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

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

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59 to submit annual reports on the status of regional
60 water supply planning in each district; providing for
61 construction with respect to the water supply
62 development component of a regional water supply plan;
63 requiring water management districts to present to
64 certain entities the relevant portions of a regional
65 water supply plan; requiring certain entities to
66 provide written notification to water management
67 districts as to the implementation of water supply
68 project options; requiring water management districts
69 to notify local governments of the need for
70 alternative water supply projects; requiring water
71 management districts to assist local governments in
72 the development and future revision of local
73 government comprehensive plan elements or public
74 facilities reports related to water resource issues;
75 providing for the creation of regional water supply
76 authorities; providing purpose of such authorities;
77 specifying considerations with respect to the creation
78 of a proposed authority; specifying authority of a
79 regional water supply authority; providing authority
80 of specified entities to convey title, dedicate land,
81 or grant land-use rights to a regional water supply
82 authority for specified purposes; providing
83 preferential rights of counties and municipalities to
84 purchase water from regional water supply authorities;
85 providing an exemption for specified water supply
86 authorities from consideration of certain factors and
87 submissions; providing applicability of such

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88 exemptions; authorizing the West Coast Regional Water
89 Supply Authority and its member governments to
90 reconstitute the authority's governance and rename the
91 authority under a voluntary interlocal agreement;
92 providing compliance requirements with respect to the
93 interlocal agreement; providing for supersession of
94 conflicting general or special laws; providing
95 requirements with respect to annual budgets;
96 specifying the annual millage for the authority;
97 authorizing the authority to request the governing
98 board of the district to levy ad valorem taxes within
99 the boundaries of the authority to finance authority
100 functions; providing requirements and procedures with
101 respect to the collection of such taxes; amending ss.
102 120.52, 163.3167, 163.3177, 163.3191, 189.404,
103 189.4155, 189.4156, and 367.021, F.S.; conforming
104 cross-references and removing obsolete provisions;
105 amending ss. 373.036, 373.0363, 373.0421, 373.0695,
106 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59,
107 378.212, 378.404, 403.0891, 403.890, 403.891, and
108 682.02, F.S.; conforming cross-references and removing
109 obsolete provisions; renumbering s. 373.71, F.S.;
110 relating to the Apalachicola-Chattahoochee-Flint River
111 Basin Compact, to clarify retention of the section in
112 part VI of ch. 373, F.S.; repealing s. 373.0361, F.S.,
113 relating to regional water supply planning; repealing
114 s. 373.0391, F.S., relating to technical assistance to
115 local governments; repealing s. 373.0831, F.S.,
116 relating to water resource and water supply

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117 development; repealing s. 373.196, F.S., relating to
118 alternative water supply development; repealing s.
119 373.1961, F.S., relating to water production and
120 related powers and duties of water management
121 districts; repealing s. 373.1962, F.S., relating to
122 regional water supply authorities; repealing s.
123 373.1963, F.S., relating to assistance to the West
124 Coast Regional Water Supply Authority; amending s.
125 373.1961, F.S.; expanding alternative water supply
126 funding to include quantifiable conservation projects;
127 adding a high-water recharge criterion to the ranking
128 criteria for water projects; amending s. 373.414,
129 F.S.; adding limestone extraction operations to
130 activities in surface waters and wetlands that require
131 mitigation; amending s. 378.901, F.S.; allowing life-
132 of-the-mine permits for limestone extraction
133 operations; providing authority for local governments
134 to impose different permit restrictions; amending s.
135 373.41492, F.S.; updating mitigation fees for the
136 Miami-Dade Lake Belt Mitigation Plan; revising
137 provisions requiring the interagency committee to
138 submit a report regarding mitigation fees to the
139 Legislature; amending s. 215.619, F.S.; authorizing
140 the issuance of bonds to be used to finance the
141 management of sewage facilities in the Florida Keys
142 Area of Critical State Concern; amending s. 380.0552,
143 F.S.; revising legislative intent relating to the
144 designation of the Florida Keys as an area of critical
145 state concern; revising the procedures for removing

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146 the designation; providing for administrative review
147 of such removal rather than judicial review;
148 authorizing the Administration Commission to adopt
149 rules or revise existing rules; revising the
150 principles guiding development; revising compliance
151 requirements for reviewing comprehensive plan
152 amendments; amending s. 381.0065, F.S.; providing
153 additional legislative intent; providing additional
154 requirements for onsite sewage treatment and disposal
155 systems in Monroe County; directing the Department of
156 Health to create and administer a statewide septic
157 tank evaluation program; providing procedures and
158 criteria for the evaluation program; prohibiting the
159 land application of septage after January 1, 2016;
160 creating s. 381.00656, F.S.; providing for a low-
161 income grant program for septic tank maintenance and
162 replacement; amending s. 381.0066, F.S.; authorizing
163 the Department of Health to collect an evaluation
164 report fee; requiring such fees to be revenue neutral;
165 amending s. 403.086, F.S.; requiring the Department of
166 Environmental Protection to submit a report on the
167 effects of reclaimed water use; clarifying reuse
168 requirements for domestic wastewater facilities that
169 discharge through ocean outfalls; clarifying reuse
170 requirements for domestic wastewater facilities that
171 divert wastewater from facilities discharging through
172 ocean outfalls; providing legislative findings and
173 discharge requirements for wastewater facilities in
174 Monroe County; repealing sections 4, 5, and 6 of

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175 chapter 99-395, Laws of Florida, as amended, relating
176 to sewage treatment in the Florida Keys; amending s.
177 403.1835, F.S.; conforming terms to changes made to
178 the Florida Water Pollution Control Financing
179 Corporation; amending s. 403.1837, F.S.; expanding the
180 purview of the corporation to include loans made from
181 the drinking water state revolving loan fund;
182 providing conforming changes; amending s. 403.8532,
183 F.S.; providing definitions for the terms "bonds" and
184 "corporation"; providing conforming changes;
185 authorizing the Department of Environmental Protection
186 to adopt certain rules; amending s. 403.8533, F.S.;
187 revising the purposes for the Drinking Water Revolving
188 Loan Trust Fund; providing that the trust fund is
189 exempt from the termination provisions of the State
190 Constitution; amending s. 369.317, F.S.; clarifying
191 mitigation offsets in the Wekiva Study Area; amending
192 s. 215.47, F.S.; authorizing the State Board of
193 Administration to make investments in alternative
194 water supply and water resource development projects;
195 amending s. 373.129, F.S.; requiring the water
196 management districts to submit to alternative dispute
197 resolution in conflicts with other governmental
198 entities; amending s. 403.707, F.S.; requiring liners
199 for new landfills and expansions of existing landfills
200 not yet permitted that will accept construction and
201 demolition debris; amending s. 298.66, F.S.;
202 clarifying penalties for people who damage drainage
203 works constructed or maintained by a water management

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204 district; providing legislative intent that there are
205 no substantive changes in the reorganization ch. 373,
206 F.S.; providing legislative intent that substantive
207 changes affecting repealed sections of law relating to
208 the reorganization of ch. 373, F.S., shall be given
209 full force and effect; amending s. 373.0361, F.S.;

210 providing for the inclusion of wastewater utilities,
211 reuse utilities, and the department in the regional
212 water supply planning process; amending s. 373.079,
213 F.S.; revising provisions relating to the authority of
214 a water management district governing board to employ
215 an executive director, an ombudsman, an inspector
216 general, professional persons, and personnel;

217 prohibiting governing board intervention during review
218 of specified permit applications; providing for
219 expiration of such prohibition; revising provisions
220 authorizing a water management district governing
221 board to delegate certain authority to the executive
222 director; requiring the governing board to provide a
223 process for referring certain denials to the board for
224 final action; amending s. 373.083, F.S.; revising
225 provisions authorizing a water management district
226 governing board to delegate certain authority to the
227 executive director; deleting a provision prohibiting
228 governing board members from intervening in the review
229 of certain applications; amending s. 373.085, F.S.;

230 requiring water management districts and governmental
231 agencies to encourage public-private partnerships for
232 procurement of materials for infrastructure and

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233 restoration work projects; amending s. 373.118, F.S.;
234 authorizing a water management district governing
235 board to delegate certain authority to the executive
236 director; requiring a water management district
237 governing board to provide a process for referring
238 application and petition denials to the board for
239 final action; exempting such delegations from
240 rulemaking under ch. 120, F.S.; amending s. 373.236,
241 F.S.; reducing the frequency of compliance reports
242 during the term of a consumptive use permit; providing
243 an exception; amending s. 373.250, F.S.; requiring
244 water management districts, in consultation with the
245 department, to adopt rules relating to reclaimed water
246 feasibility evaluations for consumptive use permit
247 applicants; providing rule requirements; encouraging
248 reuse utilities and water management districts to
249 periodically coordinate and share information relating
250 to reclaimed water; requiring water management
251 districts to initiate certain rulemaking by a
252 specified date; providing legislative findings with
253 respect to nutrient water quality standards and the
254 United States Environmental Protection Agency's
255 nutrient water quality criteria rulemaking; amending
256 ss. 220.1845 and 376.30781, F.S.; providing
257 requirements for claiming certain site rehabilitation
258 costs in applications for contaminated site
259 rehabilitation tax credits; conforming cross-
260 references; amending s. 376.85, F.S.; revising
261 requirements for the Department of Environmental

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262 Protection's annual report to the Legislature
263 regarding site rehabilitation; amending s. 403.973,
264 F.S.; transferring certain authority over the
265 expedited permitting and comprehensive plan amendment
266 process from the Office of Tourism, Trade, and
267 Economic Development to the Secretary of Environmental
268 Protection; revising job-creation criteria for
269 businesses to qualify to submit permit applications
270 and local comprehensive plan amendments for expedited
271 review; providing that permit applications and local
272 comprehensive plan amendments for specified renewable
273 energy projects are eligible for the expedited
274 permitting process; providing for the establishment of
275 regional permit action teams through the execution of
276 memoranda of agreement developed by permit applicants
277 and the secretary; revising provisions relating to the
278 memoranda of agreement developed by the secretary;
279 providing for the appeal of local government
280 comprehensive plan approvals for projects and
281 requiring such appeals to be consolidated with
282 challenges to state agency actions; requiring
283 recommended orders relating to challenges to state
284 agency actions pursuant to summary hearing provisions
285 to include certain information; extending the deadline
286 for issuance of final orders relating to such
287 challenges; providing for challenges to state agency
288 action related to expedited permitting for specified
289 renewable energy projects; revising provisions
290 relating to the review of sites proposed for the

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291 location of facilities eligible for the Innovation
292 Incentive Program; revising criteria for counties
293 eligible to receive technical assistance in preparing
294 permit applications and local comprehensive plan
295 amendments; specifying expedited review eligibility
296 for certain electrical power projects; providing an
297 effective date.

298
299 Be It Enacted by the Legislature of the State of Florida:

300
301 Section 1. Part VII of chapter 373, Florida Statutes,
302 consisting of sections 373.701, 373.703, 373.705, 373.707,
303 373.709, 373.711, 373.713, and 373.715, is created to read:

304 PART VII

305 WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

306 373.701 Declaration of policy.—It is declared to be the
307 policy of the Legislature:

308 (1) To promote the availability of sufficient water for all
309 existing and future reasonable-beneficial uses and natural
310 systems.

311 (2) (a) Because water constitutes a public resource
312 benefiting the entire state, it is the policy of the Legislature
313 that the waters in the state be managed on a state and regional
314 basis. Consistent with this directive, the Legislature
315 recognizes the need to allocate water throughout the state so as
316 to meet all reasonable-beneficial uses. However, the Legislature
317 acknowledges that such allocations have in the past adversely
318 affected the water resources of certain areas in this state. To
319 protect such water resources and to meet the current and future

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320 needs of those areas with abundant water, the Legislature
321 directs the department and the water management districts to
322 encourage the use of water from sources nearest the area of use
323 or application whenever practicable. Such sources shall include
324 all naturally occurring water sources and all alternative water
325 sources, including, but not limited to, desalination,
326 conservation, reuse of nonpotable reclaimed water and
327 stormwater, and aquifer storage and recovery. Reuse of potable
328 reclaimed water and stormwater shall not be subject to the
329 evaluation described in s. 373.223(3) (a)-(g). However, this
330 directive to encourage the use of water, whenever practicable,
331 from sources nearest the area of use or application shall not
332 apply to the transport and direct and indirect use of water
333 within the area encompassed by the Central and Southern Florida
334 Flood Control Project, nor shall it apply anywhere in the state
335 to the transport and use of water supplied exclusively for
336 bottled water as defined in s. 500.03(1)(d), nor shall it apply
337 to the transport and use of reclaimed water for electrical power
338 production by an electric utility as defined in s. 366.02(2).

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

343 (3) Cooperative efforts between municipalities, counties,
344 water management districts, and the department are mandatory in
345 order to meet the water needs of rapidly urbanizing areas in a
346 manner that will supply adequate and dependable supplies of
347 water where needed without resulting in adverse effects upon the
348 areas from which such water is withdrawn. Such efforts should

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349 use all practical means of obtaining water, including, but not
350 limited to, withdrawals of surface water and ground water,
351 reuse, and desalination and will necessitate not only
352 cooperation but also well-coordinated activities.

353 Municipalities, counties, and special districts are encouraged
354 to create regional water supply authorities as authorized in s.
355 373.713 or multijurisdictional water supply entities.

356 373.703 Water production; general powers and duties.—In the
357 performance of, and in conjunction with, its other powers and
358 duties, the governing board of a water management district
359 existing pursuant to this chapter:

360 (1) Shall engage in planning to assist counties,
361 municipalities, special districts, publicly owned and privately
362 owned water utilities, multijurisdictional water supply
363 entities, or regional water supply authorities in meeting water
364 supply needs in such manner as will give priority to encouraging
365 conservation and reducing adverse environmental effects of
366 improper or excessive withdrawals of water from concentrated
367 areas. As used in this section and s. 373.707, regional water
368 supply authorities are regional water authorities created under
369 s. 373.713 or other laws of this state.

370 (2) Shall assist counties, municipalities, special
371 districts, publicly owned or privately owned water utilities,
372 multijurisdictional water supply entities, or regional water
373 supply authorities in meeting water supply needs in such manner
374 as will give priority to encouraging conservation and reducing
375 adverse environmental effects of improper or excessive
376 withdrawals of water from concentrated areas.

377 (3) May establish, design, construct, operate, and maintain

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378 water production and transmission facilities for the purpose of
379 supplying water to counties, municipalities, special districts,
380 publicly owned and privately owned water utilities,
381 multijurisdictional water supply entities, or regional water
382 supply authorities. The permit required by part II of this
383 chapter for a water management district engaged in water
384 production and transmission shall be granted, denied, or granted
385 with conditions by the department.

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

387 (5) Shall not deprive, directly or indirectly, any county
388 wherein water is withdrawn of the prior right to the reasonable
389 and beneficial use of water which is required to supply
390 adequately the reasonable and beneficial needs of the county or
391 any of the inhabitants or property owners therein.

392 (6) May provide water and financial assistance to regional
393 water supply authorities, but may not provide water to counties
394 and municipalities which are located within the area of such
395 authority without the specific approval of the authority or, in
396 the event of the authority's disapproval, the approval of the
397 Governor and Cabinet sitting as the Land and Water Adjudicatory
398 Commission. The district may supply water at rates and upon
399 terms mutually agreed to by the parties or, if they do not
400 agree, as set by the governing board and specifically approved
401 by the Governor and Cabinet sitting as the Land and Water
402 Adjudicatory Commission.

403 (7) May acquire title to such interest as is necessary in
404 real property, by purchase, gift, devise, lease, eminent domain,
405 or otherwise, for water production and transmission consistent
406 with this section and s. 373.707. However, the district shall

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407 not use any of the eminent domain powers herein granted to
408 acquire water and water rights already devoted to reasonable and
409 beneficial use or any water production or transmission
410 facilities owned by any county, municipality, or regional water
411 supply authority. The district may exercise eminent domain
412 powers outside of its district boundaries for the acquisition of
413 pumpage facilities, storage areas, transmission facilities, and
414 the normal appurtenances thereto, provided that at least 45 days
415 prior to the exercise of eminent domain, the district notifies
416 the district where the property is located after public notice
417 and the district where the property is located does not object
418 within 45 days after notification of such exercise of eminent
419 domain authority.

420 (8) In addition to the power to issue revenue bonds
421 pursuant to s. 373.584, may issue revenue bonds for the purposes
422 of paying the costs and expenses incurred in carrying out the
423 purposes of this chapter or refunding obligations of the
424 district issued pursuant to this section. Such revenue bonds
425 shall be secured by, and be payable from, revenues derived from
426 the operation, lease, or use of its water production and
427 transmission facilities and other water-related facilities and
428 from the sale of water or services relating thereto. Such
429 revenue bonds may not be secured by, or be payable from, moneys
430 derived by the district from the Water Management Lands Trust
431 Fund or from ad valorem taxes received by the district. All
432 provisions of s. 373.584 relating to the issuance of revenue
433 bonds which are not inconsistent with this section shall apply
434 to the issuance of revenue bonds pursuant to this section. The
435 district may also issue bond anticipation notes in accordance

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436 with the provisions of s. 373.584.

437 (9) May join with one or more other water management
438 districts, counties, municipalities, special districts, publicly
439 owned or privately owned water utilities, multijurisdictional
440 water supply entities, or regional water supply authorities for
441 the purpose of carrying out any of its powers, and may contract
442 with such other entities to finance acquisitions, construction,
443 operation, and maintenance. The contract may provide for
444 contributions to be made by each party thereto, for the division
445 and apportionment of the expenses of acquisitions, construction,
446 operation, and maintenance, and for the division and
447 apportionment of the benefits, services, and products therefrom.
448 The contracts may contain other covenants and agreements
449 necessary and appropriate to accomplish their purposes.

450 373.705 Water resource development; water supply
451 development.-

452 (1) The Legislature finds that:

453 (a) The proper role of the water management districts in
454 water supply is primarily planning and water resource
455 development, but this does not preclude them from providing
456 assistance with water supply development.

457 (b) The proper role of local government, regional water
458 supply authorities, and government-owned and privately owned
459 water utilities in water supply is primarily water supply
460 development, but this does not preclude them from providing
461 assistance with water resource development.

462 (c) Water resource development and water supply development
463 must receive priority attention, where needed, to increase the
464 availability of sufficient water for all existing and future

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465 reasonable-beneficial uses and natural systems.

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

467 (a) Sufficient water be available for all existing and
468 future reasonable-beneficial uses and the natural systems, and
469 that the adverse effects of competition for water supplies be
470 avoided.

471 (b) Water management districts take the lead in identifying
472 and implementing water resource development projects, and be
473 responsible for securing necessary funding for regionally
474 significant water resource development projects.

475 (c) Local governments, regional water supply authorities,
476 and government-owned and privately owned water utilities take
477 the lead in securing funds for and implementing water supply
478 development projects. Generally, direct beneficiaries of water
479 supply development projects should pay the costs of the projects
480 from which they benefit, and water supply development projects
481 should continue to be paid for through local funding sources.

482 (d) Water supply development be conducted in coordination
483 with water management district regional water supply planning
484 and water resource development.

485 (3) The water management districts shall fund and implement
486 water resource development as defined in s. 373.019. The water
487 management districts are encouraged to implement water resource
488 development as expeditiously as possible in areas subject to
489 regional water supply plans. Each governing board shall include
490 in its annual budget the amount needed for the fiscal year to
491 implement water resource development projects, as prioritized in
492 its regional water supply plans.

493 (4) (a) Water supply development projects that are

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494 consistent with the relevant regional water supply plans and
495 that meet one or more of the following criteria shall receive
496 priority consideration for state or water management district
497 funding assistance:

498 1. The project supports establishment of a dependable,
499 sustainable supply of water which is not otherwise financially
500 feasible;

501 2. The project provides substantial environmental benefits
502 by preventing or limiting adverse water resource impacts, but
503 requires funding assistance to be economically competitive with
504 other options; or

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

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

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

514 2. The project implements reuse that assists in the
515 elimination of domestic wastewater ocean outfalls as provided in
516 s. 403.086(9).

517 373.707 Alternative water supply development.—

518 (1) The purpose of this section is to encourage cooperation
519 in the development of water supplies and to provide for
520 alternative water supply development.

521 (a) Demands on natural supplies of fresh water to meet the
522 needs of a rapidly growing population and the needs of the

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523 environment, agriculture, industry, and mining will continue to
524 increase.

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

528 (c) Cooperative efforts between municipalities, counties,
529 special districts, water management districts, and the
530 Department of Environmental Protection are mandatory in order to
531 meet the water needs of rapidly urbanizing areas in a manner
532 that will supply adequate and dependable supplies of water where
533 needed without resulting in adverse effects upon the areas from
534 which such water is withdrawn. Such efforts should use all
535 practical means of obtaining water, including, but not limited
536 to, withdrawals of surface water and ground water, reuse, and
537 desalinization, and will necessitate not only cooperation but
538 also well-coordinated activities. Municipalities, counties, and
539 special districts are encouraged to create regional water supply
540 authorities as authorized in s. 373.713 or multijurisdictional
541 water supply entities.

542 (d) Alternative water supply development must receive
543 priority funding attention to increase the available supplies of
544 water to meet all existing and future reasonable-beneficial uses
545 and to benefit the natural systems.

546 (e) Cooperation between counties, municipalities, regional
547 water supply authorities, multijurisdictional water supply
548 entities, special districts, and publicly owned and privately
549 owned water utilities in the development of countywide and
550 multicountywide alternative water supply projects will allow for
551 necessary economies of scale and efficiencies to be achieved in

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552 order to accelerate the development of new, dependable, and
553 sustainable alternative water supplies.

554 (f) It is in the public interest that county, municipal,
555 industrial, agricultural, and other public and private water
556 users, the Department of Environmental Protection, and the water
557 management districts cooperate and work together in the
558 development of alternative water supplies to avoid the adverse
559 effects of competition for limited supplies of water. Public
560 moneys or services provided to private entities for alternative
561 water supply development may constitute public purposes that
562 also are in the public interest.

563 (2) (a) Sufficient water must be available for all existing
564 and future reasonable-beneficial uses and the natural systems,
565 and the adverse effects of competition for water supplies must
566 be avoided.

567 (b) Water supply development and alternative water supply
568 development must be conducted in coordination with water
569 management district regional water supply planning.

570 (c) Funding for the development of alternative water
571 supplies shall be a shared responsibility of water suppliers and
572 users, the State of Florida, and the water management districts,
573 with water suppliers and users having the primary responsibility
574 and the State of Florida and the water management districts
575 being responsible for providing funding assistance.

576 (3) The primary roles of the water management districts in
577 water resource development as it relates to supporting
578 alternative water supply development are:

579 (a) The formulation and implementation of regional water
580 resource management strategies that support alternative water

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581 supply development;

582 (b) The collection and evaluation of surface water and
583 groundwater data to be used for a planning level assessment of
584 the feasibility of alternative water supply development
585 projects;

586 (c) The construction, operation, and maintenance of major
587 public works facilities for flood control, surface and
588 underground water storage, and groundwater recharge augmentation
589 to support alternative water supply development;

590 (d) Planning for alternative water supply development as
591 provided in regional water supply plans in coordination with
592 local governments, regional water supply authorities,
593 multijurisdictional water supply entities, special districts,
594 and publicly owned and privately owned water utilities and self-
595 suppliers;

596 (e) The formulation and implementation of structural and
597 nonstructural programs to protect and manage water resources in
598 support of alternative water supply projects; and

599 (f) The provision of technical and financial assistance to
600 local governments and publicly owned and privately owned water
601 utilities for alternative water supply projects.

602 (4) The primary roles of local government, regional water
603 supply authorities, multijurisdictional water supply entities,
604 special districts, and publicly owned and privately owned water
605 utilities in alternative water supply development shall be:

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

608 (b) The formulation and implementation of alternative water
609 supply development strategies and programs;

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

613 (d) The coordination of alternative water supply
614 development activities with the appropriate water management
615 district having jurisdiction over the activity.

616 (5) Nothing in this section shall be construed to preclude
617 the various special districts, municipalities, and counties from
618 continuing to operate existing water production and transmission
619 facilities or to enter into cooperative agreements with other
620 special districts, municipalities, and counties for the purpose
621 of meeting their respective needs for dependable and adequate
622 supplies of water; however, the obtaining of water through such
623 operations shall not be done in a manner that results in adverse
624 effects upon the areas from which such water is withdrawn.

625 (6) (a) The statewide funds provided pursuant to the Water
626 Protection and Sustainability Program serve to supplement
627 existing water management district or basin board funding for
628 alternative water supply development assistance and should not
629 result in a reduction of such funding. Therefore, the water
630 management districts shall include in the annual tentative and
631 adopted budget submittals required under this chapter the amount
632 of funds allocated for water resource development that supports
633 alternative water supply development and the funds allocated for
634 alternative water supply projects selected for inclusion in the
635 Water Protection and Sustainability Program. It shall be the
636 goal of each water management district and basin boards that the
637 combined funds allocated annually for these purposes be, at a
638 minimum, the equivalent of 100 percent of the state funding

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639 provided to the water management district for alternative water
640 supply development. If this goal is not achieved, the water
641 management district shall provide in the budget submittal an
642 explanation of the reasons or constraints that prevent this goal
643 from being met, an explanation of how the goal will be met in
644 future years, and affirmation of match is required during the
645 budget review process as established under s. 373.536(5). The
646 Suwannee River Water Management District and the Northwest
647 Florida Water Management District shall not be required to meet
648 the match requirements of this paragraph; however, they shall
649 try to achieve the match requirement to the greatest extent
650 practicable.

651 (b) State funds from the Water Protection and
652 Sustainability Program created in s. 403.890 shall be made
653 available for financial assistance for the project construction
654 costs of alternative water supply development projects selected
655 by a water management district governing board for inclusion in
656 the program.

657 (7) The water management district shall implement its
658 responsibilities as expeditiously as possible in areas subject
659 to regional water supply plans. Each district's governing board
660 shall include in its annual budget the amount needed for the
661 fiscal year to assist in implementing alternative water supply
662 development projects.

663 (8) (a) The water management districts and the state shall
664 share a percentage of revenues with water providers and users,
665 including local governments, water, wastewater, and reuse
666 utilities, municipal, special district, industrial, and
667 agricultural water users, and other public and private water

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668 users, to be used to supplement other funding sources in the
669 development of alternative water supplies.

670 (b) Beginning in the 2005-2006 fiscal year, the state shall
671 annually provide a portion of those revenues deposited into the
672 Water Protection and Sustainability Program Trust Fund for the
673 purpose of providing funding assistance for the development of
674 alternative water supplies pursuant to the Water Protection and
675 Sustainability Program. At the beginning of each fiscal year,
676 beginning with the 2005-2006 fiscal year, such revenues shall be
677 distributed by the department into the alternative water supply
678 trust fund accounts created by each district for the purpose of
679 alternative water supply development under the following funding
680 formula:

681 1. Thirty percent to the South Florida Water Management
682 District;

683 2. Twenty-five percent to the Southwest Florida Water
684 Management District;

685 3. Twenty-five percent to the St. Johns River Water
686 Management District;

687 4. Ten percent to the Suwannee River Water Management
688 District; and

689 5. Ten percent to the Northwest Florida Water Management
690 District.

691 (c) The financial assistance for alternative water supply
692 projects allocated in each district's budget as required in
693 subsection (6) shall be combined with the state funds and used
694 to assist in funding the project construction costs of
695 alternative water supply projects selected by the governing
696 board. If the district has not completed any regional water

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697 supply plan, or the regional water supply plan does not identify
698 the need for any alternative water supply projects, funds
699 deposited in that district's trust fund may be used for water
700 resource development projects, including, but not limited to,
701 springs protection.

702 (d) All projects submitted to the governing board for
703 consideration shall reflect the total capital cost for
704 implementation. The costs shall be segregated pursuant to the
705 categories described in the definition of capital costs.

706 (e) Applicants for projects that may receive funding
707 assistance pursuant to the Water Protection and Sustainability
708 Program shall, at a minimum, be required to pay 60 percent of
709 the project's construction costs. The water management districts
710 may, at their discretion, totally or partially waive this
711 requirement for projects sponsored by financially disadvantaged
712 small local governments as defined in former s. 403.885(5). The
713 water management districts or basin boards may, at their
714 discretion, use ad valorem or federal revenues to assist a
715 project applicant in meeting the requirements of this paragraph.

716 (f) The governing boards shall determine those projects
717 that will be selected for financial assistance. The governing
718 boards may establish factors to determine project funding;
719 however, significant weight shall be given to the following
720 factors:

721 1. Whether the project provides substantial environmental
722 benefits by preventing or limiting adverse water resource
723 impacts.

724 2. Whether the project reduces competition for water
725 supplies.

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726 3. Whether the project brings about replacement of
727 traditional sources in order to help implement a minimum flow or
728 level or a reservation.

729 4. Whether the project will be implemented by a consumptive
730 use permittee that has achieved the targets contained in a goal-
731 based water conservation program approved pursuant to s.
732 373.227.

733 5. The quantity of water supplied by the project as
734 compared to its cost.

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

737 7. Whether the project will be implemented by a
738 multijurisdictional water supply entity or regional water supply
739 authority.

740 8. Whether the project implements reuse that assists in the
741 elimination of domestic wastewater ocean outfalls as provided in
742 s. 403.086(9).

743 (g) Additional factors to be considered in determining
744 project funding shall include:

745 1. Whether the project is part of a plan to implement two
746 or more alternative water supply projects, all of which will be
747 operated to produce water at a uniform rate for the participants
748 in a multijurisdictional water supply entity or regional water
749 supply authority.

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

752 3. Whether the project proposal includes sufficient
753 preliminary planning and engineering to demonstrate that the
754 project can reasonably be implemented within the timeframes

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755 provided in the regional water supply plan.

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

758 5. Whether and in what percentage a local government or
759 local government utility is transferring water supply system
760 revenues to the local government general fund in excess of
761 reimbursements for services received from the general fund,
762 including direct and indirect costs and legitimate payments in
763 lieu of taxes.

764 (h) After conducting one or more meetings to solicit public
765 input on eligible projects, including input from those entities
766 identified pursuant to s. 373.709(2)(a)3.d. for implementation
767 of alternative water supply projects, the governing board of
768 each water management district shall select projects for funding
769 assistance based upon the criteria set forth in paragraphs (f)
770 and (g). The governing board may select a project identified or
771 listed as an alternative water supply development project in the
772 regional water supply plan, or allocate up to 20 percent of the
773 funding for alternative water supply projects that are not
774 identified or listed in the regional water supply plan but are
775 consistent with the goals of the plan.

776 (i) Without diminishing amounts available through other
777 means described in this paragraph, the governing boards are
778 encouraged to consider establishing revolving loan funds to
779 expand the total funds available to accomplish the objectives of
780 this section. A revolving loan fund created under this paragraph
781 must be a nonlapsing fund from which the water management
782 district may make loans with interest rates below prevailing
783 market rates to public or private entities for the purposes

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784 described in this section. The governing board may adopt
785 resolutions to establish revolving loan funds which must specify
786 the details of the administration of the fund, the procedures
787 for applying for loans from the fund, the criteria for awarding
788 loans from the fund, the initial capitalization of the fund, and
789 the goals for future capitalization of the fund in subsequent
790 budget years. Revolving loan funds created under this paragraph
791 must be used to expand the total sums and sources of cooperative
792 funding available for the development of alternative water
793 supplies. The Legislature does not intend for the creation of
794 revolving loan funds to supplant or otherwise reduce existing
795 sources or amounts of funds currently available through other
796 means.

797 (j) For each utility that receives financial assistance
798 from the state or a water management district for an alternative
799 water supply project, the water management district shall
800 require the appropriate rate-setting authority to develop rate
801 structures for water customers in the service area of the funded
802 utility that will:

- 803 1. Promote the conservation of water; and
804 2. Promote the use of water from alternative water
805 supplies.

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

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

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

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813 (n) By March 1 of each year, as part of the consolidated
814 annual report required by s. 373.036(7), each water management
815 district shall submit a report on the disbursement of all budgeted
816 amounts pursuant to this section. Such report shall describe all
817 alternative water supply projects funded as well as the quantity
818 of new water to be created as a result of such projects and
819 shall account separately for any other moneys provided through
820 grants, matching grants, revolving loans, and the use of
821 district lands or facilities to implement regional water supply
822 plans.

823 (o) The Florida Public Service Commission shall allow
824 entities under its jurisdiction constructing or participating in
825 constructing facilities that provide alternative water supplies
826 to recover their full, prudently incurred cost of constructing
827 such facilities through their rate structure. If construction of
828 a facility or participation in construction is pursuant to or in
829 furtherance of a regional water supply plan, the cost shall be
830 deemed to be prudently incurred. Every component of an
831 alternative water supply facility constructed by an investor-
832 owned utility shall be recovered in current rates. Any state or
833 water management district cost-share is not subject to the
834 recovery provisions allowed in this paragraph.

835 (9) Funding assistance provided by the water management
836 districts for a water reuse system may include the following
837 conditions for that project if a water management district
838 determines that such conditions will encourage water use
839 efficiency:

840 (a) Metering of reclaimed water use for residential
841 irrigation, agricultural irrigation, industrial uses, except for

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842 electric utilities as defined in s. 366.02(2), landscape
843 irrigation, golf course irrigation, irrigation of other public
844 access areas, commercial and institutional uses such as toilet
845 flushing, and transfers to other reclaimed water utilities;
846 (b) Implementation of reclaimed water rate structures based
847 on actual use of reclaimed water for the reuse activities listed
848 in paragraph (a);
849 (c) Implementation of education programs to inform the
850 public about water issues, water conservation, and the
851 importance and proper use of reclaimed water; or
852 (d) Development of location data for key reuse facilities.
853 373.709 Regional water supply planning.—
854 (1) The governing board of each water management district
855 shall conduct water supply planning for any water supply
856 planning region within the district identified in the
857 appropriate district water supply plan under s. 373.036, where
858 it determines that existing sources of water are not adequate to
859 supply water for all existing and future reasonable-beneficial
860 uses and to sustain the water resources and related natural
861 systems for the planning period. The planning must be conducted
862 in an open public process, in coordination and cooperation with
863 local governments, regional water supply authorities,
864 government-owned and privately owned water utilities,
865 multijurisdictional water supply entities, self-suppliers, and
866 other affected and interested parties. The districts shall
867 actively engage in public education and outreach to all affected
868 local entities and their officials, as well as members of the
869 public, in the planning process and in seeking input. During
870 preparation, but prior to completion of the regional water

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871 supply plan, the district must conduct at least one public
872 workshop to discuss the technical data and modeling tools
873 anticipated to be used to support the regional water supply
874 plan. The district shall also hold several public meetings to
875 communicate the status, overall conceptual intent, and impacts
876 of the plan on existing and future reasonable-beneficial uses
877 and related natural systems. During the planning process, a
878 local government may choose to prepare its own water supply
879 assessment to determine if existing water sources are adequate
880 to meet existing and projected reasonable-beneficial needs of
881 the local government while sustaining water resources and
882 related natural systems. The local government shall submit such
883 assessment, including the data and methodology used, to the
884 district. The district shall consider the local government's
885 assessment during the formation of the plan. A determination by
886 the governing board that initiation of a regional water supply
887 plan for a specific planning region is not needed pursuant to
888 this section shall be subject to s. 120.569. The governing board
889 shall reevaluate such a determination at least once every 5
890 years and shall initiate a regional water supply plan, if
891 needed, pursuant to this subsection.

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

895 (a) A water supply development component for each water
896 supply planning region identified by the district which
897 includes:

898 1. A quantification of the water supply needs for all
899 existing and future reasonable-beneficial uses within the

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900 planning horizon. The level-of-certainty planning goal
901 associated with identifying the water supply needs of existing
902 and future reasonable-beneficial uses shall be based upon
903 meeting those needs for a 1-in-10-year drought event. Population
904 projections used for determining public water supply needs must
905 be based upon the best available data. In determining the best
906 available data, the district shall consider the University of
907 Florida's Bureau of Economic and Business Research (BEBR) medium
908 population projections and any population projection data and
909 analysis submitted by a local government pursuant to the public
910 workshop described in subsection (1) if the data and analysis
911 support the local government's comprehensive plan. Any
912 adjustment of or deviation from the BEBR projections must be
913 fully described, and the original BEBR data must be presented
914 along with the adjusted data.

915 2. A list of water supply development project options,
916 including traditional and alternative water supply project
917 options, from which local government, government-owned and
918 privately owned utilities, regional water supply authorities,
919 multijurisdictional water supply entities, self-suppliers, and
920 others may choose for water supply development. In addition to
921 projects listed by the district, such users may propose specific
922 projects for inclusion in the list of alternative water supply
923 projects. If such users propose a project to be listed as an
924 alternative water supply project, the district shall determine
925 whether it meets the goals of the plan, and, if so, it shall be
926 included in the list. The total capacity of the projects
927 included in the plan shall exceed the needs identified in
928 subparagraph 1. and shall take into account water conservation

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929 and other demand management measures, as well as water resources
930 constraints, including adopted minimum flows and levels and
931 water reservations. Where the district determines it is
932 appropriate, the plan should specifically identify the need for
933 multijurisdictional approaches to project options that, based on
934 planning level analysis, are appropriate to supply the intended
935 uses and that, based on such analysis, appear to be permissible
936 and financially and technically feasible. The list of water
937 supply development options must contain provisions that
938 recognize that alternative water supply options for agricultural
939 self-suppliers are limited.

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

942 a. An estimate of the amount of water to become available
943 through the project.

944 b. The timeframe in which the project option should be
945 implemented and the estimated planning-level costs for capital
946 investment and operating and maintaining the project.

947 c. An analysis of funding needs and sources of possible
948 funding options. For alternative water supply projects the water
949 management districts shall provide funding assistance in
950 accordance with s. 373.707(8).

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

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

954 1. A listing of those water resource development projects
955 that support water supply development.

956 2. For each water resource development project listed:

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

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958 through the project.

959 b. The timeframe in which the project option should be
960 implemented and the estimated planning-level costs for capital
961 investment and for operating and maintaining the project.

962 c. An analysis of funding needs and sources of possible
963 funding options.

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

966 (c) The recovery and prevention strategy described in s.
967 373.0421(2).

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

971 (e) Consideration of how the project options addressed in
972 paragraph (a) serve the public interest or save costs overall by
973 preventing the loss of natural resources or avoiding greater
974 future expenditures for water resource development or water
975 supply development. However, unless adopted by rule, these
976 considerations do not constitute final agency action.

977 (f) The technical data and information applicable to each
978 planning region which are necessary to support the regional
979 water supply plan.

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

982 (h) Reservations of water adopted by rule pursuant to s.
983 373.223(4) within each planning region.

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

986 (j) An analysis, developed in cooperation with the

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987 department, of areas or instances in which the variance
988 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
989 create water supply development or water resource development
990 projects.

991 (3) The water supply development component of a regional
992 water supply plan which deals with or affects public utilities
993 and public water supply for those areas served by a regional
994 water supply authority and its member governments within the
995 boundary of the Southwest Florida Water Management District
996 shall be developed jointly by the authority and the district. In
997 areas not served by regional water supply authorities, or other
998 multijurisdictional water supply entities, and where
999 opportunities exist to meet water supply needs more efficiently
1000 through multijurisdictional projects identified pursuant to
1001 paragraph (2)(a), water management districts are directed to
1002 assist in developing multijurisdictional approaches to water
1003 supply project development jointly with affected water
1004 utilities, special districts, and local governments.

1005 (4) The South Florida Water Management District shall
1006 include in its regional water supply plan water resource and
1007 water supply development projects that promote the elimination
1008 of wastewater ocean outfalls as provided in s. 403.086(9).

1009 (5) Governing board approval of a regional water supply
1010 plan shall not be subject to the rulemaking requirements of
1011 chapter 120. However, any portion of an approved regional water
1012 supply plan which affects the substantial interests of a party
1013 shall be subject to s. 120.569.

1014 (6) Annually and in conjunction with the reporting
1015 requirements of s. 373.536(6)(a)4., the department shall submit

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1016 to the Governor and the Legislature a report on the status of
1017 regional water supply planning in each district. The report
1018 shall include:

1019 (a) A compilation of the estimated costs of and potential
1020 sources of funding for water resource development and water
1021 supply development projects as identified in the water
1022 management district regional water supply plans.

1023 (b) The percentage and amount, by district, of district ad
1024 valorem tax revenues or other district funds made available to
1025 develop alternative water supplies.

1026 (c) A description of each district's progress toward
1027 achieving its water resource development objectives, including
1028 the district's implementation of its 5-year water resource
1029 development work program.

1030 (d) An assessment of the specific progress being made to
1031 implement each alternative water supply project option chosen by
1032 the entities and identified for implementation in the plan.

1033 (e) An overall assessment of the progress being made to
1034 develop water supply in each district, including, but not
1035 limited to, an explanation of how each project, either
1036 alternative or traditional, will produce, contribute to, or
1037 account for additional water being made available for
1038 consumptive uses, an estimate of the quantity of water to be
1039 produced by each project, and an assessment of the contribution
1040 of the district's regional water supply plan in providing
1041 sufficient water to meet the needs of existing and future
1042 reasonable-beneficial uses for a 1-in-10 year drought event, as
1043 well as the needs of the natural systems.

1044 (7) Nothing contained in the water supply development

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1045 component of a regional water supply plan shall be construed to
1046 require local governments, government-owned or privately owned
1047 water utilities, special districts, self-suppliers, regional
1048 water supply authorities, multijurisdictional water supply
1049 entities, or other water suppliers to select a water supply
1050 development project identified in the component merely because
1051 it is identified in the plan. Except as provided in s.
1052 373.223(3) and (5), the plan may not be used in the review of
1053 permits under part II of this chapter unless the plan or an
1054 applicable portion thereof has been adopted by rule. However,
1055 this subsection does not prohibit a water management district
1056 from employing the data or other information used to establish
1057 the plan in reviewing permits under part II, nor does it limit
1058 the authority of the department or governing board under part
1059 II.

1060 (8) Where the water supply component of a water supply
1061 planning region shows the need for one or more alternative water
1062 supply projects, the district shall notify the affected local
1063 governments and make every reasonable effort to educate and
1064 involve local public officials in working toward solutions in
1065 conjunction with the districts and, where appropriate, other
1066 local and regional water supply entities.

1067 (a) Within 6 months following approval or amendment of its
1068 regional water supply plan, each water management district shall
1069 notify by certified mail each entity identified in sub-
1070 paragraph (2) (a) 3.d. of that portion of the plan relevant to
1071 the entity. Upon request of such an entity, the water management
1072 district shall appear before and present its findings and
1073 recommendations to the entity.

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1074 (b) Within 1 year after the notification by a water
1075 management district pursuant to paragraph (a), each entity
1076 identified in sub-subparagraph (2)(a)3.d. shall provide to the
1077 water management district written notification of the following:
1078 the alternative water supply projects or options identified in
1079 paragraph (2)(a) which it has developed or intends to develop,
1080 if any; an estimate of the quantity of water to be produced by
1081 each project; and the status of project implementation,
1082 including development of the financial plan, facilities master
1083 planning, permitting, and efforts in coordinating
1084 multijurisdictional projects, if applicable. The information
1085 provided in the notification shall be updated annually, and a
1086 progress report shall be provided by November 15 of each year to
1087 the water management district. If an entity does not intend to
1088 develop one or more of the alternative water supply project
1089 options identified in the regional water supply plan, the entity
1090 shall propose, within 1 year after notification by a water
1091 management district pursuant to paragraph (a), another
1092 alternative water supply project option sufficient to address
1093 the needs identified in paragraph (2)(a) within the entity's
1094 jurisdiction and shall provide an estimate of the quantity of
1095 water to be produced by the project and the status of project
1096 implementation as described in this paragraph. The entity may
1097 request that the water management district consider the other
1098 project for inclusion in the regional water supply plan.

1099 (9) For any regional water supply plan that is scheduled to
1100 be updated before December 31, 2005, the deadline for such
1101 update shall be extended by 1 year.

1102 373.711 Technical assistance to local governments.--

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1103 (1) The water management districts shall assist local
1104 governments in the development and future revision of local
1105 government comprehensive plan elements or public facilities
1106 report as required by s. 189.415, related to water resource
1107 issues.

1108 (2) By July 1, 1991, each water management district shall
1109 prepare and provide information and data to assist local
1110 governments in the preparation and implementation of their local
1111 government comprehensive plans or public facilities report as
1112 required by s. 189.415, whichever is applicable. Such
1113 information and data shall include, but not be limited to:

1114 (a) All information and data required in a public
1115 facilities report pursuant to s. 189.415.

1116 (b) A description of regulations, programs, and schedules
1117 implemented by the district.

1118 (c) Identification of regulations, programs, and schedules
1119 undertaken or proposed by the district to further the State
1120 Comprehensive Plan.

1121 (d) A description of surface water basins, including
1122 regulatory jurisdictions, flood-prone areas, existing and
1123 projected water quality in water management district operated
1124 facilities, as well as surface water runoff characteristics and
1125 topography regarding flood plains, wetlands, and recharge areas.

1126 (e) A description of groundwater characteristics, including
1127 existing and planned wellfield sites, existing and anticipated
1128 cones of influence, highly productive groundwater areas, aquifer
1129 recharge areas, deep well injection zones, contaminated areas,
1130 an assessment of regional water resource needs and sources for
1131 the next 20 years, and water quality.

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1132 (f) The identification of existing and potential water
1133 management district land acquisitions.

1134 (g) Information reflecting the minimum flows for surface
1135 watercourses to avoid harm to water resources or the ecosystem
1136 and information reflecting the minimum water levels for aquifers
1137 to avoid harm to water resources or the ecosystem.

1138 373.713 Regional water supply authorities.-

1139 (1) By interlocal agreement between counties,
1140 municipalities, or special districts, as applicable, pursuant to
1141 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and
1142 upon the approval of the Secretary of Environmental Protection
1143 to ensure that such agreement will be in the public interest and
1144 complies with the intent and purposes of this act, regional
1145 water supply authorities may be created for the purpose of
1146 developing, recovering, storing, and supplying water for county
1147 or municipal purposes in such a manner as will give priority to
1148 reducing adverse environmental effects of excessive or improper
1149 withdrawals of water from concentrated areas. In approving said
1150 agreement the Secretary of Environmental Protection shall
1151 consider, but not be limited to, the following:

1152 (a) Whether the geographic territory of the proposed
1153 authority is of sufficient size and character to reduce the
1154 environmental effects of improper or excessive withdrawals of
1155 water from concentrated areas.

1156 (b) The maximization of economic development of the water
1157 resources within the territory of the proposed authority.

1158 (c) The availability of a dependable and adequate water
1159 supply.

1160 (d) The ability of any proposed authority to design,

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1161 construct, operate, and maintain water supply facilities in the
1162 locations, and at the times necessary, to ensure that an
1163 adequate water supply will be available to all citizens within
1164 the authority.

1165 (e) The effect or impact of any proposed authority on any
1166 municipality, county, or existing authority or authorities.

1167 (f) The existing needs of the water users within the area
1168 of the authority.

1169 (2) In addition to other powers and duties agreed upon, and
1170 notwithstanding the provisions of s. 163.01, such authority may:

1171 (a) Upon approval of the electors residing in each county
1172 or municipality within the territory to be included in any
1173 authority, levy ad valorem taxes, not to exceed 0.5 mill,
1174 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
1175 authorized by this paragraph shall be levied in any county or
1176 municipality without an affirmative vote of the electors
1177 residing in such county or municipality.

1178 (b) Acquire water and water rights; develop, store, and
1179 transport water; provide, sell, and deliver water for county or
1180 municipal uses and purposes; and provide for the furnishing of
1181 such water and water service upon terms and conditions and at
1182 rates which will apportion to parties and nonparties an
1183 equitable share of the capital cost and operating expense of the
1184 authority's work to the purchaser.

1185 (c) Collect, treat, and recover wastewater.

1186 (d) Not engage in local distribution.

1187 (e) Exercise the power of eminent domain in the manner
1188 provided by law for the condemnation of private property for
1189 public use to acquire title to such interest in real property as

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1190 is necessary to the exercise of the powers herein granted,
1191 except water and water rights already devoted to reasonable and
1192 beneficial use or any water production or transmission
1193 facilities owned by any county or municipality.

1194 (f) Issue revenue bonds in the manner prescribed by the
1195 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
1196 payable solely from funds derived from the sale of water by the
1197 authority to any county or municipality. Such bonds may be
1198 additionally secured by the full faith and credit of any county
1199 or municipality, as provided by s. 159.16 or by a pledge of
1200 excise taxes, as provided by s. 159.19. For the purpose of
1201 issuing revenue bonds, an authority shall be considered a "unit"
1202 as defined in s. 159.02(2) and as that term is used in the
1203 Revenue Bond Act of 1953, as amended. Such bonds may be issued
1204 to finance the cost of acquiring properties and facilities for
1205 the production and transmission of water by the authority to any
1206 county or municipality, which cost shall include the acquisition
1207 of real property and easements therein for such purposes. Such
1208 bonds may be in the form of refunding bonds to take up any
1209 outstanding bonds of the authority or of any county or
1210 municipality where such outstanding bonds are secured by
1211 properties and facilities for production and transmission of
1212 water, which properties and facilities are being acquired by the
1213 authority. Refunding bonds may be issued to take up and refund
1214 all outstanding bonds of said authority that are subject to call
1215 and termination, and all bonds of said authority that are not
1216 subject to call or redemption, when the surrender of said bonds
1217 can be procured from the holder thereof at prices satisfactory
1218 to the authority. Such refunding bonds may be issued at any time

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1219 when, in the judgment of the authority, it will be to the best
1220 interest of the authority financially or economically by
1221 securing a lower rate of interest on said bonds or by extending
1222 the time of maturity of said bonds or, for any other reason, in
1223 the judgment of the authority, advantageous to said authority.

1224 (g) Sue and be sued in its own name.

1225 (h) Borrow money and incur indebtedness and issue bonds or
1226 other evidence of such indebtedness.

1227 (i) Join with one or more other public corporations for the
1228 purpose of carrying out any of its powers and for that purpose
1229 to contract with such other public corporation or corporations
1230 for the purpose of financing such acquisitions, construction,
1231 and operations. Such contracts may provide for contributions to
1232 be made by each party thereto, for the division and
1233 apportionment of the expenses of such acquisitions and
1234 operations, and for the division and apportionment of the
1235 benefits, services, and products therefrom. Such contract may
1236 contain such other and further covenants and agreements as may
1237 be necessary and convenient to accomplish the purposes hereof.

1238 (3) A regional water supply authority is authorized to
1239 develop, construct, operate, maintain, or contract for
1240 alternative sources of potable water, including desalinated
1241 water, and pipelines to interconnect authority sources and
1242 facilities, either by itself or jointly with a water management
1243 district; however, such alternative potable water sources,
1244 facilities, and pipelines may also be privately developed,
1245 constructed, owned, operated, and maintained, in which event an
1246 authority and a water management district are authorized to
1247 pledge and contribute their funds to reduce the wholesale cost

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1248 of water from such alternative sources of potable water supplied
1249 by an authority to its member governments.

1250 (4) When it is found to be in the public interest, for the
1251 public convenience and welfare, for a public benefit, and
1252 necessary for carrying out the purpose of any regional water
1253 supply authority, any state agency, county, water control
1254 district existing pursuant to chapter 298, water management
1255 district existing pursuant to this chapter, municipality,
1256 governmental agency, or public corporation in this state holding
1257 title to any interest in land is hereby authorized, in its
1258 discretion, to convey the title to or dedicate land, title to
1259 which is in such entity, including tax-reverted land, or to
1260 grant use-rights therein, to any regional water supply authority
1261 created pursuant to this section. Land granted or conveyed to
1262 such authority shall be for the public purposes of such
1263 authority and may be made subject to the condition that in the
1264 event said land is not so used, or if used and subsequently its
1265 use for said purpose is abandoned, the interest granted shall
1266 cease as to such authority and shall automatically revert to the
1267 granting entity.

1268 (5) Each county, special district, or municipality that is
1269 a party to an agreement pursuant to subsection (1) shall have a
1270 preferential right to purchase water from the regional water
1271 supply authority for use by such county, special district, or
1272 municipality.

1273 (6) In carrying out the provisions of this section, any
1274 county wherein water is withdrawn by the authority shall not be
1275 deprived, directly or indirectly, of the prior right to the
1276 reasonable and beneficial use of water which is required

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1277 adequately to supply the reasonable and beneficial needs of the
1278 county or any of the inhabitants or property owners therein.

1279 (7) Upon a resolution adopted by the governing body of any
1280 county or municipality, the authority may, subject to a majority
1281 vote of its voting members, include such county or municipality
1282 in its regional water supply authority upon such terms and
1283 conditions as may be prescribed.

1284 (8) The authority shall design, construct, operate, and
1285 maintain facilities in the locations and at the times necessary
1286 to ensure that an adequate water supply will be available to all
1287 citizens within the authority.

1288 (9) Where a water supply authority exists pursuant to this
1289 section or s. 373.715 under a voluntary interlocal agreement
1290 that is consistent with requirements in s. 373.715(1)(b) and
1291 receives or maintains consumptive use permits under this
1292 voluntary agreement consistent with the water supply plan, if
1293 any, adopted by the governing board, such authority shall be
1294 exempt from consideration by the governing board or department
1295 of the factors specified in s. 373.223(3)(a)-(g) and the
1296 submissions required by s. 373.229(3). Such exemptions shall
1297 apply only to water sources within the jurisdictional areas of
1298 such voluntary water supply interlocal agreements.

1299 373.715 Assistance to West Coast Regional Water Supply
1300 Authority.—

1301 (1) It is the intent of the Legislature to authorize the
1302 implementation of changes in governance recommended by the West
1303 Coast Regional Water Supply Authority in its reports to the
1304 Legislature dated February 1, 1997, and January 5, 1998. The
1305 authority and its member governments may reconstitute the

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1306 authority's governance and rename the authority under a
1307 voluntary interlocal agreement with a term of not less than 20
1308 years. The interlocal agreement must comply with this subsection
1309 as follows:

1310 (a) The authority and its member governments agree that
1311 cooperative efforts are mandatory to meet their water needs in a
1312 manner that will provide adequate and dependable supplies of
1313 water where needed without resulting in adverse environmental
1314 effects upon the areas from which the water is withdrawn or
1315 otherwise produced.

1316 (b) In accordance with s. 4, Art. VIII of the State
1317 Constitution and notwithstanding s. 163.01, the interlocal
1318 agreement may include the following terms, which are considered
1319 approved by the parties without a vote of their electors, upon
1320 execution of the interlocal agreement by all member governments
1321 and upon satisfaction of all conditions precedent in the
1322 interlocal agreement:

1323 1. All member governments shall relinquish to the authority
1324 their individual rights to develop potable water supply sources,
1325 except as otherwise provided in the interlocal agreement;

1326 2. The authority shall be the sole and exclusive wholesale
1327 potable water supplier for all member governments; and

1328 3. The authority shall have the absolute and unequivocal
1329 obligation to meet the wholesale needs of the member governments
1330 for potable water.

1331 4. A member government may not restrict or prohibit the use
1332 of land within a member's jurisdictional boundaries by the
1333 authority for water supply purposes through use of zoning, land
1334 use, comprehensive planning, or other form of regulation.

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1335 5. A member government may not impose any tax, fee, or
1336 charge upon the authority in conjunction with the production or
1337 supply of water not otherwise provided for in the interlocal
1338 agreement.

1339 6. The authority may use the powers provided in part II of
1340 chapter 159 for financing and refinancing water treatment,
1341 production, or transmission facilities, including, but not
1342 limited to, desalinization facilities. All such water treatment,
1343 production, or transmission facilities are considered a
1344 "manufacturing plant" for purposes of s. 159.27(5) and serve a
1345 paramount public purpose by providing water to citizens of the
1346 state.

1347 7. A member government and any governmental or quasi-
1348 judicial board or commission established by local ordinance or
1349 general or special law where the governing membership of such
1350 board or commission is shared, in whole or in part, or appointed
1351 by a member government agreeing to be bound by the interlocal
1352 agreement shall be limited to the procedures set forth therein
1353 regarding actions that directly or indirectly restrict or
1354 prohibit the use of lands or other activities related to the
1355 production or supply of water.

1356 (c) The authority shall acquire full or lesser interests in
1357 all regionally significant member government wholesale water
1358 supply facilities and tangible assets and each member government
1359 shall convey such interests in the facilities and assets to the
1360 authority, at an agreed value.

1361 (d) The authority shall charge a uniform per gallon
1362 wholesale rate to member governments for the wholesale supply of
1363 potable water. All capital, operation, maintenance, and

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1364 administrative costs for existing facilities and acquired
1365 facilities, authority master water plan facilities, and other
1366 future projects must be allocated to member governments based on
1367 water usage at the uniform per gallon wholesale rate.

1368 (e) The interlocal agreement may include procedures for
1369 resolving the parties' differences regarding water management
1370 district proposed agency action in the water use permitting
1371 process within the authority. Such procedures should minimize
1372 the potential for litigation and include alternative dispute
1373 resolution. Any governmental or quasi-judicial board or
1374 commission established by local ordinance or general or special
1375 law where the governing members of such board or commission is
1376 shared, in whole or in part, or appointed by a member
1377 government, may agree to be bound by the dispute resolution
1378 procedures set forth in the interlocal agreement.

1379 (f) Upon execution of the voluntary interlocal agreement
1380 provided for herein, the authority shall jointly develop with
1381 the Southwest Florida Water Management District alternative
1382 sources of potable water and transmission pipelines to
1383 interconnect regionally significant water supply sources and
1384 facilities of the authority in amounts sufficient to meet the
1385 needs of all member governments for a period of at least 20
1386 years and for natural systems. Nothing herein, however, shall
1387 preclude the authority and its member governments from
1388 developing traditional water sources pursuant to the voluntary
1389 interlocal agreement. Development and construction costs for
1390 alternative source facilities, which may include a desalination
1391 facility and significant regional interconnects, must be borne
1392 as mutually agreed to by both the authority and the Southwest

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1393 Florida Water Management District. Nothing herein shall preclude
1394 authority or district cost sharing with private entities for the
1395 construction or ownership of alternative source facilities. By
1396 December 31, 1997, the authority and the Southwest Florida Water
1397 Management District shall enter into a mutually acceptable
1398 agreement detailing the development and implementation of
1399 directives contained in this paragraph. Nothing in this section
1400 shall be construed to modify the rights or responsibilities of
1401 the authority or its member governments, except as otherwise
1402 provided herein, or of the Southwest Florida Water Management
1403 District or the department pursuant to this chapter or chapter
1404 403 and as otherwise set forth by statutes.

1405 (g) Unless otherwise provided in the interlocal agreement,
1406 the authority shall be governed by a board of commissioners
1407 consisting of nine voting members, all of whom must be elected
1408 officers, as follows:

1409 1. Three members from Hillsborough County who must be
1410 selected by the county commission; provided, however, that one
1411 member shall be selected by the Mayor of Tampa in the event that
1412 the City of Tampa elects to be a member of the authority;

1413 2. Three members from Pasco County, two of whom must be
1414 selected by the county commission and one of whom must be
1415 selected by the City Council of New Port Richey; and

1416 3. Three members from Pinellas County, two of whom must be
1417 selected by the county commission and one of whom must be
1418 selected by the City Council of St. Petersburg.

1419
1420 Except as otherwise provided in this section or in the voluntary
1421 interlocal agreement between the member governments, a majority

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1422 vote shall bind the authority and its member governments in all
1423 matters relating to the funding of wholesale water supply,
1424 production, delivery, and related activities.

1425 (2) The provisions of this section supersede any
1426 conflicting provisions contained in all other general or special
1427 laws or provisions thereof as they may apply directly or
1428 indirectly to the exclusivity of water supply or withdrawal of
1429 water, including provisions relating to the environmental
1430 effects, if any, in conjunction with the production and supply
1431 of potable water, and the provisions of this section are
1432 intended to be a complete revision of all laws related to a
1433 regional water supply authority created under s. 373.713 and
1434 this section.

1435 (3) In lieu of the provisions in s. 373.713(2) (a), the
1436 Southwest Florida Water Management District shall assist the
1437 West Coast Regional Water Supply Authority for a period of 5
1438 years, terminating December 31, 1981, by levying an ad valorem
1439 tax, upon request of the authority, of not more than 0.05 mill
1440 on all taxable property within the limits of the authority.
1441 During such period the corresponding basin board ad valorem tax
1442 levies shall be reduced accordingly.

1443 (4) The authority shall prepare its annual budget in the
1444 same manner as prescribed for the preparation of basin budgets,
1445 but such authority budget shall not be subject to review by the
1446 respective basin boards or by the governing board of the
1447 district.

1448 (5) The annual millage for the authority shall be the
1449 amount required to raise the amount called for by the annual
1450 budget when applied to the total assessment on all taxable

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1451 property within the limits of the authority, as determined for
1452 county taxing purposes.

1453 (6) The authority may, by resolution, request the governing
1454 board of the district to levy ad valorem taxes within the
1455 boundaries of the authority. Upon receipt of such request,
1456 together with formal certification of the adoption of its annual
1457 budget and of the required tax levy, the authority tax levy
1458 shall be made by the governing board of the district to finance
1459 authority functions.

1460 (7) The taxes provided for in this section shall be
1461 extended by the property appraiser on the county tax roll in
1462 each county within, or partly within, the authority boundaries
1463 and shall be collected by the tax collector in the same manner
1464 and time as county taxes, and the proceeds therefrom paid to the
1465 district which shall forthwith pay them over to the authority.
1466 Until paid, such taxes shall be a lien on the property against
1467 which assessed and enforceable in like manner as county taxes.
1468 The property appraisers, tax collectors, and clerks of the
1469 circuit court of the respective counties shall be entitled to
1470 compensation for services performed in connection with such
1471 taxes at the same rates as apply to county taxes.

1472 (8) The governing board of the district shall not be
1473 responsible for any actions or lack of actions by the authority.

1474 Section 2. Subsection (13) of section 120.52, Florida
1475 Statutes, is amended to read:

1476 120.52 Definitions.—As used in this act:

1477 (13) "Party" means:

1478 (a) Specifically named persons whose substantial interests
1479 are being determined in the proceeding.

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1480 (b) Any other person who, as a matter of constitutional
1481 right, provision of statute, or provision of agency regulation,
1482 is entitled to participate in whole or in part in the
1483 proceeding, or whose substantial interests will be affected by
1484 proposed agency action, and who makes an appearance as a party.

1485 (c) Any other person, including an agency staff member,
1486 allowed by the agency to intervene or participate in the
1487 proceeding as a party. An agency may by rule authorize limited
1488 forms of participation in agency proceedings for persons who are
1489 not eligible to become parties.

1490 (d) Any county representative, agency, department, or unit
1491 funded and authorized by state statute or county ordinance to
1492 represent the interests of the consumers of a county, when the
1493 proceeding involves the substantial interests of a significant
1494 number of residents of the county and the board of county
1495 commissioners has, by resolution, authorized the representative,
1496 agency, department, or unit to represent the class of interested
1497 persons. The authorizing resolution shall apply to a specific
1498 proceeding and to appeals and ancillary proceedings thereto, and
1499 it shall not be required to state the names of the persons whose
1500 interests are to be represented.

1501
1502 The term "party" does not include a member government of a
1503 regional water supply authority or a governmental or quasi-
1504 judicial board or commission established by local ordinance or
1505 special or general law where the governing membership of such
1506 board or commission is shared with, in whole or in part, or
1507 appointed by a member government of a regional water supply
1508 authority in proceedings under s. 120.569, s. 120.57, or s.

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1509 120.68, to the extent that an interlocal agreement under ss.
1510 163.01 and 373.713 ~~373.1962~~ exists in which the member
1511 government has agreed that its substantial interests are not
1512 affected by the proceedings or that it is to be bound by
1513 alternative dispute resolution in lieu of participating in the
1514 proceedings. This exclusion applies only to those particular
1515 types of disputes or controversies, if any, identified in an
1516 interlocal agreement.

1517 Section 3. Subsection (13) of section 163.3167, Florida
1518 Statutes, is amended to read:

1519 163.3167 Scope of act.—

1520 (13) Each local government shall address in its
1521 comprehensive plan, as enumerated in this chapter, the water
1522 supply sources necessary to meet and achieve the existing and
1523 projected water use demand for the established planning period,
1524 considering the applicable plan developed pursuant to s. 373.709
1525 ~~373.0361~~.

1526 Section 4. Paragraph (a) of subsection (4) and paragraphs
1527 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
1528 Statutes, are amended to read:

1529 163.3177 Required and optional elements of comprehensive
1530 plan; studies and surveys.—

1531 (4) (a) Coordination of the local comprehensive plan with
1532 the comprehensive plans of adjacent municipalities, the county,
1533 adjacent counties, or the region; with the appropriate water
1534 management district's regional water supply plans approved
1535 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
1536 to designated areas of critical state concern; and with the
1537 state comprehensive plan shall be a major objective of the local

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1538 comprehensive planning process. To that end, in the preparation
1539 of a comprehensive plan or element thereof, and in the
1540 comprehensive plan or element as adopted, the governing body
1541 shall include a specific policy statement indicating the
1542 relationship of the proposed development of the area to the
1543 comprehensive plans of adjacent municipalities, the county,
1544 adjacent counties, or the region and to the state comprehensive
1545 plan, as the case may require and as such adopted plans or plans
1546 in preparation may exist.

1547 (6) In addition to the requirements of subsections (1)-(5)
1548 and (12), the comprehensive plan shall include the following
1549 elements:

1550 (c) A general sanitary sewer, solid waste, drainage,
1551 potable water, and natural groundwater aquifer recharge element
1552 correlated to principles and guidelines for future land use,
1553 indicating ways to provide for future potable water, drainage,
1554 sanitary sewer, solid waste, and aquifer recharge protection
1555 requirements for the area. The element may be a detailed
1556 engineering plan including a topographic map depicting areas of
1557 prime groundwater recharge. The element shall describe the
1558 problems and needs and the general facilities that will be
1559 required for solution of the problems and needs. The element
1560 shall also include a topographic map depicting any areas adopted
1561 by a regional water management district as prime groundwater
1562 recharge areas for the Floridan or Biscayne aquifers. These
1563 areas shall be given special consideration when the local
1564 government is engaged in zoning or considering future land use
1565 for said designated areas. For areas served by septic tanks,
1566 soil surveys shall be provided which indicate the suitability of

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1567 soils for septic tanks. Within 18 months after the governing
1568 board approves an updated regional water supply plan, the
1569 element must incorporate the alternative water supply project or
1570 projects selected by the local government from those identified
1571 in the regional water supply plan pursuant to s. 373.709(2)(a)
1572 ~~373.0361(2)(a)~~ or proposed by the local government under s.
1573 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located
1574 within two water management districts, the local government
1575 shall adopt its comprehensive plan amendment within 18 months
1576 after the later updated regional water supply plan. The element
1577 must identify such alternative water supply projects and
1578 traditional water supply projects and conservation and reuse
1579 necessary to meet the water needs identified in s. 373.709(2)(a)
1580 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1581 include a work plan, covering at least a 10 year planning
1582 period, for building public, private, and regional water supply
1583 facilities, including development of alternative water supplies,
1584 which are identified in the element as necessary to serve
1585 existing and new development. The work plan shall be updated, at
1586 a minimum, every 5 years within 18 months after the governing
1587 board of a water management district approves an updated
1588 regional water supply plan. Amendments to incorporate the work
1589 plan do not count toward the limitation on the frequency of
1590 adoption of amendments to the comprehensive plan. Local
1591 governments, public and private utilities, regional water supply
1592 authorities, special districts, and water management districts
1593 are encouraged to cooperatively plan for the development of
1594 multijurisdictional water supply facilities that are sufficient
1595 to meet projected demands for established planning periods,

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1596 including the development of alternative water sources to
1597 supplement traditional sources of groundwater and surface water
1598 supplies.

1599 (d) A conservation element for the conservation, use, and
1600 protection of natural resources in the area, including air,
1601 water, water recharge areas, wetlands, waterwells, estuarine
1602 marshes, soils, beaches, shores, flood plains, rivers, bays,
1603 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1604 minerals, and other natural and environmental resources,
1605 including factors that affect energy conservation. Local
1606 governments shall assess their current, as well as projected,
1607 water needs and sources for at least a 10-year period,
1608 considering the appropriate regional water supply plan approved
1609 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
1610 approved regional water supply plan, the district water
1611 management plan approved pursuant to s. 373.036(2). This
1612 information shall be submitted to the appropriate agencies. The
1613 land use map or map series contained in the future land use
1614 element shall generally identify and depict the following:

- 1615 1. Existing and planned waterwells and cones of influence
1616 where applicable.
- 1617 2. Beaches and shores, including estuarine systems.
- 1618 3. Rivers, bays, lakes, flood plains, and harbors.
- 1619 4. Wetlands.
- 1620 5. Minerals and soils.
- 1621 6. Energy conservation.

1622
1623 The land uses identified on such maps shall be consistent with
1624 applicable state law and rules.

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1625 (h)1. An intergovernmental coordination element showing
1626 relationships and stating principles and guidelines to be used
1627 in the accomplishment of coordination of the adopted
1628 comprehensive plan with the plans of school boards, regional
1629 water supply authorities, and other units of local government
1630 providing services but not having regulatory authority over the
1631 use of land, with the comprehensive plans of adjacent
1632 municipalities, the county, adjacent counties, or the region,
1633 with the state comprehensive plan and with the applicable
1634 regional water supply plan approved pursuant to s. 373.709
1635 ~~373.0361~~, as the case may require and as such adopted plans or
1636 plans in preparation may exist. This element of the local
1637 comprehensive plan shall demonstrate consideration of the
1638 particular effects of the local plan, when adopted, upon the
1639 development of adjacent municipalities, the county, adjacent
1640 counties, or the region, or upon the state comprehensive plan,
1641 as the case may require.

1642 a. The intergovernmental coordination element shall provide
1643 procedures to identify and implement joint planning areas,
1644 especially for the purpose of annexation, municipal
1645 incorporation, and joint infrastructure service areas.

1646 b. The intergovernmental coordination element shall provide
1647 for recognition of campus master plans prepared pursuant to s.
1648 1013.30 and airport master plans under paragraph(k).

1649 c. The intergovernmental coordination element shall provide
1650 for a dispute resolution process as established pursuant to s.
1651 186.509 for bringing to closure in a timely manner
1652 intergovernmental disputes.

1653 d. The intergovernmental coordination element shall provide

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1654 for interlocal agreements as established pursuant to s.
1655 333.03(1)(b).

1656 2. The intergovernmental coordination element shall further
1657 state principles and guidelines to be used in the accomplishment
1658 of coordination of the adopted comprehensive plan with the plans
1659 of school boards and other units of local government providing
1660 facilities and services but not having regulatory authority over
1661 the use of land. In addition, the intergovernmental coordination
1662 element shall describe joint processes for collaborative
1663 planning and decisionmaking on population projections and public
1664 school siting, the location and extension of public facilities
1665 subject to concurrency, and siting facilities with countywide
1666 significance, including locally unwanted land uses whose nature
1667 and identity are established in an agreement. Within 1 year of
1668 adopting their intergovernmental coordination elements, each
1669 county, all the municipalities within that county, the district
1670 school board, and any unit of local government service providers
1671 in that county shall establish by interlocal or other formal
1672 agreement executed by all affected entities, the joint processes
1673 described in this subparagraph consistent with their adopted
1674 intergovernmental coordination elements.

1675 3. To foster coordination between special districts and
1676 local general-purpose governments as local general-purpose
1677 governments implement local comprehensive plans, each
1678 independent special district must submit a public facilities
1679 report to the appropriate local government as required by s.
1680 189.415.

1681 4.a. Local governments shall execute an interlocal
1682 agreement with the district school board, the county, and

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1683 nonexempt municipalities pursuant to s. 163.31777. The local
1684 government shall amend the intergovernmental coordination
1685 element to provide that coordination between the local
1686 government and school board is pursuant to the agreement and
1687 shall state the obligations of the local government under the
1688 agreement.

1689 b. Plan amendments that comply with this subparagraph are
1690 exempt from the provisions of s. 163.3187(1).

1691 5. The state land planning agency shall establish a
1692 schedule for phased completion and transmittal of plan
1693 amendments to implement subparagraphs 1., 2., and 3. from all
1694 jurisdictions so as to accomplish their adoption by December 31,
1695 1999. A local government may complete and transmit its plan
1696 amendments to carry out these provisions prior to the scheduled
1697 date established by the state land planning agency. The plan
1698 amendments are exempt from the provisions of s. 163.3187(1).

1699 6. By January 1, 2004, any county having a population
1700 greater than 100,000, and the municipalities and special
1701 districts within that county, shall submit a report to the
1702 Department of Community Affairs which:

1703 a. Identifies all existing or proposed interlocal service
1704 delivery agreements regarding the following: education; sanitary
1705 sewer; public safety; solid waste; drainage; potable water;
1706 parks and recreation; and transportation facilities.

1707 b. Identifies any deficits or duplication in the provision
1708 of services within its jurisdiction, whether capital or
1709 operational. Upon request, the Department of Community Affairs
1710 shall provide technical assistance to the local governments in
1711 identifying deficits or duplication.

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1712 7. Within 6 months after submission of the report, the
1713 Department of Community Affairs shall, through the appropriate
1714 regional planning council, coordinate a meeting of all local
1715 governments within the regional planning area to discuss the
1716 reports and potential strategies to remedy any identified
1717 deficiencies or duplications.

1718 8. Each local government shall update its intergovernmental
1719 coordination element based upon the findings in the report
1720 submitted pursuant to subparagraph 6. The report may be used as
1721 supporting data and analysis for the intergovernmental
1722 coordination element.

1723 Section 5. Paragraph (1) of subsection (2) of section
1724 163.3191, Florida Statutes, is amended to read:

1725 163.3191 Evaluation and appraisal of comprehensive plan.—

1726 (2) The report shall present an evaluation and assessment
1727 of the comprehensive plan and shall contain appropriate
1728 statements to update the comprehensive plan, including, but not
1729 limited to, words, maps, illustrations, or other media, related
1730 to:

1731 (1) The extent to which the local government has been
1732 successful in identifying alternative water supply projects and
1733 traditional water supply projects, including conservation and
1734 reuse, necessary to meet the water needs identified in s.
1735 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
1736 jurisdiction. The report must evaluate the degree to which the
1737 local government has implemented the work plan for building
1738 public, private, and regional water supply facilities, including
1739 development of alternative water supplies, identified in the
1740 element as necessary to serve existing and new development.

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1741 Section 6. Paragraphs (c) and (d) of subsection (4) of
1742 section 189.404, Florida Statutes, are amended to read:

1743 189.404 Legislative intent for the creation of independent
1744 special districts; special act prohibitions; model elements and
1745 other requirements; general-purpose local government/Governor
1746 and Cabinet creation authorizations.—

1747 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
1748 AUTHORIZATIONS.—Except as otherwise authorized by general law,
1749 only the Legislature may create independent special districts.

1750 (c) The Governor and Cabinet may create an independent
1751 special district which shall be established by rule in
1752 accordance with s. 190.005 or as otherwise authorized in general
1753 law. The Governor and Cabinet may also approve the establishment
1754 of a charter for the creation of an independent special district
1755 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
1756 otherwise authorized in general law.

1757 (d)1. Any combination of two or more counties may create a
1758 regional special district which shall be established in
1759 accordance with s. 950.001, or as otherwise authorized in
1760 general law.

1761 2. Any combination of two or more counties or
1762 municipalities may create a regional special district which
1763 shall be established in accordance with s. 373.713 ~~373.1962~~, or
1764 as otherwise authorized by general law.

1765 3. Any combination of two or more counties, municipalities,
1766 or other political subdivisions may create a regional special
1767 district in accordance with s. 163.567, or as otherwise
1768 authorized in general law.

1769 Section 7. Subsection (3) of section 189.4155, Florida

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1770 Statutes, is amended to read:

1771 189.4155 Activities of special districts; local government
1772 comprehensive planning.—

1773 (3) The provisions of this section shall not apply to water
1774 management districts created pursuant to s. 373.069, to regional
1775 water supply authorities created pursuant to s. 373.713
1776 ~~373.1962~~, or to spoil disposal sites owned or used by the
1777 Federal Government.

1778 Section 8. Section 189.4156, Florida Statutes, is amended
1779 to read:

1780 189.4156 Water management district technical assistance;
1781 local government comprehensive planning.—Water management
1782 districts shall assist local governments in the development of
1783 local government comprehensive plan elements related to water
1784 resource issues as required by s. 373.711 ~~373.0391~~.

1785 Section 9. Subsection (7) of section 367.021, Florida
1786 Statutes, is amended to read:

1787 367.021 Definitions.—As used in this chapter, the following
1788 words or terms shall have the meanings indicated:

1789 (7) "Governmental authority" means a political subdivision,
1790 as defined by s. 1.01(8), a regional water supply authority
1791 created pursuant to s. 373.713 ~~373.1962~~, or a nonprofit
1792 corporation formed for the purpose of acting on behalf of a
1793 political subdivision with respect to a water or wastewater
1794 facility.

1795 Section 10. Subsections (1) and (17) of section 373.019,
1796 Florida Statutes, are amended to read:

1797 373.019 Definitions.—When appearing in this chapter or in
1798 any rule, regulation, or order adopted pursuant thereto, the

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1799 term:

1800 (1) "Alternative water supplies" means salt water; brackish
1801 surface and groundwater; surface water captured predominately
1802 during wet-weather flows; sources made available through the
1803 addition of new storage capacity for surface or groundwater,
1804 water that has been reclaimed after one or more public supply,
1805 municipal, industrial, commercial, or agricultural uses; the
1806 downstream augmentation of water bodies with reclaimed water;
1807 stormwater; and any other water supply source that is designated
1808 as nontraditional for a water supply planning region in the
1809 applicable regional water supply plan.

1810 (17) "Regional water supply plan" means a detailed water
1811 supply plan developed by a governing board under s. 373.709 ~~s.~~
1812 ~~373.0361~~.

1813 Section 11. Paragraph (b) of subsection (2) and paragraph
1814 (b) of subsection (7) of section 373.036, Florida Statutes, are
1815 amended to read:

1816 373.036 Florida water plan; district water management
1817 plans.—

1818 (2) DISTRICT WATER MANAGEMENT PLANS.—

1819 (b) The district water management plan shall include, but
1820 not be limited to:

1821 1. The scientific methodologies for establishing minimum
1822 flows and levels under s. 373.042, and all established minimum
1823 flows and levels.

1824 2. Identification of one or more water supply planning
1825 regions that singly or together encompass the entire district.

1826 3. Technical data and information prepared under s. 373.711
1827 ~~373.0391~~.

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1828 4. A districtwide water supply assessment, to be completed
1829 no later than July 1, 1998, which determines for each water
1830 supply planning region:

1831 a. Existing legal uses, reasonably anticipated future
1832 needs, and existing and reasonably anticipated sources of water
1833 and conservation efforts; and

1834 b. Whether existing and reasonably anticipated sources of
1835 water and conservation efforts are adequate to supply water for
1836 all existing legal uses and reasonably anticipated future needs
1837 and to sustain the water resources and related natural systems.

1838 5. Any completed regional water supply plans.

1839 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.—

1840 (b) The consolidated annual report shall contain the
1841 following elements, as appropriate to that water management
1842 district:

1843 1. A district water management plan annual report or the
1844 annual work plan report allowed in subparagraph (2)(e)4.

1845 2. The department-approved minimum flows and levels annual
1846 priority list and schedule required by s. 373.042(2).

1847 3. The annual 5-year capital improvements plan required by
1848 s. 373.536(6)(a)3.

1849 4. The alternative water supplies annual report required by
1850 s. 373.707(8)(n) ~~373.1961(3)(n)~~.

1851 5. The final annual 5-year water resource development work
1852 program required by s. 373.536(6)(a)4.

1853 6. The Florida Forever Water Management District Work Plan
1854 annual report required by s. 373.199(7).

1855 7. The mitigation donation annual report required by s.
1856 373.414(1)(b)2.

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1857 Section 12. Paragraphs (a) and (e) of subsection (4) of
1858 section 373.0363, Florida Statutes, are amended to read:

1859 373.0363 Southern Water Use Caution Area Recovery
1860 Strategy.—

1861 (4) The West-Central Florida Water Restoration Action Plan
1862 includes:

1863 (a) The Central West Coast Surface Water Enhancement
1864 Initiative. The purpose of this initiative is to make additional
1865 surface waters available for public supply through restoration
1866 of surface waters, natural water flows, and freshwater wetland
1867 communities. This initiative is designed to allow limits on
1868 groundwater withdrawals in order to slow the rate of saltwater
1869 intrusion. The initiative shall be an ongoing program in
1870 cooperation with the Peace River-Manasota Regional Water Supply
1871 Authority created under s. 373.713 ~~373.1962~~.

1872 (e) The Central Florida Water Resource Development
1873 Initiative. The purpose of this initiative is to create and
1874 implement a long-term plan that takes a comprehensive approach
1875 to limit ground water withdrawals in the Southern Water Use
1876 Caution Area and to identify and develop alternative water
1877 supplies for Polk County. The project components developed
1878 pursuant to this initiative are eligible for state and regional
1879 funding under s. 373.707 ~~373.196~~ as an alternative water supply,
1880 as defined in s. 373.019, or as a supplemental water supply
1881 under the rules of the Southwest Florida Water Management
1882 District or the South Florida Water Management District. The
1883 initiative shall be implemented by the district as an ongoing
1884 program in cooperation with Polk County and the South Florida
1885 Water Management District.

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1886 Section 13. Subsection (2) of section 373.0421, Florida
1887 Statutes, is amended to read:

1888 373.0421 Establishment and implementation of minimum flows
1889 and levels.—

1890 (2) If the existing flow or level in a water body is below,
1891 or is projected to fall within 20 years below, the applicable
1892 minimum flow or level established pursuant to s. 373.042, the
1893 department or governing board, as part of the regional water
1894 supply plan described in s. 373.709 ~~373.0361~~, shall
1895 expeditiously implement a recovery or prevention strategy, which
1896 includes the development of additional water supplies and other
1897 actions, consistent with the authority granted by this chapter,
1898 to:

1899 (a) Achieve recovery to the established minimum flow or
1900 level as soon as practicable; or

1901 (b) Prevent the existing flow or level from falling below
1902 the established minimum flow or level.

1903
1904 The recovery or prevention strategy shall include phasing or a
1905 timetable which will allow for the provision of sufficient water
1906 supplies for all existing and projected reasonable-beneficial
1907 uses, including development of additional water supplies and
1908 implementation of conservation and other efficiency measures
1909 concurrent with, to the extent practical, and to offset,
1910 reductions in permitted withdrawals, consistent with the
1911 provisions of this chapter.

1912 Section 14. Subsection (4) of section 373.0695, Florida
1913 Statutes, is amended to read:

1914 373.0695 Duties of basin boards; authorized expenditures.—

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1915 (4) In the exercise of the duties and powers granted
1916 herein, the basin boards shall be subject to all the limitations
1917 and restrictions imposed on the water management districts in s.
1918 373.703 ~~373.1961~~.

1919 Section 15. Subsections (3) and (5) of section 373.223,
1920 Florida Statutes, are amended to read:

1921 373.223 Conditions for a permit.—

1922 (3) Except for the transport and use of water supplied by
1923 the Central and Southern Florida Flood Control Project, and
1924 anywhere in the state when the transport and use of water is
1925 supplied exclusively for bottled water as defined in s.
1926 500.03(1)(d), any water use permit applications pending as of
1927 April 1, 1998, with the Northwest Florida Water Management
1928 District and self-suppliers of water for which the proposed
1929 water source and area of use or application are located on
1930 contiguous private properties, when evaluating whether a
1931 potential transport and use of ground or surface water across
1932 county boundaries is consistent with the public interest,
1933 pursuant to paragraph (1)(c), the governing board or department
1934 shall consider:

1935 (a) The proximity of the proposed water source to the area
1936 of use or application.

1937 (b) All impoundments, streams, groundwater sources, or
1938 watercourses that are geographically closer to the area of use
1939 or application than the proposed source, and that are
1940 technically and economically feasible for the proposed transport
1941 and use.

1942 (c) All economically and technically feasible alternatives
1943 to the proposed source, including, but not limited to,

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1944 desalination, conservation, reuse of nonpotable reclaimed water
1945 and stormwater, and aquifer storage and recovery.

1946 (d) The potential environmental impacts that may result
1947 from the transport and use of water from the proposed source,
1948 and the potential environmental impacts that may result from use
1949 of the other water sources identified in paragraphs (b) and (c).

1950 (e) Whether existing and reasonably anticipated sources of
1951 water and conservation efforts are adequate to supply water for
1952 existing legal uses and reasonably anticipated future needs of
1953 the water supply planning region in which the proposed water
1954 source is located.

1955 (f) Consultations with local governments affected by the
1956 proposed transport and use.

1957 (g) The value of the existing capital investment in water-
1958 related infrastructure made by the applicant.

1959
1960 Where districtwide water supply assessments and regional water
1961 supply plans have been prepared pursuant to ss. 373.036 and
1962 373.709 ~~373.0361~~, the governing board or the department shall
1963 use the applicable plans and assessments as the basis for its
1964 consideration of the applicable factors in this subsection.

1965 (5) In evaluating an application for consumptive use of
1966 water which proposes the use of an alternative water supply
1967 project as described in the regional water supply plan and
1968 provides reasonable assurances of the applicant's capability to
1969 design, construct, operate, and maintain the project, the
1970 governing board or department shall presume that the alternative
1971 water supply use is consistent with the public interest under
1972 paragraph (1) (c). However, where the governing board identifies

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1973 the need for a multijurisdictional water supply entity or
1974 regional water supply authority to develop the alternative water
1975 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,
1976 the presumption shall be accorded only to that use proposed by
1977 such entity or authority. This subsection does not effect
1978 evaluation of the use pursuant to the provisions of paragraphs
1979 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
1980 373.233.

1981 Section 16. Section 373.2234, Florida Statutes, is amended
1982 to read:

1983 373.2234 Preferred water supply sources.—The governing
1984 board of a water management district is authorized to adopt
1985 rules that identify preferred water supply sources for
1986 consumptive uses for which there is sufficient data to establish
1987 that a preferred source will provide a substantial new water
1988 supply to meet the existing and projected reasonable-beneficial
1989 uses of a water supply planning region identified pursuant to s.
1990 373.709(1) ~~373.0361(1)~~, while sustaining existing water
1991 resources and natural systems. At a minimum, such rules must
1992 contain a description of the preferred water supply source and
1993 an assessment of the water the preferred source is projected to
1994 produce. If an applicant proposes to use a preferred water
1995 supply source, that applicant's proposed water use is subject to
1996 s. 373.223(1), except that the proposed use of a preferred water
1997 supply source must be considered by a water management district
1998 when determining whether a permit applicant's proposed use of
1999 water is consistent with the public interest pursuant to s.
2000 373.223(1)(c). A consumptive use permit issued for the use of a
2001 preferred water supply source must be granted, when requested by

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2002 the applicant, for at least a 20-year period and may be subject
2003 to the compliance reporting provisions of s. 373.236(4). Nothing
2004 in this section shall be construed to exempt the use of
2005 preferred water supply sources from the provisions of ss.
2006 373.016(4) and 373.223(2) and (3), or be construed to provide
2007 that permits issued for the use of a nonpreferred water supply
2008 source must be issued for a duration of less than 20 years or
2009 that the use of a nonpreferred water supply source is not
2010 consistent with the public interest. Additionally, nothing in
2011 this section shall be interpreted to require the use of a
2012 preferred water supply source or to restrict or prohibit the use
2013 of a nonpreferred water supply source. Rules adopted by the
2014 governing board of a water management district to implement this
2015 section shall specify that the use of a preferred water supply
2016 source is not required and that the use of a nonpreferred water
2017 supply source is not restricted or prohibited.

2018 Section 17. Subsection (3) of section 373.229, Florida
2019 Statutes, is amended to read:

2020 373.229 Application for permit.—

2021 (3) In addition to the information required in subsection
2022 (1), all permit applications filed with the governing board or
2023 the department which propose the transport and use of water
2024 across county boundaries shall include information pertaining to
2025 factors to be considered, pursuant to s. 373.223(3), unless
2026 exempt under s. 373.713(9) ~~373.1962(9)~~.

2027 Section 18. Paragraph (a) of subsection (6) of section
2028 373.236, Florida Statutes, is amended to read:

2029 373.236 Duration of permits; compliance reports.—

2030 (6) (a) The Legislature finds that the need for alternative

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2031 water supply development projects to meet anticipated public
2032 water supply demands of the state is so important that it is
2033 essential to encourage participation in and contribution to
2034 these projects by private-rural-land owners who
2035 characteristically have relatively modest near-term water
2036 demands but substantially increasing demands after the 20-year
2037 planning period in s. 373.709 ~~373.0361~~. Therefore, where such
2038 landowners make extraordinary contributions of lands or
2039 construction funding to enable the expeditious implementation of
2040 such projects, water management districts and the department may
2041 grant permits for such projects for a period of up to 50 years
2042 to municipalities, counties, special districts, regional water
2043 supply authorities, multijurisdictional water supply entities,
2044 and publicly or privately owned utilities, with the exception of
2045 any publicly or privately owned utilities created for or by a
2046 private landowner after April 1, 2008, which have entered into
2047 an agreement with the private landowner for the purpose of more
2048 efficiently pursuing alternative public water supply development
2049 projects identified in a district's regional water supply plan
2050 and meeting water demands of both the applicant and the
2051 landowner.

2052 Section 19. Paragraph (a) of subsection (6) of section
2053 373.536, Florida Statutes, is amended to read:

2054 373.536 District budget and hearing thereon.—

2055 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2056 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2057 (a) Each district must, by the date specified for each
2058 item, furnish copies of the following documents to the Governor,
2059 the President of the Senate, the Speaker of the House of

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2060 Representatives, the chairs of all legislative committees and
2061 subcommittees having substantive or fiscal jurisdiction over the
2062 districts, as determined by the President of the Senate or the
2063 Speaker of the House of Representatives as applicable, the
2064 secretary of the department, and the governing board of each
2065 county in which the district has jurisdiction or derives any
2066 funds for the operations of the district:

2067 1. The adopted budget, to be furnished within 10 days after
2068 its adoption.

2069 2. A financial audit of its accounts and records, to be
2070 furnished within 10 days after its acceptance by the governing
2071 board. The audit must be conducted in accordance with the
2072 provisions of s. 11.45 and the rules adopted thereunder. In
2073 addition to the entities named above, the district must provide
2074 a copy of the audit to the Auditor General within 10 days after
2075 its acceptance by the governing board.

2076 3. A 5-year capital improvements plan, to be included in
2077 the consolidated annual report required by s. 373.036(7). The
2078 plan must include expected sources of revenue for planned
2079 improvements and must be prepared in a manner comparable to the
2080 fixed capital outlay format set forth in s. 216.043.

2081 4. A 5-year water resource development work program to be
2082 furnished within 30 days after the adoption of the final budget.
2083 The program must describe the district's implementation strategy
2084 for the water resource development component of each approved
2085 regional water supply plan developed or revised under s. 373.709
2086 ~~373.0361~~. The work program must address all the elements of the
2087 water resource development component in the district's approved
2088 regional water supply plans and must identify which projects in

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2089 the work program will provide water, explain how each water
2090 resource development project will produce additional water
2091 available for consumptive uses, estimate the quantity of water
2092 to be produced by each project, and provide an assessment of the
2093 contribution of the district's regional water supply plans in
2094 providing sufficient water to meet the water supply needs of
2095 existing and future reasonable-beneficial uses for a 1-in-10-
2096 year drought event. Within 30 days after its submittal, the
2097 department shall review the proposed work program and submit its
2098 findings, questions, and comments to the district. The review
2099 must include a written evaluation of the program's consistency
2100 with the furtherance of the district's approved regional water
2101 supply plans, and the adequacy of proposed expenditures. As part
2102 of the review, the department shall give interested parties the
2103 opportunity to provide written comments on each district's
2104 proposed work program. Within 45 days after receipt of the
2105 department's evaluation, the governing board shall state in
2106 writing to the department which changes recommended in the
2107 evaluation it will incorporate into its work program submitted
2108 as part of the March 1 consolidated annual report required by s.
2109 373.036(7) or specify the reasons for not incorporating the
2110 changes. The department shall include the district's responses
2111 in a final evaluation report and shall submit a copy of the
2112 report to the Governor, the President of the Senate, and the
2113 Speaker of the House of Representatives.

2114 Section 20. Subsection (11) of section 373.59, Florida
2115 Statutes, is amended to read:

2116 373.59 Water Management Lands Trust Fund.—

2117 (11) Notwithstanding any provision of this section to the

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2118 contrary, the governing board of a water management district may
2119 request, and the Secretary of Environmental Protection shall
2120 release upon such request, moneys allocated to the districts
2121 pursuant to subsection (8) for purposes consistent with the
2122 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
2123 373.139, or ss. 373.451-373.4595 and for legislatively
2124 authorized land acquisition and water restoration initiatives.
2125 No funds may be used pursuant to this subsection until necessary
2126 debt service obligations, requirements for payments in lieu of
2127 taxes, and land management obligations that may be required by
2128 this chapter are provided for.

2129 Section 21. Paragraph (g) of subsection (1) of section
2130 378.212, Florida Statutes, is amended to read:

2131 378.212 Variances.—

2132 (1) Upon application, the secretary may grant a variance
2133 from the provisions of this part or the rules adopted pursuant
2134 thereto. Variances and renewals thereof may be granted for any
2135 one of the following reasons:

2136 (g) To accommodate reclamation that provides water supply
2137 development or water resource development not inconsistent with
2138 the applicable regional water supply plan approved pursuant to
2139 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
2140 the water resources in the basin. A variance may also be granted
2141 from the requirements of part IV of chapter 373, or the rules
2142 adopted thereunder, when a project provides an improvement in
2143 water availability in the basin and does not cause adverse
2144 impacts to water resources in the basin.

2145 Section 22. Subsection (9) of section 378.404, Florida
2146 Statutes, is amended to read:

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2147 378.404 Department of Environmental Protection; powers and
2148 duties.—The department shall have the following powers and
2149 duties:

2150 (9) To grant variances from the provisions of this part to
2151 accommodate reclamation that provides for water supply
2152 development or water resource development not inconsistent with
2153 the applicable regional water supply plan approved pursuant to
2154 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
2155 wildlife habitat, recreation, or a mixture thereof, provided
2156 adverse impacts are not caused to the water resources in the
2157 basin and public health and safety are not adversely affected.

2158 Section 23. Paragraph (a) of subsection (3) of section
2159 403.0891, Florida Statutes, is amended to read:

2160 403.0891 State, regional, and local stormwater management
2161 plans and programs.—The department, the water management
2162 districts, and local governments shall have the responsibility
2163 for the development of mutually compatible stormwater management
2164 programs.

2165 (3) (a) Each local government required by chapter 163 to
2166 submit a comprehensive plan, whose plan is submitted after July
2167 1, 1992, and the others when updated after July 1, 1992, in the
2168 development of its stormwater management program described by
2169 elements within its comprehensive plan shall consider the water
2170 resource implementation rule, district stormwater management
2171 goals, plans approved pursuant to the Surface Water Improvement
2172 and Management Act, ss. 373.451-373.4595, and technical
2173 assistance information provided by the water management
2174 districts pursuant to s. 373.711 ~~373.0391~~.

2175 Section 24. Section 403.890, Florida Statutes, is amended

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2176 to read:

2177 403.890 Water Protection and Sustainability Program;
2178 intent; goals; purposes.—

2179 ~~(1) Effective July 1, 2006, revenues transferred from the~~
2180 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~
2181 ~~deposited into the Water Protection and Sustainability Program~~
2182 ~~Trust Fund in the Department of Environmental Protection. These~~
2183 ~~revenues and any other additional revenues deposited into or~~
2184 ~~appropriated to the Water Protection and Sustainability Program~~
2185 ~~Trust Fund shall be distributed by the Department of~~
2186 ~~Environmental Protection in the following manner:~~

2187 ~~(a) Sixty percent to the Department of Environmental~~
2188 ~~Protection for the implementation of an alternative water supply~~
2189 ~~program as provided in s. 373.1961.~~

2190 ~~(b) Twenty percent for the implementation of best~~
2191 ~~management practices and capital project expenditures necessary~~
2192 ~~for the implementation of the goals of the total maximum daily~~
2193 ~~load program established in s. 403.067. Of these funds, 85~~
2194 ~~percent shall be transferred to the credit of the Department of~~
2195 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
2196 ~~address water quality impacts associated with nonagricultural~~
2197 ~~nonpoint sources. Fifteen percent of these funds shall be~~
2198 ~~transferred to the Department of Agriculture and Consumer~~
2199 ~~Services General Inspection Trust Fund to address water quality~~
2200 ~~impacts associated with agricultural nonpoint sources. These~~
2201 ~~funds shall be used for research, development, demonstration,~~
2202 ~~and implementation of the total maximum daily load program under~~
2203 ~~s. 403.067, suitable best management practices or other measures~~
2204 ~~used to achieve water quality standards in surface waters and~~

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2205 ~~water segments identified pursuant to s. 303(d) of the Clean~~
2206 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
2207 ~~Implementation of best management practices and other measures~~
2208 ~~may include cost share grants, technical assistance,~~
2209 ~~implementation tracking, and conservation leases or other~~
2210 ~~agreements for water quality improvement. The Department of~~
2211 ~~Environmental Protection and the Department of Agriculture and~~
2212 ~~Consumer Services may adopt rules governing the distribution of~~
2213 ~~funds for implementation of capital projects, best management~~
2214 ~~practices, and other measures. These funds shall not be used to~~
2215 ~~abrogate the financial responsibility of those point and~~
2216 ~~nonpoint sources that have contributed to the degradation of~~
2217 ~~water or land areas. Increased priority shall be given by the~~
2218 ~~department and the water management district governing boards to~~
2219 ~~those projects that have secured a cost sharing agreement~~
2220 ~~allocating responsibility for the cleanup of point and nonpoint~~
2221 ~~sources.~~

2222 ~~(c) Ten percent shall be disbursed for the purposes of~~
2223 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~
2224 ~~water restoration activities in water management district-~~
2225 ~~designated priority water bodies. The Secretary of Environmental~~
2226 ~~Protection shall ensure that each water management district~~
2227 ~~receives the following percentage of funds annually:~~

2228 ~~1. Thirty five percent to the South Florida Water~~
2229 ~~Management District;~~

2230 ~~2. Twenty five percent to the Southwest Florida Water~~
2231 ~~Management District;~~

2232 ~~3. Twenty five percent to the St. Johns River Water~~
2233 ~~Management District;~~

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2234 ~~4. Seven and one-half percent to the Suwannee River Water~~
2235 ~~Management District; and~~

2236 ~~5. Seven and one-half percent to the Northwest Florida~~
2237 ~~Water Management District.~~

2238 ~~(d) Ten percent to the Department of Environmental~~
2239 ~~Protection for the Disadvantaged Small Community Wastewater~~
2240 ~~Grant Program as provided in s. 403.1838.~~

2241 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~
2242 ~~revenues transferred from the Department of Revenue pursuant to~~
2243 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~
2244 ~~and Sustainability Program Trust Fund in the Department of~~
2245 ~~Environmental Protection. These revenues and any other~~
2246 ~~additional Revenues deposited into or appropriated to the Water~~
2247 ~~Protection and Sustainability Program Trust Fund shall be~~
2248 ~~distributed by the Department of Environmental Protection in the~~
2249 ~~following manner:~~

2250 ~~(1)~~ (a) Sixty-five percent to the Department of
2251 Environmental Protection for the implementation of an
2252 alternative water supply program as provided in s. 373.707
2253 ~~373.1961.~~

2254 ~~(2)~~ (b) Twenty-two and five-tenths percent for the
2255 implementation of best management practices and capital project
2256 expenditures necessary for the implementation of the goals of
2257 the total maximum daily load program established in s. 403.067.
2258 Of these funds, 83.33 percent shall be transferred to the credit
2259 of the Department of Environmental Protection Water Quality
2260 Assurance Trust Fund to address water quality impacts associated
2261 with nonagricultural nonpoint sources. Sixteen and sixty-seven
2262 hundredths percent of these funds shall be transferred to the

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2263 Department of Agriculture and Consumer Services General
2264 Inspection Trust Fund to address water quality impacts
2265 associated with agricultural nonpoint sources. These funds shall
2266 be used for research, development, demonstration, and
2267 implementation of the total maximum daily load program under s.
2268 403.067, suitable best management practices or other measures
2269 used to achieve water quality standards in surface waters and
2270 water segments identified pursuant to s. 303(d) of the Clean
2271 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
2272 Implementation of best management practices and other measures
2273 may include cost-share grants, technical assistance,
2274 implementation tracking, and conservation leases or other
2275 agreements for water quality improvement. The Department of
2276 Environmental Protection and the Department of Agriculture and
2277 Consumer Services may adopt rules governing the distribution of
2278 funds for implementation of capital projects, best management
2279 practices, and other measures. These funds shall not be used to
2280 abrogate the financial responsibility of those point and
2281 nonpoint sources that have contributed to the degradation of
2282 water or land areas. Increased priority shall be given by the
2283 department and the water management district governing boards to
2284 those projects that have secured a cost-sharing agreement
2285 allocating responsibility for the cleanup of point and nonpoint
2286 sources.

2287 (3)~~(e)~~ Twelve and five-tenths percent to the Department of
2288 Environmental Protection for the Disadvantaged Small Community
2289 Wastewater Grant Program as provided in s. 403.1838.

2290 (4)~~(d)~~ On June 30, 2009, and every 24 months thereafter,
2291 the Department of Environmental Protection shall request the

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2292 return of all unencumbered funds distributed pursuant to this
2293 section. These funds shall be deposited into the Water
2294 Protection and Sustainability Program Trust Fund and
2295 redistributed pursuant to the provisions of this section.

2296 ~~(3) For the 2008-2009 fiscal year only, moneys in the Water~~
2297 ~~Protection and Sustainability Program Trust Fund shall be~~
2298 ~~transferred to the Ecosystem Management and Restoration Trust~~
2299 ~~Fund for grants and aids to local governments for water projects~~
2300 ~~as provided in the General Appropriations Act. This subsection~~
2301 ~~expires July 1, 2009.~~

2302 ~~(4) For fiscal year 2005-2006, funds deposited or~~
2303 ~~appropriated into the Water Protection and Sustainability~~
2304 ~~Program Trust Fund shall be distributed as follows:~~

2305 ~~(a) One hundred million dollars to the Department of~~
2306 ~~Environmental Protection for the implementation of an~~
2307 ~~alternative water supply program as provided in s. 373.1961.~~

2308 ~~(b) Funds remaining after the distribution provided for in~~
2309 ~~subsection (1) shall be distributed as follows:~~

2310 ~~1. Fifty percent for the implementation of best management~~
2311 ~~practices and capital project expenditures necessary for the~~
2312 ~~implementation of the goals of the total maximum daily load~~
2313 ~~program established in s. 403.067. Of these funds, 85 percent~~
2314 ~~shall be transferred to the credit of the Department of~~
2315 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
2316 ~~address water quality impacts associated with nonagricultural~~
2317 ~~nonpoint sources. Fifteen percent of these funds shall be~~
2318 ~~transferred to the Department of Agriculture and Consumer~~
2319 ~~Services General Inspection Trust Fund to address water quality~~
2320 ~~impacts associated with agricultural nonpoint sources. These~~

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2321 ~~funds shall be used for research, development, demonstration,~~
2322 ~~and implementation of suitable best management practices or~~
2323 ~~other measures used to achieve water quality standards in~~
2324 ~~surface waters and water segments identified pursuant to s.~~
2325 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~
2326 ~~1251 et seq. Implementation of best management practices and~~
2327 ~~other measures may include cost-share grants, technical~~
2328 ~~assistance, implementation tracking, and conservation leases or~~
2329 ~~other agreements for water quality improvement. The Department~~
2330 ~~of Environmental Protection and the Department of Agriculture~~
2331 ~~and Consumer Services may adopt rules governing the distribution~~
2332 ~~of funds for implementation of best management practices. These~~
2333 ~~funds shall not be used to abrogate the financial responsibility~~
2334 ~~of those point and nonpoint sources that have contributed to the~~
2335 ~~degradation of water or land areas. Increased priority shall be~~
2336 ~~given by the department and the water management district~~
2337 ~~governing boards to those projects that have secured a cost-~~
2338 ~~sharing agreement allocating responsibility for the cleanup of~~
2339 ~~point and nonpoint sources.~~

2340 ~~2. Twenty five percent for the purposes of funding projects~~
2341 ~~pursuant to ss. 373.451-373.459 or surface water restoration~~
2342 ~~activities in water-management-district-designated priority~~
2343 ~~water bodies. The Secretary of Environmental Protection shall~~
2344 ~~ensure that each water management district receives the~~
2345 ~~following percentage of funds annually:~~

2346 ~~a. Thirty five percent to the South Florida Water~~
2347 ~~Management District;~~

2348 ~~b. Twenty five percent to the Southwest Florida Water~~
2349 ~~Management District;~~

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2350 ~~e. Twenty five percent to the St. Johns River Water~~
2351 ~~Management District;~~

2352 ~~d. Seven and one-half percent to the Suwannee River Water~~
2353 ~~Management District; and~~

2354 ~~e. Seven and one-half percent to the Northwest Florida~~
2355 ~~Water Management District.~~

2356 ~~3. Twenty-five percent to the Department of Environmental~~
2357 ~~Protection for the Disadvantaged Small Community Wastewater~~
2358 ~~Grant Program as provided in s. 403.1838.~~

2359
2360 ~~Prior to the end of the 2008 Regular Session, the Legislature~~
2361 ~~must review the distribution of funds under the Water Protection~~
2362 ~~and Sustainability Program to determine if revisions to the~~
2363 ~~funding formula are required. At the discretion of the President~~
2364 ~~of the Senate and the Speaker of the House of Representatives,~~
2365 ~~the appropriate substantive committees of the Legislature may~~
2366 ~~conduct an interim project to review the Water Protection and~~
2367 ~~Sustainability Program and the funding formula and make written~~
2368 ~~recommendations to the Legislature proposing necessary changes,~~
2369 ~~if any.~~

2370 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~
2371 ~~distributed as follows:~~

2372 ~~(a) Thirty one and twenty one hundredths percent to the~~
2373 ~~Department of Environmental Protection for the implementation of~~
2374 ~~an alternative water supply program as provided in s. 373.1961.~~

2375 ~~(b) Twenty six and eighty seven hundredths percent for the~~
2376 ~~implementation of best management practices and capital project~~
2377 ~~expenditures necessary for the implementation of the goals of~~
2378 ~~the total maximum daily load program established in s. 403.067.~~

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2379 ~~Of these funds, 86 percent shall be transferred to the credit of~~
2380 ~~the Water Quality Assurance Trust Fund of the Department of~~
2381 ~~Environmental Protection to address water quality impacts~~
2382 ~~associated with nonagricultural nonpoint sources. Fourteen~~
2383 ~~percent of these funds shall be transferred to the General~~
2384 ~~Inspection Trust Fund of the Department of Agriculture and~~
2385 ~~Consumer Services to address water quality impacts associated~~
2386 ~~with agricultural nonpoint sources. These funds shall be used~~
2387 ~~for research, development, demonstration, and implementation of~~
2388 ~~the total maximum daily load program under s. 403.067, suitable~~
2389 ~~best management practices, or other measures used to achieve~~
2390 ~~water quality standards in surface waters and water segments~~
2391 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~
2392 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
2393 ~~management practices and other measures may include cost-share~~
2394 ~~grants, technical assistance, implementation tracking, and~~
2395 ~~conservation leases or other agreements for water quality~~
2396 ~~improvement. The Department of Environmental Protection and the~~
2397 ~~Department of Agriculture and Consumer Services may adopt rules~~
2398 ~~governing the distribution of funds for implementation of~~
2399 ~~capital projects, best management practices, and other measures.~~
2400 ~~These funds may not be used to abrogate the financial~~
2401 ~~responsibility of those point and nonpoint sources that have~~
2402 ~~contributed to the degradation of water or land areas. Increased~~
2403 ~~priority shall be given by the department and the water~~
2404 ~~management district governing boards to those projects that have~~
2405 ~~secured a cost-sharing agreement that allocates responsibility~~
2406 ~~for the cleanup of point and nonpoint sources.~~

2407 ~~(c) Forty one and ninety two hundredths percent to the~~

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2408 ~~Department of Environmental Protection for the Disadvantaged~~
2409 ~~Small Community Wastewater Grant Program as provided in s.~~
2410 ~~403.1838.~~

2411
2412 ~~This subsection expires July 1, 2010.~~

2413 Section 25. Subsection (1) of section 403.891, Florida
2414 Statutes, is amended to read:

2415 403.891 Water Protection and Sustainability Program Trust
2416 Fund of the Department of Environmental Protection.—

2417 (1) The Water Protection and Sustainability Program Trust
2418 Fund is created within the Department of Environmental
2419 Protection. The purpose of the trust fund is to ~~receive funds~~
2420 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~
2421 ~~for in law and the General Appropriations Act, and funds~~
2422 ~~received by the department in order to~~ implement the provisions
2423 ~~of the~~ Water Sustainability and Protection Program created in s.
2424 403.890.

2425 Section 26. Section 682.02, Florida Statutes, is amended to
2426 read:

2427 682.02 Arbitration agreements made valid, irrevocable, and
2428 enforceable; scope.—Two or more parties may agree in writing to
2429 submit to arbitration any controversy existing between them at
2430 the time of the agreement, or they may include in a written
2431 contract a provision for the settlement by arbitration of any
2432 controversy thereafter arising between them relating to such
2433 contract or the failure or refusal to perform the whole or any
2434 part thereof. This section also applies to written interlocal
2435 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
2436 more parties agree to submit to arbitration any controversy

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2437 between them concerning water use permit applications and other
2438 matters, regardless of whether or not the water management
2439 district with jurisdiction over the subject application is a
2440 party to the interlocal agreement or a participant in the
2441 arbitration. Such agreement or provision shall be valid,
2442 enforceable, and irrevocable without regard to the justiciable
2443 character of the controversy; provided that this act shall not
2444 apply to any such agreement or provision to arbitrate in which
2445 it is stipulated that this law shall not apply or to any
2446 arbitration or award thereunder.

2447 Section 27. Section 373.71, Florida Statutes, is renumbered
2448 as section 373.69, Florida Statutes.

2449 Section 28. Sections 373.0361, 373.0391, 373.0831, 373.196,
2450 373.1961, 373.1962, and 373.1963, Florida Statutes, are
2451 repealed.

2452 Section 29. Paragraphs (a), (b), (c), and (f) of subsection
2453 (3) of section 373.1961, Florida Statutes, is amended to read:

2454 373.1961 Water production; general powers and duties;
2455 identification of needs; funding criteria; economic incentives;
2456 reuse funding.—

2457 (3) FUNDING.—

2458 (a) The water management districts and the state shall
2459 share a percentage of revenues with water providers and users,
2460 including local governments, water, wastewater, and reuse
2461 utilities, municipal, special district, industrial, and
2462 agricultural water users, and other public and private water
2463 users, to be used to supplement other funding sources in the
2464 development of alternative water supplies and conservation
2465 projects that result in quantifiable water savings.

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2466 (b) Beginning in fiscal year 2005-2006, the state shall
2467 annually provide a portion of those revenues deposited into the
2468 Water Protection and Sustainability Program Trust Fund for the
2469 purpose of providing funding assistance for the development of
2470 alternative water supplies and conservation projects that result
2471 in quantifiable water savings pursuant to the Water Protection
2472 and Sustainability Program. At the beginning of each fiscal
2473 year, beginning with fiscal year 2005-2006, such revenues shall
2474 be distributed by the department into the alternative water
2475 supply trust fund accounts created by each district for the
2476 purpose of alternative water supply development under the
2477 following funding formula:

2478 1. Thirty percent to the South Florida Water Management
2479 District;

2480 2. Twenty-five percent to the Southwest Florida Water
2481 Management District;

2482 3. Twenty-five percent to the St. Johns River Water
2483 Management District;

2484 4. Ten percent to the Suwannee River Water Management
2485 District; and

2486 5. Ten percent to the Northwest Florida Water Management
2487 District.

2488 (c) The financial assistance for alternative water supply
2489 projects allocated in each district's budget as required in s.
2490 373.196(6) shall be combined with the state funds and used to
2491 assist in funding the project construction costs of alternative
2492 water supply projects and the project costs of conservation
2493 projects that result in quantifiable water savings selected by
2494 the governing board. If the district has not completed any

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2495 regional water supply plan, or the regional water supply plan
2496 does not identify the need for any alternative water supply
2497 projects, funds deposited in that district's trust fund may be
2498 used for water resource development projects, including, but not
2499 limited to, springs protection.

2500 (f) The governing boards shall determine those projects
2501 that will be selected for financial assistance. The governing
2502 boards may establish factors to determine project funding;
2503 however, significant weight shall be given to the following
2504 factors:

2505 1. Whether the project provides substantial environmental
2506 benefits by preventing or limiting adverse water resource
2507 impacts.

2508 2. Whether the project reduces competition for water
2509 supplies.

2510 3. Whether the project brings about replacement of
2511 traditional sources in order to help implement a minimum flow or
2512 level or a reservation.

2513 4. Whether the project will be implemented by a consumptive
2514 use permittee that has achieved the targets contained in a goal-
2515 based water conservation program approved pursuant to s.
2516 373.227.

2517 5. The quantity of water supplied by the project as
2518 compared to its cost.

2519 6. Projects in which the construction and delivery to end
2520 users of reuse water is a major component.

2521 7. Whether the project will be implemented by a
2522 multijurisdictional water supply entity or regional water supply
2523 authority.

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2524 8. Whether the project implements reuse that assists in the
2525 elimination of domestic wastewater ocean outfalls as provided in
2526 s. 403.086(9).

2527 9. Whether the county or municipality, or the multiple
2528 counties or municipalities, in which the project is located has
2529 implemented a high-water recharge protection tax assessment
2530 program as provided in s. 193.625.

2531 Section 30. Paragraph (a) of subsection (19) of section
2532 373.414, Florida Statutes, is amended to read:

2533 373.414 Additional criteria for activities in surface
2534 waters and wetlands.—

2535 (19) (a) Financial responsibility for mitigation for
2536 wetlands and other surface waters required by a permit issued
2537 pursuant to this part for activities associated with the
2538 extraction of limestone and phosphate are subject to approval by
2539 the department as part of the permit application review.
2540 Financial responsibility for permitted activities that ~~which~~
2541 will occur over a period of 3 years or less of mining operations
2542 must be provided to the department before ~~prior to~~ the
2543 commencement of mining operations and must ~~shall be in an amount~~
2544 equal ~~to~~ 110 percent of the estimated mitigation costs for
2545 wetlands and other surface waters affected under the permit. For
2546 permitted activities that ~~which~~ will occur over a period of more
2547 than 3 years of mining operations, the initial financial
2548 responsibility demonstration must ~~shall be in an amount~~ equal ~~to~~
2549 110 percent of the estimated mitigation costs for wetlands and
2550 other surface waters affected in the first 3 years of operation
2551 under the permit. ~~and,~~ For each year thereafter, the financial
2552 responsibility demonstration must ~~shall~~ be updated, including

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2553 ~~providing to provide~~ an amount equal to 110 percent of the
2554 estimated mitigation costs for the next year of operations under
2555 the permit for which financial responsibility has not already
2556 been demonstrated and to release portions of the financial
2557 responsibility mechanisms in accordance with applicable rules.

2558 Section 31. Subsection (2) of section 378.901, Florida
2559 Statutes, is amended to read:

2560 378.901 Life-of-the-mine permit.—

2561 (2) As an alternative to, and in lieu of, separate
2562 applications for permits required under ~~by~~ part IV of chapter
2563 373 and part IV of this chapter, any ~~each~~ operator who mines or
2564 extracts or proposes to mine or extract heavy minerals,
2565 limestone, or fuller's earth clay may apply to the bureau for a
2566 life-of-the-mine permit. This subsection does not limit the
2567 authority of a local government to approve, approve with
2568 conditions, deny, or impose a permit duration that is different
2569 from the duration issued pursuant to this section.

2570 Section 32. Subsections (2), (5), and (9) of section
2571 373.41492, Florida Statutes, are amended to read:

2572 373.41492 Miami-Dade County Lake Belt Mitigation Plan;
2573 mitigation for mining activities within the Miami-Dade County
2574 Lake Belt.—

2575 (2) To provide for the mitigation of wetland resources lost
2576 to mining activities within the Miami-Dade County Lake Belt
2577 Plan, effective October 1, 1999, a mitigation fee is imposed on
2578 each ton of limerock and sand extracted by any person who
2579 engages in the business of extracting limerock or sand from
2580 within the Miami-Dade County Lake Belt Area and the east one-
2581 half of sections 24 and 25 and all of sections 35 and 36,

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2582 Township 53 South, Range 39 East. The mitigation fee is imposed
2583 for each ton of limerock and sand sold from within the
2584 properties where the fee applies in raw, processed, or
2585 manufactured form, including, but not limited to, sized
2586 aggregate, asphalt, cement, concrete, and other limerock and
2587 concrete products. The mitigation fee imposed by this subsection
2588 for each ton of limerock and sand sold shall be 12 cents per ton
2589 beginning January 1, 2007; 18 cents per ton beginning January 1,
2590 2008; ~~and~~ 24 cents per ton beginning January 1, 2009, and 45
2591 cents per ton beginning close of business December 31, 2011. To
2592 upgrade a water treatment plant that treats water coming from
2593 the Northwest Wellfield in Miami-Dade County, a water treatment
2594 plant upgrade fee is imposed within the same Lake Belt Area
2595 subject to the mitigation fee and upon the same kind of mined
2596 limerock and sand subject to the mitigation fee. The water
2597 treatment plant upgrade fee imposed by this subsection for each
2598 ton of limerock and sand sold shall be 15 cents per ton
2599 beginning on January 1, 2007, and the collection of this fee
2600 shall cease once the total amount of proceeds collected for this
2601 fee reaches the amount of the actual moneys necessary to design
2602 and construct the water treatment plant upgrade, as determined
2603 in an open, public solicitation process. Any limerock or sand
2604 that is used within the mine from which the limerock or sand is
2605 extracted is exempt from the fees. The amount of the mitigation
2606 fee and the water treatment plant upgrade fee imposed under this
2607 section must be stated separately on the invoice provided to the
2608 purchaser of the limerock or sand product from the limerock or
2609 sand miner, or its subsidiary or affiliate, for which the fee or
2610 fees apply. The limerock or sand miner, or its subsidiary or

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2611 affiliate, who sells the limerock or sand product shall collect
2612 the mitigation fee and the water treatment plant upgrade fee and
2613 forward the proceeds of the fees to the Department of Revenue on
2614 or before the 20th day of the month following the calendar month
2615 in which the sale occurs.

2616 (5) Each January 1, beginning January 1, 2010, through
2617 December 31, 2011, Beginning January 1, 2010, and each January 1
2618 ~~thereafter,~~ the per-ton mitigation fee shall be increased by 2.1
2619 percentage points, plus a cost growth index. The cost growth
2620 index shall be the percentage change in the weighted average of
2621 the Employment Cost Index for All Civilian Workers (ecu 10001I),
2622 issued by the United States Department of Labor for the most
2623 recent 12-month period ending on September 30, and the
2624 percentage change in the Producer Price Index for All
2625 Commodities (WPU 00000000), issued by the United States
2626 Department of Labor for the most recent 12-month period ending
2627 on September 30, compared to the weighted average of these
2628 indices for the previous year. The weighted average shall be
2629 calculated as 0.6 times the percentage change in the Employment
2630 Cost Index for All Civilian Workers (ecu 10001I), plus 0.4 times
2631 the percentage change in the Producer Price Index for All
2632 Commodities (WPU 00000000). If either index is discontinued, it
2633 shall be replaced by its successor index, as identified by the
2634 United States Department of Labor.

2635 (9) (a) The interagency committee established in this
2636 section shall annually prepare and submit to the governing board
2637 of the South Florida Water Management District a report
2638 evaluating the mitigation costs and revenues generated by the
2639 mitigation fee.

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2640 (b) No sooner than January 31, 2010, and no more frequently
2641 than every 2 ~~5~~ years thereafter, the interagency committee shall
2642 submit to the Legislature a report recommending any needed
2643 adjustments to the mitigation fee, including the annual
2644 escalator provided for in subsection (5), to ensure that the
2645 revenue generated reflects the actual costs of the mitigation.

2646 Section 33. Subsection (1) of section 215.619, Florida
2647 Statutes, is amended to read:

2648 215.619 Bonds for Everglades restoration.—

2649 (1) The issuance of Everglades restoration bonds to finance
2650 or refinance the cost of the acquisition and improvement of
2651 land, water areas, and related property interests and resources
2652 for the purpose of implementing the Comprehensive Everglades
2653 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
2654 Protection Plan under s. 373.4595, the Caloosahatchee River
2655 Watershed Protection Plan under s. 373.4595, the St. Lucie River
2656 Watershed Protection Plan under s. 373.4595, and the Florida
2657 Keys Area of Critical State Concern protection program under ss.
2658 380.05 and 380.0552 in order to restore and conserve natural
2659 systems through the implementation of water management projects,
2660 including wastewater management projects identified in the “Keys
2661 Wastewater Plan,” dated November 2007, and submitted to the
2662 Florida House of Representatives on December 4, 2007, is
2663 authorized in accordance with s. 11(e), Art. VII of the State
2664 Constitution.

2665 (a) Everglades restoration bonds, except refunding bonds,
2666 may be issued only in fiscal years 2002-2003 through 2019-2020
2667 and may not be issued in an amount exceeding \$100 million per
2668 fiscal year unless:

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2669 ~~1.(a)~~ The Department of Environmental Protection has
2670 requested additional amounts in order to achieve cost savings or
2671 accelerate the purchase of land; or

2672 ~~2.(b)~~ The Legislature authorizes an additional amount of
2673 bonds not to exceed \$200 million, and limited to \$50 million per
2674 fiscal year, for no more than 4 fiscal years, specifically for
2675 the purpose of funding the Florida Keys Area of Critical State
2676 Concern protection program. Proceeds from the bonds shall be
2677 managed by the Department of Environmental Protection for the
2678 purpose of entering into financial assistance agreements with
2679 local governments located in the Florida Keys Area of Critical
2680 State Concern to finance or refinance the cost of constructing
2681 sewage collection, treatment, and disposal facilities.

2682 (b) The duration of Everglades restoration bonds may not
2683 exceed 20 annual maturities, ~~and these bonds~~ must mature by
2684 December 31, 2040. Except for refunding bonds, a series of bonds
2685 may not be issued unless an amount equal to the debt service
2686 coming due in the year of issuance has been appropriated by the
2687 Legislature. Beginning July 1, 2010, the Legislature shall
2688 analyze the ratio of the state's debt to projected revenues
2689 before authorizing the issuance of ~~prior to the authorization to~~
2690 ~~issue any~~ bonds under this section.

2691 Section 34. Subsections (2), (4), (7), and (9) of section
2692 380.0552, Florida Statutes, are amended to read:

2693 380.0552 Florida Keys Area; protection and designation as
2694 area of critical state concern.—

2695 (2) LEGISLATIVE INTENT.—It is ~~hereby declared that the~~
2696 intent of the Legislature to is:

2697 (a) ~~To~~ Establish a land use management system that protects

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2698 the natural environment of the Florida Keys.

2699 (b) ~~To~~ Establish a land use management system that
2700 conserves and promotes the community character of the Florida
2701 Keys.

2702 (c) ~~To~~ Establish a land use management system that promotes
2703 orderly and balanced growth in accordance with the capacity of
2704 available and planned public facilities and services.

2705 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to
2706 places of employment in the Florida Keys.

2707 (e) ~~To~~ Establish a land use management system that promotes
2708 and supports a diverse and sound economic base.

2709 (f) ~~To~~ Protect the constitutional rights of property owners
2710 to own, use, and dispose of their real property.

2711 (g) ~~To~~ Promote coordination and efficiency among
2712 governmental agencies that have ~~with~~ permitting jurisdiction
2713 over land use activities in the Florida Keys.

2714 (h) Promote an appropriate land acquisition and protection
2715 strategy for environmentally sensitive lands within the Florida
2716 Keys.

2717 (i) Protect and improve the nearshore water quality of the
2718 Florida Keys through the construction and operation of
2719 wastewater management facilities that meet the requirements of
2720 ss. 381.0065(4)(1) and 403.086(10), as applicable.

2721 (j) Ensure that the population of the Florida Keys can be
2722 safely evacuated.

2723 (4) REMOVAL OF DESIGNATION.—

2724 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~
2725 ~~land planning agency shall submit a written report to the~~
2726 ~~Administration Commission describing in detail the progress of~~

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2727 ~~the Florida Keys Area toward accomplishing the tasks of the work~~
2728 ~~program as defined in paragraph (c) and providing a~~
2729 ~~recommendation as to whether substantial progress toward~~
2730 ~~accomplishing the tasks of the work program has been achieved.~~
2731 ~~Subsequent to receipt of the report, the Administration~~
2732 ~~Commission shall determine, prior to October 1, 2008, whether~~
2733 ~~substantial progress has been achieved toward accomplishing the~~
2734 ~~tasks of the work program. The designation of the Florida Keys~~
2735 ~~Area as an area of critical state concern under this section may~~
2736 ~~be recommended for removal upon fulfilling the legislative~~
2737 ~~intent under subsection (2) and completion of all the work~~
2738 ~~program tasks specified in rules of the Administration~~
2739 ~~Commission shall be removed October 1, 2009, unless the~~
2740 ~~Administration Commission finds, after receipt of the state land~~
2741 ~~planning agency report, that substantial progress has not been~~
2742 ~~achieved toward accomplishing the tasks of the work program. If~~
2743 ~~the designation of the Florida Keys Area as an area of critical~~
2744 ~~state concern is removed, the Administration Commission, within~~
2745 ~~60 days after removal of the designation, shall initiate~~
2746 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~
2747 ~~to the designation of the Florida Keys Area as an area of~~
2748 ~~critical state concern. If, after receipt of the state land~~
2749 ~~planning agency's report, the Administration Commission finds~~
2750 ~~that substantial progress toward accomplishing the tasks of the~~
2751 ~~work program has not been achieved, the Administration~~
2752 ~~Commission shall provide a written report to the Monroe County~~
2753 ~~Commission within 30 days after making such finding detailing~~
2754 ~~the tasks under the work program that must be accomplished in~~
2755 ~~order for substantial progress to be achieved within the next 12~~

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2756 months.

2757 (b) Beginning November 30, 2010, the state land planning
2758 agency shall annually submit a written report to the
2759 Administration Commission describing the progress of the Florida
2760 Keys Area toward completing the work program tasks specified in
2761 commission rules. The land planning agency shall recommend
2762 removing the Florida Keys Area from being designated as an area
2763 of critical state concern to the commission if it determines
2764 that:

2765 1. All of the work program tasks have been completed,
2766 including construction of, operation of, and connection to
2767 central wastewater management facilities pursuant to s.
2768 403.086(10) and upgrade of onsite sewage treatment and disposal
2769 systems pursuant to s. 381.0065(4)(1);

2770 2. All local comprehensive plans and land development
2771 regulations and the administration of such plans and regulations
2772 are adequate to protect the Florida Keys Area, fulfill the
2773 legislative intent specified in subsection (2), and are
2774 consistent with and further the principles guiding development;
2775 and

2776 3. A local government has adopted a resolution at a public
2777 hearing recommending the removal of the designation.

2778 ~~(b) If the designation of the Florida Keys Area as an area~~
2779 ~~of critical state concern is not removed in accordance with~~
2780 ~~paragraph (a), the state land planning agency shall submit a~~
2781 ~~written annual report to the Administration Commission on~~
2782 ~~November 1 of each year, until such time as the designation is~~
2783 ~~removed, describing the progress of the Florida Keys Area toward~~
2784 ~~accomplishing remaining tasks under the work program and~~

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2785 ~~providing a recommendation as to whether substantial progress~~
2786 ~~toward accomplishing the tasks of the work program has been~~
2787 ~~achieved. The Administration Commission shall determine, within~~
2788 ~~45 days after receipt of the annual report, whether substantial~~
2789 ~~progress has been achieved toward accomplishing the remaining~~
2790 ~~tasks of the work program. The designation of the Florida Keys~~
2791 ~~Area as an area of critical state concern under this section~~
2792 ~~shall be removed unless the Administration Commission finds that~~
2793 ~~substantial progress has not been achieved toward accomplishing~~
2794 ~~the tasks of the work program. If the designation of the Florida~~
2795 ~~Keys Area as an area of critical state concern is removed, the~~
2796 ~~Administration Commission, within 60 days after removal of the~~
2797 ~~designation, shall initiate rulemaking pursuant to chapter 120~~
2798 ~~to repeal any rules relating to the designation of the Florida~~
2799 ~~Keys Area as an area of critical state concern. If the~~
2800 ~~Administration Commission finds that substantial progress has~~
2801 ~~not been achieved, the Administration Commission shall provide~~
2802 ~~to the Monroe County Commission, within 30 days after making its~~
2803 ~~finding, a report detailing the tasks under the work program~~
2804 ~~that must be accomplished in order for substantial progress to~~
2805 ~~be achieved within the next 12 months.~~

2806 (c) After receipt of the state land planning agency report
2807 and recommendation, the Administration Commission shall
2808 determine whether the requirements have been fulfilled and may
2809 remove the designation of the Florida Keys as an area of
2810 critical state concern. If the commission removes the
2811 designation, it shall initiate rulemaking to repeal any rules
2812 relating such designation within 60 days. If, after receipt of
2813 the state land planning agency's report and recommendation, the

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2814 commission finds that the requirements for recommending removal
2815 of designation have not been met, the commission shall provide a
2816 written report to the local governments within 30 days after
2817 making such a finding detailing the tasks that must be completed
2818 by the local government.

2819 ~~(c) For purposes of this subsection, the term "work~~
2820 ~~program" means the 10-year work program as set forth in rule 28-~~
2821 ~~20.110, Florida Administrative Code, on January 1, 2006,~~
2822 ~~excluding amendments to the work program that take effect after~~
2823 ~~January 1, 2006.~~

2824 (d) ~~The determination of the Administration Commission's~~
2825 ~~determination concerning the removal of the designation of the~~
2826 ~~Florida Keys as an area of critical state concern Commission as~~
2827 ~~to whether substantial progress has been made toward~~
2828 ~~accomplishing the tasks of the work program may be judicially~~
2829 ~~reviewed pursuant to chapter 120 86. All proceedings shall be~~
2830 ~~conducted by the Division of Administrative Hearings and must be~~
2831 ~~initiated within 30 days after the commission issues its~~
2832 ~~determination in the circuit court of the judicial circuit where~~
2833 ~~the Administration Commission maintains its headquarters and~~
2834 ~~shall be initiated within 30 days after rendition of the~~
2835 ~~Administration Commission's determination. The Administration~~
2836 ~~Commission's determination as to whether substantial progress~~
2837 ~~has been made toward accomplishing the tasks of the work program~~
2838 ~~shall be upheld if it is supported by competent and substantial~~
2839 ~~evidence and shall not be subject to administrative review under~~
2840 ~~chapter 120.~~

2841 (e) After removal of the designation of the Florida Keys as
2842 an area of critical state concern, the state land planning

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2843 agency shall review proposed local comprehensive plans, and any
2844 amendments to existing comprehensive plans, which are applicable
2845 to the Florida Keys Area, the boundaries of which were described
2846 in chapter 28-29, Florida Administrative Code, as of January 1,
2847 2006, for compliance ~~with subparagraphs 1. and 2., in addition~~
2848 ~~to reviewing proposed local comprehensive plans and amendments~~
2849 ~~for compliance~~ as defined in s. 163.3184. All procedures and
2850 penalties described in s. 163.3184 apply to the review conducted
2851 pursuant to this paragraph.

2852 ~~1. Adoption of construction schedules for wastewater~~
2853 ~~facilities improvements in the annually adopted capital~~
2854 ~~improvements element and adoption of standards for the~~
2855 ~~construction of wastewater treatment facilities which meet or~~
2856 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

2857 ~~2. Adoption of goals, objectives, and policies to protect~~
2858 ~~public safety and welfare in the event of a natural disaster by~~
2859 ~~maintaining a hurricane evacuation clearance time for permanent~~
2860 ~~residents of no more than 24 hours. The hurricane evacuation~~
2861 ~~clearance time shall be determined by a hurricane evacuation~~
2862 ~~study conducted in accordance with a professionally accepted~~
2863 ~~methodology and approved by the state land planning agency.~~

2864 (f) The Administration Commission may adopt rules or revise
2865 existing rules as necessary to administer this subsection.

2866 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
2867 and local agencies and units of government in the Florida Keys
2868 Area shall coordinate their plans and conduct their programs and
2869 regulatory activities consistent with the principles for guiding
2870 development as specified ~~set forth~~ in chapter 27F-8, Florida
2871 Administrative Code, as amended effective August 23, 1984, which

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2872 ~~chapter~~ is hereby adopted and incorporated herein by reference.
2873 For the purposes of reviewing the consistency of the adopted
2874 plan, or any amendments to that plan, with the principles for
2875 guiding development, and any amendments to the principles, the
2876 principles shall be construed as a whole and ~~no~~ specific
2877 provisions may not ~~provision shall~~ be construed or applied in
2878 isolation from the other provisions. However, the principles for
2879 guiding development ~~as set forth in chapter 27F-8, Florida~~
2880 ~~Administrative Code, as amended effective August 23, 1984,~~ are
2881 repealed 18 months from July 1, 1986. After repeal, ~~the~~
2882 ~~following shall be the principles with which~~ any plan amendments
2883 must be consistent with the following principles:

2884 (a) Strengthening ~~To strengthen~~ local government
2885 capabilities for managing land use and development so that local
2886 government is able to achieve these objectives without
2887 continuing ~~the continuation of~~ the area of critical state
2888 concern designation.

2889 (b) Protecting ~~To protect~~ shoreline and marine resources,
2890 including mangroves, coral reef formations, seagrass beds,
2891 wetlands, fish and wildlife, and their habitat.

2892 (c) Protecting ~~To protect~~ upland resources, tropical
2893 biological communities, freshwater wetlands, native tropical
2894 vegetation (for example, hardwood hammocks and pinelands), dune
2895 ridges and beaches, wildlife, and their habitat.

2896 (d) Ensuring ~~To ensure~~ the maximum well-being of the
2897 Florida Keys and its citizens through sound economic
2898 development.

2899 (e) Limiting ~~To limit~~ the adverse impacts of development on
2900 the quality of water throughout the Florida Keys.

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2901 (f) Enhancing ~~To enhance~~ natural scenic resources,
2902 promoting ~~promote~~ the aesthetic benefits of the natural
2903 environment, and ensuring ~~ensure~~ that development is compatible
2904 with the unique historic character of the Florida Keys.

2905 (g) Protecting ~~To protect~~ the historical heritage of the
2906 Florida Keys.

2907 (h) Protecting ~~To protect~~ the value, efficiency, cost-
2908 effectiveness, and amortized life of existing and proposed major
2909 public investments, including:

- 2910 1. The Florida Keys Aqueduct and water supply facilities;
- 2911 2. Sewage collection, treatment, and disposal facilities;
- 2912 3. Solid waste treatment, collection, and disposal
2913 facilities;
- 2914 4. Key West Naval Air Station and other military
2915 facilities;
- 2916 5. Transportation facilities;
- 2917 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 2918 7. State parks, recreation facilities, aquatic preserves,
2919 and other publicly owned properties;
- 2920 8. City electric service and the Florida Keys Electric Co-
2921 op; and
- 2922 9. Other utilities, as appropriate.

2923 (i) Protecting and improving water quality by providing for
2924 the construction, operation, maintenance, and replacement of
2925 stormwater management facilities; central sewage collection;
2926 treatment and disposal facilities; and the installation and
2927 proper operation and maintenance of onsite sewage treatment and
2928 disposal systems.

2929 (j) Ensuring the improvement of nearshore water quality by

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2930 requiring the construction and operation of wastewater
2931 management facilities that meet the requirements of ss.
2932 381.0065(4)(l) and 403.086(10), as applicable, and by directing
2933 growth to areas served by central wastewater treatment
2934 facilities through permit allocation systems.

2935 (k)-(i) Limiting ~~To limit~~ the adverse impacts of public
2936 investments on the environmental resources of the Florida Keys.

2937 (l)-(j) Making ~~To make~~ available adequate affordable housing
2938 for all sectors of the population of the Florida Keys.

2939 (m)-(k) Providing ~~To provide~~ adequate alternatives for the
2940 protection of public safety and welfare in the event of a
2941 natural or manmade disaster and for a postdisaster
2942 reconstruction plan.

2943 (n)-(l) Protecting ~~To protect~~ the public health, safety, and
2944 welfare of the citizens of the Florida Keys and maintain the
2945 Florida Keys as a unique Florida resource.

2946 (9) MODIFICATION TO PLANS AND REGULATIONS.—

2947 (a) Any land development regulation or element of a local
2948 comprehensive plan in the Florida Keys Area may be enacted,
2949 amended, or rescinded by a local government, but the enactment,
2950 amendment, or rescission becomes ~~shall become~~ effective only
2951 upon ~~the approval thereof~~ by the state land planning agency. The
2952 state land planning agency shall review the proposed change to
2953 determine if it is in compliance with the principles for guiding
2954 development specified ~~set forth~~ in chapter 27F-8, Florida
2955 Administrative Code, as amended effective August 23, 1984, and
2956 must ~~shall either~~ approve or reject the requested changes within
2957 60 days after ~~of receipt thereof~~. Amendments to local
2958 comprehensive plans in the Florida Keys Area must also be

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2959 reviewed for compliance with the following:

2960 1. Construction schedules and detailed capital financing
2961 plans for wastewater management improvements in the annually
2962 adopted capital improvements element, and standards for the
2963 construction of wastewater treatment and disposal facilities or
2964 collection systems that meet or exceed the criteria in s.
2965 403.086(10) for wastewater treatment and disposal facilities or
2966 s. 381.0065(4)(1) for onsite sewage treatment and disposal
2967 systems.

2968 2. Goals, objectives, and policies to protect public safety
2969 and welfare in the event of a natural disaster by maintaining a
2970 hurricane evacuation clearance time for permanent residents of
2971 no more than 24 hours. The hurricane evacuation clearance time
2972 shall be determined by a hurricane evacuation study conducted in
2973 accordance with a professionally accepted methodology and
2974 approved by the state land planning agency.

2975 (b) Further, The state land planning agency, after
2976 consulting with the appropriate local government, may, no more
2977 ~~often~~ than once per a year, recommend to the Administration
2978 Commission the enactment, amendment, or rescission of a land
2979 development regulation or element of a local comprehensive plan.
2980 Within 45 days following the receipt of such recommendation ~~by~~
2981 ~~the state land planning agency,~~ the commission shall reject the
2982 recommendation, or accept it with or without modification and
2983 adopt it, ~~by~~ by rule, including any changes. ~~Any~~ Such local
2984 development regulation or plan must ~~shall~~ be in compliance with
2985 the principles for guiding development.

2986 Section 35. Subsection (1) and paragraph (1) of subsection
2987 (4) of section 381.0065, Florida Statutes are amended, present

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2988 subsection (5) of that section is renumbered as subsection (6),
2989 and new subsections (5) and (7) are added to that section, to
2990 read:

2991 381.0065 Onsite sewage treatment and disposal systems;
2992 regulation.—

2993 (1) LEGISLATIVE INTENT.—

2994 (a) It is the intent of the Legislature that proper
2995 management of onsite sewage treatment and disposal systems is
2996 paramount to the health, safety, and welfare of the public. It
2997 is further the intent of the Legislature that the department
2998 shall administer an evaluation program to ensure the operational
2999 condition of the system and identify any failure with the
3000 system.

3001 (b) It is the intent of the Legislature that where a
3002 publicly owned or investor-owned sewerage system is not
3003 available, the department shall issue permits for the
3004 construction, installation, modification, abandonment, or repair
3005 of onsite sewage treatment and disposal systems under conditions
3006 as described in this section and rules adopted under this
3007 section. It is further the intent of the Legislature that the
3008 installation and use of onsite sewage treatment and disposal
3009 systems not adversely affect the public health or significantly
3010 degrade the groundwater or surface water.

3011 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
3012 construct, repair, modify, abandon, or operate an onsite sewage
3013 treatment and disposal system without first obtaining a permit
3014 approved by the department. The department may issue permits to
3015 carry out this section, but shall not make the issuance of such
3016 permits contingent upon prior approval by the Department of

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3017 Environmental Protection, except that the issuance of a permit
3018 for work seaward of the coastal construction control line
3019 established under s. 161.053 shall be contingent upon receipt of
3020 any required coastal construction control line permit from the
3021 Department of Environmental Protection. A construction permit is
3022 valid for 18 months from the issuance date and may be extended
3023 by the department for one 90-day period under rules adopted by
3024 the department. A repair permit is valid for 90 days from the
3025 date of issuance. An operating permit must be obtained prior to
3026 the use of any aerobic treatment unit or if the establishment
3027 generates commercial waste. Buildings or establishments that use
3028 an aerobic treatment unit or generate commercial waste shall be
3029 inspected by the department at least annually to assure
3030 compliance with the terms of the operating permit. The operating
3031 permit for a commercial wastewater system is valid for 1 year
3032 from the date of issuance and must be renewed annually. The
3033 operating permit for an aerobic treatment unit is valid for 2
3034 years from the date of issuance and must be renewed every 2
3035 years. If all information pertaining to the siting, location,
3036 and installation conditions or repair of an onsite sewage
3037 treatment and disposal system remains the same, a construction
3038 or repair permit for the onsite sewage treatment and disposal
3039 system may be transferred to another person, if the transferee
3040 files, within 60 days after the transfer of ownership, an
3041 amended application providing all corrected information and
3042 proof of ownership of the property. There is no fee associated
3043 with the processing of this supplemental information. A person
3044 may not contract to construct, modify, alter, repair, service,
3045 abandon, or maintain any portion of an onsite sewage treatment

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3046 and disposal system without being registered under part III of
3047 chapter 489. A property owner who personally performs
3048 construction, maintenance, or repairs to a system serving his or
3049 her own owner-occupied single-family residence is exempt from
3050 registration requirements for performing such construction,
3051 maintenance, or repairs on that residence, but is subject to all
3052 permitting requirements. A municipality or political subdivision
3053 of the state may not issue a building or plumbing permit for any
3054 building that requires the use of an onsite sewage treatment and
3055 disposal system unless the owner or builder has received a
3056 construction permit for such system from the department. A
3057 building or structure may not be occupied and a municipality,
3058 political subdivision, or any state or federal agency may not
3059 authorize occupancy until the department approves the final
3060 installation of the onsite sewage treatment and disposal system.
3061 A municipality or political subdivision of the state may not
3062 approve any change in occupancy or tenancy of a building that
3063 uses an onsite sewage treatment and disposal system until the
3064 department has reviewed the use of the system with the proposed
3065 change, approved the change, and amended the operating permit.

3066 (1) For the Florida Keys, the department shall adopt a
3067 special rule for the construction, installation, modification,
3068 operation, repair, maintenance, and performance of onsite sewage
3069 treatment and disposal systems which considers the unique soil
3070 conditions and ~~which considers~~ water table elevations,
3071 densities, and setback requirements. On lots where a setback
3072 distance of 75 feet from surface waters, saltmarsh, and
3073 buttonwood association habitat areas cannot be met, an injection
3074 well, approved and permitted by the department, may be used for

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3075 disposal of effluent from onsite sewage treatment and disposal
3076 systems. The following additional requirements apply to onsite
3077 sewage treatment and disposal systems in Monroe County:

3078 1. The county, each municipality, and those special
3079 districts established for the purpose of the collection,
3080 transmission, treatment, or disposal of sewage shall ensure, in
3081 accordance with the specific schedules adopted by the
3082 Administration Commission under s. 380.0552, the completion of
3083 onsite sewage treatment and disposal system upgrades to meet the
3084 requirements of this paragraph.

3085 2. Onsite sewage treatment and disposal systems must cease
3086 discharge by December 31, 2015, or must comply with department
3087 rules and provide the level of treatment which, on a permitted
3088 annual average basis, produces an effluent that contains no more
3089 than the following concentrations:

- 3090 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.
3091 b. Suspended Solids of 10 mg/l.
3092 c. Total Nitrogen, expressed as N, of 10 mg/l.
3093 d. Total Phosphorus, expressed as P, of 1 mg/l.

3094
3095 In addition, onsite sewage treatment and disposal systems
3096 discharging to an injection well must provide basic disinfection
3097 as defined by department rule.

3098 3. On or after July 1, 2010, all new, modified, and
3099 repaired onsite sewage treatment and disposal systems must
3100 provide the level of treatment described in subparagraph 2.
3101 However, in areas scheduled to be served by central sewer by
3102 December 31, 2015, if the property owner has paid a connection
3103 fee or assessment for connection to the central sewer system, an

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3104 onsite sewage treatment and disposal system may be repaired to
3105 the following minimum standards:

3106 a. The existing tanks must be pumped and inspected and
3107 certified as being watertight and free of defects in accordance
3108 with department rule; and

3109 b. A sand-lined drainfield or injection well in accordance
3110 with department rule must be installed.

3111 4. Onsite sewage treatment and disposal systems must be
3112 monitored for total nitrogen and total phosphorus concentrations
3113 as required by department rule.

3114 5. The department shall enforce proper installation,
3115 operation, and maintenance of onsite sewage treatment and
3116 disposal systems pursuant to this chapter, including ensuring
3117 that the appropriate level of treatment described in
3118 subparagraph 2. is met.

3119 6. The authority of a local government, including a special
3120 district, to mandate connection of an onsite sewage treatment
3121 and disposal system is governed by section 4 of chapter 99-395,
3122 Laws of Florida.

3123 (5) EVALUATION AND ASSESSMENT.—

3124 (a) Beginning January 1, 2011, the department shall
3125 administer an onsite sewage treatment and disposal system
3126 evaluation program for the purpose of assessing the fundamental
3127 operational condition of systems and identifying any failures
3128 within the systems. The department shall adopt rules
3129 implementing the program standards, procedures, and
3130 requirements, including, but not limited to, a schedule for a 5-
3131 year evaluation cycle, requirements for the pump-out of a system
3132 or repair of a failing system, enforcement procedures for

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3133 failure of a system owner to obtain an evaluation of the system,
3134 and failure of a contractor to timely submit evaluation results
3135 to the department and the system owner. The department shall
3136 ensure statewide implementation of the evaluation and assessment
3137 program by January 1, 2016.

3138 (b) Owners of an onsite sewage treatment and disposal
3139 system, excluding a system that is required to obtain an
3140 operating permit, shall have the system evaluated at least once
3141 every 5 years to assess the fundamental operational condition of
3142 the system, and identify any failure within the system.

3143 (c) All evaluation procedures must be documented and
3144 nothing in this subsection limits the amount of detail an
3145 evaluator may provide at his or her professional discretion. The
3146 evaluation must include a tank and drainfield evaluation, a
3147 written assessment of the condition of the system, and, if
3148 necessary, a disclosure statement pursuant to the department's
3149 procedure.

3150 (d)1. Systems being evaluated that were installed prior to
3151 January 1, 1983, shall meet a minimum 6-inch separation from the
3152 bottom of the drainfield to the wettest season water table
3153 elevation as defined by department rule. All drainfield repairs,
3154 replacements or modifications to systems installed prior to
3155 January 1, 1983, shall meet a minimum 12-inch separation from
3156 the bottom of the drainfield to the wettest season water table
3157 elevation as defined by department rule.

3158 2. Systems being evaluated that were installed on or after
3159 January 1, 1983, shall meet a minimum 12-inch separation from
3160 the bottom of the drainfield to the wettest season water table
3161 elevation as defined by department rule. All drainfield repairs,

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3162 replacements or modification to systems developed on or after
3163 January 1, 1983, shall meet a minimum 24-inch separation from
3164 the bottom of the drainfield to the wettest season water table
3165 elevation.

3166 (e) If documentation of a tank pump-out or a permitted new
3167 installation, repair, or modification of the system within the
3168 previous 5 years is provided, and states the capacity of the
3169 tank and indicates that the condition of the tank is not a
3170 sanitary or public health nuisance pursuant to department rule,
3171 a pump-out of the system is not required.

3172 (f) Owners are responsible for paying the cost of any
3173 required pump-out, repair, or replacement pursuant to department
3174 rule, and may not request partial evaluation or the omission of
3175 portions of the evaluation.

3176 (g) Each evaluation or pump-out required under this
3177 subsection must be performed by a septic tank contractor or
3178 master septic tank contractor registered under part III of
3179 chapter 489, a professional engineer with wastewater treatment
3180 system experience licensed pursuant to chapter 471, or an
3181 environmental health professional certified under chapter 381 in
3182 the area of onsite sewage treatment and disposal system
3183 evaluation.

3184 (h) The evaluation report fee collected pursuant to s.
3185 381.0066(2) (b) shall be remitted to the department by the
3186 evaluator at the time the report is submitted.

3187 (i) Prior to any evaluation deadline, the department must
3188 provide a minimum of 60 days' notice to owners that their
3189 systems must be evaluated by that deadline. The department may
3190 include a copy of any homeowner educational materials developed

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3191 pursuant to this section which provides information on the
3192 proper maintenance of onsite sewage treatment and disposal
3193 systems.

3194 (6)~~(5)~~ ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.-

3195 (a) Department personnel who have reason to believe
3196 noncompliance exists, may at any reasonable time, enter the
3197 premises permitted under ss. 381.0065-381.0066, or the business
3198 premises of any septic tank contractor or master septic tank
3199 contractor registered under part III of chapter 489, or any
3200 premises that the department has reason to believe is being
3201 operated or maintained not in compliance, to determine
3202 compliance with the provisions of this section, part I of
3203 chapter 386, or part III of chapter 489 or rules or standards
3204 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
3205 part III of chapter 489. As used in this paragraph, the term
3206 "premises" does not include a residence or private building. To
3207 gain entry to a residence or private building, the department
3208 must obtain permission from the owner or occupant or secure an
3209 inspection warrant from a court of competent jurisdiction.

3210 (b)1. The department may issue citations that may contain
3211 an order of correction or an order to pay a fine, or both, for
3212 violations of ss. 381.0065-381.0067, part I of chapter 386, or
3213 part III of chapter 489 or the rules adopted by the department,
3214 when a violation of these sections or rules is enforceable by an
3215 administrative or civil remedy, or when a violation of these
3216 sections or rules is a misdemeanor of the second degree. A
3217 citation issued under ss. 381.0065-381.0067, part I of chapter
3218 386, or part III of chapter 489 constitutes a notice of proposed
3219 agency action.

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3220 2. A citation must be in writing and must describe the
3221 particular nature of the violation, including specific reference
3222 to the provisions of law or rule allegedly violated.

3223 3. The fines imposed by a citation issued by the department
3224 may not exceed \$500 for each violation. Each day the violation
3225 exists constitutes a separate violation for which a citation may
3226 be issued.

3227 4. The department shall inform the recipient, by written
3228 notice pursuant to ss. 120.569 and 120.57, of the right to an
3229 administrative hearing to contest the citation within 21 days
3230 after the date the citation is received. The citation must
3231 contain a conspicuous statement that if the recipient fails to
3232 pay the fine within the time allowed, or fails to appear to
3233 contest the citation after having requested a hearing, the
3234 recipient has waived the recipient's right to contest the
3235 citation and must pay an amount up to the maximum fine.

3236 5. The department may reduce or waive the fine imposed by
3237 the citation. In determining whether to reduce or waive the
3238 fine, the department must consider the gravity of the violation,
3239 the person's attempts at correcting the violation, and the
3240 person's history of previous violations including violations for
3241 which enforcement actions were taken under ss. 381.0065-
3242 381.0067, part I of chapter 386, part III of chapter 489, or
3243 other provisions of law or rule.

3244 6. Any person who willfully refuses to sign and accept a
3245 citation issued by the department commits a misdemeanor of the
3246 second degree, punishable as provided in s. 775.082 or s.
3247 775.083.

3248 7. The department, pursuant to ss. 381.0065-381.0067, part

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3249 I of chapter 386, or part III of chapter 489, shall deposit any
3250 fines it collects in the county health department trust fund for
3251 use in providing services specified in those sections.

3252 8. This section provides an alternative means of enforcing
3253 ss. 381.0065-381.0067, part I of chapter 386, and part III of
3254 chapter 489. This section does not prohibit the department from
3255 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
3256 III of chapter 489, or its rules, by any other means. However,
3257 the department must elect to use only a single method of
3258 enforcement for each violation.

3259 (7) LAND APPLICATION OF SEPTAGE PROHIBITED.—Effective
3260 January 1, 2016, the land application of septage from onsite
3261 sewage treatment and disposal systems is prohibited. By February
3262 1, 2011, the department, in consultation with the Department of
3263 Environmental Protection, shall provide a report to the
3264 Governor, the President of the Senate, and the Speaker of the
3265 House of Representatives, recommending alternative methods to
3266 establish enhanced treatment levels for the land application of
3267 septage from onsite sewage and disposal systems. The report
3268 shall include, but is not limited to, a schedule for the
3269 reduction in land application, appropriate treatment levels,
3270 alternative methods for treatment and disposal, enhanced
3271 application site permitting requirements including any
3272 requirements for nutrient management plans, and the range of
3273 costs to local governments, affected businesses and individuals
3274 for alternative treatment and disposal methods. The report shall
3275 also include any recommendations for legislation or rule
3276 authority needed to reduce land application of septage.

3277 Section 36. Section 381.00656, Florida Statutes, is created

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3278 to read:

3279 381.00656 Grant program for repair of onsite sewage
3280 treatment disposal systems.—Effective January 1, 2012, the
3281 department shall administer a grant program to assist owners of
3282 onsite sewage treatment and disposal systems identified pursuant
3283 to s. 381.0065 or the rules adopted thereunder. A grant under
3284 the program may be awarded to an owner only for the purpose of
3285 inspecting, pumping, repairing, or replacing a system serving a
3286 single-family residence occupied by an owner with a family
3287 income of less than or equal to 133 percent of the federal
3288 poverty level at the time of application. The department may
3289 prioritize applications for an award of grant funds based upon
3290 the severity of a system's failure, its relative environmental
3291 impact, the income of the family, or any combination thereof.
3292 The department shall adopt rules establishing the grant
3293 application and award process, including an application form.
3294 The department shall seek to make grants in each fiscal year
3295 equal to the total amount of grant funds available, with any
3296 excess funds used for grant awards in subsequent fiscal years.

3297 Section 37. Subsection (2) of section 381.0066, Florida
3298 Statutes, is amended to read:

3299 381.0066 Onsite sewage treatment and disposal systems;
3300 fees.—

3301 (2) The minimum fees in the following fee schedule apply
3302 until changed by rule by the department within the following
3303 limits:

3304 (a) Application review, permit issuance, or system
3305 inspection, including repair of a subsurface, mound, filled, or
3306 other alternative system or permitting of an abandoned system: a

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3307 fee of not less than \$25, or more than \$125.

3308 (b) A 5-year evaluation report submitted pursuant to s.
3309 381.0065(5): a fee not less than \$15, or more than \$30. At least
3310 \$1 and no more than \$5 collected pursuant to this paragraph
3311 shall be used to fund a grant program established under s.
3312 381.00656.

3313 (c)~~(b)~~ Site evaluation, site reevaluation, evaluation of a
3314 system previously in use, or a per annum septage disposal site
3315 evaluation: a fee of not less than \$40, or more than \$115.

3316 (d)~~(e)~~ Biennial Operating permit for aerobic treatment
3317 units or performance-based treatment systems: a fee of not more
3318 than \$100.

3319 (e)~~(d)~~ Annual operating permit for systems located in areas
3320 zoned for industrial manufacturing or equivalent uses or where
3321 the system is expected to receive wastewater which is not
3322 domestic in nature: a fee of not less than \$150, or more than
3323 \$300.

3324 (f)~~(e)~~ Innovative technology: a fee not to exceed \$25,000.

3325 (g)~~(f)~~ Septage disposal service, septage stabilization
3326 facility, portable or temporary toilet service, tank
3327 manufacturer inspection: a fee of not less than \$25, or more
3328 than \$200, per year.

3329 (h)~~(g)~~ Application for variance: a fee of not less than
3330 \$150, or more than \$300.

3331 (i)~~(h)~~ Annual operating permit for waterless, incinerating,
3332 or organic waste composting toilets: a fee of not less than \$50,
3333 or more than \$150.

3334 (j)~~(i)~~ Aerobic treatment unit or performance-based
3335 treatment system maintenance entity permit: a fee of not less

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3336 than \$25, or more than \$150, per year.

3337 (k)~~(j)~~ Reinspection fee per visit for site inspection after
3338 system construction approval or for noncompliant system
3339 installation per site visit: a fee of not less than \$25, or more
3340 than \$100.

3341 (l)~~(k)~~ Research: An additional \$5 fee shall be added to
3342 each new system construction permit issued to be used to fund
3343 onsite sewage treatment and disposal system research,
3344 demonstration, and training projects. Five dollars from any
3345 repair permit fee collected under this section shall be used for
3346 funding the hands-on training centers described in s.
3347 381.0065(3)(j).

3348 (m)~~(l)~~ Annual operating permit, including annual inspection
3349 and any required sampling and laboratory analysis of effluent,
3350 for an engineer-designed performance-based system: a fee of not
3351 less than \$150, or more than \$300.

3352

3353 On or before January 1, 2011, the Surgeon General, after
3354 consultation with the Revenue Estimating Conference, shall
3355 determine a revenue neutral fee schedule for services provided
3356 pursuant to s. 381.0065(5) within the parameters set in
3357 paragraph (b). Such determination is not subject to the
3358 provisions of chapter 120. The funds collected pursuant to this
3359 subsection must be deposited in a trust fund administered by the
3360 department, to be used for the purposes stated in this section
3361 and ss. 381.0065 and 381.00655.

3362 Section 38. Subsection (9) of section 403.086, Florida
3363 Statutes, is amended, and subsection (10) is added to that
3364 section, to read:

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3365 403.086 Sewage disposal facilities; advanced and secondary
3366 waste treatment.—

3367 (9) The Legislature finds that the discharge of domestic
3368 wastewater through ocean outfalls wastes valuable water supplies
3369 that should be reclaimed for beneficial purposes to meet public
3370 and natural systems demands. The Legislature also finds that
3371 discharge of domestic wastewater through ocean outfalls
3372 compromises the coastal environment, quality of life, and local
3373 economies that depend on those resources. The Legislature
3374 declares that more stringent treatment and management
3375 requirements for such domestic wastewater and the subsequent,
3376 timely elimination of ocean outfalls as a primary means of
3377 domestic wastewater discharge are in the public interest.

3378 (a) The construction of new ocean outfalls for domestic
3379 wastewater discharge and the expansion of existing ocean
3380 outfalls for this purpose, along with associated pumping and
3381 piping systems, are prohibited. Each domestic wastewater ocean
3382 outfall shall be limited to the discharge capacity specified in
3383 the department permit authorizing the outfall in effect on July
3384 1, 2008, which discharge capacity shall not be increased.
3385 Maintenance of existing, department-authorized domestic
3386 wastewater ocean outfalls and associated pumping and piping
3387 systems is allowed, subject to the requirements of this section.
3388 The department is directed to work with the United States
3389 Environmental Protection Agency to ensure that the requirements
3390 of this subsection are implemented consistently for all domestic
3391 wastewater facilities in Florida which discharge through ocean
3392 outfalls.

3393 (b) The discharge of domestic wastewater through ocean

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3394 outfalls shall meet advanced wastewater treatment and management
3395 requirements no later than December 31, 2018. For purposes of
3396 this subsection, the term "advanced wastewater treatment and
3397 management requirements" means the advanced waste treatment
3398 requirements set forth in subsection (4), a reduction in outfall
3399 baseline loadings of total nitrogen and total phosphorus which
3400 is equivalent to that which would be achieved by the advanced
3401 waste treatment requirements in subsection (4), or a reduction
3402 in cumulative outfall loadings of total nitrogen and total
3403 phosphorus occurring between December 31, 2008, and December 31,
3404 2025, which is equivalent to that which would be achieved if the
3405 advanced waste treatment requirements in subsection (4) were
3406 fully implemented beginning December 31, 2018, and continued
3407 through December 31, 2025. The department shall establish the
3408 average baseline loadings of total nitrogen and total phosphorus
3409 for each outfall using monitoring data available for calendar
3410 years 2003 through 2007 and shall establish required loading
3411 reductions based on this baseline. The baseline loadings and
3412 required loading reductions of total nitrogen and total
3413 phosphorus shall be expressed as an average annual daily loading
3414 value. The advanced wastewater treatment and management
3415 requirements of this paragraph shall be deemed to be met for any
3416 domestic wastewater facility discharging through an ocean
3417 outfall on July 1, 2008, which has installed no later than
3418 December 31, 2018, a fully operational reuse system comprising
3419 100 percent of the facility's annual average daily flow for
3420 reuse activities authorized by the department.

3421 (c) Each domestic wastewater facility that discharges
3422 through an ocean outfall on July 1, 2008, shall install a

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3423 functioning reuse system no later than December 31, 2025. For
3424 purposes of this subsection, a "functioning reuse system" means
3425 an environmentally, economically, and technically feasible
3426 system that provides a minimum of 60 percent of the facility's
3427 actual flow on an annual basis for irrigation of public access
3428 areas, residential properties, or agricultural crops; aquifer
3429 recharge; groundwater recharge; industrial cooling; or other
3430 acceptable reuse purposes authorized by the department. For
3431 purposes of this subsection, the term "facility's actual flow on
3432 an annual basis" means the annual average flow of domestic
3433 wastewater discharging through the facility's ocean outfall, as
3434 determined by the department, using monitoring data available
3435 for calendar years 2003 through 2007. Flows diverted ~~Diversion~~
3436 ~~of flows~~ from these facilities to other facilities that provide
3437 100 percent reuse of the diverted flows prior to December 31,
3438 2025, shall be considered to contribute to meeting the 60
3439 percent ~~60 percent~~ reuse requirement. For utilities operating
3440 more than one outfall, the reuse requirement can be met if the
3441 combined actual reuse flows from facilities served by the
3442 outfalls is at least 60 percent of the sum of the total actual
3443 flows from the ~~these~~ facilities, including flows diverted to
3444 other facilities for 100 percent reuse prior to December 31,
3445 2025. In the event treatment in addition to the advanced
3446 wastewater treatment and management requirements described in
3447 paragraph (b) is needed in order to support a functioning reuse
3448 system, such treatment shall be fully operational no later than
3449 December 31, 2025.

3450 (d) The discharge of domestic wastewater through ocean
3451 outfalls is prohibited after December 31, 2025, except as a

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3452 backup discharge that is part of a functioning reuse system
3453 authorized by the department as provided for in paragraph (c). A
3454 backup discharge may occur only during periods of reduced demand
3455 for reclaimed water in the reuse system, such as periods of wet
3456 weather, and shall comply with the advanced wastewater treatment
3457 and management requirements of paragraph (b).

3458 (e) The holder of a department permit authorizing the
3459 discharge of domestic wastewater through an ocean outfall as of
3460 July 1, 2008, shall submit to the secretary of the department
3461 the following:

3462 1. A detailed plan to meet the requirements of this
3463 subsection, including an identification of all land acquisition
3464 and facilities necessary to provide for reuse of the domestic
3465 wastewater; an analysis of the costs to meet the requirements;
3466 and a financing plan for meeting the requirements, including
3467 identifying any actions necessary to implement the financing
3468 plan, such as bond issuance or other borrowing, assessments,
3469 rate increases, fees, other charges, or other financing
3470 mechanisms. The plan shall include a detailed schedule for the
3471 completion of all necessary actions and shall be accompanied by
3472 supporting data and other documentation. The plan shall be
3473 submitted no later than July 1, 2013.

3474 2. No later than July 1, 2016, an update of the plan
3475 required in subparagraph 1. documenting any refinements or
3476 changes in the costs, actions, or financing necessary to
3477 eliminate the ocean outfall discharge in accordance with this
3478 subsection or a written statement that the plan is current and
3479 accurate.

3480 (f) By December 31, 2009, and by December 31 every 5 years

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3481 thereafter, the holder of a department permit authorizing the
3482 discharge of domestic wastewater through an ocean outfall shall
3483 submit to the secretary of the department a report summarizing
3484 the actions accomplished to date and the actions remaining and
3485 proposed to meet the requirements of this subsection, including
3486 progress toward meeting the specific deadlines set forth in
3487 paragraphs (b) through (e). The report shall include the
3488 detailed schedule for and status of the evaluation of reuse and
3489 disposal options, preparation of preliminary design reports,
3490 preparation and submittal of permit applications, construction
3491 initiation, construction progress milestones, construction
3492 completion, initiation of operation, and continuing operation
3493 and maintenance.

3494 (g) No later than July 1, 2010, and by July 1 every 5 years
3495 thereafter, the department shall submit a report to the
3496 Governor, the President of the Senate, and the Speaker of the
3497 House of Representatives on the implementation of this
3498 subsection. The report shall summarize progress to date,
3499 including the increased amount of reclaimed water provided and
3500 potable water offsets achieved, and identify any obstacles to
3501 continued progress, including all instances of substantial
3502 noncompliance.

3503 (h) By February 1, 2012, the department shall submit a
3504 report to the Governor and Legislature detailing the results and
3505 recommendations from phases 1 through 3 of its ongoing study on
3506 reclaimed water use.

3507 (i)~~(h)~~ The renewal of each permit that authorizes the
3508 discharge of domestic wastewater through an ocean outfall as of
3509 July 1, 2008, shall be accompanied by an order in accordance

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3510 with s. 403.088(2)(e) and (f) which establishes an enforceable
3511 compliance schedule consistent with the requirements of this
3512 subsection.

3513 (j) An entity that diverts wastewater flow from a receiving
3514 facility that discharges domestic wastewater through an ocean
3515 outfall must meet the 60 percent reuse requirement of paragraph
3516 (c). Reuse by the diverting entity of the diverted flows shall
3517 be credited to the diverting entity. The diverted flow shall
3518 also be correspondingly deducted from the receiving facility's
3519 actual flow on an annual basis from which the required reuse is
3520 calculated pursuant to paragraph (c), and the receiving
3521 facility's reuse requirement shall be recalculated accordingly.

3522 (10) The Legislature finds that the discharge of
3523 inadequately treated and managed domestic wastewater from dozens
3524 of small wastewater facilities and thousands of septic tanks and
3525 other onsite systems in the Florida Keys compromises the quality
3526 of the coastal environment, including nearshore and offshore
3527 waters, and threatens the quality of life and local economies
3528 that depend on those resources. The Legislature also finds that
3529 the only practical and cost-effective way to fundamentally
3530 improve wastewater management in the Florida Keys is for the
3531 local governments in Monroe County, including those special
3532 districts established for the purpose of collection,
3533 transmission, treatment, or disposal of sewage, to timely
3534 complete the wastewater or sewage treatment and disposal
3535 facilities initiated under the work program of Administration
3536 Commission rule 28-20, Florida Administrative Code, and the
3537 Monroe County Sanitary Master Wastewater Plan, dated June 2000.
3538 The Legislature therefore declares that the construction and

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3539 operation of comprehensive central wastewater systems in
3540 accordance with this subsection is in the public interest. To
3541 give effect to those findings, the requirements of this
3542 subsection apply to all domestic wastewater facilities in Monroe
3543 County, including privately owned facilities, unless otherwise
3544 provided under this subsection.

3545 (a) The discharge of domestic wastewater into surface
3546 waters is prohibited.

3547 (b) Monroe County, each municipality, and those special
3548 districts established for the purpose of collection,
3549 transmission, treatment, or disposal of sewage in Monroe County
3550 shall complete the wastewater collection, treatment, and
3551 disposal facilities within its jurisdiction designated as hot
3552 spots in the Monroe County Sanitary Master Wastewater Plan,
3553 dated June 2000, specifically listed in Exhibits 6-1 through 6-3
3554 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F
3555 of the plan. The required facilities and connections, and any
3556 additional facilities or other adjustments required by rules
3557 adopted by the Administration Commission under s. 380.0552, must
3558 be completed by December 31, 2015, pursuant to specific
3559 schedules established by the commission. Domestic wastewater
3560 facilities located outside local government and special district
3561 service areas must meet the treatment and disposal requirements
3562 of this subsection by December 31, 2015.

3563 (c) After December 31, 2015, all new or expanded domestic
3564 wastewater discharges must comply with the treatment and
3565 disposal requirements of this subsection and department rules.

3566 (d) Wastewater treatment facilities having design
3567 capacities:

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3568 1. Greater than or equal to 100,000 gallons per day must
3569 provide basic disinfection as defined by department rule and the
3570 level of treatment which, on a permitted annual average basis,
3571 produces an effluent that contains no more than the following
3572 concentrations:

3573 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

3574 b. Suspended Solids of 5 mg/l.

3575 c. Total Nitrogen, expressed as N, of 3 mg/l.

3576 d. Total Phosphorus, expressed as P, of 1 mg/l.

3577 2. Less than 100,000 gallons per day must provide basic
3578 disinfection as defined by department rule and the level of
3579 treatment which, on a permitted annual average basis, produces
3580 an effluent that contains no more than the following
3581 concentrations:

3582 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3583 b. Suspended Solids of 10 mg/l.

3584 c. Total Nitrogen, expressed as N, of 10 mg/l.

3585 d. Total Phosphorus, expressed as P, of 1 mg/l.

3586 (e) Class V injection wells, as defined by department or
3587 Department of Health rule, must meet the following requirements
3588 and otherwise comply with department or Department of Health
3589 rules, as applicable:

3590 1. If the design capacity of the facility is less than 1
3591 million gallons per day, the injection well must be at least 90
3592 feet deep and cased to a minimum depth of 60 feet or to such
3593 greater cased depth and total well depth as may be required by
3594 department rule.

3595 2. Except as provided in subparagraph 3. for backup wells,
3596 if the design capacity of the facility is equal to or greater

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3597 than 1 million gallons per day, each primary injection well must
3598 be cased to a minimum depth of 2,000 feet or to such greater
3599 depth as may be required by department rule.

3600 3. If an injection well is used as a backup to a primary
3601 injection well, the following conditions apply:

3602 a. The backup well may be used only when the primary
3603 injection well is out of service because of equipment failure,
3604 power failure, or the need for mechanical integrity testing or
3605 repair;

3606 b. The backup well may not be used for more than a total of
3607 500 hours during any 5-year period unless specifically
3608 authorized in writing by the department;

3609 c. The backup well must be at least 90 feet deep and cased
3610 to a minimum depth of 60 feet, or to such greater cased depth
3611 and total well depth as may be required by department rule; and

3612 d. Fluid injected into the backup well must meet the
3613 requirements of paragraph (d).

3614 (f) The requirements of paragraphs (d) and (e) do not apply
3615 to:

3616 1. Class I injection wells as defined by department rule,
3617 including any authorized mechanical integrity tests;

3618 2. Authorized mechanical integrity tests associated with
3619 Class V wells as defined by department rule; or

3620 3. The following types of reuse systems authorized by
3621 department rule:

3622 a. Slow-rate land application systems;

3623 b. Industrial uses of reclaimed water; and

3624 c. Use of reclaimed water for toilet flushing, fire
3625 protection, vehicle washing, construction dust control, and

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3626 decorative water features.

3627
3628 However, disposal systems serving as backups to reuse systems
3629 must comply with the other provisions of this subsection.

3630 (g) For wastewater treatment facilities in operation as of
3631 July 1, 2010, which are located within areas to be served by
3632 Monroe County, municipalities in Monroe County, or those special
3633 districts established for the purpose of collection,
3634 transmission, treatment, or disposal of sewage but which are
3635 owned by other entities, the requirements of paragraphs (d) and
3636 (e) do not apply until January 1, 2016. Wastewater operating
3637 permits issued pursuant to this chapter and in effect for these
3638 facilities as of June 30, 2010, are extended until December 31,
3639 2015, or until the facility is connected to a local government
3640 central wastewater system, whichever occurs first. Wastewater
3641 treatment facilities in operation after December 31, 2015, must
3642 comply with the treatment and disposal requirements of this
3643 subsection and department rules.

3644 (h) If it is demonstrated that a discharge, even if the
3645 discharge is otherwise in compliance with this subsection, will
3646 cause or contribute to a violation of state water quality
3647 standards, the department shall:

- 3648 1. Require more stringent effluent limitations;
- 3649 2. Order the point or method of discharge changed;
- 3650 3. Limit the duration or volume of the discharge; or
- 3651 4. Prohibit the discharge.

3652 (i) All sewage treatment facilities must monitor effluent
3653 for total nitrogen and total phosphorus concentration as
3654 required by department rule.

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3655 (j) The department shall require the levels of operator
3656 certification and staffing necessary to ensure proper operation
3657 and maintenance of sewage facilities.

3658 (k) The department may adopt rules necessary to carry out
3659 this subsection.

3660 (l) The authority of a local government, including a
3661 special district, to mandate connection of a wastewater
3662 facility, as defined by department rule, is governed by section
3663 4 of chapter 99-395, Laws of Florida.

3664 Section 39. Section 5 of chapter 99-395, Laws of Florida;
3665 and section 6 of chapter 99-395, Laws of Florida, as amended by
3666 section 1 of chapter 2001-337, and section 1 of chapter 2004-
3667 455, Laws of Florida, are repealed.

3668 Section 40. 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

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3684 obligations of indebtedness issued by the ~~Florida Water~~
3685 ~~Pollution Control Financing~~ corporation under this section and
3686 s. 403.1837.

3687 (b)~~(e)~~ "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
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

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

3741 403.1837 Florida Water Pollution Control Financing

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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
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~~

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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:

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.

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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.

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

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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
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

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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,
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

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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;
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

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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.

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 42. 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;

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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,
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

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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
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

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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
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

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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
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 43. 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

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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.

4073 Section 44. 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,

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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
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

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4119 cumulative impact requirements of s. 373.414(8)(a).

4120 Section 45. Subsection (20) is added to section 215.47,
4121 Florida Statutes, to read:

4122 215.47 Investments; authorized securities; loan of
4123 securities.—Subject to the limitations and conditions of the
4124 State Constitution or of the trust agreement relating to a trust
4125 fund, moneys available for investments under ss. 215.44-215.53
4126 may be invested as follows:

4127 (20) The State Board of Administration, consistent with its
4128 fiduciary duties, may invest net assets of the system trust fund
4129 in projects deemed eligible under the provisions of s. 373.707.

4130 Section 46. Subsection (8) is added to section 373.129,
4131 Florida Statutes, to read:

4132 373.129 Maintenance of actions.—The department, the
4133 governing board of any water management district, any local
4134 board, or a local government to which authority has been
4135 delegated pursuant to s. 373.103(8), is authorized to commence
4136 and maintain proper and necessary actions and proceedings in any
4137 court of competent jurisdiction for any of the following
4138 purposes:

4139 (8) In conflicts arising where a water management district
4140 is a party to litigation against another governmental entity, as
4141 defined in s. 164.1031, a district has an affirmative duty to
4142 engage in alternative dispute resolution in good faith as
4143 required by chapter 164.

4144 Section 47. Paragraph (b) of subsection (9) of section
4145 403.707, Florida Statutes, is amended to read:

4146 403.707 Permits.—

4147 (9) The department shall establish a separate category for

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4148 solid waste management facilities that accept only construction
4149 and demolition debris for disposal or recycling. The department
4150 shall establish a reasonable schedule for existing facilities to
4151 comply with this section to avoid undue hardship to such
4152 facilities. However, a permitted solid waste disposal unit that
4153 receives a significant amount of waste prior to the compliance
4154 deadline established in this schedule shall not be required to
4155 be retrofitted with liners or leachate control systems.

4156 (b) The department shall ~~not~~ require liners and leachate
4157 collection systems at individual disposal units and lateral
4158 expansions of existing disposal units that have not received a
4159 department permit authorizing construction or operation prior to
4160 July 1, 2010, facilities unless the owner or operator it
4161 demonstrates, based upon the types of waste received, the
4162 methods for controlling types of waste disposed of, the
4163 proximity of the groundwater and surface water, and the results
4164 of the hydrogeological and geotechnical investigations, that the
4165 facility is not ~~reasonably~~ expected to result in violations of
4166 the groundwater standards and criteria if built without a liner
4167 otherwise.

4168 Section 48. Section 298.66, Florida Statutes, is amended to
4169 read:

4170 298.66 Obstruction of public drainage canals, etc.,
4171 prohibited; damages; penalties.—

4172 (1) A ~~No~~ person may not willfully, or otherwise, obstruct
4173 any public canal, drain, ditch or watercourse or damage or
4174 destroy any public drainage works constructed in or maintained
4175 by any district.

4176 (2) ~~(1)~~ Any person who ~~shall~~ willfully obstructs ~~obstruct~~

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4177 any public canal, drain, ditch, or watercourse or damages or
4178 destroys ~~shall damage or destroy~~ any public drainage works
4179 constructed in or maintained by any district, shall be liable to
4180 any person injured thereby for the full amount of the injury
4181 occasioned to any land or crops or other property by reason of
4182 such misconduct, and shall be liable to the district
4183 constructing the drainage ~~said~~ work for double the cost of
4184 removing such obstruction or repairing such damage.

4185 (3) ~~(2)~~ Any person who ~~Whoever~~ shall willfully, or
4186 otherwise, obstructs ~~obstruct~~ any public canal, drain, ditch, or
4187 watercourse, impedes or obstructs ~~or impede or obstruct~~ the flow
4188 of water therein, or damages or destroys ~~shall damage or destroy~~
4189 any public drainage works constructed in or maintained by any
4190 district commits ~~shall be guilty of~~ a felony of the third
4191 degree, punishable as provided in s. 775.082, s. 775.083, or s.
4192 775.084.

4193 Section 49. It is the intent of the Legislature that the
4194 creation of part VII of chapter 373, Florida Statutes, is to
4195 reorganize certain existing provisions of part I of chapter 373,
4196 Florida Statutes, and does not make any substantive changes to
4197 existing law or judicial interpretation thereof. It is further
4198 the intent of the Legislature that any legislation enacted
4199 during the 2010 Regular Session and any extension thereof
4200 affecting ss. 373.0361, 373.0391, 373.0831, 373.196, 373.1961,
4201 373.1962, and 373.1963, Florida Statutes, either before or after
4202 this act becomes law, be given full force and effect
4203 substantively and that such new substantive provisions of law
4204 shall be integrated into ss. 373.703, 373.705, 373.707, 373.709,
4205 373.711, 373.713, and 373.715, Florida Statutes, as created by

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4206 this act.

4207 Section 50. Subsection (1) of section 373.0361, Florida
4208 Statutes, is amended to read:

4209 373.0361 Regional water supply planning.—

4210 (1) The governing board of each water management district
4211 shall conduct water supply planning for any water supply
4212 planning region within the district identified in the
4213 appropriate district water supply plan under s. 373.036, where
4214 it determines that existing sources of water are not adequate to
4215 supply water for all existing and future reasonable-beneficial
4216 uses and to sustain the water resources and related natural
4217 systems for the planning period. The planning must be conducted
4218 in an open public process, in coordination and cooperation with
4219 local governments, regional water supply authorities,
4220 government-owned and privately owned water and wastewater
4221 utilities, multijurisdictional water supply entities, self-
4222 suppliers, reuse utilities, the department, and other affected
4223 and interested parties. The districts shall actively engage in
4224 public education and outreach to all affected local entities and
4225 their officials, as well as members of the public, in the
4226 planning process and in seeking input. During preparation, but
4227 prior to completion of the regional water supply plan, the
4228 district must conduct at least one public workshop to discuss
4229 the technical data and modeling tools anticipated to be used to
4230 support the regional water supply plan. The district shall also
4231 hold several public meetings to communicate the status, overall
4232 conceptual intent, and impacts of the plan on existing and
4233 future reasonable-beneficial uses and related natural systems.
4234 During the planning process, a local government may choose to

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4235 prepare its own water supply assessment to determine if existing
4236 water sources are adequate to meet existing and projected
4237 reasonable-beneficial needs of the local government while
4238 sustaining water resources and related natural systems. The
4239 local government shall submit such assessment, including the
4240 data and methodology used, to the district. The district shall
4241 consider the local government's assessment during the formation
4242 of the plan. A determination by the governing board that
4243 initiation of a regional water supply plan for a specific
4244 planning region is not needed pursuant to this section shall be
4245 subject to s. 120.569. The governing board shall reevaluate such
4246 a determination at least once every 5 years and shall initiate a
4247 regional water supply plan, if needed, pursuant to this
4248 subsection.

4249 Section 51. Subsection (4) of section 373.079, Florida
4250 Statutes, is amended to read:

4251 373.079 Members of governing board; oath of office; staff.-

4252 (4) ~~(a)~~ The governing board of the district shall ~~is~~
4253 ~~authorized to~~ employ:

4254 (a) An executive director, ombudsman, and such engineers,
4255 other professional persons, and other personnel and assistants
4256 as it deems necessary and under such terms and conditions as it
4257 may determine and to terminate such employment. The appointment
4258 of an executive director by the governing board is subject to
4259 approval by the Governor and must be initially confirmed by the
4260 ~~Florida~~ Senate. The governing board may delegate all or part of
4261 its authority under this paragraph to the executive director.
4262 However, the governing board shall delegate to the executive
4263 director all of its authority to take final action on permit

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4264 applications under ~~part II or~~ part IV or petitions for variances
4265 or waivers of permitting requirements under ~~part II or~~ part IV,
4266 ~~except for denials of such actions as provided in s. 373.083(5).~~

4267 1. The executive director may execute such delegated
4268 authority through designated staff members. Such delegations
4269 shall not be subject to the rulemaking requirements of chapter
4270 120. The governing board must provide a process for referring a
4271 denial of such application or petition to the governing board
4272 for the purpose of taking final action. The executive director
4273 must be confirmed by the Senate upon employment and must be
4274 confirmed or reconfirmed by the Senate during the second regular
4275 session of the Legislature following a gubernatorial election.

4276 2. The delegation required by this paragraph shall
4277 expressly prohibit governing board members from individually
4278 intervening in any manner during the review of an application
4279 before such application is referred to the governing board for
4280 final action. This subparagraph does not prohibit the governing
4281 board as a collegial body from acting on any permit application
4282 or supervising, overseeing, or directing the activities of
4283 district staff. This subparagraph expires June 1, 2011, unless
4284 reenacted by the Legislature.

4285 ~~(b)1. The governing board of each water management district~~
4286 ~~shall employ~~ An inspector general, who shall report directly to
4287 the board. However, the governing boards of the Suwannee River
4288 Water Management District and the Northwest Florida Water
4289 Management District may jointly employ an inspector general, or
4290 provide for inspector general services by interagency agreement
4291 with a state agency or water management district inspector
4292 general.

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4293 2. An inspector general must have the same qualifications
4294 ~~prescribed~~ and perform the applicable duties of state agency
4295 inspectors general as provided in s. 20.055.

4296 Section 52. Subsection (5) of section 373.083, Florida
4297 Statutes, is amended to read:

4298 373.083 General powers and duties of the governing board.—
4299 In addition to other powers and duties allowed it by law, the
4300 governing board is authorized to:

4301 (5) Execute any of the powers, duties, and functions vested
4302 in the governing board through a member ~~or members thereof~~, the
4303 executive director, or other district staff as designated by the
4304 governing board. The governing board may establish the scope and
4305 terms of any delegation and no delegation shall be subject to
4306 the rulemaking requirements of chapter 120. However, if the
4307 governing board delegates ~~shall delegate~~ to the executive
4308 director ~~all of~~ its authority to take final action on permit
4309 applications under part II ~~or part IV~~ or petitions for variances
4310 or waivers of permitting requirements under part II ~~or part IV~~,
4311 ~~and~~ the executive director may execute such delegated authority
4312 through designated staff. ~~Such delegations shall not be subject~~
4313 ~~to the rulemaking requirements of chapter 120.~~ However, the
4314 governing board must ~~shall~~ provide a process for referring a ~~any~~
4315 denial of such application or petition to the governing board
4316 for the purpose of taking ~~to take~~ final action. ~~Such process~~
4317 ~~shall expressly prohibit any member of a governing board from~~
4318 ~~intervening in any manner during the review of an application~~
4319 ~~prior to such application being referred to the governing board~~
4320 ~~for final action.~~ The authority to delegate under ~~in~~ this
4321 subsection is supplemental to any other provision of this

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4322 chapter granting authority to the governing board to delegate
4323 specific powers, duties, or functions.

4324 Section 53. Subsection (1) of section 373.085, Florida
4325 Statutes, is amended to read:

4326 373.085 Use of works or land by other districts or private
4327 persons.—

4328 (1) (a) In order to promote water quantity and water
4329 resource development, projects that improve flood control, and
4330 conservation of lands, the district and other governmental
4331 agencies shall encourage public-private partnerships by
4332 collaborating, when possible, with those partnerships when
4333 procuring materials for infrastructure and restoration work
4334 projects, consistent with district and state procurement
4335 procedures.

4336 (b) The governing board has authority to prescribe the
4337 manner in which local works provided by other districts or by
4338 private persons will connect with and make use of the works or
4339 land of the district, to issue permits therefor, and to cancel
4340 the permits for noncompliance with the conditions thereof or for
4341 other cause. It is unlawful to connect with or make use of the
4342 works or land of the district without consent in writing from
4343 its governing board, and the board has authority to prevent or,
4344 if done, estop or terminate the same. The use of the works or
4345 land of the district for access is governed by this section and
4346 is not subject to the provisions of s. 704.01. However, any land
4347 or works of the district which have historically been used for
4348 public access to the ocean by means of the North New River Canal
4349 and its tributaries may not be closed for this purpose unless
4350 the district can demonstrate that significant harm to the

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4351 resource would result from such public use.

4352 Section 54. Subsection (5) is added to section 373.118,
4353 Florida Statutes, to read:

4354 373.118 General permits; delegation.—

4355 (5) To improve efficiency, the governing board may delegate
4356 its powers and duties pertaining to general permits to the
4357 executive director. The executive director may execute such
4358 delegated authority through designated staff. However, when
4359 delegating the authority to take final action on permit
4360 applications under part II or petitions for variances or waivers
4361 of permitting requirements under part II, the governing board
4362 must provide a process for referring a denial of such
4363 application or petition to the governing board for the purpose
4364 of taking final action. Such delegations are not subject to the
4365 rulemaking requirements of chapter 120.

4366 Section 55. Subsection (4) of section 373.236, Florida
4367 Statutes, is amended to read:

4368 373.236 Duration of permits; compliance reports.—

4369 (4) Where necessary to maintain reasonable assurance that
4370 the conditions for issuance of a 20-year permit can continue to
4371 be met, the governing board or department, in addition to any
4372 conditions required pursuant to s. 373.219, may require a
4373 compliance report by the permittee every 10 ~~5~~ years during the
4374 term of a permit. The Suwannee River Water Management District
4375 may require a compliance report by the permittee every 5 years
4376 through July 1, 2015, and thereafter every 10 years during the
4377 term of the permit. This report shall contain sufficient data to
4378 maintain reasonable assurance that the initial conditions for
4379 permit issuance are met. Following review of this report, the

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4380 governing board or the department may modify the permit to
4381 ensure that the use meets the conditions for issuance. Permit
4382 modifications pursuant to this subsection shall not be subject
4383 to competing applications, provided there is no increase in the
4384 permitted allocation or permit duration, and no change in
4385 source, except for changes in source requested by the district.
4386 This subsection shall not be construed to limit the existing
4387 authority of the department or the governing board to modify or
4388 revoke a consumptive use permit.

4389 Section 56. Paragraphs (c) and (d) are added to subsection
4390 (3) of section 373.250, Florida Statutes, subsections (4) and
4391 (5) of that section are renumbered as subsections (5) and (6),
4392 respectively, and a new subsection (4) is added to that section,
4393 to read:

4394 373.250 Reuse of reclaimed water.—

4395 (3) The water management district shall, in consultation
4396 with the department, adopt rules to implement this section. Such
4397 rules shall include, but not be limited to:

4398 (c) Provisions to require permit applicants to provide, as
4399 part of their reclaimed water feasibility evaluation for a
4400 nonpotable use, written documentation from a reuse utility
4401 addressing the availability of reclaimed water. This requirement
4402 shall apply when the applicant's proposed use is within an area
4403 that is or may be served with reclaimed water by a reuse utility
4404 within a 5-year horizon, as established by the reuse utility and
4405 provided to the district. If the applicable reuse utility fails
4406 to respond or does not provide the information required under
4407 paragraph (d) within 30 days after receipt of the request, the
4408 applicant shall provide to the district a copy of the written

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4409 request and a statement that the utility failed to provide the
4410 requested information. The district is not required to adopt, by
4411 rule, the area where written documentation from a reuse utility
4412 is required, but the district shall publish the area, and any
4413 updates thereto, on the district's website. This paragraph may
4414 not be construed to limit the ability of a district to require
4415 the use of reclaimed water or to limit a utility's ability to
4416 plan reclaimed water infrastructure.

4417 (d) Provisions specifying the content of the documentation
4418 required in paragraph (c), including sufficient information
4419 regarding the availability and costs associated with the
4420 connection to and the use of reclaimed water, to facilitate the
4421 permit applicant's reclaimed water feasibility evaluation.

4422 (4) Reuse utilities and the applicable water management
4423 district or districts are encouraged to periodically coordinate
4424 and share information concerning the status of reclaimed water
4425 distribution system construction, the availability of reclaimed
4426 water supplies, and existing consumptive use permits in areas
4427 served by the reuse utility.

4428 Section 57. The water management districts shall initiate
4429 rulemaking no later than July 1, 2011, to implement the
4430 requirements of s. 373.250(3)(c) and (d), Florida Statutes, as
4431 created by this act.

4432 Section 58. (1) The Legislature finds the following with
4433 respect to nutrient water quality standards:

4434 (a) Nutrients are essential for the biological health and
4435 productivity of Florida waters.

4436 (b) A delicate relationship exists between the level of
4437 nutrients in a waterbody and its health and productivity.

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4438 (c) Increasing the level of nutrients in combination with
4439 site-specific conditions can cause impairment to a waterbody.

4440 (d) The establishment of numeric nutrient criteria in a
4441 manner that fails to take into account site-specific factors may
4442 result in criteria that lack adequate scientific support and
4443 cause unintended environmental and economic consequences.

4444 (e) The total maximum daily load program is the best
4445 mechanism for establishing numeric nutrient standards for
4446 nutrient-impaired waterbodies and restoring nutrient-impaired
4447 waterbodies, and consistent with the congressional intent
4448 expressed in the Clean Water Act, any numeric nutrient criteria
4449 established pursuant to s. 303(c) of the Clean Water Act should
4450 work in concert with the total maximum daily load program, the
4451 state stormwater treatment rule, and other water quality
4452 programs.

4453 (f) The state currently implements a narrative nutrient
4454 criterion and, while complicated, the establishment of sound
4455 science-based numeric nutrient criteria to complement the
4456 narrative criterion would enhance the ability of the state to
4457 achieve a balance of adequate nutrients to sustain aquatic life
4458 while not allowing excess nutrients that will alter the aquatic
4459 ecosystem.

4460 (g) The state's reclaimed lakes, canals, and ditches
4461 represent unique surface waters for which alternative uses and
4462 associated criteria are appropriate.

4463 (2) The Legislature further finds the following with
4464 respect to the United States Environmental Protection Agency's
4465 nutrient water quality criteria rulemaking:

4466 (a) The agency's January 2010 proposed water quality

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4467 standards for the state fail to take into account the unique
4468 characteristics of the state's many thousands of rivers,
4469 streams, and canals.

4470 (b) The agency's January 2010 proposed water quality
4471 standards fail to incorporate, and may undermine, the state's
4472 science-based total maximum daily loads program.

4473 (c) The finalization and implementation of the agency's
4474 January 2010 proposed water quality standards will have severe
4475 economic consequences on the state's agriculture, local
4476 governments, wastewater utilities, economically vital
4477 industries, small businesses, and residents living below the
4478 poverty level or on fixed incomes.

4479 Section 59. Subsections (1), (2), and (3) of section
4480 220.1845, Florida Statutes, are renumbered as subsections (2),
4481 (3), and (4), respectively, and a new subsection (1) is added to
4482 that section to read:

4483 220.1845 Contaminated site rehabilitation tax credit.—

4484 (1) APPLICATION FOR TAX CREDIT.—A site rehabilitation
4485 application must be received by the Division of Waste Management
4486 of the Department of Environmental Protection by January 31 of
4487 the year after the calendar year for which site rehabilitation
4488 costs are being claimed in a tax credit application. All site
4489 rehabilitation costs claimed must have been for work conducted
4490 between January 1 and December 31 of the year for which the
4491 application is being submitted. All payment requests must have
4492 been received and all costs must have been paid prior to
4493 submittal of the tax credit application, but no later than
4494 January 31 of the year after the calendar year for which site
4495 rehabilitation costs are being claimed.

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4496 Section 60. Paragraph (a) of subsection (5), paragraph (c)
4497 of subsection (6), and subsections (9) and (10) of section
4498 376.30781, Florida Statutes, are amended to read:

4499 376.30781 Tax credits for rehabilitation of drycleaning-
4500 solvent-contaminated sites and brownfield sites in designated
4501 brownfield areas; application process; rulemaking authority;
4502 revocation authority.—

4503 (5) To claim the credit for site rehabilitation or solid
4504 waste removal, each tax credit applicant must apply to the
4505 Department of Environmental Protection for an allocation of the
4506 \$2 million annual credit by filing a tax credit application with
4507 the Division of Waste Management on a form developed by the
4508 Department of Environmental Protection in cooperation with the
4509 Department of Revenue. The form shall include an affidavit from
4510 each tax credit applicant certifying that all information
4511 contained in the application, including all records of costs
4512 incurred and claimed in the tax credit application, are true and
4513 correct. If the application is submitted pursuant to
4514 subparagraph (3)(a)2., the form must include an affidavit signed
4515 by the real property owner stating that it is not, and has never
4516 been, the owner or operator of the drycleaning facility where
4517 the contamination exists. Approval of tax credits must be
4518 accomplished on a first-come, first-served basis based upon the
4519 date and time complete applications are received by the Division
4520 of Waste Management, subject to the limitations of subsection
4521 (14). To be eligible for a tax credit, the tax credit applicant
4522 must:

4523 (a) For site rehabilitation tax credits, have entered into
4524 a voluntary cleanup agreement with the Department of

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4525 Environmental Protection for a drycleaning-solvent-contaminated
4526 site or a Brownfield Site Rehabilitation Agreement, as
4527 applicable, and have paid all deductibles pursuant to s.
4528 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program
4529 sites, as applicable. A site rehabilitation tax credit applicant
4530 must submit only a single completed application per site for
4531 each calendar year's site rehabilitation costs. A site
4532 rehabilitation application must be received by the Division of
4533 Waste Management of the Department of Environmental Protection
4534 by January 31 of the year after the calendar year for which site
4535 rehabilitation costs are being claimed in a tax credit
4536 application. All site rehabilitation costs claimed must have
4537 been for work conducted between January 1 and December 31 of the
4538 year for which the application is being submitted. All payment
4539 requests must have been received and all costs must have been
4540 paid prior to submittal of the tax credit application, but no
4541 later than January 31 of the year after the calendar year for
4542 which site rehabilitation costs are being claimed.

4543 (6) To obtain the tax credit certificate, the tax credit
4544 applicant must provide all pertinent information requested on
4545 the tax credit application form, including, at a minimum, the
4546 name and address of the tax credit applicant and the address and
4547 tracking identification number of the eligible site. Along with
4548 the tax credit application form, the tax credit applicant must
4549 submit the following:

4550 (c) Proof that the documentation submitted pursuant to
4551 paragraph (b) has been reviewed and verified by an independent
4552 certified public accountant in accordance with standards
4553 established by the American Institute of Certified Public

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4554 Accountants. Specifically, a certified public accountant's
4555 report must be submitted and the certified public accountant
4556 must attest to the accuracy and validity of the costs claimed
4557 ~~incurred and paid during the time period covered~~ in the
4558 application by conducting an independent review of the data
4559 presented by the tax credit applicant. Accuracy and validity of
4560 costs incurred and paid shall be determined after the level of
4561 effort is certified by an appropriate professional registered in
4562 this state in each contributing technical discipline. The
4563 certified public accountant's report must also attest that the
4564 costs included in the application form are not duplicated within
4565 the application, that all payment requests were received and all
4566 costs were paid prior to submittal of the tax credit
4567 application, and, for site rehabilitation tax credits, that all
4568 costs claimed are for work conducted between January 1 and
4569 December 31 of the year for which the application is being
4570 submitted. A copy of the accountant's report shall be submitted
4571 to the Department of Environmental Protection in addition to the
4572 accountant's certification form in the tax credit application;
4573 and

4574 (9) On or before May 1, the Department of Environmental
4575 Protection shall inform each tax credit applicant that is
4576 subject to the January 31 annual application deadline of the
4577 applicant's eligibility status and the amount of any tax credit
4578 due. The department shall provide each eligible tax credit
4579 applicant with a tax credit certificate that must be submitted
4580 with its tax return to the Department of Revenue to claim the
4581 tax credit or be transferred pursuant to s. 220.1845(2)(g) ~~s.~~
4582 ~~220.1845(1)(g)~~. The May 1 deadline for annual site

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4583 rehabilitation tax credit certificate awards shall not apply to
4584 any tax credit application for which the department has issued a
4585 notice of deficiency pursuant to subsection (8). The department
4586 shall respond within 90 days after receiving a response from the
4587 tax credit applicant to such a notice of deficiency. Credits may
4588 not result in the payment of refunds if total credits exceed the
4589 amount of tax owed.

4590 (10) For solid waste removal, new health care facility or
4591 health care provider, and affordable housing tax credit
4592 applications, the Department of Environmental Protection shall
4593 inform the applicant of the department's determination within 90
4594 days after the application is deemed complete. Each eligible tax
4595 credit applicant shall be informed of the amount of its tax
4596 credit and provided with a tax credit certificate that must be
4597 submitted with its tax return to the Department of Revenue to
4598 claim the tax credit or be transferred pursuant to s.
4599 220.1845(2)(g) ~~s. 220.1845(1)(g)~~. Credits may not result in the
4600 payment of refunds if total credits exceed the amount of tax
4601 owed.

4602 Section 61. Section 376.85, Florida Statutes, is amended to
4603 read:

4604 376.85 Annual report.—The Department of Environmental
4605 Protection shall prepare and submit ~~an annual report~~ to the
4606 President of the Senate and the Speaker of the House of
4607 Representatives by August 1 of each year a report that includes
4608 ~~Legislature, beginning in December 1998, which shall include,~~
4609 but is not ~~be~~ limited to, the number, size, and locations of
4610 brownfield sites: that have been remediated under the provisions
4611 of this act, + that are currently under rehabilitation pursuant

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4612 to a negotiated site rehabilitation agreement with the
4613 department or a delegated local program, + where alternative
4614 cleanup target levels have been established pursuant to s.
4615 376.81(1)(g)3. + and ~~+~~ where engineering and institutional
4616 control strategies are being employed as conditions of a "no
4617 further action order" to maintain the protections provided in s.
4618 376.81(1)(g)1. and 2.

4619 Section 62. Section 403.973, Florida Statutes, is amended
4620 to read:

4621 403.973 Expedited permitting; amendments to comprehensive
4622 plans ~~plan amendments~~.

4623 (1) It is the intent of the Legislature to encourage and
4624 facilitate the location and expansion of those types of economic
4625 development projects which offer job creation and high wages,
4626 strengthen and diversify the state's economy, and have been
4627 thoughtfully planned to take into consideration the protection
4628 of the state's environment. It is also the intent of the
4629 Legislature to provide for an expedited permitting and
4630 comprehensive plan amendment process for such projects.

4631 (2) As used in this section, the term:

4632 (a) "Duly noticed" means publication in a newspaper of
4633 general circulation in the municipality or county with
4634 jurisdiction. The notice shall appear on at least 2 separate
4635 days, one of which shall be at least 7 days before the meeting.
4636 The notice shall state the date, time, and place of the meeting
4637 scheduled to discuss or enact the memorandum of agreement, and
4638 the places within the municipality or county where such proposed
4639 memorandum of agreement may be inspected by the public. The
4640 notice must be one-eighth of a page in size and must be

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4641 published in a portion of the paper other than the legal notices
4642 section. The notice shall also advise that interested parties
4643 may appear at the meeting and be heard with respect to the
4644 memorandum of agreement.

4645 (b) "Jobs" means permanent, full-time equivalent positions
4646 not including construction jobs.

4647 (c) "Office" means the Office of Tourism, Trade, and
4648 Economic Development.

4649 (d) "Permit applications" means state permits and licenses,
4650 and at the option of a participating local government, local
4651 development permits or orders.

4652 (e) "Secretary" means the Secretary of Environmental
4653 Protection or his or her designee.

4654 (3) (a) The secretary ~~Governor, through the office,~~ shall
4655 direct the creation of regional permit action teams~~,~~ for the
4656 purpose of expediting review of permit applications and local
4657 comprehensive plan amendments submitted by:

- 4658 1. Businesses creating at least 50 ~~100~~ jobs;~~;~~ or
4659 2. Businesses creating at least 25 ~~50~~ jobs if the project
4660 is located in an enterprise zone, or in a county having a
4661 population of fewer ~~less~~ than 75,000 or in a county having a
4662 population of fewer ~~less~~ than 125,000 ~~100,000~~ which is
4663 contiguous to a county having a population of fewer ~~less~~ than
4664 75,000, as determined by the most recent decennial census,
4665 residing in incorporated and unincorporated areas of the
4666 county.~~;~~~~or~~

4667 (b) On a case-by-case basis and at the request of a county
4668 or municipal government, the office may certify as eligible for
4669 expedited review a project not meeting the minimum job creation

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4670 thresholds but creating a minimum of 10 jobs. The recommendation
4671 from the governing body of the county or municipality in which
4672 the project may be located is required in order for the office
4673 to certify that any project is eligible for expedited review
4674 under this paragraph. When considering projects that do not meet
4675 the minimum job creation thresholds but that are recommended by
4676 the governing body in which the project may be located, the
4677 office shall consider economic impact factors that include, but
4678 are not limited to:

- 4679 1. The proposed wage and skill levels relative to those
4680 existing in the area in which the project may be located;
- 4681 2. The project's potential to diversify and strengthen the
4682 area's economy;
- 4683 3. The amount of capital investment; and
- 4684 4. The number of jobs that will be made available for
4685 persons served by the welfare transition program.

4686 (c) At the request of a county or municipal government, the
4687 office or a Quick Permitting County may certify projects located
4688 in counties where the ratio of new jobs per participant in the
4689 welfare transition program, as determined by Workforce Florida,
4690 Inc., is less than one or otherwise critical, as eligible for
4691 the expedited permitting process. Such projects must meet the
4692 numerical job creation criteria of this subsection, but the jobs
4693 created by the project do not have to be high-wage jobs that
4694 diversify the state's economy.

4695 (d) Projects located in a designated brownfield area are
4696 eligible for the expedited permitting process.

4697 (e) Projects that are part of the state-of-the-art
4698 biomedical research institution and campus to be established in

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4699 this state by the grantee under s. 288.955 are eligible for the
4700 expedited permitting process, if the projects are designated as
4701 part of the institution or campus by the board of county
4702 commissioners of the county in which the institution and campus
4703 are established.

4704 (f) Projects resulting in the production of biofuels
4705 cultivated on lands that are 1,000 acres or more or in the
4706 construction of a biofuel or biodiesel processing facility or a
4707 facility generating renewable energy, as defined in s.
4708 366.91(2)(d), are eligible for the expedited permitting process.

4709 (4) The regional teams shall be established through the
4710 execution of memoranda of agreement developed by the applicant
4711 and the secretary, with input solicited from ~~between~~ the office
4712 and the respective heads of ~~the Department of Environmental~~
4713 ~~Protection,~~ the Department of Community Affairs, the Department
4714 of Transportation and its district offices, the Department of
4715 Agriculture and Consumer Services, the Fish and Wildlife
4716 Conservation Commission, appropriate regional planning councils,
4717 appropriate water management districts, and voluntarily
4718 participating municipalities and counties. The memoranda of
4719 agreement should also accommodate participation in this
4720 expedited process by other local governments and federal
4721 agencies as circumstances warrant.

4722 (5) In order to facilitate local government's option to
4723 participate in this expedited review process, the secretary
4724 ~~office~~ shall, in cooperation with local governments and
4725 participating state agencies, create a standard form memorandum
4726 of agreement. A local government shall hold a duly noticed
4727 public workshop to review and explain to the public the

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4728 expedited permitting process and the terms and conditions of the
4729 standard form memorandum of agreement.

4730 (6) The local government shall hold a duly noticed public
4731 hearing to execute a memorandum of agreement for each qualified
4732 project. Notwithstanding any other provision of law, and at the
4733 option of the local government, the workshop provided for in
4734 subsection (5) may be conducted on the same date as the public
4735 hearing held under this subsection. The memorandum of agreement
4736 that a local government signs shall include a provision
4737 identifying necessary local government procedures and time
4738 limits that will be modified to allow for the local government
4739 decision on the project within 90 days. The memorandum of
4740 agreement applies to projects, on a case-by-case basis, that
4741 qualify for special review and approval as specified in this
4742 section. The memorandum of agreement must make it clear that
4743 this expedited permitting and review process does not modify,
4744 qualify, or otherwise alter existing local government
4745 nonprocedural standards for permit applications, unless
4746 expressly authorized by law.

4747 ~~(7) At the option of the participating local government,~~
4748 Appeals of local government comprehensive plan approvals ~~its~~
4749 ~~final approval~~ for a project shall ~~may~~ be pursuant to the
4750 summary hearing provisions of s. 120.574, pursuant to subsection
4751 (14), and consolidated with the challenge of any applicable
4752 state agency actions ~~or pursuant to other appellate processes~~
4753 ~~available to the local government. The local government's~~
4754 ~~decision to enter into a summary hearing must be made as~~
4755 ~~provided in s. 120.574 or in the memorandum of agreement.~~

4756 (8) Each memorandum of agreement shall include a process

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4757 for final agency action on permit applications and local
4758 comprehensive plan amendment approvals within 90 days after
4759 receipt of a completed application, unless the applicant agrees
4760 to a longer time period or the secretary ~~office~~ determines that
4761 unforeseen or uncontrollable circumstances preclude final agency
4762 action within the 90-day timeframe. Permit applications governed
4763 by federally delegated or approved permitting programs whose
4764 requirements would prohibit or be inconsistent with the 90-day
4765 timeframe are exempt from this provision, but must be processed
4766 by the agency with federally delegated or approved program
4767 responsibility as expeditiously as possible.

4768 (9) The secretary ~~office~~ shall inform the Legislature by
4769 October 1 of each year which agencies have not entered into or
4770 implemented an agreement and identify any barriers to achieving
4771 success of the program.

4772 (10) The memoranda of agreement may provide for the waiver
4773 or modification of procedural rules prescribing forms, fees,
4774 procedures, or time limits for the review or processing of
4775 permit applications under the jurisdiction of those agencies
4776 that are party to the memoranda of agreement. Notwithstanding
4777 any other provision of law to the contrary, a memorandum of
4778 agreement must to the extent feasible provide for proceedings
4779 and hearings otherwise held separately by the parties to the
4780 memorandum of agreement to be combined into one proceeding or
4781 held jointly and at one location. Such waivers or modifications
4782 shall not be available for permit applications governed by
4783 federally delegated or approved permitting programs, the
4784 requirements of which would prohibit, or be inconsistent with,
4785 such a waiver or modification.

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4786 (11) The standard form for memoranda of agreement shall
4787 include guidelines to be used in working with state, regional,
4788 and local permitting authorities. Guidelines may include, but
4789 are not limited to, the following:

4790 (a) A central contact point for filing permit applications
4791 and local comprehensive plan amendments and for obtaining
4792 information on permit and local comprehensive plan amendment
4793 requirements;

4794 (b) Identification of the individual or individuals within
4795 each respective agency who will be responsible for processing
4796 the expedited permit application or local comprehensive plan
4797 amendment for that agency;

4798 (c) A mandatory preapplication review process to reduce
4799 permitting conflicts by providing guidance to applicants
4800 regarding the permits needed from each agency and governmental
4801 entity, site planning and development, site suitability and
4802 limitations, facility design, and steps the applicant can take
4803 to ensure expeditious permit application and local comprehensive
4804 plan amendment review. As a part of this process, the first
4805 interagency meeting to discuss a project shall be held within 14
4806 days after the secretary's ~~office's~~ determination that the
4807 project is eligible for expedited review. Subsequent interagency
4808 meetings may be scheduled to accommodate the needs of
4809 participating local governments that are unable to meet public
4810 notice requirements for executing a memorandum of agreement
4811 within this timeframe. This accommodation may not exceed 45 days
4812 from the secretary's ~~office's~~ determination that the project is
4813 eligible for expedited review;

4814 (d) The preparation of a single coordinated project

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4815 description form and checklist and an agreement by state and
4816 regional agencies to reduce the burden on an applicant to
4817 provide duplicate information to multiple agencies;

4818 (e) Establishment of a process for the adoption and review
4819 of any comprehensive plan amendment needed by any certified
4820 project within 90 days after the submission of an application
4821 for a comprehensive plan amendment. However, the memorandum of
4822 agreement may not prevent affected persons as defined in s.
4823 163.3184 from appealing or participating in this expedited plan
4824 amendment process and any review or appeals of decisions made
4825 under this paragraph; and

4826 (f) Additional incentives for an applicant who proposes a
4827 project that provides a net ecosystem benefit.

4828 (12) The applicant, the regional permit action team, and
4829 participating local governments may agree to incorporate into a
4830 single document the permits, licenses, and approvals that are
4831 obtained through the expedited permit process. This consolidated
4832 permit is subject to the summary hearing provisions set forth in
4833 subsection (14).

4834 (13) Notwithstanding any other provisions of law:

4835 (a) Local comprehensive plan amendments for projects
4836 qualified under this section are exempt from the twice-a-year
4837 limits provision in s. 163.3187; and

4838 (b) Projects qualified under this section are not subject
4839 to interstate highway level-of-service standards adopted by the
4840 Department of Transportation for concurrency purposes. The
4841 memorandum of agreement specified in subsection (5) must include
4842 a process by which the applicant will be assessed a fair share
4843 of the cost of mitigating the project's significant traffic

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4844 impacts, as defined in chapter 380 and related rules. The
4845 agreement must also specify whether the significant traffic
4846 impacts on the interstate system will be mitigated through the
4847 implementation of a project or payment of funds to the
4848 Department of Transportation. Where funds are paid, the
4849 Department of Transportation must include in the 5-year work
4850 program transportation projects or project phases, in an amount
4851 equal to the funds received, to mitigate the traffic impacts
4852 associated with the proposed project.

4853 (14) (a) Challenges to state agency action in the expedited
4854 permitting process for projects processed under this section are
4855 subject to the summary hearing provisions of s. 120.574, except
4856 that the administrative law judge's decision, as provided in s.
4857 120.574(2) (f), shall be in the form of a recommended order and
4858 shall not constitute the final action of the state agency. In
4859 those proceedings where the action of only one agency of the
4860 state other than the Department of Environmental Protection is
4861 challenged, the agency of the state shall issue the final order
4862 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
4863 law judge's recommended order, and the recommended order shall
4864 inform the parties of their right to file exceptions or
4865 responses to the recommended order in accordance with the
4866 uniform rules of procedure pursuant to s. 120.54. In those
4867 proceedings where the actions of more than one agency of the
4868 state are challenged, the Governor shall issue the final order
4869 within 45 ~~10~~ working days after ~~of~~ receipt of the administrative
4870 law judge's recommended order, and the recommended order shall
4871 inform the parties of their right to file exceptions or
4872 responses to the recommended order in accordance with the

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4873 uniform rules of procedure pursuant to s. 120.54. This paragraph
4874 does not apply to the issuance of department licenses required
4875 under any federally delegated or approved permit program. In
4876 such instances, the department shall enter the final order. The
4877 participating agencies of the state may opt at the preliminary
4878 hearing conference to allow the administrative law judge's
4879 decision to constitute the final agency action. If a
4880 participating local government agrees to participate in the
4881 summary hearing provisions of s. 120.574 for purposes of review
4882 of local government comprehensive plan amendments, s.
4883 163.3184(9) and (10) apply.

4884 (b) Projects identified in paragraph (3)(f) or challenges
4885 to state agency action in the expedited permitting process for
4886 establishment of a state-of-the-art biomedical research
4887 institution and campus in this state by the grantee under s.
4888 288.955 are subject to the same requirements as challenges
4889 brought under paragraph (a), except that, notwithstanding s.
4890 120.574, summary proceedings must be conducted within 30 days
4891 after a party files the motion for summary hearing, regardless
4892 of whether the parties agree to the summary proceeding.

4893 (15) The office, working with the agencies providing
4894 cooperative assistance and input regarding ~~participating in~~ the
4895 memoranda of agreement, shall review sites proposed for the
4896 location of facilities eligible for the Innovation Incentive
4897 Program under s. 288.1089. Within 20 days after the request for
4898 the review by the office, the agencies shall provide to the
4899 office a statement as to each site's necessary permits under
4900 local, state, and federal law and an identification of
4901 significant permitting issues, which if unresolved, may result

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4902 in the denial of an agency permit or approval or any significant
4903 delay caused by the permitting process.

4904 (16) This expedited permitting process shall not modify,
4905 qualify, or otherwise alter existing agency nonprocedural
4906 standards for permit applications or local comprehensive plan
4907 amendments, unless expressly authorized by law. If it is
4908 determined that the applicant is not eligible to use this
4909 process, the applicant may apply for permitting of the project
4910 through the normal permitting processes.

4911 (17) The office shall be responsible for certifying a
4912 business as eligible for undergoing expedited review under this
4913 section. Enterprise Florida, Inc., a county or municipal
4914 government, or the Rural Economic Development Initiative may
4915 recommend to the Office of Tourism, Trade, and Economic
4916 Development that a project meeting the minimum job creation
4917 threshold undergo expedited review.

4918 (18) The office, working with the Rural Economic
4919 Development Initiative and the agencies participating in the
4920 memoranda of agreement, shall provide technical assistance in
4921 preparing permit applications and local comprehensive plan
4922 amendments for counties having a population of fewer ~~less~~ than
4923 75,000 residents, or counties having fewer than 125,000 ~~100,000~~
4924 residents which are contiguous to counties having fewer than
4925 75,000 residents. Additional assistance may include, but not be
4926 limited to, guidance in land development regulations and
4927 permitting processes, working cooperatively with state,
4928 regional, and local entities to identify areas within these
4929 counties which may be suitable or adaptable for preclearance
4930 review of specified types of land uses and other activities

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4931 requiring permits.

4932 (19) The following projects are ineligible for review under
4933 this part:

4934 (a) A project funded and operated by a local government, as
4935 defined in s. 377.709, and located within that government's
4936 jurisdiction.

4937 (b) A project, the primary purpose of which is to:

4938 1. Effect the final disposal of solid waste, biomedical
4939 waste, or hazardous waste in this state.

4940 2. Produce electrical power, unless the production of
4941 electricity is incidental and not the primary function of the
4942 project or the electrical power is derived from a fuel source
4943 for renewable energy as defined in s. 366.91(2)(d).

4944 3. Extract natural resources.

4945 4. Produce oil.

4946 5. Construct, maintain, or operate an oil, petroleum,
4947 natural gas, or sewage pipeline.

4948 Section 63. This act shall take effect July 1, 2010.