

By Representative Jacobs

1 A bill to be entitled
2 An act relating to water resources; amending s.
3 373.0395, F.S.; revising requirements for the
4 water management districts in developing a
5 groundwater basin resource availability
6 inventory; amending s. 373.196, F.S.; providing
7 legislative intent with respect to the duties
8 of the water management districts; amending s.
9 373.1961, F.S.; providing additional duties of
10 the governing boards of the water management
11 districts; providing additional uses for
12 revenues disbursed for the purpose of
13 developing alternative water supply systems;
14 amending s. 373.250, F.S.; providing certain
15 limitations on the use of reclaimed water;
16 amending s. 403.064, F.S.; limiting certain
17 requirements that the Department of
18 Environmental Protection or a water management
19 district may impose with respect to the reuse
20 of water; providing an effective date.

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22 Be It Enacted by the Legislature of the State of Florida:
23

24 Section 1. Section 373.0395, Florida Statutes, is
25 amended to read:

26 373.0395 Groundwater basin resource availability
27 inventory.--Each water management district shall develop a
28 groundwater basin resource availability inventory by 2001,
29 except that the inventory for the counties of Dade, Broward,
30 Palm Beach, and Monroe shall be completed by 1999 ~~covering~~
31 ~~those areas deemed appropriate by the governing board. The~~ The

1 inventory must cover the entire district and be broken down by
2 subareas deemed appropriate by the governing board of the
3 water management district. In preparing the inventory, the
4 governing board shall consider the availability of surface
5 water if surface water recharge is a significant component of
6 the groundwater resource.This inventory shall include, but
7 not be limited to, the following:

- 8 (1) A hydrogeologic study to define the groundwater
9 basin and its associated recharge areas.
- 10 (2) Site specific areas in the basin deemed prone to
11 contamination or overdraft resulting from current or projected
12 development.
- 13 (3) Prime groundwater recharge areas.
- 14 (4) Criteria to establish minimum seasonal surface and
15 ground water levels.
- 16 (5) Areas suitable for future water resource
17 development within the groundwater basin.
- 18 (6) Existing sources of wastewater discharge suitable
19 for reuse as well as the feasibility of integrating coastal
20 wellfields.
- 21 (7) Potential quantities of water available for
22 consumptive uses.

23
24 Each water management district shall report to the Legislature
25 by January 30 of each year on the district's progress in
26 completing the inventory.Upon completion, a copy of the
27 groundwater basin availability inventory shall be submitted to
28 each affected municipality, county, and regional planning
29 agency. This inventory shall be reviewed by the affected
30 municipalities, counties, and regional planning agencies for
31 consistency with the local government comprehensive plan and

1 shall be considered in future revisions of such plan. It is
2 the intent of the Legislature that future growth and
3 development planning reflect the limitations of the available
4 groundwater or other available water supplies.

5 Section 2. Subsection (1) of section 373.196, Florida
6 Statutes; is amended to read:

7 373.196 Legislative findings.--

8 (1) It is the intent of the Legislature that the
9 primary duties of the water management districts include
10 regional water supply planning, regulation, and research; the
11 identification of new sources of water to meet future demands;
12 and the development of water resources. To meet the current
13 and future needs of the public, businesses, agriculture, and
14 the environment, each district must maximize the availability
15 of water for all uses through wise water management, the
16 retention and storage of stormwater, and economic and
17 incentive-based regulatory programs. The incentives must
18 include promoting water conservation, enhancing the storage of
19 stormwater, promoting the wise use of surface water and
20 groundwater, promoting advanced wastewater treatment for the
21 reuse of reclaimed water, and using alternative water
22 supplies. It is the finding of the Legislature that
23 cooperative efforts between municipalities, counties, water
24 management districts, and the Department of Environmental
25 Protection are mandatory ~~in order~~ to meet the water needs of
26 rapidly urbanizing areas in a manner that ~~which~~ will supply
27 adequate and dependable supplies of water where needed without
28 resulting in adverse effects upon the areas from which ~~whence~~
29 such water is withdrawn. Such efforts ~~should utilize all~~
30 ~~practical means of obtaining water, including, but not limited~~
31 ~~to, withdrawals of surface water and groundwater, recycling of~~

1 ~~waste water, and desalinization, and will~~ necessitate not only
2 cooperation but also well-coordinated activities. The purpose
3 of this act is to provide additional statutory authority for
4 such cooperative and coordinated efforts.

5 Section 3. Paragraph (b) of subsection (1) and
6 paragraph (d) of subsection (2) of section 373.1961, Florida
7 Statutes, are amended to read:

8 373.1961 Water production.--

9 (1) In the performance of, and in conjunction with,
10 its other powers and duties, the governing board of a water
11 management district existing pursuant to this chapter:

12 (b) Shall assist counties, municipalities, private
13 utilities, or water supply authorities in meeting water supply
14 needs by identifying new sources of water which will meet
15 future demand for water and by giving in such manner as will
16 ~~give~~ priority to encouraging conservation and reducing adverse
17 environmental effects of improper or excessive withdrawals of
18 water from concentrated areas.

19 (2) The Legislature finds that, due to a combination
20 of factors, vastly increased demands have been placed on
21 natural supplies of fresh water, and that, absent increased
22 development of alternative water supplies, such demands may
23 increase in the future. The Legislature also finds that
24 potential exists in the state for the production of
25 significant quantities of alternative water supplies,
26 including reclaimed water, and that water production includes
27 the development of alternative water supplies, including
28 reclaimed water, for appropriate uses. It is the intent of
29 the Legislature that utilities develop reclaimed water
30 systems, where reclaimed water is the most appropriate
31 alternative water supply option, to deliver reclaimed water to

1 as many users as possible through the most cost-effective
2 means, and to construct reclaimed water system infrastructure
3 to their owned or operated properties and facilities where
4 they have reclamation capability. It is also the intent of the
5 Legislature that the water management districts which levy ad
6 valorem taxes for water management purposes should share a
7 percentage of those tax revenues with water providers and
8 users, including local governments, water, wastewater, and
9 reuse utilities, municipal, industrial, and agricultural water
10 users, and other public and private water users, to be used to
11 supplement other funding sources in the development of
12 alternative water supplies. The Legislature finds that public
13 moneys or services provided to private entities for such uses
14 constitute public purposes which are in the public interest.
15 In order to further the development and use of alternative
16 water supply systems, including reclaimed water systems, the
17 Legislature provides the following:

18 (d) Any and all revenues disbursed pursuant to this
19 subsection shall be used for studying, designing, monitoring,
20 and permitting alternative water supply systems and applied
21 ~~only~~ for the payment of capital or infrastructure costs for
22 the construction of alternative water supply systems that
23 provide alternative water supplies for uses within one or more
24 water resource caution areas.

25 Section 4. Paragraph (b) of subsection (2) and
26 subsection (3) of section 373.250, Florida Statutes, are
27 amended to read:

28 373.250 Reuse of reclaimed water.--

29 (2)

30 (b) Reclaimed water may be presumed available to a
31 consumptive use permit applicant when a utility exists that

1 ~~which~~ provides reclaimed water, that ~~which~~ has uncommitted
2 reclaimed water capacity, and that ~~which~~ has distribution
3 facilities, which are initially provided by the utility at its
4 cost, to the site of the affected applicant's proposed use. A
5 water management district may not allocate water under a
6 consumptive use permit to an applicant located in a water use
7 caution area if reclaimed water is available; a water supply
8 system has indicated its intent to serve reclaimed water to an
9 applicant under ss. 125.01, 153.52, 170.01, 180.02, and
10 180.06; and the reasonable and beneficial uses of water by the
11 applicant can be met with reclaimed water, except in an
12 emergency or for the duration of the unavailability of
13 reclaimed water.

14 (3) The water management district shall, in
15 consultation with the department, adopt rules to implement
16 this section. Such rules shall encourage and provide
17 incentives for the use of reclaimed water and must include,
18 but not be limited to:

19 (a) Provisions to permit use of water from other
20 sources in emergency situations or if reclaimed water becomes
21 unavailable, for the duration of the emergency or the
22 unavailability of reclaimed water. These provisions must ~~shall~~
23 ~~also~~ specify the method for establishing the quantity of water
24 to be permitted ~~set aside~~ for use in emergencies or when
25 reclaimed water becomes unavailable. ~~The amount set aside is~~
26 ~~subject to periodic review and revision.~~The methodology shall
27 take into account the risk that reclaimed water may not be
28 available in the future, the risk that other sources may be
29 fully allocated to other uses in the future, the nature of the
30 uses served with reclaimed water, the extent to which the
31 applicant intends to rely upon reclaimed water, and the extent

1 of economic harm that ~~which~~ may result if other sources are
2 not available to replace the reclaimed water. A water
3 management district may not withhold from a user of reclaimed
4 water the approval of water for emergency use or the use of
5 surface water and groundwater when reclaimed water is
6 unavailable and standby facilities allow the use of surface
7 water and groundwater for meeting the needs of reasonable
8 beneficial uses for the duration of the unavailability of
9 reclaimed water. ~~It is the intent of this paragraph to ensure~~
10 ~~that users of reclaimed water have the same access to ground~~
11 ~~or surface water and will otherwise be treated in the same~~
12 ~~manner as other users of the same class not relying on~~
13 ~~reclaimed water.~~

14 (b) A water management district may ~~shall~~ not adopt
15 any rule that ~~which~~ gives preference to users within any class
16 of use established under s. 373.246 who do not use reclaimed
17 water over users within the same class who use reclaimed
18 water.

19 Section 5. Subsection (15) is added to section
20 403.064, Florida Statutes, to read:

21 403.064 Reuse of reclaimed water.--

22 (15) The department or a water management district may
23 not require, encourage, or compel an applicant that operates a
24 public water supply system to apply for a consumptive use
25 permit that exceeds the reuse provision contained in the
26 applicant's feasibility study required by this section.

27 Section 6. This act shall take effect July 1, 1997.
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LEGISLATIVE SUMMARY

Requires the water management districts to complete the groundwater basin resource availability inventory by 2001, except for the inventories for the counties of Dade, Broward, Palm Beach, and Monroe, which must be completed by 1999. Requires an annual report to the Legislature on each district's progress in completing the inventory. Authorizes the use of revenues disbursed for the purpose of developing alternative supply systems for additional purposes. Prohibits a water management district from allocating water under a consumptive use permit under certain circumstances. Provides that a consumptive use permit may not exceed the reuse provision contained in the applicant's feasibility study. (See bill for details.)