

Bill No. CS for CS for SB 444

Barcode 453192

CHAMBER ACTION

Senate

House

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The Committee on Ways and Means (Pruitt) recommended the following amendment:

Senate Amendment (with title amendment)

On page 41, line 19 through page 48, line 29 delete

and insert: water utilities, multi-jurisdictional water supply entities, self-suppliers, and other affected and interested parties. The districts will actively engage in public education and outreach to all affected local entities and their officials, as well as members of the public, in the planning process and in seeking input. During preparation, but prior to completion of the regional water supply plan, the district must conduct at least one public workshop to discuss the technical data and modeling tools anticipated to be used to support the regional water supply plan. The district shall also hold several public meetings to communicate the status, overall conceptual intent, and impacts of the plan on existing and future reasonable-beneficial uses and natural systems. During the planning process, a local government may choose to prepare its own water supply assessment to determine if

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1 existing water sources are adequate to meet existing and
2 projected reasonable-beneficial needs of the local government
3 while sustaining water resources and related natural systems.
4 The local government shall submit such assessment, including
5 the data and methodology used, to the district. The district
6 shall consider the local government's assessment during the
7 formation of the plan. A determination by the governing board
8 that initiation of a regional water supply plan for a specific
9 planning region is not needed pursuant to this section shall
10 be subject to s. 120.569. The governing board shall reevaluate
11 such a determination at least once every 5 years and shall
12 initiate a regional water supply plan, if needed, pursuant to
13 this subsection.

14 (2) Each regional water supply plan shall be based on
15 at least a 20-year planning period and shall include, but is
16 not limited to:

17 (a) A water supply development component for each
18 water supply planning region identified by the district which
19 includes:

20 1. A quantification of the water supply needs for all
21 existing and future reasonable-beneficial uses within the
22 planning horizon. The level-of-certainty planning goal
23 associated with identifying the water supply needs of existing
24 and future reasonable-beneficial uses shall be based upon
25 meeting those needs for a 1-in-10-year drought event.
26 Population projections used for determining public water
27 supply needs must be based upon the best available data. In
28 determining the best available data, the district shall
29 consider the University of Florida's Bureau of Economic and
30 Business Research (BEBR) medium population projections and any
31 population projection data and analysis submitted by a local

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1 government pursuant to the public workshop described in
 2 subsection (1) if the data and analysis support the local
 3 government's comprehensive plan. Any adjustment of or
 4 deviation from the BEBR projections must be fully described,
 5 and the original BEBR data must be presented along with the
 6 adjusted data.

7 2. A list of water supply development project options,
 8 including traditional and alternative water supply project
 9 options, from which local government, government-owned and
 10 privately owned utilities, regional water supply authorities,
 11 multi-jurisdictional water supply entities, self-suppliers,
 12 and others may choose for water supply development. In
 13 addition to projects listed by the district, such users may
 14 propose specific projects for inclusion in the list of
 15 alternative water supply projects. If such users propose a
 16 project to be listed as an alternative water supply project,
 17 the district shall determine whether it meets the goals of the
 18 plan, and, if so, it shall be included in the list. The total
 19 capacity of the projects included in the plan shall exceed the
 20 needs identified in subparagraph 1. and shall take into
 21 account water conservation and other demand management
 22 measures, as well as water resources constraints, including
 23 adopted minimum flows and levels and water reservations. Where
 24 the district determines it is appropriate, the plan should
 25 specifically identify the need for multi-jurisdictional
 26 approaches to project options that, based on planning level
 27 analysis, are appropriate to supply the intended uses and
 28 that, based on such analysis, appear to be permissible and
 29 financially and technically feasible.

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

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1 a. An estimate of the amount of water to become
2 available through the project.

3 b. The timeframe in which the project option should be
4 implemented and the estimated planning-level costs for capital
5 investment and operating and maintaining the project.

6 c. An analysis of funding needs and sources of
7 possible funding options. For alternative water supply
8 projects the water management districts shall provide funding
9 assistance in accordance with s. 373.1961(3).

10 d. Identification of the entity that should implement
11 each project option and the current status of project
12 implementation.

13 (b) A water resource development component that
14 includes:

15 1. A listing of those water resource development
16 projects that support water supply development.

17 2. For each water resource development project listed:

18 a. An estimate of the amount of water to become
19 available through the project.

20 b. The timeframe in which the project option should be
21 implemented and the estimated planning-level costs for capital
22 investment and for operating and maintaining the project.

23 c. An analysis of funding needs and sources of
24 possible funding options.

25 d. Identification of the entity that should implement
26 each project option and the current status of project
27 implementation.

28 (c) The recovery and prevention strategy described in
29 s. 373.0421(2).

30 (d) A funding strategy for water resource development
31 projects, which shall be reasonable and sufficient to pay the

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1 cost of constructing or implementing all of the listed
2 projects.

3 (e) Consideration of how the project options addressed
4 in paragraph (a) serve the public interest or save costs
5 overall by preventing the loss of natural resources or
6 avoiding greater future expenditures for water resource
7 development or water supply development. However, unless
8 adopted by rule, these considerations do not constitute final
9 agency action.

10 (f) The technical data and information applicable to
11 each planning region which are necessary to support the
12 regional water supply plan.

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

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

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

19 (j) An analysis, developed in cooperation with the
20 department, of areas or instances in which the variance
21 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
22 create water supply development or water resource development
23 projects.

24 (3) The water supply development component of a
25 regional water supply plan which deals with or affects public
26 utilities and public water supply for those areas served by a
27 regional water supply authority and its member governments
28 within the boundary of the Southwest Florida Water Management
29 District shall be developed jointly by the authority and the
30 district. In areas not served by regional water supply
31 authorities, or other multi-jurisdictional water supply

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1 entities, and where opportunities exist to meet water supply
2 needs more efficiently through multi-jurisdictional projects
3 identified pursuant to s. 372.0361(2)(a), water management
4 districts are directed to assist in developing
5 multi-jurisdictional approaches to water supply project
6 development jointly with affected water utilities, special
7 districts, and local governments.

8 (4) Governing board approval of a regional water
9 supply plan shall not be subject to the rulemaking
10 requirements of chapter 120. However, any portion of an
11 approved regional water supply plan which affects the
12 substantial interests of a party shall be subject to s.
13 120.569.

14 (5) Annually and in conjunction with the reporting
15 requirements of s. 373.536(6)(a)4., the department shall
16 submit to the Governor and the Legislature a report on the
17 status of regional water supply planning in each district. The
18 report shall include:

19 (a) A compilation of the estimated costs of and
20 potential sources of funding for water resource development
21 and water supply development projects as identified in the
22 water management district regional water supply plans.

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

26 (c) A description of each district's progress toward
27 achieving its water resource development objectives, including
28 the district's implementation of its 5-year water resource
29 development work program.

30 (d) An assessment of the specific progress being made
31 to implement each alternative water supply project option

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1 chosen by the entities and identified for implementation in
2 the plan.

3 (e) An overall assessment of the progress being made
4 to develop water supply in each district, including, but not
5 limited to, an explanation of how each project, either
6 alternative or traditional, will produce, contribute to, or
7 account for additional water being made available for
8 consumptive uses, an estimate of the quantity of water to be
9 produced by each project, and an assessment of the
10 contribution of the district's regional water supply plan in
11 providing sufficient water to meet the needs of existing and
12 future reasonable-beneficial uses for a 1-in-10 year drought
13 event, as well as the needs of the natural systems.

14 (6) Nothing contained in the water supply development
15 component of a regional water supply plan shall be construed
16 to require local governments, government-owned or privately
17 owned water utilities, special districts, self-suppliers,
18 regional water supply authorities, multi-jurisdictional water
19 supply entities, or other water suppliers to select a water
20 supply development project identified in the component merely
21 because it is identified in the plan. Except as provided in s.
22 373.223(3) and (5), the plan may not be used in the review of
23 permits under part II unless the plan or an applicable portion
24 thereof has been adopted by rule. However, this subsection
25 does not prohibit a water management district from employing
26 the data or other information used to establish the plan in
27 reviewing permits under part II, nor does it limit the
28 authority of the department or governing board under part II.

29 (7) Where the water supply component of a water supply
30 planning region shows the need for one or more alternative
31 water supply projects, the district shall notify the affected

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1 local governments and make every reasonable effort to educate
2 and involve local public officials in working toward solutions
3 in conjunction with the districts and, where appropriate,
4 other local and regional water supply entities.

5 (a) Within 6 months following approval or amendment of
6 its regional water supply plan, each water management district
7 shall notify by certified mail each entity identified in
8 sub-subparagraph (2)(a)3.d. of that portion of the plan
9 relevant to the entity. Upon request of such an entity, the
10 water management district shall appear before and present its
11 findings and recommendations to the entity.

12 (b) Within 1 year after the notification by a water
13 management district pursuant to paragraph (a), each entity
14 identified in sub-subparagraph (2)(a)3.d. shall provide to the
15 water management district written notification of the
16 following: the alternative water supply projects or options
17 identified in s. 373.0361(2)(a) that it has developed or
18 intends to develop, if any; an estimate of the quantity of
19 water to be produced by each project; the status of project
20 implementation, including development of the financial plan,
21 facilities master planning, permitting, and efforts in
22 coordinating multi-jurisdictional projects, if applicable. The
23 information provided in the notification shall be updated
24 annually and a progress report shall be provided by November
25 15 of each year to the water management district. If an entity
26 does not intend to develop one or more of the alternative
27 water supply project options identified in the regional water
28 supply plan, the entity shall propose, within 1 year after
29 notification by a water management district pursuant to
30 paragraph (a), another alternative water supply project option
31 sufficient to address the needs identified in paragraph (2)(a)

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1 within the entity's jurisdiction and shall provide an estimate
 2 of the quantity of water to be produced by the project and the
 3 status of project implementation as described in this
 4 paragraph. The entity may request that the water management
 5 district consider the other project for inclusion in the
 6 regional water supply plan.

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

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

13 And the title is amended as follows:

14 On page 3, line 25, after the semi-colon

15

16 insert:

17 requiring identified entities to select
 18 alternative water supply projects and provide
 19 periodic status reports;

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