revision of local  
 940 government comprehensive plan elements or public facilities  
 941 report as required by s. 189.415, related to water resource  
 942 issues.

943 (2) By July 1, 1991, each water management district shall  
 944 prepare and provide information and data to assist local  
 945 governments in the preparation and implementation of their local  
 946 government comprehensive plans or public facilities report as  
 947 required by s. 189.415, whichever is applicable. Such  
 948 information and data shall include, but not be limited to:

949 (a) All information and data required in a public  
 950 facilities report pursuant to s. 189.415.

951 (b) A description of regulations, programs, and schedules  
 952 implemented by the district.

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953 (c) Identification of regulations, programs, and schedules  
 954 undertaken or proposed by the district to further the State  
 955 Comprehensive Plan.

956 (d) A description of surface water basins, including  
 957 regulatory jurisdictions, flood-prone areas, existing and  
 958 projected water quality in water management district operated  
 959 facilities, as well as surface water runoff characteristics and  
 960 topography regarding flood plains, wetlands, and recharge areas.

961 (e) A description of groundwater characteristics,  
 962 including existing and planned wellfield sites, existing and  
 963 anticipated cones of influence, highly productive groundwater  
 964 areas, aquifer recharge areas, deep well injection zones,  
 965 contaminated areas, an assessment of regional water resource  
 966 needs and sources for the next 20 years, and water quality.

967 (f) The identification of existing and potential water  
 968 management district land acquisitions.

969 (g) Information reflecting the minimum flows for surface  
 970 watercourses to avoid harm to water resources or the ecosystem  
 971 and information reflecting the minimum water levels for aquifers  
 972 to avoid harm to water resources or the ecosystem.

973 373.713 Regional water supply authorities.--

974 (1) By interlocal agreement between counties,  
 975 municipalities, or special districts, as applicable, pursuant to  
 976 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and  
 977 upon the approval of the Secretary of Environmental Protection  
 978 to ensure that such agreement will be in the public interest and  
 979 complies with the intent and purposes of this act, regional  
 980 water supply authorities may be created for the purpose of

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981 developing, recovering, storing, and supplying water for county  
 982 or municipal purposes in such a manner as will give priority to  
 983 reducing adverse environmental effects of excessive or improper  
 984 withdrawals of water from concentrated areas. In approving said  
 985 agreement the Secretary of Environmental Protection shall  
 986 consider, but not be limited to, the following:

987 (a) Whether the geographic territory of the proposed  
 988 authority is of sufficient size and character to reduce the  
 989 environmental effects of improper or excessive withdrawals of  
 990 water from concentrated areas.

991 (b) The maximization of economic development of the water  
 992 resources within the territory of the proposed authority.

993 (c) The availability of a dependable and adequate water  
 994 supply.

995 (d) The ability of any proposed authority to design,  
 996 construct, operate, and maintain water supply facilities in the  
 997 locations, and at the times necessary, to ensure that an  
 998 adequate water supply will be available to all citizens within  
 999 the authority.

1000 (e) The effect or impact of any proposed authority on any  
 1001 municipality, county, or existing authority or authorities.

1002 (f) The existing needs of the water users within the area  
 1003 of the authority.

1004 (2) In addition to other powers and duties agreed upon,  
 1005 and notwithstanding the provisions of s. 163.01, such authority  
 1006 may:

1007 (a) Upon approval of the electors residing in each county  
 1008 or municipality within the territory to be included in any

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1009 authority, levy ad valorem taxes, not to exceed 0.5 mill,  
 1010 pursuant to s. 9(b), Art. VII of the State Constitution. No tax  
 1011 authorized by this paragraph shall be levied in any county or  
 1012 municipality without an affirmative vote of the electors  
 1013 residing in such county or municipality.

1014 (b) Acquire water and water rights; develop, store, and  
 1015 transport water; provide, sell, and deliver water for county or  
 1016 municipal uses and purposes; and provide for the furnishing of  
 1017 such water and water service upon terms and conditions and at  
 1018 rates which will apportion to parties and nonparties an  
 1019 equitable share of the capital cost and operating expense of the  
 1020 authority's work to the purchaser.

1021 (c) Collect, treat, and recover wastewater.

1022 (d) Not engage in local distribution.

1023 (e) Exercise the power of eminent domain in the manner  
 1024 provided by law for the condemnation of private property for  
 1025 public use to acquire title to such interest in real property as  
 1026 is necessary to the exercise of the powers herein granted,  
 1027 except water and water rights already devoted to reasonable and  
 1028 beneficial use or any water production or transmission  
 1029 facilities owned by any county or municipality.

1030 (f) Issue revenue bonds in the manner prescribed by the  
 1031 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be  
 1032 payable solely from funds derived from the sale of water by the  
 1033 authority to any county or municipality. Such bonds may be  
 1034 additionally secured by the full faith and credit of any county  
 1035 or municipality, as provided by s. 159.16 or by a pledge of  
 1036 excise taxes, as provided by s. 159.19. For the purpose of

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1037 issuing revenue bonds, an authority shall be considered a "unit"  
 1038 as defined in s. 159.02(2) and as that term is used in the  
 1039 Revenue Bond Act of 1953, as amended. Such bonds may be issued  
 1040 to finance the cost of acquiring properties and facilities for  
 1041 the production and transmission of water by the authority to any  
 1042 county or municipality, which cost shall include the acquisition  
 1043 of real property and easements therein for such purposes. Such  
 1044 bonds may be in the form of refunding bonds to take up any  
 1045 outstanding bonds of the authority or of any county or  
 1046 municipality where such outstanding bonds are secured by  
 1047 properties and facilities for production and transmission of  
 1048 water, which properties and facilities are being acquired by the  
 1049 authority. Refunding bonds may be issued to take up and refund  
 1050 all outstanding bonds of said authority that are subject to call  
 1051 and termination, and all bonds of said authority that are not  
 1052 subject to call or redemption, when the surrender of said bonds  
 1053 can be procured from the holder thereof at prices satisfactory  
 1054 to the authority. Such refunding bonds may be issued at any time  
 1055 when, in the judgment of the authority, it will be to the best  
 1056 interest of the authority financially or economically by  
 1057 securing a lower rate of interest on said bonds or by extending  
 1058 the time of maturity of said bonds or, for any other reason, in  
 1059 the judgment of the authority, advantageous to said authority.  
 1060 (g) Sue and be sued in its own name.  
 1061 (h) Borrow money and incur indebtedness and issue bonds or  
 1062 other evidence of such indebtedness.  
 1063 (i) Join with one or more other public corporations for  
 1064 the purpose of carrying out any of its powers and for that

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1065 purpose to contract with such other public corporation or  
 1066 corporations for the purpose of financing such acquisitions,  
 1067 construction, and operations. Such contracts may provide for  
 1068 contributions to be made by each party thereto, for the division  
 1069 and apportionment of the expenses of such acquisitions and  
 1070 operations, and for the division and apportionment of the  
 1071 benefits, services, and products therefrom. Such contract may  
 1072 contain such other and further covenants and agreements as may  
 1073 be necessary and convenient to accomplish the purposes hereof.

1074 (3) A regional water supply authority is authorized to  
 1075 develop, construct, operate, maintain, or contract for  
 1076 alternative sources of potable water, including desalinated  
 1077 water, and pipelines to interconnect authority sources and  
 1078 facilities, either by itself or jointly with a water management  
 1079 district; however, such alternative potable water sources,  
 1080 facilities, and pipelines may also be privately developed,  
 1081 constructed, owned, operated, and maintained, in which event an  
 1082 authority and a water management district are authorized to  
 1083 pledge and contribute their funds to reduce the wholesale cost  
 1084 of water from such alternative sources of potable water supplied  
 1085 by an authority to its member governments.

1086 (4) When it is found to be in the public interest, for the  
 1087 public convenience and welfare, for a public benefit, and  
 1088 necessary for carrying out the purpose of any regional water  
 1089 supply authority, any state agency, county, water control  
 1090 district existing pursuant to chapter 298, water management  
 1091 district existing pursuant to this chapter, municipality,  
 1092 governmental agency, or public corporation in this state holding

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1093 title to any interest in land is hereby authorized, in its  
 1094 discretion, to convey the title to or dedicate land, title to  
 1095 which is in such entity, including tax-reverted land, or to  
 1096 grant use-rights therein, to any regional water supply authority  
 1097 created pursuant to this section. Land granted or conveyed to  
 1098 such authority shall be for the public purposes of such  
 1099 authority and may be made subject to the condition that in the  
 1100 event said land is not so used, or if used and subsequently its  
 1101 use for said purpose is abandoned, the interest granted shall  
 1102 cease as to such authority and shall automatically revert to the  
 1103 granting entity.

1104 (5) Each county, special district, or municipality that is  
 1105 a party to an agreement pursuant to subsection (1) shall have a  
 1106 preferential right to purchase water from the regional water  
 1107 supply authority for use by such county, special district, or  
 1108 municipality.

1109 (6) In carrying out the provisions of this section, any  
 1110 county wherein water is withdrawn by the authority shall not be  
 1111 deprived, directly or indirectly, of the prior right to the  
 1112 reasonable and beneficial use of water which is required  
 1113 adequately to supply the reasonable and beneficial needs of the  
 1114 county or any of the inhabitants or property owners therein.

1115 (7) Upon a resolution adopted by the governing body of any  
 1116 county or municipality, the authority may, subject to a majority  
 1117 vote of its voting members, include such county or municipality  
 1118 in its regional water supply authority upon such terms and  
 1119 conditions as may be prescribed.

1120 (8) The authority shall design, construct, operate, and



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1121 maintain facilities in the locations and at the times necessary  
 1122 to ensure that an adequate water supply will be available to all  
 1123 citizens within the authority.

1124 (9) Where a water supply authority exists pursuant to this  
 1125 section or s. 373.715 under a voluntary interlocal agreement  
 1126 that is consistent with requirements in s. 373.715(1)(b) and  
 1127 receives or maintains consumptive use permits under this  
 1128 voluntary agreement consistent with the water supply plan, if  
 1129 any, adopted by the governing board, such authority shall be  
 1130 exempt from consideration by the governing board or department  
 1131 of the factors specified in s. 373.223(3)(a)-(g) and the  
 1132 submissions required by s. 373.229(3). Such exemptions shall  
 1133 apply only to water sources within the jurisdictional areas of  
 1134 such voluntary water supply interlocal agreements.

1135 373.715 Assistance to West Coast Regional Water Supply  
 1136 Authority.---

1137 (1) It is the intent of the Legislature to authorize the  
 1138 implementation of changes in governance recommended by the West  
 1139 Coast Regional Water Supply Authority in its reports to the  
 1140 Legislature dated February 1, 1997, and January 5, 1998. The  
 1141 authority and its member governments may reconstitute the  
 1142 authority's governance and rename the authority under a  
 1143 voluntary interlocal agreement with a term of not less than 20  
 1144 years. The interlocal agreement must comply with this subsection  
 1145 as follows:

1146 (a) The authority and its member governments agree that  
 1147 cooperative efforts are mandatory to meet their water needs in a  
 1148 manner that will provide adequate and dependable supplies of

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1149 | water where needed without resulting in adverse environmental  
 1150 | effects upon the areas from which the water is withdrawn or  
 1151 | otherwise produced.

1152 | (b) In accordance with s. 4, Art. VIII of the State  
 1153 | Constitution and notwithstanding s. 163.01, the interlocal  
 1154 | agreement may include the following terms, which are considered  
 1155 | approved by the parties without a vote of their electors, upon  
 1156 | execution of the interlocal agreement by all member governments  
 1157 | and upon satisfaction of all conditions precedent in the  
 1158 | interlocal agreement:

1159 | 1. All member governments shall relinquish to the  
 1160 | authority their individual rights to develop potable water  
 1161 | supply sources, except as otherwise provided in the interlocal  
 1162 | agreement;

1163 | 2. The authority shall be the sole and exclusive wholesale  
 1164 | potable water supplier for all member governments; and

1165 | 3. The authority shall have the absolute and unequivocal  
 1166 | obligation to meet the wholesale needs of the member governments  
 1167 | for potable water.

1168 | 4. A member government may not restrict or prohibit the  
 1169 | use of land within a member's jurisdictional boundaries by the  
 1170 | authority for water supply purposes through use of zoning, land  
 1171 | use, comprehensive planning, or other form of regulation.

1172 | 5. A member government may not impose any tax, fee, or  
 1173 | charge upon the authority in conjunction with the production or  
 1174 | supply of water not otherwise provided for in the interlocal  
 1175 | agreement.

1176 | 6. The authority may use the powers provided in part II of

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1177 chapter 159 for financing and refinancing water treatment,  
 1178 production, or transmission facilities, including, but not  
 1179 limited to, desalinization facilities. All such water treatment,  
 1180 production, or transmission facilities are considered a  
 1181 "manufacturing plant" for purposes of s. 159.27(5) and serve a  
 1182 paramount public purpose by providing water to citizens of the  
 1183 state.

1184 7. A member government and any governmental or quasi-  
 1185 judicial board or commission established by local ordinance or  
 1186 general or special law where the governing membership of such  
 1187 board or commission is shared, in whole or in part, or appointed  
 1188 by a member government agreeing to be bound by the interlocal  
 1189 agreement shall be limited to the procedures set forth therein  
 1190 regarding actions that directly or indirectly restrict or  
 1191 prohibit the use of lands or other activities related to the  
 1192 production or supply of water.

1193 (c) The authority shall acquire full or lesser interests  
 1194 in all regionally significant member government wholesale water  
 1195 supply facilities and tangible assets and each member government  
 1196 shall convey such interests in the facilities and assets to the  
 1197 authority, at an agreed value.

1198 (d) The authority shall charge a uniform per gallon  
 1199 wholesale rate to member governments for the wholesale supply of  
 1200 potable water. All capital, operation, maintenance, and  
 1201 administrative costs for existing facilities and acquired  
 1202 facilities, authority master water plan facilities, and other  
 1203 future projects must be allocated to member governments based on  
 1204 water usage at the uniform per gallon wholesale rate.

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1205 (e) The interlocal agreement may include procedures for  
 1206 resolving the parties' differences regarding water management  
 1207 district proposed agency action in the water use permitting  
 1208 process within the authority. Such procedures should minimize  
 1209 the potential for litigation and include alternative dispute  
 1210 resolution. Any governmental or quasi-judicial board or  
 1211 commission established by local ordinance or general or special  
 1212 law where the governing members of such board or commission is  
 1213 shared, in whole or in part, or appointed by a member  
 1214 government, may agree to be bound by the dispute resolution  
 1215 procedures set forth in the interlocal agreement.

1216 (f) Upon execution of the voluntary interlocal agreement  
 1217 provided for herein, the authority shall jointly develop with  
 1218 the Southwest Florida Water Management District alternative  
 1219 sources of potable water and transmission pipelines to  
 1220 interconnect regionally significant water supply sources and  
 1221 facilities of the authority in amounts sufficient to meet the  
 1222 needs of all member governments for a period of at least 20  
 1223 years and for natural systems. Nothing herein, however, shall  
 1224 preclude the authority and its member governments from  
 1225 developing traditional water sources pursuant to the voluntary  
 1226 interlocal agreement. Development and construction costs for  
 1227 alternative source facilities, which may include a desalination  
 1228 facility and significant regional interconnects, must be borne  
 1229 as mutually agreed to by both the authority and the Southwest  
 1230 Florida Water Management District. Nothing herein shall preclude  
 1231 authority or district cost sharing with private entities for the  
 1232 construction or ownership of alternative source facilities. By

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1233 December 31, 1997, the authority and the Southwest Florida Water  
 1234 Management District shall enter into a mutually acceptable  
 1235 agreement detailing the development and implementation of  
 1236 directives contained in this paragraph. Nothing in this section  
 1237 shall be construed to modify the rights or responsibilities of  
 1238 the authority or its member governments, except as otherwise  
 1239 provided herein, or of the Southwest Florida Water Management  
 1240 District or the department pursuant to this chapter or chapter  
 1241 403 and as otherwise set forth by statutes.

1242 (g) Unless otherwise provided in the interlocal agreement,  
 1243 the authority shall be governed by a board of commissioners  
 1244 consisting of nine voting members, all of whom must be elected  
 1245 officers, as follows:

1246 1. Three members from Hillsborough County who must be  
 1247 selected by the county commission; provided, however, that one  
 1248 member shall be selected by the Mayor of Tampa in the event that  
 1249 the City of Tampa elects to be a member of the authority;

1250 2. Three members from Pasco County, two of whom must be  
 1251 selected by the county commission and one of whom must be  
 1252 selected by the City Council of New Port Richey;

1253 3. Three members from Pinellas County, two of whom must be  
 1254 selected by the county commission and one of whom must be  
 1255 selected by the City Council of St. Petersburg.

1256  
 1257 Except as otherwise provided in this section or in the voluntary  
 1258 interlocal agreement between the member governments, a majority  
 1259 vote shall bind the authority and its member governments in all  
 1260 matters relating to the funding of wholesale water supply,

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1261 production, delivery, and related activities.  
 1262 (2) The provisions of this section supersede any  
 1263 conflicting provisions contained in all other general or special  
 1264 laws or provisions thereof as they may apply directly or  
 1265 indirectly to the exclusivity of water supply or withdrawal of  
 1266 water, including provisions relating to the environmental  
 1267 effects, if any, in conjunction with the production and supply  
 1268 of potable water, and the provisions of this section are  
 1269 intended to be a complete revision of all laws related to a  
 1270 regional water supply authority created under s. 373.713 and  
 1271 this section.  
 1272 (3) In lieu of the provisions in s. 373.713(2) (a), the  
 1273 Southwest Florida Water Management District shall assist the  
 1274 West Coast Regional Water Supply Authority for a period of 5  
 1275 years, terminating December 31, 1981, by levying an ad valorem  
 1276 tax, upon request of the authority, of not more than 0.05 mill  
 1277 on all taxable property within the limits of the authority.  
 1278 During such period the corresponding basin board ad valorem tax  
 1279 levies shall be reduced accordingly.  
 1280 (4) The authority shall prepare its annual budget in the  
 1281 same manner as prescribed for the preparation of basin budgets,  
 1282 but such authority budget shall not be subject to review by the  
 1283 respective basin boards or by the governing board of the  
 1284 district.  
 1285 (5) The annual millage for the authority shall be the  
 1286 amount required to raise the amount called for by the annual  
 1287 budget when applied to the total assessment on all taxable  
 1288 property within the limits of the authority, as determined for

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1289 county taxing purposes.  
 1290 (6) The authority may, by resolution, request the  
 1291 governing board of the district to levy ad valorem taxes within  
 1292 the boundaries of the authority. Upon receipt of such request,  
 1293 together with formal certification of the adoption of its annual  
 1294 budget and of the required tax levy, the authority tax levy  
 1295 shall be made by the governing board of the district to finance  
 1296 authority functions.

1297 (7) The taxes provided for in this section shall be  
 1298 extended by the property appraiser on the county tax roll in  
 1299 each county within, or partly within, the authority boundaries  
 1300 and shall be collected by the tax collector in the same manner  
 1301 and time as county taxes, and the proceeds therefrom paid to the  
 1302 district which shall forthwith pay them over to the authority.  
 1303 Until paid, such taxes shall be a lien on the property against  
 1304 which assessed and enforceable in like manner as county taxes.  
 1305 The property appraisers, tax collectors, and clerks of the  
 1306 circuit court of the respective counties shall be entitled to  
 1307 compensation for services performed in connection with such  
 1308 taxes at the same rates as apply to county taxes.

1309 (8) The governing board of the district shall not be  
 1310 responsible for any actions or lack of actions by the authority.

1311 Section 2. Subsection (10) is added to section 373.026,  
 1312 Florida Statutes, to read:

1313 373.026 General powers and duties of the department.--The  
 1314 department, or its successor agency, shall be responsible for  
 1315 the administration of this chapter at the state level. However,  
 1316 it is the policy of the state that, to the greatest extent

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1317 possible, the department may enter into interagency or  
 1318 interlocal agreements with any other state agency, any water  
 1319 management district, or any local government conducting programs  
 1320 related to or materially affecting the water resources of the  
 1321 state. All such agreements shall be subject to the provisions of  
 1322 s. 373.046. In addition to its other powers and duties, the  
 1323 department shall, to the greatest extent possible:

1324 (10) In carrying out the provisions of this chapter,  
 1325 neither the department nor a water management district shall  
 1326 deprive, directly or indirectly, any county wherein water is  
 1327 withdrawn of the prior right to the reasonable and beneficial  
 1328 use of water which is required to supply adequately the  
 1329 reasonable and beneficial needs of the county or any of the  
 1330 inhabitants or property owners therein.

1331 Section 3. Subsection (13) of section 120.52, Florida  
 1332 Statutes, is amended to read:

1333 120.52 Definitions.--As used in this act:

1334 (13) "Party" means:

1335 (a) Specifically named persons whose substantial interests  
 1336 are being determined in the proceeding.

1337 (b) Any other person who, as a matter of constitutional  
 1338 right, provision of statute, or provision of agency regulation,  
 1339 is entitled to participate in whole or in part in the  
 1340 proceeding, or whose substantial interests will be affected by  
 1341 proposed agency action, and who makes an appearance as a party.

1342 (c) Any other person, including an agency staff member,  
 1343 allowed by the agency to intervene or participate in the  
 1344 proceeding as a party. An agency may by rule authorize limited



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1345 forms of participation in agency proceedings for persons who are  
 1346 not eligible to become parties.

1347 (d) Any county representative, agency, department, or unit  
 1348 funded and authorized by state statute or county ordinance to  
 1349 represent the interests of the consumers of a county, when the  
 1350 proceeding involves the substantial interests of a significant  
 1351 number of residents of the county and the board of county  
 1352 commissioners has, by resolution, authorized the representative,  
 1353 agency, department, or unit to represent the class of interested  
 1354 persons. The authorizing resolution shall apply to a specific  
 1355 proceeding and to appeals and ancillary proceedings thereto, and  
 1356 it shall not be required to state the names of the persons whose  
 1357 interests are to be represented.

1358  
 1359 The term "party" does not include a member government of a  
 1360 regional water supply authority or a governmental or quasi-  
 1361 judicial board or commission established by local ordinance or  
 1362 special or general law where the governing membership of such  
 1363 board or commission is shared with, in whole or in part, or  
 1364 appointed by a member government of a regional water supply  
 1365 authority in proceedings under s. 120.569, s. 120.57, or s.  
 1366 120.68, to the extent that an interlocal agreement under ss.  
 1367 163.01 and 373.713 ~~373.1962~~ exists in which the member  
 1368 government has agreed that its substantial interests are not  
 1369 affected by the proceedings or that it is to be bound by  
 1370 alternative dispute resolution in lieu of participating in the  
 1371 proceedings. This exclusion applies only to those particular  
 1372 types of disputes or controversies, if any, identified in an

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1373 interlocal agreement.

1374 Section 4. Subsection (13) of section 163.3167, Florida  
 1375 Statutes, is amended to read:

1376 163.3167 Scope of act.--

1377 (13) Each local government shall address in its  
 1378 comprehensive plan, as enumerated in this chapter, the water  
 1379 supply sources necessary to meet and achieve the existing and  
 1380 projected water use demand for the established planning period,  
 1381 considering the applicable plan developed pursuant to s. 373.709  
 1382 ~~373.0361~~.

1383 Section 5. Paragraph (a) of subsection (4) and paragraphs  
 1384 (c), (d), and (h) of subsection (6) of section 163.3177, Florida  
 1385 Statutes, are amended to read:

1386 163.3177 Required and optional elements of comprehensive  
 1387 plan; studies and surveys.--

1388 (4) (a) Coordination of the local comprehensive plan with  
 1389 the comprehensive plans of adjacent municipalities, the county,  
 1390 adjacent counties, or the region; with the appropriate water  
 1391 management district's regional water supply plans approved  
 1392 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining  
 1393 to designated areas of critical state concern; and with the  
 1394 state comprehensive plan shall be a major objective of the local  
 1395 comprehensive planning process. To that end, in the preparation  
 1396 of a comprehensive plan or element thereof, and in the  
 1397 comprehensive plan or element as adopted, the governing body  
 1398 shall include a specific policy statement indicating the  
 1399 relationship of the proposed development of the area to the  
 1400 comprehensive plans of adjacent municipalities, the county,

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1401 adjacent counties, or the region and to the state comprehensive  
 1402 plan, as the case may require and as such adopted plans or plans  
 1403 in preparation may exist.

1404 (6) In addition to the requirements of subsections (1)-(5)  
 1405 and (12), the comprehensive plan shall include the following  
 1406 elements:

1407 (c) A general sanitary sewer, solid waste, drainage,  
 1408 potable water, and natural groundwater aquifer recharge element  
 1409 correlated to principles and guidelines for future land use,  
 1410 indicating ways to provide for future potable water, drainage,  
 1411 sanitary sewer, solid waste, and aquifer recharge protection  
 1412 requirements for the area. The element may be a detailed  
 1413 engineering plan including a topographic map depicting areas of  
 1414 prime groundwater recharge. The element shall describe the  
 1415 problems and needs and the general facilities that will be  
 1416 required for solution of the problems and needs. The element  
 1417 shall also include a topographic map depicting any areas adopted  
 1418 by a regional water management district as prime groundwater  
 1419 recharge areas for the Floridan or Biscayne aquifers, pursuant  
 1420 to s. 373.0397. These areas shall be given special consideration  
 1421 when the local government is engaged in zoning or considering  
 1422 future land use for said designated areas. For areas served by  
 1423 septic tanks, soil surveys shall be provided which indicate the  
 1424 suitability of soils for septic tanks. Within 18 months after  
 1425 the governing board approves an updated regional water supply  
 1426 plan, the element must incorporate the alternative water supply  
 1427 project or projects selected by the local government from those  
 1428 identified in the regional water supply plan pursuant to s.

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1429 373.709(2)(a) ~~373.0361(2)(a)~~ or proposed by the local government  
 1430 under s. 373.709(7)(b) ~~373.0361(7)(b)~~. If a local government is  
 1431 located within two water management districts, the local  
 1432 government shall adopt its comprehensive plan amendment within  
 1433 18 months after the later updated regional water supply plan.  
 1434 The element must identify such alternative water supply projects  
 1435 and traditional water supply projects and conservation and reuse  
 1436 necessary to meet the water needs identified in s. 373.709(2)(a)  
 1437 ~~373.0361(2)(a)~~ within the local government's jurisdiction and  
 1438 include a work plan, covering at least a 10 year planning  
 1439 period, for building public, private, and regional water supply  
 1440 facilities, including development of alternative water supplies,  
 1441 which are identified in the element as necessary to serve  
 1442 existing and new development. The work plan shall be updated, at  
 1443 a minimum, every 5 years within 18 months after the governing  
 1444 board of a water management district approves an updated  
 1445 regional water supply plan. Amendments to incorporate the work  
 1446 plan do not count toward the limitation on the frequency of  
 1447 adoption of amendments to the comprehensive plan. Local  
 1448 governments, public and private utilities, regional water supply  
 1449 authorities, special districts, and water management districts  
 1450 are encouraged to cooperatively plan for the development of  
 1451 multijurisdictional water supply facilities that are sufficient  
 1452 to meet projected demands for established planning periods,  
 1453 including the development of alternative water sources to  
 1454 supplement traditional sources of groundwater and surface water  
 1455 supplies.  
 1456 (d) A conservation element for the conservation, use, and

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1457 protection of natural resources in the area, including air,  
 1458 water, water recharge areas, wetlands, waterwells, estuarine  
 1459 marshes, soils, beaches, shores, flood plains, rivers, bays,  
 1460 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
 1461 minerals, and other natural and environmental resources,  
 1462 including factors that affect energy conservation. Local  
 1463 governments shall assess their current, as well as projected,  
 1464 water needs and sources for at least a 10-year period,  
 1465 considering the appropriate regional water supply plan approved  
 1466 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an  
 1467 approved regional water supply plan, the district water  
 1468 management plan approved pursuant to s. 373.036(2). This  
 1469 information shall be submitted to the appropriate agencies. The  
 1470 land use map or map series contained in the future land use  
 1471 element shall generally identify and depict the following:

- 1472 1. Existing and planned waterwells and cones of influence
- 1473 where applicable.
- 1474 2. Beaches and shores, including estuarine systems.
- 1475 3. Rivers, bays, lakes, flood plains, and harbors.
- 1476 4. Wetlands.
- 1477 5. Minerals and soils.
- 1478 6. Energy conservation.

1479  
 1480 The land uses identified on such maps shall be consistent with  
 1481 applicable state law and rules.

1482 (h)1. An intergovernmental coordination element showing  
 1483 relationships and stating principles and guidelines to be used  
 1484 in the accomplishment of coordination of the adopted

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1485 comprehensive plan with the plans of school boards, regional  
 1486 water supply authorities, and other units of local government  
 1487 providing services but not having regulatory authority over the  
 1488 use of land, with the comprehensive plans of adjacent  
 1489 municipalities, the county, adjacent counties, or the region,  
 1490 with the state comprehensive plan and with the applicable  
 1491 regional water supply plan approved pursuant to s. 373.709  
 1492 ~~373.0361~~, as the case may require and as such adopted plans or  
 1493 plans in preparation may exist. This element of the local  
 1494 comprehensive plan shall demonstrate consideration of the  
 1495 particular effects of the local plan, when adopted, upon the  
 1496 development of adjacent municipalities, the county, adjacent  
 1497 counties, or the region, or upon the state comprehensive plan,  
 1498 as the case may require.

1499 a. The intergovernmental coordination element shall  
 1500 provide for procedures to identify and implement joint planning  
 1501 areas, especially for the purpose of annexation, municipal  
 1502 incorporation, and joint infrastructure service areas.

1503 b. The intergovernmental coordination element shall  
 1504 provide for recognition of campus master plans prepared pursuant  
 1505 to s. 1013.30.

1506 c. The intergovernmental coordination element may provide  
 1507 for a voluntary dispute resolution process as established  
 1508 pursuant to s. 186.509 for bringing to closure in a timely  
 1509 manner intergovernmental disputes. A local government may  
 1510 develop and use an alternative local dispute resolution process  
 1511 for this purpose.

1512 2. The intergovernmental coordination element shall

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1513 further state principles and guidelines to be used in the  
 1514 accomplishment of coordination of the adopted comprehensive plan  
 1515 with the plans of school boards and other units of local  
 1516 government providing facilities and services but not having  
 1517 regulatory authority over the use of land. In addition, the  
 1518 intergovernmental coordination element shall describe joint  
 1519 processes for collaborative planning and decisionmaking on  
 1520 population projections and public school siting, the location  
 1521 and extension of public facilities subject to concurrency, and  
 1522 siting facilities with countywide significance, including  
 1523 locally unwanted land uses whose nature and identity are  
 1524 established in an agreement. Within 1 year of adopting their  
 1525 intergovernmental coordination elements, each county, all the  
 1526 municipalities within that county, the district school board,  
 1527 and any unit of local government service providers in that  
 1528 county shall establish by interlocal or other formal agreement  
 1529 executed by all affected entities, the joint processes described  
 1530 in this subparagraph consistent with their adopted  
 1531 intergovernmental coordination elements.

1532 3. To foster coordination between special districts and  
 1533 local general-purpose governments as local general-purpose  
 1534 governments implement local comprehensive plans, each  
 1535 independent special district must submit a public facilities  
 1536 report to the appropriate local government as required by s.  
 1537 189.415.

1538 4.a. Local governments must execute an interlocal  
 1539 agreement with the district school board, the county, and  
 1540 nonexempt municipalities pursuant to s. 163.31777. The local

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1541 government shall amend the intergovernmental coordination  
 1542 element to provide that coordination between the local  
 1543 government and school board is pursuant to the agreement and  
 1544 shall state the obligations of the local government under the  
 1545 agreement.

1546 b. Plan amendments that comply with this subparagraph are  
 1547 exempt from the provisions of s. 163.3187(1).

1548 5. The state land planning agency shall establish a  
 1549 schedule for phased completion and transmittal of plan  
 1550 amendments to implement subparagraphs 1., 2., and 3. from all  
 1551 jurisdictions so as to accomplish their adoption by December 31,  
 1552 1999. A local government may complete and transmit its plan  
 1553 amendments to carry out these provisions prior to the scheduled  
 1554 date established by the state land planning agency. The plan  
 1555 amendments are exempt from the provisions of s. 163.3187(1).

1556 6. By January 1, 2004, any county having a population  
 1557 greater than 100,000, and the municipalities and special  
 1558 districts within that county, shall submit a report to the  
 1559 Department of Community Affairs which:

1560 a. Identifies all existing or proposed interlocal service  
 1561 delivery agreements regarding the following: education; sanitary  
 1562 sewer; public safety; solid waste; drainage; potable water;  
 1563 parks and recreation; and transportation facilities.

1564 b. Identifies any deficits or duplication in the provision  
 1565 of services within its jurisdiction, whether capital or  
 1566 operational. Upon request, the Department of Community Affairs  
 1567 shall provide technical assistance to the local governments in  
 1568 identifying deficits or duplication.



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1569 7. Within 6 months after submission of the report, the  
 1570 Department of Community Affairs shall, through the appropriate  
 1571 regional planning council, coordinate a meeting of all local  
 1572 governments within the regional planning area to discuss the  
 1573 reports and potential strategies to remedy any identified  
 1574 deficiencies or duplications.

1575 8. Each local government shall update its  
 1576 intergovernmental coordination element based upon the findings  
 1577 in the report submitted pursuant to subparagraph 6. The report  
 1578 may be used as supporting data and analysis for the  
 1579 intergovernmental coordination element.

1580 Section 6. Paragraph (1) of subsection (2) of section  
 1581 163.3191, Florida Statutes, is amended to read:

1582 163.3191 Evaluation and appraisal of comprehensive plan.--

1583 (2) The report shall present an evaluation and assessment  
 1584 of the comprehensive plan and shall contain appropriate  
 1585 statements to update the comprehensive plan, including, but not  
 1586 limited to, words, maps, illustrations, or other media, related  
 1587 to:

1588 (1) The extent to which the local government has been  
 1589 successful in identifying alternative water supply projects and  
 1590 traditional water supply projects, including conservation and  
 1591 reuse, necessary to meet the water needs identified in s.  
 1592 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's  
 1593 jurisdiction. The report must evaluate the degree to which the  
 1594 local government has implemented the work plan for building  
 1595 public, private, and regional water supply facilities, including  
 1596 development of alternative water supplies, identified in the

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1597 element as necessary to serve existing and new development.  
 1598 Section 7. Paragraphs (c) and (d) of subsection (4) of  
 1599 section 189.404, Florida Statutes, are amended to read:  
 1600 189.404 Legislative intent for the creation of independent  
 1601 special districts; special act prohibitions; model elements and  
 1602 other requirements; general-purpose local government/Governor  
 1603 and Cabinet creation authorizations.--  
 1604 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
 1605 AUTHORIZATIONS.--Except as otherwise authorized by general law,  
 1606 only the Legislature may create independent special districts.  
 1607 (c) The Governor and Cabinet may create an independent  
 1608 special district which shall be established by rule in  
 1609 accordance with s. 190.005 or as otherwise authorized in general  
 1610 law. The Governor and Cabinet may also approve the establishment  
 1611 of a charter for the creation of an independent special district  
 1612 which shall be in accordance with s. 373.713 ~~373.1962~~, or as  
 1613 otherwise authorized in general law.  
 1614 (d)1. Any combination of two or more counties may create a  
 1615 regional special district which shall be established in  
 1616 accordance with s. 950.001, or as otherwise authorized in  
 1617 general law.  
 1618 2. Any combination of two or more counties or  
 1619 municipalities may create a regional special district which  
 1620 shall be established in accordance with s. 373.713 ~~373.1962~~, or  
 1621 as otherwise authorized by general law.  
 1622 3. Any combination of two or more counties,  
 1623 municipalities, or other political subdivisions may create a  
 1624 regional special district in accordance with s. 163.567, or as

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1625 otherwise authorized in general law.

1626 Section 8. Subsection (3) of section 189.4155, Florida  
 1627 Statutes, is amended to read:

1628 189.4155 Activities of special districts; local government  
 1629 comprehensive planning.--

1630 (3) The provisions of this section shall not apply to  
 1631 water management districts created pursuant to s. 373.069, to  
 1632 regional water supply authorities created pursuant to s. 373.713  
 1633 ~~373.1962~~, or to spoil disposal sites owned or used by the  
 1634 Federal Government.

1635 Section 9. Section 189.4156, Florida Statutes, is amended  
 1636 to read:

1637 189.4156 Water management district technical assistance;  
 1638 local government comprehensive planning.--Water management  
 1639 districts shall assist local governments in the development of  
 1640 local government comprehensive plan elements related to water  
 1641 resource issues as required by s. 373.711 ~~373.0391~~.

1642 Section 10. Subsection (7) of section 367.021, Florida  
 1643 Statutes, is amended to read:

1644 367.021 Definitions.--As used in this chapter, the  
 1645 following words or terms shall have the meanings indicated:

1646 (7) "Governmental authority" means a political  
 1647 subdivision, as defined by s. 1.01(8), a regional water supply  
 1648 authority created pursuant to s. 373.713 ~~373.1962~~, or a  
 1649 nonprofit corporation formed for the purpose of acting on behalf  
 1650 of a political subdivision with respect to a water or wastewater  
 1651 facility.

1652 Section 11. Subsection (17) of section 373.019, Florida

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1653 Statutes, is amended to read:  
 1654 373.019 Definitions.--When appearing in this chapter or in  
 1655 any rule, regulation, or order adopted pursuant thereto, the  
 1656 term:

1657 (17) "Regional water supply plan" means a detailed water  
 1658 supply plan developed by a governing board under s. 373.709  
 1659 ~~373.0361~~.

1660 Section 12. Subsection (2) of section 373.0421, Florida  
 1661 Statutes, is amended to read:

1662 373.0421 Establishment and implementation of minimum flows  
 1663 and levels.--

1664 (2) If the existing flow or level in a water body is  
 1665 below, or is projected to fall within 20 years below, the  
 1666 applicable minimum flow or level established pursuant to s.  
 1667 373.042, the department or governing board, as part of the  
 1668 regional water supply plan described in s. 373.709 ~~373.0361~~,  
 1669 shall expeditiously implement a recovery or prevention strategy,  
 1670 which includes the development of additional water supplies and  
 1671 other actions, consistent with the authority granted by this  
 1672 chapter, to:

1673 (a) Achieve recovery to the established minimum flow or  
 1674 level as soon as practicable; or

1675 (b) Prevent the existing flow or level from falling below  
 1676 the established minimum flow or level.

1677  
 1678 The recovery or prevention strategy shall include phasing or a  
 1679 timetable which will allow for the provision of sufficient water  
 1680 supplies for all existing and projected reasonable-beneficial

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1681 uses, including development of additional water supplies and  
 1682 implementation of conservation and other efficiency measures  
 1683 concurrent with, to the extent practical, and to offset,  
 1684 reductions in permitted withdrawals, consistent with the  
 1685 provisions of this chapter.

1686 Section 13. Subsection (4) of section 373.0695, Florida  
 1687 Statutes, is amended to read:

1688 373.0695 Duties of basin boards; authorized  
 1689 expenditures.--

1690 (4) In the exercise of the duties and powers granted  
 1691 herein, the basin boards shall be subject to all the limitations  
 1692 and restrictions imposed on the water management districts in s.  
 1693 373.703 ~~373.1961~~.

1694 Section 14. Subsections (3) and (5) of section 373.223,  
 1695 Florida Statutes, are amended to read:

1696 373.223 Conditions for a permit.--

1697 (3) Except for the transport and use of water supplied by  
 1698 the Central and Southern Florida Flood Control Project, and  
 1699 anywhere in the state when the transport and use of water is  
 1700 supplied exclusively for bottled water as defined in s.

1701 500.03(1)(d), any water use permit applications pending as of  
 1702 April 1, 1998, with the Northwest Florida Water Management  
 1703 District and self-suppliers of water for which the proposed  
 1704 water source and area of use or application are located on  
 1705 contiguous private properties, when evaluating whether a  
 1706 potential transport and use of ground or surface water across  
 1707 county boundaries is consistent with the public interest,  
 1708 pursuant to paragraph (1)(c), the governing board or department

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1709 shall consider:

1710       (a) The proximity of the proposed water source to the area

1711 of use or application.

1712       (b) All impoundments, streams, groundwater sources, or

1713 watercourses that are geographically closer to the area of use

1714 or application than the proposed source, and that are

1715 technically and economically feasible for the proposed transport

1716 and use.

1717       (c) All economically and technically feasible alternatives

1718 to the proposed source, including, but not limited to,

1719 desalination, conservation, reuse of nonpotable reclaimed water

1720 and stormwater, and aquifer storage and recovery.

1721       (d) The potential environmental impacts that may result

1722 from the transport and use of water from the proposed source,

1723 and the potential environmental impacts that may result from use

1724 of the other water sources identified in paragraphs (b) and (c).

1725       (e) Whether existing and reasonably anticipated sources of

1726 water and conservation efforts are adequate to supply water for

1727 existing legal uses and reasonably anticipated future needs of

1728 the water supply planning region in which the proposed water

1729 source is located.

1730       (f) Consultations with local governments affected by the

1731 proposed transport and use.

1732       (g) The value of the existing capital investment in water-

1733 related infrastructure made by the applicant.

1734

1735 Where districtwide water supply assessments and regional water

1736 supply plans have been prepared pursuant to ss. 373.036 and

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1737 373.709 ~~373.0361~~, the governing board or the department shall  
 1738 use the applicable plans and assessments as the basis for its  
 1739 consideration of the applicable factors in this subsection.

1740 (5) In evaluating an application for consumptive use of  
 1741 water which proposes the use of an alternative water supply  
 1742 project as described in the regional water supply plan and  
 1743 provides reasonable assurances of the applicant's capability to  
 1744 design, construct, operate, and maintain the project, the  
 1745 governing board or department shall presume that the alternative  
 1746 water supply use is consistent with the public interest under  
 1747 paragraph (1)(c). However, where the governing board identifies  
 1748 the need for a multijurisdictional water supply entity or  
 1749 regional water supply authority to develop the alternative water  
 1750 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,  
 1751 the presumption shall be accorded only to that use proposed by  
 1752 such entity or authority. This subsection does not effect  
 1753 evaluation of the use pursuant to the provisions of paragraphs  
 1754 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and  
 1755 373.233.

1756 Section 15. Section 373.2234, Florida Statutes, is amended  
 1757 to read:

1758 373.2234 Preferred water supply sources.--The governing  
 1759 board of a water management district is authorized to adopt  
 1760 rules that identify preferred water supply sources for  
 1761 consumptive uses for which there is sufficient data to establish  
 1762 that a preferred source will provide a substantial new water  
 1763 supply to meet the existing and projected reasonable-beneficial  
 1764 uses of a water supply planning region identified pursuant to s.

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1765 373.709(1) ~~373.0361(1)~~, while sustaining existing water  
 1766 resources and natural systems. At a minimum, such rules must  
 1767 contain a description of the preferred water supply source and  
 1768 an assessment of the water the preferred source is projected to  
 1769 produce. If an applicant proposes to use a preferred water  
 1770 supply source, that applicant's proposed water use is subject to  
 1771 s. 373.223(1), except that the proposed use of a preferred water  
 1772 supply source must be considered by a water management district  
 1773 when determining whether a permit applicant's proposed use of  
 1774 water is consistent with the public interest pursuant to s.  
 1775 373.223(1)(c). A consumptive use permit issued for the use of a  
 1776 preferred water supply source must be granted, when requested by  
 1777 the applicant, for at least a 20-year period and may be subject  
 1778 to the compliance reporting provisions of s. 373.236(4). Nothing  
 1779 in this section shall be construed to exempt the use of  
 1780 preferred water supply sources from the provisions of ss.  
 1781 373.016(4) and 373.223(2) and (3), or be construed to provide  
 1782 that permits issued for the use of a nonpreferred water supply  
 1783 source must be issued for a duration of less than 20 years or  
 1784 that the use of a nonpreferred water supply source is not  
 1785 consistent with the public interest. Additionally, nothing in  
 1786 this section shall be interpreted to require the use of a  
 1787 preferred water supply source or to restrict or prohibit the use  
 1788 of a nonpreferred water supply source. Rules adopted by the  
 1789 governing board of a water management district to implement this  
 1790 section shall specify that the use of a preferred water supply  
 1791 source is not required and that the use of a nonpreferred water  
 1792 supply source is not restricted or prohibited.



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1793 Section 16. Subsection (3) of section 373.229, Florida  
 1794 Statutes, is amended to read:

1795 373.229 Application for permit.--

1796 (3) In addition to the information required in subsection  
 1797 (1), all permit applications filed with the governing board or  
 1798 the department which propose the transport and use of water  
 1799 across county boundaries shall include information pertaining to  
 1800 factors to be considered, pursuant to s. 373.223(3), unless  
 1801 exempt under s. 373.713(9) ~~373.1962(9)~~.

1802 Section 17. Paragraph (a) of subsection (6) of section  
 1803 373.536, Florida Statutes, is amended to read:

1804 373.536 District budget and hearing thereon.--

1805 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
 1806 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

1807 (a) Each district must, by the date specified for each  
 1808 item, furnish copies of the following documents to the Governor,  
 1809 the President of the Senate, the Speaker of the House of  
 1810 Representatives, the chairs of all legislative committees and  
 1811 subcommittees having substantive or fiscal jurisdiction over the  
 1812 districts, as determined by the President of the Senate or the  
 1813 Speaker of the House of Representatives as applicable, the  
 1814 secretary of the department, and the governing board of each  
 1815 county in which the district has jurisdiction or derives any  
 1816 funds for the operations of the district:

1817 1. The adopted budget, to be furnished within 10 days  
 1818 after its adoption.

1819 2. A financial audit of its accounts and records, to be  
 1820 furnished within 10 days after its acceptance by the governing

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1821 board. The audit must be conducted in accordance with the  
 1822 provisions of s. 11.45 and the rules adopted thereunder. In  
 1823 addition to the entities named above, the district must provide  
 1824 a copy of the audit to the Auditor General within 10 days after  
 1825 its acceptance by the governing board.

1826 3. A 5-year capital improvements plan, to be included in  
 1827 the consolidated annual report required by s. 373.036(7). The  
 1828 plan must include expected sources of revenue for planned  
 1829 improvements and must be prepared in a manner comparable to the  
 1830 fixed capital outlay format set forth in s. 216.043.

1831 4. A 5-year water resource development work program to be  
 1832 furnished within 30 days after the adoption of the final budget.  
 1833 The program must describe the district's implementation strategy  
 1834 for the water resource development component of each approved  
 1835 regional water supply plan developed or revised under s. 373.709  
 1836 ~~373.0361~~. The work program must address all the elements of the  
 1837 water resource development component in the district's approved  
 1838 regional water supply plans and must identify which projects in  
 1839 the work program will provide water, explain how each water  
 1840 resource development project will produce additional water  
 1841 available for consumptive uses, estimate the quantity of water  
 1842 to be produced by each project, and provide an assessment of the  
 1843 contribution of the district's regional water supply plans in  
 1844 providing sufficient water to meet the water supply needs of  
 1845 existing and future reasonable-beneficial uses for a 1-in-10-  
 1846 year drought event. Within 30 days after its submittal, the  
 1847 department shall review the proposed work program and submit its  
 1848 findings, questions, and comments to the district. The review

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1849 must include a written evaluation of the program's consistency  
 1850 with the furtherance of the district's approved regional water  
 1851 supply plans, and the adequacy of proposed expenditures. As part  
 1852 of the review, the department shall give interested parties the  
 1853 opportunity to provide written comments on each district's  
 1854 proposed work program. Within 45 days after receipt of the  
 1855 department's evaluation, the governing board shall state in  
 1856 writing to the department which changes recommended in the  
 1857 evaluation it will incorporate into its work program submitted  
 1858 as part of the March 1 consolidated annual report required by s.  
 1859 373.036(7) or specify the reasons for not incorporating the  
 1860 changes. The department shall include the district's responses  
 1861 in a final evaluation report and shall submit a copy of the  
 1862 report to the Governor, the President of the Senate, and the  
 1863 Speaker of the House of Representatives.

1864 Section 18. Subsection (11) of section 373.59, Florida  
 1865 Statutes, is amended to read:

1866 373.59 Water Management Lands Trust Fund.--

1867 (11) Notwithstanding any provision of this section to the  
 1868 contrary, the governing board of a water management district may  
 1869 request, and the Secretary of Environmental Protection shall  
 1870 release upon such request, moneys allocated to the districts  
 1871 pursuant to subsection (8) for purposes consistent with the  
 1872 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.  
 1873 373.139, or ss. 373.451-373.4595 and for legislatively  
 1874 authorized land acquisition and water restoration initiatives.  
 1875 No funds may be used pursuant to this subsection until necessary  
 1876 debt service obligations, requirements for payments in lieu of

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1877 taxes, and land management obligations that may be required by  
 1878 this chapter are provided for.

1879 Section 19. Paragraph (g) of subsection (1) of section  
 1880 378.212, Florida Statutes, is amended to read:

1881 378.212 Variances.--

1882 (1) Upon application, the secretary may grant a variance  
 1883 from the provisions of this part or the rules adopted pursuant  
 1884 thereto. Variances and renewals thereof may be granted for any  
 1885 one of the following reasons:

1886 (g) To accommodate reclamation that provides water supply  
 1887 development or water resource development not inconsistent with  
 1888 the applicable regional water supply plan approved pursuant to  
 1889 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to  
 1890 the water resources in the basin. A variance may also be granted  
 1891 from the requirements of part IV of chapter 373, or the rules  
 1892 adopted thereunder, when a project provides an improvement in  
 1893 water availability in the basin and does not cause adverse  
 1894 impacts to water resources in the basin.

1895 Section 20. Subsection (9) of section 378.404, Florida  
 1896 Statutes, is amended to read:

1897 378.404 Department of Environmental Protection; powers and  
 1898 duties.--The department shall have the following powers and  
 1899 duties:

1900 (9) To grant variances from the provisions of this part to  
 1901 accommodate reclamation that provides for water supply  
 1902 development or water resource development not inconsistent with  
 1903 the applicable regional water supply plan approved pursuant to  
 1904 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved

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1905 wildlife habitat, recreation, or a mixture thereof, provided  
 1906 adverse impacts are not caused to the water resources in the  
 1907 basin and public health and safety are not adversely affected.

1908 Section 21. Paragraph (a) of subsection (3) of section  
 1909 403.0891, Florida Statutes, is amended to read:

1910 403.0891 State, regional, and local stormwater management  
 1911 plans and programs.--The department, the water management  
 1912 districts, and local governments shall have the responsibility  
 1913 for the development of mutually compatible stormwater management  
 1914 programs.

1915 (3) (a) Each local government required by chapter 163 to  
 1916 submit a comprehensive plan, whose plan is submitted after July  
 1917 1, 1992, and the others when updated after July 1, 1992, in the  
 1918 development of its stormwater management program described by  
 1919 elements within its comprehensive plan shall consider the water  
 1920 resource implementation rule, district stormwater management  
 1921 goals, plans approved pursuant to the Surface Water Improvement  
 1922 and Management Act, ss. 373.451-373.4595, and technical  
 1923 assistance information provided by the water management  
 1924 districts pursuant to s. 373.711 ~~373.0391~~.

1925 Section 22. Paragraph (a) of subsection (1) and paragraph  
 1926 (a) of subsection (2) of section 403.890, Florida Statutes, are  
 1927 amended to read:

1928 403.890 Water Protection and Sustainability Program;  
 1929 intent; goals; purposes.--

1930 (1) Effective July 1, 2006, revenues transferred from the  
 1931 Department of Revenue pursuant to s. 201.15(1)(c)2. shall be  
 1932 deposited into the Water Protection and Sustainability Program

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1933 Trust Fund in the Department of Environmental Protection. These  
 1934 revenues and any other additional revenues deposited into or  
 1935 appropriated to the Water Protection and Sustainability Program  
 1936 Trust Fund shall be distributed by the Department of  
 1937 Environmental Protection in the following manner:

1938 (a) Sixty percent to the Department of Environmental  
 1939 Protection for the implementation of an alternative water supply  
 1940 program as provided in s. 373.703 ~~373.1961~~.

1941 (2) Applicable beginning in the 2007-2008 fiscal year,  
 1942 revenues transferred from the Department of Revenue pursuant to  
 1943 s. 201.15(1)(d)2. shall be deposited into the Water Protection  
 1944 and Sustainability Program Trust Fund in the Department of  
 1945 Environmental Protection. These revenues and any other  
 1946 additional revenues deposited into or appropriated to the Water  
 1947 Protection and Sustainability Program Trust Fund shall be  
 1948 distributed by the Department of Environmental Protection in the  
 1949 following manner:

1950 (a) Sixty-five percent to the Department of Environmental  
 1951 Protection for the implementation of an alternative water supply  
 1952 program as provided in s. 373.703 ~~373.1961~~.

1953 Section 23. Section 682.02, Florida Statutes, is amended  
 1954 to read:

1955 682.02 Arbitration agreements made valid, irrevocable, and  
 1956 enforceable; scope.--Two or more parties may agree in writing to  
 1957 submit to arbitration any controversy existing between them at  
 1958 the time of the agreement, or they may include in a written  
 1959 contract a provision for the settlement by arbitration of any  
 1960 controversy thereafter arising between them relating to such

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1961 contract or the failure or refusal to perform the whole or any  
 1962 part thereof. This section also applies to written interlocal  
 1963 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or  
 1964 more parties agree to submit to arbitration any controversy  
 1965 between them concerning water use permit applications and other  
 1966 matters, regardless of whether or not the water management  
 1967 district with jurisdiction over the subject application is a  
 1968 party to the interlocal agreement or a participant in the  
 1969 arbitration. Such agreement or provision shall be valid,  
 1970 enforceable, and irrevocable without regard to the justiciable  
 1971 character of the controversy; provided that this act shall not  
 1972 apply to any such agreement or provision to arbitrate in which  
 1973 it is stipulated that this law shall not apply or to any  
 1974 arbitration or award thereunder.

1975 Section 24. Section 373.71, Florida Statutes, is  
 1976 renumbered as section 373.69, Florida Statutes.

1977 Section 25. Sections 373.0361, 373.0391, 373.0831,  
 1978 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes, are  
 1979 repealed.

1980 Section 26. This act shall take effect July 1, 2009.