

By the Committee on Environmental Preservation and Conservation;
and Senator Constantine

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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 powers and
6 duties of water management district governing boards;
7 requiring the Department of Environmental Protection
8 to develop the Florida water supply plan; providing
9 components of the plan; requiring water management
10 district governing boards to develop water supply
11 plans for their respective regions; providing
12 components of district water supply plans; providing
13 legislative findings and intent with respect to water
14 resource development and water supply development;
15 requiring water management districts to fund and
16 implement water resource development; specifying water
17 supply development projects that are eligible to
18 receive priority consideration for state or water
19 management district funding assistance; encouraging
20 cooperation in the development of water supplies;
21 providing for alternative water supply development;
22 encouraging municipalities, counties, and special
23 districts to create regional water supply authorities;
24 establishing the primary roles of the water management
25 districts in alternative water supply development;
26 establishing the primary roles of local governments,
27 regional water supply authorities, special districts,
28 and publicly owned and privately owned water utilities
29 in alternative water supply development; requiring the

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30 water management districts to detail the specific
31 allocations to be used for alternative water supply
32 development in their annual budget submission;
33 requiring that the water management districts include
34 the amount needed to implement the water supply
35 development projects in each annual budget;
36 establishing general funding criteria for funding
37 assistance to the state or water management districts;
38 establishing economic incentives for alternative water
39 supply development; providing a funding formula for
40 the distribution of state funds to the water
41 management districts for alternative water supply
42 development; requiring that funding assistance for
43 alternative water supply development be limited to a
44 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; providing selection criteria for
48 submittal of water supply projects to the State Board
49 of Administration; requiring a water management
50 district governing board to conduct water supply
51 planning for each region identified in the district
52 water supply plan; providing procedures and
53 requirements with respect to regional water supply
54 plans; providing for joint development of a specified
55 water supply development component of a regional water
56 supply plan within the boundaries of the Southwest
57 Florida Water Management District; providing that
58 approval of a regional water supply plan is not

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

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88 authorities from consideration of certain factors and
89 submissions; providing applicability of such
90 exemptions; authorizing the West Coast Regional Water
91 Supply Authority and its member governments to
92 reconstitute the authority's governance and rename the
93 authority under a voluntary interlocal agreement;
94 providing compliance requirements with respect to the
95 interlocal agreement; providing for supersession of
96 conflicting general or special laws; providing
97 requirements with respect to annual budgets;
98 specifying the annual millage for the authority;
99 authorizing the authority to request the governing
100 board of the district to levy ad valorem taxes within
101 the boundaries of the authority to finance authority
102 functions; providing requirements and procedures with
103 respect to the collection of such taxes; amending ss.
104 120.52, 163.3167, 163.3177, 163.3191, 189.404,
105 189.4155, 189.4156, and 367.021, F.S.; conforming
106 cross-references and removing obsolete provisions;
107 amending s. 373.019, F.S.; redefining the term
108 "alternative water supply" to include conservation
109 projects; amending ss. 373.036, 373.0363, 373.0421,
110 373.0695, 373.223, 373.2234, 373.229, 373.236,
111 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890,
112 403.891, and 682.02, F.S.; conforming cross-references
113 and removing obsolete provisions; renumbering s.
114 373.71, F.S.; relating to the Apalachicola-
115 Chattahoochee-Flint River Basin Compact, to clarify
116 retention of the section in part VI of ch. 373, F.S.;

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117 repealing s. 373.0361, F.S., relating to regional
118 water supply planning; repealing s. 373.0391, F.S.,
119 relating to technical assistance to local governments;
120 repealing s. 373.0831, F.S., relating to water
121 resource and water supply development; repealing s.
122 373.196, F.S., relating to alternative water supply
123 development; repealing s. 373.1961, F.S., relating to
124 water production and related powers and duties of
125 water management districts; repealing s. 373.1962,
126 F.S., relating to regional water supply authorities;
127 repealing s. 373.1963, F.S., relating to assistance to
128 the West Coast Regional Water Supply Authority;
129 amending s. 373.079, F.S.; deleting the requirement
130 that the district governing board delegate its
131 authority to take final actions; amending s. 373.083,
132 F.S.; deleting the restriction against reviewing
133 delegations by the board under ch. 120, F.S.; amending
134 s. 373.118, F.S.; requiring the board to provide a
135 process for referring certain delegated actions to the
136 governing board for final action; creating s.
137 373.4131, F.S.; providing legislative findings;
138 providing definitions; directing the Department of
139 Environmental Protection, along with the water
140 management districts, to create a statewide uniform
141 stormwater management rule; providing requirements for
142 rule creation; exempting agriculture from the rule;
143 amending s. 403.031, F.S.; modifying the definition of
144 "pollution" to include excess nutrients; providing
145 definitions for "first magnitude spring" and "second

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146 magnitude spring"; amending 403.061, F.S.; directing
147 the Department of Environmental Protection to limit
148 nutrients in water bodies; directing the Department of
149 Environmental Protection, along with the water
150 management districts, to create and maintain an
151 online, public database for consumptive use permits;
152 creating s. 403.0675, F.S.; directing the Department
153 of Environmental Protection to establish and implement
154 numeric nutrient criteria that comply with the United
155 States Environmental Protection Agency's requirements;
156 providing legislative findings; providing requirements
157 for development of the numeric nutrient criteria;
158 amending s. 215.619, F.S.; authorizing the issuance of
159 bonds to be used to finance the management of sewage
160 facilities in the Florida Keys Area; amending s.
161 380.0552, F.S.; revising legislative intent relating
162 to the designation of the Florida Keys as an area of
163 critical state concern; revising the procedures for
164 removing the designation; providing for administrative
165 review of such removal rather than judicial review;
166 authorizing the Administration Commission to adopt
167 rules or revise existing rules; revising the
168 principles guiding development; revising compliance
169 requirements for reviewing comprehensive plan
170 amendments; amending s. 381.0065, F.S.; providing
171 additional legislative intent; providing additional
172 requirements for onsite sewage treatment and disposal
173 systems in Monroe County; providing a definition for
174 "evaluation" and "responsible management entity";

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175 directing the Department of Health, the Department of
176 Community Affairs, and the Department of Environmental
177 Protection to develop guidelines for the creation of
178 responsible management entities; providing for duties
179 and powers of responsible management entities;
180 providing a statewide implementation schedule for
181 responsible management entities; prohibiting the land
182 application of septage after July 1, 2015; amending s.
183 381.00655, F.S.; requiring responsible management
184 entities to pay central sewer connection fees;
185 amending s. 381.0066, F.S.; providing an annual
186 operating permit fee for responsible management
187 entities; directing the Department of Health to
188 evaluate fee schedules set by responsible management
189 entities; providing minimum requirements for the
190 evaluation; amending s. 403.086, F.S.; requiring the
191 Department of Environmental Protection to submit a
192 report on the effects of reclaimed water use;
193 clarifying reuse requirements for domestic wastewater
194 facilities that discharge through ocean outfalls;
195 providing legislative findings and discharge
196 requirements for wastewater facilities in Monroe
197 County; prohibiting the land application of class AA,
198 class A, and class B wastewater residuals; exempting
199 class AA residuals marketed, distributed, and applied
200 as fertilizer, repealing sections 4, 5, and 6 of
201 chapter 99-395, Laws of Florida, as amended, relating
202 to sewage treatment in the Florida Keys; amending ss.
203 11.45 and 403.1835, F.S.; conforming terms to changes

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204 made by the renaming the corporation; amending s.
205 403.1837, F.S.; renaming the "Florida Water Pollution
206 Control Financing Corporation" as the "Florida Water
207 Pollution Control and Drinking Water Financing
208 Corporation"; expanding the jurisdiction of the
209 corporation to include loans made from the drinking
210 water state revolving loan fund; amending s. 403.8532,
211 F.S.; providing definitions for the terms "bonds" and
212 "corporation"; conforming provisions to changes made
213 by the act; authorizing the Department of
214 Environmental Protection to adopt certain rules;
215 amending s. 403.8533, F.S.; revising the purposes for
216 the Drinking Water Revolving Loan Trust Fund;
217 providing that the trust fund is exempt from the
218 termination provisions of the State Constitution;
219 creating part IV of ch. 369, F.S.; providing a short
220 title; providing legislative findings and intent with
221 respect to the need to protect and restore springs and
222 ground water; providing definitions; requiring the
223 Department of Environmental Protection to delineate
224 the springsheds of specified springs; requiring the
225 department to adopt spring protection zones by
226 secretarial order; requiring the department to adopt
227 total maximum daily loads and basin management action
228 plans for spring systems; providing requirements for
229 onsite sewage treatment and disposal systems;
230 providing requirements for agricultural operations;
231 authorizing the Department of Environmental
232 Protection, the Department of Health, and the

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233 Department of Agriculture and Consumer Services to
234 adopt rules; requiring the water management districts
235 and local governments to evaluate and remediate
236 nitrogen loading and begin implementing management
237 plans within the spring protection zones; amending s.
238 259.105, F.S.; providing priority under the Florida
239 Forever Act for projects within a springs protection
240 zone; amending s. 369.317, F.S.; clarifying mitigation
241 offsets in the Wekiva Study Area; creating s. 373.631,
242 F.S.; providing legislative intent to utilize State
243 University System academic bodies to provide regular
244 science-based policy recommendations to the
245 Legislature; directing that the University of Florida
246 Water Institute be the lead academic body; amending s.
247 553.77, F.S.; directing the Florida Building
248 Commission to recommend products that result in water
249 conservation; amending s. 215.47, F.S.; authorizing
250 the State Board of Administration to make investments
251 in alternative water supply and water resource
252 development projects; amending 373.129, F.S.;

253 requiring the water management districts to submit to
254 alternative dispute resolution in conflicts with other
255 governmental entities; amending s. 403.707, F.S.;

256 requiring liners for new construction and demolition
257 debris landfills; amending s. 298.66, F.S.; fixing a
258 scrivener's error to align statutory effect with
259 legislative intent; amending s. 212.054, F.S.;

260 allowing counties designated as an area of critical
261 state concern to levy a one-cent sales surtax for

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262 stormwater and wastewater management; requiring
263 approval of the surtax by voter referendum; providing
264 an effective date.

265

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

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268 Section 1. Part VII of ch. 373, Florida Statutes,
269 consisting of sections 373.701, 373.703, 373.705, 373.707,
270 373.709, 373.711, 373.713, 373.715 is created to read:

271

PART VII

272

WATER SUPPLY POLICY, PLANNING, PRODUCTION, AND FUNDING

273

373.701 Declaration of policy.—It is declared to be the

274

policy of the Legislature:

275

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

278

(2) (a) Because water constitutes a public resource
279 benefiting the entire state, it is the policy of the Legislature
280 that the waters in the state be managed on a state and regional
281 basis. Consistent with this directive, the Legislature
282 recognizes the need to allocate water throughout the state so as
283 to meet all reasonable-beneficial uses. However, the Legislature
284 acknowledges that such allocations have in the past adversely
285 affected the water resources of certain areas in this state. To
286 protect such water resources and to meet the current and future
287 needs of those areas with abundant water, the Legislature
288 directs the department and the water management districts to
289 encourage the use of water from sources nearest the area of use
290 or application whenever practicable. Such sources shall include

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291 all naturally occurring water sources and all alternative water
292 sources, including, but not limited to, desalination,
293 conservation, reuse of nonpotable reclaimed water and
294 stormwater, and aquifer storage and recovery. Reuse of potable
295 reclaimed water and stormwater shall not be subject to the
296 evaluation described in s. 373.223(3) (a)-(g). However, this
297 directive to encourage the use of water, whenever practicable,
298 from sources nearest the area of use or application shall not
299 apply to the transport and direct and indirect use of water
300 within the area encompassed by the Central and Southern Florida
301 Flood Control Project, nor shall it apply anywhere in the state
302 to the transport and use of water supplied exclusively for
303 bottled water as defined in s. 500.03(1) (d), nor shall it apply
304 to the transport and use of reclaimed water for electrical power
305 production by an electric utility as defined in s. 366.02(2).

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

310 (3) Cooperative efforts between municipalities, counties,
311 water management districts, and the department are mandatory in
312 order to meet the water needs of rapidly urbanizing areas in a
313 manner that will supply adequate and dependable supplies of
314 water where needed without resulting in adverse effects upon the
315 areas from which such water is withdrawn. Such efforts should
316 use all practical means of obtaining water, including, but not
317 limited to, withdrawals of surface water and ground water,
318 reuse, and desalination and will necessitate not only
319 cooperation but also well-coordinated activities.

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320 Municipalities, counties, and special districts are encouraged
321 to create regional water supply authorities as authorized in s.
322 373.713 or multijurisdictional water supply entities.

323 373.703 Water production; powers and duties.—In the
324 performance of, and in conjunction with, its other powers and
325 duties, the governing board of a water management district
326 existing pursuant to this chapter:

327 (1) Shall engage in planning to assist counties,
328 municipalities, special districts, publicly owned and privately
329 owned water utilities, multijurisdictional water supply
330 entities, or regional water supply authorities in meeting water
331 supply needs in such manner as will give priority to encouraging
332 conservation and reducing adverse environmental effects of
333 improper or excessive withdrawals of water from concentrated
334 areas. As used in this section and s. 373.707, regional water
335 supply authorities are regional water authorities created under
336 s. 373.713 or other laws of this state.

337 (2) Shall assist counties, municipalities, special
338 districts, publicly owned or privately owned water utilities,
339 multijurisdictional water supply entities, or regional water
340 supply authorities in meeting water supply needs in such manner
341 as will give priority to encouraging conservation and reducing
342 adverse environmental effects of improper or excessive
343 withdrawals of water from concentrated areas.

344 (3) May establish, design, construct, operate, and maintain
345 water production and transmission facilities for the purpose of
346 supplying water to counties, municipalities, special districts,
347 publicly owned and privately owned water utilities,
348 multijurisdictional water supply entities, or regional water

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349 supply authorities. The permit required by part II of this
350 chapter for a water management district engaged in water
351 production and transmission shall be granted, denied, or granted
352 with conditions by the department.

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

354 (5) Shall not deprive, directly or indirectly, any county
355 wherein water is withdrawn of the prior right to the reasonable
356 and beneficial use of water which is required to supply
357 adequately the reasonable and beneficial needs of the county or
358 any of the inhabitants or property owners therein.

359 (6) May provide water and financial assistance to regional
360 water supply authorities, but may not provide water to counties
361 and municipalities which are located within the area of such
362 authority without the specific approval of the authority or, in
363 the event of the authority's disapproval, the approval of the
364 Governor and Cabinet sitting as the Land and Water Adjudicatory
365 Commission. The district may supply water at rates and upon
366 terms mutually agreed to by the parties or, if they do not
367 agree, as set by the governing board and specifically approved
368 by the Governor and Cabinet sitting as the Land and Water
369 Adjudicatory Commission.

370 (7) May acquire title to such interest as is necessary in
371 real property, by purchase, gift, devise, lease, eminent domain,
372 or otherwise, for water production and transmission consistent
373 with this section and s. 373.707. However, the district shall
374 not use any of the eminent domain powers herein granted to
375 acquire water and water rights already devoted to reasonable and
376 beneficial use or any water production or transmission
377 facilities owned by any county, municipality, or regional water

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378 supply authority. The district may exercise eminent domain
379 powers outside of its district boundaries for the acquisition of
380 pumpage facilities, storage areas, transmission facilities, and
381 the normal appurtenances thereto, provided that at least 45 days
382 prior to the exercise of eminent domain, the district notifies
383 the district where the property is located after public notice
384 and the district where the property is located does not object
385 within 45 days after notification of such exercise of eminent
386 domain authority.

387 (8) In addition to the power to issue revenue bonds
388 pursuant to s. 373.584, may issue revenue bonds for the purposes
389 of paying the costs and expenses incurred in carrying out the
390 purposes of this chapter or refunding obligations of the
391 district issued pursuant to this section. Such revenue bonds
392 shall be secured by, and be payable from, revenues derived from
393 the operation, lease, or use of its water production and
394 transmission facilities and other water-related facilities and
395 from the sale of water or services relating thereto. Such
396 revenue bonds may not be secured by, or be payable from, moneys
397 derived by the district from the Water Management Lands Trust
398 Fund or from ad valorem taxes received by the district. All
399 provisions of s. 373.584 relating to the issuance of revenue
400 bonds which are not inconsistent with this section shall apply
401 to the issuance of revenue bonds pursuant to this section. The
402 district may also issue bond anticipation notes in accordance
403 with the provisions of s. 373.584.

404 (9) May join with one or more other water management
405 districts, counties, municipalities, special districts, publicly
406 owned or privately owned water utilities, multijurisdictional

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407 water supply entities, or regional water supply authorities for
408 the purpose of carrying out any of its powers, and may contract
409 with such other entities to finance acquisitions, construction,
410 operation, and maintenance. The contract may provide for
411 contributions to be made by each party thereto, for the division
412 and apportionment of the expenses of acquisitions, construction,
413 operation, and maintenance, and for the division and
414 apportionment of the benefits, services, and products therefrom.
415 The contracts may contain other covenants and agreements
416 necessary and appropriate to accomplish their purposes.

417 373.705 Water resource development; water supply
418 development.-

419 (1) The Legislature finds that:

420 (a) The proper role of the water management districts in
421 water supply is primarily planning and water resource
422 development, but this does not preclude them from providing
423 assistance with water supply development.

424 (b) The proper role of local government, regional water
425 supply authorities, and government-owned and privately owned
426 water utilities in water supply is primarily water supply
427 development, but this does not preclude them from providing
428 assistance with water resource development.

429 (c) Water resource development and water supply development
430 must receive priority attention, where needed, to increase the
431 availability of sufficient water for all existing and future
432 reasonable-beneficial uses and natural systems.

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

434 (a) Sufficient water be available for all existing and
435 future reasonable-beneficial uses and the natural systems, and

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436 that the adverse effects of competition for water supplies be
437 avoided.

438 (b) Water management districts take the lead in identifying
439 and implementing water resource development projects, and be
440 responsible for securing necessary funding for regionally
441 significant water resource development projects.

442 (c) Local governments, regional water supply authorities,
443 and government-owned and privately owned water utilities take
444 the lead in securing funds for and implementing water supply
445 development projects. Generally, direct beneficiaries of water
446 supply development projects should pay the costs of the projects
447 from which they benefit, and water supply development projects
448 should continue to be paid for through local funding sources.

449 (d) Water supply development be conducted in coordination
450 with water management district regional water supply planning
451 and water resource development.

452 (3) The water management districts shall fund and implement
453 water resource development as defined in s. 373.019. The water
454 management districts are encouraged to implement water resource
455 development as expeditiously as possible in areas subject to
456 regional water supply plans. Each governing board shall include
457 in its annual budget the amount needed for the fiscal year to
458 implement water resource development projects, as prioritized in
459 its regional water supply plans.

460 (4) (a) Water supply development projects which are
461 consistent with the relevant regional water supply plans and
462 which meet one or more of the following criteria shall receive
463 priority consideration for state or water management district
464 funding assistance:

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465 1. The project supports establishment of a dependable,
466 sustainable supply of water which is not otherwise financially
467 feasible;

468 2. The project provides substantial environmental benefits
469 by preventing or limiting adverse water resource impacts, but
470 requires funding assistance to be economically competitive with
471 other options; or

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

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

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

481 2. The project implements reuse that assists in the
482 elimination of domestic wastewater ocean outfalls as provided in
483 s. 403.086(9).

484 373.707 Alternative water supply development.—

485 (1) The purpose of this section is to encourage cooperation
486 in the development of water supplies and to provide for
487 alternative water supply development.

488 (a) Demands on natural supplies of fresh water to meet the
489 needs of a rapidly growing population and the needs of the
490 environment, agriculture, industry, and mining will continue to
491 increase.

492 (b) There is a need for the development of alternative
493 water supplies for Florida to sustain its economic growth,

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494 economic viability, and natural resources.

495 (c) Cooperative efforts between municipalities, counties,
496 special districts, water management districts, and the
497 Department of Environmental Protection are mandatory in order to
498 meet the water needs of rapidly urbanizing areas in a manner
499 that will supply adequate and dependable supplies of water where
500 needed without resulting in adverse effects upon the areas from
501 which such water is withdrawn. Such efforts should use all
502 practical means of obtaining water, including, but not limited
503 to, withdrawals of surface water and ground water, reuse, and
504 desalinization, and will necessitate not only cooperation but
505 also well-coordinated activities. Municipalities, counties, and
506 special districts are encouraged to create regional water supply
507 authorities as authorized in s. 373.713 or multijurisdictional
508 water supply entities.

509 (d) Alternative water supply development must receive
510 priority funding attention to increase the available supplies of
511 water to meet all existing and future reasonable-beneficial uses
512 and to benefit the natural systems.

513 (e) Cooperation between counties, municipalities, regional
514 water supply authorities, multijurisdictional water supply
515 entities, special districts, and publicly owned and privately
516 owned water utilities in the development of countywide and
517 multicountywide alternative water supply projects will allow for
518 necessary economies of scale and efficiencies to be achieved in
519 order to accelerate the development of new, dependable, and
520 sustainable alternative water supplies.

521 (f) It is in the public interest that county, municipal,
522 industrial, agricultural, and other public and private water

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523 users, the Department of Environmental Protection, and the water
524 management districts cooperate and work together in the
525 development of alternative water supplies to avoid the adverse
526 effects of competition for limited supplies of water. Public
527 moneys or services provided to private entities for alternative
528 water supply development may constitute public purposes that
529 also are in the public interest.

530 (2) (a) Sufficient water must be available for all existing
531 and future reasonable-beneficial uses and the natural systems,
532 and the adverse effects of competition for water supplies must
533 be avoided.

534 (b) Water supply development and alternative water supply
535 development must be conducted in coordination with water
536 management district regional water supply planning.

537 (c) Funding for the development of alternative water
538 supplies shall be a shared responsibility of water suppliers and
539 users, the State of Florida, and the water management districts,
540 with water suppliers and users having the primary responsibility
541 and the State of Florida and the water management districts
542 being responsible for providing funding assistance.

543 (3) The primary roles of the water management districts in
544 water resource development as it relates to supporting
545 alternative water supply development are:

546 (a) The formulation and implementation of regional water
547 resource management strategies that support alternative water
548 supply development;

549 (b) The collection and evaluation of surface water and
550 groundwater data to be used for a planning level assessment of
551 the feasibility of alternative water supply development

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552 projects;

553 (c) The construction, operation, and maintenance of major
554 public works facilities for flood control, surface and
555 underground water storage, and groundwater recharge augmentation
556 to support alternative water supply development;

557 (d) Planning for alternative water supply development as
558 provided in regional water supply plans in coordination with
559 local governments, regional water supply authorities,
560 multijurisdictional water supply entities, special districts,
561 and publicly owned and privately owned water utilities and self-
562 suppliers;

563 (e) The formulation and implementation of structural and
564 nonstructural programs to protect and manage water resources in
565 support of alternative water supply projects; and

566 (f) The provision of technical and financial assistance to
567 local governments and publicly owned and privately owned water
568 utilities for alternative water supply projects.

569 (4) The primary roles of local government, regional water
570 supply authorities, multijurisdictional water supply entities,
571 special districts, and publicly owned and privately owned water
572 utilities in alternative water supply development shall be:

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

575 (b) The formulation and implementation of alternative water
576 supply development strategies and programs;

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

580 (d) The coordination of alternative water supply

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581 development activities with the appropriate water management
582 district having jurisdiction over the activity.

583 (5) Nothing in this section shall be construed to preclude
584 the various special districts, municipalities, and counties from
585 continuing to operate existing water production and transmission
586 facilities or to enter into cooperative agreements with other
587 special districts, municipalities, and counties for the purpose
588 of meeting their respective needs for dependable and adequate
589 supplies of water; however, the obtaining of water through such
590 operations shall not be done in a manner that results in adverse
591 effects upon the areas from which such water is withdrawn.

592 (6) (a) The statewide funds provided pursuant to the Water
593 Protection and Sustainability Program serve to supplement
594 existing water management district or basin board funding for
595 alternative water supply development assistance and should not
596 result in a reduction of such funding. Therefore, the water
597 management districts shall include in the annual tentative and
598 adopted budget submittals required under this chapter the amount
599 of funds allocated for water resource development that supports
600 alternative water supply development and the funds allocated for
601 alternative water supply projects selected for inclusion in the
602 Water Protection and Sustainability Program. It shall be the
603 goal of each water management district and basin boards that the
604 combined funds allocated annually for these purposes be, at a
605 minimum, the equivalent of 100 percent of the state funding
606 provided to the water management district for alternative water
607 supply development. If this goal is not achieved, the water
608 management district shall provide in the budget submittal an
609 explanation of the reasons or constraints that prevent this goal

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610 from being met, an explanation of how the goal will be met in
611 future years, and affirmation of match is required during the
612 budget review process as established under s. 373.536(5). The
613 Suwannee River Water Management District and the Northwest
614 Florida Water Management District shall not be required to meet
615 the match requirements of this paragraph; however, they shall
616 try to achieve the match requirement to the greatest extent
617 practicable.

618 (b) State funds from the Water Protection and
619 Sustainability Program created in s. 403.890 shall be made
620 available for financial assistance for the project construction
621 costs of alternative water supply development projects selected
622 by a water management district governing board for inclusion in
623 the program.

624 (7) The water management district shall implement its
625 responsibilities as expeditiously as possible in areas subject
626 to regional water supply plans. Each district's governing board
627 shall include in its annual budget the amount needed for the
628 fiscal year to assist in implementing alternative water supply
629 development projects.

630 (8) (a) The water management districts and the state shall
631 share a percentage of revenues with water providers and users,
632 including local governments, water, wastewater, and reuse
633 utilities, municipal, special district, industrial, and
634 agricultural water users, and other public and private water
635 users, to be used to supplement other funding sources in the
636 development of alternative water supplies.

637 (b) Beginning in the 2005-2006 fiscal year, the state shall
638 annually provide a portion of those revenues deposited into the

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639 Water Protection and Sustainability Program Trust Fund for the
640 purpose of providing funding assistance for the development of
641 alternative water supplies pursuant to the Water Protection and
642 Sustainability Program. At the beginning of each fiscal year,
643 beginning with the 2005-2006 fiscal year, such revenues shall be
644 distributed by the department into the alternative water supply
645 trust fund accounts created by each district for the purpose of
646 alternative water supply development under the following funding
647 formula:

648 1. Thirty percent to the South Florida Water Management
649 District;

650 2. Twenty-five percent to the Southwest Florida Water
651 Management District;

652 3. Twenty-five percent to the St. Johns River Water
653 Management District;

654 4. Ten percent to the Suwannee River Water Management
655 District; and

656 5. Ten percent to the Northwest Florida Water Management
657 District.

658 (c) The financial assistance for alternative water supply
659 projects allocated in each district's budget as required in
660 subsection (6) shall be combined with the state funds and used
661 to assist in funding the project construction costs of
662 alternative water supply projects selected by the governing
663 board. If the district has not completed any regional water
664 supply plan, or the regional water supply plan does not identify
665 the need for any alternative water supply projects, funds
666 deposited in that district's trust fund may be used for water
667 resource development projects, including, but not limited to,

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668 springs protection.

669 (d) All projects submitted to the governing board for
670 consideration shall reflect the total capital cost for
671 implementation. The costs shall be segregated pursuant to the
672 categories described in the definition of capital costs.

673 (e) Applicants for projects that may receive funding
674 assistance pursuant to the Water Protection and Sustainability
675 Program shall, at a minimum, be required to pay 60 percent of
676 the project's construction costs. The water management districts
677 may, at their discretion, totally or partially waive this
678 requirement for projects sponsored by financially disadvantaged
679 small local governments as defined in former s. 403.885(5). The
680 water management districts or basin boards may, at their
681 discretion, use ad valorem or federal revenues to assist a
682 project applicant in meeting the requirements of this paragraph.

683 (f) The governing boards shall determine those projects
684 that will be selected for financial assistance. The governing
685 boards may establish factors to determine project funding;
686 however, significant weight shall be given to the following
687 factors:

688 1. Whether the project provides substantial environmental
689 benefits by preventing or limiting adverse water resource
690 impacts.

691 2. Whether the project reduces competition for water
692 supplies.

693 3. Whether the project brings about replacement of
694 traditional sources in order to help implement a minimum flow or
695 level or a reservation.

696 4. Whether the project will be implemented by a consumptive

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697 use permittee that has achieved the targets contained in a goal-
698 based water conservation program approved pursuant to s.
699 373.227.

700 5. The quantity of water supplied by the project as
701 compared to its cost.

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

704 7. Whether the project will be implemented by a
705 multijurisdictional water supply entity or regional water supply
706 authority.

707 8. Whether the project implements reuse that assists in the
708 elimination of domestic wastewater ocean outfalls as provided in
709 s. 403.086(9).

710 9. Whether the county or municipality, or the multiple
711 counties or municipalities, in which the project is located has
712 implemented a high-water recharge tax protection program as
713 provided in s. 193.625.

714 (g) Additional factors to be considered in determining
715 project funding shall include:

716 1. Whether the project is part of a plan to implement two
717 or more alternative water supply projects, all of which will be
718 operated to produce water at a uniform rate for the participants
719 in a multijurisdictional water supply entity or regional water
720 supply authority.

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

723 3. Whether the project proposal includes sufficient
724 preliminary planning and engineering to demonstrate that the
725 project can reasonably be implemented within the timeframes

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726 provided in the regional water supply plan.

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

729 5. Whether and in what percentage a local government or
730 local government utility is transferring water supply system
731 revenues to the local government general fund in excess of
732 reimbursements for services received from the general fund,
733 including direct and indirect costs and legitimate payments in
734 lieu of taxes.

735 (h) After conducting one or more meetings to solicit public
736 input on eligible projects, including input from those entities
737 identified pursuant to s. 373.709(2)(a)3.d. for implementation
738 of alternative water supply projects, the governing board of
739 each water management district shall select projects for funding
740 assistance based upon the criteria set forth in paragraphs (f)
741 and (g). The governing board may select a project identified or
742 listed as an alternative water supply development project in the
743 regional water supply plan, or allocate up to 20 percent of the
744 funding for alternative water supply projects that are not
745 identified or listed in the regional water supply plan but are
746 consistent with the goals of the plan.

747 (i) Without diminishing amounts available through other
748 means described in this paragraph, the governing boards are
749 encouraged to consider establishing revolving loan funds to
750 expand the total funds available to accomplish the objectives of
751 this section. A revolving loan fund created under this paragraph
752 must be a nonlapsing fund from which the water management
753 district may make loans with interest rates below prevailing
754 market rates to public or private entities for the purposes

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755 described in this section. The governing board may adopt
756 resolutions to establish revolving loan funds which must specify
757 the details of the administration of the fund, the procedures
758 for applying for loans from the fund, the criteria for awarding
759 loans from the fund, the initial capitalization of the fund, and
760 the goals for future capitalization of the fund in subsequent
761 budget years. Revolving loan funds created under this paragraph
762 must be used to expand the total sums and sources of cooperative
763 funding available for the development of alternative water
764 supplies. The Legislature does not intend for the creation of
765 revolving loan funds to supplant or otherwise reduce existing
766 sources or amounts of funds currently available through other
767 means.

768 (j) For each utility that receives financial assistance
769 from the state or a water management district for an alternative
770 water supply project, the water management district shall
771 require the appropriate rate-setting authority to develop rate
772 structures for water customers in the service area of the funded
773 utility that will:

- 774 1. Promote the conservation of water; and
- 775 2. Promote the use of water from alternative water
776 supplies.

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

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

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

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784 (n) By March 1 of each year, as part of the consolidated
785 annual report required by s. 373.036(7), each water management
786 district shall submit a report on the disbursal of all budgeted
787 amounts pursuant to this section. Such report shall describe all
788 alternative water supply projects funded as well as the quantity
789 of new water to be created as a result of such projects and
790 shall account separately for any other moneys provided through
791 grants, matching grants, revolving loans, and the use of
792 district lands or facilities to implement regional water supply
793 plans.

794 (o) The Florida Public Service Commission shall allow
795 entities under its jurisdiction constructing or participating in
796 constructing facilities that provide alternative water supplies
797 to recover their full, prudently incurred cost of constructing
798 such facilities through their rate structure. If construction of
799 a facility or participation in construction is pursuant to or in
800 furtherance of a regional water supply plan, the cost shall be
801 deemed to be prudently incurred. Every component of an
802 alternative water supply facility constructed by an investor-
803 owned utility shall be recovered in current rates. Any state or
804 water management district cost-share is not subject to the
805 recovery provisions allowed in this paragraph.

806 (9) Funding assistance provided by the water management
807 districts for a water reuse system may include the following
808 conditions for that project if a water management district
809 determines that such conditions will encourage water use
810 efficiency:

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

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813 electric utilities as defined in s. 366.02(2), landscape
814 irrigation, golf course irrigation, irrigation of other public
815 access areas, commercial and institutional uses such as toilet
816 flushing, and transfers to other reclaimed water utilities;

817 (b) Implementation of reclaimed water rate structures based
818 on actual use of reclaimed water for the reuse activities listed
819 in paragraph (a);

820 (c) Implementation of education programs to inform the
821 public about water issues, water conservation, and the
822 importance and proper use of reclaimed water; or

823 (d) Development of location data for key reuse facilities.

824 (10) For the purposes of seeking funding pursuant to s.
825 315.47(k), the water management districts shall select only
826 those projects identified under this section that will provide a
827 regional benefit or will be implemented by a multi-
828 jurisdictional authority. Projects selected by the water
829 management districts are to be submitted to the department who
830 shall be responsible for submission to the State Board of
831 Administration.

832 373.709 Regional water supply planning.—

833 (1) The governing board of each water management district
834 shall conduct water supply planning for any water supply
835 planning region within the district identified in the
836 appropriate district water supply plan under s. 373.036, where
837 it determines that existing sources of water are not adequate to
838 supply water for all existing and future reasonable-beneficial
839 uses and to sustain the water resources and related natural
840 systems for the planning period. The planning must be conducted
841 in an open public process, in coordination and cooperation with

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842 local governments, regional water supply authorities,
843 government-owned and privately owned water utilities,
844 multijurisdictional water supply entities, self-suppliers, and
845 other affected and interested parties. The districts shall
846 actively engage in public education and outreach to all affected
847 local entities and their officials, as well as members of the
848 public, in the planning process and in seeking input. During
849 preparation, but prior to completion of the regional water
850 supply plan, the district must conduct at least one public
851 workshop to discuss the technical data and modeling tools
852 anticipated to be used to support the regional water supply
853 plan. The district shall also hold several public meetings to
854 communicate the status, overall conceptual intent, and impacts
855 of the plan on existing and future reasonable-beneficial uses
856 and related natural systems. During the planning process, a
857 local government may choose to prepare its own water supply
858 assessment to determine if existing water sources are adequate
859 to meet existing and projected reasonable-beneficial needs of
860 the local government while sustaining water resources and
861 related natural systems. The local government shall submit such
862 assessment, including the data and methodology used, to the
863 district. The district shall consider the local government's
864 assessment during the formation of the plan. A determination by
865 the governing board that initiation of a regional water supply
866 plan for a specific planning region is not needed pursuant to
867 this section shall be subject to s. 120.569. The governing board
868 shall reevaluate such a determination at least once every 5
869 years and shall initiate a regional water supply plan, if
870 needed, pursuant to this subsection.

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

874 (a) A water supply development component for each water
875 supply planning region identified by the district which
876 includes:

877 1. A quantification of the water supply needs for all
878 existing and future reasonable-beneficial uses within the
879 planning horizon. The level-of-certainty planning goal
880 associated with identifying the water supply needs of existing
881 and future reasonable-beneficial uses shall be based upon
882 meeting those needs for a 1-in-10-year drought event. Population
883 projections used for determining public water supply needs must
884 be based upon the best available data. In determining the best
885 available data, the district shall consider the University of
886 Florida's Bureau of Economic and Business Research (BEBR) medium
887 population projections and any population projection data and
888 analysis submitted by a local government pursuant to the public
889 workshop described in subsection (1) if the data and analysis
890 support the local government's comprehensive plan. Any
891 adjustment of or deviation from the BEBR projections must be
892 fully described, and the original BEBR data must be presented
893 along with the adjusted data.

894 2. A list of water supply development project options,
895 including traditional and alternative water supply project
896 options, from which local government, government-owned and
897 privately owned utilities, regional water supply authorities,
898 multijurisdictional water supply entities, self-suppliers, and
899 others may choose for water supply development. In addition to

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900 projects listed by the district, such users may propose specific
901 projects for inclusion in the list of alternative water supply
902 projects. If such users propose a project to be listed as an
903 alternative water supply project, the district shall determine
904 whether it meets the goals of the plan, and, if so, it shall be
905 included in the list. The total capacity of the projects
906 included in the plan shall exceed the needs identified in
907 subparagraph 1. and shall take into account water conservation
908 and other demand management measures, as well as water resources
909 constraints, including adopted minimum flows and levels and
910 water reservations. Where the district determines it is
911 appropriate, the plan should specifically identify the need for
912 multijurisdictional approaches to project options that, based on
913 planning level analysis, are appropriate to supply the intended
914 uses and that, based on such analysis, appear to be permissible
915 and financially and technically feasible. The list of water
916 supply development options must contain provisions that
917 recognize that alternative water supply options for agricultural
918 self-suppliers are limited.

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

921 a. An estimate of the amount of water to become available
922 through the project.

923 b. The timeframe in which the project option should be
924 implemented and the estimated planning-level costs for capital
925 investment and operating and maintaining the project.

926 c. An analysis of funding needs and sources of possible
927 funding options. For alternative water supply projects the water
928 management districts shall provide funding assistance in

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929 accordance with s. 373.707(8).

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

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

933 1. A listing of those water resource development projects
934 that support water supply development.

935 2. For each water resource development project listed:

936 a. An estimate of the amount of water to become available
937 through the project.

938 b. The timeframe in which the project option should be
939 implemented and the estimated planning-level costs for capital
940 investment and for operating and maintaining the project.

941 c. An analysis of funding needs and sources of possible
942 funding options.

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

945 (c) The recovery and prevention strategy described in s.
946 373.0421(2).

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

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

956 (f) The technical data and information applicable to each
957 planning region which are necessary to support the regional

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958 water supply plan.

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

961 (h) Reservations of water adopted by rule pursuant to s.
962 373.223(4) within each planning region.

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

965 (j) An analysis, developed in cooperation with the
966 department, of areas or instances in which the variance
967 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
968 create water supply development or water resource development
969 projects.

970 (3) The water supply development component of a regional
971 water supply plan which deals with or affects public utilities
972 and public water supply for those areas served by a regional
973 water supply authority and its member governments within the
974 boundary of the Southwest Florida Water Management District
975 shall be developed jointly by the authority and the district. In
976 areas not served by regional water supply authorities, or other
977 multijurisdictional water supply entities, and where
978 opportunities exist to meet water supply needs more efficiently
979 through multijurisdictional projects identified pursuant to
980 paragraph (2)(a), water management districts are directed to
981 assist in developing multijurisdictional approaches to water
982 supply project development jointly with affected water
983 utilities, special districts, and local governments.

984 (4) The South Florida Water Management District shall
985 include in its regional water supply plan water resource and
986 water supply development projects that promote the elimination

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987 of wastewater ocean outfalls as provided in s. 403.086(9).

988 (5) Governing board approval of a regional water supply
989 plan shall not be subject to the rulemaking requirements of
990 chapter 120. However, any portion of an approved regional water
991 supply plan which affects the substantial interests of a party
992 shall be subject to s. 120.569.

993 (6) Annually and in conjunction with the reporting
994 requirements of s. 373.536(6) (a)4., the department shall submit
995 to the Governor and the Legislature a report on the status of
996 regional water supply planning in each district. The report
997 shall include:

998 (a) A compilation of the estimated costs of and potential
999 sources of funding for water resource development and water
1000 supply development projects as identified in the water
1001 management district regional water supply plans.

1002 (b) The percentage and amount, by district, of district ad
1003 valorem tax revenues or other district funds made available to
1004 develop alternative water supplies.

1005 (c) A description of each district's progress toward
1006 achieving its water resource development objectives, including
1007 the district's implementation of its 5-year water resource
1008 development work program.

1009 (d) An assessment of the specific progress being made to
1010 implement each alternative water supply project option chosen by
1011 the entities and identified for implementation in the plan.

1012 (e) An overall assessment of the progress being made to
1013 develop water supply in each district, including, but not
1014 limited to, an explanation of how each project, either
1015 alternative or traditional, will produce, contribute to, or

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1016 account for additional water being made available for
1017 consumptive uses, an estimate of the quantity of water to be
1018 produced by each project, and an assessment of the contribution
1019 of the district's regional water supply plan in providing
1020 sufficient water to meet the needs of existing and future
1021 reasonable-beneficial uses for a 1-in-10 year drought event, as
1022 well as the needs of the natural systems.

1023 (7) Nothing contained in the water supply development
1024 component of a regional water supply plan shall be construed to
1025 require local governments, government-owned or privately owned
1026 water utilities, special districts, self-suppliers, regional
1027 water supply authorities, multijurisdictional water supply
1028 entities, or other water suppliers to select a water supply
1029 development project identified in the component merely because
1030 it is identified in the plan. Except as provided in s.
1031 373.223(3) and (5), the plan may not be used in the review of
1032 permits under part II of this chapter unless the plan or an
1033 applicable portion thereof has been adopted by rule. However,
1034 this subsection does not prohibit a water management district
1035 from employing the data or other information used to establish
1036 the plan in reviewing permits under part II, nor does it limit
1037 the authority of the department or governing board under part
1038 II.

1039 (8) Where the water supply component of a water supply
1040 planning region shows the need for one or more alternative water
1041 supply projects, the district shall notify the affected local
1042 governments and make every reasonable effort to educate and
1043 involve local public officials in working toward solutions in
1044 conjunction with the districts and, where appropriate, other

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1045 local and regional water supply entities.

1046 (a) Within 6 months following approval or amendment of its
1047 regional water supply plan, each water management district shall
1048 notify by certified mail each entity identified in sub-
1049 subparagraph (2) (a)3.d. of that portion of the plan relevant to
1050 the entity. Upon request of such an entity, the water management
1051 district shall appear before and present its findings and
1052 recommendations to the entity.

1053 (b) Within 1 year after the notification by a water
1054 management district pursuant to paragraph (a), each entity
1055 identified in sub-subparagraph (2) (a)3.d. shall provide to the
1056 water management district written notification of the following:
1057 the alternative water supply projects or options identified in
1058 paragraph (2) (a) which it has developed or intends to develop,
1059 if any; an estimate of the quantity of water to be produced by
1060 each project; and the status of project implementation,
1061 including development of the financial plan, facilities master
1062 planning, permitting, and efforts in coordinating
1063 multijurisdictional projects, if applicable. The information
1064 provided in the notification shall be updated annually, and a
1065 progress report shall be provided by November 15 of each year to
1066 the water management district. If an entity does not intend to
1067 develop one or more of the alternative water supply project
1068 options identified in the regional water supply plan, the entity
1069 shall propose, within 1 year after notification by a water
1070 management district pursuant to paragraph (a), another
1071 alternative water supply project option sufficient to address
1072 the needs identified in paragraph (2) (a) within the entity's
1073 jurisdiction and shall provide an estimate of the quantity of

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1074 water to be produced by the project and the status of project
1075 implementation as described in this paragraph. The entity may
1076 request that the water management district consider the other
1077 project for inclusion in the regional water supply plan.

1078 (9) For any regional water supply plan that is scheduled to
1079 be updated before December 31, 2005, the deadline for such
1080 update shall be extended by 1 year.

1081 373.711 Technical assistance to local governments.-

1082 (1) The water management districts shall assist local
1083 governments in the development and future revision of local
1084 government comprehensive plan elements or public facilities
1085 report as required by s. 189.415, related to water resource
1086 issues.

1087 (2) By July 1, 1991, each water management district shall
1088 prepare and provide information and data to assist local
1089 governments in the preparation and implementation of their local
1090 government comprehensive plans or public facilities report as
1091 required by s. 189.415, whichever is applicable. Such
1092 information and data shall include, but not be limited to:

1093 (a) All information and data required in a public
1094 facilities report pursuant to s. 189.415.

1095 (b) A description of regulations, programs, and schedules
1096 implemented by the district.

1097 (c) Identification of regulations, programs, and schedules
1098 undertaken or proposed by the district to further the State
1099 Comprehensive Plan.

1100 (d) A description of surface water basins, including
1101 regulatory jurisdictions, flood-prone areas, existing and
1102 projected water quality in water management district operated

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1103 facilities, as well as surface water runoff characteristics and
1104 topography regarding flood plains, wetlands, and recharge areas.

1105 (e) A description of groundwater characteristics, including
1106 existing and planned wellfield sites, existing and anticipated
1107 cones of influence, highly productive groundwater areas, aquifer
1108 recharge areas, deep well injection zones, contaminated areas,
1109 an assessment of regional water resource needs and sources for
1110 the next 20 years, and water quality.

1111 (f) The identification of existing and potential water
1112 management district land acquisitions.

1113 (g) Information reflecting the minimum flows for surface
1114 watercourses to avoid harm to water resources or the ecosystem
1115 and information reflecting the minimum water levels for aquifers
1116 to avoid harm to water resources or the ecosystem.

1117 373.713 Regional water supply authorities.-

1118 (1) By interlocal agreement between counties,
1119 municipalities, or special districts, as applicable, pursuant to
1120 the Florida Interlocal Cooperation Act of 1969, s. 163.01, and
1121 upon the approval of the Secretary of Environmental Protection
1122 to ensure that such agreement will be in the public interest and
1123 complies with the intent and purposes of this act, regional
1124 water supply authorities may be created for the purpose of
1125 developing, recovering, storing, and supplying water for county
1126 or municipal purposes in such a manner as will give priority to
1127 reducing adverse environmental effects of excessive or improper
1128 withdrawals of water from concentrated areas. In approving said
1129 agreement the Secretary of Environmental Protection shall
1130 consider, but not be limited to, the following:

1131 (a) Whether the geographic territory of the proposed

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1132 authority is of sufficient size and character to reduce the
1133 environmental effects of improper or excessive withdrawals of
1134 water from concentrated areas.

1135 (b) The maximization of economic development of the water
1136 resources within the territory of the proposed authority.

1137 (c) The availability of a dependable and adequate water
1138 supply.

1139 (d) The ability of any proposed authority to design,
1140 construct, operate, and maintain water supply facilities in the
1141 locations, and at the times necessary, to ensure that an
1142 adequate water supply will be available to all citizens within
1143 the authority.

1144 (e) The effect or impact of any proposed authority on any
1145 municipality, county, or existing authority or authorities.

1146 (f) The existing needs of the water users within the area
1147 of the authority.

1148 (2) In addition to other powers and duties agreed upon, and
1149 notwithstanding the provisions of s. 163.01, such authority may:

1150 (a) Upon approval of the electors residing in each county
1151 or municipality within the territory to be included in any
1152 authority, levy ad valorem taxes, not to exceed 0.5 mill,
1153 pursuant to s. 9(b), Art. VII of the State Constitution. No tax
1154 authorized by this paragraph shall be levied in any county or
1155 municipality without an affirmative vote of the electors
1156 residing in such county or municipality.

1157 (b) Acquire water and water rights; develop, store, and
1158 transport water; provide, sell, and deliver water for county or
1159 municipal uses and purposes; and provide for the furnishing of
1160 such water and water service upon terms and conditions and at

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1161 rates which will apportion to parties and nonparties an
1162 equitable share of the capital cost and operating expense of the
1163 authority's work to the purchaser.

1164 (c) Collect, treat, and recover wastewater.

1165 (d) Not engage in local distribution.

1166 (e) Exercise the power of eminent domain in the manner
1167 provided by law for the condemnation of private property for
1168 public use to acquire title to such interest in real property as
1169 is necessary to the exercise of the powers herein granted,
1170 except water and water rights already devoted to reasonable and
1171 beneficial use or any water production or transmission
1172 facilities owned by any county or municipality.

1173 (f) Issue revenue bonds in the manner prescribed by the
1174 Revenue Bond Act of 1953, as amended, part I, chapter 159, to be
1175 payable solely from funds derived from the sale of water by the
1176 authority to any county or municipality. Such bonds may be
1177 additionally secured by the full faith and credit of any county
1178 or municipality, as provided by s. 159.16 or by a pledge of
1179 excise taxes, as provided by s. 159.19. For the purpose of
1180 issuing revenue bonds, an authority shall be considered a "unit"
1181 as defined in s. 159.02(2) and as that term is used in the
1182 Revenue Bond Act of 1953, as amended. Such bonds may be issued
1183 to finance the cost of acquiring properties and facilities for
1184 the production and transmission of water by the authority to any
1185 county or municipality, which cost shall include the acquisition
1186 of real property and easements therein for such purposes. Such
1187 bonds may be in the form of refunding bonds to take up any
1188 outstanding bonds of the authority or of any county or
1189 municipality where such outstanding bonds are secured by

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1190 properties and facilities for production and transmission of
1191 water, which properties and facilities are being acquired by the
1192 authority. Refunding bonds may be issued to take up and refund
1193 all outstanding bonds of said authority that are subject to call
1194 and termination, and all bonds of said authority that are not
1195 subject to call or redemption, when the surrender of said bonds
1196 can be procured from the holder thereof at prices satisfactory
1197 to the authority. Such refunding bonds may be issued at any time
1198 when, in the judgment of the authority, it will be to the best
1199 interest of the authority financially or economically by
1200 securing a lower rate of interest on said bonds or by extending
1201 the time of maturity of said bonds or, for any other reason, in
1202 the judgment of the authority, advantageous to said authority.

1203 (g) Sue and be sued in its own name.

1204 (h) Borrow money and incur indebtedness and issue bonds or
1205 other evidence of such indebtedness.

1206 (i) Join with one or more other public corporations for the
1207 purpose of carrying out any of its powers and for that purpose
1208 to contract with such other public corporation or corporations
1209 for the purpose of financing such acquisitions, construction,
1210 and operations. Such contracts may provide for contributions to
1211 be made by each party thereto, for the division and
1212 apportionment of the expenses of such acquisitions and
1213 operations, and for the division and apportionment of the
1214 benefits, services, and products therefrom. Such contract may
1215 contain such other and further covenants and agreements as may
1216 be necessary and convenient to accomplish the purposes hereof.

1217 (3) A regional water supply authority is authorized to
1218 develop, construct, operate, maintain, or contract for

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1219 alternative sources of potable water, including desalinated
1220 water, and pipelines to interconnect authority sources and
1221 facilities, either by itself or jointly with a water management
1222 district; however, such alternative potable water sources,
1223 facilities, and pipelines may also be privately developed,
1224 constructed, owned, operated, and maintained, in which event an
1225 authority and a water management district are authorized to
1226 pledge and contribute their funds to reduce the wholesale cost
1227 of water from such alternative sources of potable water supplied
1228 by an authority to its member governments.

1229 (4) When it is found to be in the public interest, for the
1230 public convenience and welfare, for a public benefit, and
1231 necessary for carrying out the purpose of any regional water
1232 supply authority, any state agency, county, water control
1233 district existing pursuant to chapter 298, water management
1234 district existing pursuant to this chapter, municipality,
1235 governmental agency, or public corporation in this state holding
1236 title to any interest in land is hereby authorized, in its
1237 discretion, to convey the title to or dedicate land, title to
1238 which is in such entity, including tax-reverted land, or to
1239 grant use-rights therein, to any regional water supply authority
1240 created pursuant to this section. Land granted or conveyed to
1241 such authority shall be for the public purposes of such
1242 authority and may be made subject to the condition that in the
1243 event said land is not so used, or if used and subsequently its
1244 use for said purpose is abandoned, the interest granted shall
1245 cease as to such authority and shall automatically revert to the
1246 granting entity.

1247 (5) Each county, special district, or municipality that is

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1248 a party to an agreement pursuant to subsection (1) shall have a
1249 preferential right to purchase water from the regional water
1250 supply authority for use by such county, special district, or
1251 municipality.

1252 (6) In carrying out the provisions of this section, any
1253 county wherein water is withdrawn by the authority shall not be
1254 deprived, directly or indirectly, of the prior right to the
1255 reasonable and beneficial use of water which is required
1256 adequately to supply the reasonable and beneficial needs of the
1257 county or any of the inhabitants or property owners therein.

1258 (7) Upon a resolution adopted by the governing body of any
1259 county or municipality, the authority may, subject to a majority
1260 vote of its voting members, include such county or municipality
1261 in its regional water supply authority upon such terms and
1262 conditions as may be prescribed.

1263 (8) The authority shall design, construct, operate, and
1264 maintain facilities in the locations and at the times necessary
1265 to ensure that an adequate water supply will be available to all
1266 citizens within the authority.

1267 (9) Where a water supply authority exists pursuant to this
1268 section or s. 373.715 under a voluntary interlocal agreement
1269 that is consistent with requirements in s. 373.715(1)(b) and
1270 receives or maintains consumptive use permits under this
1271 voluntary agreement consistent with the water supply plan, if
1272 any, adopted by the governing board, such authority shall be
1273 exempt from consideration by the governing board or department
1274 of the factors specified in s. 373.223(3)(a)-(g) and the
1275 submissions required by s. 373.229(3). Such exemptions shall
1276 apply only to water sources within the jurisdictional areas of

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1277 such voluntary water supply interlocal agreements.

1278 373.715 Assistance to West Coast Regional Water Supply
1279 Authority.-

1280 (1) It is the intent of the Legislature to authorize the
1281 implementation of changes in governance recommended by the West
1282 Coast Regional Water Supply Authority in its reports to the
1283 Legislature dated February 1, 1997, and January 5, 1998. The
1284 authority and its member governments may reconstitute the
1285 authority's governance and rename the authority under a
1286 voluntary interlocal agreement with a term of not less than 20
1287 years. The interlocal agreement must comply with this subsection
1288 as follows:

1289 (a) The authority and its member governments agree that
1290 cooperative efforts are mandatory to meet their water needs in a
1291 manner that will provide adequate and dependable supplies of
1292 water where needed without resulting in adverse environmental
1293 effects upon the areas from which the water is withdrawn or
1294 otherwise produced.

1295 (b) In accordance with s. 4, Art. VIII of the State
1296 Constitution and notwithstanding s. 163.01, the interlocal
1297 agreement may include the following terms, which are considered
1298 approved by the parties without a vote of their electors, upon
1299 execution of the interlocal agreement by all member governments
1300 and upon satisfaction of all conditions precedent in the
1301 interlocal agreement:

1302 1. All member governments shall relinquish to the authority
1303 their individual rights to develop potable water supply sources,
1304 except as otherwise provided in the interlocal agreement;

1305 2. The authority shall be the sole and exclusive wholesale

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1306 potable water supplier for all member governments; and

1307 3. The authority shall have the absolute and unequivocal
1308 obligation to meet the wholesale needs of the member governments
1309 for potable water.

1310 4. A member government may not restrict or prohibit the use
1311 of land within a member's jurisdictional boundaries by the
1312 authority for water supply purposes through use of zoning, land
1313 use, comprehensive planning, or other form of regulation.

1314 5. A member government may not impose any tax, fee, or
1315 charge upon the authority in conjunction with the production or
1316 supply of water not otherwise provided for in the interlocal
1317 agreement.

1318 6. The authority may use the powers provided in part II of
1319 chapter 159 for financing and refinancing water treatment,
1320 production, or transmission facilities, including, but not
1321 limited to, desalinization facilities. All such water treatment,
1322 production, or transmission facilities are considered a
1323 "manufacturing plant" for purposes of s. 159.27(5) and serve a
1324 paramount public purpose by providing water to citizens of the
1325 state.

1326 7. A member government and any governmental or quasi-
1327 judicial board or commission established by local ordinance or
1328 general or special law where the governing membership of such
1329 board or commission is shared, in whole or in part, or appointed
1330 by a member government agreeing to be bound by the interlocal
1331 agreement shall be limited to the procedures set forth therein
1332 regarding actions that directly or indirectly restrict or
1333 prohibit the use of lands or other activities related to the
1334 production or supply of water.

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1335 (c) The authority shall acquire full or lesser interests in
1336 all regionally significant member government wholesale water
1337 supply facilities and tangible assets and each member government
1338 shall convey such interests in the facilities and assets to the
1339 authority, at an agreed value.

1340 (d) The authority shall charge a uniform per gallon
1341 wholesale rate to member governments for the wholesale supply of
1342 potable water. All capital, operation, maintenance, and
1343 administrative costs for existing facilities and acquired
1344 facilities, authority master water plan facilities, and other
1345 future projects must be allocated to member governments based on
1346 water usage at the uniform per gallon wholesale rate.

1347 (e) The interlocal agreement may include procedures for
1348 resolving the parties' differences regarding water management
1349 district proposed agency action in the water use permitting
1350 process within the authority. Such procedures should minimize
1351 the potential for litigation and include alternative dispute
1352 resolution. Any governmental or quasi-judicial board or
1353 commission established by local ordinance or general or special
1354 law where the governing members of such board or commission is
1355 shared, in whole or in part, or appointed by a member
1356 government, may agree to be bound by the dispute resolution
1357 procedures set forth in the interlocal agreement.

1358 (f) Upon execution of the voluntary interlocal agreement
1359 provided for herein, the authority shall jointly develop with
1360 the Southwest Florida Water Management District alternative
1361 sources of potable water and transmission pipelines to
1362 interconnect regionally significant water supply sources and
1363 facilities of the authority in amounts sufficient to meet the

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1364 needs of all member governments for a period of at least 20
1365 years and for natural systems. Nothing herein, however, shall
1366 preclude the authority and its member governments from
1367 developing traditional water sources pursuant to the voluntary
1368 interlocal agreement. Development and construction costs for
1369 alternative source facilities, which may include a desalination
1370 facility and significant regional interconnects, must be borne
1371 as mutually agreed to by both the authority and the Southwest
1372 Florida Water Management District. Nothing herein shall preclude
1373 authority or district cost sharing with private entities for the
1374 construction or ownership of alternative source facilities. By
1375 December 31, 1997, the authority and the Southwest Florida Water
1376 Management District shall enter into a mutually acceptable
1377 agreement detailing the development and implementation of
1378 directives contained in this paragraph. Nothing in this section
1379 shall be construed to modify the rights or responsibilities of
1380 the authority or its member governments, except as otherwise
1381 provided herein, or of the Southwest Florida Water Management
1382 District or the department pursuant to this chapter or chapter
1383 403 and as otherwise set forth by statutes.

1384 (g) Unless otherwise provided in the interlocal agreement,
1385 the authority shall be governed by a board of commissioners
1386 consisting of nine voting members, all of whom must be elected
1387 officers, as follows:

1388 1. Three members from Hillsborough County who must be
1389 selected by the county commission; provided, however, that one
1390 member shall be selected by the Mayor of Tampa in the event that
1391 the City of Tampa elects to be a member of the authority;

1392 2. Three members from Pasco County, two of whom must be

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1393 selected by the county commission and one of whom must be
1394 selected by the City Council of New Port Richey;

1395 3. Three members from Pinellas County, two of whom must be
1396 selected by the county commission and one of whom must be
1397 selected by the City Council of St. Petersburg.

1398
1399 Except as otherwise provided in this section or in the voluntary
1400 interlocal agreement between the member governments, a majority
1401 vote shall bind the authority and its member governments in all
1402 matters relating to the funding of wholesale water supply,
1403 production, delivery, and related activities.

1404 (2) The provisions of this section supersede any
1405 conflicting provisions contained in all other general or special
1406 laws or provisions thereof as they may apply directly or
1407 indirectly to the exclusivity of water supply or withdrawal of
1408 water, including provisions relating to the environmental
1409 effects, if any, in conjunction with the production and supply
1410 of potable water, and the provisions of this section are
1411 intended to be a complete revision of all laws related to a
1412 regional water supply authority created under s. 373.713 and
1413 this section.

1414 (3) In lieu of the provisions in s. 373.713(2)(a), the
1415 Southwest Florida Water Management District shall assist the
1416 West Coast Regional Water Supply Authority for a period of 5
1417 years, terminating December 31, 1981, by levying an ad valorem
1418 tax, upon request of the authority, of not more than 0.05 mill
1419 on all taxable property within the limits of the authority.
1420 During such period the corresponding basin board ad valorem tax
1421 levies shall be reduced accordingly.

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1422 (4) The authority shall prepare its annual budget in the
1423 same manner as prescribed for the preparation of basin budgets,
1424 but such authority budget shall not be subject to review by the
1425 respective basin boards or by the governing board of the
1426 district.

1427 (5) The annual millage for the authority shall be the
1428 amount required to raise the amount called for by the annual
1429 budget when applied to the total assessment on all taxable
1430 property within the limits of the authority, as determined for
1431 county taxing purposes.

1432 (6) The authority may, by resolution, request the governing
1433 board of the district to levy ad valorem taxes within the
1434 boundaries of the authority. Upon receipt of such request,
1435 together with formal certification of the adoption of its annual
1436 budget and of the required tax levy, the authority tax levy
1437 shall be made by the governing board of the district to finance
1438 authority functions.

1439 (7) The taxes provided for in this section shall be
1440 extended by the property appraiser on the county tax roll in
1441 each county within, or partly within, the authority boundaries
1442 and shall be collected by the tax collector in the same manner
1443 and time as county taxes, and the proceeds therefrom paid to the
1444 district which shall forthwith pay them over to the authority.
1445 Until paid, such taxes shall be a lien on the property against
1446 which assessed and enforceable in like manner as county taxes.
1447 The property appraisers, tax collectors, and clerks of the
1448 circuit court of the respective counties shall be entitled to
1449 compensation for services performed in connection with such
1450 taxes at the same rates as apply to county taxes.

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1451 (8) The governing board of the district shall not be
1452 responsible for any actions or lack of actions by the authority.

1453 Section 2. Subsection (13) of section 120.52, Florida
1454 Statutes, is amended to read:

1455 120.52 Definitions.—As used in this act:

1456 (13) "Party" means:

1457 (a) Specifically named persons whose substantial interests
1458 are being determined in the proceeding.

1459 (b) Any other person who, as a matter of constitutional
1460 right, provision of statute, or provision of agency regulation,
1461 is entitled to participate in whole or in part in the
1462 proceeding, or whose substantial interests will be affected by
1463 proposed agency action, and who makes an appearance as a party.

1464 (c) Any other person, including an agency staff member,
1465 allowed by the agency to intervene or participate in the
1466 proceeding as a party. An agency may by rule authorize limited
1467 forms of participation in agency proceedings for persons who are
1468 not eligible to become parties.

1469 (d) Any county representative, agency, department, or unit
1470 funded and authorized by state statute or county ordinance to
1471 represent the interests of the consumers of a county, when the
1472 proceeding involves the substantial interests of a significant
1473 number of residents of the county and the board of county
1474 commissioners has, by resolution, authorized the representative,
1475 agency, department, or unit to represent the class of interested
1476 persons. The authorizing resolution shall apply to a specific
1477 proceeding and to appeals and ancillary proceedings thereto, and
1478 it shall not be required to state the names of the persons whose
1479 interests are to be represented.

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1480

1481 The term "party" does not include a member government of a
1482 regional water supply authority or a governmental or quasi-
1483 judicial board or commission established by local ordinance or
1484 special or general law where the governing membership of such
1485 board or commission is shared with, in whole or in part, or
1486 appointed by a member government of a regional water supply
1487 authority in proceedings under s. 120.569, s. 120.57, or s.
1488 120.68, to the extent that an interlocal agreement under ss.
1489 163.01 and 373.713 ~~373.1962~~ exists in which the member
1490 government has agreed that its substantial interests are not
1491 affected by the proceedings or that it is to be bound by
1492 alternative dispute resolution in lieu of participating in the
1493 proceedings. This exclusion applies only to those particular
1494 types of disputes or controversies, if any, identified in an
1495 interlocal agreement.

1496 Section 3. Subsection (13) of section 163.3167, Florida
1497 Statutes, is amended to read:

1498 163.3167 Scope of act.—

1499 (13) Each local government shall address in its
1500 comprehensive plan, as enumerated in this chapter, the water
1501 supply sources necessary to meet and achieve the existing and
1502 projected water use demand for the established planning period,
1503 considering the applicable plan developed pursuant to s. 373.709
1504 ~~373.0361~~.

1505 Section 4. Paragraph (a) of subsection (4) and paragraphs
1506 (c), (d), and (h) of subsection (6) of section 163.3177, Florida
1507 Statutes, are amended to read:

1508 163.3177 Required and optional elements of comprehensive

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1509 plan; studies and surveys.—

1510 (4) (a) Coordination of the local comprehensive plan with
1511 the comprehensive plans of adjacent municipalities, the county,
1512 adjacent counties, or the region; with the appropriate water
1513 management district's regional water supply plans approved
1514 pursuant to s. 373.709 ~~373.0361~~; with adopted rules pertaining
1515 to designated areas of critical state concern; and with the
1516 state comprehensive plan shall be a major objective of the local
1517 comprehensive planning process. To that end, in the preparation
1518 of a comprehensive plan or element thereof, and in the
1519 comprehensive plan or element as adopted, the governing body
1520 shall include a specific policy statement indicating the
1521 relationship of the proposed development of the area to the
1522 comprehensive plans of adjacent municipalities, the county,
1523 adjacent counties, or the region and to the state comprehensive
1524 plan, as the case may require and as such adopted plans or plans
1525 in preparation may exist.

1526 (6) In addition to the requirements of subsections (1)-(5)
1527 and (12), the comprehensive plan shall include the following
1528 elements:

1529 (c) A general sanitary sewer, solid waste, drainage,
1530 potable water, and natural groundwater aquifer recharge element
1531 correlated to principles and guidelines for future land use,
1532 indicating ways to provide for future potable water, drainage,
1533 sanitary sewer, solid waste, and aquifer recharge protection
1534 requirements for the area. The element may be a detailed
1535 engineering plan including a topographic map depicting areas of
1536 prime groundwater recharge. The element shall describe the
1537 problems and needs and the general facilities that will be

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1538 required for solution of the problems and needs. The element
1539 shall also include a topographic map depicting any areas adopted
1540 by a regional water management district as prime groundwater
1541 recharge areas for the Floridan or Biscayne aquifers. These
1542 areas shall be given special consideration when the local
1543 government is engaged in zoning or considering future land use
1544 for said designated areas. For areas served by septic tanks,
1545 soil surveys shall be provided which indicate the suitability of
1546 soils for septic tanks. Within 18 months after the governing
1547 board approves an updated regional water supply plan, the
1548 element must incorporate the alternative water supply project or
1549 projects selected by the local government from those identified
1550 in the regional water supply plan pursuant to s. 373.709(2)(a)
1551 ~~373.0361(2)(a)~~ or proposed by the local government under s.
1552 373.709(8)(b) ~~373.0361(8)(b)~~. If a local government is located
1553 within two water management districts, the local government
1554 shall adopt its comprehensive plan amendment within 18 months
1555 after the later updated regional water supply plan. The element
1556 must identify such alternative water supply projects and
1557 traditional water supply projects and conservation and reuse
1558 necessary to meet the water needs identified in s. 373.709(2)(a)
1559 ~~373.0361(2)(a)~~ within the local government's jurisdiction and
1560 include a work plan, covering at least a 10 year planning
1561 period, for building public, private, and regional water supply
1562 facilities, including development of alternative water supplies,
1563 which are identified in the element as necessary to serve
1564 existing and new development. The work plan shall be updated, at
1565 a minimum, every 5 years within 18 months after the governing
1566 board of a water management district approves an updated

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1567 regional water supply plan. Amendments to incorporate the work
1568 plan do not count toward the limitation on the frequency of
1569 adoption of amendments to the comprehensive plan. Local
1570 governments, public and private utilities, regional water supply
1571 authorities, special districts, and water management districts
1572 are encouraged to cooperatively plan for the development of
1573 multijurisdictional water supply facilities that are sufficient
1574 to meet projected demands for established planning periods,
1575 including the development of alternative water sources to
1576 supplement traditional sources of groundwater and surface water
1577 supplies.

1578 (d) A conservation element for the conservation, use, and
1579 protection of natural resources in the area, including air,
1580 water, water recharge areas, wetlands, waterwells, estuarine
1581 marshes, soils, beaches, shores, flood plains, rivers, bays,
1582 lakes, harbors, forests, fisheries and wildlife, marine habitat,
1583 minerals, and other natural and environmental resources,
1584 including factors that affect energy conservation. Local
1585 governments shall assess their current, as well as projected,
1586 water needs and sources for at least a 10-year period,
1587 considering the appropriate regional water supply plan approved
1588 pursuant to s. 373.709 ~~373.0361~~, or, in the absence of an
1589 approved regional water supply plan, the district water
1590 management plan approved pursuant to s. 373.036(2). This
1591 information shall be submitted to the appropriate agencies. The
1592 land use map or map series contained in the future land use
1593 element shall generally identify and depict the following:

1594 1. Existing and planned waterwells and cones of influence
1595 where applicable.

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- 1596 2. Beaches and shores, including estuarine systems.
1597 3. Rivers, bays, lakes, flood plains, and harbors.
1598 4. Wetlands.
1599 5. Minerals and soils.
1600 6. Energy conservation.

1601
1602 The land uses identified on such maps shall be consistent with
1603 applicable state law and rules.

1604 (h)1. An intergovernmental coordination element showing
1605 relationships and stating principles and guidelines to be used
1606 in the accomplishment of coordination of the adopted
1607 comprehensive plan with the plans of school boards, regional
1608 water supply authorities, and other units of local government
1609 providing services but not having regulatory authority over the
1610 use of land, with the comprehensive plans of adjacent
1611 municipalities, the county, adjacent counties, or the region,
1612 with the state comprehensive plan and with the applicable
1613 regional water supply plan approved pursuant to s. 373.709
1614 ~~373.0361~~, as the case may require and as such adopted plans or
1615 plans in preparation may exist. This element of the local
1616 comprehensive plan shall demonstrate consideration of the
1617 particular effects of the local plan, when adopted, upon the
1618 development of adjacent municipalities, the county, adjacent
1619 counties, or the region, or upon the state comprehensive plan,
1620 as the case may require.

1621 a. The intergovernmental coordination element shall provide
1622 procedures to identify and implement joint planning areas,
1623 especially for the purpose of annexation, municipal
1624 incorporation, and joint infrastructure service areas.

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1625 b. The intergovernmental coordination element shall provide
1626 for recognition of campus master plans prepared pursuant to s.
1627 1013.30 and airport master plans under paragraph(k).

1628 c. The intergovernmental coordination element shall provide
1629 for a dispute resolution process as established pursuant to s.
1630 186.509 for bringing to closure in a timely manner
1631 intergovernmental disputes.

1632 d. The intergovernmental coordination element shall provide
1633 for interlocal agreements as established pursuant to s.
1634 333.03(1)(b).

1635 2. The intergovernmental coordination element shall further
1636 state principles and guidelines to be used in the accomplishment
1637 of coordination of the adopted comprehensive plan with the plans
1638 of school boards and other units of local government providing
1639 facilities and services but not having regulatory authority over
1640 the use of land. In addition, the intergovernmental coordination
1641 element shall describe joint processes for collaborative
1642 planning and decisionmaking on population projections and public
1643 school siting, the location and extension of public facilities
1644 subject to concurrency, and siting facilities with countywide
1645 significance, including locally unwanted land uses whose nature
1646 and identity are established in an agreement. Within 1 year of
1647 adopting their intergovernmental coordination elements, each
1648 county, all the municipalities within that county, the district
1649 school board, and any unit of local government service providers
1650 in that county shall establish by interlocal or other formal
1651 agreement executed by all affected entities, the joint processes
1652 described in this subparagraph consistent with their adopted
1653 intergovernmental coordination elements.

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1654 3. To foster coordination between special districts and
1655 local general-purpose governments as local general-purpose
1656 governments implement local comprehensive plans, each
1657 independent special district must submit a public facilities
1658 report to the appropriate local government as required by s.
1659 189.415.

1660 4.a. Local governments shall execute an interlocal
1661 agreement with the district school board, the county, and
1662 nonexempt municipalities pursuant to s. 163.31777. The local
1663 government shall amend the intergovernmental coordination
1664 element to provide that coordination between the local
1665 government and school board is pursuant to the agreement and
1666 shall state the obligations of the local government under the
1667 agreement.

1668 b. Plan amendments that comply with this subparagraph are
1669 exempt from the provisions of s. 163.3187(1).

1670 5. The state land planning agency shall establish a
1671 schedule for phased completion and transmittal of plan
1672 amendments to implement subparagraphs 1., 2., and 3. from all
1673 jurisdictions so as to accomplish their adoption by December 31,
1674 1999. A local government may complete and transmit its plan
1675 amendments to carry out these provisions prior to the scheduled
1676 date established by the state land planning agency. The plan
1677 amendments are exempt from the provisions of s. 163.3187(1).

1678 6. By January 1, 2004, any county having a population
1679 greater than 100,000, and the municipalities and special
1680 districts within that county, shall submit a report to the
1681 Department of Community Affairs which:

1682 a. Identifies all existing or proposed interlocal service

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1683 delivery agreements regarding the following: education; sanitary
1684 sewer; public safety; solid waste; drainage; potable water;
1685 parks and recreation; and transportation facilities.

1686 b. Identifies any deficits or duplication in the provision
1687 of services within its jurisdiction, whether capital or
1688 operational. Upon request, the Department of Community Affairs
1689 shall provide technical assistance to the local governments in
1690 identifying deficits or duplication.

1691 7. Within 6 months after submission of the report, the
1692 Department of Community Affairs shall, through the appropriate
1693 regional planning council, coordinate a meeting of all local
1694 governments within the regional planning area to discuss the
1695 reports and potential strategies to remedy any identified
1696 deficiencies or duplications.

1697 8. Each local government shall update its intergovernmental
1698 coordination element based upon the findings in the report
1699 submitted pursuant to subparagraph 6. The report may be used as
1700 supporting data and analysis for the intergovernmental
1701 coordination element.

1702 Section 5. Paragraph (1) of subsection (2) of section
1703 163.3191, Florida Statutes, is amended to read:

1704 163.3191 Evaluation and appraisal of comprehensive plan.—

1705 (2) The report shall present an evaluation and assessment
1706 of the comprehensive plan and shall contain appropriate
1707 statements to update the comprehensive plan, including, but not
1708 limited to, words, maps, illustrations, or other media, related
1709 to:

1710 (1) The extent to which the local government has been
1711 successful in identifying alternative water supply projects and

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1712 traditional water supply projects, including conservation and
 1713 reuse, necessary to meet the water needs identified in s.
 1714 373.709(2)(a) ~~373.0361(2)(a)~~ within the local government's
 1715 jurisdiction. The report must evaluate the degree to which the
 1716 local government has implemented the work plan for building
 1717 public, private, and regional water supply facilities, including
 1718 development of alternative water supplies, identified in the
 1719 element as necessary to serve existing and new development.

1720 Section 6. Paragraphs (c) and (d) of subsection (4) of
 1721 section 189.404, Florida Statutes, are amended to read:

1722 189.404 Legislative intent for the creation of independent
 1723 special districts; special act prohibitions; model elements and
 1724 other requirements; general-purpose local government/Governor
 1725 and Cabinet creation authorizations.—

1726 (4) LOCAL GOVERNMENT/GOVERNOR AND CABINET CREATION
 1727 AUTHORIZATIONS.—Except as otherwise authorized by general law,
 1728 only the Legislature may create independent special districts.

1729 (c) The Governor and Cabinet may create an independent
 1730 special district which shall be established by rule in
 1731 accordance with s. 190.005 or as otherwise authorized in general
 1732 law. The Governor and Cabinet may also approve the establishment
 1733 of a charter for the creation of an independent special district
 1734 which shall be in accordance with s. 373.713 ~~373.1962~~, or as
 1735 otherwise authorized in general law.

1736 (d)1. Any combination of two or more counties may create a
 1737 regional special district which shall be established in
 1738 accordance with s. 950.001, or as otherwise authorized in
 1739 general law.

1740 2. Any combination of two or more counties or

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1741 municipalities may create a regional special district which
 1742 shall be established in accordance with s. 373.713 ~~373.1962~~, or
 1743 as otherwise authorized by general law.

1744 3. Any combination of two or more counties, municipalities,
 1745 or other political subdivisions may create a regional special
 1746 district in accordance with s. 163.567, or as otherwise
 1747 authorized in general law.

1748 Section 7. Subsection (3) of section 189.4155, Florida
 1749 Statutes, is amended to read:

1750 189.4155 Activities of special districts; local government
 1751 comprehensive planning.—

1752 (3) The provisions of this section shall not apply to water
 1753 management districts created pursuant to s. 373.069, to regional
 1754 water supply authorities created pursuant to s. 373.713
 1755 ~~373.1962~~, or to spoil disposal sites owned or used by the
 1756 Federal Government.

1757 Section 8. Section 189.4156, Florida Statutes, is amended
 1758 to read:

1759 189.4156 Water management district technical assistance;
 1760 local government comprehensive planning.—Water management
 1761 districts shall assist local governments in the development of
 1762 local government comprehensive plan elements related to water
 1763 resource issues as required by s. 373.711 ~~373.0391~~.

1764 Section 9. Subsection (7) of section 367.021, Florida
 1765 Statutes, is amended to read:

1766 367.021 Definitions.—As used in this chapter, the following
 1767 words or terms shall have the meanings indicated:

1768 (7) "Governmental authority" means a political subdivision,
 1769 as defined by s. 1.01(8), a regional water supply authority

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1770 created pursuant to s. 373.713 ~~373.1962~~, or a nonprofit
1771 corporation formed for the purpose of acting on behalf of a
1772 political subdivision with respect to a water or wastewater
1773 facility.

1774 Section 10. Subsections (1) and (17) of section 373.019,
1775 Florida Statutes, are amended to read:

1776 373.019 Definitions.—When appearing in this chapter or in
1777 any rule, regulation, or order adopted pursuant thereto, the
1778 term:

1779 (1) "Alternative water supplies" means salt water; brackish
1780 surface and groundwater; surface water captured predominately
1781 during wet-weather flows; sources made available through the
1782 addition of new storage capacity for surface or groundwater,
1783 water that has been reclaimed after one or more public supply,
1784 municipal, industrial, commercial, or agricultural uses; the
1785 downstream augmentation of water bodies with reclaimed water;
1786 stormwater; quantifiable water savings from water conservation
1787 projects; and any other water supply source that is designated
1788 as nontraditional for a water supply planning region in the
1789 applicable regional water supply plan.

1790 (17) "Regional water supply plan" means a detailed water
1791 supply plan developed by a governing board under s. 373.709 ~~s.~~
1792 ~~373.0361~~.

1793 Section 11. Paragraph (b) of subsection (2) and paragraph
1794 (b) of subsection (7) of section 373.036, Florida Statutes, are
1795 amended to read:

1796 373.036 Florida water plan; district water management
1797 plans.—

1798 (2) DISTRICT WATER MANAGEMENT PLANS.—

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1799 (b) The district water management plan shall include, but
1800 not be limited to:

1801 1. The scientific methodologies for establishing minimum
1802 flows and levels under s. 373.042, and all established minimum
1803 flows and levels.

1804 2. Identification of one or more water supply planning
1805 regions that singly or together encompass the entire district.

1806 3. Technical data and information prepared under s. 373.711
1807 ~~373.0391~~.

1808 4. A districtwide water supply assessment, to be completed
1809 no later than July 1, 1998, which determines for each water
1810 supply planning region:

1811 a. Existing legal uses, reasonably anticipated future
1812 needs, and existing and reasonably anticipated sources of water
1813 and conservation efforts; and

1814 b. Whether existing and reasonably anticipated sources of
1815 water and conservation efforts are adequate to supply water for
1816 all existing legal uses and reasonably anticipated future needs
1817 and to sustain the water resources and related natural systems.

1818 5. Any completed regional water supply plans.

1819 (7) CONSOLIDATED WATER MANAGEMENT DISTRICT ANNUAL REPORT.-

1820 (b) The consolidated annual report shall contain the
1821 following elements, as appropriate to that water management
1822 district:

1823 1. A district water management plan annual report or the
1824 annual work plan report allowed in subparagraph (2)(e)4.

1825 2. The department-approved minimum flows and levels annual
1826 priority list and schedule required by s. 373.042(2).

1827 3. The annual 5-year capital improvements plan required by

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1828 s. 373.536(6) (a)3.

1829 4. The alternative water supplies annual report required by
1830 s. 373.707(8) (n) ~~373.1961(3) (n)~~.

1831 5. The final annual 5-year water resource development work
1832 program required by s. 373.536(6) (a)4.

1833 6. The Florida Forever Water Management District Work Plan
1834 annual report required by s. 373.199(7).

1835 7. The mitigation donation annual report required by s.
1836 373.414(1) (b)2.

1837 Section 12. Paragraphs (a) and (e) of subsection (4) of
1838 section 373.0363, Florida Statutes, are amended to read:

1839 373.0363 Southern Water Use Caution Area Recovery
1840 Strategy.—

1841 (4) The West-Central Florida Water Restoration Action Plan
1842 includes:

1843 (a) The Central West Coast Surface Water Enhancement
1844 Initiative. The purpose of this initiative is to make additional
1845 surface waters available for public supply through restoration
1846 of surface waters, natural water flows, and freshwater wetland
1847 communities. This initiative is designed to allow limits on
1848 groundwater withdrawals in order to slow the rate of saltwater
1849 intrusion. The initiative shall be an ongoing program in
1850 cooperation with the Peace River-Manasota Regional Water Supply
1851 Authority created under s. 373.713 ~~373.1962~~.

1852 (e) The Central Florida Water Resource Development
1853 Initiative. The purpose of this initiative is to create and
1854 implement a long-term plan that takes a comprehensive approach
1855 to limit ground water withdrawals in the Southern Water Use
1856 Caution Area and to identify and develop alternative water

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1857 supplies for Polk County. The project components developed
1858 pursuant to this initiative are eligible for state and regional
1859 funding under s. 373.707 ~~373.196~~ as an alternative water supply,
1860 as defined in s. 373.019, or as a supplemental water supply
1861 under the rules of the Southwest Florida Water Management
1862 District or the South Florida Water Management District. The
1863 initiative shall be implemented by the district as an ongoing
1864 program in cooperation with Polk County and the South Florida
1865 Water Management District.

1866 Section 13. Subsection (2) of section 373.0421, Florida
1867 Statutes, is amended to read:

1868 373.0421 Establishment and implementation of minimum flows
1869 and levels.—

1870 (2) If the existing flow or level in a water body is below,
1871 or is projected to fall within 20 years below, the applicable
1872 minimum flow or level established pursuant to s. 373.042, the
1873 department or governing board, as part of the regional water
1874 supply plan described in s. 373.709 ~~373.0361~~, shall
1875 expeditiously implement a recovery or prevention strategy, which
1876 includes the development of additional water supplies and other
1877 actions, consistent with the authority granted by this chapter,
1878 to:

1879 (a) Achieve recovery to the established minimum flow or
1880 level as soon as practicable; or

1881 (b) Prevent the existing flow or level from falling below
1882 the established minimum flow or level.

1883
1884 The recovery or prevention strategy shall include phasing or a
1885 timetable which will allow for the provision of sufficient water

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1886 supplies for all existing and projected reasonable-beneficial
1887 uses, including development of additional water supplies and
1888 implementation of conservation and other efficiency measures
1889 concurrent with, to the extent practical, and to offset,
1890 reductions in permitted withdrawals, consistent with the
1891 provisions of this chapter.

1892 Section 14. Subsection (4) of section 373.0695, Florida
1893 Statutes, is amended to read:

1894 373.0695 Duties of basin boards; authorized expenditures.-

1895 (4) In the exercise of the duties and powers granted
1896 herein, the basin boards shall be subject to all the limitations
1897 and restrictions imposed on the water management districts in s.
1898 373.703 ~~373.1961~~.

1899 Section 15. Subsections (3) and (5) of section 373.223,
1900 Florida Statutes, are amended to read:

1901 373.223 Conditions for a permit.-

1902 (3) Except for the transport and use of water supplied by
1903 the Central and Southern Florida Flood Control Project, and
1904 anywhere in the state when the transport and use of water is
1905 supplied exclusively for bottled water as defined in s.
1906 500.03(1)(d), any water use permit applications pending as of
1907 April 1, 1998, with the Northwest Florida Water Management
1908 District and self-suppliers of water for which the proposed
1909 water source and area of use or application are located on
1910 contiguous private properties, when evaluating whether a
1911 potential transport and use of ground or surface water across
1912 county boundaries is consistent with the public interest,
1913 pursuant to paragraph (1)(c), the governing board or department
1914 shall consider:

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1915 (a) The proximity of the proposed water source to the area
1916 of use or application.

1917 (b) All impoundments, streams, groundwater sources, or
1918 watercourses that are geographically closer to the area of use
1919 or application than the proposed source, and that are
1920 technically and economically feasible for the proposed transport
1921 and use.

1922 (c) All economically and technically feasible alternatives
1923 to the proposed source, including, but not limited to,
1924 desalination, conservation, reuse of nonpotable reclaimed water
1925 and stormwater, and aquifer storage and recovery.

1926 (d) The potential environmental impacts that may result
1927 from the transport and use of water from the proposed source,
1928 and the potential environmental impacts that may result from use
1929 of the other water sources identified in paragraphs (b) and (c).

1930 (e) Whether existing and reasonably anticipated sources of
1931 water and conservation efforts are adequate to supply water for
1932 existing legal uses and reasonably anticipated future needs of
1933 the water supply planning region in which the proposed water
1934 source is located.

1935 (f) Consultations with local governments affected by the
1936 proposed transport and use.

1937 (g) The value of the existing capital investment in water-
1938 related infrastructure made by the applicant.

1939
1940 Where districtwide water supply assessments and regional water
1941 supply plans have been prepared pursuant to ss. 373.036 and
1942 373.709 ~~373.0361~~, the governing board or the department shall
1943 use the applicable plans and assessments as the basis for its

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1944 consideration of the applicable factors in this subsection.

1945 (5) In evaluating an application for consumptive use of
1946 water which proposes the use of an alternative water supply
1947 project as described in the regional water supply plan and
1948 provides reasonable assurances of the applicant's capability to
1949 design, construct, operate, and maintain the project, the
1950 governing board or department shall presume that the alternative
1951 water supply use is consistent with the public interest under
1952 paragraph (1)(c). However, where the governing board identifies
1953 the need for a multijurisdictional water supply entity or
1954 regional water supply authority to develop the alternative water
1955 supply project pursuant to s. 373.709(2)(a)2. ~~373.0361(2)(a)2.~~,
1956 the presumption shall be accorded only to that use proposed by
1957 such entity or authority. This subsection does not effect
1958 evaluation of the use pursuant to the provisions of paragraphs
1959 (1)(a) and (b), subsections (2) and (3), and ss. 373.2295 and
1960 373.233.

1961 Section 16. Section 373.2234, Florida Statutes, is amended
1962 to read:

1963 373.2234 Preferred water supply sources.—The governing
1964 board of a water management district is authorized to adopt
1965 rules that identify preferred water supply sources for
1966 consumptive uses for which there is sufficient data to establish
1967 that a preferred source will provide a substantial new water
1968 supply to meet the existing and projected reasonable-beneficial
1969 uses of a water supply planning region identified pursuant to s.
1970 373.709(1) ~~373.0361(1)~~, while sustaining existing water
1971 resources and natural systems. At a minimum, such rules must
1972 contain a description of the preferred water supply source and

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1973 an assessment of the water the preferred source is projected to
1974 produce. If an applicant proposes to use a preferred water
1975 supply source, that applicant's proposed water use is subject to
1976 s. 373.223(1), except that the proposed use of a preferred water
1977 supply source must be considered by a water management district
1978 when determining whether a permit applicant's proposed use of
1979 water is consistent with the public interest pursuant to s.
1980 373.223(1)(c). A consumptive use permit issued for the use of a
1981 preferred water supply source must be granted, when requested by
1982 the applicant, for at least a 20-year period and may be subject
1983 to the compliance reporting provisions of s. 373.236(4). Nothing
1984 in this section shall be construed to exempt the use of
1985 preferred water supply sources from the provisions of ss.
1986 373.016(4) and 373.223(2) and (3), or be construed to provide
1987 that permits issued for the use of a nonpreferred water supply
1988 source must be issued for a duration of less than 20 years or
1989 that the use of a nonpreferred water supply source is not
1990 consistent with the public interest. Additionally, nothing in
1991 this section shall be interpreted to require the use of a
1992 preferred water supply source or to restrict or prohibit the use
1993 of a nonpreferred water supply source. Rules adopted by the
1994 governing board of a water management district to implement this
1995 section shall specify that the use of a preferred water supply
1996 source is not required and that the use of a nonpreferred water
1997 supply source is not restricted or prohibited.

1998 Section 17. Subsection (3) of section 373.229, Florida
1999 Statutes, is amended to read:

2000 373.229 Application for permit.—

2001 (3) In addition to the information required in subsection

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2002 (1), all permit applications filed with the governing board or
2003 the department which propose the transport and use of water
2004 across county boundaries shall include information pertaining to
2005 factors to be considered, pursuant to s. 373.223(3), unless
2006 exempt under s. 373.713(9) ~~373.1962(9)~~.

2007 Section 18. Paragraph (a) of subsection (6) of section
2008 373.236, Florida Statutes, is amended to read:

2009 373.236 Duration of permits; compliance reports.-

2010 (6) (a) The Legislature finds that the need for alternative
2011 water supply development projects to meet anticipated public
2012 water supply demands of the state is so important that it is
2013 essential to encourage participation in and contribution to
2014 these projects by private-rural-land owners who
2015 characteristically have relatively modest near-term water
2016 demands but substantially increasing demands after the 20-year
2017 planning period in s. 373.709 ~~373.0361~~. Therefore, where such
2018 landowners make extraordinary contributions of lands or
2019 construction funding to enable the expeditious implementation of
2020 such projects, water management districts and the department may
2021 grant permits for such projects for a period of up to 50 years
2022 to municipalities, counties, special districts, regional water
2023 supply authorities, multijurisdictional water supply entities,
2024 and publicly or privately owned utilities, with the exception of
2025 any publicly or privately owned utilities created for or by a
2026 private landowner after April 1, 2008, which have entered into
2027 an agreement with the private landowner for the purpose of more
2028 efficiently pursuing alternative public water supply development
2029 projects identified in a district's regional water supply plan
2030 and meeting water demands of both the applicant and the

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2031 landowner.

2032 Section 19. Paragraph (a) of subsection (6) of section
2033 373.536, Florida Statutes, is amended to read:

2034 373.536 District budget and hearing thereon.—

2035 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
2036 WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

2037 (a) Each district must, by the date specified for each
2038 item, furnish copies of the following documents to the Governor,
2039 the President of the Senate, the Speaker of the House of
2040 Representatives, the chairs of all legislative committees and
2041 subcommittees having substantive or fiscal jurisdiction over the
2042 districts, as determined by the President of the Senate or the
2043 Speaker of the House of Representatives as applicable, the
2044 secretary of the department, and the governing board of each
2045 county in which the district has jurisdiction or derives any
2046 funds for the operations of the district:

2047 1. The adopted budget, to be furnished within 10 days after
2048 its adoption.

2049 2. A financial audit of its accounts and records, to be
2050 furnished within 10 days after its acceptance by the governing
2051 board. The audit must be conducted in accordance with the
2052 provisions of s. 11.45 and the rules adopted thereunder. In
2053 addition to the entities named above, the district must provide
2054 a copy of the audit to the Auditor General within 10 days after
2055 its acceptance by the governing board.

2056 3. A 5-year capital improvements plan, to be included in
2057 the consolidated annual report required by s. 373.036(7). The
2058 plan must include expected sources of revenue for planned
2059 improvements and must be prepared in a manner comparable to the

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2060 fixed capital outlay format set forth in s. 216.043.

2061 4. A 5-year water resource development work program to be
2062 furnished within 30 days after the adoption of the final budget.
2063 The program must describe the district's implementation strategy
2064 for the water resource development component of each approved
2065 regional water supply plan developed or revised under s. 373.709
2066 ~~373.0361~~. The work program must address all the elements of the
2067 water resource development component in the district's approved
2068 regional water supply plans and must identify which projects in
2069 the work program will provide water, explain how each water
2070 resource development project will produce additional water
2071 available for consumptive uses, estimate the quantity of water
2072 to be produced by each project, and provide an assessment of the
2073 contribution of the district's regional water supply plans in
2074 providing sufficient water to meet the water supply needs of
2075 existing and future reasonable-beneficial uses for a 1-in-10-
2076 year drought event. Within 30 days after its submittal, the
2077 department shall review the proposed work program and submit its
2078 findings, questions, and comments to the district. The review
2079 must include a written evaluation of the program's consistency
2080 with the furtherance of the district's approved regional water
2081 supply plans, and the adequacy of proposed expenditures. As part
2082 of the review, the department shall give interested parties the
2083 opportunity to provide written comments on each district's
2084 proposed work program. Within 45 days after receipt of the
2085 department's evaluation, the governing board shall state in
2086 writing to the department which changes recommended in the
2087 evaluation it will incorporate into its work program submitted
2088 as part of the March 1 consolidated annual report required by s.

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2089 373.036(7) or specify the reasons for not incorporating the
2090 changes. The department shall include the district's responses
2091 in a final evaluation report and shall submit a copy of the
2092 report to the Governor, the President of the Senate, and the
2093 Speaker of the House of Representatives.

2094 Section 20. Subsection (11) of section 373.59, Florida
2095 Statutes, is amended to read:

2096 373.59 Water Management Lands Trust Fund.—

2097 (11) Notwithstanding any provision of this section to the
2098 contrary, the governing board of a water management district may
2099 request, and the Secretary of Environmental Protection shall
2100 release upon such request, moneys allocated to the districts
2101 pursuant to subsection (8) for purposes consistent with the
2102 provisions of s. 373.709 ~~373.0361~~, s. 373.705 ~~373.0831~~, s.
2103 373.139, or ss. 373.451-373.4595 and for legislatively
2104 authorized land acquisition and water restoration initiatives.
2105 No funds may be used pursuant to this subsection until necessary
2106 debt service obligations, requirements for payments in lieu of
2107 taxes, and land management obligations that may be required by
2108 this chapter are provided for.

2109 Section 21. Paragraph (g) of subsection (1) of section
2110 378.212, Florida Statutes, is amended to read:

2111 378.212 Variances.—

2112 (1) Upon application, the secretary may grant a variance
2113 from the provisions of this part or the rules adopted pursuant
2114 thereto. Variances and renewals thereof may be granted for any
2115 one of the following reasons:

2116 (g) To accommodate reclamation that provides water supply
2117 development or water resource development not inconsistent with

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2118 the applicable regional water supply plan approved pursuant to
2119 s. 373.709 ~~373.0361~~, provided adverse impacts are not caused to
2120 the water resources in the basin. A variance may also be granted
2121 from the requirements of part IV of chapter 373, or the rules
2122 adopted thereunder, when a project provides an improvement in
2123 water availability in the basin and does not cause adverse
2124 impacts to water resources in the basin.

2125 Section 22. Subsection (9) of section 378.404, Florida
2126 Statutes, is amended to read:

2127 378.404 Department of Environmental Protection; powers and
2128 duties.—The department shall have the following powers and
2129 duties:

2130 (9) To grant variances from the provisions of this part to
2131 accommodate reclamation that provides for water supply
2132 development or water resource development not inconsistent with
2133 the applicable regional water supply plan approved pursuant to
2134 s. 373.709 ~~373.0361~~, appropriate stormwater management, improved
2135 wildlife habitat, recreation, or a mixture thereof, provided
2136 adverse impacts are not caused to the water resources in the
2137 basin and public health and safety are not adversely affected.

2138 Section 23. Paragraph (a) of subsection (3) of section
2139 403.0891, Florida Statutes, is amended to read:

2140 403.0891 State, regional, and local stormwater management
2141 plans and programs.—The department, the water management
2142 districts, and local governments shall have the responsibility
2143 for the development of mutually compatible stormwater management
2144 programs.

2145 (3) (a) Each local government required by chapter 163 to
2146 submit a comprehensive plan, whose plan is submitted after July

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2147 1, 1992, and the others when updated after July 1, 1992, in the
2148 development of its stormwater management program described by
2149 elements within its comprehensive plan shall consider the water
2150 resource implementation rule, district stormwater management
2151 goals, plans approved pursuant to the Surface Water Improvement
2152 and Management Act, ss. 373.451-373.4595, and technical
2153 assistance information provided by the water management
2154 districts pursuant to s. 373.711 ~~373.0391~~.

2155 Section 24. Section 403.890, Florida Statutes, is amended
2156 to read:

2157 403.890 Water Protection and Sustainability Program;
2158 ~~intent; goals; purposes.-~~

2159 ~~(1) Effective July 1, 2006, revenues transferred from the~~
2160 ~~Department of Revenue pursuant to s. 201.15(1)(c)2. shall be~~
2161 ~~deposited into the Water Protection and Sustainability Program~~
2162 ~~Trust Fund in the Department of Environmental Protection. These~~
2163 ~~revenues and any other additional revenues deposited into or~~
2164 ~~appropriated to the Water Protection and Sustainability Program~~
2165 ~~Trust Fund shall be distributed by the Department of~~
2166 ~~Environmental Protection in the following manner:~~

2167 ~~(a) Sixty percent to the Department of Environmental~~
2168 ~~Protection for the implementation of an alternative water supply~~
2169 ~~program as provided in s. 373.1961.~~

2170 ~~(b) Twenty percent for the implementation of best~~
2171 ~~management practices and capital project expenditures necessary~~
2172 ~~for the implementation of the goals of the total maximum daily~~
2173 ~~load program established in s. 403.067. Of these funds, 85~~
2174 ~~percent shall be transferred to the credit of the Department of~~
2175 ~~Environmental Protection Water Quality Assurance Trust Fund to~~

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2176 ~~address water quality impacts associated with nonagricultural~~
2177 ~~nonpoint sources. Fifteen percent of these funds shall be~~
2178 ~~transferred to the Department of Agriculture and Consumer~~
2179 ~~Services General Inspection Trust Fund to address water quality~~
2180 ~~impacts associated with agricultural nonpoint sources. These~~
2181 ~~funds shall be used for research, development, demonstration,~~
2182 ~~and implementation of the total maximum daily load program under~~
2183 ~~s. 403.067, suitable best management practices or other measures~~
2184 ~~used to achieve water quality standards in surface waters and~~
2185 ~~water segments identified pursuant to s. 303(d) of the Clean~~
2186 ~~Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.~~
2187 ~~Implementation of best management practices and other measures~~
2188 ~~may include cost-share grants, technical assistance,~~
2189 ~~implementation tracking, and conservation leases or other~~
2190 ~~agreements for water quality improvement. The Department of~~
2191 ~~Environmental Protection and the Department of Agriculture and~~
2192 ~~Consumer Services may adopt rules governing the distribution of~~
2193 ~~funds for implementation of capital projects, best management~~
2194 ~~practices, and other measures. These funds shall not be used to~~
2195 ~~abrogate the financial responsibility of those point and~~
2196 ~~nonpoint sources that have contributed to the degradation of~~
2197 ~~water or land areas. Increased priority shall be given by the~~
2198 ~~department and the water management district governing boards to~~
2199 ~~those projects that have secured a cost-sharing agreement~~
2200 ~~allocating responsibility for the cleanup of point and nonpoint~~
2201 ~~sources.~~

2202 ~~(c) Ten percent shall be disbursed for the purposes of~~
2203 ~~funding projects pursuant to ss. 373.451-373.459 or surface~~
2204 ~~water restoration activities in water management district~~

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2205 ~~designated priority water bodies. The Secretary of Environmental~~
2206 ~~Protection shall ensure that each water management district~~
2207 ~~receives the following percentage of funds annually:~~

2208 ~~1. Thirty five percent to the South Florida Water~~
2209 ~~Management District;~~

2210 ~~2. Twenty five percent to the Southwest Florida Water~~
2211 ~~Management District;~~

2212 ~~3. Twenty five percent to the St. Johns River Water~~
2213 ~~Management District;~~

2214 ~~4. Seven and one half percent to the Suwannee River Water~~
2215 ~~Management District; and~~

2216 ~~5. Seven and one half percent to the Northwest Florida~~
2217 ~~Water Management District.~~

2218 ~~(d) Ten percent to the Department of Environmental~~
2219 ~~Protection for the Disadvantaged Small Community Wastewater~~
2220 ~~Grant Program as provided in s. 403.1838.~~

2221 ~~(2) Applicable beginning in the 2007-2008 fiscal year,~~
2222 ~~revenues transferred from the Department of Revenue pursuant to~~
2223 ~~s. 201.15(1)(c)2. shall be deposited into the Water Protection~~
2224 ~~and Sustainability Program Trust Fund in the Department of~~
2225 ~~Environmental Protection. These revenues and any other~~
2226 ~~additional Revenues deposited into or appropriated to the Water~~
2227 ~~Protection and Sustainability Program Trust Fund shall be~~
2228 ~~distributed by the Department of Environmental Protection in the~~
2229 ~~following manner:~~

2230 ~~(1)(a)~~ Sixty-five percent to the Department of
2231 Environmental Protection for the implementation of an
2232 alternative water supply program as provided in s. 373.707
2233 373.1961.

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2234 (2) ~~(b)~~ Twenty-two and five-tenths percent for the
2235 implementation of best management practices and capital project
2236 expenditures necessary for the implementation of the goals of
2237 the total maximum daily load program established in s. 403.067.
2238 Of these funds, 83.33 percent shall be transferred to the credit
2239 of the Department of Environmental Protection Water Quality
2240 Assurance Trust Fund to address water quality impacts associated
2241 with nonagricultural nonpoint sources. Sixteen and sixty-seven
2242 hundredths percent of these funds shall be transferred to the
2243 Department of Agriculture and Consumer Services General
2244 Inspection Trust Fund to address water quality impacts
2245 associated with agricultural nonpoint sources. These funds shall
2246 be used for research, development, demonstration, and
2247 implementation of the total maximum daily load program under s.
2248 403.067, suitable best management practices or other measures
2249 used to achieve water quality standards in surface waters and
2250 water segments identified pursuant to s. 303(d) of the Clean
2251 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
2252 Implementation of best management practices and other measures
2253 may include cost-share grants, technical assistance,
2254 implementation tracking, and conservation leases or other
2255 agreements for water quality improvement. The Department of
2256 Environmental Protection and the Department of Agriculture and
2257 Consumer Services may adopt rules governing the distribution of
2258 funds for implementation of capital projects, best management
2259 practices, and other measures. These funds shall not be used to
2260 abrogate the financial responsibility of those point and
2261 nonpoint sources that have contributed to the degradation of
2262 water or land areas. Increased priority shall be given by the

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2263 department and the water management district governing boards to
2264 those projects that have secured a cost-sharing agreement
2265 allocating responsibility for the cleanup of point and nonpoint
2266 sources.

2267 (3)~~(e)~~ Twelve and five-tenths percent to the Department of
2268 Environmental Protection for the Disadvantaged Small Community
2269 Wastewater Grant Program as provided in s. 403.1838.

2270 (4)~~(d)~~ On June 30, 2009, and every 24 months thereafter,
2271 the Department of Environmental Protection shall request the
2272 return of all unencumbered funds distributed pursuant to this
2273 section. These funds shall be deposited into the Water
2274 Protection and Sustainability Program Trust Fund and
2275 redistributed pursuant to the provisions of this section.

2276 ~~(3) For the 2008-2009 fiscal year only, moneys in the Water
2277 Protection and Sustainability Program Trust Fund shall be
2278 transferred to the Ecosystem Management and Restoration Trust
2279 Fund for grants and aids to local governments for water projects
2280 as provided in the General Appropriations Act. This subsection
2281 expires July 1, 2009.~~

2282 ~~(4) For fiscal year 2005-2006, funds deposited or
2283 appropriated into the Water Protection and Sustainability
2284 Program Trust Fund shall be distributed as follows:~~

2285 ~~(a) One hundred million dollars to the Department of
2286 Environmental Protection for the implementation of an
2287 alternative water supply program as provided in s. 373.1961.~~

2288 ~~(b) Funds remaining after the distribution provided for in
2289 subsection (1) shall be distributed as follows:~~

2290 ~~1. Fifty percent for the implementation of best management
2291 practices and capital project expenditures necessary for the~~

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2292 ~~implementation of the goals of the total maximum daily load~~
2293 ~~program established in s. 403.067. Of these funds, 85 percent~~
2294 ~~shall be transferred to the credit of the Department of~~
2295 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
2296 ~~address water quality impacts associated with nonagricultural~~
2297 ~~nonpoint sources. Fifteen percent of these funds shall be~~
2298 ~~transferred to the Department of Agriculture and Consumer~~
2299 ~~Services General Inspection Trust Fund to address water quality~~
2300 ~~impacts associated with agricultural nonpoint sources. These~~
2301 ~~funds shall be used for research, development, demonstration,~~
2302 ~~and implementation of suitable best management practices or~~
2303 ~~other measures used to achieve water quality standards in~~
2304 ~~surface waters and water segments identified pursuant to s.~~
2305 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~
2306 ~~1251 et seq. Implementation of best management practices and~~
2307 ~~other measures may include cost-share grants, technical~~
2308 ~~assistance, implementation tracking, and conservation leases or~~
2309 ~~other agreements for water quality improvement. The Department~~
2310 ~~of Environmental Protection and the Department of Agriculture~~
2311 ~~and Consumer Services may adopt rules governing the distribution~~
2312 ~~of funds for implementation of best management practices. These~~
2313 ~~funds shall not be used to abrogate the financial responsibility~~
2314 ~~of those point and nonpoint sources that have contributed to the~~
2315 ~~degradation of water or land areas. Increased priority shall be~~
2316 ~~given by the department and the water management district~~
2317 ~~governing boards to those projects that have secured a cost-~~
2318 ~~sharing agreement allocating responsibility for the cleanup of~~
2319 ~~point and nonpoint sources.~~

2320 ~~2. Twenty five percent for the purposes of funding projects~~

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2321 ~~pursuant to ss. 373.451-373.459 or surface water restoration~~
2322 ~~activities in water-management-district-designated priority~~
2323 ~~water bodies. The Secretary of Environmental Protection shall~~
2324 ~~ensure that each water management district receives the~~
2325 ~~following percentage of funds annually:~~

2326 ~~a. Thirty-five percent to the South Florida Water~~
2327 ~~Management District;~~

2328 ~~b. Twenty-five percent to the Southwest Florida Water~~
2329 ~~Management District;~~

2330 ~~c. Twenty-five percent to the St. Johns River Water~~
2331 ~~Management District;~~

2332 ~~d. Seven and one-half percent to the Suwannee River Water~~
2333 ~~Management District; and~~

2334 ~~e. Seven and one-half percent to the Northwest Florida~~
2335 ~~Water Management District.~~

2336 ~~3. Twenty-five percent to the Department of Environmental~~
2337 ~~Protection for the Disadvantaged Small Community Wastewater~~
2338 ~~Grant Program as provided in s. 403.1838.~~

2339

2340 ~~Prior to the end of the 2008 Regular Session, the Legislature~~
2341 ~~must review the distribution of funds under the Water Protection~~
2342 ~~and Sustainability Program to determine if revisions to the~~
2343 ~~funding formula are required. At the discretion of the President~~
2344 ~~of the Senate and the Speaker of the House of Representatives,~~
2345 ~~the appropriate substantive committees of the Legislature may~~
2346 ~~conduct an interim project to review the Water Protection and~~
2347 ~~Sustainability Program and the funding formula and make written~~
2348 ~~recommendations to the Legislature proposing necessary changes,~~
2349 ~~if any.~~

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2350 ~~(5) For the 2009-2010 fiscal year only, funds shall be~~
2351 ~~distributed as follows:~~

2352 ~~(a) Thirty-one and twenty-one hundredths percent to the~~
2353 ~~Department of Environmental Protection for the implementation of~~
2354 ~~an alternative water supply program as provided in s. 373.1961.~~

2355 ~~(b) Twenty-six and eighty-seven hundredths percent for the~~
2356 ~~implementation of best management practices and capital project~~
2357 ~~expenditures necessary for the implementation of the goals of~~
2358 ~~the total maximum daily load program established in s. 403.067.~~
2359 ~~Of these funds, 86 percent shall be transferred to the credit of~~
2360 ~~the Water Quality Assurance Trust Fund of the Department of~~
2361 ~~Environmental Protection to address water quality impacts~~
2362 ~~associated with nonagricultural nonpoint sources. Fourteen~~
2363 ~~percent of these funds shall be transferred to the General~~
2364 ~~Inspection Trust Fund of the Department of Agriculture and~~
2365 ~~Consumer Services to address water quality impacts associated~~
2366 ~~with agricultural nonpoint sources. These funds shall be used~~
2367 ~~for research, development, demonstration, and implementation of~~
2368 ~~the total maximum daily load program under s. 403.067, suitable~~
2369 ~~best management practices, or other measures used to achieve~~
2370 ~~water quality standards in surface waters and water segments~~
2371 ~~identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.~~
2372 ~~No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best~~
2373 ~~management practices and other measures may include cost-share~~
2374 ~~grants, technical assistance, implementation tracking, and~~
2375 ~~conservation leases or other agreements for water quality~~
2376 ~~improvement. The Department of Environmental Protection and the~~
2377 ~~Department of Agriculture and Consumer Services may adopt rules~~
2378 ~~governing the distribution of funds for implementation of~~

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2379 ~~capital projects, best management practices, and other measures.~~
2380 ~~These funds may not be used to abrogate the financial~~
2381 ~~responsibility of those point and nonpoint sources that have~~
2382 ~~contributed to the degradation of water or land areas. Increased~~
2383 ~~priority shall be given by the department and the water~~
2384 ~~management district governing boards to those projects that have~~
2385 ~~secured a cost sharing agreement that allocates responsibility~~
2386 ~~for the cleanup of point and nonpoint sources.~~

2387 ~~(c) Forty-one and ninety-two hundredths percent to the~~
2388 ~~Department of Environmental Protection for the Disadvantaged~~
2389 ~~Small Community Wastewater Grant Program as provided in s.~~
2390 ~~403.1838.~~

2391
2392 ~~This subsection expires July 1, 2010.~~

2393 Section 25. Subsection (1) of section 403.891, Florida
2394 Statutes, is amended to read:

2395 403.891 Water Protection and Sustainability Program Trust
2396 Fund of the Department of Environmental Protection.—

2397 (1) The Water Protection and Sustainability Program Trust
2398 Fund is created within the Department of Environmental
2399 Protection. The purpose of the trust fund is to ~~receive funds~~
2400 ~~pursuant to s. 201.15(1)(c)2., funds from other sources provided~~
2401 ~~for in law and the General Appropriations Act, and funds~~
2402 ~~received by the department in order to implement the provisions~~
2403 ~~of the Water Sustainability and Protection Program created in s.~~
2404 403.890.

2405 Section 26. Section 682.02, Florida Statutes, is amended to
2406 read:

2407 682.02 Arbitration agreements made valid, irrevocable, and

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2408 enforceable; scope.—Two or more parties may agree in writing to
 2409 submit to arbitration any controversy existing between them at
 2410 the time of the agreement, or they may include in a written
 2411 contract a provision for the settlement by arbitration of any
 2412 controversy thereafter arising between them relating to such
 2413 contract or the failure or refusal to perform the whole or any
 2414 part thereof. This section also applies to written interlocal
 2415 agreements under ss. 163.01 and 373.713 ~~373.1962~~ in which two or
 2416 more parties agree to submit to arbitration any controversy
 2417 between them concerning water use permit applications and other
 2418 matters, regardless of whether or not the water management
 2419 district with jurisdiction over the subject application is a
 2420 party to the interlocal agreement or a participant in the
 2421 arbitration. Such agreement or provision shall be valid,
 2422 enforceable, and irrevocable without regard to the justiciable
 2423 character of the controversy; provided that this act shall not
 2424 apply to any such agreement or provision to arbitrate in which
 2425 it is stipulated that this law shall not apply or to any
 2426 arbitration or award thereunder.

2427 Section 27. Section 373.71, Florida Statutes, is renumbered
 2428 as section 373.69, Florida Statutes.

2429 Section 28. Sections 373.0361, 373.0391, 373.0831, 373.196,
 2430 373.1961, 373.1962, and 373.1963, Florida Statutes, are
 2431 repealed.

2432 Section 29. Subsection (4) of section 373.079, Florida
 2433 Statutes, is amended to read:

2434 373.079 Members of governing board; oath of office; staff.—
 2435 (4) ~~(a)~~ The governing board of the district shall ~~is~~
 2436 ~~authorized to~~ employ:

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2437 (a) An executive director, ombudsman, and such engineers,
2438 other professional persons, and other personnel and assistants
2439 as it deems necessary and under such terms and conditions as it
2440 may determine and to terminate such employment. The appointment
2441 of an executive director by the governing board is subject to
2442 approval by the Governor and must be initially confirmed by the
2443 ~~Florida~~ Senate. The governing board may delegate all or part of
2444 its authority under this paragraph to the executive director.
2445 ~~However, the governing board shall delegate to the executive~~
2446 ~~director all of its authority to take final action on permit~~
2447 ~~applications under part II or part IV or petitions for variances~~
2448 ~~or waivers of permitting requirements under part II or part IV,~~
2449 ~~except for denials of such actions as provided in s. 373.083(5).~~
2450 ~~The executive director may execute such delegated authority~~
2451 ~~through designated staff members. Such delegations shall not be~~
2452 ~~subject to the rulemaking requirements of chapter 120. The~~
2453 executive director must be confirmed by the Senate upon
2454 employment and must be confirmed or reconfirmed by the Senate
2455 during the second regular session of the Legislature following a
2456 gubernatorial election.

2457 ~~(b)1. The governing board of each water management district~~
2458 ~~shall employ~~ An inspector general, who shall report directly to
2459 the board. However, the governing boards of the Suwannee River
2460 Water Management District and the Northwest Florida Water
2461 Management District may jointly employ an inspector general, or
2462 provide for inspector general services by interagency agreement
2463 with a state agency or water management district inspector
2464 general.

2465 ~~2.~~ An inspector general must have the same qualifications

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2466 ~~prescribed~~ and perform the applicable duties of state agency
2467 inspectors general as provided in s. 20.055.

2468 Section 30. Subsection (5) of section 373.083, Florida
2469 Statutes, is amended to read:

2470 373.083 General powers and duties of the governing board.—
2471 In addition to other powers and duties allowed it by law, the
2472 governing board is authorized to:

2473 (5) Execute any of the powers, duties, and functions vested
2474 in the governing board through a member ~~or members thereof~~, the
2475 executive director, or other district staff as designated by the
2476 governing board. The governing board may establish the scope and
2477 terms of any delegation. However, if the governing board
2478 delegates ~~shall delegate to the executive director all of its~~
2479 authority to take final action on permit applications under part
2480 II or part IV or petitions for variances or waivers of
2481 permitting requirements under part II or part IV, ~~and the~~
2482 ~~executive director may execute such delegated authority through~~
2483 ~~designated staff. Such delegations shall not be subject to the~~
2484 ~~rulemaking requirements of chapter 120. However,~~ the governing
2485 board must ~~shall~~ provide a process for referring a any denial of
2486 such application or petition to the governing board for the
2487 purpose of taking ~~to take~~ final action. ~~Such process shall~~
2488 ~~expressly prohibit any member of a governing board from~~
2489 ~~intervening in any manner during the review of an application~~
2490 ~~prior to such application being referred to the governing board~~
2491 ~~for final action.~~ The authority to delegate under ~~in~~ this
2492 subsection is supplemental to any other provision of this
2493 chapter granting authority to the governing board to delegate
2494 specific powers, duties, or functions.

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2495 Section 31. Subsection (5) is added to section 373.118,
2496 Florida Statutes, to read:

2497 373.118 General permits; delegation.—

2498 (5) To improve efficiency, the governing board may delegate
2499 by rule its powers and duties pertaining to general permits to
2500 the executive director. The executive director may execute such
2501 delegated authority through designated staff. However, when
2502 delegating the authority to take final action on permit
2503 applications under part II or part IV or petitions for variances
2504 or waivers of permitting requirements under part II or part IV,
2505 the governing board must provide a process for referring a
2506 denial of such application or petition to the governing board
2507 for the purpose of taking final action.

2508 Section 32. Section 373.4131, Florida Statutes, is created
2509 to read:

2510 373.4131 Stormwater quality treatment requirements.—

2511 (1) The Legislature finds and declares that nutrients in
2512 stormwater contribute to nutrient impairment of the state's
2513 waters. The Legislature further finds and declares that a
2514 uniform statewide rule, which is consistent with the state's
2515 strategy to reduce the adverse effects of nutrients on water
2516 quality as outlined in chapter 403, will provide a
2517 scientifically and technically sound method to assist permittees
2518 in their efforts to meet state water quality standards.

2519 (2) As used in this section, the term:

2520 (a) "Nutrient" means total nitrogen and total phosphorus.

2521 (b) "Redevelopment" means construction of a surface water
2522 management system on sites with existing commercial, industrial,
2523 or multifamily land uses where the existing impervious surface

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2524 will be removed as part of the proposed activity.

2525 (c) "Stormwater quality treatment requirements" means the
2526 minimum level of stormwater treatment and design criteria for
2527 the construction, operation, and maintenance of stormwater
2528 management systems.

2529 (3) The department, in coordination with the water
2530 management districts, shall develop a uniform statewide
2531 stormwater quality treatment rule for stormwater management
2532 systems. The rule must provide for geographic differences in
2533 physical and natural characteristics, such as rainfall patterns,
2534 topography, soil type, and vegetation. The department shall
2535 adopt the rule no later than July 1, 2011. The water management
2536 districts and any delegated local program under this part shall
2537 implement the rule without having to adopt it pursuant to s.
2538 120.54. However, the department and water management districts
2539 may adopt, amend, or retain rules designed to implement a basin
2540 management action plan for a total maximum daily load, and rules
2541 established pursuant to s. 373.4592, s. 373.4595, s. 373.461, or
2542 s. 403.067.

2543 (a) Except as otherwise provided in this section,
2544 variations from the rule adopted under this section are
2545 prohibited.

2546 (b) Existing stormwater quality treatment rules that are
2547 superseded by the rule adopted under this section may be
2548 repealed without further rulemaking pursuant to s. 120.54 by
2549 publication of a notice of repeal in the Florida Administrative
2550 Weekly and subsequent filing of a list of the rules repealed
2551 with the Department of State.

2552 (c) Until the rule adopted pursuant to this section becomes

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2553 effective, existing stormwater quality treatment rules adopted
2554 under this part are deemed authorized under this part and remain
2555 in full force and effect.

2556 (4) The rule adopted pursuant to this section shall
2557 establish the stormwater quality treatment requirements
2558 necessary to meet the applicable state water quality standards,
2559 including nutrient standards. Compliance with the stormwater
2560 quality treatment requirements creates a presumption that
2561 stormwater discharged from the system will meet the applicable
2562 state water quality standards, whether expressed in narrative or
2563 numeric form, in the receiving waters.

2564 (5) Notwithstanding subsection (4), the rule shall
2565 establish alternative stormwater quality treatment requirements
2566 for the redevelopment of sites totaling 10 acres or less, and
2567 the retrofitting of existing stormwater management systems where
2568 such treatment results in a net reduction in the discharge of
2569 nutrients and other pollutants to the receiving waters. The
2570 alternative treatment requirements for redevelopment must be
2571 based upon a feasibility assessment of stormwater best
2572 management practices that considers factors such as site size,
2573 availability of regional stormwater treatment systems, and
2574 physical site characteristics. The rule may also establish
2575 alternative stormwater quality treatment requirements for the
2576 development of sites with legacy pollutants from past
2577 activities.

2578 (6) Subsequent to the adoption of the rule under this
2579 section, the following shall continue to be governed by the
2580 stormwater quality treatment rules adopted by the department,
2581 water management districts, and any delegated local program

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2582 under this part in effect before the effective date of the rule
2583 adopted pursuant to this section, unless the applicant elects to
2584 have an application reviewed under the rule adopted under this
2585 section:

2586 (a) The operation and maintenance of stormwater management
2587 systems legally in existence before the effective date of the
2588 rule adopted under this section if the terms and conditions of
2589 the permit, exemption, or other authorization for such systems
2590 continue to be met; or

2591 (b) The activities approved in a permit issued under this
2592 part and the review of activities proposed in applications
2593 received and completed before the effective date of the rule
2594 adopted under this section. This also applies to any
2595 modification of the plans, terms, and conditions of the permit,
2596 including new activities, within the geographical area to which
2597 the permit applies. However, this shall not apply to a
2598 modification that would extend the permitted time limit for
2599 construction beyond 4 additional years or to any modification
2600 reasonably expected to lead to additional or substantially
2601 different stormwater quality impacts. This shall also apply to
2602 any modification which lessens or does not increase stormwater
2603 quality impacts.

2604 (9) The provisions of this section do not apply to
2605 stormwater management systems serving agriculture.

2606 Section 33. Subsection (7) of section 403.031, Florida
2607 Statutes, is amended, and subsections (22) and (23) are added to
2608 that section, to read:

2609 403.031 Definitions.—In construing this chapter, or rules
2610 and regulations adopted pursuant hereto, the following words,

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2611 phrases, or terms, unless the context otherwise indicates, have
2612 the following meanings:

2613 (7) "Pollution" is the presence in the outdoor atmosphere
2614 or waters of the state of any substances, contaminants, noise,
2615 or manmade or human-induced impairment of air or waters or
2616 alteration of the chemical, physical, biological, or
2617 radiological integrity of air or water in quantities or at
2618 levels which are or may be potentially harmful or injurious to
2619 human health or welfare, animal or plant life, or property or
2620 which unreasonably interfere with the enjoyment of life or
2621 property, including outdoor recreation unless authorized by
2622 applicable law. Nutrients become pollution in a water body at a
2623 level determined by the department to cause in an imbalance of
2624 naturally occurring aquatic flora or fauna in that water body.

2625 (22) "First magnitude spring" means a spring that has a
2626 median discharge of greater than or equal to 100 cubic feet per
2627 second for the period of record, as determined by the
2628 department.

2629 (23) "Second magnitude spring" means a spring that has a
2630 median discharge of 10 to 100 cubic feet per second for the
2631 period of record, as determined by the department.

2632 Section 34. Subsection (11) of section 403.061, Florida
2633 Statutes, is amended, and subsection (41) is added to that
2634 section, to read:

2635 403.061 Department; powers and duties.—The department shall
2636 have the power and the duty to control and prohibit pollution of
2637 air and water in accordance with the law and rules adopted and
2638 promulgated by it and, for this purpose, to:

2639 (11) Establish ambient air quality and water quality

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2640 standards for the state as a whole or for any part thereof, and
2641 also standards for the abatement of excessive and unnecessary
2642 noise. The department is authorized to establish reasonable
2643 zones of mixing for discharges into waters. Water quality
2644 criteria for nutrients shall limit loadings or concentrations to
2645 those that will not cause an imbalance of naturally occurring
2646 populations of aquatic flora or fauna.

2647 (a) When a receiving body of water fails to meet a water
2648 quality standard for pollutants set forth in department rules, a
2649 steam electric generating plant discharge of pollutants that is
2650 existing or licensed under this chapter on July 1, 1984, may
2651 nevertheless be granted a mixing zone, provided that:

2652 1. The standard would not be met in the water body in the
2653 absence of the discharge;

2654 2. The discharge is in compliance with all applicable
2655 technology-based effluent limitations;

2656 3. The discharge does not cause a measurable increase in
2657 the degree of noncompliance with the standard at the boundary of
2658 the mixing zone; and

2659 4. The discharge otherwise complies with the mixing zone
2660 provisions specified in department rules.

2661 (b) No mixing zone for point source discharges shall be
2662 permitted in Outstanding Florida Waters except for:

2663 1. Sources that have received permits from the department
2664 prior to April 1, 1982, or the date of designation, whichever is
2665 later;

2666 2. Blowdown from new power plants certified pursuant to the
2667 Florida Electrical Power Plant Siting Act;

2668 3. Discharges of water necessary for water management

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2669 purposes which have been approved by the governing board of a
2670 water management district and, if required by law, by the
2671 secretary; and

2672 4. The discharge of demineralization concentrate which has
2673 been determined permittable under s. 403.0882 and which meets
2674 the specific provisions of s. 403.0882(4)(a) and (b), if the
2675 proposed discharge is clearly in the public interest.

2676 (c) The department, by rule, shall establish water quality
2677 criteria for wetlands which criteria give appropriate
2678 recognition to the water quality of such wetlands in their
2679 natural state.

2680
2681 Nothing in this act shall be construed to invalidate any
2682 existing department rule relating to mixing zones. The
2683 department shall cooperate with the Department of Highway Safety
2684 and Motor Vehicles in the development of regulations required by
2685 s. 316.272(1).

2686 (41) By December 31, 2011, the department, in coordination
2687 with the water management districts, shall create and maintain
2688 an online portal accessible by the public listing all existing
2689 consumptive use permits granted by the districts. The districts
2690 shall also report each new consumptive use permit or
2691 modification of an existing permit to the department within 30
2692 days after final approval for inclusion in the online portal.
2693 The department must identify, at a minimum, the applicant, the
2694 owner, the date issued, the source of the water, the total
2695 quantity of water granted, the use to be made of the water and
2696 any limitations, the place of use, the location of the well or
2697 point of diversion, the duration of the permit, modifications of

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2698 the permit, if any, and the actual amount withdrawn under the
2699 permit, if known.

2700

2701 The department shall implement such programs in conjunction with
2702 its other powers and duties and shall place special emphasis on
2703 reducing and eliminating contamination that presents a threat to
2704 humans, animals or plants, or to the environment.

2705 Section 35. Section 403.0675, Florida Statutes, is created
2706 to read:

2707 403.0675 Establishment and implementation of numeric
2708 nutrient standards.-

2709 (1) The Legislature finds the following: nutrients are
2710 essential for the biological health and productivity of Florida
2711 waters; a delicate relationship exists between the concentration
2712 and loading of nutrients in a water body which reflects its
2713 health and productivity; the improper combination of nutrients
2714 with site-specific factors may cause adverse effects on water
2715 quality; when establishing numeric nutrient standards, the
2716 failure to take into account site-specific factors and ensure
2717 scientific validity may result in standards that lack adequate
2718 scientific support and cause unintended environmental and
2719 economic consequences; the total maximum daily load program is
2720 the best mechanism for establishing numeric nutrient standards
2721 for nutrient impaired water bodies and restoring nutrient
2722 impaired water bodies; and consistent with the Congressional
2723 intent expressed in the Clean Water Act, any numeric nutrient
2724 standards established pursuant to s. 303(c) of the Clean Water
2725 Act should work in concert with the total maximum daily load
2726 program and other water quality programs.

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2727 (2) As provided in this section, by August 16, 2010, the
2728 Department of Environmental Protection shall submit to the
2729 United States Environmental Protection Agency the following
2730 numeric nutrient standards in fulfillment of the Environmental
2731 Protection Agency's mandate to adopt numeric nutrient criteria
2732 under s. 303(c)(4)(B) of the Clean Water Act:

2733 (a) All site-specific numeric nutrient criteria established
2734 pursuant to subsection (5).

2735 (b) The site-specific numeric nutrient criteria
2736 methodology, planning list, and schedule developed in accordance
2737 with subsection (3).

2738 (c) The schedule for developing site-specific numeric
2739 nutrient criteria in accordance with paragraph (4) of this
2740 section.

2741
2742 The submission of these standards to the Environmental
2743 Protection Agency shall be a ministerial act that is not subject
2744 to challenge under section 120.

2745 (3) The department shall use the following methodology for
2746 developing site-specific numeric nutrient criteria for Florida
2747 streams:

2748 (a) Categorize all streams into the basins established
2749 pursuant to s. 403.067.

2750 (b) Prioritize all streams for establishing numeric
2751 nutrient criteria with highest priority given to nutrient-
2752 impaired waters, followed by unimpaired nutrient-sensitive
2753 waters, and waters that flow into nutrient-sensitive waters. The
2754 department may also consider the nutrient concentrations of the
2755 waters and level of potential anthropogenic influence on the

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2756 waters.

2757 (c) Develop a planning list and schedule for adopting site-
2758 specific numeric nutrient criteria in accordance with paragraphs
2759 (3) (a) and (b).

2760 (d) Adopt by rule site-specific numeric nutrient criteria
2761 for identified water bodies at the nutrient levels at which the
2762 water bodies will exhibit imbalances of naturally occurring
2763 populations of flora and fauna.

2764 (e) Nutrient criteria may be expressed in terms of
2765 concentration, mass loading, load allocation, or surrogate
2766 standards, such as chlorophyll-a, and may be supplemented by
2767 narrative statements.

2768 (f) For any waters identified as impaired pursuant to the
2769 department's impaired waters rule, any nutrient total maximum
2770 daily loads established in accordance with s. 403.067 shall be
2771 submitted to the Environmental Protection Agency in accordance
2772 with ss. 303(c) and 303(d) of the Clean Water Act, subject to
2773 the conditions of s. 403.067 and paragraph (d).

2774 (4) The department shall use the following methodology for
2775 developing site-specific numeric nutrient criteria for Florida
2776 lakes and springs:

2777 (a) The department shall propose for adoption by rule site-
2778 specific numeric nutrient criteria for all first and second
2779 magnitude Florida springs by January 31, 2011.

2780 (b) The department shall propose for adoption by rule site-
2781 specific numeric nutrient criteria for Florida lakes by July 31,
2782 2011.

2783 (c) Criteria developed in accordance with this paragraph
2784 shall be subject to paragraphs (3) (d)-(f) and paragraph (5) (a).

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2785 (5) The following nutrient standards shall constitute site-
2786 specific numeric nutrient water quality criteria:

2787 (a) All nutrient total maximum daily loads and associated
2788 numeric interpretations of the narrative nutrient criterion,
2789 whether total nitrogen, total phosphorus, or a surrogate
2790 nutrient standard, such as chlorophyll-a, biological demand, or
2791 specific biological metric, developed by the department and
2792 approved by the Environmental Protection Agency as of March 1,
2793 2010, subject to the requirements of s. 403.067.

2794 (b) The total nitrogen load allocations for Tampa Bay and
2795 its bay segments, as defined in the Reasonable Assurance
2796 demonstration submitted by the Nitrogen Management Consortium of
2797 Tampa Bay, as approved by the department.

2798 (c) The establishment of these standards shall not affect a
2799 person's right to challenge the standards as an existing rule
2800 pursuant to s. 120.56.

2801 (6) The site-specific numeric nutrient criteria established
2802 in subsection (5), the methodology for developing site-specific
2803 numeric nutrient criteria for Florida streams as delineated in
2804 subsection (3), the planning list and schedule developed in
2805 accordance with paragraph (3)(c), and the schedule for
2806 developing site-specific numeric nutrient criteria for Florida
2807 springs and lakes in subsection (4) prepared by the department
2808 under this subsection shall be made available for public comment
2809 prior to the department's submission of these standards to the
2810 Environmental Protection Agency, but shall not be subject to
2811 challenge under chapter 120.

2812 (7) If the Environmental Protection Agency disapproves,
2813 approves in part, or conditions its approval of the site-

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2814 specific numeric nutrient criteria established in subsection
2815 (5), the methodology for developing site-specific numeric
2816 nutrient criteria for Florida streams as delineated in paragraph
2817 (3), the planning list developed in accordance with paragraph
2818 (3)(c), or the schedule for developing site-specific numeric
2819 nutrient criteria for Florida springs and lakes in subsection
2820 (4) as satisfying s. 303(c)(4)(B) of the Clean Water Act, those
2821 numeric nutrient standards shall not be effective until ratified
2822 by the Legislature.

2823 (8) Prior to adopting additional or more stringent water
2824 quality standards or criteria applicable to manmade lakes,
2825 canals or ditches, or streams converted to canals before 1975,
2826 the Environmental Regulation Commission shall determine the
2827 aquatic life support and habitat limitations of these waters and
2828 adopt appropriate classifications or sub-classifications for
2829 them, together with appropriate designated uses based upon their
2830 physical and hydrologic characteristics. Any new standards or
2831 criteria for these waters so classified shall be based upon a
2832 determination that the standards or criteria are necessary for
2833 the control of pollution and needed to protect against adverse
2834 effects of pollution on aquatic life reasonably anticipated in
2835 these manmade or modified waters. In order to facilitate the
2836 adoption of site-specific numeric nutrient criteria for these
2837 waters, the department shall propose for adoption by rule a new
2838 designated use classification or classifications for these
2839 waters by October 31, 2010.

2840 (9) The department shall, when conducting its next
2841 triennial review of water quality criteria after the effective
2842 date of this Act, review the numeric nutrient criteria

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2843 established pursuant to paragraph (5) (a) to verify compliance
2844 with paragraph (3) (d).

2845 Section 36. Subsection (1) of section 215.619, Florida
2846 Statutes, is amended to read:

2847 215.619 Bonds for Everglades restoration.—

2848 (1) The issuance of Everglades restoration bonds to finance
2849 or refinance the cost of the acquisition and improvement of
2850 land, water areas, and related property interests and resources
2851 for the purpose of implementing the Comprehensive Everglades
2852 Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
2853 Protection Plan under s. 373.4595, the Caloosahatchee River
2854 Watershed Protection Plan under s. 373.4595, the St. Lucie River
2855 Watershed Protection Plan under s. 373.4595, and the Florida
2856 Keys Area of Critical State Concern protection program under ss.
2857 380.05 and 380.0552 in order to restore and conserve natural
2858 systems through the implementation of water management projects,
2859 including wastewater management projects identified in the “Keys
2860 Wastewater Plan,” dated November 2007, and submitted to the
2861 Florida House of Representatives on December 4, 2007, is
2862 authorized in accordance with s. 11(e), Art. VII of the State
2863 Constitution.

2864 (a) Everglades restoration bonds, except refunding bonds,
2865 may be issued only in fiscal years 2002-2003 through 2019-2020
2866 and may not be issued in an amount exceeding \$100 million per
2867 fiscal year unless:

2868 1.~~(a)~~ The Department of Environmental Protection has
2869 requested additional amounts in order to achieve cost savings or
2870 accelerate the purchase of land; or

2871 2.~~(b)~~ The Legislature authorizes an additional amount of

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2872 bonds not to exceed \$200 and limited to \$50 million per fiscal
2873 year, ~~for no more than 4 fiscal years~~, specifically for the
2874 purpose of funding the Florida Keys Area of Critical State
2875 Concern protection program. Proceeds from the bonds shall be
2876 managed by the Department of Environmental Protection for the
2877 purpose of entering into financial assistance agreements with
2878 local governments located in the Florida Keys Area of Critical
2879 State Concern to finance or refinance the cost of constructing
2880 sewage collection, treatment, and disposal facilities.

2881 (b) The duration of Everglades restoration bonds may not
2882 exceed 20 annual maturities, ~~and these bonds~~ must mature by
2883 December 31, 2040. Except for refunding bonds, a series of bonds
2884 may not be issued unless an amount equal to the debt service
2885 coming due in the year of issuance has been appropriated by the
2886 Legislature. Beginning July 1, 2010, the Legislature shall
2887 analyze the ratio of the state's debt to projected revenues
2888 before authorizing the issuance of ~~prior to the authorization to~~
2889 ~~issue any~~ bonds under this section.

2890 Section 37. Subsections (2), (4), (7), and (9) of section
2891 380.0552, Florida Statutes, are amended to read:

2892 380.0552 Florida Keys Area; protection and designation as
2893 area of critical state concern.-

2894 (2) LEGISLATIVE INTENT.-It is ~~hereby declared that~~ the
2895 intent of the Legislature to is:

2896 (a) ~~To~~ Establish a land use management system that protects
2897 the natural environment of the Florida Keys.

2898 (b) ~~To~~ Establish a land use management system that
2899 conserves and promotes the community character of the Florida
2900 Keys.

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2901 (c) ~~To~~ Establish a land use management system that promotes
2902 orderly and balanced growth in accordance with the capacity of
2903 available and planned public facilities and services.

2904 (d) ~~To~~ Provide ~~for~~ affordable housing in close proximity to
2905 places of employment in the Florida Keys.

2906 (e) ~~To~~ Establish a land use management system that promotes
2907 and supports a diverse and sound economic base.

2908 (f) ~~To~~ Protect the constitutional rights of property owners
2909 to own, use, and dispose of their real property.

2910 (g) ~~To~~ Promote coordination and efficiency among
2911 governmental agencies that have ~~with~~ permitting jurisdiction
2912 over land use activities in the Florida Keys.

2913 (h) Promote an appropriate land acquisition and protection
2914 strategy for environmentally sensitive lands within the Florida
2915 Keys.

2916 (i) Protect and improve the nearshore water quality of the
2917 Florida Keys through the construction and operation of
2918 wastewater management facilities that meet the requirements of
2919 ss. 381.0065(4)(1) and 403.086(10), as applicable.

2920 (j) Ensure that the population of the Florida Keys can be
2921 safely evacuated.

2922 (4) REMOVAL OF DESIGNATION.—

2923 (a) ~~Between July 12, 2008, and August 30, 2008, the state~~
2924 ~~land planning agency shall submit a written report to the~~
2925 ~~Administration Commission describing in detail the progress of~~
2926 ~~the Florida Keys Area toward accomplishing the tasks of the work~~
2927 ~~program as defined in paragraph (c) and providing a~~
2928 ~~recommendation as to whether substantial progress toward~~
2929 ~~accomplishing the tasks of the work program has been achieved.~~

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2930 ~~Subsequent to receipt of the report, the Administration~~
2931 ~~Commission shall determine, prior to October 1, 2008, whether~~
2932 ~~substantial progress has been achieved toward accomplishing the~~
2933 ~~tasks of the work program. The designation of the Florida Keys~~
2934 ~~Area as an area of critical state concern under this section may~~
2935 ~~be recommended for removal upon fulfilling the legislative~~
2936 ~~intent under subsection (2) and completion of all the work~~
2937 ~~program tasks specified in rules of the Administration~~
2938 ~~Commission shall be removed October 1, 2009, unless the~~
2939 ~~Administration Commission finds, after receipt of the state land~~
2940 ~~planning agency report, that substantial progress has not been~~
2941 ~~achieved toward accomplishing the tasks of the work program. If~~
2942 ~~the designation of the Florida Keys Area as an area of critical~~
2943 ~~state concern is removed, the Administration Commission, within~~
2944 ~~60 days after removal of the designation, shall initiate~~
2945 ~~rulemaking pursuant to chapter 120 to repeal any rules relating~~
2946 ~~to the designation of the Florida Keys Area as an area of~~
2947 ~~critical state concern. If, after receipt of the state land~~
2948 ~~planning agency's report, the Administration Commission finds~~
2949 ~~that substantial progress toward accomplishing the tasks of the~~
2950 ~~work program has not been achieved, the Administration~~
2951 ~~Commission shall provide a written report to the Monroe County~~
2952 ~~Commission within 30 days after making such finding detailing~~
2953 ~~the tasks under the work program that must be accomplished in~~
2954 ~~order for substantial progress to be achieved within the next 12~~
2955 ~~months.~~

2956 (b) Beginning November 30, 2010, the state land planning
2957 agency shall annually submit a written report to the
2958 Administration Commission describing the progress of the Florida

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2959 Keys Area toward completing the work program tasks specified in
2960 commission rules. The land planning agency shall recommend
2961 removing the Florida Keys Area from being designated as an area
2962 of critical state concern to the commission if it determines
2963 that:

2964 1. All of the work program tasks have been completed,
2965 including construction of, operation of, and connection to
2966 central wastewater management facilities pursuant to s.
2967 403.086(10) and upgrade of onsite sewage treatment and disposal
2968 systems pursuant to s. 381.0065(4)(1);

2969 2. All local comprehensive plans and land development
2970 regulations and the administration of such plans and regulations
2971 are adequate to protect the Florida Keys Area, fulfill the
2972 legislative intent specified in subsection (2), and are
2973 consistent with and further the principles guiding development;
2974 and

2975 3. A local government has adopted a resolution at a public
2976 hearing recommending the removal of the designation.

2977 ~~(b) If the designation of the Florida Keys Area as an area~~
2978 ~~of critical state concern is not removed in accordance with~~
2979 ~~paragraph (a), the state land planning agency shall submit a~~
2980 ~~written annual report to the Administration Commission on~~
2981 ~~November 1 of each year, until such time as the designation is~~
2982 ~~removed, describing the progress of the Florida Keys Area toward~~
2983 ~~accomplishing remaining tasks under the work program and~~
2984 ~~providing a recommendation as to whether substantial progress~~
2985 ~~toward accomplishing the tasks of the work program has been~~
2986 ~~achieved. The Administration Commission shall determine, within~~
2987 ~~45 days after receipt of the annual report, whether substantial~~

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2988 ~~progress has been achieved toward accomplishing the remaining~~
2989 ~~tasks of the work program. The designation of the Florida Keys~~
2990 ~~Area as an area of critical state concern under this section~~
2991 ~~shall be removed unless the Administration Commission finds that~~
2992 ~~substantial progress has not been achieved toward accomplishing~~
2993 ~~the tasks of the work program. If the designation of the Florida~~
2994 ~~Keys Area as an area of critical state concern is removed, the~~
2995 ~~Administration Commission, within 60 days after removal of the~~
2996 ~~designation, shall initiate rulemaking pursuant to chapter 120~~
2997 ~~to repeal any rules relating to the designation of the Florida~~
2998 ~~Keys Area as an area of critical state concern. If the~~
2999 ~~Administration Commission finds that substantial progress has~~
3000 ~~not been achieved, the Administration Commission shall provide~~
3001 ~~to the Monroe County Commission, within 30 days after making its~~
3002 ~~finding, a report detailing the tasks under the work program~~
3003 ~~that must be accomplished in order for substantial progress to~~
3004 ~~be achieved within the next 12 months.~~

3005 (c) After receipt of the state land planning agency report
3006 and recommendation, the Administration Commission shall
3007 determine whether the requirements have been fulfilled and may
3008 remove the designation of the Florida Keys as an area of
3009 critical state concern. If the commission removes the
3010 designation, it shall initiate rulemaking to repeal any rules
3011 relating such designation within 60 days. If, after receipt of
3012 the state land planning agency's report and recommendation, the
3013 commission finds that the requirements for recommending removal
3014 of designation have not been met, the commission shall provide a
3015 written report to the local governments within 30 days after
3016 making such a finding detailing the tasks that must be completed

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3017 by the local government.

3018 ~~(c) For purposes of this subsection, the term "work~~
3019 ~~program" means the 10-year work program as set forth in rule 28-~~
3020 ~~20.110, Florida Administrative Code, on January 1, 2006,~~
3021 ~~excluding amendments to the work program that take effect after~~
3022 ~~January 1, 2006.~~

3023 ~~(d) The determination of the Administration Commission's~~
3024 ~~determination concerning the removal of the designation of the~~
3025 ~~Florida Keys as an area of critical state concern Commission as~~
3026 ~~to whether substantial progress has been made toward~~
3027 ~~accomplishing the tasks of the work program may be judicially~~
3028 ~~reviewed pursuant to chapter 120 ~~§6~~. All proceedings shall be~~
3029 ~~conducted by the Division of Administrative Hearings and must be~~
3030 ~~initiated within 30 days after the commission issues its~~
3031 ~~determination in the circuit court of the judicial circuit where~~
3032 ~~the Administration Commission maintains its headquarters and~~
3033 ~~shall be initiated within 30 days after rendition of the~~
3034 ~~Administration Commission's determination. The Administration~~
3035 ~~Commission's determination as to whether substantial progress~~
3036 ~~has been made toward accomplishing the tasks of the work program~~
3037 ~~shall be upheld if it is supported by competent and substantial~~
3038 ~~evidence and shall not be subject to administrative review under~~
3039 ~~chapter 120.~~

3040 ~~(e) After removal of the designation of the Florida Keys as~~
3041 ~~an area of critical state concern, the state land planning~~
3042 ~~agency shall review proposed local comprehensive plans, and any~~
3043 ~~amendments to existing comprehensive plans, which are applicable~~
3044 ~~to the Florida Keys Area, the boundaries of which were described~~
3045 ~~in chapter 28-29, Florida Administrative Code, as of January 1,~~

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3046 2006, for compliance ~~with subparagraphs 1. and 2.,~~ in addition
3047 ~~to reviewing proposed local comprehensive plans and amendments~~
3048 ~~for compliance~~ as defined in s. 163.3184. All procedures and
3049 penalties described in s. 163.3184 apply to the review conducted
3050 pursuant to this paragraph.

3051 ~~1. Adoption of construction schedules for wastewater~~
3052 ~~facilities improvements in the annually adopted capital~~
3053 ~~improvements element and adoption of standards for the~~
3054 ~~construction of wastewater treatment facilities which meet or~~
3055 ~~exceed the criteria of chapter 99-395, Laws of Florida.~~

3056 ~~2. Adoption of goals, objectives, and policies to protect~~
3057 ~~public safety and welfare in the event of a natural disaster by~~
3058 ~~maintaining a hurricane evacuation clearance time for permanent~~
3059 ~~residents of no more than 24 hours. The hurricane evacuation~~
3060 ~~clearance time shall be determined by a hurricane evacuation~~
3061 ~~study conducted in accordance with a professionally accepted~~
3062 ~~methodology and approved by the state land planning agency.~~

3063 (f) The Administration Commission may adopt rules or revise
3064 existing rules as necessary to administer this subsection.

3065 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional,
3066 and local agencies and units of government in the Florida Keys
3067 Area shall coordinate their plans and conduct their programs and
3068 regulatory activities consistent with the principles for guiding
3069 development as specified ~~set forth~~ in chapter 27F-8, Florida
3070 Administrative Code, as amended effective August 23, 1984, which
3071 ~~chapter~~ is hereby adopted and incorporated herein by reference.
3072 For the purposes of reviewing the consistency of the adopted
3073 plan, or any amendments to that plan, with the principles for
3074 guiding development, and any amendments to the principles, the

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3075 principles shall be construed as a whole and ~~no~~ specific
3076 provisions may not ~~provision shall~~ be construed or applied in
3077 isolation from the other provisions. However, the principles for
3078 guiding development ~~as set forth in chapter 27F-8, Florida~~
3079 ~~Administrative Code, as amended effective August 23, 1984,~~ are
3080 repealed 18 months from July 1, 1986. After repeal, ~~the~~
3081 ~~following shall be the principles with which~~ any plan amendments
3082 must be consistent with the following principles:

3083 (a) Strengthening ~~To strengthen~~ local government
3084 capabilities for managing land use and development so that local
3085 government is able to achieve these objectives without
3086 continuing ~~the continuation of~~ the area of critical state
3087 concern designation.

3088 (b) Protecting ~~To protect~~ shoreline and marine resources,
3089 including mangroves, coral reef formations, seagrass beds,
3090 wetlands, fish and wildlife, and their habitat.

3091 (c) Protecting ~~To protect~~ upland resources, tropical
3092 biological communities, freshwater wetlands, native tropical
3093 vegetation (for example, hardwood hammocks and pinelands), dune
3094 ridges and beaches, wildlife, and their habitat.

3095 (d) Ensuring ~~To ensure~~ the maximum well-being of the
3096 Florida Keys and its citizens through sound economic
3097 development.

3098 (e) Limiting ~~To limit~~ the adverse impacts of development on
3099 the quality of water throughout the Florida Keys.

3100 (f) Enhancing ~~To enhance~~ natural scenic resources,
3101 promoting ~~promote~~ the aesthetic benefits of the natural
3102 environment, and ensuring ~~ensure~~ that development is compatible
3103 with the unique historic character of the Florida Keys.

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3104 (g) Protecting ~~To protect~~ the historical heritage of the
3105 Florida Keys.

3106 (h) Protecting ~~To protect~~ the value, efficiency, cost-
3107 effectiveness, and amortized life of existing and proposed major
3108 public investments, including:

- 3109 1. The Florida Keys Aqueduct and water supply facilities;
- 3110 2. Sewage collection, treatment, and disposal facilities;
- 3111 3. Solid waste treatment, collection, and disposal
3112 facilities;
- 3113 4. Key West Naval Air Station and other military
3114 facilities;
- 3115 5. Transportation facilities;
- 3116 6. Federal parks, wildlife refuges, and marine sanctuaries;
- 3117 7. State parks, recreation facilities, aquatic preserves,
3118 and other publicly owned properties;
- 3119 8. City electric service and the Florida Keys Electric Co-
3120 op; and
- 3121 9. Other utilities, as appropriate.

3122 (i) Protecting and improving water quality by providing for
3123 the construction, operation, maintenance, and replacement of
3124 stormwater management facilities; central sewage collection;
3125 treatment and disposal facilities; and the installation and
3126 proper operation and maintenance of onsite sewage treatment and
3127 disposal systems.

3128 (j) Ensuring the improvement of nearshore water quality by
3129 requiring the construction and operation of wastewater
3130 management facilities that meet the requirements of s.
3131 381.0065(4)(l) and s. 403.086(10), as applicable, and by
3132 directing growth to areas served by central wastewater treatment

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3133 facilities through permit allocation systems.

3134 (k)-(i) Limiting ~~To limit~~ the adverse impacts of public
3135 investments on the environmental resources of the Florida Keys.

3136 (l)-(j) Making ~~To make~~ available adequate affordable housing
3137 for all sectors of the population of the Florida Keys.

3138 (m)-(k) Providing ~~To provide~~ adequate alternatives for the
3139 protection of public safety and welfare in the event of a
3140 natural or manmade disaster and for a postdisaster
3141 reconstruction plan.

3142 (n)-(l) Protecting ~~To protect~~ the public health, safety, and
3143 welfare of the citizens of the Florida Keys and maintain the
3144 Florida Keys as a unique Florida resource.

3145 (9) MODIFICATION TO PLANS AND REGULATIONS.—

3146 (a) Any land development regulation or element of a local
3147 comprehensive plan in the Florida Keys Area may be enacted,
3148 amended, or rescinded by a local government, but the enactment,
3149 amendment, or rescission becomes ~~shall become~~ effective only
3150 upon ~~the~~ approval ~~thereof~~ by the state land planning agency. The
3151 state land planning agency shall review the proposed change to
3152 determine if it is in compliance with the principles for guiding
3153 development specified ~~set forth~~ in chapter 27F-8, Florida
3154 Administrative Code, as amended effective August 23, 1984, and
3155 must ~~shall either~~ approve or reject the requested changes within
3156 60 days after ~~of~~ receipt ~~thereof~~. Amendments to local
3157 comprehensive plans in the Florida Keys Area must also be
3158 reviewed for compliance with the following:

3159 1. Construction schedules and detailed capital financing
3160 plans for wastewater management improvements in the annually
3161 adopted capital improvements element, and standards for the

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3162 construction of wastewater treatment and disposal facilities or
3163 collection systems that meet or exceed the criteria in s.
3164 403.086(10) for wastewater treatment and disposal facilities or
3165 s. 381.0065(4)(1) for onsite sewage treatment and disposal
3166 systems.

3167 2. Goals, objectives, and policies to protect public safety
3168 and welfare in the event of a natural disaster by maintaining a
3169 hurricane evacuation clearance time for permanent residents of
3170 no more than 24 hours. The hurricane evacuation clearance time
3171 shall be determined by a hurricane evacuation study conducted in
3172 accordance with a professionally accepted methodology and
3173 approved by the state land planning agency.

3174 (b) Further, The state land planning agency, after
3175 consulting with the appropriate local government, may, no more
3176 ~~often~~ than once per a year, recommend to the Administration
3177 Commission the enactment, amendment, or rescission of a land
3178 development regulation or element of a local comprehensive plan.
3179 Within 45 days following the receipt of such recommendation ~~by~~
3180 ~~the state land planning agency,~~ the commission shall reject the
3181 recommendation, or accept it with or without modification and
3182 adopt it, ~~by~~ by rule, including any changes. ~~Any~~ Such local
3183 development regulation or plan must ~~shall~~ be in compliance with
3184 the principles for guiding development.

3185 Section 38. Section 381.0065, Florida Statutes, is amended
3186 to read:

3187 381.0065 Onsite sewage treatment and disposal systems;
3188 regulation.—

3189 (1) LEGISLATIVE INTENT.—

3190 (a) It is the intent of the Legislature that proper

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3191 management of onsite sewage treatment and disposal systems in
3192 paramount to the health, safety and welfare of the public. It is
3193 further the intent of the Legislature that local governments
3194 shall create a legal authority, either entirely within their
3195 jurisdiction, by interlocal agreement pursuant to s. 163.01, or
3196 by a public-private partnership for the purpose of providing
3197 management services to ensure the management and operation of
3198 onsite sewage treatment and disposal systems in their
3199 jurisdiction.

3200 (b) It is the intent of the Legislature that where a
3201 publicly owned or investor-owned sewerage system is not
3202 available, the department shall issue permits for the
3203 construction, installation, modification, abandonment, or repair
3204 of onsite sewage treatment and disposal systems under conditions
3205 as described in this section and rules adopted under this
3206 section. It is further the intent of the Legislature that the
3207 installation and use of onsite sewage treatment and disposal
3208 systems not adversely affect the public health or significantly
3209 degrade the groundwater or surface water.

3210 (2) DEFINITIONS.—As used in ss. 381.0065-381.0067, the
3211 term:

3212 (a) "Available," as applied to a publicly owned or
3213 investor-owned sewerage system, means that the publicly owned or
3214 investor-owned sewerage system is capable of being connected to
3215 the plumbing of an establishment or residence, is not under a
3216 Department of Environmental Protection moratorium, and has
3217 adequate permitted capacity to accept the sewage to be generated
3218 by the establishment or residence; and:

3219 1. For a residential subdivision lot, a single-family

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3220 residence, or an establishment, any of which has an estimated
3221 sewage flow of 1,000 gallons per day or less, a gravity sewer
3222 line to maintain gravity flow from the property's drain to the
3223 sewer line, or a low pressure or vacuum sewage collection line
3224 in those areas approved for low pressure or vacuum sewage
3225 collection, exists in a public easement or right-of-way that
3226 abuts the property line of the lot, residence, or establishment.

3227 2. For an establishment with an estimated sewage flow
3228 exceeding 1,000 gallons per day, a sewer line, force main, or
3229 lift station exists in a public easement or right-of-way that
3230 abuts the property of the establishment or is within 50 feet of
3231 the property line of the establishment as accessed via existing
3232 rights-of-way or easements.

3233 3. For proposed residential subdivisions with more than 50
3234 lots, for proposed commercial subdivisions with more than 5
3235 lots, and for areas zoned or used for an industrial or
3236 manufacturing purpose or its equivalent, a sewerage system
3237 exists within one-fourth mile of the development as measured and
3238 accessed via existing easements or rights-of-way.

3239 4. For repairs or modifications within areas zoned or used
3240 for an industrial or manufacturing purpose or its equivalent, a
3241 sewerage system exists within 500 feet of an establishment's or
3242 residence's sewer stub-out as measured and accessed via existing
3243 rights-of-way or easements.

3244 (b) "Blackwater" means that part of domestic sewage carried
3245 off by toilets, urinals, and kitchen drains.

3246 (c) "Domestic sewage" means human body waste and
3247 wastewater, including bath and toilet waste, residential laundry
3248 waste, residential kitchen waste, and other similar waste from

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3249 appurtenances at a residence or establishment.

3250 (d) "Evaluation" means the determination of compliance with
3251 all existing construction, design, installation, and operational
3252 standards of onsite sewage treatment and disposal system
3253 pursuant to this section.

3254 (e)~~(d)~~ "Graywater" means that part of domestic sewage that
3255 is not blackwater, including waste from the bath, lavatory,
3256 laundry, and sink, except kitchen sink waste.

3257 (f)~~(e)~~ "Florida Keys" means those islands of the state
3258 located within the boundaries of Monroe County.

3259 (g)~~(f)~~ "Injection well" means an open vertical hole at
3260 least 90 feet in depth, cased and grouted to at least 60 feet in
3261 depth which is used to dispose of effluent from an onsite sewage
3262 treatment and disposal system.

3263 (h)~~(g)~~ "Innovative system" means an onsite sewage treatment
3264 and disposal system that, in whole or in part, employs
3265 materials, devices, or techniques that are novel or unique and
3266 that have not been successfully field-tested under sound
3267 scientific and engineering principles under climatic and soil
3268 conditions found in this state.

3269 (i)~~(h)~~ "Lot" means a parcel or tract of land described by
3270 reference to recorded plats or by metes and bounds, or the least
3271 fractional part of subdivided lands having limited fixed
3272 boundaries or an assigned number, letter, or any other legal
3273 description by which it can be identified.

3274 (j)~~(i)~~ "Mean annual flood line" means the elevation
3275 determined by calculating the arithmetic mean of the elevations
3276 of the highest yearly flood stage or discharge for the period of
3277 record, to include at least the most recent 10-year period. If

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3278 at least 10 years of data is not available, the mean annual
3279 flood line shall be as determined based upon the data available
3280 and field verification conducted by a certified professional
3281 surveyor and mapper with experience in the determination of
3282 flood water elevation lines or, at the option of the applicant,
3283 by department personnel. Field verification of the mean annual
3284 flood line shall be performed using a combination of those
3285 indicators listed in subparagraphs 1.-7. that are present on the
3286 site, and that reflect flooding that recurs on an annual basis.
3287 In those situations where any one or more of these indicators
3288 reflect a rare or aberrant event, such indicator or indicators
3289 shall not be utilized in determining the mean annual flood line.
3290 The indicators that may be considered are:

- 3291 1. Water stains on the ground surface, trees, and other
3292 fixed objects;
- 3293 2. Hydric adventitious roots;
- 3294 3. Drift lines;
- 3295 4. Rafted debris;
- 3296 5. Aquatic mosses and liverworts;
- 3297 6. Moss collars; and
- 3298 7. Lichen lines.

3299 (k)~~(j)~~ "Onsite sewage treatment and disposal system" means
3300 a system that contains a standard subsurface, filled, or mound
3301 drainfield system; an aerobic treatment unit; a graywater system
3302 tank; a laundry wastewater system tank; a septic tank; a grease
3303 interceptor; a pump tank; a solids or effluent pump; a
3304 waterless, incinerating, or organic waste-composting toilet; or
3305 a sanitary pit privy that is installed or proposed to be
3306 installed beyond the building sewer on land of the owner or on

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3307 other land to which the owner has the legal right to install a
3308 system. The term includes any item placed within, or intended to
3309 be used as a part of or in conjunction with, the system. This
3310 term does not include package sewage treatment facilities and
3311 other treatment works regulated under chapter 403.

3312 (1)~~(*)~~ "Permanent nontidal surface water body" means a
3313 perennial stream, a perennial river, an intermittent stream, a
3314 perennial lake, a submerged marsh or swamp, a submerged wooded
3315 marsh or swamp, a spring, or a seep, as identified on the most
3316 recent quadrangle map, 7.5 minute series (topographic), produced
3317 by the United States Geological Survey, or products derived from
3318 that series. "Permanent nontidal surface water body" shall also
3319 mean an artificial surface water body that does not have an
3320 impermeable bottom and side and that is designed to hold, or
3321 does hold, visible standing water for at least 180 days of the
3322 year. However, a nontidal surface water body that is drained,
3323 either naturally or artificially, where the intent or the result
3324 is that such drainage be temporary, shall be considered a
3325 permanent nontidal surface water body. A nontidal surface water
3326 body that is drained of all visible surface water, where the
3327 lawful intent or the result of such drainage is that such
3328 drainage will be permanent, shall not be considered a permanent
3329 nontidal surface water body. The boundary of a permanent
3330 nontidal surface water body shall be the mean annual flood line.

3331 (m)~~(l)~~ "Potable water line" means any water line that is
3332 connected to a potable water supply source, but the term does
3333 not include an irrigation line with any of the following types
3334 of backflow devices:

3335 1. For irrigation systems into which chemicals are not

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3336 injected, any atmospheric or pressure vacuum breaker or double
3337 check valve or any detector check assembly.

3338 2. For irrigation systems into which chemicals such as
3339 fertilizers, pesticides, or herbicides are injected, any reduced
3340 pressure backflow preventer.

3341 (n) "Responsible management entity" means a legal authority
3342 created by local governments, either entirely within their
3343 jurisdiction, by interlocal agreement pursuant to s. 163.01, or
3344 by a public-private partnership responsible for providing
3345 management services to ensure the management and operation of
3346 onsite sewage treatment and disposal systems in their
3347 jurisdiction.

3348 (o)~~(m)~~ "Septage" means a mixture of sludge, fatty
3349 materials, human feces, and wastewater removed during the
3350 pumping of an onsite sewage treatment and disposal system.

3351 (p)~~(n)~~ "Subdivision" means, for residential use, any tract
3352 or plot of land divided into two or more lots or parcels of
3353 which at least one is 1 acre or less in size for sale, lease, or
3354 rent. A subdivision for commercial or industrial use is any
3355 tract or plot of land divided into two or more lots or parcels
3356 of which at least one is 5 acres or less in size and which is
3357 for sale, lease, or rent. A subdivision shall be deemed to be
3358 proposed until such time as an application is submitted to the
3359 local government for subdivision approval or, in those areas
3360 where no local government subdivision approval is required,
3361 until such time as a plat of the subdivision is recorded.

3362 (q)~~(o)~~ "Tidally influenced surface water body" means a body
3363 of water that is subject to the ebb and flow of the tides and
3364 has as its boundary a mean high-water line as defined by s.

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3365 177.27(15).

3366 (r)~~(p)~~ "Toxic or hazardous chemical" means a substance that
3367 poses a serious danger to human health or the environment.

3368 (3) DUTIES AND POWERS OF THE DEPARTMENT OF HEALTH.—The
3369 department shall:

3370 (a) Adopt rules to administer ss. 381.0065-381.0067,
3371 including definitions that are consistent with the definitions
3372 in this section, decreases to setback requirements where no
3373 health hazard exists, increases for the lot-flow allowance for
3374 performance-based systems, requirements for separation from
3375 water table elevation during the wettest season, requirements
3376 for the design and construction of any component part of an
3377 onsite sewage treatment and disposal system, application and
3378 permit requirements for persons who maintain an onsite sewage
3379 treatment and disposal system, requirements for maintenance and
3380 service agreements for aerobic treatment units and performance-
3381 based treatment systems, and recommended standards, including
3382 disclosure requirements, for voluntary system inspections to be
3383 performed by individuals who are authorized by law to perform
3384 such inspections and who shall inform a person having ownership,
3385 control, or use of an onsite sewage treatment and disposal
3386 system of the inspection standards and of that person's
3387 authority to request an inspection based on all or part of the
3388 standards.

3389 (b) Perform application reviews and site evaluations, issue
3390 permits, and conduct inspections and complaint investigations
3391 associated with the construction, installation, maintenance,
3392 modification, abandonment, operation, use, or repair of an
3393 onsite sewage treatment and disposal system for a residence or

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3394 establishment with an estimated domestic sewage flow of 10,000
3395 gallons or less per day, or an estimated commercial sewage flow
3396 of 5,000 gallons or less per day, which is not currently
3397 regulated under chapter 403.

3398 (c) Develop a comprehensive program to ensure that onsite
3399 sewage treatment and disposal systems regulated by the
3400 department are sized, designed, constructed, installed,
3401 repaired, modified, abandoned, used, operated, and maintained in
3402 compliance with this section and rules adopted under this
3403 section to prevent groundwater contamination and surface water
3404 contamination and to preserve the public health. The department
3405 is the final administrative interpretive authority regarding
3406 rule interpretation. In the event of a conflict regarding rule
3407 interpretation, the Division Director for Environmental Health
3408 of the department, or his or her designee, shall timely assign a
3409 staff person to resolve the dispute.

3410 (d) Grant variances in hardship cases under the conditions
3411 prescribed in this section and rules adopted under this section.

3412 (e) Permit the use of a limited number of innovative
3413 systems for a specific period of time, when there is compelling
3414 evidence that the system will function properly and reliably to
3415 meet the requirements of this section and rules adopted under
3416 this section.

3417 (f) Issue annual operating permits under this section.

3418 (g) Establish and collect fees as established under s.
3419 381.0066 for services provided with respect to onsite sewage
3420 treatment and disposal systems.

3421 (h) Conduct enforcement activities, including imposing
3422 fines, issuing citations, suspensions, revocations, injunctions,

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3423 and emergency orders for violations of this section, part I of
3424 chapter 386, or part III of chapter 489 or for a violation of
3425 any rule adopted under this section, part I of chapter 386, or
3426 part III of chapter 489.

3427 (i) Provide or conduct education and training of department
3428 personnel, service providers, and the public regarding onsite
3429 sewage treatment and disposal systems.

3430 (j) Supervise research on, demonstration of, and training
3431 on the performance, environmental impact, and public health
3432 impact of onsite sewage treatment and disposal systems within
3433 this state. Research fees collected under s. 381.0066(2)(k) must
3434 be used to develop and fund hands-on training centers designed
3435 to provide practical information about onsite sewage treatment
3436 and disposal systems to septic tank contractors, master septic
3437 tank contractors, contractors, inspectors, engineers, and the
3438 public and must also be used to fund research projects which
3439 focus on improvements of onsite sewage treatment and disposal
3440 systems, including use of performance-based standards and
3441 reduction of environmental impact. Research projects shall be
3442 initially approved by the technical review and advisory panel
3443 and shall be applicable to and reflect the soil conditions
3444 specific to Florida. Such projects shall be awarded through
3445 competitive negotiation, using the procedures provided in s.
3446 287.055, to public or private entities that have experience in
3447 onsite sewage treatment and disposal systems in Florida and that
3448 are principally located in Florida. Research projects shall not
3449 be awarded to firms or entities that employ or are associated
3450 with persons who serve on either the technical review and
3451 advisory panel or the research review and advisory committee.

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3452 (k) Approve the installation of individual graywater
3453 disposal systems in which blackwater is treated by a central
3454 sewerage system.

3455 (l) Regulate and permit the sanitation, handling,
3456 treatment, storage, reuse, and disposal of byproducts from any
3457 system regulated under this chapter and not regulated by the
3458 Department of Environmental Protection.

3459 (m) Permit and inspect portable or temporary toilet
3460 services and holding tanks. The department shall review
3461 applications, perform site evaluations, and issue permits for
3462 the temporary use of holding tanks, privies, portable toilet
3463 services, or any other toilet facility that is intended for use
3464 on a permanent or nonpermanent basis, including facilities
3465 placed on construction sites when workers are present. The
3466 department may specify standards for the construction,
3467 maintenance, use, and operation of any such facility for
3468 temporary use.

3469 (n) Regulate and permit maintenance entities for
3470 performance-based treatment systems and aerobic treatment unit
3471 systems. To ensure systems are maintained and operated according
3472 to manufacturer's specifications and designs, the department
3473 shall establish by rule minimum qualifying criteria for
3474 maintenance entities. The criteria shall include: training,
3475 access to approved spare parts and components, access to
3476 manufacturer's maintenance and operation manuals, and service
3477 response time. The maintenance entity shall employ a contractor
3478 licensed under s. 489.105(3)(m), or part III of chapter 489, or
3479 a state-licensed wastewater plant operator, who is responsible
3480 for maintenance and repair of all systems under contract.

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3481 (o) By January 1, 2011, the department, in cooperation with
3482 the Department of Community Affairs and the Department of
3483 Environmental Protection, shall develop guidelines that assist
3484 local governments with the creation of responsible management
3485 entities. The development of these guidelines are not subject to
3486 review under s. 381.0068.

3487 (4) PERMITS; INSTALLATION; AND CONDITIONS.—A person may not
3488 construct, repair, modify, abandon, or operate an onsite sewage
3489 treatment and disposal system without first obtaining a permit
3490 approved by the department. The department may issue permits to
3491 carry out this section, but shall not make the issuance of such
3492 permits contingent upon prior approval by the Department of
3493 Environmental Protection, except that the issuance of a permit
3494 for work seaward of the coastal construction control line
3495 established under s. 161.053 shall be contingent upon receipt of
3496 any required coastal construction control line permit from the
3497 Department of Environmental Protection. A construction permit is
3498 valid for 18 months from the issuance date and may be extended
3499 by the department for one 90-day period under rules adopted by
3500 the department. A repair permit is valid for 90 days from the
3501 date of issuance. An operating permit must be obtained prior to
3502 the use of any aerobic treatment unit or if the establishment
3503 generates commercial waste. Buildings or establishments that use
3504 an aerobic treatment unit or generate commercial waste shall be
3505 inspected by the department at least annually to assure
3506 compliance with the terms of the operating permit. The operating
3507 permit for a commercial wastewater system is valid for 1 year
3508 from the date of issuance and must be renewed annually. The
3509 operating permit for an aerobic treatment unit is valid for 2

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3510 years from the date of issuance and must be renewed every 2
3511 years. If all information pertaining to the siting, location,
3512 and installation conditions or repair of an onsite sewage
3513 treatment and disposal system remains the same, a construction
3514 or repair permit for the onsite sewage treatment and disposal
3515 system may be transferred to another person, if the transferee
3516 files, within 60 days after the transfer of ownership, an
3517 amended application providing all corrected information and
3518 proof of ownership of the property. There is no fee associated
3519 with the processing of this supplemental information. A person
3520 may not contract to construct, modify, alter, repair, service,
3521 abandon, or maintain any portion of an onsite sewage treatment
3522 and disposal system without being registered under part III of
3523 chapter 489. A property owner who personally performs
3524 construction, maintenance, or repairs to a system serving his or
3525 her own owner-occupied single-family residence is exempt from
3526 registration requirements for performing such construction,
3527 maintenance, or repairs on that residence, but is subject to all
3528 permitting requirements. A municipality or political subdivision
3529 of the state may not issue a building or plumbing permit for any
3530 building that requires the use of an onsite sewage treatment and
3531 disposal system unless the owner or builder has received a
3532 construction permit for such system from the department. A
3533 building or structure may not be occupied and a municipality,
3534 political subdivision, or any state or federal agency may not
3535 authorize occupancy until the department approves the final
3536 installation of the onsite sewage treatment and disposal system.
3537 A municipality or political subdivision of the state may not
3538 approve any change in occupancy or tenancy of a building that

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3539 uses an onsite sewage treatment and disposal system until the
3540 department has reviewed the use of the system with the proposed
3541 change, approved the change, and amended the operating permit.

3542 (a) Subdivisions and lots in which each lot has a minimum
3543 area of at least one-half acre and either a minimum dimension of
3544 100 feet or a mean of at least 100 feet of the side bordering
3545 the street and the distance formed by a line parallel to the
3546 side bordering the street drawn between the two most distant
3547 points of the remainder of the lot may be developed with a water
3548 system regulated under s. 381.0062 and onsite sewage treatment
3549 and disposal systems, provided the projected daily sewage flow
3550 does not exceed an average of 1,500 gallons per acre per day,
3551 and provided satisfactory drinking water can be obtained and all
3552 distance and setback, soil condition, water table elevation, and
3553 other related requirements of this section and rules adopted
3554 under this section can be met.

3555 (b) Subdivisions and lots using a public water system as
3556 defined in s. 403.852 may use onsite sewage treatment and
3557 disposal systems, provided there are no more than four lots per
3558 acre, provided the projected daily sewage flow does not exceed
3559 an average of 2,500 gallons per acre per day, and provided that
3560 all distance and setback, soil condition, water table elevation,
3561 and other related requirements that are generally applicable to
3562 the use of onsite sewage treatment and disposal systems are met.

3563 (c) Notwithstanding paragraphs (a) and (b), for
3564 subdivisions platted of record on or before October 1, 1991,
3565 when a developer or other appropriate entity has previously made
3566 or makes provisions, including financial assurances or other
3567 commitments, acceptable to the Department of Health, that a

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3568 central water system will be installed by a regulated public
3569 utility based on a density formula, private potable wells may be
3570 used with onsite sewage treatment and disposal systems until the
3571 agreed-upon densities are reached. In a subdivision regulated by
3572 this paragraph, the average daily sewage flow may not exceed
3573 2,500 gallons per acre per day. This section does not affect the
3574 validity of existing prior agreements. After October 1, 1991,
3575 the exception provided under this paragraph is not available to
3576 a developer or other appropriate entity.

3577 (d) Paragraphs (a) and (b) do not apply to any proposed
3578 residential subdivision with more than 50 lots or to any
3579 proposed commercial subdivision with more than 5 lots where a
3580 publicly owned or investor-owned sewerage system is available.
3581 It is the intent of this paragraph not to allow development of
3582 additional proposed subdivisions in order to evade the
3583 requirements of this paragraph.

3584 (e) Onsite sewage treatment and disposal systems must not
3585 be placed closer than:

- 3586 1. Seventy-five feet from a private potable well.
- 3587 2. Two hundred feet from a public potable well serving a
3588 residential or nonresidential establishment having a total
3589 sewage flow of greater than 2,000 gallons per day.
- 3590 3. One hundred feet from a public potable well serving a
3591 residential or nonresidential establishment having a total
3592 sewage flow of less than or equal to 2,000 gallons per day.
- 3593 4. Fifty feet from any nonpotable well.
- 3594 5. Ten feet from any storm sewer pipe, to the maximum
3595 extent possible, but in no instance shall the setback be less
3596 than 5 feet.

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3597 6. Seventy-five feet from the mean high-water line of a
3598 tidally influenced surface water body.

3599 7. Seventy-five feet from the mean annual flood line of a
3600 permanent nontidal surface water body.

3601 8. Fifteen feet from the design high-water line of
3602 retention areas, detention areas, or swales designed to contain
3603 standing or flowing water for less than 72 hours after a
3604 rainfall or the design high-water level of normally dry drainage
3605 ditches or normally dry individual lot stormwater retention
3606 areas.

3607 (f) Except as provided under paragraphs (e) and (t), no
3608 limitations shall be imposed by rule, relating to the distance
3609 between an onsite disposal system and any area that either
3610 permanently or temporarily has visible surface water.

3611 (g) All provisions of this section and rules adopted under
3612 this section relating to soil condition, water table elevation,
3613 distance, and other setback requirements must be equally applied
3614 to all lots, with the following exceptions:

3615 1. Any residential lot that was platted and recorded on or
3616 after January 1, 1972, or that is part of a residential
3617 subdivision that was approved by the appropriate permitting
3618 agency on or after January 1, 1972, and that was eligible for an
3619 onsite sewage treatment and disposal system construction permit
3620 on the date of such platting and recording or approval shall be
3621 eligible for an onsite sewage treatment and disposal system
3622 construction permit, regardless of when the application for a
3623 permit is made. If rules in effect at the time the permit
3624 application is filed cannot be met, residential lots platted and
3625 recorded or approved on or after January 1, 1972, shall, to the

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3626 maximum extent possible, comply with the rules in effect at the
3627 time the permit application is filed. At a minimum, however,
3628 those residential lots platted and recorded or approved on or
3629 after January 1, 1972, but before January 1, 1983, shall comply
3630 with those rules in effect on January 1, 1983, and those
3631 residential lots platted and recorded or approved on or after
3632 January 1, 1983, shall comply with those rules in effect at the
3633 time of such platting and recording or approval. In determining
3634 the maximum extent of compliance with current rules that is
3635 possible, the department shall allow structures and
3636 appurtenances thereto which were authorized at the time such
3637 lots were platted and recorded or approved.

3638 2. Lots platted before 1972 are subject to a 50-foot
3639 minimum surface water setback and are not subject to lot size
3640 requirements. The projected daily flow for onsite sewage
3641 treatment and disposal systems for lots platted before 1972 may
3642 not exceed:

3643 a. Two thousand five hundred gallons per acre per day for
3644 lots served by public water systems as defined in s. 403.852.

3645 b. One thousand five hundred gallons per acre per day for
3646 lots served by water systems regulated under s. 381.0062.

3647 (h)1. The department may grant variances in hardship cases
3648 which may be less restrictive than the provisions specified in
3649 this section. If a variance is granted and the onsite sewage
3650 treatment and disposal system construction permit has been
3651 issued, the variance may be transferred with the system
3652 construction permit, if the transferee files, within 60 days
3653 after the transfer of ownership, an amended construction permit
3654 application providing all corrected information and proof of

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3655 ownership of the property and if the same variance would have
3656 been required for the new owner of the property as was
3657 originally granted to the original applicant for the variance.
3658 There is no fee associated with the processing of this
3659 supplemental information. A variance may not be granted under
3660 this section until the department is satisfied that:

3661 a. The hardship was not caused intentionally by the action
3662 of the applicant;

3663 b. No reasonable alternative, taking into consideration
3664 factors such as cost, exists for the treatment of the sewage;
3665 and

3666 c. The discharge from the onsite sewage treatment and
3667 disposal system will not adversely affect the health of the
3668 applicant or the public or significantly degrade the groundwater
3669 or surface waters.

3670
3671 Where soil conditions, water table elevation, and setback
3672 provisions are determined by the department to be satisfactory,
3673 special consideration must be given to those lots platted before
3674 1972.

3675 2. The department shall appoint and staff a variance review
3676 and advisory committee, which shall meet monthly to recommend
3677 agency action on variance requests. The committee shall make its
3678 recommendations on variance requests at the meeting in which the
3679 application is scheduled for consideration, except for an
3680 extraordinary change in circumstances, the receipt of new
3681 information that raises new issues, or when the applicant
3682 requests an extension. The committee shall consider the criteria
3683 in subparagraph 1. in its recommended agency action on variance

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3684 requests and shall also strive to allow property owners the full
3685 use of their land where possible. The committee consists of the
3686 following:

3687 a. The Division Director for Environmental Health of the
3688 department or his or her designee.

3689 b. A representative from the county health departments.

3690 c. A representative from the home building industry
3691 recommended by the Florida Home Builders Association.

3692 d. A representative from the septic tank industry
3693 recommended by the Florida Onsite Wastewater Association.

3694 e. A representative from the Department of Environmental
3695 Protection.

3696 f. A representative from the real estate industry who is
3697 also a developer in this state who develops lots using onsite
3698 sewage treatment and disposal systems, recommended by the
3699 Florida Association of Realtors.

3700 g. A representative from the engineering profession
3701 recommended by the Florida Engineering Society.

3702

3703 Members shall be appointed for a term of 3 years, with such
3704 appointments being staggered so that the terms of no more than
3705 two members expire in any one year. Members shall serve without
3706 remuneration, but if requested, shall be reimbursed for per diem
3707 and travel expenses as provided in s. 112.061.

3708 (i) A construction permit may not be issued for an onsite
3709 sewage treatment and disposal system in any area zoned or used
3710 for industrial or manufacturing purposes, or its equivalent,
3711 where a publicly owned or investor-owned sewage treatment system
3712 is available, or where a likelihood exists that the system will

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3713 receive toxic, hazardous, or industrial waste. An existing
3714 onsite sewage treatment and disposal system may be repaired if a
3715 publicly owned or investor-owned sewerage system is not
3716 available within 500 feet of the building sewer stub-out and if
3717 system construction and operation standards can be met. This
3718 paragraph does not require publicly owned or investor-owned
3719 sewerage treatment systems to accept anything other than
3720 domestic wastewater.

3721 1. A building located in an area zoned or used for
3722 industrial or manufacturing purposes, or its equivalent, when
3723 such building is served by an onsite sewage treatment and
3724 disposal system, must not be occupied until the owner or tenant
3725 has obtained written approval from the department. The
3726 department shall not grant approval when the proposed use of the
3727 system is to dispose of toxic, hazardous, or industrial
3728 wastewater or toxic or hazardous chemicals.

3729 2. Each person who owns or operates a business or facility
3730 in an area zoned or used for industrial or manufacturing
3731 purposes, or its equivalent, or who owns or operates a business
3732 that has the potential to generate toxic, hazardous, or
3733 industrial wastewater or toxic or hazardous chemicals, and uses
3734 an onsite sewage treatment and disposal system that is installed
3735 on or after July 5, 1989, must obtain an annual system operating
3736 permit from the department. A person who owns or operates a
3737 business that uses an onsite sewage treatment and disposal
3738 system that was installed and approved before July 5, 1989, need
3739 not obtain a system operating permit. However, upon change of
3740 ownership or tenancy, the new owner or operator must notify the
3741 department of the change, and the new owner or operator must

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3742 obtain an annual system operating permit, regardless of the date
3743 that the system was installed or approved.

3744 3. The department shall periodically review and evaluate
3745 the continued use of onsite sewage treatment and disposal
3746 systems in areas zoned or used for industrial or manufacturing
3747 purposes, or its equivalent, and may require the collection and
3748 analyses of samples from within and around such systems. If the
3749 department finds that toxic or hazardous chemicals or toxic,
3750 hazardous, or industrial wastewater have been or are being
3751 disposed of through an onsite sewage treatment and disposal
3752 system, the department shall initiate enforcement actions
3753 against the owner or tenant to ensure adequate cleanup,
3754 treatment, and disposal.

3755 (j) An onsite sewage treatment and disposal system for a
3756 single-family residence that is designed by a professional
3757 engineer registered in the state and certified by such engineer
3758 as complying with performance criteria adopted by the department
3759 must be approved by the department subject to the following:

3760 1. The performance criteria applicable to engineer-designed
3761 systems must be limited to those necessary to ensure that such
3762 systems do not adversely affect the public health or
3763 significantly degrade the groundwater or surface water. Such
3764 performance criteria shall include consideration of the quality
3765 of system effluent, the proposed total sewage flow per acre,
3766 wastewater treatment capabilities of the natural or replaced
3767 soil, water quality classification of the potential surface-
3768 water-receiving body, and the structural and maintenance
3769 viability of the system for the treatment of domestic
3770 wastewater. However, performance criteria shall address only the

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3771 performance of a system and not a system's design.

3772 2. The technical review and advisory panel shall assist the
3773 department in the development of performance criteria applicable
3774 to engineer-designed systems.

3775 3. A person electing to utilize an engineer-designed system
3776 shall, upon completion of the system design, submit such design,
3777 certified by a registered professional engineer, to the county
3778 health department. The county health department may utilize an
3779 outside consultant to review the engineer-designed system, with
3780 the actual cost of such review to be borne by the applicant.

3781 Within 5 working days after receiving an engineer-designed
3782 system permit application, the county health department shall
3783 request additional information if the application is not
3784 complete. Within 15 working days after receiving a complete
3785 application for an engineer-designed system, the county health
3786 department either shall issue the permit or, if it determines
3787 that the system does not comply with the performance criteria,
3788 shall notify the applicant of that determination and refer the
3789 application to the department for a determination as to whether
3790 the system should be approved, disapproved, or approved with
3791 modification. The department engineer's determination shall
3792 prevail over the action of the county health department. The
3793 applicant shall be notified in writing of the department's
3794 determination and of the applicant's rights to pursue a variance
3795 or seek review under the provisions of chapter 120.

3796 4. The owner of an engineer-designed performance-based
3797 system must maintain a current maintenance service agreement
3798 with a maintenance entity permitted by the department. The
3799 maintenance entity shall obtain a biennial system operating

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3800 permit from the department for each system under service
3801 contract. The department shall inspect the system at least
3802 annually, or on such periodic basis as the fee collected
3803 permits, and may collect system-effluent samples if appropriate
3804 to determine compliance with the performance criteria. The fee
3805 for the biennial operating permit shall be collected beginning
3806 with the second year of system operation. The maintenance entity
3807 shall inspect each system at least twice each year and shall
3808 report quarterly to the department on the number of systems
3809 inspected and serviced.

3810 5. If an engineer-designed system fails to properly
3811 function or fails to meet performance standards, the system
3812 shall be re-engineered, if necessary, to bring the system into
3813 compliance with the provisions of this section.

3814 (k) An innovative system may be approved in conjunction
3815 with an engineer-designed site-specific system which is
3816 certified by the engineer to meet the performance-based criteria
3817 adopted by the department.

3818 (l) For the Florida Keys, the department shall adopt a
3819 special rule for the construction, installation, modification,
3820 operation, repair, maintenance, and performance of onsite sewage
3821 treatment and disposal systems which considers the unique soil
3822 conditions and ~~which considers~~ water table elevations,
3823 densities, and setback requirements. On lots where a setback
3824 distance of 75 feet from surface waters, saltmarsh, and
3825 buttonwood association habitat areas cannot be met, an injection
3826 well, approved and permitted by the department, may be used for
3827 disposal of effluent from onsite sewage treatment and disposal
3828 systems. The following additional requirements apply to onsite

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3829 sewage treatment and disposal systems in Monroe County:

3830 1. The county, each municipality, and those special
3831 districts established for the purpose of the collection,
3832 transmission, treatment, or disposal of sewage shall ensure, in
3833 accordance with the specific schedules adopted by the
3834 Administration Commission under s. 380.0552, the completion of
3835 onsite sewage treatment and disposal system upgrades to meet the
3836 requirements of this paragraph.

3837 2. Onsite sewage treatment and disposal systems must cease
3838 discharge by December 31, 2015, or must comply with department
3839 rules and provide the level of treatment which, on a permitted
3840 annual average basis, produces an effluent that contains no more
3841 than the following concentrations:

3842 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

3843 b. Suspended Solids of 10 mg/l.

3844 c. Total Nitrogen, expressed as N, of 10 mg/l.

3845 d. Total Phosphorus, expressed as P, of 1 mg/l.

3846

3847 In addition, onsite sewage treatment and disposal systems
3848 discharging to an injection well must provide basic disinfection
3849 as defined by department rule.

3850 3. On or after July 1, 2010, all new, modified, and
3851 repaired onsite sewage treatment and disposal systems must
3852 provide the level of treatment described in subparagraph 2.
3853 However, in areas scheduled to be served by central sewer by
3854 December 31, 2015, if the property owner has paid a connection
3855 fee or assessment for connection to the central sewer system, an
3856 onsite sewage treatment and disposal system may be repaired to
3857 the following minimum standards:

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3858 a. The existing tanks must be pumped and inspected and
3859 certified as being watertight and free of defects in accordance
3860 with department rule; and

3861 b. A sand-lined drainfield or injection well in accordance
3862 with department rule must be installed.

3863 4. Onsite sewage treatment and disposal systems must be
3864 monitored for total nitrogen and total phosphorus concentrations
3865 as required by department rule.

3866 5. The department shall enforce proper installation,
3867 operation, and maintenance of onsite sewage treatment and
3868 disposal systems pursuant to this chapter, including ensuring
3869 that the appropriate level of treatment described in
3870 subparagraph 2. is met.

3871 6. The county, each municipality, and those special
3872 districts established for the purpose of collection,
3873 transmission, treatment, or disposal of sewage may require
3874 connecting onsite sewage treatment and disposal systems to a
3875 central sewer system within 30 days after notice of availability
3876 of service.

3877 (m) No product sold in the state for use in onsite sewage
3878 treatment and disposal systems may contain any substance in
3879 concentrations or amounts that would interfere with or prevent
3880 the successful operation of such system, or that would cause
3881 discharges from such systems to violate applicable water quality
3882 standards. The department shall publish criteria for products
3883 known or expected to meet the conditions of this paragraph. In
3884 the event a product does not meet such criteria, such product
3885 may be sold if the manufacturer satisfactorily demonstrates to
3886 the department that the conditions of this paragraph are met.

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3887 (n) Evaluations for determining the seasonal high-water
3888 table elevations or the suitability of soils for the use of a
3889 new onsite sewage treatment and disposal system shall be
3890 performed by department personnel, professional engineers
3891 registered in the state, or such other persons with expertise,
3892 as defined by rule, in making such evaluations. Evaluations for
3893 determining mean annual flood lines shall be performed by those
3894 persons identified in paragraph (2) (i). The department shall
3895 accept evaluations submitted by professional engineers and such
3896 other persons as meet the expertise established by this section
3897 or by rule unless the department has a reasonable scientific
3898 basis for questioning the accuracy or completeness of the
3899 evaluation.

3900 (o) The department shall appoint a research review and
3901 advisory committee, which shall meet at least semiannually. The
3902 committee shall advise the department on directions for new
3903 research, review and rank proposals for research contracts, and
3904 review draft research reports and make comments. The committee
3905 is comprised of:

3906 1. A representative of the Division of Environmental Health
3907 of the Department of Health.

3908 2. A representative from the septic tank industry.

3909 3. A representative from the home building industry.

3910 4. A representative from an environmental interest group.

3911 5. A representative from the State University System, from
3912 a department knowledgeable about onsite sewage treatment and
3913 disposal systems.

3914 6. A professional engineer registered in this state who has
3915 work experience in onsite sewage treatment and disposal systems.

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3916 7. A representative from local government who is
3917 knowledgeable about domestic wastewater treatment.

3918 8. A representative from the real estate profession.

3919 9. A representative from the restaurant industry.

3920 10. A consumer.

3921

3922 Members shall be appointed for a term of 3 years, with the
3923 appointments being staggered so that the terms of no more than
3924 four members expire in any one year. Members shall serve without
3925 remuneration, but are entitled to reimbursement for per diem and
3926 travel expenses as provided in s. 112.061.

3927 (p) An application for an onsite sewage treatment and
3928 disposal system permit shall be completed in full, signed by the
3929 owner or the owner's authorized representative, or by a
3930 contractor licensed under chapter 489, and shall be accompanied
3931 by all required exhibits and fees. No specific documentation of
3932 property ownership shall be required as a prerequisite to the
3933 review of an application or the issuance of a permit. The
3934 issuance of a permit does not constitute determination by the
3935 department of property ownership.

3936 (q) The department may not require any form of subdivision
3937 analysis of property by an owner, developer, or subdivider prior
3938 to submission of an application for an onsite sewage treatment
3939 and disposal system.

3940 (r) Nothing in this section limits the power of a
3941 municipality or county to enforce other laws for the protection
3942 of the public health and safety.

3943 (s) In the siting of onsite sewage treatment and disposal
3944 systems, including drainfields, shoulders, and slopes, guttering

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3945 shall not be required on single-family residential dwelling
3946 units for systems located greater than 5 feet from the roof drip
3947 line of the house. If guttering is used on residential dwelling
3948 units, the downspouts shall be directed away from the
3949 drainfield.

3950 (t) Notwithstanding the provisions of subparagraph (g)1.,
3951 onsite sewage treatment and disposal systems located in
3952 floodways of the Suwannee and Aucilla Rivers must adhere to the
3953 following requirements:

3954 1. The absorption surface of the drainfield shall not be
3955 subject to flooding based on 10-year flood elevations. Provided,
3956 however, for lots or parcels created by the subdivision of land
3957 in accordance with applicable local government regulations prior
3958 to January 17, 1990, if an applicant cannot construct a
3959 drainfield system with the absorption surface of the drainfield
3960 at an elevation equal to or above 10-year flood elevation, the
3961 department shall issue a permit for an onsite sewage treatment
3962 and disposal system within the 10-year floodplain of rivers,
3963 streams, and other bodies of flowing water if all of the
3964 following criteria are met:

3965 a. The lot is at least one-half acre in size;

3966 b. The bottom of the drainfield is at least 36 inches above
3967 the 2-year flood elevation; and

3968 c. The applicant installs either: a waterless,
3969 incinerating, or organic waste composting toilet and a graywater
3970 system and drainfield in accordance with department rules; an
3971 aerobic treatment unit and drainfield in accordance with
3972 department rules; a system approved by the State Health Office
3973 that is capable of reducing effluent nitrate by at least 50

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3974 percent; or a system approved by the county health department
3975 pursuant to department rule other than a system using
3976 alternative drainfield materials. The United States Department
3977 of Agriculture Soil Conservation Service soil maps, State of
3978 Florida Water Management District data, and Federal Emergency
3979 Management Agency Flood Insurance maps are resources that shall
3980 be used to identify flood-prone areas.

3981 2. The use of fill or mounding to elevate a drainfield
3982 system out of the 10-year floodplain of rivers, streams, or
3983 other bodies of flowing water shall not be permitted if such a
3984 system lies within a regulatory floodway of the Suwannee and
3985 Aucilla Rivers. In cases where the 10-year flood elevation does
3986 not coincide with the boundaries of the regulatory floodway, the
3987 regulatory floodway will be considered for the purposes of this
3988 subsection to extend at a minimum to the 10-year flood
3989 elevation.

3990 (u) The owner of an aerobic treatment unit system shall
3991 maintain a current maintenance service agreement with an aerobic
3992 treatment unit maintenance entity permitted by the department.
3993 The maintenance entity shall obtain a system operating permit
3994 from the department for each aerobic treatment unit under
3995 service contract. The maintenance entity shall inspect each
3996 aerobic treatment unit system at least twice each year and shall
3997 report quarterly to the department on the number of aerobic
3998 treatment unit systems inspected and serviced. The owner shall
3999 allow the department to inspect during reasonable hours each
4000 aerobic treatment unit system at least annually, and such
4001 inspection may include collection and analysis of system-
4002 effluent samples for performance criteria established by rule of

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4003 the department.

4004 (v) The department may require the submission of detailed
4005 system construction plans that are prepared by a professional
4006 engineer registered in this state. The department shall
4007 establish by rule criteria for determining when such a
4008 submission is required.

4009 (5) ENFORCEMENT; RIGHT OF ENTRY; CITATIONS.—

4010 (a) Department personnel who have reason to believe
4011 noncompliance exists, may at any reasonable time, enter the
4012 premises permitted under ss. 381.0065-381.0066, or the business
4013 premises of any septic tank contractor or master septic tank
4014 contractor registered under part III of chapter 489, or any
4015 premises that the department has reason to believe is being
4016 operated or maintained not in compliance, to determine
4017 compliance with the provisions of this section, part I of
4018 chapter 386, or part III of chapter 489 or rules or standards
4019 adopted under ss. 381.0065-381.0067, part I of chapter 386, or
4020 part III of chapter 489. As used in this paragraph, the term
4021 "premises" does not include a residence or private building. To
4022 gain entry to a residence or private building, the department
4023 must obtain permission from the owner or occupant or secure an
4024 inspection warrant from a court of competent jurisdiction.

4025 (b)1. The department may issue citations that may contain
4026 an order of correction or an order to pay a fine, or both, for
4027 violations of ss. 381.0065-381.0067, part I of chapter 386, or
4028 part III of chapter 489 or the rules adopted by the department,
4029 when a violation of these sections or rules is enforceable by an
4030 administrative or civil remedy, or when a violation of these
4031 sections or rules is a misdemeanor of the second degree. A

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4032 citation issued under ss. 381.0065-381.0067, part I of chapter
4033 386, or part III of chapter 489 constitutes a notice of proposed
4034 agency action.

4035 2. A citation must be in writing and must describe the
4036 particular nature of the violation, including specific reference
4037 to the provisions of law or rule allegedly violated.

4038 3. The fines imposed by a citation issued by the department
4039 may not exceed \$500 for each violation. Each day the violation
4040 exists constitutes a separate violation for which a citation may
4041 be issued.

4042 4. The department shall inform the recipient, by written
4043 notice pursuant to ss. 120.569 and 120.57, of the right to an
4044 administrative hearing to contest the citation within 21 days
4045 after the date the citation is received. The citation must
4046 contain a conspicuous statement that if the recipient fails to
4047 pay the fine within the time allowed, or fails to appear to
4048 contest the citation after having requested a hearing, the
4049 recipient has waived the recipient's right to contest the
4050 citation and must pay an amount up to the maximum fine.

4051 5. The department may reduce or waive the fine imposed by
4052 the citation. In determining whether to reduce or waive the
4053 fine, the department must consider the gravity of the violation,
4054 the person's attempts at correcting the violation, and the
4055 person's history of previous violations including violations for
4056 which enforcement actions were taken under ss. 381.0065-
4057 381.0067, part I of chapter 386, part III of chapter 489, or
4058 other provisions of law or rule.

4059 6. Any person who willfully refuses to sign and accept a
4060 citation issued by the department commits a misdemeanor of the

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4061 second degree, punishable as provided in s. 775.082 or s.
4062 775.083.

4063 7. The department, pursuant to ss. 381.0065-381.0067, part
4064 I of chapter 386, or part III of chapter 489, shall deposit any
4065 fines it collects in the county health department trust fund for
4066 use in providing services specified in those sections.

4067 8. This section provides an alternative means of enforcing
4068 ss. 381.0065-381.0067, part I of chapter 386, and part III of
4069 chapter 489. This section does not prohibit the department from
4070 enforcing ss. 381.0065-381.0067, part I of chapter 386, or part
4071 III of chapter 489, or its rules, by any other means. However,
4072 the department must elect to use only a single method of
4073 enforcement for each violation.

4074 (c) Responsible management entity personnel or personnel of
4075 entities they have contracted with to provide services may enter
4076 premises to evaluate systems for compliance. Upon determination
4077 that a noncompliance exists, the responsible maintenance entity
4078 shall notify the department for further action.

4079 (6) DUTIES AND POWERS OF THE RESPONSIBLE MANAGEMENT
4080 ENTITY.-

4081 (a) The responsible management entity shall administer an
4082 onsite sewage treatment and disposal system evaluation program
4083 and shall adopt rules or ordinances implementing the program
4084 standards, procedures, and requirements, including, but not
4085 limited to, a schedule for a 5-year evaluation cycle, a
4086 prohibition on the land application of septage, and
4087 recommendations for repairs or replacements pursuant to this
4088 section.

4089 (b) Evaluation, pumpout, repair, replacement, or

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4090 retrofitting services conducted under paragraph (a) shall be
4091 performed by a septic tank contractor or master septic tank
4092 contractor registered under part III of chapter 489. The
4093 responsible management entity is authorized to enter into
4094 contractual agreements with entities licensed and bonded to
4095 perform such duties.

4096 (c) The responsible management entity may charge fees for
4097 services conducted pursuant to paragraph (a). Such fees shall be
4098 recommended by the responsible management entity, approved by
4099 the local government or governments pursuant to s. 163.01, and
4100 shall be fair and equitable to cover the cost of administration,
4101 operation and maintenance, and repair or replacement of all
4102 systems in the responsible management entity service area.

4103 (d) Any responsible management entity created under this
4104 paragraph is not subject to Public Service Commission
4105 jurisdiction.

4106 (e) The responsible management entity shall obtain a single
4107 operating permit for all systems under its jurisdiction from the
4108 department and shall annually report to the department on its
4109 evaluations and operation and maintenance program.

4110 (f) Participation by the onsite sewage treatment and
4111 disposal system owner in the responsible management entity
4112 program implies compliance with all federal and state water
4113 quality standards.

4114 (7) IMPLEMENTATION OF RESPONSIBLE MANAGEMENT ENTITIES.—

4115 (a) By July 1, 2012, responsible management entities
4116 created pursuant to this section shall be implemented in the
4117 following areas of the state:

4118 1. Northwestern region that includes Franklin, Gadsden,

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4119 Jefferson, Leon, Liberty, and Wakulla Counties.

4120 2. North central region that includes Citrus, Levy, and
4121 Marion Counties.

4122 3. Central region that includes Lake, Orange, and Seminole
4123 Counties.

4124 4. Southeastern region that includes Indian River, Martin,
4125 Okeechobee, and St. Lucie Counties.

4126 5. Southwestern region that includes Collier, Hendry and
4127 Lee counties.

4128 (b) By January 1, 2015, the duties and powers under
4129 subsection (6) shall be implemented in all remaining areas of
4130 the state not implemented under paragraph (a).

4131 (c) Nothing in this section precludes any areas of the
4132 state from establishing responsible management entities pursuant
4133 to this section prior to any dates established herein.

4134 (8) Effective January 1, 2015, the land application of
4135 septage from onsite sewage treatment and disposal systems is
4136 prohibited. The department, in consultation with the Department
4137 of Environmental Protection, and any responsible management
4138 entities, shall initiate rulemaking and develop enforcement
4139 mechanisms and penalties to implement the provisions of this
4140 subsection.

4141 Section 39. Paragraph (a) of subsection (2) of section
4142 381.00655, Florida Statutes, is amended to read:

4143 381.00655 Connection of existing onsite sewage treatment
4144 and disposal systems to central sewerage system; requirements.-

4145 (2) The provisions of subsection (1) or any other provision
4146 of law to the contrary notwithstanding:

4147 (a) The local governing body of the jurisdiction in which

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4148 the owner of the onsite sewage treatment and disposal system
4149 resides may provide that any connection fee charged under this
4150 section by an investor-owned sewerage system shall ~~may~~ be paid
4151 with revenues collected by the responsible management entity in
4152 that jurisdiction ~~without interest in monthly installments, over~~
4153 ~~a period of time not to exceed 5 years from the date the~~
4154 ~~sewerage system becomes available if it determines that the~~
4155 ~~owner has demonstrated a financial hardship. The local governing~~
4156 ~~body shall establish criteria for making this determination~~
4157 ~~which take into account the owner's net worth, income, and~~
4158 ~~financial needs.~~

4159 Section 40. Paragraph (m) is added to subsection (2) of
4160 section 381.0066, Florida Statutes, and subsection (3) is added
4161 to that section, to read

4162 381.0066 Onsite sewage treatment and disposal systems;
4163 fees.—

4164 (2) The minimum fees in the following fee schedule apply
4165 until changed by rule by the department within the following
4166 limits:

4167 (m) Operating permit for responsible management entity: a
4168 fee of not less than \$10 per system per year.

4169
4170 The funds collected pursuant to this subsection must be
4171 deposited in a trust fund administered by the department, to be
4172 used for the purposes stated in this section and ss. 381.0065
4173 and 381.00655.

4174 (3) By January 1, 2015, the department shall complete an
4175 evaluation of its fee structure under the new responsible
4176 management entity program and submit the evaluation to the

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4177 Legislature. The evaluation shall, at a minimum, identify any
4178 fees that may be reduced or eliminated based on the responsible
4179 management entity assuming associated duties or through
4180 streamlining of the application and permitting process. The
4181 evaluation shall also include justification for maintaining fees
4182 at the current statutory level.

4183 Section 41. Subsection (9) of section 403.086, Florida
4184 Statutes, is amended, and subsections (10) and (11) are added to
4185 that section, to read:

4186 403.086 Sewage disposal facilities; advanced and secondary
4187 waste treatment.—

4188 (9) The Legislature finds that the discharge of domestic
4189 wastewater through ocean outfalls wastes valuable water supplies
4190 that should be reclaimed for beneficial purposes to meet public
4191 and natural systems demands. The Legislature also finds that
4192 discharge of domestic wastewater through ocean outfalls
4193 compromises the coastal environment, quality of life, and local
4194 economies that depend on those resources. The Legislature
4195 declares that more stringent treatment and management
4196 requirements for such domestic wastewater and the subsequent,
4197 timely elimination of ocean outfalls as a primary means of
4198 domestic wastewater discharge are in the public interest.

4199 (a) The construction of new ocean outfalls for domestic
4200 wastewater discharge and the expansion of existing ocean
4201 outfalls for this purpose, along with associated pumping and
4202 piping systems, are prohibited. Each domestic wastewater ocean
4203 outfall shall be limited to the discharge capacity specified in
4204 the department permit authorizing the outfall in effect on July
4205 1, 2008, which discharge capacity shall not be increased.

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4206 Maintenance of existing, department-authorized domestic
4207 wastewater ocean outfalls and associated pumping and piping
4208 systems is allowed, subject to the requirements of this section.
4209 The department is directed to work with the United States
4210 Environmental Protection Agency to ensure that the requirements
4211 of this subsection are implemented consistently for all domestic
4212 wastewater facilities in Florida which discharge through ocean
4213 outfalls.

4214 (b) The discharge of domestic wastewater through ocean
4215 outfalls shall meet advanced wastewater treatment and management
4216 requirements no later than December 31, 2018. For purposes of
4217 this subsection, the term "advanced wastewater treatment and
4218 management requirements" means the advanced waste treatment
4219 requirements set forth in subsection (4), a reduction in outfall
4220 baseline loadings of total nitrogen and total phosphorus which
4221 is equivalent to that which would be achieved by the advanced
4222 waste treatment requirements in subsection (4), or a reduction
4223 in cumulative outfall loadings of total nitrogen and total
4224 phosphorus occurring between December 31, 2008, and December 31,
4225 2025, which is equivalent to that which would be achieved if the
4226 advanced waste treatment requirements in subsection (4) were
4227 fully implemented beginning December 31, 2018, and continued
4228 through December 31, 2025. The department shall establish the
4229 average baseline loadings of total nitrogen and total phosphorus
4230 for each outfall using monitoring data available for calendar
4231 years 2003 through 2007 and shall establish required loading
4232 reductions based on this baseline. The baseline loadings and
4233 required loading reductions of total nitrogen and total
4234 phosphorus shall be expressed as an average annual daily loading

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4235 value. The advanced wastewater treatment and management
4236 requirements of this paragraph shall be deemed to be met for any
4237 domestic wastewater facility discharging through an ocean
4238 outfall on July 1, 2008, which has installed no later than
4239 December 31, 2018, a fully operational reuse system comprising
4240 100 percent of the facility's annual average daily flow for
4241 reuse activities authorized by the department.

4242 (c) Each domestic wastewater facility that discharges
4243 through an ocean outfall on July 1, 2008, shall install a
4244 functioning reuse system no later than December 31, 2025. For
4245 purposes of this subsection, a "functioning reuse system" means
4246 an environmentally, economically, and technically feasible
4247 system that provides a minimum of 60 percent of the facility's
4248 actual flow on an annual basis for irrigation of public access
4249 areas, residential properties, or agricultural crops; aquifer
4250 recharge; groundwater recharge; industrial cooling; or other
4251 acceptable reuse purposes authorized by the department. For
4252 purposes of this subsection, the term "facility's actual flow on
4253 an annual basis" means the annual average flow of domestic
4254 wastewater discharging through the facility's ocean outfall, as
4255 determined by the department, using monitoring data available
4256 for calendar years 2003 through 2007. Diversion of flows from
4257 these facilities to other facilities that provide 100 percent
4258 reuse of the diverted flows prior to December 31, 2025, shall be
4259 considered to contribute to meeting the 60-percent reuse
4260 requirement. For utilities operating more than one outfall, the
4261 reuse requirement can be met if the combined actual reuse flows
4262 from facilities served by the outfalls is at least 60 percent of
4263 the sum of the total actual flows from these facilities,

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4264 including flows diverted to other facilities for 100 percent
4265 reuse prior to December 31, 2025. In the event treatment in
4266 addition to the advanced wastewater treatment and management
4267 requirements described in paragraph (b) is needed in order to
4268 support a functioning reuse system, such treatment shall be
4269 fully operational no later than December 31, 2025.

4270 (d) The discharge of domestic wastewater through ocean
4271 outfalls is prohibited after December 31, 2025, except as a
4272 backup discharge that is part of a functioning reuse system
4273 authorized by the department as provided for in paragraph (c). A
4274 backup discharge may occur only during periods of reduced demand
4275 for reclaimed water in the reuse system, such as periods of wet
4276 weather, and shall comply with the advanced wastewater treatment
4277 and management requirements of paragraph (b).

4278 (e) The holder of a department permit authorizing the
4279 discharge of domestic wastewater through an ocean outfall as of
4280 July 1, 2008, shall submit to the secretary of the department
4281 the following:

4282 1. A detailed plan to meet the requirements of this
4283 subsection, including an identification of all land acquisition
4284 and facilities necessary to provide for reuse of the domestic
4285 wastewater; an analysis of the costs to meet the requirements;
4286 and a financing plan for meeting the requirements, including
4287 identifying any actions necessary to implement the financing
4288 plan, such as bond issuance or other borrowing, assessments,
4289 rate increases, fees, other charges, or other financing
4290 mechanisms. The plan shall include a detailed schedule for the
4291 completion of all necessary actions and shall be accompanied by
4292 supporting data and other documentation. The plan shall be

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4293 submitted no later than July 1, 2013.

4294 2. No later than July 1, 2016, an update of the plan
4295 required in subparagraph 1. documenting any refinements or
4296 changes in the costs, actions, or financing necessary to
4297 eliminate the ocean outfall discharge in accordance with this
4298 subsection or a written statement that the plan is current and
4299 accurate.

4300 (f) By December 31, 2009, and by December 31 every 5 years
4301 thereafter, the holder of a department permit authorizing the
4302 discharge of domestic wastewater through an ocean outfall shall
4303 submit to the secretary of the department a report summarizing
4304 the actions accomplished to date and the actions remaining and
4305 proposed to meet the requirements of this subsection, including
4306 progress toward meeting the specific deadlines set forth in
4307 paragraphs (b) through (e). The report shall include the
4308 detailed schedule for and status of the evaluation of reuse and
4309 disposal options, preparation of preliminary design reports,
4310 preparation and submittal of permit applications, construction
4311 initiation, construction progress milestones, construction
4312 completion, initiation of operation, and continuing operation
4313 and maintenance.

4314 (g) No later than July 1, 2010, and by July 1 every 5 years
4315 thereafter, the department shall submit a report to the
4316 Governor, the President of the Senate, and the Speaker of the
4317 House of Representatives on the implementation of this
4318 subsection. The report shall summarize progress to date,
4319 including the increased amount of reclaimed water provided and
4320 potable water offsets achieved, and identify any obstacles to
4321 continued progress, including all instances of substantial

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4322 noncompliance.

4323 (h) By February 1, 2012, the department shall submit a
4324 report to the Governor and Legislature detailing the results and
4325 recommendations from phases 1 through 3 of its ongoing study on
4326 reclaimed water use.

4327 (i)~~(h)~~ The renewal of each permit that authorizes the
4328 discharge of domestic wastewater through an ocean outfall as of
4329 July 1, 2008, shall be accompanied by an order in accordance
4330 with s. 403.088(2) (e) and (f) which establishes an enforceable
4331 compliance schedule consistent with the requirements of this
4332 subsection.

4333 (j) An entity that diverts wastewater flow from a receiving
4334 facility that discharges domestic wastewater through an ocean
4335 outfall must meet the 60 percent reuse requirement of paragraph
4336 (c). Reuse by the diverting entity of the diverted flows shall
4337 be credited to the diverting entity. The diverted flow must also
4338 be deducted from the receiving facility's actual flow on an
4339 annual basis as determined under paragraph (c) and the receiving
4340 facility's reuse requirement recalculated accordingly.

4341 (10) The Legislature finds that the discharge of
4342 inadequately treated and managed domestic wastewater from dozens
4343 of small wastewater facilities and thousands of septic tanks and
4344 other onsite systems in the Florida Keys compromises the quality
4345 of the coastal environment, including nearshore and offshore
4346 waters, and threatens the quality of life and local economies
4347 that depend on those resources. The Legislature also finds that
4348 the only practical and cost-effective way to fundamentally
4349 improve wastewater management in the Florida Keys is for the
4350 local governments in Monroe County, including those special

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4351 districts established for the purpose of collection,
4352 transmission, treatment, or disposal of sewage, to timely
4353 complete the wastewater or sewage treatment and disposal
4354 facilities initiated under the work program of Administration
4355 Commission rule 28-20, Florida Administrative Code, and the
4356 Monroe County Sanitary Master Wastewater Plan, dated June 2000.
4357 The Legislature therefore declares that the construction and
4358 operation of comprehensive central wastewater systems in
4359 accordance with this subsection is in the public interest. To
4360 give effect to those findings, the requirements of this
4361 subsection apply to all domestic wastewater facilities in Monroe
4362 County, including privately owned facilities, unless otherwise
4363 provided under this subsection.

4364 (a) The discharge of domestic wastewater into surface
4365 waters is prohibited.

4366 (b) Monroe County, each municipality, and those special
4367 districts established for the purpose of collection,
4368 transmission, treatment, or disposal of sewage in Monroe County
4369 shall complete the wastewater collection, treatment, and
4370 disposal facilities within its jurisdiction designated as hot
4371 spots in the Monroe County Sanitary Master Wastewater Plan,
4372 dated June 2000, specifically listed in Exhibits 6-1 through 6-3
4373 of Chapter 6 of the plan and mapped in Exhibit F-1 of Appendix F
4374 of the plan. The required facilities and connections, and any
4375 additional facilities or other adjustments required by rules
4376 adopted by the Administration Commission under s. 380.0552, must
4377 be completed by December 31, 2015, pursuant to specific
4378 schedules established by the commission. Domestic wastewater
4379 facilities located outside local government and special district

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4380 service areas must meet the treatment and disposal requirements
4381 of this subsection by December 31, 2015.

4382 (c) After December 31, 2015, all new or expanded domestic
4383 wastewater discharges must comply with the treatment and
4384 disposal requirements of this subsection and department rules.

4385 (d) Wastewater treatment facilities having design
4386 capacities:

4387 1. Greater than or equal to 100,000 gallons per day must
4388 provide basic disinfection as defined by department rule and the
4389 level of treatment which, on a permitted annual average basis,
4390 produces an effluent that contains no more than the following
4391 concentrations:

4392 a. Biochemical Oxygen Demand (CBOD5) of 5 mg/l.

4393 b. Suspended Solids of 5 mg/l.

4394 c. Total Nitrogen, expressed as N, of 3 mg/l.

4395 d. Total Phosphorus, expressed as P, of 1 mg/l.

4396 2. Less than 100,000 gallons per day must provide basic
4397 disinfection as defined by department rule and the level of
4398 treatment which, on a permitted annual average basis, produces
4399 an effluent that contains no more than the following
4400 concentrations:

4401 a. Biochemical Oxygen Demand (CBOD5) of 10 mg/l.

4402 b. Suspended Solids of 10 mg/l.

4403 c. Total Nitrogen, expressed as N, of 10 mg/l.

4404 d. Total Phosphorus, expressed as P, of 1 mg/l.

4405 (e) Class V injection wells, as defined by department or
4406 Department of Health rule, must meet the following requirements
4407 and otherwise comply with department or Department of Health
4408 rules, as applicable:

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4409 1. If the design capacity of the facility is less than 1
4410 million gallons per day, the injection well must be at least 90
4411 feet deep and cased to a minimum depth of 60 feet or to such
4412 greater cased depth and total well depth as may be required by
4413 department rule.

4414 2. Except as provided in subparagraph 3. for backup wells,
4415 if the design capacity of the facility is equal to or greater
4416 than 1 million gallons per day, each primary injection well must
4417 be cased to a minimum depth of 2,000 feet or to such greater
4418 depth as may be required by department rule.

4419 3. If an injection well is used as a backup to a primary
4420 injection well, the following conditions apply:

4421 a. The backup well may be used only when the primary
4422 injection well is out of service because of equipment failure,
4423 power failure, or the need for mechanical integrity testing or
4424 repair;

4425 b. The backup well may not be used for more than a total of
4426 500 hours during any 5-year period unless specifically
4427 authorized in writing by the department;

4428 c. The backup well must be at least 90 feet deep and cased
4429 to a minimum depth of 60 feet, or to such greater cased depth
4430 and total well depth as may be required by department rule; and

4431 d. Fluid injected into the backup well must meet the
4432 requirements of paragraph (d).

4433 (f) The requirements of paragraphs (d) and (e) do not apply
4434 to:

4435 1. Class I injection wells as defined by department rule,
4436 including any authorized mechanical integrity tests;

4437 2. Authorized mechanical integrity tests associated with

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4438 Class V wells as defined by department rule; or
4439 3. The following types of reuse systems authorized by
4440 department rule:
4441 a. Slow-rate land application systems;
4442 b. Industrial uses of reclaimed water; and
4443 c. Use of reclaimed water for toilet flushing, fire
4444 protection, vehicle washing, construction dust control, and
4445 decorative water features.
4446
4447 However, disposal systems serving as backups to reuse systems
4448 must comply with the other provisions of this subsection.
4449 (g) For wastewater treatment facilities in operation as of
4450 July 1, 2010, which are located within areas to be served by
4451 Monroe County, municipalities in Monroe County, or those special
4452 districts established for the purpose of collection,
4453 transmission, treatment, or disposal of sewage but which are
4454 owned by other entities, the requirements of paragraphs (d) and
4455 (e) do not apply until January 1, 2016. Wastewater operating
4456 permits issued pursuant to this chapter and in effect for these
4457 facilities as of June 30, 2010, are extended until December 31,
4458 2015, or until the facility is connected to a local government
4459 central wastewater system, whichever occurs first. Wastewater
4460 treatment facilities in operation after December 31, 2015, must
4461 comply with the treatment and disposal requirements of this
4462 subsection and department rules.
4463 (h) If it is demonstrated that a discharge, even if the
4464 discharge is otherwise in compliance with this subsection, will
4465 cause or contribute to a violation of state water quality
4466 standards, the department shall:

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- 4467 1. Require more stringent effluent limitations;
4468 2. Order the point or method of discharge changed;
4469 3. Limit the duration or volume of the discharge; or
4470 4. Prohibit the discharge.

4471 (i) All sewage treatment facilities must monitor effluent
4472 for total nitrogen and total phosphorus concentration as
4473 required by department rule.

4474 (j) The department shall require the levels of operator
4475 certification and staffing necessary to ensure proper operation
4476 and maintenance of sewage facilities.

4477 (k) The department may adopt rules necessary to carry out
4478 this subsection.

4479 (l) The county, each municipality, and those special
4480 districts established for the purpose of collection,
4481 transmission, treatment, or disposal of sewage may require
4482 connecting wastewater treatment facilities owned by other
4483 entities to a central sewer system within 30 days after notice
4484 of availability of service.

4485 (11) The land application of class AA, class A and class B
4486 wastewater residuals, as defined by department rule, is
4487 prohibited after July 1, 2015. The prohibition does not apply to
4488 Class AA residuals that are marketed, distributed and applied as
4489 fertilizer products in accordance with department rule, provided
4490 they are applied at the proper agronomic rate. The department
4491 shall initiate rulemaking and develop enforcement mechanisms and
4492 penalties to implement the provisions of this subsection.

4493 Section 42. Section 4 of chapter 99-395, Laws of Florida,
4494 as amended by section 6 of chapter 2006-223, Laws of Florida;
4495 section 5 of chapter 99-395, Laws of Florida; and section 6 of

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4496 chapter 99-395, Laws of Florida, as amended by section 1 of
4497 chapter 2001-337, and section 1 of chapter 2004-455, Laws of
4498 Florida, are repealed.

4499 Section 43. Paragraph (o) of subsection (3) of section
4500 11.45, Florida Statutes, is amended to read:

4501 11.45 Definitions; duties; authorities; reports; rules.—

4502 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor
4503 General may, pursuant to his or her own authority, or at the
4504 direction of the Legislative Auditing Committee, conduct audits
4505 or other engagements as determined appropriate by the Auditor
4506 General of:

4507 (o) The Florida Water Pollution Control and Drinking Water
4508 Financing Corporation created pursuant to s. 403.1837.

4509 Section 44. Subsection (2) of section 403.1835, Florida
4510 Statutes, is reordered and amended, and subsections (3) and (10)
4511 of that section is amended, to read:

4512 403.1835 Water pollution control financial assistance.—

4513 (2) As used in ~~For the purposes of~~ this section and s.
4514 403.1837, the term:

4515 (c)~~(a)~~ "Local governmental agencies" refers to any
4516 municipality, county, district, or authority, or any agency
4517 thereof, or a combination of two or more of the foregoing,
4518 acting jointly in connection with a project having jurisdiction
4519 over collection, transmission, treatment, or disposal of sewage,
4520 industrial wastes, stormwater, or other wastes and includes a
4521 district or authority whose ~~the~~ principal responsibility ~~of~~
4522 ~~which~~ is to provide airport, industrial or research park, or
4523 port facilities to the public.

4524 (a)~~(b)~~ "Bonds" means bonds, certificates, or other

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4525 obligations of indebtedness issued by the ~~Florida Water~~
4526 ~~Pollution Control Financing~~ corporation under this section and
4527 s. 403.1837.

4528 (b)~~(e)~~ "Corporation" means the Florida Water Pollution
4529 Control and Drinking Water Financing Corporation created under
4530 s. 403.1837.

4531 (3) The department may provide financial assistance through
4532 any program authorized under 33 U.S.C. s. 1383 ~~s. 603 of the~~
4533 ~~Federal Water Pollution Control Act (Clean Water Act), Pub. L.~~
4534 ~~No. 92-500~~, as amended, including, but not limited to, making
4535 grants and loans, providing loan guarantees, purchasing loan
4536 insurance or other credit enhancements, and buying or
4537 refinancing local debt. This financial assistance must be
4538 administered in accordance with this section and applicable
4539 federal authorities. ~~The department shall administer all~~
4540 ~~programs operated from funds secured through the activities of~~
4541 ~~the Florida Water Pollution Control Financing corporation under~~
4542 ~~s. 403.1837, to fulfill the purposes of this section.~~

4543 (a) The department may make or request the corporation to
4544 make loans to local government agencies, which ~~agencies~~ may
4545 pledge any revenue available to them to repay any funds
4546 borrowed.

4547 (b) The department may make or request the corporation to
4548 make loans, grants, and deposits to other entities eligible to
4549 participate in the financial assistance programs authorized
4550 under the Federal Water Pollution Control Act, or as a result of
4551 other federal action, which ~~entities~~ may pledge any revenue
4552 available to them to repay any funds borrowed. Notwithstanding
4553 s. 17.57, the department may make deposits to financial

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4554 institutions that ~~which~~ earn less than the prevailing rate for
4555 United States Treasury securities that have ~~with~~ corresponding
4556 maturities for the purpose of enabling such financial
4557 institutions to make below-market interest rate loans to
4558 entities qualified to receive loans under this section and the
4559 rules of the department.

4560 (c) The department shall administer financial assistance so
4561 that at least 15 percent of the funding made available each year
4562 under this section is reserved for use by small communities
4563 during the year it is reserved.

4564 (d) The department may make grants to financially
4565 disadvantaged small communities, as defined in s. 403.1838,
4566 using funds made available from grant allocations on loans
4567 authorized under subsection (4). The grants must be administered
4568 in accordance with s. 403.1838.

4569 (10) The department may adopt rules regarding program
4570 administration; project eligibilities and priorities, including
4571 the development and management of project priority lists;
4572 financial assistance application requirements associated with
4573 planning, design, construction, and implementation activities,
4574 including environmental and engineering requirements; financial
4575 assistance agreement conditions; disbursement and repayment
4576 provisions; auditing provisions; program exceptions; the
4577 procedural and contractual relationship between the department
4578 and the ~~Florida Water Pollution Control Financing~~ corporation
4579 under s. 403.1837; and other provisions consistent with the
4580 purposes of this section.

4581 Section 45. Section 403.1837, Florida Statutes, is amended
4582 to read:

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4583 403.1837 Florida Water Pollution Control and Drinking Water
4584 Financing Corporation.-

4585 (1) The Florida Water Pollution Control and Drinking Water
4586 Financing Corporation is created as a nonprofit public-benefit
4587 corporation for the purpose of financing or refinancing the
4588 costs of ~~water pollution control~~ projects and activities
4589 described in ss. ~~s.~~ 403.1835 and 403.8532. The projects and
4590 activities described in those sections ~~that section are found to~~
4591 constitute a public governmental purpose; are ~~be~~ necessary for
4592 the health, safety, and welfare of all residents; and include
4593 legislatively approved fixed capital outlay projects. Fulfilling
4594 ~~The fulfillment of~~ the purposes of the corporation promotes the
4595 health, safety, and welfare of the people of the state and
4596 serves essential governmental functions and a paramount public
4597 purpose. The activities of the corporation are specifically
4598 limited to assisting the department in implementing financing
4599 activities to provide funding for the programs authorized in ss.
4600 ~~s.~~ 403.1835 and 403.8532. All other activities relating to the
4601 purposes for which the corporation raises funds are the
4602 responsibility of the department, including, but not limited to,
4603 development of program criteria, review of applications for
4604 financial assistance, decisions relating to the number and
4605 amount of loans or other financial assistance to be provided,
4606 and enforcement of the terms of any financial assistance
4607 agreements provided through funds raised by the corporation. The
4608 corporation shall terminate upon fulfilling ~~fulfillment of~~ the
4609 purposes of this section.

4610 (2) The corporation shall be governed by a board of
4611 directors consisting of the Governor's Budget Director or ~~the~~

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4612 ~~budget director's~~ designee, the Chief Financial Officer or ~~the~~
4613 ~~Chief Financial Officer's~~ designee, and the Secretary of
4614 Environmental Protection or ~~the secretary's~~ designee. The
4615 executive director of the State Board of Administration shall be
4616 the chief executive officer of the corporation; shall direct and
4617 supervise the administrative affairs of the corporation; and
4618 shall control, direct, and supervise operation of the
4619 corporation. The corporation shall have such other officers as
4620 may be determined by the board of directors.

4621 (3) The corporation shall have all the powers of a
4622 corporate body under the laws of the state, consistent ~~to the~~
4623 ~~extent not inconsistent with or restricted by~~ this section,
4624 including, but not limited to, the power to:

4625 (a) Adopt, amend, and repeal bylaws consistent ~~not~~
4626 ~~inconsistent~~ with this section.

4627 (b) Sue and be sued.

4628 (c) Adopt and use a common seal.

4629 (d) Acquire, purchase, hold, lease, and convey any real and
4630 personal property as may be proper or expedient to carry out the
4631 purposes of the corporation and this section, and to sell,
4632 lease, or otherwise dispose of that property.

4633 (e) Elect or appoint and employ such officers, agents, and
4634 employees as the corporation considers advisable to operate and
4635 manage the affairs of the corporation, who ~~which officers,~~
4636 ~~agents, and employees~~ may be officers or employees of the
4637 department and the state agencies represented on the board of
4638 directors of the corporation.

4639 (f) Borrow money and issue notes, bonds, certificates of
4640 indebtedness, or other obligations or evidences of indebtedness

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4641 described in s. 403.1835 or s. 403.8532.

4642 (g) Operate, as specifically directed by the department,
4643 any program to provide financial assistance authorized under s.
4644 403.1835(3) or s. 403.8532(3), which may be funded from any
4645 funds received under a service contract with the department,
4646 from the proceeds of bonds issued by the corporation, or from
4647 any other funding sources obtained by the corporation.

4648 (h) Sell all or any portion of the loans issued under s.
4649 403.1835 or s. 403.8532 to accomplish the purposes of those
4650 sections ~~this section and s. 403.1835~~.

4651 (i) Make and execute any contracts, trust agreements, and
4652 other instruments and agreements necessary or convenient to
4653 accomplish the purposes of the corporation and this section.

4654 (j) Select, retain, and employ professionals, contractors,
4655 or agents, which may include the Division of Bond Finance of the
4656 State Board of Administration, as ~~are~~ necessary or convenient to
4657 enable or assist the corporation in carrying out its purposes
4658 and this section.

4659 (k) Do any act or thing necessary or convenient to carry
4660 out the purposes of the corporation and this section.

4661 (4) The corporation shall evaluate all financial and market
4662 conditions necessary and prudent for the purpose of making
4663 sound, financially responsible, and cost-effective decisions in
4664 order to secure additional funds to fulfill the purposes of this
4665 section and ss. ~~s.~~ 403.1835 and 403.8532.

4666 (5) The corporation may enter into one or more service
4667 contracts with the department under which the corporation shall
4668 provide services to the department in connection with financing
4669 the functions, projects, and activities provided ~~for~~ in ss. ~~s.~~

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4670 403.1835 and 403.8532. The department may enter into one or more
4671 service contracts with the corporation and provide for payments
4672 under those contracts pursuant to s. 403.1835(9) or s. 403.8533,
4673 subject to annual appropriation by the Legislature.

4674 (a) The service contracts may provide for the transfer of
4675 all or a portion of the funds in the Wastewater Treatment and
4676 Stormwater Management Revolving Loan Trust Fund and the Drinking
4677 Water Revolving Loan Trust Fund to the corporation for use by
4678 the corporation for costs incurred by the corporation in its
4679 operations, including, but not limited to, payment of debt
4680 service, reserves, or other costs in relation to bonds issued by
4681 the corporation, for use by the corporation at the request of
4682 the department to directly provide the types of local financial
4683 assistance provided ~~for~~ in ss. s. ~~403.1835(3) and 403.8532(3)~~,
4684 or for payment of the administrative costs of the corporation.

4685 (b) The department may not transfer funds under any service
4686 contract with the corporation without a specific appropriation
4687 for such purpose in the General Appropriations Act, except for
4688 administrative expenses incurred by the State Board of
4689 Administration or other expenses necessary under documents
4690 authorizing or securing previously issued bonds of the
4691 corporation. The service contracts may also provide for the
4692 assignment or transfer to the corporation of any loans made by
4693 the department.

4694 (c) The service contracts may establish the operating
4695 relationship between the department and the corporation and must
4696 ~~shall~~ require the department to request the corporation to issue
4697 bonds before any issuance of bonds by the corporation, to take
4698 any actions necessary to enforce the agreements entered into

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4699 between the corporation and other parties, and to take all other
4700 actions necessary to assist the corporation in its operations.

4701 (d) In compliance with s. 287.0641 and other applicable
4702 provisions of law, the obligations of the department under the
4703 service contracts do not constitute a general obligation of the
4704 state or a pledge of the faith and credit or taxing power of the
4705 state, nor may the obligations be construed ~~in any manner~~ as an
4706 obligation of the State Board of Administration or entities for
4707 which it invests funds, or of the department except as provided
4708 in this section as payable solely from amounts available under
4709 any service contract between the corporation and the department,
4710 subject to appropriation.

4711 (e) In compliance with this subsection and s. 287.0582,
4712 service contracts must expressly include the following
4713 statement: "The State of Florida's performance and obligation to
4714 pay under this contract is contingent upon an annual
4715 appropriation by the Legislature."

4716 (6) The corporation may issue and incur notes, bonds,
4717 certificates of indebtedness, or other obligations or evidences
4718 of indebtedness payable from and secured by amounts received
4719 from payment of loans and other moneys received by the
4720 corporation, including, but not limited to, amounts payable to
4721 the corporation by the department under a service contract
4722 entered into under subsection (5). The proceeds of the bonds may
4723 be used for the purpose of providing funds for projects and
4724 activities provided ~~for~~ in subsection (1) or for refunding bonds
4725 previously issued by the corporation. The corporation may select
4726 a financing team and issue obligations through competitive
4727 bidding or negotiated contracts, whichever is most cost-

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4728 effective. ~~Any~~ Such indebtedness of the corporation does not
4729 constitute a debt or obligation of the state or a pledge of the
4730 faith and credit or taxing power of the state.

4731 (7) The corporation is exempt from taxation and assessments
4732 of any nature whatsoever upon its income and any property,
4733 assets, or revenues acquired, received, or used in the
4734 furtherance of the purposes provided in ss. 403.1835, and
4735 403.1838, and 403.8532. The obligations of the corporation
4736 incurred under subsection (6) and the interest and income on the
4737 obligations and all security agreements, letters of credit,
4738 liquidity facilities, or other obligations or instruments
4739 arising out of, entered into in connection with, or given to
4740 secure payment of the obligations are exempt from all taxation;
4741 however, the exemption does not apply to any tax imposed by
4742 chapter 220 on the interest, income, or profits on debt
4743 obligations owned by corporations.

4744 (8) The corporation shall validate any bonds issued under
4745 this section, except refunding bonds, which may be validated at
4746 the option of the corporation, by proceedings under chapter 75.
4747 The validation complaint must be filed ~~only~~ in the Circuit Court
4748 for Leon County. The notice required under s. 75.06 must be
4749 published in Leon County, and the complaint and order of the
4750 circuit court shall be served only on the State Attorney for the
4751 Second Judicial Circuit. Sections 75.04(2) and 75.06(2) do not
4752 apply to a validation complaint filed as authorized in this
4753 subsection. The validation of the first bonds issued under this
4754 section may be appealed to the Supreme Court, and the appeal
4755 shall be handled on an expedited basis.

4756 (9) The corporation and the department may ~~shall~~ not take

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4757 any action that ~~will~~ materially and adversely affects ~~affect~~ the
4758 rights of holders of any obligations issued under this section
4759 as long as the obligations are outstanding.

4760 (10) The corporation is not a special district for purposes
4761 of chapter 189 or a unit of local government for purposes of
4762 part III of chapter 218. The provisions of chapters 120 and 215,
4763 except the limitation on interest rates provided by s. 215.84,
4764 which applies to obligations of the corporation issued under
4765 this section, and part I of chapter 287, except ss. 287.0582 and
4766 287.0641, do not apply to this section, the corporation ~~created~~
4767 ~~in this section~~, the service contracts entered into under this
4768 section, or debt obligations issued by the corporation as
4769 provided in this section.

4770 (11) The benefits or earnings of the corporation may not
4771 inure to the benefit of any private person, except persons
4772 receiving grants and loans under s. 403.1835 or s. 403.8532.

4773 (12) Upon dissolution of the corporation, title to all
4774 property owned by the corporation reverts to the department.

4775 (13) The corporation may contract with the State Board of
4776 Administration to serve as trustee with respect to debt
4777 obligations issued by the corporation as provided by this
4778 section; to hold, administer, and invest proceeds of those debt
4779 obligations and other funds of the corporation; and to perform
4780 other services required by the corporation. The State Board of
4781 Administration may perform these services and may contract with
4782 others to provide all or a part of those services and to recover
4783 the costs and expenses of providing those services.

4784 Section 46. Subsections (2), (3), (9), and (14) of section
4785 403.8532, Florida Statutes, are amended to read:

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4786 403.8532 Drinking water state revolving loan fund; use;
4787 rules.-

4788 (2) For purposes of this section, the term:

4789 (a) "Bonds" means bonds, certificates, or other obligations
4790 of indebtedness issued by the corporation under this section and
4791 s. 403.1837.

4792 (b) "Corporation" means the Florida Water Pollution Control
4793 and Drinking Water Financing Corporation created pursuant to s.
4794 403.1837.

4795 (c)~~(a)~~ "Financially disadvantaged community" means the
4796 service area of a project to be served by a public water system
4797 that meets criteria established by department rule and in
4798 accordance with federal guidance.

4799 (d)~~(b)~~ "Local governmental agency" means any municipality,
4800 county, district, or authority, or any agency thereof, or a
4801 combination of two or more of the foregoing acting jointly in
4802 connection with a project, having jurisdiction over a public
4803 water system.

4804 (e)~~(c)~~ "Public water system" means all facilities,
4805 including land, necessary for the treatment and distribution of
4806 water for human consumption and includes public water systems as
4807 defined in s. 403.852 and as otherwise defined in the federal
4808 Safe Drinking Water Act, as amended. Such systems may be
4809 publicly owned, privately owned, investor-owned, or
4810 cooperatively held.

4811 (f)~~(d)~~ "Small public water system" means a public water
4812 system that ~~which~~ regularly serves fewer than 10,000 people.

4813 (3) The department may ~~is authorized to~~ make, or request
4814 that the corporation make, loans, grants, and deposits to

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4815 community water systems, nonprofit transient noncommunity water
4816 systems, and nonprofit nontransient noncommunity water systems
4817 to assist them in planning, designing, and constructing public
4818 water systems, unless such public water systems are for-profit
4819 privately owned or investor-owned systems that regularly serve
4820 1,500 service connections or more within a single certified or
4821 franchised area. However, a for-profit privately owned or
4822 investor-owned public water system that regularly serves 1,500
4823 service connections or more within a single certified or
4824 franchised area may qualify for a loan only if the proposed
4825 project will result in the consolidation of two or more public
4826 water systems. The department may ~~is authorized to~~ provide loan
4827 guarantees, ~~to~~ purchase loan insurance, and ~~to~~ refinance local
4828 debt through the issue of new loans for projects approved by the
4829 department. Public water systems may ~~are authorized to~~ borrow
4830 funds made available pursuant to this section and may pledge any
4831 revenues or other adequate security available to them to repay
4832 any funds borrowed.

4833 (a) The department shall administer loans so that amounts
4834 credited to the Drinking Water Revolving Loan Trust Fund in any
4835 fiscal year are reserved for the following purposes:

4836 1. ~~(a)~~ At least 15 percent for ~~to~~ qualifying small public
4837 water systems.

4838 2. ~~(b)~~ Up to 15 percent for ~~to~~ qualifying financially
4839 disadvantaged communities.

4840 (b) ~~(c)~~ ~~However,~~ If an insufficient number of the projects
4841 for which funds are reserved under this subsection ~~paragraph~~
4842 have been submitted to the department at the time the funding
4843 priority list authorized under this section is adopted, the

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4844 reservation of these funds ~~shall~~ no longer applies ~~apply~~. The
4845 department may award the unreserved funds as otherwise provided
4846 in this section.

4847 (9) The department may adopt rules regarding the procedural
4848 and contractual relationship between the department and the
4849 corporation under s. 403.1837 and ~~is authorized to make rules~~
4850 ~~necessary~~ to carry out the purposes of this section and the
4851 federal Safe Drinking Water Act, as amended. Such rules shall:

4852 (a) Set forth a priority system for loans based on public
4853 health considerations, compliance with state and federal
4854 requirements relating to public drinking water systems, and
4855 affordability. The priority system shall give special
4856 consideration to ~~the following~~:

4857 1. Projects that provide for the development of alternative
4858 drinking water supply projects and management techniques in
4859 areas where existing source waters are limited or threatened by
4860 saltwater intrusion, excessive drawdowns, contamination, or
4861 other problems;

4862 2. Projects that provide for a dependable, sustainable
4863 supply of drinking water and that are not otherwise financially
4864 feasible; and

4865 3. Projects that contribute to the sustainability of
4866 regional water sources.

4867 (b) Establish the requirements for the award and repayment
4868 of financial assistance.

4869 (c) Require evidence of credit worthiness and adequate
4870 security, including an identification of revenues to be pledged,
4871 and documentation of their sufficiency for loan repayment and
4872 pledged revenue coverage, to ensure that each loan recipient can

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4873 meet its loan repayment requirements.

4874 (d) Require each project receiving financial assistance to
4875 be cost-effective, environmentally sound, implementable, and
4876 self-supporting.

4877 (e) Implement other provisions of the federal Safe Drinking
4878 Water Act, as amended.

4879 (14) ~~All moneys available for financial assistance under~~
4880 ~~this section shall be deposited in~~ The Drinking Water Revolving
4881 Loan Trust Fund established under s. 403.8533 shall be used
4882 exclusively to carry out the purposes of this section. Any funds
4883 that ~~therein which~~ are not needed on an immediate basis for
4884 financial assistance shall be invested pursuant to s. 215.49.
4885 State revolving fund capitalization grants awarded by the
4886 Federal Government, state matching funds, and investment
4887 earnings thereon shall be deposited into the fund. The principal
4888 and interest of all loans repaid and investment earnings thereon
4889 shall be deposited into the fund.

4890 Section 47. Section 403.8533, Florida Statutes, is amended
4891 to read:

4892 403.8533 Drinking Water Revolving Loan Trust Fund.—

4893 (1) There is created the Drinking Water Revolving Loan
4894 Trust Fund to be administered by the Department of Environmental
4895 Protection for the purposes of:

4896 (a) Funding for low-interest loans for planning,
4897 engineering design, and construction of public drinking water
4898 systems and improvements to such systems;

4899 (b) Funding for compliance activities, operator
4900 certification programs, and source water protection programs;
4901 and

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4902 (c) Funding for administering loans by the department; ~~and~~
4903 (d) Paying amounts payable under any service contract
4904 entered into by the department under s. 403.1837, subject to
4905 annual appropriation by the Legislature.

4906 (2) The trust fund shall be used for the deposit of all
4907 moneys awarded by the Federal Government to fund revolving loan
4908 programs. All moneys in the fund that are not needed on an
4909 immediate basis for loans shall be invested pursuant to s.
4910 215.49. The principal and interest of all loans repaid and
4911 investment earnings shall be deposited into this fund.

4912 (3) Pursuant to s. 19(f)(3), Art. III of the State
4913 Constitution, the Drinking Water Revolving Loan Trust Fund is
4914 exempt from the termination provisions of s. 19(f)(2), Art. III
4915 of the State Constitution.

4916 Section 48. Part IV of chapter 369, Florida Statutes,
4917 consisting of sections 369.401, 369.402, 369.403, 369.404,
4918 369.405, 369.406, and 369.407, is created to read:

4919 369.401 Short title.—This part may be cited as the "Florida
4920 Springs Protection Act."

4921 369.402 Legislative findings and intent.—

4922 (1) Florida's springs are a precious and fragile natural
4923 resource that must be protected. Springs provide recreational
4924 opportunities for swimmers, canoeists, wildlife watchers, cave
4925 divers, and others. Because of the recreational opportunities
4926 and accompanying tourism, many of the state's springs greatly
4927 benefit state and local economies. In addition, springs provide
4928 critical habitat for plants and animals, including many
4929 endangered or threatened species, and serve as indicators of
4930 ground water and surface water quality.

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4931 (2) In general, Florida's springs, whether found in urban
4932 or rural settings, or on public or private lands, are threatened
4933 by actual, or potential, flow reductions and declining water
4934 quality. Many of Florida's springs show signs of ecological
4935 imbalance, increased nutrient loading, and lowered water flow.
4936 Ground water sources of spring discharges are recharged by
4937 seepage from the surface and through direct conduits such as
4938 sinkholes and can be adversely affected by polluted runoff from
4939 urban and agricultural lands and discharges resulting from poor
4940 wastewater management practices.

4941 (3) Springs and ground water can be restored through good
4942 stewardship, including effective planning strategies, best-
4943 management practices, and appropriate regulatory programs that
4944 preserve and protect the springs and their springsheds.

4945 369.403 Definitions.—As used in this part, the term:

4946 (1) "Cooperating entities" means the Department of
4947 Environmental Protection, the Department of Health, the
4948 Department of Agriculture and Consumer Services, the Department
4949 of Community Affairs, the Department of Transportation, and each
4950 water management district and those county and municipal
4951 governments having jurisdiction in the areas of the springs
4952 identified in s. 369.404.

4953 (2) "Department" means the Department of Environmental
4954 Protection.

4955 (3) "Estimated sewage flow" means the quantity of domestic
4956 and commercial wastewater in gallons per day which is expected
4957 to be produced by an establishment or single-family residence as
4958 determined by rule of the Department of Health.

4959 (4) "First magnitude spring" means a spring that has a

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4960 median discharge of greater than or equal to 100 cubic feet per
4961 second for the period of record, as determined by the
4962 department.

4963 (5) "Karst" means landforms, generally formed by the
4964 dissolution of soluble rocks such as limestone or dolostone,
4965 forming direct connections to the ground water, such as springs,
4966 sinkholes, sinking streams, closed depressions, subterranean
4967 drainage, and caves.

4968 (6) "Onsite sewage treatment and disposal system" or
4969 "septic system" means a system that contains a standard
4970 subsurface, filled, or mound drainfield system; an aerobic
4971 treatment unit; a graywater system tank; a laundry wastewater
4972 system tank; a septic tank; a grease interceptor; a pump tank; a
4973 solids or effluent pump; a waterless, incinerating, or organic
4974 waste-composting toilet; or a sanitary pit privy that is
4975 installed or proposed to be installed beyond the building sewer
4976 on land of the owner or on other land to which the owner has the
4977 legal right to install a system. The term includes any item
4978 placed within, or intended to be used as a part of or in
4979 conjunction with, the system. This term does not include package
4980 sewage treatment facilities and other treatment works regulated
4981 under chapter 403.

4982 (7) "Second magnitude spring" means a spring that has a
4983 median discharge of 10 to 100 cubic feet per second for the
4984 period of record, as determined by the department.

4985 (8) "Spring" means a point where ground water is discharged
4986 onto the earth's surface, including under any surface water of
4987 the state, including seeps. The term includes a spring run.

4988 (9) "Springshed" means those areas within the groundwater

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4989 and surface water basins which contribute to the discharge of a
4990 spring.

4991 (10) "Usable property" means the area of the property
4992 expressed in acres exclusive of all paved areas and prepared
4993 road beds within public or private rights-of-way or easements
4994 and exclusive of surface water bodies.

4995 369.404 Designation of spring protection zones.-

4996 (1) All counties or municipalities in which there are
4997 located first or second magnitude springs are hereby designated
4998 as spring protection zones.

4999 (2) By July 1, 2011, the department is directed to propose
5000 for adoption rules to implement the requirements of this
5001 section.

5002 (a) Such rules at a minimum shall create a priority list of
5003 first and second magnitude springs designating them as high,
5004 medium, or low priority based on the following measurements of
5005 nitrate concentration in the water column at the point that the
5006 spring discharges onto the earth's surface as an average annual
5007 concentration:

5008 1. High - nitrate greater than or equal to 1.0 milligrams
5009 per liter as determined using existing water quality data;

5010 2. Medium - nitrate greater than or equal to 0.5 milligrams
5011 per liter and less than 1.0 milligrams per liter as determined
5012 using existing water quality data; and

5013 3. Low - all first or second magnitude springs not
5014 categorized as either High or Medium.

5015 (b) Based on the priority determination of the department
5016 for first and second magnitude springs, the corresponding
5017 deadlines apply to the requirements of s. 369.405 to spring

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5018 protection zones as designated in this section.

5019 1. For high-priority springs, the deadline for compliance
5020 shall be no later than July 1, 2017;

5021 2. For medium-priority springs, the deadline for compliance
5022 shall be no later than July 1, 2020; and

5023 3. For low-priority springs, the deadline for compliance
5024 shall be no later than July 1, 2025.

5025 (3) By July 1, 2011, the department is directed to propose
5026 for adoption rules that provide the minimum scientific
5027 methodologies, data, or tools that shall be used by a county or
5028 municipal government to support the request for an exemption as
5029 provided for in subsection (4).

5030 (4) A county or municipal government, upon application to
5031 the department, may seek to have specific geographic areas
5032 exempted from the requirements of sections 369.405, 369.406, and
5033 369.407 by demonstrating that activities within such areas will
5034 not lead to a violation of numeric nutrient criteria established
5035 under s. 403.067 for springsheds.

5036 (5) Pursuant to subsection (4), the department may approve
5037 or deny an application for an exemption, or may modify the
5038 boundaries of the specific geographic areas for which an
5039 exemption is sought. The ruling of the department on the
5040 applicant's request shall constitute a final agency action
5041 subject to review pursuant to ss. 120.569 and 120.57.

5042 (6) By July 1, 2012, the department must conduct a study
5043 and report its findings of nitrate concentrations within spring
5044 protection zones designated pursuant to s. 369.404.

5045 369.405 Requirements for spring protection zones.—The
5046 requirements of this section are subject to the timelines

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5047 established in s. 369.404.

5048 (1) Agricultural operations must implement applicable best-
5049 management practices, including nutrient management, adopted by
5050 the Department of Agriculture and Consumer Services to reduce
5051 nitrogen impacts to ground water. By December 31, 2010, the
5052 Department of Agriculture and Consumer Services, in cooperation
5053 with the other cooperating entities and stakeholders, must
5054 develop and propose for adoption by rule equine, and cow and
5055 calf best-management practices pursuant to this paragraph.
5056 Implementation must be in accordance with paragraph
5057 403.067(7)(b).

5058 (2) Local governments in cooperation with the water
5059 management districts must develop and implement a remediation
5060 plan to reduce nitrogen loading to ground water, including
5061 reducing existing direct discharges of stormwater into ground
5062 water through karst features to the maximum extent practicable.
5063 The department shall review and approve the remediation plan
5064 prior to implementation.

5065 369.406 Additional requirements for all spring protection
5066 zones.-

5067 (1) All new septic systems installed on or after January 1,
5068 2011 that are located on properties abutting a water body or
5069 water segment that is listed as impaired pursuant to s. 403.067,
5070 or properties within a designated spring protection zone
5071 pursuant to s. 369.404, must be designed to meet a target annual
5072 average groundwater concentration of no more than 3 milligrams
5073 per liter total nitrogen at the owner's property line.
5074 Compliance with these requirements does not require groundwater
5075 monitoring. The Department of Health in cooperation with the

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5076 department must initiate and develop by rule design standards
5077 for achieving this target annual average groundwater
5078 concentration. At a minimum, this standard must take into
5079 consideration the relationship between the treatment level
5080 achieved by the septic system and the area of usable property
5081 available for rainwater dilution. Such design standards adopted
5082 by the Department of Health must provide multiple options that
5083 may be used to meet the standards established in s. 369.406(3).
5084 Rules developed pursuant to this paragraph are not subject to
5085 review under s. 381.0068.

5086 (2) Subsection (1) does not supersede the jurisdictional
5087 flow limits established in s. 381.0065(3)(b).

5088 (3) Land application of septage is prohibited and subject
5089 to a \$250 fine for a first offense and \$500 fine for a second or
5090 subsequent offense pursuant to the authority granted to the
5091 Department of Health in s. 381.0065(3)(h).

5092 (4) Any septic system, when requiring repair, modification,
5093 or reapproval, must meet a 24-inch separation from the wet
5094 season water table and the surface water setback requirements in
5095 s. 381.0065(4). All treatment receptacles must be within one
5096 size of the requirements in rules of the Department of Health
5097 and must be tested for watertightness by a septic tank
5098 contractor or master septic tank contractor registered under
5099 part III of chapter 489.

5100 (5) After July 1, 2011, land application of Class A, Class
5101 B, or Class AA wastewater residuals, as defined by department
5102 rule, is prohibited. This prohibition does not apply to Class AA
5103 residuals that are marketed, distributed and applied as
5104 fertilizer products in accordance with department rule.

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5105 (6) Animal feeding operations must implement the
5106 requirements of rules adopted by the department to reduce
5107 nitrogen impacts to ground water. By December 31, 2010, the
5108 department, in cooperation with the other cooperating entities
5109 and stakeholders, must develop and propose for adoption, revised
5110 rules for animal feeding operations which address requirements
5111 for lined wastewater storage ponds and the development and
5112 implementation of nutrient management plans, including the land
5113 spreading of animal waste not treated and packaged as
5114 fertilizer.

5115 369.407 Rules.-

5116 (1) The department, the Department of Health, and the
5117 Department of Agriculture and Consumer Services may adopt rules
5118 pursuant to ss. 120.536(1) and 120.54 to administer the
5119 provisions of this part, as applicable.

5120 (2) (a) The Department of Agriculture and Consumer Services
5121 shall be the lead agency coordinating the reduction of
5122 agricultural nonpoint sources of pollution for springs
5123 protection. The Department of Agriculture and Consumer Services
5124 and the department, pursuant to s. 403.067(7)(c)4., shall study
5125 and if necessary, in cooperation with the other cooperating
5126 entities, applicable county and municipal governments, and
5127 stakeholders, initiate rulemaking to implement new or revised
5128 best-management practices for improving and protecting springs.
5129 As needed to implement the new or revised practices, the
5130 Department of Agriculture and Consumer Services, shall revise
5131 its best-management practices rules to require implementation of
5132 the modified practice within a reasonable time period as
5133 specified in the rule.

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5134 (b) The Department of Agriculture and Consumer Services,
5135 the department, and the University of Florida's Institute of
5136 Food and Agricultural Sciences shall cooperate in the conduct of
5137 necessary research and demonstration projects to develop
5138 improved or additional nutrient management tools, including the
5139 use of controlled release fertilizer, which can be used by
5140 agricultural producers as part of an agricultural best-
5141 management practices program. The development of such tools
5142 shall reflect a balance between water quality improvements and
5143 agricultural productivity and, where applicable, shall be
5144 incorporated into revised best-management practices adopted by
5145 rule of the Department of Agriculture and Consumer Services.

5146 (3) The department shall as a part of the rules developed
5147 for this part include provisions that allow for the variance of
5148 the compliance deadlines provided for in paragraph (b) of s.
5149 369.404(2). Such variance shall, at a minimum, be based on the
5150 financial ability of the responsible county or municipality to
5151 meet the requirements of this part.

5152 Section 49. Paragraph (m) is added to subsection (9) of
5153 section 259.105, Florida Statutes, to read:

5154 259.105 The Florida Forever Act.—

5155 (9) The Acquisition and Restoration Council shall recommend
5156 rules for adoption by the board of trustees to competitively
5157 evaluate, select, and rank projects eligible for Florida Forever
5158 funds pursuant to paragraph (3)(b) and for additions to the
5159 Conservation and Recreation Lands list pursuant to ss. 259.032
5160 and 259.101(4). In developing these proposed rules, the
5161 Acquisition and Restoration Council shall give weight to the
5162 following criteria:

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5163 (m) Any part of the project area falls within a springs
5164 protection zone as defined by ss. 369.401-369.406.

5165 Section 50. Subsection (6) of section 369.317, Florida
5166 Statutes, is amended to read:

5167 369.317 Wekiva Parkway.—

5168 (6) The Orlando-Orange County Expressway Authority is
5169 hereby granted the authority to act as a third-party acquisition
5170 agent, pursuant to s. 259.041 on behalf of the Board of Trustees
5171 or chapter 373 on behalf of the governing board of the St. Johns
5172 River Water Management District, for the acquisition of all
5173 necessary lands, property and all interests in property
5174 identified herein, including fee simple or less-than-fee simple
5175 interests. The lands subject to this authority are identified in
5176 paragraph 10.a., State of Florida, Office of the Governor,
5177 Executive Order 03-112 of July 1, 2003, and in Recommendation 16
5178 of the Wekiva Basin Area Task Force created by Executive Order
5179 2002-259, such lands otherwise known as Neighborhood Lakes, a
5180 1,587+/- acre parcel located in Orange and Lake Counties within
5181 Sections 27, 28, 33, and 34 of Township 19 South, Range 28 East,
5182 and Sections 3, 4, 5, and 9 of Township 20 South, Range 28 East;
5183 Seminole Woods/Swamp, a 5,353+/- acre parcel located in Lake
5184 County within Section 37, Township 19 South, Range 28 East; New
5185 Garden Coal; a 1,605+/- acre parcel in Lake County within
5186 Sections 23, 25, 26, 35, and 36, Township 19 South, Range 28
5187 East; Pine Plantation, a 617+/- acre tract consisting of eight
5188 individual parcels within the Apopka City limits. The Department
5189 of Transportation, the Department of Environmental Protection,
5190 the St. Johns River Water Management District, and other land
5191 acquisition entities shall participate and cooperate in

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5192 providing information and support to the third-party acquisition
5193 agent. The land acquisition process authorized by this paragraph
5194 shall begin no later than December 31, 2004. Acquisition of the
5195 properties identified as Neighborhood Lakes, Pine Plantation,
5196 and New Garden Coal, or approval as a mitigation bank shall be
5197 concluded no later than December 31, 2010. Department of
5198 Transportation and Orlando-Orange County Expressway Authority
5199 funds expended to purchase an interest in those lands identified
5200 in this subsection shall be eligible as environmental mitigation
5201 for road construction related impacts in the Wekiva Study Area.
5202 If any of the lands identified in this subsection are used as
5203 environmental mitigation for road construction related impacts
5204 incurred by the Department of Transportation or Orlando-Orange
5205 County Expressway Authority, or for other impacts incurred by
5206 other entities, within the Wekiva Study Area or within the
5207 Wekiva parkway alignment corridor, and if the mitigation offsets
5208 these impacts, the St. Johns River Water Management District and
5209 the Department of Environmental Protection shall consider the
5210 activity regulated under part IV of chapter 373 to meet the
5211 cumulative impact requirements of s. 373.414(8) (a).

5212 Section 51. Section 373.631, Florida Statutes, is created
5213 to read:

5214 373.631 Water advisory entities.—It is the intent of the
5215 Legislature to utilize academic entities within universities in
5216 the State University System as advisory bodies to provide
5217 recommendations based on the best scientific data available to
5218 the Legislature to guide water policy in the state. In
5219 consideration of preference given to such universities in s.
5220 373.63, the University of Florida Water Institute shall be the

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5221 lead entity and, in consultation with other entities within the
5222 State University System, shall submit a report detailing
5223 recommendations to the Legislature by February 1, 2011, and by
5224 February 1 every 2 years thereafter.

5225 Section 52. Paragraph (m) is added to subsection (1) of
5226 section 553.77, Florida Statutes, to read:

5227 553.77 Specific powers of the commission.—

5228 (1) The commission shall:

5229 (m) Develop recommendations that result in conservation of
5230 Florida's water resources. The commission must consider products
5231 that exceed National Energy Policy Act requirements for water
5232 use and may consider products certified by the Environmental
5233 Protection Agency's WaterSense program, the Department of
5234 Energy's Energy Star program, or other certification programs.

5235 Section 53. Paragraph (k) is added to subsection (2) of
5236 section 215.47, Florida Statutes, to read:

5237 215.47 Investments; authorized securities; loan of
5238 securities.—Subject to the limitations and conditions of the
5239 State Constitution or of the trust agreement relating to a trust
5240 fund, moneys available for investments under ss. 215.44-215.53
5241 may be invested as follows:

5242 (2) With no more than 25 percent of any fund in:

5243 (k) Bonds, notes, or obligations of any municipality or
5244 political subdivision, or any agency, district, or authority
5245 thereof or of any agency or authority of this state; or
5246 interests in real property and related personal property,
5247 including mortgages and related instruments on commercial or
5248 industrial real property with provisions for equity or income
5249 participation or with provisions for convertibility to equity

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5250 ownership, or other investment methods authorized under this
5251 section for projects deemed eligible under the provisions of s.
5252 373.707.

5253 Section 54. Subsection (8) of section 373.129, Florida
5254 Statutes, is created to read:

5255 373.129 Maintenance of actions.—The department, the
5256 governing board of any water management district, any local
5257 board, or a local government to which authority has been
5258 delegated pursuant to s. 373.103(8), is authorized to commence
5259 and maintain proper and necessary actions and proceedings in any
5260 court of competent jurisdiction for any of the following
5261 purposes:

5262 (8) In conflicts arising where a water management district
5263 is a party to litigation against another governmental entity, as
5264 defined in s. 164.1031, a district has an affirmative duty to
5265 engage in alternative dispute resolution in good faith as
5266 required by chapter 164.

5267 Section 55. Paragraph (b) of subsection (9) of section
5268 403.707, Florida Statutes, is amended to read:

5269 403.707 Permits.—

5270 (9) The department shall establish a separate category for
5271 solid waste management facilities that accept only construction
5272 and demolition debris for disposal or recycling. The department
5273 shall establish a reasonable schedule for existing facilities to
5274 comply with this section to avoid undue hardship to such
5275 facilities. However, a permitted solid waste disposal unit that
5276 receives a significant amount of waste prior to the compliance
5277 deadline established in this schedule shall not be required to
5278 be retrofitted with liners or leachate control systems.

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5279 (b) The department shall ~~not~~ require liners and leachate
5280 collection systems at individual disposal units ~~facilities~~
5281 constructed after July 1, 2010. ~~unless it demonstrates, based~~
5282 ~~upon the types of waste received, the methods for controlling~~
5283 ~~types of waste disposed of, the proximity of groundwater and~~
5284 ~~surface water, and the results of the hydrogeological and~~
5285 ~~geotechnical investigations, that the facility is reasonably~~
5286 ~~expected to result in violations of groundwater standards and~~
5287 ~~criteria otherwise.~~

5288 Section 56. Subsection (2) of section 298.66, Florida
5289 Statutes, is amended to read:

5290 298.66 Obstruction of drainage canals, etc., prohibited;
5291 damages; penalties.—No person may willfully, or otherwise,
5292 obstruct any canal, drain, ditch or watercourse or damage or
5293 destroy any drainage works constructed in any district.

5294 (2) Whoever shall willfully or otherwise obstruct any
5295 canal, drain, ditch, or watercourse, or impede or obstruct the
5296 flow of water therein, or shall damage or destroy any drainage
5297 works constructed in ~~by~~ any district shall be guilty of a felony
5298 of the third degree, punishable as provided in s. 775.082, s.
5299 775.083, or s. 775.084.

5300 Section 57. Subsection (9) is added to section 212.054,
5301 Florida Statutes, to read:

5302 212.054 Discretionary sales surtax; limitations,
5303 administration, and collection.—

5304 (9) AREA OF CRITICAL STATE CONCERN WASTEWATER AND
5305 STORMWATER SURTAX.—

5306 (a) A county designated as an area of critical state
5307 concern may levy a discretionary sales surtax of 1 percent

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5308 pursuant to an ordinance that is enacted by a majority of the
5309 members of the county governing authority and is conditioned to
5310 take effect only upon approval by a majority vote of the
5311 electors of the county voting in a referendum.

5312 (b) The referendum to be placed on the ballot must include
5313 a statement that provides a brief and general description of the
5314 purposes for which the proceeds of the surtax may be used. The
5315 statement must conform to the requirement of s. 101.161 and
5316 shall be placed on the ballot by the governing body of the
5317 county. The following question shall be placed on the ballot:

5318 FOR the one-cent sales tax

5319 AGAINST the one-cent sales tax

5320 (c) Pursuant to s. 212.054(4), the proceeds of the surtax
5321 levied under this subsection shall be distributed to the county
5322 and the municipalities within such county in which the surtax
5323 was collected, according to:

5324 1. An interlocal agreement between the county governing
5325 authority and the governing bodies of the municipalities
5326 representing a majority of the county's municipal population,
5327 which agreement may include a school district with the consent
5328 of the county governing authority and the governing bodies of
5329 the municipalities representing a majority of the county's
5330 municipal population; or

5331 2. If there is no interlocal agreement, according to the
5332 formula provided in s. 218.62, any change in the distribution
5333 formula must take effect on the first day of any month that
5334 begins at least 60 days after written notification of that
5335 change has been made to the department.

5336 (d) The proceeds of the surtax and any interest accrued

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5337 thereto may be expended within the county and municipalities for
5338 the purposes of servicing existing bond and state revolving loan
5339 fund indebtedness to finance, plan, construct, upgrade,
5340 reconstruct or renovate wastewater and stormwater collection and
5341 treatment infrastructure; and to finance, plan, construct,
5342 upgrade, reconstruct or renovate, wastewater and stormwater
5343 collection and treatment infrastructure; fixed capital costs
5344 associated with the construction, upgrade, reconstruction,
5345 renovation, expansion or improvement of wastewater and
5346 stormwater facilities which has a useful life expectancy of at
5347 least 5 years; land acquisition, land improvement, design, and
5348 engineering costs related thereto. The proceeds of the surtax
5349 must be set aside and invested as permitted by law, with the
5350 principal and income to be used for the the purposes provided in
5351 this subsection. Counties and municipalities receiving proceeds
5352 under the provisions of this subsection may pledge such proceeds
5353 for the purpose of servicing new bond or state revolving loan
5354 indebtedness incurred pursuant to law. Counties and
5355 municipalities may use the services of the Division of Bond
5356 Finance of the State Board of Administration pursuant to the
5357 State Bond Act to issue any bonds through the provisions of this
5358 subsection. Counties and municipalities may join together for
5359 the issuance of bonds authorized by this subsection.

5360 (e) A surtax imposed under this subsection expires 20 years
5361 after the effective date of the surtax unless reenacted by an
5362 ordinance that is subject to approval by a majority of the
5363 electors of the county voting in a subsequent referendum.

5364 (f) This subsection shall be liberally construed to achieve
5365 its purpose.

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5366

Section 58. This act shall take effect July 1, 2010.