

2011 Florida Statutes

Title XXVIII NATURAL RESOURCES; CONSERVATION, RECLAMATION, AND USE	Chapter 373 WATER RESOURCES	View Entire Chapter
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373.016 Declaration of policy.—

- (1) The waters in the state are among its basic resources. Such waters have not heretofore been conserved or fully controlled so as to realize their full beneficial use.
- (2) The department and the governing board shall take into account cumulative impacts on water resources and manage those resources in a manner to ensure their sustainability.
- (3) It is further declared to be the policy of the Legislature:
 - (a) To provide for the management of water and related land resources;
 - (b) To promote the conservation, replenishment, recapture, enhancement, development, and proper utilization of surface and groundwater;
 - (c) To develop and regulate dams, impoundments, reservoirs, and other works and to provide water storage for beneficial purposes;
 - (d) To promote the availability of sufficient water for all existing and future reasonable-beneficial uses and natural systems;
 - (e) To prevent damage from floods, soil erosion, and excessive drainage;
 - (f) To minimize degradation of water resources caused by the discharge of stormwater;
 - (g) To preserve natural resources, fish, and wildlife;
 - (h) To promote the public policy set forth in s. [403.021](#);
 - (i) To promote recreational development, protect public lands, and assist in maintaining the navigability of rivers and harbors; and
 - (j) Otherwise to promote the health, safety, and general welfare of the people of this state.

In implementing this chapter, the department and the governing board shall construe and apply the policies in this subsection as a whole, and no specific policy is to be construed or applied in isolation from the other policies in this subsection.

- (4)(a) Because water constitutes a public resource benefiting the entire state, it is the policy of the Legislature that the waters in the state be managed on a state and regional basis. Consistent with this

40B-2.021 Definitions.

- (1) "Aesthetic Use" means the use of water to augment fountains, waterfalls, and landscape lakes and ponds where such features are entirely ornamental or decorative.
- (2) "Agricultural Use" means the use of water for crop production or the growing of farm products including vegetables, pasture, sod, or other cash crops, waste management or water or washing livestock. It includes soil flooding for pest control or soil preservation, and freeze protection and product washing.
- (3) "Alternative Water Supplies" means saltwater; brackish surface and ground water; surface water captured primarily during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground water; water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; storm water and any other water supply sources that are designated as non-traditional for a water supply planning region in the applicable regional water supply plan.
- (4) "Aquaculture Use" means the use of water for the spawning, cultivating, harvesting, or marketing of fin-fish, shellfish, crustaceans, alligators, or other aquatic organisms that have economic value.
- (5) "Augmentation Use" means the addition of water to artificially maintain the level of natural or artificial water bodies to either protect habitat for fish and wildlife or to provide for recreational uses.
- (6) "Average Daily Rate of Withdrawal (ADR)" means the volume of water withdrawn during 365 consecutive days divided by 365, expressed in million gallons per day. The total volume may be calculated using historical data or projected based on the best available information.
- (7) "Basin," as used in the context of interbasin transfer, means those major river basin areas delineated on Map Series Number 72, published by the Florida Department of Natural Resources, Bureau of Geology, 1975, down to the accounting unit level of recognition. The best information available shall be used to precisely define basin boundaries.
- (8) "Bottled Water" means all water which is sealed in bottles, packages, or other containers and offered for sale for human consumption, including bottled mineral water, as defined in Section 500.03(1)(d), F.S.
- (9) "Change in ownership" means transfer of title to real property from the permittee to another person.
- (10) "Dewatering" means the removal of ground or surface water to allow construction, excavation, or backfill to be conducted in a dry condition.
- (11) "Domestic Use" means the use of water for the individual personal household purposes of drinking, bathing, cooking, and sanitation. All other uses shall not be considered domestic.
- (12) "Essential Use" means the use of water for fire-fighting purposes, health and medical purposes, and to satisfy Federal, State, or local public health, safety and welfare requirements.
- (13) "Existing Legal Use" means all uses of water which are exempt under Chapter 373, F.S., or Chapter 40B-2, F.A.C., or which have a valid Chapter 373, Part II, F.S., permit.
- (14) "Golf Course Use" means water used to irrigate an establishment designed and used for playing golf.
- (15) "Landscape Irrigation Use" means outside watering or sprinkling of flora which are not in a commercial nursery or irrigated agricultural crop environment. This use class includes the watering of lawns, shrubs, private gardens, and trees in such diverse settings as residential landscaping, public or commercial recreation areas, or public and commercial business establishments.
- (16) "Maximum Daily Rate of Withdrawal (MDR)" means the volume of water which can be withdrawn during a 24-hour period expressed in million gallons per day.
- (17) "Minimum Flows and Levels" means the minimum flow for a watercourse or the minimum water level for ground water in an aquifer or the minimum water level for a surfacewater body that is the limit at which further withdrawals would be significantly harmful to the water resources or ecology of the area. These levels have been established by the District for designated water bodies in Chapter 40B-8, F.A.C.
- (18) "Nursery Use" means the use of water on premises on which nursery stock is grown, propagated, or held for sale, distribution, or sold or reshipped.
- (19) "Other Outside Uses" means the use of water outdoors for the maintenance, cleaning, or washing of structures and mobile equipment including automobiles, and the washing of streets, driveways, sidewalks, and similar areas.
- (20) "Power Production Use" means the use of water for steam generation, cooling, and replenishment of cooling reservoirs.
- (21) "Public Interest" means those broad-based interests and concerns that are collectively shared by members of a community or residents of the District or the State.

(22) "Reasonable-beneficial Use" means the use of water in such quantity as is necessary for economic and efficient consumption for a purpose and in a manner which is both reasonable and consistent with the public interest.

(23) "Self-Supplied Residential Use" means any water use associated with the maintenance of a private residence.

(24) "Water" or "Waters in the State" means any and all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground, as well as all coastal waters within the jurisdiction of the state.

(25) "Water-Based Recreation Use" means water used for public and private swimming and wading pools including water slides. This term does not include pools specifically maintained to provide habitat for aquatic life.

(26) "Water Use" means any use of water which reduces the supply from which it is withdrawn or diverted.

(27) "Water Utility Use" means water used for withdrawal, treatment, transmission, and distribution by potable water systems. Water utility uses include community and non-community public water systems as defined in Chapter 62-550, F.A.C.

(28) All definitions in Section 373.019, F.S., shall apply to this chapter.

Rulemaking Authority 120.54(1)(a), 373.044, 373.113 FS. Law Implemented 120.53(1)(a), 373.019, 373.216 FS. History—New 10-1-82, Amended 5-1-83, 1-6-10.

directive, the Legislature recognizes the need to allocate water throughout the state so as to meet all reasonable-beneficial uses. However, the Legislature acknowledges that such allocations have in the past adversely affected the water resources of certain areas in this state. To protect such water resources and to meet the current and future needs of those areas with abundant water, the Legislature directs the department and the water management districts to encourage the use of water from sources nearest the area of use or application whenever practicable. Such sources shall include all naturally occurring water sources and all alternative water sources, including, but not limited to, desalination, conservation, reuse of nonpotable reclaimed water and stormwater, and aquifer storage and recovery. Reuse of potable reclaimed water and stormwater shall not be subject to the evaluation described in s. [373.223](#)(3)(a)-(g). However, this directive to encourage the use of water, whenever practicable, from sources nearest the area of use or application shall not apply to the transport and direct and indirect use of water within the area encompassed by the Central and Southern Florida Flood Control Project, nor shall it apply anywhere in the state to the transport and use of water supplied exclusively for bottled water as defined in s. [500.03](#)(1)(d), nor shall it apply to the transport and use of reclaimed water for electrical power production by an electric utility as defined in section [366.02](#)(2).

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

(5) The Legislature recognizes that the water resource problems of the state vary from region to region, both in magnitude and complexity. It is therefore the intent of the Legislature to vest in the Department of Environmental Protection or its successor agency the power and responsibility to accomplish the conservation, protection, management, and control of the waters of the state and with sufficient flexibility and discretion to accomplish these ends through delegation of appropriate powers to the various water management districts. The department may exercise any power herein authorized to be exercised by a water management district; however, to the greatest extent practicable, such power should be delegated to the governing board of a water management district.

(6) It is further declared the policy of the Legislature that each water management district, to the extent consistent with effective management practices, shall approximate its fiscal and budget policies and procedures to those of the state.

History.—s. 2, part I, ch. 72-299; s. 36, ch. 79-65; s. 70, ch. 83-310; s. 5, ch. 89-279; s. 20, ch. 93-213; s. 250, ch. 94-356; s. 1, ch. 97-160; s. 1, ch. 98-88.