

1 A bill to be entitled
 2 An act relating to consumptive use permits; amending s.
 3 373.223, F.S.; providing for the evaluation of permit
 4 applications for consumptive use of water for the
 5 implementation of significant demand management
 6 activities; providing that such use is consistent with the
 7 public interest; amending s. 373.236, F.S.; providing for
 8 the modification and extension of consumptive use permits
 9 for significant demand management activities and
 10 alternative water supply projects under specified
 11 conditions; amending s. 373.243, F.S.; providing for an
 12 exception to certain revocation of consumptive use permits
 13 for significant demand management activities and
 14 alternative water supply projects; providing an effective
 15 date.

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

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 19 Section 1. Subsection (5) of section 373.223, Florida
 20 Statutes, is amended to read:

21 373.223 Conditions for a permit.—

22 (5) In evaluating an application for consumptive use of
 23 water which proposes the implementation of significant demand
 24 management activities or the use of an alternative water supply
 25 project as described in the regional water supply plan and
 26 provides reasonable assurances of the applicant's capability to
 27 implement the significant demand management activities or to
 28 design, construct, operate, and maintain the alternative water

29 supply project, the governing board or department shall presume
 30 that the consumptive ~~alternative water supply~~ use of water is
 31 consistent with the public interest under paragraph (1)(c).
 32 However, where the governing board identifies the need for a
 33 multijurisdictional water supply entity or regional water supply
 34 authority to develop the alternative water supply project
 35 pursuant to s. 373.0361(2)(a)2., the presumption shall be
 36 accorded only to that use proposed by such entity or authority.
 37 This subsection does not effect evaluation of the use pursuant
 38 to the provisions of paragraphs (1)(a) and (b), subsections (2)
 39 and (3), and ss. 373.2295 and 373.233.

40 Section 2. Subsections (4) and (5) of section 373.236,
 41 Florida Statutes, are amended to read:

42 373.236 Duration of permits; compliance reports.—

43 (4) Where necessary to maintain reasonable assurance that
 44 the conditions for issuance of a 20-year permit can continue to
 45 be met, the governing board or department, in addition to any
 46 conditions required pursuant to s. 373.219, may require a
 47 compliance report by the permittee every 5 years during the term
 48 of a permit. This report shall contain sufficient data to
 49 maintain reasonable assurance that the initial conditions for
 50 permit issuance are met. Following review of this report, the
 51 governing board or the department may modify the permit to
 52 ensure that the use meets the conditions for issuance. Any
 53 decrease in the permittee's need for the permitted allocation
 54 due to the implementation of significant demand management
 55 activities or the development of alternative water supply
 56 projects that exceed the requirements of the permit, such as

57 implementation of a functioning reuse system pursuant to s.
 58 403.086(9), shall be addressed by the governing board or
 59 department through an increase of the permit duration rather
 60 than a reduction of the permitted allocation, unless the
 61 governing board or department determines that the increased
 62 duration will not meet the initial conditions for issuance.
 63 Permit modifications pursuant to this subsection shall not be
 64 subject to competing applications, provided there is no increase
 65 in the permitted allocation or permit duration, and no change in
 66 source, except for changes in source requested by the district
 67 or increases in permit duration due to the implementation of
 68 significant demand management activities or the development of
 69 alternative water supply projects that exceed the requirements
 70 of the permit. This subsection shall not be construed to limit
 71 the existing authority of the department or the governing board
 72 to modify or revoke a consumptive use permit.

73 (5) Permits approved for the implementation of significant
 74 demand management activities or the development of alternative
 75 water supply projects ~~supplies~~ shall be granted for a term of at
 76 least 20 years. However, if the permittee issues bonds for the
 77 construction of significant demand management activities or an
 78 alternative water supply ~~the~~ project, upon request of the
 79 permittee prior to the expiration of the permit, that permit
 80 shall be extended for such additional time as is required for
 81 the retirement of bonds, not including any refunding or
 82 refinancing of such bonds, provided that the governing board
 83 determines that the use will continue to meet the conditions for
 84 the issuance of the permit. Such a permit is subject to

PCB ANR 10-09

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85 compliance reports under subsection (4).

86 Section 3. Subsection (4) of section 373.243, Florida
87 Statutes, is amended to read:

88 373.243 Revocation of permits.—The governing board or the
89 department may revoke a permit as follows:

90 (4) For nonuse of the water supply allowed by the permit
91 for a period of 2 years or more, the governing board or the
92 department may revoke the permit permanently and in whole unless
93 the user can prove that his or her nonuse was due to extreme
94 ~~hardship caused by factors beyond the user's control~~ or due to
95 reductions in water use caused by the implementation of
96 significant demand management activities or the development of
97 alternative water supply projects that exceed the requirements
98 of the permit. For a permit issued pursuant to s. 373.236(7),
99 the governing board or the department may revoke the permit only
100 if the nonuse of the water supply allowed by the permit is for a
101 period of 4 years or more.

102 Section 4. This act shall take effect July 1, 2010.