

HB 7045

2012

1 A bill to be entitled
2 An act relating to consumptive use permits for
3 development of alternative water supplies; amending s.
4 373.236, F.S.; specifying conditions for issuance of
5 permits; providing for issuance, extension, and review
6 of permits approved after a certain date; providing
7 construction; providing an effective date.

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

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11 Section 1. Subsection (5) of section 373.236, Florida
12 Statutes, is amended to read:

13 373.236 Duration of permits; compliance reports.—

14 (5) (a) Permits approved for the development of alternative
15 water supplies shall be granted for a term of at least 20 years
16 if there is sufficient data to provide reasonable assurance that
17 the conditions for permit issuance will be met for the duration
18 of the permit. However, if the permittee issues bonds for the
19 construction of the project, upon request of the permittee prior
20 to the expiration of the permit, the ~~that~~ permit shall be
21 extended for such additional time as is required for the
22 retirement of bonds, not including any refunding or refinancing
23 of such bonds, if provided that the governing board determines
24 that the use will continue to meet the conditions for the
25 issuance of the permit. Such a permit is subject to compliance
26 reports under subsection (4).

27 (b)1. Permits approved after July 1, 2012, for the
28 development of alternative water supplies shall be granted for a

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29 term of at least 30 years if there is sufficient data to provide
30 reasonable assurance that the conditions for permit issuance
31 will be met for the duration of the permit. If, within 7 years
32 after a permit is granted, the permittee issues bonds to finance
33 the project, completes construction of the project, and requests
34 an extension of the permit duration, the permit shall be
35 extended to expire upon the retirement of such bonds or 30 years
36 after the date construction of the project is complete,
37 whichever occurs later. However, a permit's duration may not be
38 extended by more than 7 years beyond the permit's original
39 expiration date.

40 2. Permits issued under this paragraph are subject to
41 compliance reports under subsection (4). However, if the
42 permittee demonstrates that bonds issued to finance the project
43 are outstanding, the quantity of alternative water allocated in
44 the permit may not be reduced during a compliance report review
45 unless a reduction is needed to address unanticipated harm to
46 water resources or to existing legal uses present when the
47 permit was issued. A reduction required by an applicable water
48 shortage order shall apply to permits issued under this
49 paragraph.

50 3. Permits issued under this paragraph may not authorize
51 the use of nonbrackish groundwater supplies or nonalternative
52 water supplies.

53 (c) Entities that wish to develop alternative water
54 supplies may apply for a permit under paragraph (a) or paragraph
55 (b).

56 Section 2. This act shall take effect July 1, 2012.