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Water Resource
Fact Sheet Series

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For More Information

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<http://www.dep.state.fl.us/water/waterpolicy/index.htm>

Local Sources First

What is Local Sources First?

"Local sources first" refers to state laws that encourage the use of water from sources nearest the point of use before transferring water long distances to meet demand in areas far from the water source. Sections 373.016(4)(a) and (b), and 373.223(3)(a) - (g), Florida Statutes, are the primary local sources first statutes.

Can Water Be Transported from One Area to Another?

Yes. Water may be transferred within a water management district, as well as across water management district boundaries under the "inter-district transfer" provisions found in state law (section 373.2295, Florida Statutes).

The "local sources first" provisions found in section 373.223(2), F.S. allow the districts to authorize the transport of ground or surface water across county boundaries or outside the watershed from which it was taken as long as it is consistent with the public interest. It also prohibits any local government from adopting or enforcing any law, ordinance, rule, regulation or order to the contrary.

However, local sources first provisions require that when water is proposed to be transferred across county boundaries, the governing board of the water management district must consider additional factors to determine whether the transfer is consistent with the public interest. These considerations include:

- The proximity of the proposed water source to the area of use;
- All other feasible water sources that are closer to the area of use;
- All feasible alternatives such as desalination, conservation, and reuse of reclaimed water or stormwater;
- Potential environmental impacts that may result from the proposed transport, as well as the potential impacts of the other alternatives;
- Whether water resources in the source area are adequate to meet that area's existing and future needs;
- Consultations with affected local governments; and
- The value of the existing investment in water-related facilities made by the permit applicant proposing the water transfer.

What If a Local Community Doesn't Want the Water Transferred?

In Florida, water is a state resource. The state has exclusive authority to regulate the withdrawal and transport of water. There are provisions in the law to prevent water transfers from harming the communities or natural resources where the water is transferred from, but the law is clear that the final decision rests with the state and water management districts.