

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Williams, T. offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 4128 and 4129, insert:

5 Section 51. Subsection (1) of section 373.0361, Florida
6 Statutes, is amended to read:

7 373.0361 Regional water supply planning.—

8 (1) The governing board of each water management district
9 shall conduct water supply planning for any water supply
10 planning region within the district identified in the
11 appropriate district water supply plan under s. 373.036, where
12 it determines that existing sources of water are not adequate to
13 supply water for all existing and future reasonable-beneficial
14 uses and to sustain the water resources and related natural
15 systems for the planning period. The planning must be conducted
16 in an open public process, in coordination and cooperation with
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17 local governments, regional water supply authorities,
18 government-owned and privately owned water and wastewater
19 utilities, multijurisdictional water supply entities, self-
20 suppliers, reuse utilities, the department, and other affected
21 and interested parties. The districts shall actively engage in
22 public education and outreach to all affected local entities and
23 their officials, as well as members of the public, in the
24 planning process and in seeking input. During preparation, but
25 prior to completion of the regional water supply plan, the
26 district must conduct at least one public workshop to discuss
27 the technical data and modeling tools anticipated to be used to
28 support the regional water supply plan. The district shall also
29 hold several public meetings to communicate the status, overall
30 conceptual intent, and impacts of the plan on existing and
31 future reasonable-beneficial uses and related natural systems.
32 During the planning process, a local government may choose to
33 prepare its own water supply assessment to determine if existing
34 water sources are adequate to meet existing and projected
35 reasonable-beneficial needs of the local government while
36 sustaining water resources and related natural systems. The
37 local government shall submit such assessment, including the
38 data and methodology used, to the district. The district shall
39 consider the local government's assessment during the formation
40 of the plan. A determination by the governing board that
41 initiation of a regional water supply plan for a specific
42 planning region is not needed pursuant to this section shall be
43 subject to s. 120.569. The governing board shall reevaluate such
44 a determination at least once every 5 years and shall initiate a
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45 regional water supply plan, if needed, pursuant to this
46 subsection.

47 Section 52. Subsection (4) of section 373.079, Florida
48 Statutes, is amended to read:

49 373.079 Members of governing board; oath of office;
50 staff.—

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

53 (a) An executive director, ombudsman, and such engineers,
54 other professional persons, and other personnel and assistants
55 as it deems necessary and under such terms and conditions as it
56 may determine and to terminate such employment. The appointment
57 of an executive director by the governing board is subject to
58 approval by the Governor and must be initially confirmed by the
59 ~~Florida~~ Senate. The governing board may delegate all or part of
60 its authority under this paragraph to the executive director.
61 However, the governing board shall delegate to the executive
62 director all of its authority to take final action on permit
63 applications under ~~part II or~~ part IV or petitions for variances
64 or waivers of permitting requirements under ~~part II or~~ part IV,
65 ~~except for denials of such actions as provided in s. 373.083(5).~~

66 1. The executive director may execute such delegated
67 authority through designated staff members. Such delegations
68 shall not be subject to the rulemaking requirements of chapter
69 120. The governing board must provide a process for referring a
70 denial of such application or petition to the governing board
71 for the purpose of taking final action. The executive director
72 must be confirmed by the Senate upon employment and must be
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73 confirmed or reconfirmed by the Senate during the second regular
74 session of the Legislature following a gubernatorial election.

75 2. The delegation required by this paragraph shall
76 expressly prohibit governing board members from individually
77 intervening in any manner during the review of an application
78 before such application is referred to the governing board for
79 final action. This subparagraph does not prohibit the governing
80 board as a collegial body from acting on any permit application
81 or supervising, overseeing, or directing the activities of
82 district staff. This subparagraph expires June 1, 2011, unless
83 reenacted by the Legislature.

84 ~~(b)1. The governing board of each water management~~
85 ~~district shall employ~~ An inspector general, who shall report
86 directly to the board. However, the governing boards of the
87 Suwannee River Water Management District and the Northwest
88 Florida Water Management District may jointly employ an
89 inspector general, or provide for inspector general services by
90 interagency agreement with a state agency or water management
91 district inspector general.

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

95 Section 53. Subsection (5) of section 373.083, Florida
96 Statutes, is amended to read:

97 373.083 General powers and duties of the governing board.—
98 In addition to other powers and duties allowed it by law, the
99 governing board is authorized to:

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100 (5) Execute any of the powers, duties, and functions
101 vested in the governing board through a member ~~or members~~
102 ~~thereof~~, the executive director, or other district staff as
103 designated by the governing board. The governing board may
104 establish the scope and terms of any delegation and no
105 delegation shall be subject to the rulemaking requirements of
106 chapter 120. However, if the governing board delegates shall
107 ~~delegate~~ to the executive director ~~all of~~ its authority to take
108 final action on permit applications under part II ~~or part IV~~ or
109 petitions for variances or waivers of permitting requirements
110 under part II ~~or part IV~~, ~~and~~ the executive director may execute
111 such delegated authority through designated staff. ~~Such~~
112 ~~delegations shall not be subject to the rulemaking requirements~~
113 ~~of chapter 120.~~ However, the governing board must ~~shall~~ provide
114 a process for referring a any denial of such application or
115 petition to the governing board for the purpose of taking to
116 ~~take~~ final action. ~~Such process shall expressly prohibit any~~
117 ~~member of a governing board from intervening in any manner~~
118 ~~during the review of an application prior to such application~~
119 ~~being referred to the governing board for final action.~~ The
120 authority to delegate under ~~in~~ this subsection is supplemental
121 to any other provision of this chapter granting authority to the
122 governing board to delegate specific powers, duties, or
123 functions.

124 Section 54. Subsection (1) of section 373.085, Florida
125 Statutes, is amended to read:

126 373.085 Use of works or land by other districts or private
127 persons.—

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128 (1) (a) In order to promote water quantity and water
129 resource development, projects that improve flood control, and
130 conservation of lands, the district and other governmental
131 agencies shall encourage public-private partnerships by
132 collaborating, when possible, with those partnerships when
133 procuring materials for infrastructure and restoration work
134 projects, consistent with district and state procurement
135 procedures.

136 (b) The governing board has authority to prescribe the
137 manner in which local works provided by other districts or by
138 private persons will connect with and make use of the works or
139 land of the district, to issue permits therefor, and to cancel
140 the permits for noncompliance with the conditions thereof or for
141 other cause. It is unlawful to connect with or make use of the
142 works or land of the district without consent in writing from
143 its governing board, and the board has authority to prevent or,
144 if done, estop or terminate the same. The use of the works or
145 land of the district for access is governed by this section and
146 is not subject to the provisions of s. 704.01. However, any land
147 or works of the district which have historically been used for
148 public access to the ocean by means of the North New River Canal
149 and its tributaries may not be closed for this purpose unless
150 the district can demonstrate that significant harm to the
151 resource would result from such public use.

152 Section 55. Subsection (5) is added to section 373.118,
153 Florida Statutes, to read:

154 373.118 General permits; delegation.-

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155 (5) To improve efficiency, the governing board may
156 delegate its powers and duties pertaining to general permits to
157 the executive director. The executive director may execute such
158 delegated authority through designated staff. However, when
159 delegating the authority to take final action on permit
160 applications under part II or petitions for variances or waivers
161 of permitting requirements under part II, the governing board
162 must provide a process for referring a denial of such
163 application or petition to the governing board for the purpose
164 of taking final action. Such delegations are not subject to the
165 rulemaking requirements of chapter 120.

166 Section 56. Subsection (4) of section 373.236, Florida
167 Statutes, is amended to read:

168 373.236 Duration of permits; compliance reports.—

169 (4) Where necessary to maintain reasonable assurance that
170 the conditions for issuance of a 20-year permit can continue to
171 be met, the governing board or department, in addition to any
172 conditions required pursuant to s. 373.219, may require a
173 compliance report by the permittee every 10 ~~5~~ years during the
174 term of a permit. The Suwannee River Water Management District
175 may require a compliance report by the permittee every 5 years
176 through July 1, 2015, and thereafter every 10 years during the
177 term of the permit. This report shall contain sufficient data to
178 maintain reasonable assurance that the initial conditions for
179 permit issuance are met. Following review of this report, the
180 governing board or the department may modify the permit to
181 ensure that the use meets the conditions for issuance. Permit
182 modifications pursuant to this subsection shall not be subject
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183 to competing applications, provided there is no increase in the
184 permitted allocation or permit duration, and no change in
185 source, except for changes in source requested by the district.
186 This subsection shall not be construed to limit the existing
187 authority of the department or the governing board to modify or
188 revoke a consumptive use permit.

189 Section 57. Paragraphs (c) and (d) are added to subsection
190 (3) of section 373.250, Florida Statutes, subsections (4) and
191 (5) of that section are renumbered as subsections (5) and (6),
192 respectively, and a new subsection (4) is added to that section,
193 to read:

194 373.250 Reuse of reclaimed water.—

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

198 (c) Provisions to require permit applicants to provide, as
199 part of their reclaimed water feasibility evaluation for a
200 nonpotable use, written documentation from a reuse utility
201 addressing the availability of reclaimed water. This requirement
202 shall apply when the applicant's proposed use is within an area
203 that is or may be served with reclaimed water by a reuse utility
204 within a 5-year horizon, as established by the reuse utility and
205 provided to the district. If the applicable reuse utility fails
206 to respond or does not provide the information required under
207 paragraph (d) within 30 days after receipt of the request, the
208 applicant shall provide to the district a copy of the written
209 request and a statement that the utility failed to provide the
210 requested information. The district is not required to adopt, by
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211 rule, the area where written documentation from a reuse utility
212 is required, but the district shall publish the area, and any
213 updates thereto, on the district's website. This paragraph may
214 not be construed to limit the ability of a district to require
215 the use of reclaimed water or to limit a utility's ability to
216 plan reclaimed water infrastructure.

217 (d) Provisions specifying the content of the documentation
218 required in paragraph (c), including sufficient information
219 regarding the availability and costs associated with the
220 connection to and the use of reclaimed water, to facilitate the
221 permit applicant's reclaimed water feasibility evaluation.

222 (4) Reuse utilities and the applicable water management
223 district or districts are encouraged to periodically coordinate
224 and share information concerning the status of reclaimed water
225 distribution system construction, the availability of reclaimed
226 water supplies, and existing consumptive use permits in areas
227 served by the reuse utility.

228 Section 58. The water management districts shall initiate
229 rulemaking no later than July 1, 2011, to implement the
230 requirements of s. 373.250(3)(c) and (d), Florida Statutes, as
231 created by this act.

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

235 Between lines 208 and 209, insert:
236 amending s. 373.0361, F.S.; providing for the inclusion of
237 wastewater utilities, reuse utilities, and the department
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239 in the regional water supply planning process; amending s.
240 373.079, F.S.; revising provisions relating to the
241 authority of a water management district governing board
242 to employ an executive director, an ombudsman, an
243 inspector general, professional persons, and personnel;
244 prohibiting governing board intervention during review of
245 specified permit applications; providing for expiration of
246 such prohibition; revising provisions authorizing a water
247 management district governing board to delegate certain
248 authority to the executive director; requiring the
249 governing board to provide a process for referring certain
250 denials to the board for final action; amending s.
251 373.083, F.S.; revising provisions authorizing a water
252 management district governing board to delegate certain
253 authority to the executive director; deleting a provision
254 prohibiting governing board members from intervening in
255 the review of certain applications; amending s. 373.085,
256 F.S.; requiring water management districts and
257 governmental agencies to encourage public-private
258 partnerships for procurement of materials for
259 infrastructure and restoration work projects; amending s.
260 373.118, F.S.; authorizing a water management district
261 governing board to delegate certain authority to the
262 executive director; requiring a water management district
263 governing board to provide a process for referring
264 application and petition denials to the board for final
265 action; exempting such delegations from rulemaking under
266 ch. 120, F.S.; amending s. 373.236, F.S.; reducing the

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267 frequency of compliance reports during the term of a
268 consumptive use permit; providing an exception; amending
269 s. 373.250, F.S.; requiring water management districts, in
270 consultation with the department, to adopt rules relating
271 to reclaimed water feasibility evaluations for consumptive
272 use permit applicants; providing rule requirements;
273 encouraging reuse utilities and water management districts
274 to periodically coordinate and share information relating
275 to reclaimed water; requiring water management districts
276 to initiate certain rulemaking by a specified date;