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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/20/2010	.	
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The Policy and Steering Committee on Ways and Means (Altman) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

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

PART VII

WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

373.701 Declaration of policy.—It is declared to be the policy of the Legislature:

(1) To promote the availability of sufficient water for all



156026

13 existing and future reasonable-beneficial uses and natural  
14 systems.

15 (2) (a) Because water constitutes a public resource  
16 benefiting the entire state, it is the policy of the Legislature  
17 that the waters in the state be managed on a state and regional  
18 basis. Consistent with this directive, the Legislature  
19 recognizes the need to allocate water throughout the state so as  
20 to meet all reasonable-beneficial uses. However, the Legislature  
21 acknowledges that such allocations have in the past adversely  
22 affected the water resources of certain areas in this state. To  
23 protect such water resources and to meet the current and future  
24 needs of those areas with abundant water, the Legislature  
25 directs the department and the water management districts to  
26 encourage the use of water from sources nearest the area of use  
27 or application whenever practicable. Such sources shall include  
28 all naturally occurring water sources and all alternative water  
29 sources, including, but not limited to, desalination,  
30 conservation, reuse of nonpotable reclaimed water and  
31 stormwater, and aquifer storage and recovery. Reuse of potable  
32 reclaimed water and stormwater shall not be subject to the  
33 evaluation described in s. 373.223(3) (a)-(g). However, this  
34 directive to encourage the use of water, whenever practicable,  
35 from sources nearest the area of use or application shall not  
36 apply to the transport and direct and indirect use of water  
37 within the area encompassed by the Central and Southern Florida  
38 Flood Control Project, nor shall it apply anywhere in the state  
39 to the transport and use of water supplied exclusively for  
40 bottled water as defined in s. 500.03(1) (d), nor shall it apply  
41 to the transport and use of reclaimed water for electrical power



156026

42 production by an electric utility as defined in s. 366.02(2).

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

47 (3) Cooperative efforts between municipalities, counties,  
48 water management districts, and the department are mandatory in  
49 order to meet the water needs of rapidly urbanizing areas in a  
50 manner that will supply adequate and dependable supplies of  
51 water where needed without resulting in adverse effects upon the  
52 areas from which such water is withdrawn. Such efforts should  
53 use all practical means of obtaining water, including, but not  
54 limited to, withdrawals of surface water and ground water,  
55 reuse, and desalination and will necessitate not only  
56 cooperation but also well-coordinated activities.  
57 Municipalities, counties, and special districts are encouraged  
58 to create regional water supply authorities as authorized in s.  
59 373.713 or multijurisdictional water supply entities.

60 373.703 Water production; general powers and duties.—In the  
61 performance of, and in conjunction with, its other powers and  
62 duties, the governing board of a water management district  
63 existing pursuant to this chapter:

64 (1) Shall engage in planning to assist counties,  
65 municipalities, special districts, publicly owned and privately  
66 owned water utilities, multijurisdictional water supply  
67 entities, or regional water supply authorities in meeting water  
68 supply needs in such manner as will give priority to encouraging  
69 conservation and reducing adverse environmental effects of  
70 improper or excessive withdrawals of water from concentrated



156026

71 areas. As used in this section and s. 373.707, regional water  
72 supply authorities are regional water authorities created under  
73 s. 373.713 or other laws of this state.

74 (2) Shall assist counties, municipalities, special  
75 districts, publicly owned or privately owned water utilities,  
76 multijurisdictional water supply entities, or regional water  
77 supply authorities in meeting water supply needs in such manner  
78 as will give priority to encouraging conservation and reducing  
79 adverse environmental effects of improper or excessive  
80 withdrawals of water from concentrated areas.

81 (3) May establish, design, construct, operate, and maintain  
82 water production and transmission facilities for the purpose of  
83 supplying water to counties, municipalities, special districts,  
84 publicly owned and privately owned water utilities,  
85 multijurisdictional water supply entities, or regional water  
86 supply authorities. The permit required by part II of this  
87 chapter for a water management district engaged in water  
88 production and transmission shall be granted, denied, or granted  
89 with conditions by the department.

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

91 (5) Shall not deprive, directly or indirectly, any county  
92 wherein water is withdrawn of the prior right to the reasonable  
93 and beneficial use of water which is required to supply  
94 adequately the reasonable and beneficial needs of the county or  
95 any of the inhabitants or property owners therein.

96 (6) May provide water and financial assistance to regional  
97 water supply authorities, but may not provide water to counties  
98 and municipalities which are located within the area of such  
99 authority without the specific approval of the authority or, in



156026

100 the event of the authority's disapproval, the approval of the  
101 Governor and Cabinet sitting as the Land and Water Adjudicatory  
102 Commission. The district may supply water at rates and upon  
103 terms mutually agreed to by the parties or, if they do not  
104 agree, as set by the governing board and specifically approved  
105 by the Governor and Cabinet sitting as the Land and Water  
106 Adjudicatory Commission.

107 (7) May acquire title to such interest as is necessary in  
108 real property, by purchase, gift, devise, lease, eminent domain,  
109 or otherwise, for water production and transmission consistent  
110 with this section and s. 373.707. However, the district shall  
111 not use any of the eminent domain powers herein granted to  
112 acquire water and water rights already devoted to reasonable and  
113 beneficial use or any water production or transmission  
114 facilities owned by any county, municipality, or regional water  
115 supply authority. The district may exercise eminent domain  
116 powers outside of its district boundaries for the acquisition of  
117 pumpage facilities, storage areas, transmission facilities, and  
118 the normal appurtenances thereto, provided that at least 45 days  
119 prior to the exercise of eminent domain, the district notifies  
120 the district where the property is located after public notice  
121 and the district where the property is located does not object  
122 within 45 days after notification of such exercise of eminent  
123 domain authority.

124 (8) In addition to the power to issue revenue bonds  
125 pursuant to s. 373.584, may issue revenue bonds for the purposes  
126 of paying the costs and expenses incurred in carrying out the  
127 purposes of this chapter or refunding obligations of the  
128 district issued pursuant to this section. Such revenue bonds



156026

129 shall be secured by, and be payable from, revenues derived from  
130 the operation, lease, or use of its water production and  
131 transmission facilities and other water-related facilities and  
132 from the sale of water or services relating thereto. Such  
133 revenue bonds may not be secured by, or be payable from, moneys  
134 derived by the district from the Water Management Lands Trust  
135 Fund or from ad valorem taxes received by the district. All  
136 provisions of s. 373.584 relating to the issuance of revenue  
137 bonds which are not inconsistent with this section shall apply  
138 to the issuance of revenue bonds pursuant to this section. The  
139 district may also issue bond anticipation notes in accordance  
140 with the provisions of s. 373.584.

141 (9) May join with one or more other water management  
142 districts, counties, municipalities, special districts, publicly  
143 owned or privately owned water utilities, multijurisdictional  
144 water supply entities, or regional water supply authorities for  
145 the purpose of carrying out any of its powers, and may contract  
146 with such other entities to finance acquisitions, construction,  
147 operation, and maintenance. The contract may provide for  
148 contributions to be made by each party thereto, for the division  
149 and apportionment of the expenses of acquisitions, construction,  
150 operation, and maintenance, and for the division and  
151 apportionment of the benefits, services, and products therefrom.  
152 The contracts may contain other covenants and agreements  
153 necessary and appropriate to accomplish their purposes.

154 373.705 Water resource development; water supply  
155 development.-

156 (1) The Legislature finds that:

157 (a) The proper role of the water management districts in



156026

158 water supply is primarily planning and water resource  
159 development, but this does not preclude them from providing  
160 assistance with water supply development.

161 (b) The proper role of local government, regional water  
162 supply authorities, and government-owned and privately owned  
163 water utilities in water supply is primarily water supply  
164 development, but this does not preclude them from providing  
165 assistance with water resource development.

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

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

171 (a) Sufficient water be available for all existing and  
172 future reasonable-beneficial uses and the natural systems, and  
173 that the adverse effects of competition for water supplies be  
174 avoided.

175 (b) Water management districts take the lead in identifying  
176 and implementing water resource development projects, and be  
177 responsible for securing necessary funding for regionally  
178 significant water resource development projects.

179 (c) Local governments, regional water supply authorities,  
180 and government-owned and privately owned water utilities take  
181 the lead in securing funds for and implementing water supply  
182 development projects. Generally, direct beneficiaries of water  
183 supply development projects should pay the costs of the projects  
184 from which they benefit, and water supply development projects  
185 should continue to be paid for through local funding sources.

186 (d) Water supply development be conducted in coordination



156026

187 with water management district regional water supply planning  
188 and water resource development.

189 (3) The water management districts shall fund and implement  
190 water resource development as defined in s. 373.019. The water  
191 management districts are encouraged to implement water resource  
192 development as expeditiously as possible in areas subject to  
193 regional water supply plans. Each governing board shall include  
194 in its annual budget the amount needed for the fiscal year to  
195 implement water resource development projects, as prioritized in  
196 its regional water supply plans.

197 (4) (a) Water supply development projects that are  
198 consistent with the relevant regional water supply plans and  
199 that meet one or more of the following criteria shall receive  
200 priority consideration for state or water management district  
201 funding assistance:

202 1. The project supports establishment of a dependable,  
203 sustainable supply of water which is not otherwise financially  
204 feasible;

205 2. The project provides substantial environmental benefits  
206 by preventing or limiting adverse water resource impacts, but  
207 requires funding assistance to be economically competitive with  
208 other options; or

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

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



156026

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

218 2. The project implements reuse that assists in the  
219 elimination of domestic wastewater ocean outfalls as provided in  
220 s. 403.086(9).

221 373.707 Alternative water supply development.-

222 (1) The purpose of this section is to encourage cooperation  
223 in the development of water supplies and to provide for  
224 alternative water supply development.

225 (a) Demands on natural supplies of fresh water to meet the  
226 needs of a rapidly growing population and the needs of the  
227 environment, agriculture, industry, and mining will continue to  
228 increase.

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

232 (c) Cooperative efforts between municipalities, counties,  
233 special districts, water management districts, and the  
234 Department of Environmental Protection are mandatory in order to  
235 meet the water needs of rapidly urbanizing areas in a manner  
236 that will supply adequate and dependable supplies of water where  
237 needed without resulting in adverse effects upon the areas from  
238 which such water is withdrawn. Such efforts should use all  
239 practical means of obtaining water, including, but not limited  
240 to, withdrawals of surface water and ground water, reuse, and  
241 desalinization, and will necessitate not only cooperation but  
242 also well-coordinated activities. Municipalities, counties, and  
243 special districts are encouraged to create regional water supply  
244 authorities as authorized in s. 373.713 or multijurisdictional



156026

245 water supply entities.

246 (d) Alternative water supply development must receive  
247 priority funding attention to increase the available supplies of  
248 water to meet all existing and future reasonable-beneficial uses  
249 and to benefit the natural systems.

250 (e) Cooperation between counties, municipalities, regional  
251 water supply authorities, multijurisdictional water supply  
252 entities, special districts, and publicly owned and privately  
253 owned water utilities in the development of countywide and  
254 multicountywide alternative water supply projects will allow for  
255 necessary economies of scale and efficiencies to be achieved in  
256 order to accelerate the development of new, dependable, and  
257 sustainable alternative water supplies.

258 (f) It is in the public interest that county, municipal,  
259 industrial, agricultural, and other public and private water  
260 users, the Department of Environmental Protection, and the water  
261 management districts cooperate and work together in the  
262 development of alternative water supplies to avoid the adverse  
263 effects of competition for limited supplies of water. Public  
264 moneys or services provided to private entities for alternative  
265 water supply development may constitute public purposes that  
266 also are in the public interest.

267 (2) (a) Sufficient water must be available for all existing  
268 and future reasonable-beneficial uses and the natural systems,  
269 and the adverse effects of competition for water supplies must  
270 be avoided.

271 (b) Water supply development and alternative water supply  
272 development must be conducted in coordination with water  
273 management district regional water supply planning.



156026

274           (c) Funding for the development of alternative water  
275 supplies shall be a shared responsibility of water suppliers and  
276 users, the State of Florida, and the water management districts,  
277 with water suppliers and users having the primary responsibility  
278 and the State of Florida and the water management districts  
279 being responsible for providing funding assistance.

280           (3) The primary roles of the water management districts in  
281 water resource development as it relates to supporting  
282 alternative water supply development are:

283           (a) The formulation and implementation of regional water  
284 resource management strategies that support alternative water  
285 supply development;

286           (b) The collection and evaluation of surface water and  
287 groundwater data to be used for a planning level assessment of  
288 the feasibility of alternative water supply development  
289 projects;

290           (c) The construction, operation, and maintenance of major  
291 public works facilities for flood control, surface and  
292 underground water storage, and groundwater recharge augmentation  
293 to support alternative water supply development;

294           (d) Planning for alternative water supply development as  
295 provided in regional water supply plans in coordination with  
296 local governments, regional water supply authorities,  
297 multijurisdictional water supply entities, special districts,  
298 and publicly owned and privately owned water utilities and self-  
299 suppliers;

300           (e) The formulation and implementation of structural and  
301 nonstructural programs to protect and manage water resources in  
302 support of alternative water supply projects; and



156026

303       (f) The provision of technical and financial assistance to  
304 local governments and publicly owned and privately owned water  
305 utilities for alternative water supply projects.

306       (4) The primary roles of local government, regional water  
307 supply authorities, multijurisdictional water supply entities,  
308 special districts, and publicly owned and privately owned water  
309 utilities in alternative water supply development shall be:

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

312       (b) The formulation and implementation of alternative water  
313 supply development strategies and programs;

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

317       (d) The coordination of alternative water supply  
318 development activities with the appropriate water management  
319 district having jurisdiction over the activity.

320       (5) Nothing in this section shall be construed to preclude  
321 the various special districts, municipalities, and counties from  
322 continuing to operate existing water production and transmission  
323 facilities or to enter into cooperative agreements with other  
324 special districts, municipalities, and counties for the purpose  
325 of meeting their respective needs for dependable and adequate  
326 supplies of water; however, the obtaining of water through such  
327 operations shall not be done in a manner that results in adverse  
328 effects upon the areas from which such water is withdrawn.

329       (6) (a) The statewide funds provided pursuant to the Water  
330 Protection and Sustainability Program serve to supplement  
331 existing water management district or basin board funding for



156026

332 alternative water supply development assistance and should not  
333 result in a reduction of such funding. Therefore, the water  
334 management districts shall include in the annual tentative and  
335 adopted budget submittals required under this chapter the amount  
336 of funds allocated for water resource development that supports  
337 alternative water supply development and the funds allocated for  
338 alternative water supply projects selected for inclusion in the  
339 Water Protection and Sustainability Program. It shall be the  
340 goal of each water management district and basin boards that the  
341 combined funds allocated annually for these purposes be, at a  
342 minimum, the equivalent of 100 percent of the state funding  
343 provided to the water management district for alternative water  
344 supply development. If this goal is not achieved, the water  
345 management district shall provide in the budget submittal an  
346 explanation of the reasons or constraints that prevent this goal  
347 from being met, an explanation of how the goal will be met in  
348 future years, and affirmation of match is required during the  
349 budget review process as established under s. 373.536(5). The  
350 Suwannee River Water Management District and the Northwest  
351 Florida Water Management District shall not be required to meet  
352 the match requirements of this paragraph; however, they shall  
353 try to achieve the match requirement to the greatest extent  
354 practicable.

355 (b) State funds from the Water Protection and  
356 Sustainability Program created in s. 403.890 shall be made  
357 available for financial assistance for the project construction  
358 costs of alternative water supply development projects selected  
359 by a water management district governing board for inclusion in  
360 the program.



156026

361           (7) The water management district shall implement its  
362 responsibilities as expeditiously as possible in areas subject  
363 to regional water supply plans. Each district's governing board  
364 shall include in its annual budget the amount needed for the  
365 fiscal year to assist in implementing alternative water supply  
366 development projects.

367           (8) (a) The water management districts and the state shall  
368 share a percentage of revenues with water providers and users,  
369 including local governments, water, wastewater, and reuse  
370 utilities, municipal, special district, industrial, and  
371 agricultural water users, and other public and private water  
372 users, to be used to supplement other funding sources in the  
373 development of alternative water supplies.

374           (b) Beginning in the 2005-2006 fiscal year, the state shall  
375 annually provide a portion of those revenues deposited into the  
376 Water Protection and Sustainability Program Trust Fund for the  
377 purpose of providing funding assistance for the development of  
378 alternative water supplies pursuant to the Water Protection and  
379 Sustainability Program. At the beginning of each fiscal year,  
380 beginning with the 2005-2006 fiscal year, such revenues shall be  
381 distributed by the department into the alternative water supply  
382 trust fund accounts created by each district for the purpose of  
383 alternative water supply development under the following funding  
384 formula:

385           1. Thirty percent to the South Florida Water Management  
386 District;

387           2. Twenty-five percent to the Southwest Florida Water  
388 Management District;

389           3. Twenty-five percent to the St. Johns River Water



156026

390 Management District;

391 4. Ten percent to the Suwannee River Water Management  
392 District; and

393 5. Ten percent to the Northwest Florida Water Management  
394 District.

395 (c) The financial assistance for alternative water supply  
396 projects allocated in each district's budget as required in  
397 subsection (6) shall be combined with the state funds and used  
398 to assist in funding the project construction costs of  
399 alternative water supply projects selected by the governing  
400 board. If the district has not completed any regional water  
401 supply plan, or the regional water supply plan does not identify  
402 the need for any alternative water supply projects, funds  
403 deposited in that district's trust fund may be used for water  
404 resource development projects, including, but not limited to,  
405 springs protection.

406 (d) All projects submitted to the governing board for  
407 consideration shall reflect the total capital cost for  
408 implementation. The costs shall be segregated pursuant to the  
409 categories described in the definition of capital costs.

410 (e) Applicants for projects that may receive funding  
411 assistance pursuant to the Water Protection and Sustainability  
412 Program shall, at a minimum, be required to pay 60 percent of  
413 the project's construction costs. The water management districts  
414 may, at their discretion, totally or partially waive this  
415 requirement for projects sponsored by financially disadvantaged  
416 small local governments as defined in former s. 403.885(5). The  
417 water management districts or basin boards may, at their  
418 discretion, use ad valorem or federal revenues to assist a



156026

419 project applicant in meeting the requirements of this paragraph.

420 (f) The governing boards shall determine those projects  
421 that will be selected for financial assistance. The governing  
422 boards may establish factors to determine project funding;  
423 however, significant weight shall be given to the following  
424 factors:

425 1. Whether the project provides substantial environmental  
426 benefits by preventing or limiting adverse water resource  
427 impacts.

428 2. Whether the project reduces competition for water  
429 supplies.

430 3. Whether the project brings about replacement of  
431 traditional sources in order to help implement a minimum flow or  
432 level or a reservation.

433 4. Whether the project will be implemented by a consumptive  
434 use permittee that has achieved the targets contained in a goal-  
435 based water conservation program approved pursuant to s.  
436 373.227.

437 5. The quantity of water supplied by the project as  
438 compared to its cost.

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

441 7. Whether the project will be implemented by a  
442 multijurisdictional water supply entity or regional water supply  
443 authority.

444 8. Whether the project implements reuse that assists in the  
445 elimination of domestic wastewater ocean outfalls as provided in  
446 s. 403.086(9).

447 (g) Additional factors to be considered in determining



156026

448 project funding shall include:

449 1. Whether the project is part of a plan to implement two  
450 or more alternative water supply projects, all of which will be  
451 operated to produce water at a uniform rate for the participants  
452 in a multijurisdictional water supply entity or regional water  
453 supply authority.

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

456 3. Whether the project proposal includes sufficient  
457 preliminary planning and engineering to demonstrate that the  
458 project can reasonably be implemented within the timeframes  
459 provided in the regional water supply plan.

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

462 5. Whether and in what percentage a local government or  
463 local government utility is transferring water supply system  
464 revenues to the local government general fund in excess of  
465 reimbursements for services received from the general fund,  
466 including direct and indirect costs and legitimate payments in  
467 lieu of taxes.

468 (h) After conducting one or more meetings to solicit public  
469 input on eligible projects, including input from those entities  
470 identified pursuant to s. 373.709(2)(a)3.d. for implementation  
471 of alternative water supply projects, the governing board of  
472 each water management district shall select projects for funding  
473 assistance based upon the criteria set forth in paragraphs (f)  
474 and (g). The governing board may select a project identified or  
475 listed as an alternative water supply development project in the  
476 regional water supply plan, or allocate up to 20 percent of the



156026

477 funding for alternative water supply projects that are not  
478 identified or listed in the regional water supply plan but are  
479 consistent with the goals of the plan.

480 (i) Without diminishing amounts available through other  
481 means described in this paragraph, the governing boards are  
482 encouraged to consider establishing revolving loan funds to  
483 expand the total funds available to accomplish the objectives of  
484 this section. A revolving loan fund created under this paragraph  
485 must be a nonlapsing fund from which the water management  
486 district may make loans with interest rates below prevailing  
487 market rates to public or private entities for the purposes  
488 described in this section. The governing board may adopt  
489 resolutions to establish revolving loan funds which must specify  
490 the details of the administration of the fund, the procedures  
491 for applying for loans from the fund, the criteria for awarding  
492 loans from the fund, the initial capitalization of the fund, and  
493 the goals for future capitalization of the fund in subsequent  
494 budget years. Revolving loan funds created under this paragraph  
495 must be used to expand the total sums and sources of cooperative  
496 funding available for the development of alternative water  
497 supplies. The Legislature does not intend for the creation of  
498 revolving loan funds to supplant or otherwise reduce existing  
499 sources or amounts of funds currently available through other  
500 means.

501 (j) For each utility that receives financial assistance  
502 from the state or a water management district for an alternative  
503 water supply project, the water management district shall  
504 require the appropriate rate-setting authority to develop rate  
505 structures for water customers in the service area of the funded



156026

506 utility that will:

507 1. Promote the conservation of water; and

508 2. Promote the use of water from alternative water  
509 supplies.

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

512 (l) All revenues made available pursuant to this subsection  
513 must be encumbered annually by the governing board when it  
514 approves projects sufficient to expend the available revenues.

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

517 (n) By March 1 of each year, as part of the consolidated  
518 annual report required by s. 373.036(7), each water management  
519 district shall submit a report on the disbursal of all budgeted  
520 amounts pursuant to this section. Such report shall describe all  
521 alternative water supply projects funded as well as the quantity  
522 of new water to be created as a result of such projects and  
523 shall account separately for any other moneys provided through  
524 grants, matching grants, revolving loans, and the use of  
525 district lands or facilities to implement regional water supply  
526 plans.

527 (o) The Florida Public Service Commission shall allow  
528 entities under its jurisdiction constructing or participating in  
529 constructing facilities that provide alternative water supplies  
530 to recover their full, prudently incurred cost of constructing  
531 such facilities through their rate structure. If construction of  
532 a facility or participation in construction is pursuant to or in  
533 furtherance of a regional water supply plan, the cost shall be  
534 deemed to be prudently incurred. Every component of an



156026

535 alternative water supply facility constructed by an investor-  
536 owned utility shall be recovered in current rates. Any state or  
537 water management district cost-share is not subject to the  
538 recovery provisions allowed in this paragraph.

539 (9) Funding assistance provided by the water management  
540 districts for a water reuse system may include the following  
541 conditions for that project if a water management district  
542 determines that such conditions will encourage water use  
543 efficiency:

544 (a) Metering of reclaimed water use for residential  
545 irrigation, agricultural irrigation, industrial uses, except for  
546 electric utilities as defined in s. 366.02(2), landscape  
547 irrigation, golf course irrigation, irrigation of other public  
548 access areas, commercial and institutional uses such as toilet  
549 flushing, and transfers to other reclaimed water utilities;

550 (b) Implementation of reclaimed water rate structures based  
551 on actual use of reclaimed water for the reuse activities listed  
552 in paragraph (a);

553 (c) Implementation of education programs to inform the  
554 public about water issues, water conservation, and the  
555 importance and proper use of reclaimed water; or

556 (d) Development of location data for key reuse facilities.  
557 373.709 Regional water supply planning.-

558 (1) The governing board of each water management district  
559 shall conduct water supply planning for any water supply  
560 planning region within the district identified in the  
561 appropriate district water supply plan under s. 373.036, where  
562 it determines that existing sources of water are not adequate to  
563 supply water for all existing and future reasonable-beneficial



156026

564 uses and to sustain the water resources and related natural  
565 systems for the planning period. The planning must be conducted  
566 in an open public process, in coordination and cooperation with  
567 local governments, regional water supply authorities,  
568 government-owned and privately owned water utilities,  
569 multijurisdictional water supply entities, self-suppliers, and  
570 other affected and interested parties. The districts shall  
571 actively engage in public education and outreach to all affected  
572 local entities and their officials, as well as members of the  
573 public, in the planning process and in seeking input. During  
574 preparation, but prior to completion of the regional water  
575 supply plan, the district must conduct at least one public  
576 workshop to discuss the technical data and modeling tools  
577 anticipated to be used to support the regional water supply  
578 plan. The district shall also hold several public meetings to  
579 communicate the status, overall conceptual intent, and impacts  
580 of the plan on existing and future reasonable-beneficial uses  
581 and related natural systems. During the planning process, a  
582 local government may choose to prepare its own water supply  
583 assessment to determine if existing water sources are adequate  
584 to meet existing and projected reasonable-beneficial needs of  
585 the local government while sustaining water resources and  
586 related natural systems. The local government shall submit such  
587 assessment, including the data and methodology used, to the  
588 district. The district shall consider the local government's  
589 assessment during the formation of the plan. A determination by  
590 the governing board that initiation of a regional water supply  
591 plan for a specific planning region is not needed pursuant to  
592 this section shall be subject to s. 120.569. The governing board



156026

593 shall reevaluate such a determination at least once every 5  
594 years and shall initiate a regional water supply plan, if  
595 needed, pursuant to this subsection.

596 (2) Each regional water supply plan shall be based on at  
597 least a 20-year planning period and shall include, but need not  
598 be limited to:

599 (a) A water supply development component for each water  
600 supply planning region identified by the district which  
601 includes:

602 1. A quantification of the water supply needs for all  
603 existing and future reasonable-beneficial uses within the  
604 planning horizon. The level-of-certainty planning goal  
605 associated with identifying the water supply needs of existing  
606 and future reasonable-beneficial uses shall be based upon  
607 meeting those needs for a 1-in-10-year drought event. Population  
608 projections used for determining public water supply needs must  
609 be based upon the best available data. In determining the best  
610 available data, the district shall consider the University of  
611 Florida's Bureau of Economic and Business Research (BEBR) medium  
612 population projections and any population projection data and  
613 analysis submitted by a local government pursuant to the public  
614 workshop described in subsection (1) if the data and analysis  
615 support the local government's comprehensive plan. Any  
616 adjustment of or deviation from the BEBR projections must be  
617 fully described, and the original BEBR data must be presented  
618 along with the adjusted data.

619 2. A list of water supply development project options,  
620 including traditional and alternative water supply project  
621 options, from which local government, government-owned and



156026

622 privately owned utilities, regional water supply authorities,  
623 multijurisdictional water supply entities, self-suppliers, and  
624 others may choose for water supply development. In addition to  
625 projects listed by the district, such users may propose specific  
626 projects for inclusion in the list of alternative water supply  
627 projects. If such users propose a project to be listed as an  
628 alternative water supply project, the district shall determine  
629 whether it meets the goals of the plan, and, if so, it shall be  
630 included in the list. The total capacity of the projects  
631 included in the plan shall exceed the needs identified in  
632 subparagraph 1. and shall take into account water conservation  
633 and other demand management measures, as well as water resources  
634 constraints, including adopted minimum flows and levels and  
635 water reservations. Where the district determines it is  
636 appropriate, the plan should specifically identify the need for  
637 multijurisdictional approaches to project options that, based on  
638 planning level analysis, are appropriate to supply the intended  
639 uses and that, based on such analysis, appear to be permissible  
640 and financially and technically feasible. The list of water  
641 supply development options must contain provisions that  
642 recognize that alternative water supply options for agricultural  
643 self-suppliers are limited.

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

646 a. An estimate of the amount of water to become available  
647 through the project.

648 b. The timeframe in which the project option should be  
649 implemented and the estimated planning-level costs for capital  
650 investment and operating and maintaining the project.



156026

651 c. An analysis of funding needs and sources of possible  
652 funding options. For alternative water supply projects the water  
653 management districts shall provide funding assistance in  
654 accordance with s. 373.707(8).

655 d. Identification of the entity that should implement each  
656 project option and the current status of project implementation.

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

658 1. A listing of those water resource development projects  
659 that support water supply development.

660 2. For each water resource development project listed:

661 a. An estimate of the amount of water to become available  
662 through the project.

663 b. The timeframe in which the project option should be  
664 implemented and the estimated planning-level costs for capital  
665 investment and for operating and maintaining the project.

666 c. An analysis of funding needs and sources of possible  
667 funding options.

668 d. Identification of the entity that should implement each  
669 project option and the current status of project implementation.

670 (c) The recovery and prevention strategy described in s.  
671 373.0421(2).

672 (d) A funding strategy for water resource development  
673 projects, which shall be reasonable and sufficient to pay the  
674 cost of constructing or implementing all of the listed projects.

675 (e) Consideration of how the project options addressed in  
676 paragraph (a) serve the public interest or save costs overall by  
677 preventing the loss of natural resources or avoiding greater  
678 future expenditures for water resource development or water  
679 supply development. However, unless adopted by rule, these



156026

680 considerations do not constitute final agency action.  
681 (f) The technical data and information applicable to each  
682 planning region which are necessary to support the regional  
683 water supply plan.  
684 (g) The minimum flows and levels established for water  
685 resources within each planning region.  
686 (h) Reservations of water adopted by rule pursuant to s.  
687 373.223(4) within each planning region.  
688 (i) Identification of surface waters or aquifers for which  
689 minimum flows and levels are scheduled to be adopted.  
690 (j) An analysis, developed in cooperation with the  
691 department, of areas or instances in which the variance  
692 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to  
693 create water supply development or water resource development  
694 projects.  
695 (3) The water supply development component of a regional  
696 water supply plan which deals with or affects public utilities  
697 and public water supply for those areas served by a regional  
698 water supply authority and its member governments within the  
699 boundary of the Southwest Florida Water Management District  
700 shall be developed jointly by the authority and the district. In  
701 areas not served by regional water supply authorities, or other  
702 multijurisdictional water supply entities, and where  
703 opportunities exist to meet water supply needs more efficiently  
704 through multijurisdictional projects identified pursuant to  
705 paragraph (2)(a), water management districts are directed to  
706 assist in developing multijurisdictional approaches to water  
707 supply project development jointly with affected water  
708 utilities, special districts, and local governments.



156026

709           (4) The South Florida Water Management District shall  
710 include in its regional water supply plan water resource and  
711 water supply development projects that promote the elimination  
712 of wastewater ocean outfalls as provided in s. 403.086(9).

713           (5) Governing board approval of a regional water supply  
714 plan shall not be subject to the rulemaking requirements of  
715 chapter 120. However, any portion of an approved regional water  
716 supply plan which affects the substantial interests of a party  
717 shall be subject to s. 120.569.

718           (6) Annually and in conjunction with the reporting  
719 requirements of s. 373.536(6)(a)4., the department shall submit  
720 to the Governor and the Legislature a report on the status of  
721 regional water supply planning in each district. The report  
722 shall include:

723           (a) A compilation of the estimated costs of and potential  
724 sources of funding for water resource development and water  
725 supply development projects as identified in the water  
726 management district regional water supply plans.

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

730           (c) A description of each district's progress toward  
731 achieving its water resource development objectives, including  
732 the district's implementation of its 5-year water resource  
733 development work program.

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

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



156026

738 develop water supply in each district, including, but not  
739 limited to, an explanation of how each project, either  
740 alternative or traditional, will produce, contribute to, or  
741 account for additional water being made available for  
742 consumptive uses, an estimate of the quantity of water to be  
743 produced by each project, and an assessment of the contribution  
744 of the district's regional water supply plan in providing  
745 sufficient water to meet the needs of existing and future  
746 reasonable-beneficial uses for a 1-in-10 year drought event, as  
747 well as the needs of the natural systems.

748 (7) Nothing contained in the water supply development  
749 component of a regional water supply plan shall be construed to  
750 require local governments, government-owned or privately owned  
751 water utilities, special districts, self-suppliers, regional  
752 water supply authorities, multijurisdictional water supply  
753 entities, or other water suppliers to select a water supply  
754 development project identified in the component merely because  
755 it is identified in the plan. Except as provided in s.  
756 373.223(3) and (5), the plan may not be used in the review of  
757 permits under part II of this chapter unless the plan or an  
758 applicable portion thereof has been adopted by rule. However,  
759 this subsection does not prohibit a water management district  
760 from employing the data or other information used to establish  
761 the plan in reviewing permits under part II, nor does it limit  
762 the authority of the department or governing board under part  
763 II.

764 (8) Where the water supply component of a water supply  
765 planning region shows the need for one or more alternative water  
766 supply projects, the district shall notify the affected local



156026

767 governments and make every reasonable effort to educate and  
768 involve local public officials in working toward solutions in  
769 conjunction with the districts and, where appropriate, other  
770 local and regional water supply entities.

771 (a) Within 6 months following approval or amendment of its  
772 regional water supply plan, each water management district shall  
773 notify by certified mail each entity identified in sub-  
774 subparagraph (2)(a)3.d. of that portion of the plan relevant to  
775 the entity. Upon request of such an entity, the water management  
776 district shall appear before and present its findings and  
777 recommendations to the entity.

778 (b) Within 1 year after the notification by a water  
779 management district pursuant to paragraph (a), each entity  
780 identified in sub-subparagraph (2)(a)3.d. shall provide to the  
781 water management district written notification of the following:  
782 the alternative water supply projects or options identified in  
783 paragraph (2)(a) which it has developed or intends to develop,  
784 if any; an estimate of the quantity of water to be produced by  
785 each project; and the status of project implementation,  
786 including development of the financial plan, facilities master  
787 planning, permitting, and efforts in coordinating  
788 multijurisdictional projects, if applicable. The information  
789 provided in the notification shall be updated annually, and a  
790 progress report shall be provided by November 15 of each year to  
791 the water management district. If an entity does not intend to  
792 develop one or more of the alternative water supply project  
793 options identified in the regional water supply plan, the entity  
794 shall propose, within 1 year after notification by a water  
795 management district pursuant to paragraph (a), another



156026

796 alternative water supply project option sufficient to address  
797 the needs identified in paragraph (2) (a) within the entity's  
798 jurisdiction and shall provide an estimate of the quantity of  
799 water to be produced by the project and the status of project  
800 implementation as described in this paragraph. The entity may  
801 request that the water management district consider the other  
802 project for inclusion in the regional water supply plan.

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

806 373.711 Technical assistance to local governments.-

807 (1) The water management districts shall assist local  
808 governments in the development and future revision of local  
809 government comprehensive plan elements or public facilities  
810 report as required by s. 189.415, related to water resource  
811 issues.

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

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

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

822 (c) Identification of regulations, programs, and schedules  
823 undertaken or proposed by the district to further the State  
824 Comprehensive Plan.



156026

825           (d) A description of surface water basins, including  
826 regulatory jurisdictions, flood-prone areas, existing and  
827 projected water quality in water management district operated  
828 facilities, as well as surface water runoff characteristics and  
829 topography regarding flood plains, wetlands, and recharge areas.

830           (e) A description of groundwater characteristics, including  
831 existing and planned wellfield sites, existing and anticipated  
832 cones of influence, highly productive groundwater areas, aquifer  
833 recharge areas, deep well injection zones, contaminated areas,  
834 an assessment of regional water resource needs and sources for  
835 the next 20 years, and water quality.

836           (f) The identification of existing and potential water  
837 management district land acquisitions.

838           (g) Information reflecting the minimum flows for surface  
839 watercourses to avoid harm to water resources or the ecosystem  
840 and information reflecting the minimum water levels for aquifers  
841 to avoid harm to water resources or the ecosystem.

842           373.713 Regional water supply authorities.-

843           (1) By interlocal agreement between counties,  
844 municipalities, or special districts, as applicable, pursuant to  
845 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and  
846 upon the approval of the Secretary of Environmental Protection  
847 to ensure that such agreement will be in the public interest and  
848 complies with the intent and purposes of this act, regional  
849 water supply authorities may be created for the purpose of  
850 developing, recovering, storing, and supplying water for county  
851 or municipal purposes in such a manner as will give priority to  
852 reducing adverse environmental effects of excessive or improper  
853 withdrawals of water from concentrated areas. In approving said



156026

854 agreement the Secretary of Environmental Protection shall  
855 consider, but not be limited to, the following:

856 (a) Whether the geographic territory of the proposed  
857 authority is of sufficient size and character to reduce the  
858 environmental effects of improper or excessive withdrawals of  
859 water from concentrated areas.

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

862 (c) The availability of a dependable and adequate water  
863 supply.

864 (d) The ability of any proposed authority to design,  
865 construct, operate, and maintain water supply facilities in the  
866 locations, and at the times necessary, to ensure that an  
867 adequate water supply will be available to all citizens within  
868 the authority.

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

871 (f) The existing needs of the water users within the area  
872 of the authority.

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

875 (a) Upon approval of the electors residing in each county  
876 or municipality within the territory to be included in any  
877 authority, levy ad valorem taxes, not to exceed 0.5 mill,  
878 pursuant to s. 9(b), Art. VII of the State Constitution. No tax  
879 authorized by this paragraph shall be levied in any county or  
880 municipality without an affirmative vote of the electors  
881 residing in such county or municipality.

882 (b) Acquire water and water rights; develop, store, and



156026

883 transport water; provide, sell, and deliver water for county or  
884 municipal uses and purposes; and provide for the furnishing of  
885 such water and water service upon terms and conditions and at  
886 rates which will apportion to parties and nonparties an  
887 equitable share of the capital cost and operating expense of the  
888 authority's work to the purchaser.

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

890 (d) Not engage in local distribution.

891 (e) Exercise the power of eminent domain in the manner  
892 provided by law for the condemnation of private property for  
893 public use to acquire title to such interest in real property as  
894 is necessary to the exercise of the powers herein granted,  
895 except water and water rights already devoted to reasonable and  
896 beneficial use or any water production or transmission  
897 facilities owned by any county or municipality.

898 (f) Issue revenue bonds in the manner prescribed by the  
899 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be  
900 payable solely from funds derived from the sale of water by the  
901 authority to any county or municipality. Such bonds may be  
902 additionally secured by the full faith and credit of any county  
903 or municipality, as provided by s. 159.16 or by a pledge of  
904 excise taxes, as provided by s. 159.19. For the purpose of  
905 issuing revenue bonds, an authority shall be considered a "unit"  
906 as defined in s. 159.02(2) and as that term is used in the  
907 Revenue Bond Act of 1953, as amended. Such bonds may be issued  
908 to finance the cost of acquiring properties and facilities for  
909 the production and transmission of water by the authority to any  
910 county or municipality, which cost shall include the acquisition  
911 of real property and easements therein for such purposes. Such



156026

912 bonds may be in the form of refunding bonds to take up any  
913 outstanding bonds of the authority or of any county or  
914 municipality where such outstanding bonds are secured by  
915 properties and facilities for production and transmission of  
916 water, which properties and facilities are being acquired by the  
917 authority. Refunding bonds may be issued to take up and refund  
918 all outstanding bonds of said authority that are subject to call  
919 and termination, and all bonds of said authority that are not  
920 subject to call or redemption, when the surrender of said bonds  
921 can be procured from the holder thereof at prices satisfactory  
922 to the authority. Such refunding bonds may be issued at any time  
923 when, in the judgment of the authority, it will be to the best  
924 interest of the authority financially or economically by  
925 securing a lower rate of interest on said bonds or by extending  
926 the time of maturity of said bonds or, for any other reason, in  
927 the judgment of the authority, advantageous to said authority.

928 (g) Sue and be sued in its own name.

929 (h) Borrow money and incur indebtedness and issue bonds or  
930 other evidence of such indebtedness.

931 (i) Join with one or more other public corporations for the  
932 purpose of carrying out any of its powers and for that purpose  
933 to contract with such other public corporation or corporations  
934 for the purpose of financing such acquisitions, construction,  
935 and operations. Such contracts may provide for contributions to  
936 be made by each party thereto, for the division and  
937 apportionment of the expenses of such acquisitions and  
938 operations, and for the division and apportionment of the  
939 benefits, services, and products therefrom. Such contract may  
940 contain such other and further covenants and agreements as may



156026

941 be necessary and convenient to accomplish the purposes hereof.

942 (3) A regional water supply authority is authorized to  
943 develop, construct, operate, maintain, or contract for  
944 alternative sources of potable water, including desalinated  
945 water, and pipelines to interconnect authority sources and  
946 facilities, either by itself or jointly with a water management  
947 district; however, such alternative potable water sources,  
948 facilities, and pipelines may also be privately developed,  
949 constructed, owned, operated, and maintained, in which event an  
950 authority and a water management district are authorized to  
951 pledge and contribute their funds to reduce the wholesale cost  
952 of water from such alternative sources of potable water supplied  
953 by an authority to its member governments.

954 (4) When it is found to be in the public interest, for the  
955 public convenience and welfare, for a public benefit, and  
956 necessary for carrying out the purpose of any regional water  
957 supply authority, any state agency, county, water control  
958 district existing pursuant to chapter 298, water management  
959 district existing pursuant to this chapter, municipality,  
960 governmental agency, or public corporation in this state holding  
961 title to any interest in land is hereby authorized, in its  
962 discretion, to convey the title to or dedicate land, title to  
963 which is in such entity, including tax-reverted land, or to  
964 grant use-rights therein, to any regional water supply authority  
965 created pursuant to this section. Land granted or conveyed to  
966 such authority shall be for the public purposes of such  
967 authority and may be made subject to the condition that in the  
968 event said land is not so used, or if used and subsequently its  
969 use for said purpose is abandoned, the interest granted shall



156026

970 cease as to such authority and shall automatically revert to the  
971 granting entity.

972 (5) Each county, special district, or municipality that is  
973 a party to an agreement pursuant to subsection (1) shall have a  
974 preferential right to purchase water from the regional water  
975 supply authority for use by such county, special district, or  
976 municipality.

977 (6) In carrying out the provisions of this section, any  
978 county wherein water is withdrawn by the authority shall not be  
979 deprived, directly or indirectly, of the prior right to the  
980 reasonable and beneficial use of water which is required  
981 adequately to supply the reasonable and beneficial needs of the  
982 county or any of the inhabitants or property owners therein.

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

988 (8) The authority shall design, construct, operate, and  
989 maintain facilities in the locations and at the times necessary  
990 to ensure that an adequate water supply will be available to all  
991 citizens within the authority.

992 (9) Where a water supply authority exists pursuant to this  
993 section or s. 373.715 under a voluntary interlocal agreement  
994 that is consistent with requirements in s. 373.715(1)(b) and  
995 receives or maintains consumptive use permits under this  
996 voluntary agreement consistent with the water supply plan, if  
997 any, adopted by the governing board, such authority shall be  
998 exempt from consideration by the governing board or department



156026

999 of the factors specified in s. 373.223(3) (a)-(g) and the  
1000 submissions required by s. 373.229(3). Such exemptions shall  
1001 apply only to water sources within the jurisdictional areas of  
1002 such voluntary water supply interlocal agreements.

1003 373.715 Assistance to West Coast Regional Water Supply  
1004 Authority.-

1005 (1) It is the intent of the Legislature to authorize the  
1006 implementation of changes in governance recommended by the West  
1007 Coast Regional Water Supply Authority in its reports to the  
1008 Legislature dated February 1, 1997, and January 5, 1998. The  
1009 authority and its member governments may reconstitute the  
1010 authority's governance and rename the authority under a  
1011 voluntary interlocal agreement with a term of not less than 20  
1012 years. The interlocal agreement must comply with this subsection  
1013 as follows:

1014 (a) The authority and its member governments agree that  
1015 cooperative efforts are mandatory to meet their water needs in a  
1016 manner that will provide adequate and dependable supplies of  
1017 water where needed without resulting in adverse environmental  
1018 effects upon the areas from which the water is withdrawn or  
1019 otherwise produced.

1020 (b) In accordance with s. 4, Art. VIII of the State  
1021 Constitution and notwithstanding s. 163.01, the interlocal  
1022 agreement may include the following terms, which are considered  
1023 approved by the parties without a vote of their electors, upon  
1024 execution of the interlocal agreement by all member governments  
1025 and upon satisfaction of all conditions precedent in the  
1026 interlocal agreement:

1027 1. All member governments shall relinquish to the authority



156026

1028 their individual rights to develop potable water supply sources,  
1029 except as otherwise provided in the interlocal agreement;

1030 2. The authority shall be the sole and exclusive wholesale  
1031 potable water supplier for all member governments; and

1032 3. The authority shall have the absolute and unequivocal  
1033 obligation to meet the wholesale needs of the member governments  
1034 for potable water.

1035 4. A member government may not restrict or prohibit the use  
1036 of land within a member's jurisdictional boundaries by the  
1037 authority for water supply purposes through use of zoning, land  
1038 use, comprehensive planning, or other form of regulation.

1039 5. A member government may not impose any tax, fee, or  
1040 charge upon the authority in conjunction with the production or  
1041 supply of water not otherwise provided for in the interlocal  
1042 agreement.

1043 6. The authority may use the powers provided in part II of  
1044 chapter 159 for financing and refinancing water treatment,  
1045 production, or transmission facilities, including, but not  
1046 limited to, desalinization facilities. All such water treatment,  
1047 production, or transmission facilities are considered a  
1048 "manufacturing plant" for purposes of s. 159.27(5) and serve a  
1049 paramount public purpose by providing water to citizens of the  
1050 state.

1051 7. A member government and any governmental or quasi-  
1052 judicial board or commission established by local ordinance or  
1053 general or special law where the governing membership of such  
1054 board or commission is shared, in whole or in part, or appointed  
1055 by a member government agreeing to be bound by the interlocal  
1056 agreement shall be limited to the procedures set forth therein



156026

1057 regarding actions that directly or indirectly restrict or  
1058 prohibit the use of lands or other activities related to the  
1059 production or supply of water.

1060 (c) The authority shall acquire full or lesser interests in  
1061 all regionally significant member government wholesale water  
1062 supply facilities and tangible assets and each member government  
1063 shall convey such interests in the facilities and assets to the  
1064 authority, at an agreed value.

1065 (d) The authority shall charge a uniform per gallon  
1066 wholesale rate to member governments for the wholesale supply of  
1067 potable water. All capital, operation, maintenance, and  
1068 administrative costs for existing facilities and acquired  
1069 facilities, authority master water plan facilities, and other  
1070 future projects must be allocated to member governments based on  
1071 water usage at the uniform per gallon wholesale rate.

1072 (e) The interlocal agreement may include procedures for  
1073 resolving the parties' differences regarding water management  
1074 district proposed agency action in the water use permitting  
1075 process within the authority. Such procedures should minimize  
1076 the potential for litigation and include alternative dispute  
1077 resolution. Any governmental or quasi-judicial board or  
1078 commission established by local ordinance or general or special  
1079 law where the governing members of such board or commission is  
1080 shared, in whole or in part, or appointed by a member  
1081 government, may agree to be bound by the dispute resolution  
1082 procedures set forth in the interlocal agreement.

1083 (f) Upon execution of the voluntary interlocal agreement  
1084 provided for herein, the authority shall jointly develop with  
1085 the Southwest Florida Water Management District alternative



156026

1086 sources of potable water and transmission pipelines to  
1087 interconnect regionally significant water supply sources and  
1088 facilities of the authority in amounts sufficient to meet the  
1089 needs of all member governments for a period of at least 20  
1090 years and for natural systems. Nothing herein, however, shall  
1091 preclude the authority and its member governments from  
1092 developing traditional water sources pursuant to the voluntary  
1093 interlocal agreement. Development and construction costs for  
1094 alternative source facilities, which may include a desalination  
1095 facility and significant regional interconnects, must be borne  
1096 as mutually agreed to by both the authority and the Southwest  
1097 Florida Water Management District. Nothing herein shall preclude  
1098 authority or district cost sharing with private entities for the  
1099 construction or ownership of alternative source facilities. By  
1100 December 31, 1997, the authority and the Southwest Florida Water  
1101 Management District shall enter into a mutually acceptable  
1102 agreement detailing the development and implementation of  
1103 directives contained in this paragraph. Nothing in this section  
1104 shall be construed to modify the rights or responsibilities of  
1105 the authority or its member governments, except as otherwise  
1106 provided herein, or of the Southwest Florida Water Management  
1107 District or the department pursuant to this chapter or chapter  
1108 403 and as otherwise set forth by statutes.

1109 (g) Unless otherwise provided in the interlocal agreement,  
1110 the authority shall be governed by a board of commissioners  
1111 consisting of nine voting members, all of whom must be elected  
1112 officers, as follows:

1113 1. Three members from Hillsborough County who must be  
1114 selected by the county commission; provided, however, that one



156026

1115 member shall be selected by the Mayor of Tampa in the event that  
1116 the City of Tampa elects to be a member of the authority;

1117 2. Three members from Pasco County, two of whom must be  
1118 selected by the county commission and one of whom must be  
1119 selected by the City Council of New Port Richey; and

1120 3. Three members from Pinellas County, two of whom must be  
1121 selected by the county commission and one of whom must be  
1122 selected by the City Council of St. Petersburg.

1123  
1124 Except as otherwise provided in this section or in the  
1125 voluntary interlocal agreement between the member governments, a  
1126 majority vote shall bind the authority and its member  
1127 governments in all matters relating to the funding of wholesale  
1128 water supply, production, delivery, and related activities.

1129 (2) The provisions of this section supersede any  
1130 conflicting provisions contained in all other general or special  
1131 laws or provisions thereof as they may apply directly or  
1132 indirectly to the exclusivity of water supply or withdrawal of  
1133 water, including provisions relating to the environmental  
1134 effects, if any, in conjunction with the production and supply  
1135 of potable water, and the provisions of this section are  
1136 intended to be a complete revision of all laws related to a  
1137 regional water supply authority created under s. 373.713 and  
1138 this section.

1139 (3) In lieu of the provisions in s. 373.713(2)(a), the  
1140 Southwest Florida Water Management District shall assist the  
1141 West Coast Regional Water Supply Authority for a period of 5  
1142 years, terminating December 31, 1981, by levying an ad valorem  
1143 tax, upon request of the authority, of not more than 0.05 mill



156026

1144 on all taxable property within the limits of the authority.  
1145 During such period the corresponding basin board ad valorem tax  
1146 levies shall be reduced accordingly.

1147 (4) The authority shall prepare its annual budget in the  
1148 same manner as prescribed for the preparation of basin budgets,  
1149 but such authority budget shall not be subject to review by the  
1150 respective basin boards or by the governing board of the  
1151 district.

1152 (5) The annual millage for the authority shall be the  
1153 amount required to raise the amount called for by the annual  
1154 budget when applied to the total assessment on all taxable  
1155 property within the limits of the authority, as determined for  
1156 county taxing purposes.

1157 (6) The authority may, by resolution, request the governing  
1158 board of the district to levy ad valorem taxes within the  
1159 boundaries of the authority. Upon receipt of such request,  
1160 together with formal certification of the adoption of its annual  
1161 budget and of the required tax levy, the authority tax levy  
1162 shall be made by the governing board of the district to finance  
1163 authority functions.

1164 (7) The taxes provided for in this section shall be  
1165 extended by the property appraiser on the county tax roll in  
1166 each county within, or partly within, the authority boundaries  
1167 and shall be collected by the tax collector in the same manner  
1168 and time as county taxes, and the proceeds therefrom paid to the  
1169 district which shall forthwith pay them over to the authority.  
1170 Until paid, such taxes shall be a lien on the property against  
1171 which assessed and enforceable in like manner as county taxes.  
1172 The property appraisers, tax collectors, and clerks of the



156026

1173 circuit court of the respective counties shall be entitled to  
1174 compensation for services performed in connection with such  
1175 taxes at the same rates as apply to county taxes.

1176 (8) The governing board of the district shall not be  
1177 responsible for any actions or lack of actions by the authority.

1178 Section 2. Subsection (13) of section 120.52, Florida  
1179 Statutes, is amended to read:

1180 120.52 Definitions.—As used in this act:

1181 (13) "Party" means:

1182 (a) Specifically named persons whose substantial interests  
1183 are being determined in the proceeding.

1184 (b) Any other person who, as a matter of constitutional  
1185 right, provision of statute, or provision of agency regulation,  
1186 is entitled to participate in whole or in part in the  
1187 proceeding, or whose substantial interests will be affected by  
1188 proposed agency action, and who makes an appearance as a party.

1189 (c) Any other person, including an agency staff member,  
1190 allowed by the agency to intervene or participate in the  
1191 proceeding as a party. An agency may by rule authorize limited  
1192 forms of participation in agency proceedings for persons who are  
1193 not eligible to become parties.

1194 (d) Any county representative, agency, department, or unit  
1195 funded and authorized by state statute or county ordinance to  
1196 represent the interests of the consumers of a county, when the  
1197 proceeding involves the substantial interests of a significant  
1198 number of residents of the county and the board of county  
1199 commissioners has, by resolution, authorized the representative,  
1200 agency, department, or unit to represent the class of interested  
1201 persons. The authorizing resolution shall apply to a specific



156026

1202 proceeding and to appeals and ancillary proceedings thereto, and  
1203 it shall not be required to state the names of the persons whose  
1204 interests are to be represented.

1205  
1206 The term "party" does not include a member government of a  
1207 regional water supply authority or a governmental or quasi-  
1208 judicial board or commission established by local ordinance or  
1209 special or general law where the governing membership of such  
1210 board or commission is shared with, in whole or in part, or  
1211 appointed by a member government of a regional water supply  
1212 authority in proceedings under s. 120.569, s. 120.57, or s.  
1213 120.68, to the extent that an interlocal agreement under ss.  
1214 163.01 and 373.713 ~~373.1962~~ exists in which the member  
1215 government has agreed that its substantial interests are not  
1216 affected by the proceedings or that it is to be bound by  
1217 alternative dispute resolution in lieu of participating in the  
1218 proceedings. This exclusion applies only to those particular  
1219 types of disputes or controversies, if any, identified in an  
1220 interlocal agreement.

1221 Section 3. Subsection (13) of section 163.3167, Florida  
1222 Statutes, is amended to read:

1223 163.3167 Scope of act.—

1224 (13) Each local government shall address in its  
1225 comprehensive plan, as enumerated in this chapter, the water  
1226 supply sources necessary to meet and achieve the existing and  
1227 projected water use demand for the established planning period,  
1228 considering the applicable plan developed pursuant to s. 373.709  
1229 ~~373.0361~~.

1230 Section 4. Paragraph (a) of subsection (4) and paragraphs



1231 (c), (d), and (h) of subsection (6) of section 163.3177, Florida  
1232 Statutes, are amended to read:

1233 163.3177 Required and optional elements of comprehensive  
1234 plan; studies and surveys.—

1235 (4) (a) Coordination of the local comprehensive plan with  
1236 the comprehensive plans of adjacent municipalities, the county,  
1237 adjacent counties, or the region; with the appropriate water  
1238 management district's regional water supply plans approved  
1239 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining  
1240 to designated areas of critical state concern; and with the  
1241 state comprehensive plan shall be a major objective of the local  
1242 comprehensive planning process. To that end, in the preparation  
1243 of a comprehensive plan or element thereof, and in the  
1244 comprehensive plan or element as adopted, the governing body  
1245 shall include a specific policy statement indicating the  
1246 relationship of the proposed development of the area to the  
1247 comprehensive plans of adjacent municipalities, the county,  
1248 adjacent counties, or the region and to the state comprehensive  
1249 plan, as the case may require and as such adopted plans or plans  
1250 in preparation may exist.

1251 (6) In addition to the requirements of subsections (1)-(5)  
1252 and (12), the comprehensive plan shall include the following  
1253 elements:

1254 (c) A general sanitary sewer, solid waste, drainage,  
1255 potable water, and natural groundwater aquifer recharge element  
1256 correlated to principles and guidelines for future land use,  
1257 indicating ways to provide for future potable water, drainage,  
1258 sanitary sewer, solid waste, and aquifer recharge protection  
1259 requirements for the area. The element may be a detailed



156026

1260 engineering plan including a topographic map depicting areas of  
1261 prime groundwater recharge. The element shall describe the  
1262 problems and needs and the general facilities that will be  
1263 required for solution of the problems and needs. The element  
1264 shall also include a topographic map depicting any areas adopted  
1265 by a regional water management district as prime groundwater  
1266 recharge areas for the Floridan or Biscayne aquifers. These  
1267 areas shall be given special consideration when the local  
1268 government is engaged in zoning or considering future land use  
1269 for said designated areas. For areas served by septic tanks,  
1270 soil surveys shall be provided which indicate the suitability of  
1271 soils for septic tanks. Within 18 months after the governing  
1272 board approves an updated regional water supply plan, the  
1273 element must incorporate the alternative water supply project or  
1274 projects selected by the local government from those identified  
1275 in the regional water supply plan pursuant to s. 373.709(2)(a)  
1276 ~~373.0361(2)(a)~~ or proposed by the local government under s.  
1277 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located  
1278 within two water management districts, the local government  
1279 shall adopt its comprehensive plan amendment within 18 months  
1280 after the later updated regional water supply plan. The element  
1281 must identify such alternative water supply projects and  
1282 traditional water supply projects and conservation and reuse  
1283 necessary to meet the water needs identified in s. 373.709(2)(a)  
1284 ~~373.0361(2)(a)~~ within the local government's jurisdiction and  
1285 include a work plan, covering at least a 10 year planning  
1286 period, for building public, private, and regional water supply  
1287 facilities, including development of alternative water supplies,  
1288 which are identified in the element as necessary to serve



156026

1289 existing and new development. The work plan shall be updated, at  
1290 a minimum, every 5 years within 18 months after the governing  
1291 board of a water management district approves an updated  
1292 regional water supply plan. Amendments to incorporate the work  
1293 plan do not count toward the limitation on the frequency of  
1294 adoption of amendments to the comprehensive plan. Local  
1295 governments, public and private utilities, regional water supply  
1296 authorities, special districts, and water management districts  
1297 are encouraged to cooperatively plan for the development of  
1298 multijurisdictional water supply facilities that are sufficient  
1299 to meet projected demands for established planning periods,  
1300 including the development of alternative water sources to  
1301 supplement traditional sources of groundwater and surface water  
1302 supplies.

1303 (d) A conservation element for the conservation, use, and  
1304 protection of natural resources in the area, including air,  
1305 water, water recharge areas, wetlands, waterwells, estuarine  
1306 marshes, soils, beaches, shores, flood plains, rivers, bays,  
1307 lakes, harbors, forests, fisheries and wildlife, marine habitat,  
1308 minerals, and other natural and environmental resources,  
1309 including factors that affect energy conservation. Local  
1310 governments shall assess their current, as well as projected,  
1311 water needs and sources for at least a 10-year period,  
1312 considering the appropriate regional water supply plan approved  
1313 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an  
1314 approved regional water supply plan, the district water  
1315 management plan approved pursuant to s. 373.036(2). This  
1316 information shall be submitted to the appropriate agencies. The  
1317 land use map or map series contained in the future land use



156026

1318 element shall generally identify and depict the following:

1319 1. Existing and planned waterwells and cones of influence  
1320 where applicable.

1321 2. Beaches and shores, including estuarine systems.

1322 3. Rivers, bays, lakes, flood plains, and harbors.

1323 4. Wetlands.

1324 5. Minerals and soils.

1325 6. Energy conservation.

1326

1327 The land uses identified on such maps shall be consistent  
1328 with applicable state law and rules.

1329 (h)1. An intergovernmental coordination element showing  
1330 relationships and stating principles and guidelines to be used  
1331 in the accomplishment of coordination of the adopted  
1332 comprehensive plan with the plans of school boards, regional  
1333 water supply authorities, and other units of local government  
1334 providing services but not having regulatory authority over the  
1335 use of land, with the comprehensive plans of adjacent  
1336 municipalities, the county, adjacent counties, or the region,  
1337 with the state comprehensive plan and with the applicable  
1338 regional water supply plan approved pursuant to s. 373.709  
1339 ~~373.0361~~, as the case may require and as such adopted plans or  
1340 plans in preparation may exist. This element of the local  
1341 comprehensive plan shall demonstrate consideration of the  
1342 particular effects of the local plan, when adopted, upon the  
1343 development of adjacent municipalities, the county, adjacent  
1344 counties, or the region, or upon the state comprehensive plan,  
1345 as the case may require.

1346 a. The intergovernmental coordination element shall provide



156026

1347 procedures to identify and implement joint planning areas,  
1348 especially for the purpose of annexation, municipal  
1349 incorporation, and joint infrastructure service areas.

1350 b. The intergovernmental coordination element shall provide  
1351 for recognition of campus master plans prepared pursuant to s.  
1352 1013.30 and airport master plans under paragraph(k).

1353 c. The intergovernmental coordination element shall provide  
1354 for a dispute resolution process as established pursuant to s.  
1355 186.509 for bringing to closure in a timely manner  
1356 intergovernmental disputes.

1357 d. The intergovernmental coordination element shall provide  
1358 for interlocal agreements as established pursuant to s.  
1359 333.03(1)(b).

1360 2. The intergovernmental coordination element shall further  
1361 state principles and guidelines to be used in the accomplishment  
1362 of coordination of the adopted comprehensive plan with the plans  
1363 of school boards and other units of local government providing  
1364 facilities and services but not having regulatory authority over  
1365 the use of land. In addition, the intergovernmental coordination  
1366 element shall describe joint processes for collaborative  
1367 planning and decisionmaking on population projections and public  
1368 school siting, the location and extension of public facilities  
1369 subject to concurrency, and siting facilities with countywide  
1370 significance, including locally unwanted land uses whose nature  
1371 and identity are established in an agreement. Within 1 year of  
1372 adopting their intergovernmental coordination elements, each  
1373 county, all the municipalities within that county, the district  
1374 school board, and any unit of local government service providers  
1375 in that county shall establish by interlocal or other formal



156026

1376 agreement executed by all affected entities, the joint processes  
1377 described in this subparagraph consistent with their adopted  
1378 intergovernmental coordination elements.

1379 3. To foster coordination between special districts and  
1380 local general-purpose governments as local general-purpose  
1381 governments implement local comprehensive plans, each  
1382 independent special district must submit a public facilities  
1383 report to the appropriate local government as required by s.  
1384 189.415.

1385 4.a. Local governments shall execute an interlocal  
1386 agreement with the district school board, the county, and  
1387 nonexempt municipalities pursuant to s. 163.31777. The local  
1388 government shall amend the intergovernmental coordination  
1389 element to provide that coordination between the local  
1390 government and school board is pursuant to the agreement and  
1391 shall state the obligations of the local government under the  
1392 agreement.

1393 b. Plan amendments that comply with this subparagraph are  
1394 exempt from the provisions of s. 163.3187(1).

1395 5. The state land planning agency shall establish a  
1396 schedule for phased completion and transmittal of plan  
1397 amendments to implement subparagraphs 1., 2., and 3. from all  
1398 jurisdictions so as to accomplish their adoption by December 31,  
1399 1999. A local government may complete and transmit its plan  
1400 amendments to carry out these provisions prior to the scheduled  
1401 date established by the state land planning agency. The plan  
1402 amendments are exempt from the provisions of s. 163.3187(1).

1403 6. By January 1, 2004, any county having a population  
1404 greater than 100,000, and the municipalities and special



156026

1405 districts within that county, shall submit a report to the  
1406 Department of Community Affairs which:

1407       a. Identifies all existing or proposed interlocal service  
1408 delivery agreements regarding the following: education; sanitary  
1409 sewer; public safety; solid waste; drainage; potable water;  
1410 parks and recreation; and transportation facilities.

1411       b. Identifies any deficits or duplication in the provision  
1412 of services within its jurisdiction, whether capital or  
1413 operational. Upon request, the Department of Community Affairs  
1414 shall provide technical assistance to the local governments in  
1415 identifying deficits or duplication.

1416       7. Within 6 months after submission of the report, the  
1417 Department of Community Affairs shall, through the appropriate  
1418 regional planning council, coordinate a meeting of all local  
1419 governments within the regional planning area to discuss the  
1420 reports and potential strategies to remedy any identified  
1421 deficiencies or duplications.

1422       8. Each local government shall update its intergovernmental  
1423 coordination element based upon the findings in the report  
1424 submitted pursuant to subparagraph 6. The report may be used as  
1425 supporting data and analysis for the intergovernmental  
1426 coordination element.

1427       Section 5. Paragraph (1) of subsection (2) of section  
1428 163.3191, Florida Statutes, is amended to read:

1429       163.3191 Evaluation and appraisal of comprehensive plan.—

1430       (2) The report shall present an evaluation and assessment  
1431 of the comprehensive plan and shall contain appropriate  
1432 statements to update the comprehensive plan, including, but not  
1433 limited to, words, maps, illustrations, or other media, related



156026

1434 to:

1435 (1) The extent to which the local government has been  
1436 successful in identifying alternative water supply projects and  
1437 traditional water supply projects, including conservation and  
1438 reuse, necessary to meet the water needs identified in s.  
1439 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's  
1440 jurisdiction. The report must evaluate the degree to which the  
1441 local government has implemented the work plan for building  
1442 public, private, and regional water supply facilities, including  
1443 development of alternative water supplies, identified in the  
1444 element as necessary to serve existing and new development.

1445 Section 6. Paragraphs (c) and (d) of subsection (4) of  
1446 section 189.404, Florida Statutes, are amended to read:

1447 189.404 Legislative intent for the creation of independent  
1448 special districts; special act prohibitions; model elements and  
1449 other requirements; general-purpose local government/Governor  
1450 and Cabinet creation authorizations.—

1451 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION  
1452 AUTHORIZATIONS.—Except as otherwise authorized by general law,  
1453 only the Legislature may create independent special districts.

1454 (c) The Governor and Cabinet may create an independent  
1455 special district which shall be established by rule in  
1456 accordance with s. 190.005 or as otherwise authorized in general  
1457 law. The Governor and Cabinet may also approve the establishment  
1458 of a charter for the creation of an independent special district  
1459 which shall be in accordance with s. 373.713 ~~373.1962~~, or as  
1460 otherwise authorized in general law.

1461 (d)1. Any combination of two or more counties may create a  
1462 regional special district which shall be established in



156026

1463 accordance with s. 950.001, or as otherwise authorized in  
1464 general law.

1465         2. Any combination of two or more counties or  
1466 municipalities may create a regional special district which  
1467 shall be established in accordance with s. 373.713 ~~373.1962~~, or  
1468 as otherwise authorized by general law.

1469         3. Any combination of two or more counties, municipalities,  
1470 or other political subdivisions may create a regional special  
1471 district in accordance with s. 163.567, or as otherwise  
1472 authorized in general law.

1473         Section 7. Subsection (3) of section 189.4155, Florida  
1474 Statutes, is amended to read:

1475             189.4155 Activities of special districts; local government  
1476 comprehensive planning.—

1477             (3) The provisions of this section shall not apply to water  
1478 management districts created pursuant to s. 373.069, to regional  
1479 water supply authorities created pursuant to s. 373.713  
1480 ~~373.1962~~, or to spoil disposal sites owned or used by the  
1481 Federal Government.

1482         Section 8. Section 189.4156, Florida Statutes, is amended  
1483 to read:

1484             189.4156 Water management district technical assistance;  
1485 local government comprehensive planning.—Water management  
1486 districts shall assist local governments in the development of  
1487 local government comprehensive plan elements related to water  
1488 resource issues as required by s. 373.711 ~~373.0391~~.

1489         Section 9. Subsection (7) of section 367.021, Florida  
1490 Statutes, is amended to read:

1491             367.021 Definitions.—As used in this chapter, the following



156026

1492 words or terms shall have the meanings indicated:

1493 (7) "Governmental authority" means a political subdivision,  
1494 as defined by s. 1.01(8), a regional water supply authority  
1495 created pursuant to s. 373.713 ~~373.1962~~, or a nonprofit  
1496 corporation formed for the purpose of acting on behalf of a  
1497 political subdivision with respect to a water or wastewater  
1498 facility.

1499 Section 10. Subsections (1) and (17) of section 373.019,  
1500 Florida Statutes, are amended to read:

1501 373.019 Definitions.—When appearing in this chapter or in  
1502 any rule, regulation, or order adopted pursuant thereto, the  
1503 term:

1504 (1) "Alternative water supplies" means salt water; brackish  
1505 surface and groundwater; surface water captured predominately  
1506 during wet-weather flows; sources made available through the  
1507 addition of new storage capacity for surface or groundwater,  
1508 water that has been reclaimed after one or more public supply,  
1509 municipal, industrial, commercial, or agricultural uses; the  
1510 downstream augmentation of water bodies with reclaimed water;  
1511 stormwater; and any other water supply source that is designated  
1512 as nontraditional for a water supply planning region in the  
1513 applicable regional water supply plan.

1514 (17) "Regional water supply plan" means a detailed water  
1515 supply plan developed by a governing board under s. 373.709 ~~s.~~  
1516 ~~373.0361~~.

1517 Section 11. Paragraph (b) of subsection (2) and paragraph  
1518 (b) of subsection (7) of section 373.036, Florida Statutes, are  
1519 amended to read:

1520 373.036 Florida water plan; district water management



156026

1521 plans.-  
1522 (2) DISTRICT WATER MANAGEMENT PLANS.-  
1523 (b) The district water management plan shall include, but  
1524 not be limited to:  
1525 1. The scientific methodologies for establishing minimum  
1526 flows and levels under s. 373.042, and all established minimum  
1527 flows and levels.  
1528 2. Identification of one or more water supply planning  
1529 regions that singly or together encompass the entire district.  
1530 3. Technical data and information prepared under s. 373.711  
1531 ~~373.0391~~.  
1532 4. A districtwide water supply assessment, to be completed  
1533 no later than July 1, 1998, which determines for each water  
1534 supply planning region:  
1535 a. Existing legal uses, reasonably anticipated future  
1536 needs, and existing and reasonably anticipated sources of water  
1537 and conservation efforts; and  
1538 b. Whether existing and reasonably anticipated sources of  
1539 water and conservation efforts are adequate to supply water for  
1540 all existing legal uses and reasonably anticipated future needs  
1541 and to sustain the water resources and related natural systems.  
1542 5. Any completed regional water supply plans.  
1543 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.-  
1544 (b) The consolidated annual report shall contain the  
1545 following elements, as appropriate to that water management  
1546 district:  
1547 1. A district water management plan annual report or the  
1548 annual work plan report allowed in subparagraph (2)(e)4.  
1549 2. The department-approved minimum flows and levels annual



156026

1550 priority list and schedule required by s. 373.042(2).

1551 3. The annual 5-year capital improvements plan required by  
1552 s. 373.536(6) (a)3.

1553 4. The alternative water supplies annual report required by  
1554 s. 373.707(8) (n) ~~373.1961(3) (n)~~.

1555 5. The final annual 5-year water resource development work  
1556 program required by s. 373.536(6) (a)4.

1557 6. The Florida Forever Water Management District Work Plan  
1558 annual report required by s. 373.199(7).

1559 7. The mitigation donation annual report required by s.  
1560 373.414(1) (b)2.

1561 Section 12. Paragraphs (a) and (e) of subsection (4) of  
1562 section 373.0363, Florida Statutes, are amended to read:

1563 373.0363 Southern Water Use Caution Area Recovery  
1564 Strategy.—

1565 (4) The West-Central Florida Water Restoration Action Plan  
1566 includes:

1567 (a) The Central West Coast Surface Water Enhancement  
1568 Initiative. The purpose of this initiative is to make additional  
1569 surface waters available for public supply through restoration  
1570 of surface waters, natural water flows, and freshwater wetland  
1571 communities. This initiative is designed to allow limits on  
1572 groundwater withdrawals in order to slow the rate of saltwater  
1573 intrusion. The initiative shall be an ongoing program in  
1574 cooperation with the Peace River-Manasota Regional Water Supply  
1575 Authority created under s. 373.713 ~~373.1962~~.

1576 (e) The Central Florida Water Resource Development  
1577 Initiative. The purpose of this initiative is to create and  
1578 implement a long-term plan that takes a comprehensive approach



156026

1579 to limit ground water withdrawals in the Southern Water Use  
1580 Caution Area and to identify and develop alternative water  
1581 supplies for Polk County. The project components developed  
1582 pursuant to this initiative are eligible for state and regional  
1583 funding under s. 373.707 ~~373.196~~ as an alternative water supply,  
1584 as defined in s. 373.019, or as a supplemental water supply  
1585 under the rules of the Southwest Florida Water Management  
1586 District or the South Florida Water Management District. The  
1587 initiative shall be implemented by the district as an ongoing  
1588 program in cooperation with Polk County and the South Florida  
1589 Water Management District.

1590 Section 13. Subsection (2) of section 373.0421, Florida  
1591 Statutes, is amended to read:

1592 373.0421 Establishment and implementation of minimum flows  
1593 and levels.—

1594 (2) If the existing flow or level in a water body is below,  
1595 or is projected to fall within 20 years below, the applicable  
1596 minimum flow or level established pursuant to s. 373.042, the  
1597 department or governing board, as part of the regional water  
1598 supply plan described in s. 373.709 ~~373.0361~~, shall  
1599 expeditiously implement a recovery or prevention strategy, which  
1600 includes the development of additional water supplies and other  
1601 actions, consistent with the authority granted by this chapter,  
1602 to:

1603 (a) Achieve recovery to the established minimum flow or  
1604 level as soon as practicable; or

1605 (b) Prevent the existing flow or level from falling below  
1606 the established minimum flow or level.

1607



156026

1608           The recovery or prevention strategy shall include phasing  
1609 or a timetable which will allow for the provision of sufficient  
1610 water supplies for all existing and projected reasonable-  
1611 beneficial uses, including development of additional water  
1612 supplies and implementation of conservation and other efficiency  
1613 measures concurrent with, to the extent practical, and to  
1614 offset, reductions in permitted withdrawals, consistent with the  
1615 provisions of this chapter.

1616           Section 14. Subsection (4) of section 373.0695, Florida  
1617 Statutes, is amended to read:

1618           373.0695 Duties of basin boards; authorized expenditures.-

1619           (4) In the exercise of the duties and powers granted  
1620 herein, the basin boards shall be subject to all the limitations  
1621 and restrictions imposed on the water management districts in s.  
1622 373.703 ~~373.1961~~.

1623           Section 15. Subsections (3) and (5) of section 373.223,  
1624 Florida Statutes, are amended to read:

1625           373.223 Conditions for a permit.-

1626           (3) Except for the transport and use of water supplied by  
1627 the Central and Southern Florida Flood Control Project, and  
1628 anywhere in the state when the transport and use of water is  
1629 supplied exclusively for bottled water as defined in s.  
1630 500.03(1)(d), any water use permit applications pending as of  
1631 April 1, 1998, with the Northwest Florida Water Management  
1632 District and self-suppliers of water for which the proposed  
1633 water source and area of use or application are located on  
1634 contiguous private properties, when evaluating whether a  
1635 potential transport and use of ground or surface water across  
1636 county boundaries is consistent with the public interest,



156026

1637 pursuant to paragraph (1) (c), the governing board or department  
1638 shall consider:

1639 (a) The proximity of the proposed water source to the area  
1640 of use or application.

1641 (b) All impoundments, streams, groundwater sources, or  
1642 watercourses that are geographically closer to the area of use  
1643 or application than the proposed source, and that are  
1644 technically and economically feasible for the proposed transport  
1645 and use.

1646 (c) All economically and technically feasible alternatives  
1647 to the proposed source, including, but not limited to,  
1648 desalination, conservation, reuse of nonpotable reclaimed water  
1649 and stormwater, and aquifer storage and recovery.

1650 (d) The potential environmental impacts that may result  
1651 from the transport and use of water from the proposed source,  
1652 and the potential environmental impacts that may result from use  
1653 of the other water sources identified in paragraphs (b) and (c).

1654 (e) Whether existing and reasonably anticipated sources of  
1655 water and conservation efforts are adequate to supply water for  
1656 existing legal uses and reasonably anticipated future needs of  
1657 the water supply planning region in which the proposed water  
1658 source is located.

1659 (f) Consultations with local governments affected by the  
1660 proposed transport and use.

1661 (g) The value of the existing capital investment in water-  
1662 related infrastructure made by the applicant.

1663

1664 Where districtwide water supply assessments and regional  
1665 water supply plans have been prepared pursuant to ss. 373.036



156026

1666 and ~~373.709~~ ~~373.0361~~, the governing board or the department  
1667 shall use the applicable plans and assessments as the basis for  
1668 its consideration of the applicable factors in this subsection.

1669 (5) In evaluating an application for consumptive use of  
1670 water which proposes the use of an alternative water supply  
1671 project as described in the regional water supply plan and  
1672 provides reasonable assurances of the applicant's capability to  
1673 design, construct, operate, and maintain the project, the  
1674 governing board or department shall presume that the alternative  
1675 water supply use is consistent with the public interest under  
1676 paragraph (1)(c). However, where the governing board identifies  
1677 the need for a multijurisdictional water supply entity or  
1678 regional water supply authority to develop the alternative water  
1679 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,  
1680 the presumption shall be accorded only to that use proposed by  
1681 such entity or authority. This subsection does not effect  
1682 evaluation of the use pursuant to the provisions of paragraphs  
1683 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and  
1684 373.233.

1685 Section 16. Section 373.2234, Florida Statutes, is amended  
1686 to read:

1687 373.2234 Preferred water supply sources.—The governing  
1688 board of a water management district is authorized to adopt  
1689 rules that identify preferred water supply sources for  
1690 consumptive uses for which there is sufficient data to establish  
1691 that a preferred source will provide a substantial new water  
1692 supply to meet the existing and projected reasonable-beneficial  
1693 uses of a water supply planning region identified pursuant to s.  
1694 373.709(1) ~~373.0361(1)~~, while sustaining existing water



156026

1695 resources and natural systems. At a minimum, such rules must  
1696 contain a description of the preferred water supply source and  
1697 an assessment of the water the preferred source is projected to  
1698 produce. If an applicant proposes to use a preferred water  
1699 supply source, that applicant's proposed water use is subject to  
1700 s. 373.223(1), except that the proposed use of a preferred water  
1701 supply source must be considered by a water management district  
1702 when determining whether a permit applicant's proposed use of  
1703 water is consistent with the public interest pursuant to s.  
1704 373.223(1)(c). A consumptive use permit issued for the use of a  
1705 preferred water supply source must be granted, when requested by  
1706 the applicant, for at least a 20-year period and may be subject  
1707 to the compliance reporting provisions of s. 373.236(4). Nothing  
1708 in this section shall be construed to exempt the use of  
1709 preferred water supply sources from the provisions of ss.  
1710 373.016(4) and 373.223(2) and (3), or be construed to provide  
1711 that permits issued for the use of a nonpreferred water supply  
1712 source must be issued for a duration of less than 20 years or  
1713 that the use of a nonpreferred water supply source is not  
1714 consistent with the public interest. Additionally, nothing in  
1715 this section shall be interpreted to require the use of a  
1716 preferred water supply source or to restrict or prohibit the use  
1717 of a nonpreferred water supply source. Rules adopted by the  
1718 governing board of a water management district to implement this  
1719 section shall specify that the use of a preferred water supply  
1720 source is not required and that the use of a nonpreferred water  
1721 supply source is not restricted or prohibited.

1722 Section 17. Subsection (3) of section 373.229, Florida  
1723 Statutes, is amended to read:



156026

1724 373.229 Application for permit.-

1725 (3) In addition to the information required in subsection  
1726 (1), all permit applications filed with the governing board or  
1727 the department which propose the transport and use of water  
1728 across county boundaries shall include information pertaining to  
1729 factors to be considered, pursuant to s. 373.223(3), unless  
1730 exempt under s. 373.713(9) ~~373.1962(9)~~.

1731 Section 18. Paragraph (a) of subsection (6) of section  
1732 373.236, Florida Statutes, is amended to read:

1733 373.236 Duration of permits; compliance reports.-

1734 (6) (a) The Legislature finds that the need for alternative  
1735 water supply development projects to meet anticipated public  
1736 water supply demands of the state is so important that it is  
1737 essential to encourage participation in and contribution to  
1738 these projects by private-rural-land owners who  
1739 characteristically have relatively modest near-term water  
1740 demands but substantially increasing demands after the 20-year  
1741 planning period in s. 373.709 ~~373.0361~~. Therefore, where such  
1742 landowners make extraordinary contributions of lands or  
1743 construction funding to enable the expeditious implementation of  
1744 such projects, water management districts and the department may  
1745 grant permits for such projects for a period of up to 50 years  
1746 to municipalities, counties, special districts, regional water  
1747 supply authorities, multijurisdictional water supply entities,  
1748 and publicly or privately owned utilities, with the exception of  
1749 any publicly or privately owned utilities created for or by a  
1750 private landowner after April 1, 2008, which have entered into  
1751 an agreement with the private landowner for the purpose of more  
1752 efficiently pursuing alternative public water supply development



156026

1753 projects identified in a district's regional water supply plan  
1754 and meeting water demands of both the applicant and the  
1755 landowner.

1756 Section 19. Paragraph (a) of subsection (6) of section  
1757 373.536, Florida Statutes, is amended to read:

1758 373.536 District budget and hearing thereon.—

1759 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;  
1760 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

1761 (a) Each district must, by the date specified for each  
1762 item, furnish copies of the following documents to the Governor,  
1763 the President of the Senate, the Speaker of the House of  
1764 Representatives, the chairs of all legislative committees and  
1765 subcommittees having substantive or fiscal jurisdiction over the  
1766 districts, as determined by the President of the Senate or the  
1767 Speaker of the House of Representatives as applicable, the  
1768 secretary of the department, and the governing board of each  
1769 county in which the district has jurisdiction or derives any  
1770 funds for the operations of the district:

1771 1. The adopted budget, to be furnished within 10 days after  
1772 its adoption.

1773 2. A financial audit of its accounts and records, to be  
1774 furnished within 10 days after its acceptance by the governing  
1775 board. The audit must be conducted in accordance with the  
1776 provisions of s. 11.45 and the rules adopted thereunder. In  
1777 addition to the entities named above, the district must provide  
1778 a copy of the audit to the Auditor General within 10 days after  
1779 its acceptance by the governing board.

1780 3. A 5-year capital improvements plan, to be included in  
1781 the consolidated annual report required by s. 373.036(7). The



156026

1782 plan must include expected sources of revenue for planned  
1783 improvements and must be prepared in a manner comparable to the  
1784 fixed capital outlay format set forth in s. 216.043.

1785 4. A 5-year water resource development work program to be  
1786 furnished within 30 days after the adoption of the final budget.  
1787 The program must describe the district's implementation strategy  
1788 for the water resource development component of each approved  
1789 regional water supply plan developed or revised under s. 373.709  
1790 ~~373.0361~~. The work program must address all the elements of the  
1791 water resource development component in the district's approved  
1792 regional water supply plans and must identify which projects in  
1793 the work program will provide water, explain how each water  
1794 resource development project will produce additional water  
1795 available for consumptive uses, estimate the quantity of water  
1796 to be produced by each project, and provide an assessment of the  
1797 contribution of the district's regional water supply plans in  
1798 providing sufficient water to meet the water supply needs of  
1799 existing and future reasonable-beneficial uses for a 1-in-10-  
1800 year drought event. Within 30 days after its submittal, the  
1801 department shall review the proposed work program and submit its  
1802 findings, questions, and comments to the district. The review  
1803 must include a written evaluation of the program's consistency  
1804 with the furtherance of the district's approved regional water  
1805 supply plans, and the adequacy of proposed expenditures. As part  
1806 of the review, the department shall give interested parties the  
1807 opportunity to provide written comments on each district's  
1808 proposed work program. Within 45 days after receipt of the  
1809 department's evaluation, the governing board shall state in  
1810 writing to the department which changes recommended in the



156026

1811 evaluation it will incorporate into its work program submitted  
1812 as part of the March 1 consolidated annual report required by s.  
1813 373.036(7) or specify the reasons for not incorporating the  
1814 changes. The department shall include the district's responses  
1815 in a final evaluation report and shall submit a copy of the  
1816 report to the Governor, the President of the Senate, and the  
1817 Speaker of the House of Representatives.

1818 Section 20. Subsection (11) of section 373.59, Florida  
1819 Statutes, is amended to read:

1820 373.59 Water Management Lands Trust Fund.—

1821 (11) Notwithstanding any provision of this section to the  
1822 contrary, the governing board of a water management district may  
1823 request, and the Secretary of Environmental Protection shall  
1824 release upon such request, moneys allocated to the districts  
1825 pursuant to subsection (8) for purposes consistent with the  
1826 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.  
1827 373.139, or ss. 373.451-373.4595 and for legislatively  
1828 authorized land acquisition and water restoration initiatives.  
1829 No funds may be used pursuant to this subsection until necessary  
1830 debt service obligations, requirements for payments in lieu of  
1831 taxes, and land management obligations that may be required by  
1832 this chapter are provided for.

1833 Section 21. Paragraph (g) of subsection (1) of section  
1834 378.212, Florida Statutes, is amended to read:

1835 378.212 Variances.—

1836 (1) Upon application, the secretary may grant a variance  
1837 from the provisions of this part or the rules adopted pursuant  
1838 thereto. Variances and renewals thereof may be granted for any  
1839 one of the following reasons:



156026

1840 (g) To accommodate reclamation that provides water supply  
1841 development or water resource development not inconsistent with  
1842 the applicable regional water supply plan approved pursuant to  
1843 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to  
1844 the water resources in the basin. A variance may also be granted  
1845 from the requirements of part IV of chapter 373, or the rules  
1846 adopted thereunder, when a project provides an improvement in  
1847 water availability in the basin and does not cause adverse  
1848 impacts to water resources in the basin.

1849 Section 22. Subsection (9) of section 378.404, Florida  
1850 Statutes, is amended to read:

1851 378.404 Department of Environmental Protection; powers and  
1852 duties.—The department shall have the following powers and  
1853 duties:

1854 (9) To grant variances from the provisions of this part to  
1855 accommodate reclamation that provides for water supply  
1856 development or water resource development not inconsistent with  
1857 the applicable regional water supply plan approved pursuant to  
1858 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved  
1859 wildlife habitat, recreation, or a mixture thereof, provided  
1860 adverse impacts are not caused to the water resources in the  
1861 basin and public health and safety are not adversely affected.

1862 Section 23. Paragraph (a) of subsection (3) of section  
1863 403.0891, Florida Statutes, is amended to read:

1864 403.0891 State, regional, and local stormwater management  
1865 plans and programs.—The department, the water management  
1866 districts, and local governments shall have the responsibility  
1867 for the development of mutually compatible stormwater management  
1868 programs.



156026

1869 (3) (a) Each local government required by chapter 163 to  
1870 submit a comprehensive plan, whose plan is submitted after July  
1871 1, 1992, and the others when updated after July 1, 1992, in the  
1872 development of its stormwater management program described by  
1873 elements within its comprehensive plan shall consider the water  
1874 resource implementation rule, district stormwater management  
1875 goals, plans approved pursuant to the Surface Water Improvement  
1876 and Management Act, ss. 373.451-373.4595, and technical  
1877 assistance information provided by the water management  
1878 districts pursuant to s. 373.711 ~~373.0391~~.

1879 Section 24. Section 403.890, Florida Statutes, is amended  
1880 to read:

1881 403.890 Water Protection and Sustainability Program~~;~~  
1882 ~~intent; goals; purposes.-~~

1883 ~~(1) Effective July 1, 2006, revenues transferred from the~~  
1884 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~  
1885 ~~deposited into the Water Protection and Sustainability Program~~  
1886 ~~Trust Fund in the Department of Environmental Protection. These~~  
1887 ~~revenues and any other additional revenues deposited into or~~  
1888 ~~appropriated to the Water Protection and Sustainability Program~~  
1889 ~~Trust Fund shall be distributed by the Department of~~  
1890 ~~Environmental Protection in the following manner:~~

1891 ~~(a) Sixty percent to the Department of Environmental~~  
1892 ~~Protection for the implementation of an alternative water supply~~  
1893 ~~program as provided in s. 373.1961.~~

1894 ~~(b) Twenty percent for the implementation of best~~  
1895 ~~management practices and capital project expenditures necessary~~  
1896 ~~for the implementation of the goals of the total maximum daily~~  
1897 ~~load program established in s. 403.067. Of these funds, 85~~



156026

1898 ~~percent shall be transferred to the credit of the Department of~~  
1899 ~~Environmental Protection Water Quality Assurance Trust Fund to~~  
1900 ~~address water quality impacts associated with nonagricultural~~  
1901 ~~nonpoint sources. Fifteen percent of these funds shall be~~  
1902 ~~transferred to the Department of Agriculture and Consumer~~  
1903 ~~Services General Inspection Trust Fund to address water quality~~  
1904 ~~impacts associated with agricultural nonpoint sources. These~~  
1905 ~~funds shall be used for research, development, demonstration,~~  
1906 ~~and implementation of the total maximum daily load program under~~  
1907 ~~s. 403.067, suitable best management practices or other measures~~  
1908 ~~used to achieve water quality standards in surface waters and~~  
1909 ~~water segments identified pursuant to s. 303(d) of the Clean~~  
1910 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~  
1911 ~~Implementation of best management practices and other measures~~  
1912 ~~may include cost-share grants, technical assistance,~~  
1913 ~~implementation tracking, and conservation leases or other~~  
1914 ~~agreements for water quality improvement. The Department of~~  
1915 ~~Environmental Protection and the Department of Agriculture and~~  
1916 ~~Consumer Services may adopt rules governing the distribution of~~  
1917 ~~funds for implementation of capital projects, best management~~  
1918 ~~practices, and other measures. These funds shall not be used to~~  
1919 ~~abrogate the financial responsibility of those point and~~  
1920 ~~nonpoint sources that have contributed to the degradation of~~  
1921 ~~water or land areas. Increased priority shall be given by the~~  
1922 ~~department and the water management district governing boards to~~  
1923 ~~those projects that have secured a cost-sharing agreement~~  
1924 ~~allocating responsibility for the cleanup of point and nonpoint~~  
1925 ~~sources.~~

1926 ~~(c) Ten percent shall be disbursed for the purposes of~~



156026

1927 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~  
1928 ~~water restoration activities in water-management-district-~~  
1929 ~~designated priority water bodies. The Secretary of Environmental~~  
1930 ~~Protection shall ensure that each water management district~~  
1931 ~~receives the following percentage of funds annually:~~

1932 ~~1. Thirty-five percent to the South Florida Water~~  
1933 ~~Management District;~~

1934 ~~2. Twenty-five percent to the Southwest Florida Water~~  
1935 ~~Management District;~~

1936 ~~3. Twenty-five percent to the St. Johns River Water~~  
1937 ~~Management District;~~

1938 ~~4. Seven and one-half percent to the Suwannee River Water~~  
1939 ~~Management District; and~~

1940 ~~5. Seven and one-half percent to the Northwest Florida~~  
1941 ~~Water Management District.~~

1942 ~~(d) Ten percent to the Department of Environmental~~  
1943 ~~Protection for the Disadvantaged Small Community Wastewater~~  
1944 ~~Grant Program as provided in s. 403.1838.~~

1945 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~  
1946 ~~revenues transferred from the Department of Revenue pursuant to~~  
1947 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~  
1948 ~~and Sustainability Program Trust Fund in the Department of~~  
1949 ~~Environmental Protection. These revenues and any other~~  
1950 ~~additional~~ Revenues deposited into or appropriated to the Water  
1951 Protection and Sustainability Program Trust Fund shall be  
1952 distributed by the Department of Environmental Protection in the  
1953 following manner:

1954 ~~(1)(a)~~ Sixty-five percent to the Department of  
1955 Environmental Protection for the implementation of an



156026

1956 alternative water supply program as provided in s. 373.707  
1957 ~~373.1961~~.

1958       (2) ~~(b)~~ Twenty-two and five-tenths percent for the  
1959 implementation of best management practices and capital project  
1960 expenditures necessary for the implementation of the goals of  
1961 the total maximum daily load program established in s. 403.067.  
1962 Of these funds, 83.33 percent shall be transferred to the credit  
1963 of the Department of Environmental Protection Water Quality  
1964 Assurance Trust Fund to address water quality impacts associated  
1965 with nonagricultural nonpoint sources. Sixteen and sixty-seven  
1966 hundredths percent of these funds shall be transferred to the  
1967 Department of Agriculture and Consumer Services General  
1968 Inspection Trust Fund to address water quality impacts  
1969 associated with agricultural nonpoint sources. These funds shall  
1970 be used for research, development, demonstration, and  
1971 implementation of the total maximum daily load program under s.  
1972 403.067, suitable best management practices or other measures  
1973 used to achieve water quality standards in surface waters and  
1974 water segments identified pursuant to s. 303(d) of the Clean  
1975 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.  
1976 Implementation of best management practices and other measures  
1977 may include cost-share grants, technical assistance,  
1978 implementation tracking, and conservation leases or other  
1979 agreements for water quality improvement. The Department of  
1980 Environmental Protection and the Department of Agriculture and  
1981 Consumer Services may adopt rules governing the distribution of  
1982 funds for implementation of capital projects, best management  
1983 practices, and other measures. These funds shall not be used to  
1984 abrogate the financial responsibility of those point and



156026

1985 nonpoint sources that have contributed to the degradation of  
1986 water or land areas. Increased priority shall be given by the  
1987 department and the water management district governing boards to  
1988 those projects that have secured a cost-sharing agreement  
1989 allocating responsibility for the cleanup of point and nonpoint  
1990 sources.

1991 ~~(3)(e)~~ Twelve and five-tenths percent to the Department of  
1992 Environmental Protection for the Disadvantaged Small Community  
1993 Wastewater Grant Program as provided in s. 403.1838.

1994 ~~(4)(d)~~ On June 30, 2009, and every 24 months thereafter,  
1995 the Department of Environmental Protection shall request the  
1996 return of all unencumbered funds distributed pursuant to this  
1997 section. These funds shall be deposited into the Water  
1998 Protection and Sustainability Program Trust Fund and  
1999 redistributed pursuant to the provisions of this section.

2000 ~~(3) For the 2008-2009 fiscal year only, moneys in the Water~~  
2001 ~~Protection and Sustainability Program Trust Fund shall be~~  
2002 ~~transferred to the Ecosystem Management and Restoration Trust~~  
2003 ~~Fund for grants and aids to local governments for water projects~~  
2004 ~~as provided in the General Appropriations Act. This subsection~~  
2005 ~~expires July 1, 2009.~~

2006 ~~(4) For fiscal year 2005-2006, funds deposited or~~  
2007 ~~appropriated into the Water Protection and Sustainability~~  
2008 ~~Program Trust Fund shall be distributed as follows:~~

2009 ~~(a) One hundred million dollars to the Department of~~  
2010 ~~Environmental Protection for the implementation of an~~  
2011 ~~alternative water supply program as provided in s. 373.1961.~~

2012 ~~(b) Funds remaining after the distribution provided for in~~  
2013 ~~subsection (1) shall be distributed as follows:~~



156026

2014           ~~1. Fifty percent for the implementation of best management~~  
2015 ~~practices and capital project expenditures necessary for the~~  
2016 ~~implementation of the goals of the total maximum daily load~~  
2017 ~~program established in s. 403.067. Of these funds, 85 percent~~  
2018 ~~shall be transferred to the credit of the Department of~~  
2019 ~~Environmental Protection Water Quality Assurance Trust Fund to~~  
2020 ~~address water quality impacts associated with nonagricultural~~  
2021 ~~nonpoint sources. Fifteen percent of these funds shall be~~  
2022 ~~transferred to the Department of Agriculture and Consumer~~  
2023 ~~Services General Inspection Trust Fund to address water quality~~  
2024 ~~impacts associated with agricultural nonpoint sources. These~~  
2025 ~~funds shall be used for research, development, demonstration,~~  
2026 ~~and implementation of suitable best management practices or~~  
2027 ~~other measures used to achieve water quality standards in~~  
2028 ~~surface waters and water segments identified pursuant to s.~~  
2029 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~  
2030 ~~1251 et seq. Implementation of best management practices and~~  
2031 ~~other measures may include cost-share grants, technical~~  
2032 ~~assistance, implementation tracking, and conservation leases or~~  
2033 ~~other agreements for water quality improvement. The Department~~  
2034 ~~of Environmental Protection and the Department of Agriculture~~  
2035 ~~and Consumer Services may adopt rules governing the distribution~~  
2036 ~~of funds for implementation of best management practices. These~~  
2037 ~~funds shall not be used to abrogate the financial responsibility~~  
2038 ~~of those point and nonpoint sources that have contributed to the~~  
2039 ~~degradation of water or land areas. Increased priority shall be~~  
2040 ~~given by the department and the water management district~~  
2041 ~~governing boards to those projects that have secured a cost-~~  
2042 ~~sharing agreement allocating responsibility for the cleanup of~~



156026

2043 ~~point and nonpoint sources.~~  
2044 ~~2. Twenty-five percent for the purposes of funding projects~~  
2045 ~~pursuant to ss. 373.451-373.459 or surface water restoration~~  
2046 ~~activities in water management district designated priority~~  
2047 ~~water bodies. The Secretary of Environmental Protection shall~~  
2048 ~~ensure that each water management district receives the~~  
2049 ~~following percentage of funds annually:~~  
2050 ~~a. Thirty-five percent to the South Florida Water~~  
2051 ~~Management District;~~  
2052 ~~b. Twenty-five percent to the Southwest Florida Water~~  
2053 ~~Management District;~~  
2054 ~~c. Twenty-five percent to the St. Johns River Water~~  
2055 ~~Management District;~~  
2056 ~~d. Seven and one-half percent to the Suwannee River Water~~  
2057 ~~Management District; and~~  
2058 ~~e. Seven and one-half percent to the Northwest Florida~~  
2059 ~~Water Management District.~~  
2060 ~~3. Twenty-five percent to the Department of Environmental~~  
2061 ~~Protection for the Disadvantaged Small Community Wastewater~~  
2062 ~~Grant Program as provided in s. 403.1838.~~  
2063  
2064 ~~Prior to the end of the 2008 Regular Session, the~~  
2065 ~~Legislature must review the distribution of funds under the~~  
2066 ~~Water Protection and Sustainability Program to determine if~~  
2067 ~~revisions to the funding formula are required. At the discretion~~  
2068 ~~of the President of the Senate and the Speaker of the House of~~  
2069 ~~Representatives, the appropriate substantive committees of the~~  
2070 ~~Legislature may conduct an interim project to review the Water~~  
2071 ~~Protection and Sustainability Program and the funding formula~~



156026

2072 ~~and make written recommendations to the Legislature proposing~~  
2073 ~~necessary changes, if any.~~

2074 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~  
2075 ~~distributed as follows:~~

2076 ~~(a) Thirty-one and twenty-one hundredths percent to the~~  
2077 ~~Department of Environmental Protection for the implementation of~~  
2078 ~~an alternative water supply program as provided in s. 373.1961.~~

2079 ~~(b) Twenty-six and eighty-seven hundredths percent for the~~  
2080 ~~implementation of best management practices and capital project~~  
2081 ~~expenditures necessary for the implementation of the goals of~~  
2082 ~~the total maximum daily load program established in s. 403.067.~~  
2083 ~~Of these funds, 86 percent shall be transferred to the credit of~~  
2084 ~~the Water Quality Assurance Trust Fund of the Department of~~  
2085 ~~Environmental Protection to address water quality impacts~~  
2086 ~~associated with nonagricultural nonpoint sources. Fourteen~~  
2087 ~~percent of these funds shall be transferred to the General~~  
2088 ~~Inspection Trust Fund of the Department of Agriculture and~~  
2089 ~~Consumer Services to address water quality impacts associated~~  
2090 ~~with agricultural nonpoint sources. These funds shall be used~~  
2091 ~~for research, development, demonstration, and implementation of~~  
2092 ~~the total maximum daily load program under s. 403.067, suitable~~  
2093 ~~best management practices, or other measures used to achieve~~  
2094 ~~water quality standards in surface waters and water segments~~  
2095 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~  
2096 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~  
2097 ~~management practices and other measures may include cost-share~~  
2098 ~~grants, technical assistance, implementation tracking, and~~  
2099 ~~conservation leases or other agreements for water quality~~  
2100 ~~improvement. The Department of Environmental Protection and the~~



156026

2101 ~~Department of Agriculture and Consumer Services may adopt rules~~  
2102 ~~governing the distribution of funds for implementation of~~  
2103 ~~capital projects, best management practices, and other measures.~~  
2104 ~~These funds may not be used to abrogate the financial~~  
2105 ~~responsibility of those point and nonpoint sources that have~~  
2106 ~~contributed to the degradation of water or land areas. Increased~~  
2107 ~~priority shall be given by the department and the water~~  
2108 ~~management district governing boards to those projects that have~~  
2109 ~~secured a cost-sharing agreement that allocates responsibility~~  
2110 ~~for the cleanup of point and nonpoint sources.~~

2111 ~~(c) Forty-one and ninety-two hundredths percent to the~~  
2112 ~~Department of Environmental Protection for the Disadvantaged~~  
2113 ~~Small Community Wastewater Grant Program as provided in s.~~  
2114 ~~403.1838.~~

2115  
2116 ~~This subsection expires July 1, 2010.~~

2117 Section 25. Subsection (1) of section 403.891, Florida  
2118 Statutes, is amended to read:

2119 403.891 Water Protection and Sustainability Program Trust  
2120 Fund of the Department of Environmental Protection.—

2121 (1) The Water Protection and Sustainability Program Trust  
2122 Fund is created within the Department of Environmental  
2123 Protection. The purpose of the trust fund is to ~~receive funds~~  
2124 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~  
2125 ~~for in law and the General Appropriations Act, and funds~~  
2126 ~~received by the department in order to implement the provisions~~  
2127 ~~of the Water Sustainability and Protection Program created in s.~~  
2128 403.890.

2129 Section 26. Section 682.02, Florida Statutes, is amended to



156026

2130 read:

2131           682.02 Arbitration agreements made valid, irrevocable, and  
2132 enforceable; scope.—Two or more parties may agree in writing to  
2133 submit to arbitration any controversy existing between them at  
2134 the time of the agreement, or they may include in a written  
2135 contract a provision for the settlement by arbitration of any  
2136 controversy thereafter arising between them relating to such  
2137 contract or the failure or refusal to perform the whole or any  
2138 part thereof. This section also applies to written interlocal  
2139 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or  
2140 more parties agree to submit to arbitration any controversy  
2141 between them concerning water use permit applications and other  
2142 matters, regardless of whether or not the water management  
2143 district with jurisdiction over the subject application is a  
2144 party to the interlocal agreement or a participant in the  
2145 arbitration. Such agreement or provision shall be valid,  
2146 enforceable, and irrevocable without regard to the justiciable  
2147 character of the controversy; provided that this act shall not  
2148 apply to any such agreement or provision to arbitrate in which  
2149 it is stipulated that this law shall not apply or to any  
2150 arbitration or award thereunder.

2151           Section 27. Section 373.71, Florida Statutes, is renumbered  
2152 as section 373.69, Florida Statutes.

2153           Section 28. Sections 373.0361, 373.0391, 373.0831, 373.196,  
2154 373.1961, 373.1962, and 373.1963, Florida Statutes, are  
2155 repealed.

2156           Section 29. Paragraph (f) of subsection (3) of section  
2157 373.1961, Florida Statutes, is amended to read:

2158           373.1961 Water production; general powers and duties;



156026

2159 identification of needs; funding criteria; economic incentives;  
2160 reuse funding.—  
2161 (3) FUNDING.—  
2162 (f) The governing boards shall determine those projects  
2163 that will be selected for financial assistance. The governing  
2164 boards may establish factors to determine project funding;  
2165 however, significant weight shall be given to the following  
2166 factors:  
2167 1. Whether the project provides substantial environmental  
2168 benefits by preventing or limiting adverse water resource  
2169 impacts.  
2170 2. Whether the project reduces competition for water  
2171 supplies.  
2172 3. Whether the project brings about replacement of  
2173 traditional sources in order to help implement a minimum flow or  
2174 level or a reservation.  
2175 4. Whether the project will be implemented by a consumptive  
2176 use permittee that has achieved the targets contained in a goal-  
2177 based water conservation program approved pursuant to s.  
2178 373.227.  
2179 5. The quantity of water supplied by the project as  
2180 compared to its cost.  
2181 6. Projects in which the construction and delivery to end  
2182 users of reuse water is a major component.  
2183 7. Whether the project will be implemented by a  
2184 multijurisdictional water supply entity or regional water supply  
2185 authority.  
2186 8. Whether the project implements reuse that assists in the  
2187 elimination of domestic wastewater ocean outfalls as provided in



156026

2188 s. 403.086(9).

2189 9. Whether the county or municipality, or the multiple  
2190 counties or municipalities, in which the project is located has  
2191 implemented a high-water recharge tax protection program as  
2192 provided in s. 193.625.

2193 Section 30. Subsection (1) of section 373.019, Florida  
2194 Statutes, is amended to read:

2195 373.019 Definitions.—When appearing in this chapter or in  
2196 any rule, regulation, or order adopted pursuant thereto, the  
2197 term:

2198 (1) "Alternative water supplies" means salt water; brackish  
2199 surface and groundwater; surface water captured predominately  
2200 during wet-weather flows; sources made available through the  
2201 addition of new storage capacity for surface or groundwater,  
2202 water that has been reclaimed after one or more public supply,  
2203 municipal, industrial, commercial, or agricultural uses; the  
2204 downstream augmentation of water bodies with reclaimed water;  
2205 stormwater; quantifiable water savings from water conservation  
2206 projects; and any other water supply source that is designated  
2207 as nontraditional for a water supply planning region in the  
2208 applicable regional water supply plan.

2209 Section 31. Paragraph (a) of subsection (19) of section  
2210 373.414, Florida Statutes, is amended to read:

2211 373.414 Additional criteria for activities in surface  
2212 waters and wetlands.—

2213 (19) (a) Financial responsibility for mitigation for  
2214 wetlands and other surface waters required by a permit issued  
2215 pursuant to this part for activities associated with the  
2216 extraction of limestone and phosphate are subject to approval by



156026

2217 the department as part of the permit application review.  
2218 Financial responsibility for permitted activities that ~~which~~  
2219 will occur over a period of 3 years or less of mining operations  
2220 must be provided to the department before ~~prior to~~ the  
2221 commencement of mining operations and must ~~shall be in an amount~~  
2222 equal ~~to~~ 110 percent of the estimated mitigation costs for  
2223 wetlands and other surface waters affected under the permit. For  
2224 permitted activities that ~~which~~ will occur over a period of more  
2225 than 3 years of mining operations, the initial financial  
2226 responsibility demonstration must ~~shall be in an amount~~ equal ~~to~~  
2227 110 percent of the estimated mitigation costs for wetlands and  
2228 other surface waters affected in the first 3 years of operation  
2229 under the permit. ~~and,~~ For each year thereafter, the financial  
2230 responsibility demonstration must ~~shall~~ be updated, including  
2231 providing ~~to provide~~ an amount equal to 110 percent of the  
2232 estimated mitigation costs for the next year of operations under  
2233 the permit for which financial responsibility has not already  
2234 been demonstrated and to release portions of the financial  
2235 responsibility mechanisms in accordance with applicable rules.

2236 Section 32. Subsection (2) of section 378.901, Florida  
2237 Statutes, is amended to read:

2238 378.901 Life-of-the-mine permit.-

2239 (2) As an alternative to, and in lieu of, separate  
2240 applications for permits required under ~~by~~ part IV of chapter  
2241 373 and part IV of this chapter, any ~~each~~ operator who mines or  
2242 extracts or proposes to mine or extract heavy minerals,  
2243 limestone, or fuller's earth clay may apply to the bureau for a  
2244 life-of-the-mine permit. This subsection does not limit the  
2245 authority of a local government to approve, approve with



156026

2246 conditions, deny, or impose a permit duration that is different  
2247 from the duration issued pursuant to this section.

2248 Section 33. Section 373.4131, Florida Statutes, is created  
2249 to read:

2250 373.4131 Stormwater quality treatment requirements.-

2251 (1) The Legislature finds that nutrients in stormwater  
2252 contribute to nutrient impairment of the state's waters. The  
2253 Legislature further finds and declares that a uniform statewide  
2254 rule that is consistent with the state's strategy to reduce the  
2255 adverse effects of nutrients on water quality as outlined in  
2256 chapter 403 will provide a scientifically and technically sound  
2257 method to assist permitholders in their efforts to meet state  
2258 water quality standards.

2259 (2) As used in this section, the term:

2260 (a) "Nutrient" means total nitrogen and total phosphorus.

2261 (b) "Public roads" means paved roadways within incorporated  
2262 city limits, with urban curb and gutter sections, maintained by  
2263 a governmental entity and used by the general public for motor  
2264 vehicle traffic.

2265 (c) "Redevelopment" means construction of a surface water  
2266 management system on sites with existing commercial, industrial,  
2267 institutional, or multifamily land uses where the existing  
2268 impervious surface will be removed as part of the proposed  
2269 activity.

2270 (d) "Stormwater quality treatment requirements" means the  
2271 minimum level of stormwater treatment and design criteria for  
2272 the construction, operation, and maintenance of stormwater  
2273 management systems.

2274 (3) The department, in coordination with the water



156026

2275 management districts, shall develop a uniform statewide  
2276 stormwater quality treatment rule for stormwater management  
2277 systems. The rule must provide for geographic differences in  
2278 physical and natural characteristics, such as rainfall patterns,  
2279 topography, soil type, and vegetation. The department shall  
2280 adopt the rule no sooner than July 1, 2011. The water management  
2281 districts and any delegated local program under this part shall  
2282 implement the rule without having to adopt it pursuant to s.  
2283 120.54. However, the department, water management districts, and  
2284 local governments may adopt, amend, or retain rules designed to  
2285 implement a basin management action plan for a total maximum  
2286 daily load and rules established pursuant to s. 373.4592, s.  
2287 373.4595, s. 373.461, or s. 403.067.

2288 (a) Except as otherwise provided in this section,  
2289 variations from the rule adopted pursuant to this section are  
2290 prohibited under this part.

2291 (b) Existing stormwater quality treatment rules that are  
2292 superseded by the rule adopted pursuant to this section may be  
2293 repealed without further rulemaking pursuant to s. 120.54 by  
2294 publication of a notice of repeal in the Florida Administrative  
2295 Weekly and subsequent filing of a list of the rules repealed  
2296 with the Department of State.

2297 (c) Until the rule adopted pursuant to this section  
2298 becomes effective, existing stormwater quality treatment rules  
2299 adopted pursuant to this part are deemed authorized under this  
2300 part and remain in full force and effect.

2301 (4) The rule adopted pursuant to this section shall  
2302 establish the stormwater quality treatment requirements  
2303 necessary to meet the applicable state water quality standards,



156026

2304 including nutrient standards. Compliance with the stormwater  
2305 quality treatment requirements creates a presumption that  
2306 stormwater discharged from the system will meet the applicable  
2307 state water quality standards, whether expressed in narrative or  
2308 numeric form, in the receiving waters.

2309 (5) Notwithstanding subsection (4), the rule adopted  
2310 pursuant to this section may establish alternative stormwater  
2311 quality treatment requirements for the redevelopment of sites,  
2312 the widening of public roads, and the development of sites with  
2313 legacy pollutants from past activities. Such requirements must  
2314 be based upon a feasibility assessment of stormwater best  
2315 management practices that considers factors such as site size,  
2316 availability of offsite regional stormwater treatment systems,  
2317 and physical site characteristics. In addition, the rule adopted  
2318 pursuant to this section shall establish alternative stormwater  
2319 quality treatment requirements for the retrofitting of existing  
2320 stormwater management systems where such retrofitting results in  
2321 a net reduction in the discharge of nutrients and other  
2322 pollutants to the receiving waters.

2323 (6) After the adoption of the rule pursuant to this  
2324 section, the following shall continue to be governed by the  
2325 stormwater quality treatment rules adopted by the department,  
2326 the water management districts, and any delegated local program  
2327 under this part in effect before the effective date of the rule  
2328 adopted pursuant to this section, unless the applicant elects to  
2329 have an application reviewed in accordance with the rule adopted  
2330 pursuant to this section:

2331 (a) The operation and maintenance of stormwater management  
2332 systems legally in existence before the effective date of the



156026

2333 rule adopted pursuant to this section if the terms and  
2334 conditions of the permit, exemption, or other authorization for  
2335 such systems continue to be met; or

2336 (b) The activities approved in a permit issued pursuant to  
2337 this part and the review of activities proposed in applications  
2338 received and completed before the effective date of the rule  
2339 adopted pursuant to this section. This paragraph also applies to  
2340 any modification of the plans, terms, and conditions of the  
2341 permit, including new activities, within the geographical area  
2342 to which the permit applies. However, this paragraph does not  
2343 apply to a modification that would extend the permitted time  
2344 limit for construction beyond 4 additional years or to any  
2345 modification that is reasonably expected to lead to additional  
2346 or substantially different stormwater quality impacts. This  
2347 paragraph also applies to any modification that lessens or does  
2348 not increase stormwater quality impacts.

2349 (c) Department of Transportation projects that have  
2350 completed the project development and environment phase; the  
2351 design phase; or for which bids have been advertised.

2352 (7) This section does not apply to stormwater management  
2353 systems serving agriculture.

2354 Section 34. Subsections (2), (5), and (9) of section  
2355 373.41492, Florida Statutes, are amended to read:

2356 373.41492 Miami-Dade County Lake Belt Mitigation Plan;  
2357 mitigation for mining activities within the Miami-Dade County  
2358 Lake Belt.—

2359 (2) To provide for the mitigation of wetland resources lost  
2360 to mining activities within the Miami-Dade County Lake Belt  
2361 Plan, effective October 1, 1999, a mitigation fee is imposed on



156026

2362 each ton of limerock and sand extracted by any person who  
2363 engages in the business of extracting limerock or sand from  
2364 within the Miami-Dade County Lake Belt Area and the east one-  
2365 half of sections 24 and 25 and all of sections 35 and 36,  
2366 Township 53 South, Range 39 East. The mitigation fee is imposed  
2367 for each ton of limerock and sand sold from within the  
2368 properties where the fee applies in raw, processed, or  
2369 manufactured form, including, but not limited to, sized  
2370 aggregate, asphalt, cement, concrete, and other limerock and  
2371 concrete products. The mitigation fee imposed by this subsection  
2372 for each ton of limerock and sand sold shall be 12 cents per ton  
2373 beginning January 1, 2007; 18 cents per ton beginning January 1,  
2374 2008; ~~and~~ 24 cents per ton beginning January 1, 2009, and 45  
2375 cents per ton beginning January 1, 2011. To upgrade a water  
2376 treatment plant that treats water coming from the Northwest  
2377 Wellfield in Miami-Dade County, a water treatment plant upgrade  
2378 fee is imposed within the same Lake Belt Area subject to the  
2379 mitigation fee and upon the same kind of mined limerock and sand  
2380 subject to the mitigation fee. The water treatment plant upgrade  
2381 fee imposed by this subsection for each ton of limerock and sand  
2382 sold shall be 15 cents per ton beginning on January 1, 2007, and  
2383 the collection of this fee shall cease once the total amount of  
2384 proceeds collected for this fee reaches the amount of the actual  
2385 moneys necessary to design and construct the water treatment  
2386 plant upgrade, as determined in an open, public solicitation  
2387 process. Any limerock or sand that is used within the mine from  
2388 which the limerock or sand is extracted is exempt from the fees.  
2389 The amount of the mitigation fee and the water treatment plant  
2390 upgrade fee imposed under this section must be stated separately



156026

2391 on the invoice provided to the purchaser of the limerock or sand  
2392 product from the limerock or sand miner, or its subsidiary or  
2393 affiliate, for which the fee or fees apply. The limerock or sand  
2394 miner, or its subsidiary or affiliate, who sells the limerock or  
2395 sand product shall collect the mitigation fee and the water  
2396 treatment plant upgrade fee and forward the proceeds of the fees  
2397 to the Department of Revenue on or before the 20th day of the  
2398 month following the calendar month in which the sale occurs.

2399 (5) ~~Beginning~~ Each January 1, beginning January 1, 2010,  
2400 through December 31, 2011, January 1, 2010, and each January 1  
2401 ~~thereafter~~, the per-ton mitigation fee shall be increased by 2.1  
2402 percentage points, plus a cost growth index. The cost growth  
2403 index shall be the percentage change in the weighted average of  
2404 the Employment Cost Index for All Civilian Workers (ecu 10001I),  
2405 issued by the United States Department of Labor for the most  
2406 recent 12-month period ending on September 30, and the  
2407 percentage change in the Producer Price Index for All  
2408 Commodities (WPU 00000000), issued by the United States  
2409 Department of Labor for the most recent 12-month period ending  
2410 on September 30, compared to the weighted average of these  
2411 indices for the previous year. The weighted average shall be  
2412 calculated as 0.6 times the percentage change in the Employment  
2413 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times  
2414 the percentage change in the Producer Price Index for All  
2415 Commodities (WPU 00000000). If either index is discontinued, it  
2416 shall be replaced by its successor index, as identified by the  
2417 United States Department of Labor.

2418 (9) (a) The interagency committee established in this  
2419 section shall annually prepare and submit to the governing board



156026

2420 of the South Florida Water Management District a report  
2421 evaluating the mitigation costs and revenues generated by the  
2422 mitigation fee.

2423 (b) No sooner than January 31, 2010, and no more frequently  
2424 than every 5 years thereafter, the interagency committee shall  
2425 submit to the Legislature a report recommending any needed  
2426 adjustments to the mitigation fee, including the annual  
2427 escalator provided for in s. 373.41492(5), to ensure that the  
2428 revenue generated reflects the actual costs of the mitigation.

2429 Section 35. Subsection (7) of section 403.031, Florida  
2430 Statutes, is amended, and subsections (22) and (23) are added to  
2431 that section, to read:

2432 403.031 Definitions.—In construing this chapter, or rules  
2433 and regulations adopted pursuant hereto, the following words,  
2434 phrases, or terms, unless the context otherwise indicates, have  
2435 the following meanings:

2436 (7) "Pollution" is the presence in the outdoor atmosphere  
2437 or waters of the state of any substances, contaminants, noise,  
2438 or manmade or human-induced impairment of air or waters or  
2439 alteration of the chemical, physical, biological, or  
2440 radiological integrity of air or water in quantities or at  
2441 levels which are or may be potentially harmful or injurious to  
2442 human health or welfare, animal or plant life, or property or  
2443 which unreasonably interfere with the enjoyment of life or  
2444 property, including outdoor recreation unless authorized by  
2445 applicable law. Nutrients become pollution in a water body at a  
2446 level determined by the department to cause in an imbalance of  
2447 naturally occurring aquatic flora or fauna in that water body.

2448 (22) "First magnitude spring" means a spring that has a



156026

2449 median discharge of greater than or equal to 100 cubic feet per  
2450 second for the period of record, as determined by the  
2451 department.

2452 (23) "Second magnitude spring" means a spring that has a  
2453 median discharge of 10 to 100 cubic feet per second for the  
2454 period of record, as determined by the department.

2455 Section 36. Subsection (11) of section 403.061, Florida  
2456 Statutes, is amended to read:

2457 403.061 Department; powers and duties.—The department shall  
2458 have the power and the duty to control and prohibit pollution of  
2459 air and water in accordance with the law and rules adopted and  
2460 promulgated by it and, for this purpose, to:

2461 (11) Establish ambient air quality and water quality  
2462 standards for the state as a whole or for any part thereof, and  
2463 also standards for the abatement of excessive and unnecessary  
2464 noise. The department is authorized to establish reasonable  
2465 zones of mixing for discharges into waters. Water quality  
2466 criteria for nutrients shall limit loadings or concentrations to  
2467 those that will not cause an imbalance of naturally occurring  
2468 populations of aquatic flora or fauna.

2469 (a) When a receiving body of water fails to meet a water  
2470 quality standard for pollutants set forth in department rules, a  
2471 steam electric generating plant discharge of pollutants that is  
2472 existing or licensed under this chapter on July 1, 1984, may  
2473 nevertheless be granted a mixing zone, provided that:

2474 1. The standard would not be met in the water body in the  
2475 absence of the discharge;

2476 2. The discharge is in compliance with all applicable  
2477 technology-based effluent limitations;



156026

2478           3. The discharge does not cause a measurable increase in  
2479 the degree of noncompliance with the standard at the boundary of  
2480 the mixing zone; and

2481           4. The discharge otherwise complies with the mixing zone  
2482 provisions specified in department rules.

2483           (b) No mixing zone for point source discharges shall be  
2484 permitted in Outstanding Florida Waters except for:

2485           1. Sources that have received permits from the department  
2486 prior to April 1, 1982, or the date of designation, whichever is  
2487 later;

2488           2. Blowdown from new power plants certified pursuant to the  
2489 Florida Electrical Power Plant Siting Act;

2490           3. Discharges of water necessary for water management  
2491 purposes which have been approved by the governing board of a  
2492 water management district and, if required by law, by the  
2493 secretary; and

2494           4. The discharge of demineralization concentrate which has  
2495 been determined permittable under s. 403.0882 and which meets  
2496 the specific provisions of s. 403.0882(4)(a) and (b), if the  
2497 proposed discharge is clearly in the public interest.

2498           (c) The department, by rule, shall establish water quality  
2499 criteria for wetlands which criteria give appropriate  
2500 recognition to the water quality of such wetlands in their  
2501 natural state.

2502  
2503           Nothing in this act shall be construed to invalidate any  
2504 existing department rule relating to mixing zones. The  
2505 department shall cooperate with the Department of Highway Safety  
2506 and Motor Vehicles in the development of regulations required by



156026

2507 s. 316.272(1).

2508 The department shall implement such programs in conjunction  
2509 with its other powers and duties and shall place special  
2510 emphasis on reducing and eliminating contamination that presents  
2511 a threat to humans, animals or plants, or to the environment.

2512 Section 37. Section 403.0675, Florida Statutes, is created  
2513 to read:

2514 403.0675 Establishment and implementation of numeric  
2515 nutrient standards.—

2516 (1) The Legislature finds the following: nutrients are  
2517 essential for the biological health and productivity of Florida  
2518 waters; a delicate relationship exists between the concentration  
2519 and loading of nutrients in a water body which reflects its  
2520 health and productivity; the improper combination of nutrients  
2521 with site-specific factors may cause adverse effects on water  
2522 quality; when establishing numeric nutrient standards, the  
2523 failure to take into account site-specific factors and ensure  
2524 scientific validity may result in standards that lack adequate  
2525 scientific support and cause unintended environmental and  
2526 economic consequences; the total maximum daily load program is  
2527 the best mechanism for establishing numeric nutrient standards  
2528 for nutrient impaired water bodies and restoring nutrient  
2529 impaired water bodies; and consistent with the Congressional  
2530 intent expressed in the Clean Water Act, any numeric nutrient  
2531 standards established pursuant to s. 303(c) of the Clean Water  
2532 Act should work in concert with the total maximum daily load  
2533 program and other water quality programs.

2534 (2) As provided in this section, by August 16, 2010, the  
2535 Department of Environmental Protection shall submit to the



156026

2536 United States Environmental Protection Agency the following  
2537 numeric nutrient standards in fulfillment of the Environmental  
2538 Protection Agency's mandate to adopt numeric nutrient criteria  
2539 under s. 303(c)(4)(B) of the Clean Water Act:

2540 (a) All site-specific numeric nutrient criteria established  
2541 pursuant to subsection (5).

2542 (b) The site-specific numeric nutrient criteria  
2543 methodology, planning list, and schedule developed in accordance  
2544 with subsection (3).

2545 (c) The schedule for developing site-specific numeric  
2546 nutrient criteria in accordance with paragraph (4) of this  
2547 section.

2548  
2549 The submission of these standards to the Environmental  
2550 Protection Agency shall be a ministerial act that is not subject  
2551 to challenge under section 120.

2552 (3) The department shall use the following methodology for  
2553 developing site-specific numeric nutrient criteria for Florida  
2554 streams:

2555 (a) Categorize all streams into the basins established  
2556 pursuant to s. 403.067.

2557 (b) Prioritize all streams for establishing numeric  
2558 nutrient criteria with highest priority given to nutrient-  
2559 impaired waters, followed by unimpaired nutrient-sensitive  
2560 waters, and waters that flow into nutrient-sensitive waters. The  
2561 department may also consider the nutrient concentrations of the  
2562 waters and level of potential anthropogenic influence on the  
2563 waters.

2564 (c) Develop a planning list and schedule for adopting site-



156026

2565 specific numeric nutrient criteria in accordance with paragraphs  
2566 (3) (a) and (b).

2567 (d) Adopt by rule site-specific numeric nutrient criteria  
2568 for identified water bodies at the nutrient levels at which the  
2569 water bodies will exhibit imbalances of naturally occurring  
2570 populations of flora and fauna.

2571 (e) Nutrient criteria may be expressed in terms of  
2572 concentration, mass loading, load allocation, or surrogate  
2573 standards, such as chlorophyll-a, and may be supplemented by  
2574 narrative statements.

2575 (f) For any waters identified as impaired pursuant to the  
2576 department's impaired waters rule, any nutrient total maximum  
2577 daily loads established in accordance with s. 403.067 shall be  
2578 submitted to the Environmental Protection Agency in accordance  
2579 with ss. 303(c) and 303(d) of the Clean Water Act, subject to  
2580 the conditions of s. 403.067 and paragraph (d).

2581 (4) The department shall use the following methodology for  
2582 developing site-specific numeric nutrient criteria for Florida  
2583 lakes and springs:

2584 (a) The department shall propose for adoption by rule site-  
2585 specific numeric nutrient criteria for all first and second  
2586 magnitude Florida springs by January 31, 2011.

2587 (b) The department shall propose for adoption by rule site-  
2588 specific numeric nutrient criteria for Florida lakes by July 31,  
2589 2011.

2590 (c) Criteria developed in accordance with this paragraph  
2591 shall be subject to paragraphs (3) (d)-(f) and paragraph (5) (a).

2592 (5) The following nutrient standards shall constitute site-  
2593 specific numeric nutrient water quality criteria:



156026

2594           (a) All nutrient total maximum daily loads and associated  
2595 numeric interpretations of the narrative nutrient criterion,  
2596 whether total nitrogen, total phosphorus, or a surrogate  
2597 nutrient standard, such as chlorophyll-a, biological demand, or  
2598 specific biological metric, developed by the department and  
2599 approved by the Environmental Protection Agency as of March 1,  
2600 2010, subject to the requirements of s. 403.067.

2601           (b) The total nitrogen load allocations for Tampa Bay and  
2602 its bay segments, as defined in the Reasonable Assurance  
2603 demonstration submitted by the Nitrogen Management Consortium of  
2604 Tampa Bay, as approved by the department.

2605           (c) The establishment of these standards shall not affect a  
2606 person's right to challenge the standards as an existing rule  
2607 pursuant to s. 120.56.

2608           (6) The site-specific numeric nutrient criteria established  
2609 in subsection (5), the methodology for developing site-specific  
2610 numeric nutrient criteria for Florida streams as delineated in  
2611 subsection (3), the planning list and schedule developed in  
2612 accordance with paragraph (3)(c), and the schedule for  
2613 developing site-specific numeric nutrient criteria for Florida  
2614 springs and lakes in subsection (4) prepared by the department  
2615 under this subsection shall be made available for public comment  
2616 prior to the department's submission of these standards to the  
2617 Environmental Protection Agency, but shall not be subject to  
2618 challenge under chapter 120.

2619           (7) If the Environmental Protection Agency disapproves,  
2620 approves in part, or conditions its approval of the site-  
2621 specific numeric nutrient criteria established in subsection  
2622 (5), the methodology for developing site-specific numeric



156026

2623 nutrient criteria for Florida streams as delineated in paragraph  
2624 (3), the planning list developed in accordance with paragraph  
2625 (3)(c), or the schedule for developing site-specific numeric  
2626 nutrient criteria for Florida springs and lakes in subsection  
2627 (4) as satisfying s. 303(c)(4)(B) of the Clean Water Act, those  
2628 numeric nutrient standards shall not be effective until ratified  
2629 by the Legislature.

2630 (8) Prior to adopting additional or more stringent water  
2631 quality standards or criteria applicable to manmade lakes,  
2632 canals or ditches, or streams converted to canals before 1975,  
2633 the Environmental Regulation Commission shall determine the  
2634 aquatic life support and habitat limitations of these waters and  
2635 adopt appropriate classifications or sub-classifications for  
2636 them, together with appropriate designated uses based upon their  
2637 physical and hydrologic characteristics. Any new standards or  
2638 criteria for these waters so classified shall be based upon a  
2639 determination that the standards or criteria are necessary for  
2640 the control of pollution and needed to protect against adverse  
2641 effects of pollution on aquatic life reasonably anticipated in  
2642 these manmade or modified waters. In order to facilitate the  
2643 adoption of site-specific numeric nutrient criteria for these  
2644 waters, the department shall propose for adoption by rule a new  
2645 designated use classification or classifications for these  
2646 waters by October 31, 2010.

2647 (9) The department shall, when conducting its next  
2648 triennial review of water quality criteria after the effective  
2649 date of this Act, review the numeric nutrient criteria  
2650 established pursuant to paragraph (5)(a) to verify compliance  
2651 with paragraph (3)(d).



156026

2652 Section 38. Subsection (1) of section 215.619, Florida  
2653 Statutes, is amended to read:

2654 215.619 Bonds for Everglades restoration.—

2655 (1) The issuance of Everglades restoration bonds to finance  
2656 or refinance the cost of the acquisition and improvement of  
2657 land, water areas, and related property interests and resources  
2658 for the purpose of implementing the Comprehensive Everglades  
2659 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed  
2660 Protection Plan under s. 373.4595, the Caloosahatchee River  
2661 Watershed Protection Plan under s. 373.4595, the St. Lucie River  
2662 Watershed Protection Plan under s. 373.4595, and the Florida  
2663 Keys Area of Critical State Concern protection program under ss.  
2664 380.05 and 380.0552 in order to restore and conserve natural  
2665 systems through the implementation of water management projects,  
2666 including wastewater management projects identified in the “Keys  
2667 Wastewater Plan,” dated November 2007, and submitted to the  
2668 Florida House of Representatives on December 4, 2007, is  
2669 authorized in accordance with s. 11(e), Art. VII of the State  
2670 Constitution.

2671 (a) Everglades restoration bonds, except refunding bonds,  
2672 may be issued only in fiscal years 2002-2003 through 2019-2020  
2673 and may not be issued in an amount exceeding \$100 million per  
2674 fiscal year unless:

2675 1.(a) The Department of Environmental Protection has  
2676 requested additional amounts in order to achieve cost savings or  
2677 accelerate the purchase of land; or

2678 2.(b) The Legislature authorizes an additional amount of  
2679 bonds not to exceed \$200 and limited to \$50 million per fiscal  
2680 year, ~~for no more than 4 fiscal years,~~ specifically for the



156026

2681 purpose of funding the Florida Keys Area of Critical State  
2682 Concern protection program. Proceeds from the bonds shall be  
2683 managed by the Department of Environmental Protection for the  
2684 purpose of entering into financial assistance agreements with  
2685 local governments located in the Florida Keys Area of Critical  
2686 State Concern to finance or refinance the cost of constructing  
2687 sewage collection, treatment, and disposal facilities.

2688 (b) The duration of Everglades restoration bonds may not  
2689 exceed 20 annual maturities, ~~and these bonds~~ must mature by  
2690 December 31, 2040. Except for refunding bonds, a series of bonds  
2691 may not be issued unless an amount equal to the debt service  
2692 coming due in the year of issuance has been appropriated by the  
2693 Legislature. Beginning July 1, 2010, the Legislature shall  
2694 analyze the ratio of the state's debt to projected revenues  
2695 before authorizing the issuance of ~~prior to the authorization to~~  
2696 ~~issue any~~ bonds under this section.

2697 Section 39. Subsections (2), (4), (7), and (9) of section  
2698 380.0552, Florida Statutes, are amended to read:

2699 380.0552 Florida Keys Area; protection and designation as  
2700 area of critical state concern.—

2701 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that~~ the  
2702 intent of the Legislature to is:

2703 (a) ~~To~~ Establish a land use management system that protects  
2704 the natural environment of the Florida Keys.

2705 (b) ~~To~~ Establish a land use management system that  
2706 conserves and promotes the community character of the Florida  
2707 Keys.

2708 (c) ~~To~~ Establish a land use management system that promotes  
2709 orderly and balanced growth in accordance with the capacity of



156026

2710 available and planned public facilities and services.  
2711 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to  
2712 places of employment in the Florida Keys.  
2713 (e) ~~To~~ Establish a land use management system that promotes  
2714 and supports a diverse and sound economic base.  
2715 (f) ~~To~~ Protect the constitutional rights of property owners  
2716 to own, use, and dispose of their real property.  
2717 (g) ~~To~~ Promote coordination and efficiency among  
2718 governmental agencies that have ~~with~~ permitting jurisdiction  
2719 over land use activities in the Florida Keys.  
2720 (h) Promote an appropriate land acquisition and protection  
2721 strategy for environmentally sensitive lands within the Florida  
2722 Keys.  
2723 (i) Protect and improve the nearshore water quality of the  
2724 Florida Keys through the construction and operation of  
2725 wastewater management facilities that meet the requirements of  
2726 ss. 381.0065(4)(1) and 403.086(10), as applicable.  
2727 (j) Ensure that the population of the Florida Keys can be  
2728 safely evacuated.  
2729 (4) REMOVAL OF DESIGNATION.—  
2730 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~  
2731 ~~land planning agency shall submit a written report to the~~  
2732 ~~Administration Commission describing in detail the progress of~~  
2733 ~~the Florida Keys Area toward accomplishing the tasks of the work~~  
2734 ~~program as defined in paragraph (c) and providing a~~  
2735 ~~recommendation as to whether substantial progress toward~~  
2736 ~~accomplishing the tasks of the work program has been achieved.~~  
2737 ~~Subsequent to receipt of the report, the Administration~~  
2738 ~~Commission shall determine, prior to October 1, 2008, whether~~



156026

2739 ~~substantial progress has been achieved toward accomplishing the~~  
2740 ~~tasks of the work program.~~ The designation of the Florida Keys  
2741 Area as an area of critical state concern under this section may  
2742 be recommended for removal upon fulfilling the legislative  
2743 intent under subsection (2) and completion of all the work  
2744 program tasks specified in rules of the Administration  
2745 Commission shall be removed October 1, 2009, unless the  
2746 ~~Administration Commission finds, after receipt of the state land~~  
2747 ~~planning agency report, that substantial progress has not been~~  
2748 ~~achieved toward accomplishing the tasks of the work program. If~~  
2749 ~~the designation of the Florida Keys Area as an area of critical~~  
2750 ~~state concern is removed, the Administration Commission, within~~  
2751 ~~60 days after removal of the designation, shall initiate~~  
2752 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~  
2753 ~~to the designation of the Florida Keys Area as an area of~~  
2754 ~~critical state concern. If, after receipt of the state land~~  
2755 ~~planning agency's report, the Administration Commission finds~~  
2756 ~~that substantial progress toward accomplishing the tasks of the~~  
2757 ~~work program has not been achieved, the Administration~~  
2758 ~~Commission shall provide a written report to the Monroe County~~  
2759 ~~Commission within 30 days after making such finding detailing~~  
2760 ~~the tasks under the work program that must be accomplished in~~  
2761 ~~order for substantial progress to be achieved within the next 12~~  
2762 ~~months.~~

2763 (b) Beginning November 30, 2010, the state land planning  
2764 agency shall annually submit a written report to the  
2765 Administration Commission describing the progress of the Florida  
2766 Keys Area toward completing the work program tasks specified in  
2767 commission rules. The land planning agency shall recommend



156026

2768 removing the Florida Keys Area from being designated as an area  
2769 of critical state concern to the commission if it determines  
2770 that:

2771 1. All of the work program tasks have been completed,  
2772 including construction of, operation of, and connection to  
2773 central wastewater management facilities pursuant to s.  
2774 403.086(10) and upgrade of onsite sewage treatment and disposal  
2775 systems pursuant to s. 381.0065(4)(1);

2776 2. All local comprehensive plans and land development  
2777 regulations and the administration of such plans and regulations  
2778 are adequate to protect the Florida Keys Area, fulfill the  
2779 legislative intent specified in subsection (2), and are  
2780 consistent with and further the principles guiding development;  
2781 and

2782 3. A local government has adopted a resolution at a public  
2783 hearing recommending the removal of the designation.

2784 ~~(b) If the designation of the Florida Keys Area as an area~~  
2785 ~~of critical state concern is not removed in accordance with~~  
2786 ~~paragraph (a), the state land planning agency shall submit a~~  
2787 ~~written annual report to the Administration Commission on~~  
2788 ~~November 1 of each year, until such time as the designation is~~  
2789 ~~removed, describing the progress of the Florida Keys Area toward~~  
2790 ~~accomplishing remaining tasks under the work program and~~  
2791 ~~providing a recommendation as to whether substantial progress~~  
2792 ~~toward accomplishing the tasks of the work program has been~~  
2793 ~~achieved. The Administration Commission shall determine, within~~  
2794 ~~45 days after receipt of the annual report, whether substantial~~  
2795 ~~progress has been achieved toward accomplishing the remaining~~  
2796 ~~tasks of the work program. The designation of the Florida Keys~~



2797 ~~Area as an area of critical state concern under this section~~  
2798 ~~shall be removed unless the Administration Commission finds that~~  
2799 ~~substantial progress has not been achieved toward accomplishing~~  
2800 ~~the tasks of the work program. If the designation of the Florida~~  
2801 ~~Keys Area as an area of critical state concern is removed, the~~  
2802 ~~Administration Commission, within 60 days after removal of the~~  
2803 ~~designation, shall initiate rulemaking pursuant to chapter 120~~  
2804 ~~to repeal any rules relating to the designation of the Florida~~  
2805 ~~Keys Area as an area of critical state concern. If the~~  
2806 ~~Administration Commission finds that substantial progress has~~  
2807 ~~not been achieved, the Administration Commission shall provide~~  
2808 ~~to the Monroe County Commission, within 30 days after making its~~  
2809 ~~finding, a report detailing the tasks under the work program~~  
2810 ~~that must be accomplished in order for substantial progress to~~  
2811 ~~be achieved within the next 12 months.~~

2812 (c) After receipt of the state land planning agency report  
2813 and recommendation, the Administration Commission shall  
2814 determine whether the requirements have been fulfilled and may  
2815 remove the designation of the Florida Keys as an area of  
2816 critical state concern. If the commission removes the  
2817 designation, it shall initiate rulemaking to repeal any rules  
2818 relating such designation within 60 days. If, after receipt of  
2819 the state land planning agency's report and recommendation, the  
2820 commission finds that the requirements for recommending removal  
2821 of designation have not been met, the commission shall provide a  
2822 written report to the local governments within 30 days after  
2823 making such a finding detailing the tasks that must be completed  
2824 by the local government.

2825 ~~(c) For purposes of this subsection, the term "work~~



156026

2826 ~~program" means the 10-year work program as set forth in rule 28-~~  
2827 ~~20.110, Florida Administrative Code, on January 1, 2006,~~  
2828 ~~excluding amendments to the work program that take effect after~~  
2829 ~~January 1, 2006.~~

2830 (d) ~~The determination of the Administration Commission's~~  
2831 ~~determination concerning the removal of the designation of the~~  
2832 ~~Florida Keys as an area of critical state concern Commission as~~  
2833 ~~to whether substantial progress has been made toward~~  
2834 ~~accomplishing the tasks of the work program may be judicially~~  
2835 ~~reviewed pursuant to chapter 120 §6. All proceedings shall be~~  
2836 ~~conducted by the Division of Administrative Hearings and must be~~  
2837 ~~initiated within 30 days after the commission issues its~~  
2838 ~~determination in the circuit court of the judicial circuit where~~  
2839 ~~the Administration Commission maintains its headquarters and~~  
2840 ~~shall be initiated within 30 days after rendition of the~~  
2841 ~~Administration Commission's determination. The Administration~~  
2842 ~~Commission's determination as to whether substantial progress~~  
2843 ~~has been made toward accomplishing the tasks of the work program~~  
2844 ~~shall be upheld if it is supported by competent and substantial~~  
2845 ~~evidence and shall not be subject to administrative review under~~  
2846 ~~chapter 120.~~

2847 (e) After removal of the designation of the Florida Keys as  
2848 an area of critical state concern, the state land planning  
2849 agency shall review proposed local comprehensive plans, and any  
2850 amendments to existing comprehensive plans, which are applicable  
2851 to the Florida Keys Area, the boundaries of which were described  
2852 in chapter 28-29, Florida Administrative Code, as of January 1,  
2853 2006, for compliance ~~with subparagraphs 1. and 2., in addition~~  
2854 ~~to reviewing proposed local comprehensive plans and amendments~~



156026

2855 ~~for compliance~~ as defined in s. 163.3184. All procedures and  
2856 penalties described in s. 163.3184 apply to the review conducted  
2857 pursuant to this paragraph.

2858 ~~1. Adoption of construction schedules for wastewater~~  
2859 ~~facilities improvements in the annually adopted capital~~  
2860 ~~improvements element and adoption of standards for the~~  
2861 ~~construction of wastewater treatment facilities which meet or~~  
2862 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

2863 ~~2. Adoption of goals, objectives, and policies to protect~~  
2864 ~~public safety and welfare in the event of a natural disaster by~~  
2865 ~~maintaining a hurricane evacuation clearance time for permanent~~  
2866 ~~residents of no more than 24 hours. The hurricane evacuation~~  
2867 ~~clearance time shall be determined by a hurricane evacuation~~  
2868 ~~study conducted in accordance with a professionally accepted~~  
2869 ~~methodology and approved by the state land planning agency.~~

2870 (f) The Administration Commission may adopt rules or revise  
2871 existing rules as necessary to administer this subsection.

2872 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,  
2873 and local agencies and units of government in the Florida Keys  
2874 Area shall coordinate their plans and conduct their programs and  
2875 regulatory activities consistent with the principles for guiding  
2876 development as specified ~~set forth~~ in chapter 27F-8, Florida  
2877 Administrative Code, as amended effective August 23, 1984, which  
2878 ~~chapter~~ is ~~hereby~~ adopted and incorporated herein by reference.  
2879 For the purposes of reviewing the consistency of the adopted  
2880 plan, or any amendments to that plan, with the principles for  
2881 guiding development, and any amendments to the principles, the  
2882 principles shall be construed as a whole and ~~no~~ specific  
2883 provisions may not ~~provision shall~~ be construed or applied in



156026

2884 isolation from the other provisions. However, the principles for  
2885 guiding development ~~as set forth in chapter 27F-8, Florida~~  
2886 ~~Administrative Code, as amended effective August 23, 1984,~~ are  
2887 repealed 18 months from July 1, 1986. After repeal, ~~the~~  
2888 ~~following shall be the principles with which~~ any plan amendments  
2889 must be consistent with the following principles:

2890 (a) Strengthening ~~To strengthen~~ local government  
2891 capabilities for managing land use and development so that local  
2892 government is able to achieve these objectives without  
2893 continuing ~~the continuation of~~ the area of critical state  
2894 concern designation.

2895 (b) Protecting ~~To protect~~ shoreline and marine resources,  
2896 including mangroves, coral reef formations, seagrass beds,  
2897 wetlands, fish and wildlife, and their habitat.

2898 (c) Protecting ~~To protect~~ upland resources, tropical  
2899 biological communities, freshwater wetlands, native tropical  
2900 vegetation (for example, hardwood hammocks and pinelands), dune  
2901 ridges and beaches, wildlife, and their habitat.

2902 (d) Ensuring ~~To ensure~~ the maximum well-being of the  
2903 Florida Keys and its citizens through sound economic  
2904 development.

2905 (e) Limiting ~~To limit~~ the adverse impacts of development on  
2906 the quality of water throughout the Florida Keys.

2907 (f) Enhancing ~~To enhance~~ natural scenic resources,  
2908 promoting ~~promote~~ the aesthetic benefits of the natural  
2909 environment, and ensuring ~~ensure~~ that development is compatible  
2910 with the unique historic character of the Florida Keys.

2911 (g) Protecting ~~To protect~~ the historical heritage of the  
2912 Florida Keys.



156026

2913 (h) Protecting ~~To protect~~ the value, efficiency, cost-  
2914 effectiveness, and amortized life of existing and proposed major  
2915 public investments, including:

- 2916 1. The Florida Keys Aqueduct and water supply facilities;
- 2917 2. Sewage collection, treatment, and disposal facilities;
- 2918 3. Solid waste treatment, collection, and disposal  
2919 facilities;
- 2920 4. Key West Naval Air Station and other military  
2921 facilities;
- 2922 5. Transportation facilities;
- 2923 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 2924 7. State parks, recreation facilities, aquatic preserves,  
2925 and other publicly owned properties;
- 2926 8. City electric service and the Florida Keys Electric Co-  
2927 op; and
- 2928 9. Other utilities, as appropriate.

2929 (i) Protecting and improving water quality by providing for  
2930 the construction, operation, maintenance, and replacement of  
2931 stormwater management facilities; central sewage collection;  
2932 treatment and disposal facilities; and the installation and  
2933 proper operation and maintenance of onsite sewage treatment and  
2934 disposal systems.

2935 (j) Ensuring the improvement of nearshore water quality by  
2936 requiring the construction and operation of wastewater  
2937 management facilities that meet the requirements of s.  
2938 381.0065(4)(l) and s. 403.086(10), as applicable, and by  
2939 directing growth to areas served by central wastewater treatment  
2940 facilities through permit allocation systems.

2941 (k)-(i) Limiting ~~To limit~~ the adverse impacts of public



156026

2942 investments on the environmental resources of the Florida Keys.

2943 (l) ~~(j)~~ Making ~~To make~~ available adequate affordable housing  
2944 for all sectors of the population of the Florida Keys.

2945 (m) ~~(k)~~ Providing ~~To provide~~ adequate alternatives for the  
2946 protection of public safety and welfare in the event of a  
2947 natural or manmade disaster and for a postdisaster  
2948 reconstruction plan.

2949 (n) ~~(l)~~ Protecting ~~To protect~~ the public health, safety, and  
2950 welfare of the citizens of the Florida Keys and maintain the  
2951 Florida Keys as a unique Florida resource.

2952 (9) MODIFICATION TO PLANS AND REGULATIONS.-

2953 (a) Any land development regulation or element of a local  
2954 comprehensive plan in the Florida Keys Area may be enacted,  
2955 amended, or rescinded by a local government, but the enactment,  
2956 amendment, or rescission becomes ~~shall become~~ effective only  
2957 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The  
2958 state land planning agency shall review the proposed change to  
2959 determine if it is in compliance with the principles for guiding  
2960 development specified ~~set forth~~ in chapter 27F-8, Florida  
2961 Administrative Code, as amended effective August 23, 1984, and  
2962 must ~~shall either~~ approve or reject the requested changes within  
2963 60 days after ~~of~~ receipt ~~thereof~~. Amendments to local  
2964 comprehensive plans in the Florida Keys Area must also be  
2965 reviewed for compliance with the following:

2966 1. Construction schedules and detailed capital financing  
2967 plans for wastewater management improvements in the annually  
2968 adopted capital improvements element, and standards for the  
2969 construction of wastewater treatment and disposal facilities or  
2970 collection systems that meet or exceed the criteria in s.



156026

2971 403.086(10) for wastewater treatment and disposal facilities or  
2972 s. 381.0065(4)(1) for onsite sewage treatment and disposal  
2973 systems.

2974 2. Goals, objectives, and policies to protect public safety  
2975 and welfare in the event of a natural disaster by maintaining a  
2976 hurricane evacuation clearance time for permanent residents of  
2977 no more than 24 hours. The hurricane evacuation clearance time  
2978 shall be determined by a hurricane evacuation study conducted in  
2979 accordance with a professionally accepted methodology and  
2980 approved by the state land planning agency.

2981 (b) Further, The state land planning agency, after  
2982 consulting with the appropriate local government, may, no more  
2983 ~~often~~ than once per a year, recommend to the Administration  
2984 Commission the enactment, amendment, or rescission of a land  
2985 development regulation or element of a local comprehensive plan.  
2986 Within 45 days following the receipt of such recommendation ~~by~~  
2987 ~~the state land planning agency,~~ the commission shall reject the  
2988 recommendation, or accept it with or without modification and  
2989 adopt it, by rule, including any changes. ~~Any~~ Such local  
2990 development regulation or plan must ~~shall~~ be in compliance with  
2991 the principles for guiding development.

2992 Section 40. Subsection (1), paragraph (1) of subsection  
2993 (4), of section 381.0065, Florida Statutes, is amended present  
2994 subsection (5) is renumbered as subsection (6) and new  
2995 subsections (5) and (7) are created to read:

2996 381.0065 Onsite sewage treatment and disposal systems;  
2997 regulation.—

2998 (1) LEGISLATIVE INTENT.—

2999 (a) It is the intent of the Legislature that proper



156026

3000 management of onsite sewage treatment and disposal systems is  
3001 paramount to the health, safety and welfare of the public. It is  
3002 further the intent of the Legislature that the department shall  
3003 administer an evaluation program to ensure the operational  
3004 condition of the system, and identify any failure with the  
3005 system.

3006 (b) It is the intent of the Legislature that where a  
3007 publicly owned or investor-owned sewerage system is not  
3008 available, the department shall issue permits for the  
3009 construction, installation, modification, abandonment, or repair  
3010 of onsite sewage treatment and disposal systems under conditions  
3011 as described in this section and rules adopted under this  
3012 section. It is further the intent of the Legislature that the  
3013 installation and use of onsite sewage treatment and disposal  
3014 systems not adversely affect the public health or significantly  
3015 degrade the groundwater or surface water.

3016 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not  
3017 construct, repair, modify, abandon, or operate an onsite sewage  
3018 treatment and disposal system without first obtaining a permit  
3019 approved by the department. The department may issue permits to  
3020 carry out this section, but shall not make the issuance of such  
3021 permits contingent upon prior approval by the Department of  
3022 Environmental Protection, except that the issuance of a permit  
3023 for work seaward of the coastal construction control line  
3024 established under s. 161.053 shall be contingent upon receipt of  
3025 any required coastal construction control line permit from the  
3026 Department of Environmental Protection. A construction permit is  
3027 valid for 18 months from the issuance date and may be extended  
3028 by the department for one 90-day period under rules adopted by



3029 the department. A repair permit is valid for 90 days from the  
3030 date of issuance. An operating permit must be obtained prior to  
3031 the use of any aerobic treatment unit or if the establishment  
3032 generates commercial waste. Buildings or establishments that use  
3033 an aerobic treatment unit or generate commercial waste shall be  
3034 inspected by the department at least annually to assure  
3035 compliance with the terms of the operating permit. The operating  
3036 permit for a commercial wastewater system is valid for 1 year  
3037 from the date of issuance and must be renewed annually. The  
3038 operating permit for an aerobic treatment unit is valid for 2  
3039 years from the date of issuance and must be renewed every 2  
3040 years. If all information pertaining to the siting, location,  
3041 and installation conditions or repair of an onsite sewage  
3042 treatment and disposal system remains the same, a construction  
3043 or repair permit for the onsite sewage treatment and disposal  
3044 system may be transferred to another person, if the transferee  
3045 files, within 60 days after the transfer of ownership, an  
3046 amended application providing all corrected information and  
3047 proof of ownership of the property. There is no fee associated  
3048 with the processing of this supplemental information. A person  
3049 may not contract to construct, modify, alter, repair, service,  
3050 abandon, or maintain any portion of an onsite sewage treatment  
3051 and disposal system without being registered under part III of  
3052 chapter 489. A property owner who personally performs  
3053 construction, maintenance, or repairs to a system serving his or  
3054 her own owner-occupied single-family residence is exempt from  
3055 registration requirements for performing such construction,  
3056 maintenance, or repairs on that residence, but is subject to all  
3057 permitting requirements. A municipality or political subdivision



156026

3058 of the state may not issue a building or plumbing permit for any  
3059 building that requires the use of an onsite sewage treatment and  
3060 disposal system unless the owner or builder has received a  
3061 construction permit for such system from the department. A  
3062 building or structure may not be occupied and a municipality,  
3063 political subdivision, or any state or federal agency may not  
3064 authorize occupancy until the department approves the final  
3065 installation of the onsite sewage treatment and disposal system.  
3066 A municipality or political subdivision of the state may not  
3067 approve any change in occupancy or tenancy of a building that  
3068 uses an onsite sewage treatment and disposal system until the  
3069 department has reviewed the use of the system with the proposed  
3070 change, approved the change, and amended the operating permit.

3071 (1) For the Florida Keys, the department shall adopt a  
3072 special rule for the construction, installation, modification,  
3073 operation, repair, maintenance, and performance of onsite sewage  
3074 treatment and disposal systems which considers the unique soil  
3075 conditions and ~~which considers~~ water table elevations,  
3076 densities, and setback requirements. On lots where a setback  
3077 distance of 75 feet from surface waters, saltmarsh, and  
3078 buttonwood association habitat areas cannot be met, an injection  
3079 well, approved and permitted by the department, may be used for  
3080 disposal of effluent from onsite sewage treatment and disposal  
3081 systems. The following additional requirements apply to onsite  
3082 sewage treatment and disposal systems in Monroe County:

3083 1. The county, each municipality, and those special  
3084 districts established for the purpose of the collection,  
3085 transmission, treatment, or disposal of sewage shall ensure, in  
3086 accordance with the specific schedules adopted by the



156026

3087 Administration Commission under s. 380.0552, the completion of  
3088 onsite sewage treatment and disposal system upgrades to meet the  
3089 requirements of this paragraph.

3090 2. Onsite sewage treatment and disposal systems must cease  
3091 discharge by December 31, 2015, or must comply with department  
3092 rules and provide the level of treatment which, on a permitted  
3093 annual average basis, produces an effluent that contains no more  
3094 than the following concentrations:

- 3095 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
- 3096 b. Suspended Solids of 10 mg/l.
- 3097 c. Total Nitrogen, expressed as N, of 10 mg/l.
- 3098 d. Total Phosphorus, expressed as P, of 1 mg/l.

3099  
3100 In addition, onsite sewage treatment and disposal systems  
3101 discharging to an injection well must provide basic disinfection  
3102 as defined by department rule.

3103 3. On or after July 1, 2010, all new, modified, and  
3104 repaired onsite sewage treatment and disposal systems must  
3105 provide the level of treatment described in subparagraph 2.  
3106 However, in areas scheduled to be served by central sewer by  
3107 December 31, 2015, if the property owner has paid a connection  
3108 fee or assessment for connection to the central sewer system, an  
3109 onsite sewage treatment and disposal system may be repaired to  
3110 the following minimum standards:

3111 a. The existing tanks must be pumped and inspected and  
3112 certified as being watertight and free of defects in accordance  
3113 with department rule; and

3114 b. A sand-lined drainfield or injection well in accordance  
3115 with department rule must be installed.



156026

3116 4. Onsite sewage treatment and disposal systems must be  
3117 monitored for total nitrogen and total phosphorus concentrations  
3118 as required by department rule.

3119 5. The department shall enforce proper installation,  
3120 operation, and maintenance of onsite sewage treatment and  
3121 disposal systems pursuant to this chapter, including ensuring  
3122 that the appropriate level of treatment described in  
3123 subparagraph 2. is met.

3124 6. The county, each municipality, and those special  
3125 districts established for the purpose of collection,  
3126 transmission, treatment, or disposal of sewage may require  
3127 connecting onsite sewage treatment and disposal systems to a  
3128 central sewer system within 30 days after notice of availability  
3129 of service.

3130 (5) EVALUATION AND ASSESSMENT.—

3131 (a) Beginning January 1, 2011, the department shall  
3132 administer an onsite sewage treatment and disposal system  
3133 evaluation program for the purpose of assessing the fundamental  
3134 operational condition of systems and identifying any failures  
3135 within the systems. The department shall adopt rules  
3136 implementing the program standards, procedures, and  
3137 requirements, including, but not limited to, a schedule for a 5-  
3138 year evaluation cycle, requirements for the pump-out of a system  
3139 or repair of a failing system, enforcement procedures for  
3140 failure of a system owner to obtain an evaluation of the system,  
3141 and failure of a contractor to timely submit evaluation results  
3142 to the department and the system owner. The department shall  
3143 ensure statewide implementation of the evaluation and assessment  
3144 program by January 1, 2016.



156026

3145           (b) Owners of an onsite sewage treatment and disposal  
3146 system, excluding a system that is required to obtain an  
3147 operating permit, shall have the system evaluated at least once  
3148 every 5 years to assess the fundamental operational condition of  
3149 the system, and identify any failure within the system.

3150           (c) All evaluation procedures must be documented and  
3151 nothing in this subsection limits the amount of detail an  
3152 evaluator may provide at his or her professional discretion. The  
3153 evaluation must include a tank and drainfield evaluation, a  
3154 written assessment of the condition of the system, and, if  
3155 necessary, a disclosure statement pursuant to the department's  
3156 procedure.

3157           (d) Systems being evaluated are required to meet at least a  
3158 12-inch separation from the bottom of the drainfield to the  
3159 wettest season water table elevation as defined by department  
3160 rule. All drainfield repairs, replacements or modifications  
3161 shall meet a 24-inch separation from the bottom of the  
3162 drainfield to the wettest season water table elevation as  
3163 defined by department rule. Where a system repair or  
3164 modification to a site developed prior to January 1, 1983,  
3165 exceeds the lot size requirements for installation, or will not  
3166 meet the required well setbacks, a system meeting the maximum  
3167 separation from the bottom of the drainfield to the wettest  
3168 season water table possible shall be installed. In no case shall  
3169 well setbacks be less than those required of the existing system  
3170 being repaired or modified.

3171           (e) If documentation of a tank pump-out or a permitted new  
3172 installation, repair, or modification of the system within the  
3173 previous 3 years is provided, and states the capacity of the



156026

3174 tank and indicates that the condition of the tank is not a  
3175 sanitary or public health nuisance pursuant to department rule,  
3176 a pump-out of the system is not required.

3177 (f) Owners are responsible for paying the cost of any  
3178 required pump-out, repair or replacement pursuant to department  
3179 rule and may not request partial evaluation or the omission of  
3180 portions of the evaluation.

3181 (g) Each evaluation or pump-out required under this  
3182 subsection must be performed by a septic tank contractor or  
3183 master septic tank contractor registered under part III of  
3184 chapter 489, a professional engineer with wastewater treatment  
3185 system experience licensed pursuant to chapter 471, or an  
3186 environmental health professional certified under chapter 381 in  
3187 the area of onsite sewage treatment and disposal system  
3188 evaluation.

3189 (h) The evaluation report fee collected pursuant to s.  
3190 381.0066(2)(b) shall be remitted to the department by the  
3191 evaluator at the time the report is submitted.

3192 (i) Prior to any evaluation deadline, the department must  
3193 provide a minimum of 60 days' notice to owners that their  
3194 systems must be evaluated by that deadline. The department may  
3195 include a copy of any homeowner educational materials developed  
3196 pursuant to this section that provides information on the proper  
3197 maintenance of onsite sewage treatment and disposal systems.

3198 (6)~~(5)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

3199 (a) Department personnel who have reason to believe  
3200 noncompliance exists, may at any reasonable time, enter the  
3201 premises permitted under ss. 381.0065-381.0066, or the business  
3202 premises of any septic tank contractor or master septic tank



156026

3203 contractor registered under part III of chapter 489, or any  
3204 premises that the department has reason to believe is being  
3205 operated or maintained not in compliance, to determine  
3206 compliance with the provisions of this section, part I of  
3207 chapter 386, or part III of chapter 489 or rules or standards  
3208 adopted under ss. 381.0065-381.0067, part I of chapter 386, or  
3209 part III of chapter 489. As used in this paragraph, the term  
3210 "premises" does not include a residence or private building. To  
3211 gain entry to a residence or private building, the department  
3212 must obtain permission from the owner or occupant or secure an  
3213 inspection warrant from a court of competent jurisdiction.

3214 (b)1. The department may issue citations that may contain  
3215 an order of correction or an order to pay a fine, or both, for  
3216 violations of ss. 381.0065-381.0067, part I of chapter 386, or  
3217 part III of chapter 489 or the rules adopted by the department,  
3218 when a violation of these sections or rules is enforceable by an  
3219 administrative or civil remedy, or when a violation of these  
3220 sections or rules is a misdemeanor of the second degree. A  
3221 citation issued under ss. 381.0065-381.0067, part I of chapter  
3222 386, or part III of chapter 489 constitutes a notice of proposed  
3223 agency action.

3224 2. A citation must be in writing and must describe the  
3225 particular nature of the violation, including specific reference  
3226 to the provisions of law or rule allegedly violated.

3227 3. The fines imposed by a citation issued by the department  
3228 may not exceed \$500 for each violation. Each day the violation  
3229 exists constitutes a separate violation for which a citation may  
3230 be issued.

3231 4. The department shall inform the recipient, by written



156026

3232 notice pursuant to ss. 120.569 and 120.57, of the right to an  
3233 administrative hearing to contest the citation within 21 days  
3234 after the date the citation is received. The citation must  
3235 contain a conspicuous statement that if the recipient fails to  
3236 pay the fine within the time allowed, or fails to appear to  
3237 contest the citation after having requested a hearing, the  
3238 recipient has waived the recipient's right to contest the  
3239 citation and must pay an amount up to the maximum fine.

3240 5. The department may reduce or waive the fine imposed by  
3241 the citation. In determining whether to reduce or waive the  
3242 fine, the department must consider the gravity of the violation,  
3243 the person's attempts at correcting the violation, and the  
3244 person's history of previous violations including violations for  
3245 which enforcement actions were taken under ss. 381.0065-  
3246 381.0067, part I of chapter 386, part III of chapter 489, or  
3247 other provisions of law or rule.

3248 6. Any person who willfully refuses to sign and accept a  
3249 citation issued by the department commits a misdemeanor of the  
3250 second degree, punishable as provided in s. 775.082 or s.  
3251 775.083.

3252 7. The department, pursuant to ss. 381.0065-381.0067, part  
3253 I of chapter 386, or part III of chapter 489, shall deposit any  
3254 fines it collects in the county health department trust fund for  
3255 use in providing services specified in those sections.

3256 8. This section provides an alternative means of enforcing  
3257 ss. 381.0065-381.0067, part I of chapter 386, and part III of  
3258 chapter 489. This section does not prohibit the department from  
3259 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part  
3260 III of chapter 489, or its rules, by any other means. However,



156026

3261 the department must elect to use only a single method of  
3262 enforcement for each violation.

3263 (7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective  
3264 January 1, 2016, the land application of septage from onsite  
3265 sewage treatment and disposal systems is prohibited. The  
3266 department, in consultation with the Department of Environmental  
3267 Protection shall initiate rulemaking and develop enforcement  
3268 mechanisms and penalties to implement the provisions of this  
3269 subsection.

3270 Section 41. Section 381.00656, Florida Statutes, is created  
3271 to read:

3272 381.00656 . Grant program for repair of onsite sewage  
3273 treatment disposal systems.— Effective January 1, 2012, the  
3274 department shall administer a grant program to assist owners of  
3275 onsite sewage treatment and disposal systems identified pursuant  
3276 to s. 381.0065 or the rules adopted there under. A grant under  
3277 the program may be awarded to an owner only for the purpose of  
3278 inspecting, pumping, repairing or replacing a system serving a  
3279 single-family residence occupied by an owner with a family  
3280 income of less than or equal to 133 percent of the federal  
3281 poverty level at the time of application. The department may  
3282 prioritize applications for an award of grant funds based upon  
3283 the severity of a system's failure, its relative environmental  
3284 impact, the income of the family, or any combination thereof.  
3285 The department shall adopt rules establishing the grant  
3286 application and award process, including an application form.  
3287 The department shall seek to make grants in each fiscal year  
3288 equal to the total amount of grant funds available, with any  
3289 excess funds used for grant awards in subsequent fiscal years.



156026

3290 Section 42. Subsection (2) of section 381.0066, Florida  
3291 Statutes, is amended to read:

3292 381.0066 Onsite sewage treatment and disposal systems;  
3293 fees.—

3294 (2) The minimum fees in the following fee schedule apply  
3295 until changed by rule by the department within the following  
3296 limits:

3297 (a) Application review, permit issuance, or system  
3298 inspection, including repair of a subsurface, mound, filled, or  
3299 other alternative system or permitting of an abandoned system: a  
3300 fee of not less than \$25, or more than \$125.

3301 (b) A 5-year evaluation report submitted pursuant to s.  
3302 381.0065(5): a fee not less than \$15, or more than \$30. At least  
3303 \$1 and no more than \$5 collected pursuant to this paragraph  
3304 shall be used to fund a grant program established under s.  
3305 381.00656.

3306 (c)~~(b)~~ Site evaluation, site reevaluation, evaluation of a  
3307 system previously in use, or a per annum septage disposal site  
3308 evaluation: a fee of not less than \$40, or more than \$115.

3309 (d)~~(e)~~ Biennial Operating permit for aerobic treatment  
3310 units or performance-based treatment systems: a fee of not more  
3311 than \$100.

3312 (e)~~(d)~~ Annual operating permit for systems located in areas  
3313 zoned for industrial manufacturing or equivalent uses or where  
3314 the system is expected to receive wastewater which is not  
3315 domestic in nature: a fee of not less than \$150, or more than  
3316 \$300.

3317 (f)~~(e)~~ Innovative technology: a fee not to exceed \$25,000.

3318 (g)~~(f)~~ Septage disposal service, septage stabilization



156026

3319 facility, portable or temporary toilet service, tank  
3320 manufacturer inspection: a fee of not less than \$25, or more  
3321 than \$200, per year.

3322 (h)~~(g)~~ Application for variance: a fee of not less than  
3323 \$150, or more than \$300.

3324 (i)~~(h)~~ Annual operating permit for waterless, incinerating,  
3325 or organic waste composting toilets: a fee of not less than \$50,  
3326 or more than \$150.

3327 (j)~~(i)~~ Aerobic treatment unit or performance-based  
3328 treatment system maintenance entity permit: a fee of not less  
3329 than \$25, or more than \$150, per year.

3330 (k)~~(j)~~ Reinspection fee per visit for site inspection after  
3331 system construction approval or for noncompliant system  
3332 installation per site visit: a fee of not less than \$25, or more  
3333 than \$100.

3334 (l)~~(k)~~ Research: An additional \$5 fee shall be added to  
3335 each new system construction permit issued to be used to fund  
3336 onsite sewage treatment and disposal system research,  
3337 demonstration, and training projects. Five dollars from any  
3338 repair permit fee collected under this section shall be used for  
3339 funding the hands-on training centers described in s.  
3340 381.0065(3)(j).

3341 (m)~~(l)~~ Annual operating permit, including annual inspection  
3342 and any required sampling and laboratory analysis of effluent,  
3343 for an engineer-designed performance-based system: a fee of not  
3344 less than \$150, or more than \$300.

3345  
3346 On or before January 1, 2011, the Surgeon General, after  
3347 consultation with the Revenue Estimating Conference, shall



156026

3348 determine a revenue neutral fee schedule for services provided  
3349 pursuant to s. 381.0065(5) within the parameters set in  
3350 paragraph (b). Such determination is not subject to the  
3351 provisions of chapter 120.

3352

3353 The funds collected pursuant to this subsection must be  
3354 deposited in a trust fund administered by the department, to be  
3355 used for the purposes stated in this section and ss. 381.0065  
3356 and 381.00655.

3357 Section 43. Subsection (9) of section 403.086, Florida  
3358 Statutes, is amended, and subsections (10) and (11) are added to  
3359 that section, to read:

3360 403.086 Sewage disposal facilities; advanced and secondary  
3361 waste treatment.—

3362 (9) The Legislature finds that the discharge of domestic  
3363 wastewater through ocean outfalls wastes valuable water supplies  
3364 that should be reclaimed for beneficial purposes to meet public  
3365 and natural systems demands. The Legislature also finds that  
3366 discharge of domestic wastewater through ocean outfalls  
3367 compromises the coastal environment, quality of life, and local  
3368 economies that depend on those resources. The Legislature  
3369 declares that more stringent treatment and management  
3370 requirements for such domestic wastewater and the subsequent,  
3371 timely elimination of ocean outfalls as a primary means of  
3372 domestic wastewater discharge are in the public interest.

3373 (a) The construction of new ocean outfalls for domestic  
3374 wastewater discharge and the expansion of existing ocean  
3375 outfalls for this purpose, along with associated pumping and  
3376 piping systems, are prohibited. Each domestic wastewater ocean



156026

3377 outfall shall be limited to the discharge capacity specified in  
3378 the department permit authorizing the outfall in effect on July  
3379 1, 2008, which discharge capacity shall not be increased.  
3380 Maintenance of existing, department-authorized domestic  
3381 wastewater ocean outfalls and associated pumping and piping  
3382 systems is allowed, subject to the requirements of this section.  
3383 The department is directed to work with the United States  
3384 Environmental Protection Agency to ensure that the requirements  
3385 of this subsection are implemented consistently for all domestic  
3386 wastewater facilities in Florida which discharge through ocean  
3387 outfalls.

3388 (b) The discharge of domestic wastewater through ocean  
3389 outfalls shall meet advanced wastewater treatment and management  
3390 requirements no later than December 31, 2018. For purposes of  
3391 this subsection, the term "advanced wastewater treatment and  
3392 management requirements" means the advanced waste treatment  
3393 requirements set forth in subsection (4), a reduction in outfall  
3394 baseline loadings of total nitrogen and total phosphorus which  
3395 is equivalent to that which would be achieved by the advanced  
3396 waste treatment requirements in subsection (4), or a reduction  
3397 in cumulative outfall loadings of total nitrogen and total  
3398 phosphorus occurring between December 31, 2008, and December 31,  
3399 2025, which is equivalent to that which would be achieved if the  
3400 advanced waste treatment requirements in subsection (4) were  
3401 fully implemented beginning December 31, 2018, and continued  
3402 through December 31, 2025. The department shall establish the  
3403 average baseline loadings of total nitrogen and total phosphorus  
3404 for each outfall using monitoring data available for calendar  
3405 years 2003 through 2007 and shall establish required loading



156026

3406 reductions based on this baseline. The baseline loadings and  
3407 required loading reductions of total nitrogen and total  
3408 phosphorus shall be expressed as an average annual daily loading  
3409 value. The advanced wastewater treatment and management  
3410 requirements of this paragraph shall be deemed to be met for any  
3411 domestic wastewater facility discharging through an ocean  
3412 outfall on July 1, 2008, which has installed no later than  
3413 December 31, 2018, a fully operational reuse system comprising  
3414 100 percent of the facility's annual average daily flow for  
3415 reuse activities authorized by the department.

3416 (c) Each domestic wastewater facility that discharges  
3417 through an ocean outfall on July 1, 2008, shall install a  
3418 functioning reuse system no later than December 31, 2025. For  
3419 purposes of this subsection, a "functioning reuse system" means  
3420 an environmentally, economically, and technically feasible  
3421 system that provides a minimum of 60 percent of the facility's  
3422 actual flow on an annual basis for irrigation of public access  
3423 areas, residential properties, or agricultural crops; aquifer  
3424 recharge; groundwater recharge; industrial cooling; or other  
3425 acceptable reuse purposes authorized by the department. For  
3426 purposes of this subsection, the term "facility's actual flow on  
3427 an annual basis" means the annual average flow of domestic  
3428 wastewater discharging through the facility's ocean outfall, as  
3429 determined by the department, using monitoring data available  
3430 for calendar years 2003 through 2007. Flows diverted ~~Diversion~~  
3431 ~~of flows~~ from these facilities to other facilities that provide  
3432 100 percent reuse of the diverted flows prior to December 31,  
3433 2025, shall be considered to contribute to meeting the 60  
3434 percent ~~60-percent~~ reuse requirement. For utilities operating



156026

3435 more than one outfall, the reuse requirement can be met if the  
3436 combined actual reuse flows from facilities served by the  
3437 outfalls is at least 60 percent of the sum of the total actual  
3438 flows from the ~~these~~ facilities, including flows diverted to  
3439 other facilities for 100 percent reuse prior to December 31,  
3440 2025. In the event treatment in addition to the advanced  
3441 wastewater treatment and management requirements described in  
3442 paragraph (b) is needed in order to support a functioning reuse  
3443 system, such treatment shall be fully operational no later than  
3444 December 31, 2025.

3445 (d) The discharge of domestic wastewater through ocean  
3446 outfalls is prohibited after December 31, 2025, except as a  
3447 backup discharge that is part of a functioning reuse system  
3448 authorized by the department as provided for in paragraph (c). A  
3449 backup discharge may occur only during periods of reduced demand  
3450 for reclaimed water in the reuse system, such as periods of wet  
3451 weather, and shall comply with the advanced wastewater treatment  
3452 and management requirements of paragraph (b).

3453 (e) The holder of a department permit authorizing the  
3454 discharge of domestic wastewater through an ocean outfall as of  
3455 July 1, 2008, shall submit to the secretary of the department  
3456 the following:

3457 1. A detailed plan to meet the requirements of this  
3458 subsection, including an identification of all land acquisition  
3459 and facilities necessary to provide for reuse of the domestic  
3460 wastewater; an analysis of the costs to meet the requirements;  
3461 and a financing plan for meeting the requirements, including  
3462 identifying any actions necessary to implement the financing  
3463 plan, such as bond issuance or other borrowing, assessments,



156026

3464 rate increases, fees, other charges, or other financing  
3465 mechanisms. The plan shall include a detailed schedule for the  
3466 completion of all necessary actions and shall be accompanied by  
3467 supporting data and other documentation. The plan shall be  
3468 submitted no later than July 1, 2013.

3469 2. No later than July 1, 2016, an update of the plan  
3470 required in subparagraph 1. documenting any refinements or  
3471 changes in the costs, actions, or financing necessary to  
3472 eliminate the ocean outfall discharge in accordance with this  
3473 subsection or a written statement that the plan is current and  
3474 accurate.

3475 (f) By December 31, 2009, and by December 31 every 5 years  
3476 thereafter, the holder of a department permit authorizing the  
3477 discharge of domestic wastewater through an ocean outfall shall  
3478 submit to the secretary of the department a report summarizing  
3479 the actions accomplished to date and the actions remaining and  
3480 proposed to meet the requirements of this subsection, including  
3481 progress toward meeting the specific deadlines set forth in  
3482 paragraphs (b) through (e). The report shall include the  
3483 detailed schedule for and status of the evaluation of reuse and  
3484 disposal options, preparation of preliminary design reports,  
3485 preparation and submittal of permit applications, construction  
3486 initiation, construction progress milestones, construction  
3487 completion, initiation of operation, and continuing operation  
3488 and maintenance.

3489 (g) No later than July 1, 2010, and by July 1 every 5 years  
3490 thereafter, the department shall submit a report to the  
3491 Governor, the President of the Senate, and the Speaker of the  
3492 House of Representatives on the implementation of this



156026

3493 subsection. The report shall summarize progress to date,  
3494 including the increased amount of reclaimed water provided and  
3495 potable water offsets achieved, and identify any obstacles to  
3496 continued progress, including all instances of substantial  
3497 noncompliance.

3498 (h) By February 1, 2012, the department shall submit a  
3499 report to the Governor and Legislature detailing the results and  
3500 recommendations from phases 1 through 3 of its ongoing study on  
3501 reclaimed water use.

3502 (i)~~(h)~~ The renewal of each permit that authorizes the  
3503 discharge of domestic wastewater through an ocean outfall as of  
3504 July 1, 2008, shall be accompanied by an order in accordance  
3505 with s. 403.088(2) (e) and (f) which establishes an enforceable  
3506 compliance schedule consistent with the requirements of this  
3507 subsection.

3508 (j) An entity that diverts wastewater flow from a receiving  
3509 facility that discharges domestic wastewater through an ocean  
3510 outfall must meet the 60 percent reuse requirement of paragraph  
3511 (c). Reuse by the diverting entity of the diverted flows shall  
3512 be credited to the diverting entity. The diverted flow shall  
3513 also be correspondingly deducted from the receiving facility's  
3514 actual flow on an annual basis from which the required reuse is  
3515 calculated pursuant to paragraph (c) and the receiving  
3516 facility's reuse requirement shall be recalculated accordingly.

3517 (10) The Legislature finds that the discharge of  
3518 inadequately treated and managed domestic wastewater from dozens  
3519 of small wastewater facilities and thousands of septic tanks and  
3520 other onsite systems in the Florida Keys compromises the quality  
3521 of the coastal environment, including nearshore and offshore



156026

3522 waters, and threatens the quality of life and local economies  
3523 that depend on those resources. The Legislature also finds that  
3524 the only practical and cost-effective way to fundamentally  
3525 improve wastewater management in the Florida Keys is for the  
3526 local governments in Monroe County, including those special  
3527 districts established for the purpose of collection,  
3528 transmission, treatment, or disposal of sewage, to timely  
3529 complete the wastewater or sewage treatment and disposal  
3530 facilities initiated under the work program of Administration  
3531 Commission rule 28-20, Florida Administrative Code, and the  
3532 Monroe County Sanitary Master Wastewater Plan, dated June 2000.  
3533 The Legislature therefore declares that the construction and  
3534 operation of comprehensive central wastewater systems in  
3535 accordance with this subsection is in the public interest. To  
3536 give effect to those findings, the requirements of this  
3537 subsection apply to all domestic wastewater facilities in Monroe  
3538 County, including privately owned facilities, unless otherwise  
3539 provided under this subsection.

3540 (a) The discharge of domestic wastewater into surface  
3541 waters is prohibited.

3542 (b) Monroe County, each municipality, and those special  
3543 districts established for the purpose of collection,  
3544 transmission, treatment, or disposal of sewage in Monroe County  
3545 shall complete the wastewater collection, treatment, and  
3546 disposal facilities within its jurisdiction designated as hot  
3547 spots in the Monroe County Sanitary Master Wastewater Plan,  
3548 dated June 2000, specifically listed in Exhibits 6-1 through 6-3  
3549 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F  
3550 of the plan. The required facilities and connections, and any



156026

3551 additional facilities or other adjustments required by rules  
3552 adopted by the Administration Commission under s. 380.0552, must  
3553 be completed by December 31, 2015, pursuant to specific  
3554 schedules established by the commission. Domestic wastewater  
3555 facilities located outside local government and special district  
3556 service areas must meet the treatment and disposal requirements  
3557 of this subsection by December 31, 2015.

3558 (c) After December 31, 2015, all new or expanded domestic  
3559 wastewater discharges must comply with the treatment and  
3560 disposal requirements of this subsection and department rules.

3561 (d) Wastewater treatment facilities having design  
3562 capacities:

3563 1. Greater than or equal to 100,000 gallons per day must  
3564 provide basic disinfection as defined by department rule and the  
3565 level of treatment which, on a permitted annual average basis,  
3566 produces an effluent that contains no more than the following  
3567 concentrations:

3568 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

3569 b. Suspended Solids of 5 mg/l.

3570 c. Total Nitrogen, expressed as N, of 3 mg/l.

3571 d. Total Phosphorus, expressed as P, of 1 mg/l.

3572 2. Less than 100,000 gallons per day must provide basic  
3573 disinfection as defined by department rule and the level of  
3574 treatment which, on a permitted annual average basis, produces  
3575 an effluent that contains no more than the following  
3576 concentrations:

3577 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3578 b. Suspended Solids of 10 mg/l.

3579 c. Total Nitrogen, expressed as N, of 10 mg/l.



156026

3580 d. Total Phosphorus, expressed as P, of 1 mg/l.

3581 (e) Class V injection wells, as defined by department or  
3582 Department of Health rule, must meet the following requirements  
3583 and otherwise comply with department or Department of Health  
3584 rules, as applicable:

3585 1. If the design capacity of the facility is less than 1  
3586 million gallons per day, the injection well must be at least 90  
3587 feet deep and cased to a minimum depth of 60 feet or to such  
3588 greater cased depth and total well depth as may be required by  
3589 department rule.

3590 2. Except as provided in subparagraph 3. for backup wells,  
3591 if the design capacity of the facility is equal to or greater  
3592 than 1 million gallons per day, each primary injection well must  
3593 be cased to a minimum depth of 2,000 feet or to such greater  
3594 depth as may be required by department rule.

3595 3. If an injection well is used as a backup to a primary  
3596 injection well, the following conditions apply:

3597 a. The backup well may be used only when the primary  
3598 injection well is out of service because of equipment failure,  
3599 power failure, or the need for mechanical integrity testing or  
3600 repair;

3601 b. The backup well may not be used for more than a total of  
3602 500 hours during any 5-year period unless specifically  
3603 authorized in writing by the department;

3604 c. The backup well must be at least 90 feet deep and cased  
3605 to a minimum depth of 60 feet, or to such greater cased depth  
3606 and total well depth as may be required by department rule; and

3607 d. Fluid injected into the backup well must meet the  
3608 requirements of paragraph (d).



156026

3609 (f) The requirements of paragraphs (d) and (e) do not apply  
3610 to:

3611 1. Class I injection wells as defined by department rule,  
3612 including any authorized mechanical integrity tests;

3613 2. Authorized mechanical integrity tests associated with  
3614 Class V wells as defined by department rule; or

3615 3. The following types of reuse systems authorized by  
3616 department rule:

3617 a. Slow-rate land application systems;

3618 b. Industrial uses of reclaimed water; and

3619 c. Use of reclaimed water for toilet flushing, fire  
3620 protection, vehicle washing, construction dust control, and  
3621 decorative water features.

3622  
3623 However, disposal systems serving as backups to reuse  
3624 systems must comply with the other provisions of this  
3625 subsection.

3626 (g) For wastewater treatment facilities in operation as of  
3627 July 1, 2010, which are located within areas to be served by  
3628 Monroe County, municipalities in Monroe County, or those special  
3629 districts established for the purpose of collection,  
3630 transmission, treatment, or disposal of sewage but which are  
3631 owned by other entities, the requirements of paragraphs (d) and  
3632 (e) do not apply until January 1, 2016. Wastewater operating  
3633 permits issued pursuant to this chapter and in effect for these  
3634 facilities as of June 30, 2010, are extended until December 31,  
3635 2015, or until the facility is connected to a local government  
3636 central wastewater system, whichever occurs first. Wastewater  
3637 treatment facilities in operation after December 31, 2015, must



156026

3638 comply with the treatment and disposal requirements of this  
3639 subsection and department rules.

3640 (h) If it is demonstrated that a discharge, even if the  
3641 discharge is otherwise in compliance with this subsection, will  
3642 cause or contribute to a violation of state water quality  
3643 standards, the department shall:

- 3644 1. Require more stringent effluent limitations;  
3645 2. Order the point or method of discharge changed;  
3646 3. Limit the duration or volume of the discharge; or  
3647 4. Prohibit the discharge.

3648 (i) All sewage treatment facilities must monitor effluent  
3649 for total nitrogen and total phosphorus concentration as  
3650 required by department rule.

3651 (j) The department shall require the levels of operator  
3652 certification and staffing necessary to ensure proper operation  
3653 and maintenance of sewage facilities.

3654 (k) The department may adopt rules necessary to carry out  
3655 this subsection.

3656 (l) The county, each municipality, and those special  
3657 districts established for the purpose of collection,  
3658 transmission, treatment, or disposal of sewage may require  
3659 connecting wastewater treatment facilities owned by other  
3660 entities to a central sewer system within 30 days after notice  
3661 of availability of service.

3662 Section 44. Section 4 of chapter 99-395, Law of Florida, as  
3663 amended by section 6 of chapter 2006-223, Law of Florida;  
3664 section 5 of chapter 99-395, Law of Florida; and section 6 of  
3665 chapter 99-395, Law of Florida, as amended by section 1 of  
3666 chapter 2001-337, and section 1 of chapter 2004-455, Law of



156026

3667 Florida, are repealed.

3668 Section 45. Subsection (2) of section 403.1835, Florida  
3669 Statutes, is reordered and amended, and subsections (3) and (10)  
3670 of that section are amended, to read:

3671 403.1835 Water pollution control financial assistance.—

3672 (2) As used in ~~For the purposes of~~ this section and s.  
3673 403.1837, the term:

3674 (c)~~(a)~~ "Local governmental agencies" refers to any  
3675 municipality, county, district, or authority, or any agency  
3676 thereof, or a combination of two or more of the foregoing,  
3677 acting jointly in connection with a project having jurisdiction  
3678 over collection, transmission, treatment, or disposal of sewage,  
3679 industrial wastes, stormwater, or other wastes and includes a  
3680 district or authority whose ~~the~~ principal responsibility ~~of~~  
3681 ~~which~~ is to provide airport, industrial or research park, or  
3682 port facilities to the public.

3683 (a)~~(b)~~ "Bonds" means bonds, certificates, or other  
3684 obligations of indebtedness issued by the ~~Florida Water~~  
3685 ~~Pollution Control Financing~~ corporation under this section and  
3686 s. 403.1837.

3687 (b)~~(c)~~ "Corporation" means the Florida Water Pollution  
3688 Control Financing Corporation created under s. 403.1837.

3689 (3) The department may provide financial assistance through  
3690 any program authorized under 33 U.S.C. s. 1383 ~~s. 603 of the~~  
3691 ~~Federal Water Pollution Control Act (Clean Water Act), Pub. L.~~  
3692 ~~No. 92-500~~, as amended, including, but not limited to, making  
3693 grants and loans, providing loan guarantees, purchasing loan  
3694 insurance or other credit enhancements, and buying or  
3695 refinancing local debt. This financial assistance must be



156026

3696 administered in accordance with this section and applicable  
3697 federal authorities. ~~The department shall administer all~~  
3698 ~~programs operated from funds secured through the activities of~~  
3699 ~~the Florida Water Pollution Control Financing corporation under~~  
3700 ~~s. 403.1837, to fulfill the purposes of this section.~~

3701 (a) The department may make or request the corporation to  
3702 make loans to local government agencies, which ~~agencies~~ may  
3703 pledge any revenue available to them to repay any funds  
3704 borrowed.

3705 (b) The department may make or request the corporation to  
3706 make loans, grants, and deposits to other entities eligible to  
3707 participate in the financial assistance programs authorized  
3708 under the Federal Water Pollution Control Act, or as a result of  
3709 other federal action, which ~~entities~~ may pledge any revenue  
3710 available to them to repay any funds borrowed. Notwithstanding  
3711 s. 17.57, the department may make deposits to financial  
3712 institutions that ~~which~~ earn less than the prevailing rate for  
3713 United States Treasury securities that have ~~with~~ corresponding  
3714 maturities for the purpose of enabling such financial  
3715 institutions to make below-market interest rate loans to  
3716 entities qualified to receive loans under this section and the  
3717 rules of the department.

3718 (c) The department shall administer financial assistance so  
3719 that at least 15 percent of the funding made available each year  
3720 under this section is reserved for use by small communities  
3721 during the year it is reserved.

3722 (d) The department may make grants to financially  
3723 disadvantaged small communities, as defined in s. 403.1838,  
3724 using funds made available from grant allocations on loans



156026

3725 authorized under subsection (4). The grants must be administered  
3726 in accordance with s. 403.1838.

3727 (10) The department may adopt rules regarding program  
3728 administration; project eligibilities and priorities, including  
3729 the development and management of project priority lists;  
3730 financial assistance application requirements associated with  
3731 planning, design, construction, and implementation activities,  
3732 including environmental and engineering requirements; financial  
3733 assistance agreement conditions; disbursement and repayment  
3734 provisions; auditing provisions; program exceptions; the  
3735 procedural and contractual relationship between the department  
3736 and the ~~Florida Water Pollution Control Financing~~ corporation  
3737 under s. 403.1837; and other provisions consistent with the  
3738 purposes of this section.

3739 Section 46. Section 403.1837, Florida Statutes, is amended  
3740 to read:

3741 403.1837 Florida Water Pollution Control Financing  
3742 Corporation.—

3743 (1) The Florida Water Pollution Control Financing  
3744 Corporation is created as a nonprofit public-benefit corporation  
3745 for the purpose of financing or refinancing the costs of ~~water~~  
3746 ~~pollution control~~ projects and activities described in ss. s.  
3747 403.1835 and 403.8532. The projects and activities described in  
3748 those sections ~~that section are found to~~ constitute a public  
3749 governmental purpose; are ~~be~~ necessary for the health, safety,  
3750 and welfare of all residents; and include legislatively approved  
3751 fixed capital outlay projects. Fulfilling ~~The fulfillment of~~ the  
3752 purposes of the corporation promotes the health, safety, and  
3753 welfare of the people of the state and serves essential



156026

3754 governmental functions and a paramount public purpose. The  
3755 activities of the corporation are specifically limited to  
3756 assisting the department in implementing financing activities to  
3757 provide funding for the programs authorized in ss. ~~s.~~ 403.1835  
3758 and 403.8532. All other activities relating to the purposes for  
3759 which the corporation raises funds are the responsibility of the  
3760 department, including, but not limited to, development of  
3761 program criteria, review of applications for financial  
3762 assistance, decisions relating to the number and amount of loans  
3763 or other financial assistance to be provided, and enforcement of  
3764 the terms of any financial assistance agreements provided  
3765 through funds raised by the corporation. The corporation shall  
3766 terminate upon fulfilling ~~fulfillment~~ of the purposes of this  
3767 section.

3768 (2) The corporation shall be governed by a board of  
3769 directors consisting of the Governor's Budget Director or ~~the~~  
3770 ~~budget director's~~ designee, the Chief Financial Officer or ~~the~~  
3771 ~~Chief Financial Officer's~~ designee, and the Secretary of  
3772 Environmental Protection or ~~the secretary's~~ designee. The  
3773 executive director of the State Board of Administration shall be  
3774 the chief executive officer of the corporation; shall direct and  
3775 supervise the administrative affairs of the corporation; and  
3776 shall control, direct, and supervise operation of the  
3777 corporation. The corporation shall have such other officers as  
3778 may be determined by the board of directors.

3779 (3) The corporation shall have all the powers of a  
3780 corporate body under the laws of the state, consistent to the  
3781 ~~extent not inconsistent with or restricted by~~ this section,  
3782 including, but not limited to, the power to:



156026

- 3783 (a) Adopt, amend, and repeal bylaws consistent ~~not~~  
3784 ~~inconsistent~~ with this section.
- 3785 (b) Sue and be sued.
- 3786 (c) Adopt and use a common seal.
- 3787 (d) Acquire, purchase, hold, lease, and convey any real and  
3788 personal property as may be proper or expedient to carry out the  
3789 purposes of the corporation and this section, and to sell,  
3790 lease, or otherwise dispose of that property.
- 3791 (e) Elect or appoint and employ such officers, agents, and  
3792 employees as the corporation considers advisable to operate and  
3793 manage the affairs of the corporation, who ~~which officers,~~  
3794 ~~agents, and employees~~ may be officers or employees of the  
3795 department and the state agencies represented on the board of  
3796 directors of the corporation.
- 3797 (f) Borrow money and issue notes, bonds, certificates of  
3798 indebtedness, or other obligations or evidences of indebtedness  
3799 described in s. 403.1835 or s. 403.8532.
- 3800 (g) Operate, as specifically directed by the department,  
3801 any program to provide financial assistance authorized under s.  
3802 403.1835(3) or s. 403.8532(3), which may be funded from any  
3803 funds received under a service contract with the department,  
3804 from the proceeds of bonds issued by the corporation, or from  
3805 any other funding sources obtained by the corporation.
- 3806 (h) Sell all or any portion of the loans issued under s.  
3807 403.1835 or s. 403.8532 to accomplish the purposes of those  
3808 sections ~~this section and s. 403.1835~~.
- 3809 (i) Make and execute any contracts, trust agreements, and  
3810 other instruments and agreements necessary or convenient to  
3811 accomplish the purposes of the corporation and this section.



156026

3812 (j) Select, retain, and employ professionals, contractors,  
3813 or agents, which may include the Division of Bond Finance of the  
3814 State Board of Administration, as ~~are~~ necessary or convenient to  
3815 enable or assist the corporation in carrying out its purposes  
3816 and this section.

3817 (k) Do any act or thing necessary or convenient to carry  
3818 out the purposes of the corporation and this section.

3819 (4) The corporation shall evaluate all financial and market  
3820 conditions necessary and prudent for the purpose of making  
3821 sound, financially responsible, and cost-effective decisions in  
3822 order to secure additional funds to fulfill the purposes of this  
3823 section and ss. ~~s.~~ 403.1835 and 403.8532.

3824 (5) The corporation may enter into one or more service  
3825 contracts with the department under which the corporation shall  
3826 provide services to the department in connection with financing  
3827 the functions, projects, and activities provided ~~for~~ in ss. ~~s.~~  
3828 403.1835 and 403.8532. The department may enter into one or more  
3829 service contracts with the corporation and provide for payments  
3830 under those contracts pursuant to s. 403.1835(9) or s. 403.8533,  
3831 subject to annual appropriation by the Legislature.

3832 (a) The service contracts may provide for the transfer of  
3833 all or a portion of the funds in the Wastewater Treatment and  
3834 Stormwater Management Revolving Loan Trust Fund and the Drinking  
3835 Water Revolving Loan Trust Fund to the corporation for use by  
3836 the corporation for costs incurred by the corporation in its  
3837 operations, including, but not limited to, payment of debt  
3838 service, reserves, or other costs in relation to bonds issued by  
3839 the corporation, for use by the corporation at the request of  
3840 the department to directly provide the types of local financial



156026

3841 assistance provided ~~for~~ in ss. s. 403.1835(3) and 403.8532(3),  
3842 or for payment of the administrative costs of the corporation.

3843 (b) The department may not transfer funds under any service  
3844 contract with the corporation without a specific appropriation  
3845 for such purpose in the General Appropriations Act, except for  
3846 administrative expenses incurred by the State Board of  
3847 Administration or other expenses necessary under documents  
3848 authorizing or securing previously issued bonds of the  
3849 corporation. The service contracts may also provide for the  
3850 assignment or transfer to the corporation of any loans made by  
3851 the department.

3852 (c) The service contracts may establish the operating  
3853 relationship between the department and the corporation and must  
3854 ~~shall~~ require the department to request the corporation to issue  
3855 bonds before any issuance of bonds by the corporation, to take  
3856 any actions necessary to enforce the agreements entered into  
3857 between the corporation and other parties, and to take all other  
3858 actions necessary to assist the corporation in its operations.

3859 (d) In compliance with s. 287.0641 and other applicable  
3860 provisions of law, the obligations of the department under the  
3861 service contracts do not constitute a general obligation of the  
3862 state or a pledge of the faith and credit or taxing power of the  
3863 state, nor may the obligations be construed ~~in any manner~~ as an  
3864 obligation of the State Board of Administration or entities for  
3865 which it invests funds, or of the department except as provided  
3866 in this section as payable solely from amounts available under  
3867 any service contract between the corporation and the department,  
3868 subject to appropriation.

3869 (e) In compliance with this subsection and s. 287.0582,



156026

3870 service contracts must expressly include the following  
3871 statement: "The State of Florida's performance and obligation to  
3872 pay under this contract is contingent upon an annual  
3873 appropriation by the Legislature."

3874 (6) The corporation may issue and incur notes, bonds,  
3875 certificates of indebtedness, or other obligations or evidences  
3876 of indebtedness payable from and secured by amounts received  
3877 from payment of loans and other moneys received by the  
3878 corporation, including, but not limited to, amounts payable to  
3879 the corporation by the department under a service contract  
3880 entered into under subsection (5). The proceeds of the bonds may  
3881 be used for the purpose of providing funds for projects and  
3882 activities provided ~~for~~ in subsection (1) or for refunding bonds  
3883 previously issued by the corporation. The corporation may select  
3884 a financing team and issue obligations through competitive  
3885 bidding or negotiated contracts, whichever is most cost-  
3886 effective. ~~Any~~ Such indebtedness of the corporation does not  
3887 constitute a debt or obligation of the state or a pledge of the  
3888 faith and credit or taxing power of the state.

3889 (7) The corporation is exempt from taxation and assessments  
3890 of any nature whatsoever upon its income and any property,  
3891 assets, or revenues acquired, received, or used in the  
3892 furtherance of the purposes provided in ss. 403.1835, ~~and~~  
3893 403.1838, and 403.8532. The obligations of the corporation  
3894 incurred under subsection (6) and the interest and income on the  
3895 obligations and all security agreements, letters of credit,  
3896 liquidity facilities, or other obligations or instruments  
3897 arising out of, entered into in connection with, or given to  
3898 secure payment of the obligations are exempt from all taxation;



156026

3899 however, the exemption does not apply to any tax imposed by  
3900 chapter 220 on the interest, income, or profits on debt  
3901 obligations owned by corporations.

3902 (8) The corporation shall validate any bonds issued under  
3903 this section, except refunding bonds, which may be validated at  
3904 the option of the corporation, by proceedings under chapter 75.  
3905 The validation complaint must be filed ~~only~~ in the Circuit Court  
3906 for Leon County. The notice required under s. 75.06 must be  
3907 published in Leon County, and the complaint and order of the  
3908 circuit court shall be served only on the State Attorney for the  
3909 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not  
3910 apply to a validation complaint filed as authorized in this  
3911 subsection. The validation of the first bonds issued under this  
3912 section may be appealed to the Supreme Court, and the appeal  
3913 shall be handled on an expedited basis.

3914 (9) The corporation and the department may ~~shall~~ not take  
3915 any action that ~~will~~ materially and adversely affects ~~affect~~ the  
3916 rights of holders of any obligations issued under this section  
3917 as long as the obligations are outstanding.

3918 (10) The corporation is not a special district for purposes  
3919 of chapter 189 or a unit of local government for purposes of  
3920 part III of chapter 218. The provisions of chapters 120 and 215,  
3921 except the limitation on interest rates provided by s. 215.84,  
3922 which applies to obligations of the corporation issued under  
3923 this section, and part I of chapter 287, except ss. 287.0582 and  
3924 287.0641, do not apply to this section, the corporation ~~created~~  
3925 ~~in this section~~, the service contracts entered into under this  
3926 section, or debt obligations issued by the corporation as  
3927 provided in this section.



156026

3928 (11) The benefits or earnings of the corporation may not  
3929 inure to the benefit of any private person, except persons  
3930 receiving grants and loans under s. 403.1835 or s. 403.8532.

3931 (12) Upon dissolution of the corporation, title to all  
3932 property owned by the corporation reverts to the department.

3933 (13) The corporation may contract with the State Board of  
3934 Administration to serve as trustee with respect to debt  
3935 obligations issued by the corporation as provided by this  
3936 section; to hold, administer, and invest proceeds of those debt  
3937 obligations and other funds of the corporation; and to perform  
3938 other services required by the corporation. The State Board of  
3939 Administration may perform these services and may contract with  
3940 others to provide all or a part of those services and to recover  
3941 the costs and expenses of providing those services.

3942 Section 47. Subsections (2), (3), (9), and (14) of section  
3943 403.8532, Florida Statutes, are amended to read:

3944 403.8532 Drinking water state revolving loan fund; use;  
3945 rules.-

3946 (2) For purposes of this section, the term:

3947 (a) "Bonds" means bonds, certificates, or other obligations  
3948 of indebtedness issued by the corporation under this section and  
3949 s. 403.1837.

3950 (b) "Corporation" means the Florida Water Pollution Control  
3951 Financing Corporation created pursuant to s. 403.1837.

3952 (c) ~~(a)~~ "Financially disadvantaged community" means the  
3953 service area of a project to be served by a public water system  
3954 that meets criteria established by department rule and in  
3955 accordance with federal guidance.

3956 (d) ~~(b)~~ "Local governmental agency" means any municipality,



156026

3957 county, district, or authority, or any agency thereof, or a  
3958 combination of two or more of the foregoing acting jointly in  
3959 connection with a project, having jurisdiction over a public  
3960 water system.

3961 (e)~~(e)~~ "Public water system" means all facilities,  
3962 including land, necessary for the treatment and distribution of  
3963 water for human consumption and includes public water systems as  
3964 defined in s. 403.852 and as otherwise defined in the federal  
3965 Safe Drinking Water Act, as amended. Such systems may be  
3966 publicly owned, privately owned, investor-owned, or  
3967 cooperatively held.

3968 (f)~~(d)~~ "Small public water system" means a public water  
3969 system that ~~which~~ regularly serves fewer than 10,000 people.

3970 (3) The department may ~~is authorized to~~ make, or request  
3971 that the corporation make, loans, grants, and deposits to  
3972 community water systems, nonprofit transient noncommunity water  
3973 systems, and nonprofit nontransient noncommunity water systems  
3974 to assist them in planning, designing, and constructing public  
3975 water systems, unless such public water systems are for-profit  
3976 privately owned or investor-owned systems that regularly serve  
3977 1,500 service connections or more within a single certified or  
3978 franchised area. However, a for-profit privately owned or  
3979 investor-owned public water system that regularly serves 1,500  
3980 service connections or more within a single certified or  
3981 franchised area may qualify for a loan only if the proposed  
3982 project will result in the consolidation of two or more public  
3983 water systems. The department may ~~is authorized to~~ provide loan  
3984 guarantees, ~~to~~ purchase loan insurance, and ~~to~~ refinance local  
3985 debt through the issue of new loans for projects approved by the



156026

3986 department. Public water systems may ~~are authorized to~~ borrow  
3987 funds made available pursuant to this section and may pledge any  
3988 revenues or other adequate security available to them to repay  
3989 any funds borrowed.

3990 (a) The department shall administer loans so that amounts  
3991 credited to the Drinking Water Revolving Loan Trust Fund in any  
3992 fiscal year are reserved for the following purposes:

3993 1. ~~(a)~~ At least 15 percent for ~~to~~ qualifying small public  
3994 water systems.

3995 2. ~~(b)~~ Up to 15 percent for ~~to~~ qualifying financially  
3996 disadvantaged communities.

3997 (b) ~~(c) However,~~ If an insufficient number of the projects  
3998 for which funds are reserved under this subsection ~~paragraph~~  
3999 have been submitted to the department at the time the funding  
4000 priority list authorized under this section is adopted, the  
4001 reservation of these funds ~~shall~~ no longer applies ~~apply~~. The  
4002 department may award the unreserved funds as otherwise provided  
4003 in this section.

4004 (9) The department may adopt rules regarding the procedural  
4005 and contractual relationship between the department and the  
4006 corporation under s. 403.1837 and ~~is authorized to make rules~~  
4007 ~~necessary~~ to carry out the purposes of this section and the  
4008 federal Safe Drinking Water Act, as amended. Such rules shall:

4009 (a) Set forth a priority system for loans based on public  
4010 health considerations, compliance with state and federal  
4011 requirements relating to public drinking water systems, and  
4012 affordability. The priority system shall give special  
4013 consideration to ~~the following~~:

4014 1. Projects that provide for the development of alternative



156026

4015 drinking water supply projects and management techniques in  
4016 areas where existing source waters are limited or threatened by  
4017 saltwater intrusion, excessive drawdowns, contamination, or  
4018 other problems;

4019 2. Projects that provide for a dependable, sustainable  
4020 supply of drinking water and that are not otherwise financially  
4021 feasible; and

4022 3. Projects that contribute to the sustainability of  
4023 regional water sources.

4024 (b) Establish the requirements for the award and repayment  
4025 of financial assistance.

4026 (c) Require evidence of credit worthiness and adequate  
4027 security, including an identification of revenues to be pledged,  
4028 and documentation of their sufficiency for loan repayment and  
4029 pledged revenue coverage, to ensure that each loan recipient can  
4030 meet its loan repayment requirements.

4031 (d) Require each project receiving financial assistance to  
4032 be cost-effective, environmentally sound, implementable, and  
4033 self-supporting.

4034 (e) Implement other provisions of the federal Safe Drinking  
4035 Water Act, as amended.

4036 (14) ~~All moneys available for financial assistance under~~  
4037 ~~this section shall be deposited in~~ The Drinking Water Revolving  
4038 Loan Trust Fund established under s. 403.8533 shall be used  
4039 exclusively to carry out the purposes of this section. Any funds  
4040 that ~~therein which~~ are not needed on an immediate basis for  
4041 financial assistance shall be invested pursuant to s. 215.49.  
4042 State revolving fund capitalization grants awarded by the  
4043 Federal Government, state matching funds, and investment



156026

4044 earnings thereon shall be deposited into the fund. The principal  
4045 and interest of all loans repaid and investment earnings thereon  
4046 shall be deposited into the fund.

4047 Section 48. Section 403.8533, Florida Statutes, is amended  
4048 to read:

4049 403.8533 Drinking Water Revolving Loan Trust Fund.—

4050 (1) There is created the Drinking Water Revolving Loan  
4051 Trust Fund to be administered by the Department of Environmental  
4052 Protection for the purposes of:

4053 (a) Funding for low-interest loans for planning,  
4054 engineering design, and construction of public drinking water  
4055 systems and improvements to such systems;

4056 (b) Funding for compliance activities, operator  
4057 certification programs, and source water protection programs;  
4058 ~~and~~

4059 (c) Funding for administering loans by the department; ~~and~~—

4060 (d) Paying amounts payable under any service contract  
4061 entered into by the department under s. 403.1837, subject to  
4062 annual appropriation by the Legislature.

4063 (2) The trust fund shall be used for the deposit of all  
4064 moneys awarded by the Federal Government to fund revolving loan  
4065 programs. All moneys in the fund that are not needed on an  
4066 immediate basis for loans shall be invested pursuant to s.  
4067 215.49. The principal and interest of all loans repaid and  
4068 investment earnings shall be deposited into this fund.

4069 (3) Pursuant to s. 19(f)(3), Art. III of the State  
4070 Constitution, the Drinking Water Revolving Loan Trust Fund is  
4071 exempt from the termination provisions of s. 19(f)(2), Art. III  
4072 of the State Constitution.



156026

4073           Section 49. Subsection (6) of section 369.317, Florida  
4074 Statutes, is amended to read:  
4075           369.317 Wekiva Parkway.—  
4076           (6) The Orlando-Orange County Expressway Authority is  
4077 hereby granted the authority to act as a third-party acquisition  
4078 agent, pursuant to s. 259.041 on behalf of the Board of Trustees  
4079 or chapter 373 on behalf of the governing board of the St. Johns  
4080 River Water Management District, for the acquisition of all  
4081 necessary lands, property and all interests in property  
4082 identified herein, including fee simple or less-than-fee simple  
4083 interests. The lands subject to this authority are identified in  
4084 paragraph 10.a., State of Florida, Office of the Governor,  
4085 Executive Order 03-112 of July 1, 2003, and in Recommendation 16  
4086 of the Wekiva Basin Area Task Force created by Executive Order  
4087 2002-259, such lands otherwise known as Neighborhood Lakes, a  
4088 1,587+/- acre parcel located in Orange and Lake Counties within  
4089 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,  
4090 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;  
4091 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake  
4092 County within Section 37, Township 19 South, Range 28 East; New  
4093 Garden Coal; a 1,605+/- acre parcel in Lake County within  
4094 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28  
4095 East; Pine Plantation, a 617+/- acre tract consisting of eight  
4096 individual parcels within the Apopka City limits. The Department  
4097 of Transportation, the Department of Environmental Protection,  
4098 the St. Johns River Water Management District, and other land  
4099 acquisition entities shall participate and cooperate in  
4100 providing information and support to the third-party acquisition  
4101 agent. The land acquisition process authorized by this paragraph



156026

4102 shall begin no later than December 31, 2004. Acquisition of the  
4103 properties identified as Neighborhood Lakes, Pine Plantation,  
4104 and New Garden Coal, or approval as a mitigation bank shall be  
4105 concluded no later than December 31, 2010. Department of  
4106 Transportation and Orlando-Orange County Expressway Authority  
4107 funds expended to purchase an interest in those lands identified  
4108 in this subsection shall be eligible as environmental mitigation  
4109 for road construction related impacts in the Wekiva Study Area.  
4110 If any of the lands identified in this subsection are used as  
4111 environmental mitigation for road construction related impacts  
4112 incurred by the Department of Transportation or Orlando-Orange  
4113 County Expressway Authority, or for other impacts incurred by  
4114 other entities, within the Wekiva Study Area or within the  
4115 Wekiva parkway alignment corridor, and if the mitigation offsets  
4116 these impacts, the St. Johns River Water Management District and  
4117 the Department of Environmental Protection shall consider the  
4118 activity regulated under part IV of chapter 373 to meet the  
4119 cumulative impact requirements of s. 373.414(8) (a).

4120 Section 50. Section 373.631, Florida Statutes, is created  
4121 to read:

4122 373.631 Water advisory entities.—It is the intent of the  
4123 Legislature to utilize academic entities within universities in  
4124 the State University System as advisory bodies to provide  
4125 recommendations based on the best scientific data available to  
4126 the Legislature to guide water policy in the state. In  
4127 consideration of preference given to such universities in s.  
4128 373.63, the University of Florida Water Institute shall be the  
4129 lead entity and, in consultation with other entities within the  
4130 State University System, shall submit a report detailing



156026

4131 recommendations to the Legislature by February 1, 2011, and by  
4132 February 1 every 2 years thereafter.

4133 Section 51. Paragraph (m) is added to subsection (1) of  
4134 section 553.77, Florida Statutes, to read:

4135 553.77 Specific powers of the commission.—

4136 (1) The commission shall:

4137 (m) Develop recommendations that result in conservation of  
4138 Florida's water resources. The commission must consider products  
4139 that exceed National Energy Policy Act requirements for water  
4140 use and may consider products certified by the Environmental  
4141 Protection Agency's WaterSense program, the Department of  
4142 Energy's Energy Star program, or other certification programs.

4143 Section 52. Subsection (20) is added to section 215.47,  
4144 Florida Statutes, to read:

4145 215.47 Investments; authorized securities; loan of  
4146 securities.—Subject to the limitations and conditions of the  
4147 State Constitution or of the trust agreement relating to a trust  
4148 fund, moneys available for investments under ss. 215.44-215.53  
4149 may be invested as follows:

4150 (20) The State Board of Administration, consistent with its  
4151 fiduciary duties, may invest net assets of the system trust fund  
4152 in projects deemed eligible under the provisions of s. 373.707.

4153 Section 53. Subsection (8) is added to section 373.129,  
4154 Florida Statutes, to read:

4155 373.129 Maintenance of actions.—The department, the  
4156 governing board of any water management district, any local  
4157 board, or a local government to which authority has been  
4158 delegated pursuant to s. 373.103(8), is authorized to commence  
4159 and maintain proper and necessary actions and proceedings in any



156026

4160 court of competent jurisdiction for any of the following  
4161 purposes:

4162 (8) In conflicts arising where a water management district  
4163 is a party to litigation against another governmental entity, as  
4164 defined in s. 164.1031, a district has an affirmative duty to  
4165 engage in alternative dispute resolution in good faith as  
4166 required by chapter 164.

4167 Section 54. Paragraph (b) of subsection (9) of section  
4168 403.707, Florida Statutes, is amended to read:

4169 403.707 Permits.—

4170 (9) The department shall establish a separate category for  
4171 solid waste management facilities that accept only construction  
4172 and demolition debris for disposal or recycling. The department  
4173 shall establish a reasonable schedule for existing facilities to  
4174 comply with this section to avoid undue hardship to such  
4175 facilities. However, a permitted solid waste disposal unit that  
4176 receives a significant amount of waste prior to the compliance  
4177 deadline established in this schedule shall not be required to  
4178 be retrofitted with liners or leachate control systems.

4179 (b) The department shall ~~not~~ require liners and leachate  
4180 collection systems at individual disposal units and lateral  
4181 expansions of existing disposal units, that have not received a  
4182 department permit authorizing construction or operation prior to  
4183 July 1, 2010. facilities unless it demonstrates, based upon the  
4184 types of waste received, the methods for controlling types of  
4185 waste disposed of, the proximity of groundwater and surface  
4186 water, and the results of the hydrogeological and geotechnical  
4187 investigations, that the facility is reasonably expected to  
4188 result in violations of groundwater standards and criteria



156026

4189 ~~otherwise.~~

4190 Section 55. Section 298.66, Florida Statutes, is amended to  
4191 read:

4192 298.66 Obstruction of public drainage canals, etc.,  
4193 prohibited; damages; penalties.—

4194 (1) ~~A~~ ~~Ne~~ person may not willfully, or otherwise, obstruct  
4195 any public canal, drain, ditch or watercourse or damage or  
4196 destroy any public drainage works constructed in or maintained  
4197 by any district.

4198 (2) ~~(1)~~ Any person who ~~shall~~ willfully obstructs ~~obstruct~~  
4199 any public canal, drain, ditch, or watercourse or damages or  
4200 destroys ~~shall damage or destroy~~ any public drainage works  
4201 constructed in or maintained by any district, shall be liable to  
4202 any person injured thereby for the full amount of the injury  
4203 occasioned to any land or crops or other property by reason of  
4204 such misconduct, and shall be liable to the district  
4205 constructing the drainage ~~said~~ work for double the cost of  
4206 removing such obstruction or repairing such damage.

4207 (3) ~~(2)~~ Any person who ~~Whoever shall~~ willfully, or  
4208 otherwise, obstructs ~~obstruct~~ any public canal, drain, ditch, or  
4209 watercourse, impedes or obstructs ~~or impede or obstruct~~ the flow  
4210 of water therein, or damages or destroys ~~shall damage or destroy~~  
4211 any public drainage works constructed in or maintained by any  
4212 district commits ~~shall be guilty of~~ a felony of the third  
4213 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
4214 775.084.

4215 Section 56. Subsection (9) is added to section 212.055,  
4216 Florida Statutes, to read:

4217 212.055 Discretionary sales surtaxes; legislative intent;



156026

4218 authorization and use of proceeds.—It is the legislative intent  
4219 that any authorization for imposition of a discretionary sales  
4220 surtax shall be published in the Florida Statutes as a  
4221 subsection of this section, irrespective of the duration of the  
4222 levy. Each enactment shall specify the types of counties  
4223 authorized to levy; the rate or rates which may be imposed; the  
4224 maximum length of time the surtax may be imposed, if any; the  
4225 procedure which must be followed to secure voter approval, if  
4226 required; the purpose for which the proceeds may be expended;  
4227 and such other requirements as the Legislature may provide.  
4228 Taxable transactions and administrative procedures shall be as  
4229 provided in s. 212.054.

4230 (9) AREA OF CRITICAL STATE CONCERN WASTEWATER AND  
4231 STORMWATER SURTAX.—

4232 (a) A county designated as an area of critical state  
4233 concern may levy a discretionary sales surtax of 1 percent  
4234 pursuant to an ordinance that is enacted by a majority of the  
4235 members of the county governing authority and is conditioned to  
4236 take effect only upon approval by a majority vote of the  
4237 electors of the county voting in a referendum.

4238 (b) The referendum to be placed on the ballot must include  
4239 a statement that provides a brief and general description of the  
4240 purposes for which the proceeds of the surtax may be used. The  
4241 statement must conform to the requirement of s. 101.161 and  
4242 shall be placed on the ballot by the governing body of the  
4243 county. The following question shall be placed on the ballot:

4244 FOR the one-cent sales tax

4245 AGAINST the one-cent sales tax

4246 (c) Pursuant to s. 212.054(4), the proceeds of the surtax



156026

4247 levied under this subsection shall be distributed to the county  
4248 and the municipalities within such county in which the surtax  
4249 was collected, according to:

4250 1. An interlocal agreement between the county governing  
4251 authority and the governing bodies of the municipalities  
4252 representing a majority of the county's municipal population,  
4253 which agreement may include a school district with the consent  
4254 of the county governing authority and the governing bodies of  
4255 the municipalities representing a majority of the county's  
4256 municipal population; or

4257 2. If there is no interlocal agreement, according to the  
4258 formula provided in s. 218.62, any change in the distribution  
4259 formula must take effect on the first day of any month that  
4260 begins at least 60 days after written notification of that  
4261 change has been made to the department.

4262 (d) The proceeds of the surtax and any interest accrued  
4263 thereto may be expended within the county and municipalities for  
4264 the purposes of servicing existing bond and state revolving loan  
4265 fund indebtedness to finance, plan, construct, upgrade,  
4266 reconstruct or renovate wastewater and stormwater collection and  
4267 treatment infrastructure; and to finance, plan, construct,  
4268 upgrade, reconstruct or renovate, wastewater and stormwater  
4269 collection and treatment infrastructure; fixed capital costs  
4270 associated with the construction, upgrade, reconstruction,  
4271 renovation, expansion or improvement of wastewater and  
4272 stormwater facilities which has a useful life expectancy of at  
4273 least 5 years; land acquisition, land improvement, design, and  
4274 engineering costs related thereto. The proceeds of the surtax  
4275 must be set aside and invested as permitted by law, with the



156026

4276 principal and income to be used for the purposes provided in  
4277 this subsection. Counties and municipalities receiving proceeds  
4278 under the provisions of this subsection may pledge such proceeds  
4279 for the purpose of servicing new bond or state revolving loan  
4280 indebtedness incurred pursuant to law. Counties and  
4281 municipalities may use the services of the Division of Bond  
4282 Finance of the State Board of Administration pursuant to the  
4283 State Bond Act to issue any bonds through the provisions of this  
4284 subsection. Counties and municipalities may join together for  
4285 the issuance of bonds authorized by this subsection.

4286 (e) A surtax imposed under this subsection expires 20 years  
4287 after the effective date of the surtax unless reenacted by an  
4288 ordinance that is subject to approval by a majority of the  
4289 electors of the county voting in a subsequent referendum.

4290 (f) This subsection shall be liberally construed to achieve  
4291 its purpose.

4292 Section 57. It is the intent of the Legislature that the  
4293 creation of Part VII, Chapter 373, Florida Statutes, is to  
4294 reorganize certain existing provisions of Part I of Chapter 373,  
4295 Florida Statutes and does not make any substantive changes to  
4296 existing law or judicial interpretation thereof. It is further  
4297 the intent of the Legislature that any legislation enacted  
4298 during the 2010 Regular Session and any extension thereof  
4299 affecting the following sections, 373.0361, 373.0391, 373.0831,  
4300 373.196, 373.1961, 373.1962, and 373.1963, Florida Statutes,  
4301 either before or after this act becomes law, be given full force  
4302 and effect substantively and that such new substantive  
4303 provisions of law shall be integrated into the following  
4304 sections 373.703, 373.705, 373.707, 373.709, 373.711, 373.713,



156026

4305 and 373.715, Florida Statutes created in this act.

4306 Section 58. This act shall take effect July 1, 2010.

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4309 ===== T I T L E A M E N D M E N T =====

4310 And the title is amended as follows:

4311 Delete everything before the enacting clause

4312 and insert:

4313 A bill to be entitled

4314 An act relating to environmental protection; creating part  
4315 VII of ch. 373, F.S., relating to water supply policy, planning,  
4316 production, and funding; providing a declaration of policy;  
4317 providing for the general powers and duties of water management  
4318 district governing boards; requiring the Department of  
4319 Environmental Protection to develop the Florida water supply  
4320 plan; providing components of the plan; requiring water  
4321 management district governing boards to develop water supply  
4322 plans for their respective regions; providing components of  
4323 district water supply plans; providing legislative findings and  
4324 intent with respect to water resource development and water  
4325 supply development; requiring water management districts to fund  
4326 and implement water resource development; specifying water  
4327 supply development projects that are eligible to receive  
4328 priority consideration for state or water management district  
4329 funding assistance; encouraging cooperation in the development  
4330 of water supplies; providing for alternative water supply  
4331 development; encouraging municipalities, counties, and special  
4332 districts to create regional water supply authorities;  
4333 establishing the primary roles of the water management districts



156026

4334 in alternative water supply development; establishing the  
4335 primary roles of local governments, regional water supply  
4336 authorities, special districts, and publicly owned and privately  
4337 owned water utilities in alternative water supply development;  
4338 requiring the water management districts to detail the specific  
4339 allocations to be used for alternative water supply development  
4340 in their annual budget submission; requiring that the water  
4341 management districts include the amount needed to implement the  
4342 water supply development projects in each annual budget;  
4343 establishing general funding criteria for funding assistance to  
4344 the state or water management districts; establishing economic  
4345 incentives for alternative water supply development; providing a  
4346 funding formula for the distribution of state funds to the water  
4347 management districts for alternative water supply development;  
4348 requiring that funding assistance for alternative water supply  
4349 development be limited to a percentage of the total capital  
4350 costs of an approved project; establishing a selection process  
4351 and criteria; providing for cost recovery from the Public  
4352 Service Commission; requiring a water management district  
4353 governing board to conduct water supply planning for each region  
4354 identified in the district water supply plan; providing  
4355 procedures and requirements with respect to regional water  
4356 supply plans; providing for joint development of a specified  
4357 water supply development component of a regional water supply  
4358 plan within the boundaries of the Southwest Florida Water  
4359 Management District; providing that approval of a regional water  
4360 supply plan is not subject to the rulemaking requirements of the  
4361 Administrative Procedure Act; requiring the department to submit  
4362 annual reports on the status of regional water supply planning



156026

4363 in each district; providing construction with respect to the  
4364 water supply development component of a regional water supply  
4365 plan; requiring water management districts to present to certain  
4366 entities the relevant portions of a regional water supply plan;  
4367 requiring certain entities to provide written notification to  
4368 water management districts as to the implementation of water  
4369 supply project options; requiring water management districts to  
4370 notify local governments of the need for alternative water  
4371 supply projects; requiring water management districts to assist  
4372 local governments in the development and future revision of  
4373 local government comprehensive plan elements or public  
4374 facilities reports related to water resource issues; providing  
4375 for the creation of regional water supply authorities; providing  
4376 purpose of such authorities; specifying considerations with  
4377 respect to the creation of a proposed authority; specifying  
4378 authority of a regional water supply authority; providing  
4379 authority of specified entities to convey title, dedicate land,  
4380 or grant land-use rights to a regional water supply authority  
4381 for specified purposes; providing preferential rights of  
4382 counties and municipalities to purchase water from regional  
4383 water supply authorities; providing exemption for specified  
4384 water supply authorities from consideration of certain factors  
4385 and submissions; providing applicability of such exemptions;  
4386 authorizing the West Coast Regional Water Supply Authority and  
4387 its member governments to reconstitute the authority's  
4388 governance and rename the authority under a voluntary interlocal  
4389 agreement; providing compliance requirements with respect to the  
4390 interlocal agreement; providing for supersession of conflicting  
4391 general or special laws; providing requirements with respect to



156026

4392 annual budgets; specifying the annual millage for the authority;  
4393 authorizing the authority to request the governing board of the  
4394 district to levy ad valorem taxes within the boundaries of the  
4395 authority to finance authority functions; providing requirements  
4396 and procedures with respect to the collection of such taxes;  
4397 amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404,  
4398 189.4155, 189.4156, and 367.021, F.S.; conforming cross-  
4399 references and removing obsolete provisions; amending ss.  
4400 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234,  
4401 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891,  
4402 403.890, 403.891, and 682.02, F.S.; conforming cross-references  
4403 and removing obsolete provisions; renumbering s. 373.71, F.S.;  
4404 relating to the Apalachicola-Chattahoochee-Flint River Basin  
4405 Compact, to clarify retention of the section in part VI of ch.  
4406 373, F.S.; repealing s. 373.0361, F.S.; relating to regional  
4407 water supply planning; repealing s. 373.0391, F.S.; relating to  
4408 technical assistance to local governments; repealing s.  
4409 373.0831, F.S.; relating to water resource and water supply  
4410 development; repealing s. 373.196, F.S.; relating to alternative  
4411 water supply development; repealing s. 373.1961, F.S.; relating  
4412 to water production and related powers and duties of water  
4413 management districts; repealing s. 373.1962, F.S.; relating to  
4414 regional water supply authorities; repealing s. 373.1963, F.S.;  
4415 relating to assistance to the West Coast Regional Water Supply  
4416 Authority; amending s. 373.1961, F.S.; adding a high-water  
4417 recharge criterion to the ranking criteria for water projects;  
4418 amending s. 373.019, F.S.; redefining the term "alternative  
4419 water supply" to include conservation projects; amending s.  
4420 373.019, F.S.; amending s. 373.414, F.S.; adding limestone



156026

4421 extraction operations to activities in surface waters and  
4422 wetlands that require mitigation; amending 378.901, F.S.;  
4423 allowing life-of-mine permits for limestone extraction  
4424 operations; providing authority for local governments to impose  
4425 different permit restrictions; creating s. 373.4131, F.S.;  
4426 providing legislative findings; providing definitions; directing  
4427 the Department of Environmental Protection, along with the water  
4428 management districts, to create a statewide uniform stormwater  
4429 management rule; providing requirements for rule creation;  
4430 exempting agriculture from the rule; amending s. 373.41492,  
4431 F.S.; updating mitigation fees for the Miami-Dade Lake Belt  
4432 Mitigation Plan; amending s. 403.031, F.S.; modifying the  
4433 definition of "pollution" to include excess nutrients; providing  
4434 definitions for "first magnitude spring" and "second magnitude  
4435 spring"; amending 403.061, F.S.; directing the Department of  
4436 Environmental Protection to limit nutrients in water bodies;  
4437 creating s. 403.0675, F.S.; directing the Department of  
4438 Environmental Protection to establish and implement numeric  
4439 nutrient criteria that comply with the United States  
4440 Environmental Protection Agency's requirements; providing  
4441 legislative findings; providing requirements for development of  
4442 the numeric nutrient criteria; amending s. 215.619, F.S.;  
4443 authorizing the issuance of bonds to be used to finance the  
4444 management of sewage facilities in the Florida Keys Area of  
4445 Critical State Concern; amending s. 380.0552, F.S.; revising  
4446 legislative intent relating to the designation of the Florida  
4447 Keys as an area of critical state concern; revising the  
4448 procedures for removing the designation; providing for  
4449 administrative review of such removal rather than judicial



156026

4450 review; authorizing the Administration Commission to adopt rules  
4451 or revise existing rules; revising the principles guiding  
4452 development; revising compliance requirements for reviewing  
4453 comprehensive plan amendments; amending s. 381.0065, F.S.;  
4454 providing additional legislative intent; providing additional  
4455 requirements for onsite sewage treatment and disposal systems in  
4456 Monroe County; directing the Department of Health to create and  
4457 administer a statewide septic tank evaluation program; providing  
4458 procedures and criteria for the evaluation program; prohibiting  
4459 the land application of septage after January 1, 2016; creating  
4460 s. 381.00656, F.S.; providing for a low-income grant program for  
4461 septic tank maintenance and replacement; amending s. 381.0066,  
4462 F.S.; authorizing the Department of Health to collect an  
4463 evaluation report fee; requiring such fees to be revenue  
4464 neutral; amending s. 403.086, F.S.; requiring the Department of  
4465 Environmental Protection to submit a report on the effects of  
4466 reclaimed water use; clarifying reuse requirements for domestic  
4467 wastewater facilities that discharge through ocean outfalls;  
4468 clarifying reuse requirements for domestic wastewater facilities  
4469 that divert wastewater from facilities discharging through ocean  
4470 outfalls; providing legislative findings and discharge  
4471 requirements for wastewater facilities in Monroe County;  
4472 repealing sections 4, 5, and 6 of chapter 99-395, Law of  
4473 Florida, as amended, relating to sewage treatment in the Florida  
4474 Keys; amending 403.1835, F.S.; conforming terms to changes made  
4475 to the Florida Water Pollution Control Financing Corporation;  
4476 amending s. 403.1837, F.S.; expanding the purview of the  
4477 corporation to include loans made from the drinking water state  
4478 revolving loan fund; providing conforming changes; amending s.



156026

4479 403.8532, F.S.; providing definitions for the terms "bonds" and  
4480 "corporation"; providing conforming changes; authorizing the  
4481 Department of Environmental Protection to adopt certain rules;  
4482 amending s. 403.8533, F.S.; revising the purposes for the  
4483 Drinking Water Revolving Loan Trust Fund; providing that the  
4484 trust fund is exempt from the termination provisions of the  
4485 State Constitution; amending s. 369.317, F.S.; clarifying  
4486 mitigation offsets in the Wekiva Study Area; creating s.  
4487 373.631, F.S.; providing legislative intent to utilize State  
4488 University System academic bodies to provide regular science-  
4489 based policy recommendations to the Legislature; directing that  
4490 the University of Florida Water Institute be the lead academic  
4491 body; amending s. 553.77, F.S.; directing the Florida Building  
4492 Commission to recommend products that result in water  
4493 conservation; amending s. 215.47, F.S.; authorizing the State  
4494 Board of Administration to make investments in alternative water  
4495 supply and water resource development projects; amending s.  
4496 373.129, F.S.; requiring the water management districts to  
4497 submit to alternative dispute resolution in conflicts with other  
4498 governmental entities; amending s. 403.707, F.S.; requiring  
4499 liners for new landfills and expansions of existing landfills  
4500 not yet permitted that will accept construction and demolition  
4501 debris; amending s. 298.66, F.S.; clarifying penalties for  
4502 people who damage drainage works constructed or maintained by a  
4503 water management district; amending s. 212.055, F.S.; allowing  
4504 counties designated as an area of critical state concern to levy  
4505 a one-cent sales surtax for stormwater and wastewater  
4506 management; requiring approval of the surtax by voter  
4507 referendum; providing legislative intent that there are no



156026

4508 substantive changes in the reorganization ch. 373, F.S.;

4509 providing legislative intent that substantive changes affecting

4510 repealed sections of law relating to the reorganization of ch.

4511 373, F.S., shall be given full force and effect; providing an

4512 effective date.

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