

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: CS/CS/CS/SB 1178

INTRODUCER: Budget Subcommittee on General Government Appropriations; Community Affairs Committee; Environmental Preservation and Conservation Committee; and Senator Hays

SUBJECT: Water Supply

DATE: February 28, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Uchino	Yeatman	EP	Fav/CS
2.	Uchino	Yeatman	CA	Fav/CS
3.	Pigott	DeLoach	BGA	Fav/CS
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The Committee Substitute (CS) requires the water management districts (WMDs) to submit to the Department of Environmental Protection (DEP) an annual priority list and schedule identifying any proposed reservations and listed water bodies that may be affected by activities in an adjacent WMD for which development of a reservation or a minimum flow or level (MFL) may be appropriate. It creates a process for the DEP to adopt a reservation, MFL, or a recovery or prevention strategy for application in a WMD, which may apply rules without having to adopt them. The CS authorizes the WMDs to enter into interagency agreements to share capital resources for resource management activities affecting multiple WMDs. It also clarifies that cooperative funding programs are not subject to the rulemaking requirements of ch. 120, F.S.

The CS specifies that alternative water supply (AWS) development projects are eligible for consumptive use permits (CUPs) of at least 30 years. The permits are subject to compliance reports and WMD water shortage orders. The CS provides AWS permits may be reduced to prevent unanticipated harm to water resources or existing legal uses. The CS also specifies a CUP may not be issued for nonbrackish groundwater supplies or nonalternative water supplies.

The CS clarifies entities have the option to apply for at least 20-year permits or at least 30-year permits.

The CS authorizes WMD governing boards to provide group insurance for employees of other WMDs and proscribes the manner in which it may be accomplished. It also clarifies that all WMDs shall jointly develop regional water supply plans with water supply entities in their respective districts. Lastly, the CS creates the Study Committee on Investor-Owned Water and Wastewater Utility Systems (committee) with enumerated membership and associated requirements.

This CS substantially amends ss. 373.042, 373.046, 373.171, 373.236, 373.605 and 373.709 of the Florida Statutes and creates an unnumbered section of law.

II. Present Situation:

Consumptive Use Permits

A CUP establishes the duration and type of water use as well as the maximum amount that may be withdrawn daily. Pursuant to s. 373.219, F.S., each CUP must be consistent with the objectives of the issuing WMD or the DEP and may not be harmful to the water resources of the area. To obtain a CUP, an applicant must establish that the proposed use of water satisfies the statutory test, commonly referred to as “the three-prong test.” Specifically, the proposed water use must:

- be a “reasonable-beneficial use” as defined in s. 373.019(16), F.S.;
- not interfere with any presently existing legal use of water; and
- be consistent with the public interest.

The Three-Prong Test

“Reasonable-beneficial use” is defined as “the use of water in such quantity as is necessary for economic and efficient utilization for a purpose and in a manner which is both reasonable and consistent with the public interest.”¹ The Legislature has declared water a public resource belonging to the public, therefore, wasteful uses of water are not allowed even if there are sufficient resources to meet all other users.

To that end, the DEP has promulgated the Water Resource Implementation Rule that incorporates interpretive criteria for implementing the reasonable-beneficial use standard based on common law and on water management needs.² These criteria include consideration of the quantity of water requested; the need, purpose, and value of the use; and the suitability of the source. The criteria also consider the extent and amount of harm caused, whether that harm extends to other lands, and the practicality of mitigating that harm by adjusting the quantity or method of use. Particular consideration is given to the use or reuse of lower quality water, and

¹ Section 373.019(16), F.S.

² See generally Rule 62-40, F.A.C.

the long-term ability of the source to supply water without sustaining harm to the surrounding environment and natural resources.³

The second element of the three-prong test protects the rights of existing legal uses of water for the duration of their permits.⁴ New CUPs cannot be issued if they would conflict with an existing legal use. This criterion is only protective of water users that actually withdraw water, not passive users of water resources.⁵

The final element of the three-prong test requires water use to be consistent with the “public interest.” While the DEP’s Water Resource Implementation Rule provides criteria for determining the “public interest,” determination of a public interest is made on a case-by-case basis during the permitting process.⁶ However, the WMDs and the DEP have broad authority to determine which uses best serve the public interest if there are not sufficient resources to fulfill all applicants’ CUPs. In the event that two or more competing applications are deemed to be equally in the public interest, the WMDs or the DEP gives preference to renewal applications.⁷

Duration of Permits and Compliance Reviews

Pursuant to s. 373.236(1), F.S., CUPs must be granted for 20 years if requested by the applicant and there is sufficient data to provide reasonable assurance that the conditions for permit issuance will be met for the duration of the permit. If either of these requirements is not met, a CUP with a shorter duration may be issued to reflect the period for which reasonable assurances can be provided. The WMDs and the DEP may determine the duration of permits based upon a reasonable system of classification according to the water source, the type of use, or both.

Pursuant to s. 373.236(4), F.S., when necessary to maintain “reasonable assurance” that initial conditions for issuance of a 20-year CUP can continue to be met, a WMD or the DEP may require a permittee to produce a compliance report every 10 years.⁸ A compliance report must contain sufficient data to maintain reasonable assurance that the initial permit conditions are met, including original demand projections. After reviewing a compliance report, a WMD or the DEP may modify the permit, including reductions or changes in the initial allocations of water, to ensure the water use comports with initial conditions for issuance of the CUP. Permit modifications made by a WMD or the DEP during a compliance review cannot be subject to competing applications for water use if the permittee is not seeking additional water allocations or changes in water sources.

³ *Southwest Florida Water Management District v. Charlotte County*, 774 So. 2d 903, 911 (Fla. 2d DCA 2001) (upholding the WMD’s use of criteria for implementing the reasonable-beneficial use standard).

⁴ Section 373.223(1)(b), F.S.

⁵ *See Harloff v. City of Sarasota*, 575 So. 2d 1324 (Fla. 2d DCA 1991) (holding a municipal wellfield was an existing legal user and should be afforded protection). In contrast, *see West Coast Regional Water Supply Authority v. Southwest Florida Water Management District*, 89 ER F.A.L.R. 166 (Final Order, Aug. 30, 1989) (holding a farmer who passively relied on a higher water table to grow nonirrigated crops and standing surface water bodies to water cattle was not an existing legal user).

⁶ *Supra* note 2.

⁷ *See* s. 373.233, F.S.

⁸ In limited instances, the statute authorizes more frequent “look backs”. For example, the Suwannee River WMD may require a compliance report every five years through July 1, 2015, after which the “look-back” period returns to 10 years.

Consumptive Use Permits for the Development of Alternative Water Supplies

Section 373.019(1), F.S., defines “alternative water supplies” as:

[S]alt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.

CUPs issued pursuant to s. 373.236(5), F.S., for the development of AWS must be issued for at least 20 years. If the permittee issues bonds to finance construction of the AWS project, the permit must be extended to expire upon retirement of the bonds if the permittee requests an extension during the term of the permit and the issuing WMD’s governing board determines the use will continue to meet the CUP’s conditions. Compliance reports may also be required every 10 years for CUPs issued for AWS projects. WMDs generally issue CUPS with a maximum term of 20 years for the development of AWS, although some 30-year CUPs for AWS projects have been issued.

Water Resources and WMD Boundaries

The WMDs were established along surface hydrological boundaries. As Florida’s population has grown and groundwater pumping increased, withdrawals along the boundary of one WMD can cause significant harm to the resources in an adjoining WMD. Such effects are becoming more common as technological advances have provided better data on groundwater resources. While a WMD has the authority to protect all water resources, including water bodies in an adjacent WMD, it cannot use the adopted reservation, MFL, and recovery and prevention strategies adopted by a neighboring WMD without separately going through its own rule making process. The current statutory authority may result in duplication of effort and rulemaking activity when a withdrawal affects water bodies in adjoining WMDs. It can also create inconsistent and inequitable treatment of water use permit applicants.

The goal of establishing MFLs is to ensure there is enough water to satisfy the consumptive use of the water resource without causing significant harm to the resource. By establishing MFLs for non-consumptive uses, the WMDs are able to determine how much water is available for consumptive use. This is useful when evaluating a new CUP application.

Section 373.042, F.S., requires the DEP or WMDs to establish MFLs for priority water bodies to prevent significant harm from water withdrawals. However, the WMDs have thus far been solely responsible for establishing MFLs. The WMDs submit annual MFL priority lists to the DEP for review and approval. MFLs are considered rules by the WMDs and are subject to chapter 120, F.S., challenges. MFLs are established using the best available data and are independently and scientifically peer reviewed. To date, 322 MFLs have been adopted and 200 are on the current priority lists from the WMDs.

Interagency Agreements

Subsection 373.046(6), F.S., currently allows the WMDs to enter into an interagency agreement designating one WMD with regulatory responsibilities for the geographic area of projects that affect multiple WMDs or a local government. However, the WMDs do not have the statutory authority to enter into similar agreements for non-regulatory resource management activities, studies, or projects. In addition, a WMD may not fund resource management activities in another WMD even if some benefits inure to it from the activities.

Cooperative Funding Programs

Senate Bill 2080, passed during the 2009 Regular Session, addressed cooperative funding programs.⁹ However, its statutory placement in s. 373.0363, F.S., limits its application instead of applying generally to all cooperative funding programs, as was intended. Cooperative funding is not considered a regulatory program. It is a cost-share program for local governments for projects that develop sustainable water resources, provide flood protection, and enhance conservation efforts. Therefore, if a district needed to adopt rules for all of the procedures and policies in a cooperative funding program, it would be unable to adapt or modify the program as necessary.

Health Insurance Benefits for Employees of WMDs

Section 373.605, F.S., authorizes the WMDs to provide group insurance programs for their employees. However, no legislative authority exists for WMDs to pool their employees to negotiate better insurance rates. Each WMD provides its own insurance programs. WMDs with smaller workforces have difficulty providing plans with adequate coverage at competitive rates. In addition, the quality of health care plans provided currently varies widely among WMDs.

Regional Water Supply Planning

The WMDs are required to conduct water supply needs assessments. A WMD that determines existing resources will not be sufficient to meet reasonable-beneficial uses for the planning period must prepare a regional water supply plan.¹⁰ The plans must contain:

- A water supply development component,
- A water resource development component,
- A recovery and prevention strategy,
- A funding strategy,
- The impacts on the public interest, costs, natural resources, etc.,
- Technical data and information,
- Any MFLs established for the planning area,
- The water resources for which future MFLs must be developed, and
- An analysis of where variances may be used to create water supply development or water resource development projects.¹¹

⁹ Chapter 2009-243, s. 1, L.O.F.

¹⁰ See s. 373.709, F.S.

Currently, only the Southwest Florida WMD is required to develop jointly the water supply development component with a regional water supply authority.¹²

Investor-Owned Water and Wastewater Utilities

The specific regulatory entities that set rates and service in the state vary. For privately-owned utilities operating within a single county, the county has the option to regulate rates and service or allow the Public Service Commission (PSC) to regulate those utilities.¹³ The PSC currently has jurisdiction over privately-owned water and wastewater utilities in 36 of the 67 counties in Florida. Regardless of whether the county has opted to regulate privately-owned utilities, the PSC has jurisdiction over all water or wastewater utility systems whose service transverses county boundaries, except for systems owned and regulated by intergovernmental authorities.¹⁴ Systems owned, operated, managed, or controlled by governmental authorities are not subject to PSC regulation.¹⁵

For regulatory purposes, the PSC classifies utilities into one of three categories based on annual operating revenues:¹⁶

- Class A – Operating revenues greater than \$1,000,000.
- Class B – Operating revenues greater than \$200,000 but less than \$1,000,000.
- Class C – Operating revenues less than \$200,000.

Currently, there are 15 Class A utilities, 33 Class B utilities, and 96 Class C utilities under the PSC's jurisdiction. These utilities serve approximately 3 to 4 percent of Florida's population. The remaining population is served either by private utilities in non-jurisdictional counties, by statutorily exempt utilities (such as municipal utilities, cooperatives, and non-profits), or by wells and septic tanks. The 15 Class A utilities serve approximately 50 percent of the customers for all classes. In general, filing requirements, fees, penalties, and regulatory treatment are eased for Class B and C utilities.

In September 2011, the PSC conducted an informal staff workshop in Orlando to address challenges facing the water and wastewater industry. The PSC invited the industry stakeholders to this workshop and indicated that the workshop would provide an open forum to look at probable solutions to the challenges facing utilities.¹⁷ The PSC invited input and discussion concerning currently available options as well as solutions that may require regulatory or statutory changes.

¹¹ Section 373.709(2), F.S.

¹² Section 373.709(3), F.S.

¹³ Section 367.171, F.S. If a county chooses to allow regulation by the PSC, it may rescind this choice only after 10 continuous years of PSC regulation.

¹⁴ *Id.*

¹⁵ Section 367.022(2), F.S.

¹⁶ Rules 25-30.110(4) and 25-30.115, F.A.C. As noted in these rules, this classification system is used by the National Association of Regulatory Utility Commissioners for publishing its system of accounts.

¹⁷ PSC, *Re: Staff Workshop on Challenges Facing the Water and Wastewater Industry*, available at http://www.psc.state.fl.us/common/controls/workshop09_29_11.pdf (last visited Feb. 7, 2012).

Following the informal staff workshop, the PSC conducted a formal agency workshop in Tallahassee on November 3, 2011, to discuss solutions to increase efficiencies in the water and wastewater industry to minimize the effects of rates on consumers.¹⁸ The main purpose of the workshop was to hear and address ideas to help alleviate financial strains on small water and wastewater utilities.¹⁹

The PSC heard discussion on several potential mechanisms to address these issues, including the creation of a legislative commission comprised of legislators, regulators, industry representatives, local government representatives, and customer representatives.²⁰ This proposal, drafted by the PSC's staff, provided that the committee would be staffed by the PSC staff and have use of the PSC's facilities. The proposal required that the committee meet at least four times, with two of those meetings held in areas where utility customers had been impacted by recent rate increases. The proposal required that the committee submit a report, including specific findings and legislative recommendations, to the Governor and the Legislature by December 31, 2012. The committee would terminate on June 30, 2012.

III. Effect of Proposed Changes:

Section 1 amends s. 373.042, F.S., requiring each WMD to submit a priority list and schedule to the DEP identifying any reservations proposed by the WMD to be established and those listed water bodies that have the potential to be affected by withdrawals in an adjacent WMD for which DEP adoption of a reservation or a MFL may be appropriate.

The CS requires a WMD to provide the DEP with technical information and staff support for the development of a reservation, MFL, or recovery or prevention strategy to be adopted by rule by the DEP. A reservation, MFL, or recovery or prevention strategy adopted by rule by the DEP must be applied by the WMDs without adoption of such reservation, minimum flow or level, or recovery or prevention strategy by rule. This change in law will allow the WMDs to use DEP-adopted rules to consider significant harm to water resources outside of the issuing WMD's boundaries.

Section 2 amends s. 373.046, F.S., authorizing the WMDs to enter into interagency agreements to share funding and resource management responsibilities for activities, studies, or projects for resources that affect multiple WMDs in a geographic area. This section does not apply to shared regulatory responsibilities already provided for in subsection 373.046(6), F.S. In addition, this section allows a WMD to provide funding assistance to another WMD for resource management activities, studies, or projects if the funding WMD receives some or all of the benefits of the resource management activities. The bill also clarifies that it does not impair any interagency agreement in effect on July 1, 2012.

¹⁸PSC, *Notice of Commission Workshop*, available at <http://www.psc.state.fl.us/library/filings/11/07437-11/07437-11.pdf> (last visited Feb. 7, 2012).

¹⁹PSC, *Workshop Transcript (2-3)*, available at <http://www.psc.state.fl.us/library/filings/11/08324-11/08324-11.pdf> (last visited Feb. 7, 2012).

²⁰PSC, *Workshop Materials*, available at <http://www.psc.state.fl.us/agendas/workshops/Materials.11.03.2011.pdf> (last visited Feb. 7, 2012).

Section 3 amends s. 373.171, F.S., clarifying that a WMD's cooperative funding programs are not subject to ch. 120, F.S., rulemaking requirements. However, parties may challenge programs pursuant to s. 120.569, F.S., if any part of the program affects their substantial interests.

Section 4 amends s. 373.236, F.S., clarifying that AWS permits issued for at least 20 years are subject to the reasonable assurance provisions currently required by the DEP and WMDs. It directs the DEP or the WMDs to issue permits for the development of AWS projects for at least 30 years for permits issued on or after July 1, 2012, if the proper reasonable assurance is provided. If the permittee issues bonds to finance the project, completes the project and requests an extension of the CUP duration, the CUP must be extended for a maximum of seven years. This will allow the entity that develops the AWS project to operate the AWS project for 30 years after construction in order to repay 30-year bonds. The seven-year extension may be retroactively applied to any 30-year AWS permit issued between June 1, 2011, and July 1, 2012.

CUPs issued pursuant to this CS are subject to compliance reports; however, the quantity of alternative water allocated under the permit cannot be reduced during the compliance review if bonds that financed the project are outstanding. This provision does not apply to adopted districtwide water shortage orders or when an AWS permit results in unanticipated harm to water resources or existing legal uses.

The CS clarifies that CUPs cannot be issued for AWS projects for nonbrackish groundwater supplies (i.e., fresh water) or nonalternative water supplies. It also clarifies that entities may apply for an AWS permit under either ss. 373.236(5)(a) or (b), F.S.

Section 5 amends s. 373.605, F.S., authorizing the governing board of a WMD to offer the employees of other WMDs group insurance in the same manner as other public employees pursuant to ss. 112.08-112.11 and 112.14, F.S. It also deletes an obsolete provision.

Section 6 amends 373.709, F.S., directing the WMDs to jointly develop the water supply development component of a regional water supply plan with a regional water supply authority. Currently, only the Southwest Florida WMD is required to do so.

Section 7 creates an unnumbered section of law that creates the Study Committee on Investor-Owned Water and Wastewater Utility Systems (committee). The committee will consist of 18 residents of Florida, 15 of who are voting members. The voting members consist of:

- One member of the Senate appointed by the President of the Senate;
- One member of the House of Representatives appointed by the Speaker of the House of Representatives;
- Two representatives of Class A investor-owned water or wastewater utilities appointed by the Governor;
- One representative of a Class B investor-owned water or wastewater utility appointed by the Governor;
- One representative of a Class C investor-owned water or wastewater utility appointed by the Governor;
- One customer of a Class A investor-owned water or wastewater utility appointed by the Governor;

- One customer of a Class B or C investor-owned water or wastewater utility appointed by the Governor;
- One representative of a WMD appointed by the Governor;
- One representative of the Florida Section of the American Water Works Association appointed by the Governor;
- One representative of the Florida Rural Water Association appointed by the Governor;
- One representative of a water or wastewater system owned or operated by a municipal or county government appointed by the Governor;
- One representative of a governmental authority created pursuant to ch. 163, F.S., appointed by the Governor;
- The chair of a county commission that regulates investor-owned water or wastewater utility systems appointed by the Governor; and
- One representative of a county health department appointed by the Governor.

The three nonvoting members are:

- The chair of the PSC, or a commissioner chosen by the chair, who will serve as the committee's chair;
- The Secretary of Environmental Protection, or his or her designee; and
- The Public Counsel, or his or her designee.

The CS requires members to serve until the committee work is complete and the committee is terminated. A member that no longer serves in the representative position required for the appointment will be replaced by the individual who serves in the position. The members will not be compensated but are entitled to reimbursement for reasonable expenses to carry out their duties. Additionally, the appointing authority may remove or suspend a member appointed by it for cause, including failure to attend two or more committee meetings.

The CS directs the PSC to provide staff, information, assistance and facilities for the committee, as necessary. The CS specifies that funding for the committee will come from the Florida Public Service Regulatory Trust Fund.

The CS specifies the committee must identify issues facing investor-owned water and wastewater utility systems, particularly small systems, and their customers, and research possible solutions. In addition, the CS requires the committee to consider:

- The ability of a small investor-owned water and wastewater utility to achieve economies of scale when purchasing equipment, commodities or services.
- The availability of low-interest loans to a small, privately-owned water or wastewater utility.
- Tax incentives or exemptions available to a small water or wastewater utility.
- The impact on customer rates if a utility purchases an existing water or wastewater utility system.
- The impact on customer rates of a utility providing service through a reseller.
- Other issues that the committee identifies during its investigation.

The CS does not specify where meetings must occur but requires the committee meet a minimum of four times; however, at least two meetings must be held in an area "centrally located to utility customers who have recently been affected by a significant increase in water or wastewater

utility rates.” The CS directs that the public must be given the opportunity to speak at these meetings.

The CS requires the committee to prepare and submit a report to the Governor and Legislature by February 15, 2013. The report must detail the committee’s findings and make specific legislative recommendations including proposed legislation. If the committee finds an issue that may be addressed by agency rulemaking, it must submit the report to the respective agency with proposed rules. The CS provides that this unnumbered section of law expires and the committee terminates on June 30, 2013.

Section 8 provides an effective date of July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Most bonds issued to fund the capital construction costs of an AWS project are 30-year bonds; however, most AWS CUPs are only issued for 20 years. This discrepancy may affect the interest rate the AWS developer has to pay to launch the bonds. The impact of this is indeterminate but may be significant if the uncertainty in renewing a 20-year CUP for a 30-year bond has significant weight in the rating agencies’ models. For example, an A-rated \$100 million bond may cost \$7-10 million more over the life of the bond as compared to an AAA-rated bond. In addition, by allowing an up to seven-year extension under certain circumstances, AWS developers will be able to operate the AWS project without having to reapply for a CUP at the end of the initial 30-year duration. This will ensure operation of the AWS project for a full 30-year term.

C. Government Sector Impact:

The CS may have a negative but indeterminate impact on permit revenues for the DEP or the WMDs; however, any impacts are expected to be met by existing staff and resources.

The CS will result in a positive but indeterminate fiscal impact to the WMDs due to reductions in rulemaking expenses and group insurance premiums. It may also allow for streamlining of some administrative and non-regulatory functions.

The CS requires the PSC to provide staff, information, assistance and facilities to support the committee. In addition, expenses will be incurred by the committee for its operations and reimbursement for members' reasonable expenses. The fiscal for this CS will be addressed in the General Appropriations Act and contingent upon passage of the CS.

VI. Technical Deficiencies:

None.

VII. Related Issues:

By the Legislature's amending this section to explicitly require reasonable assurance for a variety of CUPs, a court may find that the Legislature implicitly excluded the necessity to provide reasonable assurance for a 50-year permit for certain public or government works. It would be the only permit category left out of reasonable assurance requirements of s. 373.236, F.S. Currently the WMDs require reasonable assurance for the up to 50-year permit.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS/CS by Budget Subcommittee on General Government Appropriations on February 28, 2012:

- Requires a WMD to submit to the DEP an annual priority list and schedule identifying listed water bodies, any proposed reservations and listed water bodies that may be affected by activities in an adjacent WMD;
- Creates a process for the DEP to adopt a reservation, MFL, or a recovery or prevention strategy for application in a WMD, which may apply the rule without adopting it;
- Authorizes the WMDs to enter into interagency agreements to share capital resources for resource management activities affecting multiple WMDs;
- Clarifies cooperative funding programs are not subject to the rulemaking requirements of ch. 120, F.S.;
- Authorizes a WMD to provide group insurance for employees of another WMD;
- Requires joint development of regional water supply plans by all WMDs and the respective water supply entities within their districts; and
- Clarifies if the committee finds an issue that may be addressed by agency rulemaking, it must submit the report to the respective agency with proposed rules.

CS/CS by Community Affairs on February 6, 2012:

The CS creates the Study Commission on Investor-Owned Water and Wastewater Utility Systems with associated requirements.

CS by Environmental Preservation and Conservation on January 30, 2012:

- Clarifies reasonable assurance must be provided for the at least 20-year permit;
- Deletes the list of entities that may apply for an extended AWS permit;
- Applies the seven-year extension retroactively to AWS permits issued between June 1, 2011, and July 1, 2012; and
- Provides for necessary permit allotment reductions if the permit results in unanticipated harm to the resource or existing legal uses.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
