

CHAPTER 2010-205

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 550

An act relating to environmental protection; creating part VII of ch. 373, F.S., relating to water supply policy, planning, production, and funding; providing a declaration of policy; providing for the general powers and duties of water management district governing boards; requiring the Department of Environmental Protection to develop the Florida water supply plan; providing components of the plan; requiring water management district governing boards to develop water supply plans for their respective regions; providing components of district water supply plans; providing legislative findings and intent with respect to water resource development and water supply development; requiring water management districts to fund and implement water resource development; specifying water supply development projects that are eligible to receive priority consideration for state or water management district funding assistance; encouraging cooperation in the development of water supplies; providing for alternative water supply development; encouraging municipalities, counties, and special districts to create regional water supply authorities; establishing the primary roles of the water management districts in alternative water supply development; establishing the primary roles of local governments, regional water supply authorities, special districts, and publicly owned and privately owned water utilities in alternative water supply development; requiring the water management districts to detail the specific allocations to be used for alternative water supply development in their annual budget submission; requiring that the water management districts include the amount needed to implement the water supply development projects in each annual budget; establishing general funding criteria for funding assistance to the state or water management districts; establishing economic incentives for alternative water supply development; providing a funding formula for the distribution of state funds to the water management districts for alternative water supply development; requiring that funding assistance for alternative water supply development be limited to a percentage of the total capital costs of an approved project; establishing a selection process and criteria; providing for cost recovery from the Public Service Commission; requiring a water management district governing board to conduct water supply planning for each region identified in the district water supply plan; providing procedures and requirements with respect to regional water supply plans; providing for joint development of a specified water supply development component of a regional water supply plan within the boundaries of the Southwest Florida Water Management District; providing that approval of a regional water supply plan is not subject to the rulemaking requirements of the Administrative Procedure Act; requiring the department to submit annual reports on the status of regional water supply planning in each district; providing for construction with respect to the water supply development

component of a regional water supply plan; requiring water management districts to present to certain entities the relevant portions of a regional water supply plan; requiring certain entities to provide written notification to water management districts as to the implementation of water supply project options; requiring water management districts to notify local governments of the need for alternative water supply projects; requiring water management districts to assist local governments in the development and future revision of local government comprehensive plan elements or public facilities reports related to water resource issues; providing for the creation of regional water supply authorities; providing purpose of such authorities; specifying considerations with respect to the creation of a proposed authority; specifying authority of a regional water supply authority; providing authority of specified entities to convey title, dedicate land, or grant land-use rights to a regional water supply authority for specified purposes; providing preferential rights of counties and municipalities to purchase water from regional water supply authorities; providing an exemption for specified water supply authorities from consideration of certain factors and submissions; providing applicability of such exemptions; authorizing the West Coast Regional Water Supply Authority and its member governments to reconstitute the authority's governance and rename the authority under a voluntary interlocal agreement; providing compliance requirements with respect to the interlocal agreement; providing for supersession of conflicting general or special laws; providing requirements with respect to annual budgets; specifying the annual millage for the authority; authorizing the authority to request the governing board of the district to levy ad valorem taxes within the boundaries of the authority to finance authority functions; providing requirements and procedures with respect to the collection of such taxes; amending ss. 120.52, 163.3167, 163.3177, 163.3191, 189.404, 189.4155, 189.4156, and 367.021, F.S.; conforming cross-references and removing obsolete provisions; amending ss. 373.036, 373.0363, 373.0421, 373.0695, 373.223, 373.2234, 373.229, 373.236, 373.536, 373.59, 378.212, 378.404, 403.0891, 403.890, 403.891, and 682.02, F.S.; conforming cross-references and removing obsolete provisions; renumbering s. 373.71, F.S.; relating to the Apalachicola-Chattahoochee-Flint River Basin Compact, to clarify retention of the section in part VI of ch. 373, F.S.; repealing s. 373.0361, F.S., relating to regional water supply planning; repealing s. 373.0391, F.S., relating to technical assistance to local governments; repealing s. 373.0831, F.S., relating to water resource and water supply development; repealing s. 373.196, F.S., relating to alternative water supply development; repealing s. 373.1961, F.S., relating to water production and related powers and duties of water management districts; repealing s. 373.1962, F.S., relating to regional water supply authorities; repealing s. 373.1963, F.S., relating to assistance to the West Coast Regional Water Supply Authority; amending s. 373.1961, F.S.; expanding alternative water supply funding to include quantifiable conservation projects; adding a high-water recharge criterion to the ranking criteria for water projects; amending s. 373.414, F.S.; adding limestone extraction operations to activities in surface waters and wetlands that require

mitigation; amending s. 378.901, F.S.; allowing life-of-the-mine permits for limestone extraction operations; providing authority for local governments to impose different permit restrictions; amending s. 373.41492, F.S.; updating mitigation fees for the Miami-Dade Lake Belt Mitigation Plan; revising provisions requiring the interagency committee to submit a report regarding mitigation fees to the Legislature; amending s. 215.619, F.S.; authorizing the issuance of bonds to be used to finance the management of sewage facilities in the Florida Keys Area of Critical State Concern; amending s. 380.0552, F.S.; revising legislative intent relating to the designation of the Florida Keys as an area of critical state concern; revising the procedures for removing the designation; providing for administrative review of such removal rather than judicial review; authorizing the Administration Commission to adopt rules or revise existing rules; revising the principles guiding development; revising compliance requirements for reviewing comprehensive plan amendments; amending s. 381.0065, F.S.; providing additional legislative intent; providing additional requirements for onsite sewage treatment and disposal systems in Monroe County; directing the Department of Health to create and administer a statewide septic tank evaluation program; providing procedures and criteria for the evaluation program; prohibiting the land application of septage after January 1, 2016; creating s. 381.00656, F.S.; providing for a low-income grant program for septic tank maintenance and replacement; amending s. 381.0066, F.S.; authorizing the Department of Health to collect an evaluation report fee; requiring such fees to be revenue neutral; amending s. 403.086, F.S.; requiring the Department of Environmental Protection to submit a report on the effects of reclaimed water use; clarifying reuse requirements for domestic wastewater facilities that discharge through ocean outfalls; clarifying reuse requirements for domestic wastewater facilities that divert wastewater from facilities discharging through ocean outfalls; providing legislative findings and discharge requirements for wastewater facilities in Monroe County; repealing sections 4, 5, and 6 of chapter 99-395, Laws of Florida, as amended, relating to sewage treatment in the Florida Keys; amending s. 403.1835, F.S.; conforming terms to changes made to the Florida Water Pollution Control Financing Corporation; amending s. 403.1837, F.S.; expanding the purview of the corporation to include loans made from the drinking water state revolving loan fund; providing conforming changes; amending s. 403.8532, F.S.; providing definitions for the terms “bonds” and “corporation”; providing conforming changes; authorizing the Department of Environmental Protection to adopt certain rules; amending s. 403.8533, F.S.; revising the purposes for the Drinking Water Revolving Loan Trust Fund; providing that the trust fund is exempt from the termination provisions of the State Constitution; amending s. 369.317, F.S.; clarifying mitigation offsets in the Wekiva Study Area; amending s. 215.47, F.S.; authorizing the State Board of Administration to make investments in alternative water supply and water resource development projects; amending s. 373.129, F.S.; requiring the water management districts to submit to alternative dispute resolution in conflicts with other governmental entities; amending s. 403.707, F.S.; requiring liners for new

landfills and expansions of existing landfills not yet permitted that will accept construction and demolition debris; amending s. 298.66, F.S.; clarifying penalties for people who damage drainage works constructed or maintained by a water management district; providing legislative intent that there are no substantive changes in the reorganization ch. 373, F.S.; providing legislative intent that substantive changes affecting repealed sections of law relating to the reorganization of ch. 373, F.S., shall be given full force and effect; amending s. 373.0361, F.S.; providing for the inclusion of wastewater utilities, reuse utilities, and the department in the regional water supply planning process; amending s. 373.079, F.S.; revising provisions relating to the authority of a water management district governing board to employ an executive director, an ombudsman, an inspector general, professional persons, and personnel; prohibiting governing board intervention during review of specified permit applications; providing for expiration of such prohibition; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; requiring the governing board to provide a process for referring certain denials to the board for final action; amending s. 373.083, F.S.; revising provisions authorizing a water management district governing board to delegate certain authority to the executive director; deleting a provision prohibiting governing board members from intervening in the review of certain applications; amending s. 373.085, F.S.; requiring water management districts and governmental agencies to encourage public-private partnerships for procurement of materials for infrastructure and restoration work projects; amending s. 373.118, F.S.; authorizing a water management district governing board to delegate certain authority to the executive director; requiring a water management district governing board to provide a process for referring application and petition denials to the board for final action; exempting such delegations from rulemaking under ch. 120, F.S.; amending s. 373.236, F.S.; reducing the frequency of compliance reports during the term of a consumptive use permit; providing an exception; amending s. 373.250, F.S.; requiring water management districts, in consultation with the department, to adopt rules relating to reclaimed water feasibility evaluations for consumptive use permit applicants; providing rule requirements; encouraging reuse utilities and water management districts to periodically coordinate and share information relating to reclaimed water; requiring water management districts to initiate certain rulemaking by a specified date; providing legislative findings with respect to nutrient water quality standards and the United States Environmental Protection Agency's nutrient water quality criteria rulemaking; amending ss. 220.1845 and 376.30781, F.S.; providing requirements for claiming certain site rehabilitation costs in applications for contaminated site rehabilitation tax credits; conforming cross-references; amending s. 376.85, F.S.; revising requirements for the Department of Environmental Protection's annual report to the Legislature regarding site rehabilitation; amending s. 403.973, F.S.; transferring certain authority over the expedited permitting and comprehensive plan amendment process from the Office of Tourism, Trade, and Economic Development to the Secretary of Environmental

Protection; revising job-creation criteria for businesses to qualify to submit permit applications and local comprehensive plan amendments for expedited review; providing that permit applications and local comprehensive plan amendments for specified renewable energy projects are eligible for the expedited permitting process; providing for the establishment of regional permit action teams through the execution of memoranda of agreement developed by permit applicants and the secretary; revising provisions relating to the memoranda of agreement developed by the secretary; providing for the appeal of local government comprehensive plan approvals for projects and requiring such appeals to be consolidated with challenges to state agency actions; requiring recommended orders relating to challenges to state agency actions pursuant to summary hearing provisions to include certain information; extending the deadline for issuance of final orders relating to such challenges; providing for challenges to state agency action related to expedited permitting for specified renewable energy projects; revising provisions relating to the review of sites proposed for the location of facilities eligible for the Innovation Incentive Program; revising criteria for counties eligible to receive technical assistance in preparing permit applications and local comprehensive plan amendments; specifying expedited review eligibility for certain electrical power projects; providing an effective date.

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

120.52 Definitions.—As used in this act:

(13) “Party” means:

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

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

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

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

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