

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

Representative(s) Harrington offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 153.11, Florida Statutes, is amended to read:

153.11 Water service charges and sewer service charges; revenues.--

(1)(a) The county commission shall in the resolution providing for the issuance of either water revenue bonds or sewer revenue bonds, or both, fix the initial schedule of rates, rate structures, fees, and other charges for the use of and for the services furnished or to be furnished by the facilities, to be paid by the owner, tenant or occupant of each lot or parcel of land which may be connected with and use any such facility by or through any part of the water system of the county.

(b) After the system or systems shall have been in operation the county commission may revise the ~~such~~ schedule

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1 of rates, rate structures, fees, and charges from time to
2 time. Such rates, rate structures, fees, and charges shall be
3 so fixed and revised as to provide funds, with other funds
4 available for such purposes, sufficient at all times to pay
5 the cost of maintaining, repairing and operating the system or
6 systems including the reserves for such purposes and for
7 replacements and depreciation and necessary extensions, to pay
8 the principal of and the interest on the water revenue bonds
9 and/or sewer revenue bonds as the same shall become due and
10 the reserves therefor, and to provide a margin of safety for
11 making such payments. The county commission may establish
12 rates or rate structures in such a manner as to encourage and
13 promote water conservation and the use of reclaimed water for
14 nonpotable uses.The county commission shall charge and
15 collect the rates, fees, and charges so fixed or revised, and
16 the ~~such~~ rates, rate structures, fees, and charges shall not
17 be subject to supervision or regulation by any other
18 commission, board, bureau, or agency of the county or of the
19 state or of any sanitary district or other political
20 subdivision of the state.

21 (c) Such rates, rate structures, fees, and charges
22 shall be just and equitable and may be based or computed upon
23 the quantity of water consumed and/or upon the number and size
24 of sewer connections or upon the number and kind of plumbing
25 fixtures in use in the premises connected with the sewer
26 system or upon the number or average number of persons
27 residing or working in or otherwise connected with such
28 premises or upon any other factor affecting the use of the
29 facilities furnished or upon any combination of the foregoing
30 factors.

31 (d) In cases where the amount of water furnished to

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1 any building or premises is such that it imposes an
2 unreasonable burden upon the water supply system an additional
3 charge may be made therefor or the county commission may if it
4 deems advisable compel the owners or occupants of such
5 building or premises to reduce the amount of water consumed
6 thereon in a manner to be specified by the county commission
7 or the county commission may refuse to furnish water to such
8 building or premises.

9 (e) In cases where the character of the sewage from
10 any manufacturing or industrial plant or any building or
11 premises is such that it imposes an unreasonable burden upon
12 any sewage disposal system, an additional charge may be made
13 therefor, or the county commission may, if it deems it
14 advisable, compel such manufacturing or industrial plant or
15 such building or premises to treat such sewage in such manner
16 as shall be specified by the county commission before
17 discharging such sewage into any sewer lines owned or
18 maintained by the county.

19 (2) The county commission may charge any owner or
20 occupant of any building or premise receiving the services of
21 the facilities herein provided such initial installation or
22 connection charge or fee as the commission may determine to be
23 just and reasonable.

24 (3)(a) No rates, rate structures, fees, or charges
25 shall be fixed under the foregoing provisions of this section
26 until after a public hearing at which all of the users of the
27 facilities provided by this chapter and owners, tenants and
28 occupants of property served or to be served thereby and all
29 others interested shall have an opportunity to be heard
30 concerning the proposed rates, rate structures, fees, and
31 charges. After the adoption by the county commission of a

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1 resolution setting forth the preliminary schedule or schedules
2 fixing and classifying such rates, rate structures, fees, and
3 charges, notice of such public hearing setting forth the
4 schedule or schedules of rates, rate structures, fees, and
5 charges shall be given by one publication in a newspaper
6 published in the county at least 10 days before the date fixed
7 in said notice for the hearing, which said hearing may be
8 adjourned from time to time. After such hearing such
9 preliminary schedule or schedules, either as originally
10 adopted or as modified or amended, shall be adopted and put
11 into effect and thereupon the resolution providing for the
12 issuance of water revenue bonds and/or sewer revenue bonds may
13 be finally adopted.

14 (b) A copy of the schedule or schedules of such rates,
15 rate structures, fees, and charges finally fixed in such
16 resolution shall be kept on file in the office of the clerk of
17 the circuit court in the county and shall be open to
18 inspection by all parties interested. The rates, rate
19 structures, fees, or charges so fixed for any class of users
20 or property served shall be extended to cover any additional
21 property thereafter served which fall within the same class
22 without the necessity of any hearing or notice.

23 (c) Any change or revision of any rates, rate
24 structures, fees, or charges may be made in the same manner as
25 such rates, rate structures, fees, or charges were originally
26 established as hereinabove provided, but if such change or
27 revision be made substantially pro rata as to all classes of
28 service no notice or hearing shall be required.

29 Section 2. Subsection (13) is added to section
30 163.3167, Florida Statutes, to read:

31 163.3167 Scope of act.--

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1 (13) Each local government shall address in its
2 comprehensive plan the availability of water supplies
3 necessary to meet the projected water use demands for the
4 established planning period, compatible with any applicable
5 plan developed pursuant to s. 373.036.

6 Section 3. Paragraph (a) of subsection (3), paragraph
7 (a) of subsection (4), and paragraph (c) of subsection (6) of
8 section 163.3177, Florida Statutes, are amended to read:

9 163.3177 Required and optional elements of
10 comprehensive plan; studies and surveys.--

11 (3) (a) The comprehensive plan shall contain a capital
12 improvements element designed to consider the need for and the
13 location of public facilities in order to encourage the
14 efficient utilization of such facilities and set forth:

15 1. A component which outlines principles for
16 construction, extension, or increase in capacity of public
17 facilities, including potable water facilities compatible with
18 the applicable regional water supply plan developed pursuant
19 to s. 373.0361, as well as a component which outlines
20 principles for correcting existing public facility
21 deficiencies, which are necessary to implement the
22 comprehensive plan. The components shall cover at least a
23 5-year period.

24 2. Estimated public facility costs, including a
25 delineation of when facilities will be needed, the general
26 location of the facilities, and projected revenue sources to
27 fund the facilities.

28 3. Standards to ensure the availability of public
29 facilities and the adequacy of those facilities including
30 acceptable levels of service.

31 4. Standards for the management of debt.

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1 (4)(a) Coordination of the local comprehensive plan
2 with the comprehensive plans of adjacent municipalities, the
3 county, adjacent counties, or the region; with any applicable
4 plan developed pursuant to s. 373.036;with adopted rules
5 pertaining to designated areas of critical state concern; and
6 with the state comprehensive plan shall be a major objective
7 of the local comprehensive planning process. To that end, in
8 the preparation of a comprehensive plan or element thereof,
9 and in the comprehensive plan or element as adopted, the
10 governing body shall include a specific policy statement
11 indicating the relationship of the proposed development of the
12 area to the comprehensive plans of adjacent municipalities,
13 the county, adjacent counties, or the region and to the state
14 comprehensive plan, as the case may require and as such
15 adopted plans or plans in preparation may exist.

16 (6) In addition to the requirements of subsections
17 (1)-(5), the comprehensive plan shall include the following
18 elements:

19 (c) A general sanitary sewer, solid waste, drainage,
20 potable water, and natural groundwater aquifer recharge
21 element correlated to principles and guidelines for future
22 land use, indicating ways to provide for future potable water,
23 drainage, sanitary sewer, solid waste, and aquifer recharge
24 protection requirements for the area. The element may be a
25 detailed engineering plan including a topographic map
26 depicting areas of prime groundwater recharge. The element
27 shall describe the problems and needs and the general
28 facilities that will be required for solution of the problems
29 and needs. The element shall also include a topographic map
30 depicting any areas adopted by a regional water management
31 district as prime groundwater recharge areas for the Floridan

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1 or Biscayne aquifers, pursuant to s. 373.0395. These areas
2 shall be given special consideration when the local government
3 is engaged in zoning or considering future land use for said
4 designated areas. For areas served by septic tanks, soil
5 surveys shall be provided which indicate the suitability of
6 soils for septic tanks. By October 1, 2002, the element shall
7 also include data and analyses, based upon the appropriate
8 plan developed pursuant to s. 373.036, that evaluate the
9 availability of potable water compared to population growth
10 projected by the future land use plan.

11 Section 4. Paragraph (k) is added to subsection (2) of
12 section 373.1961, Florida Statutes, to read:

13 373.1961 Water production.--

14 (2) The Legislature finds that, due to a combination
15 of factors, vastly increased demands have been placed on
16 natural supplies of fresh water, and that, absent increased
17 development of alternative water supplies, such demands may
18 increase in the future. The Legislature also finds that
19 potential exists in the state for the production of
20 significant quantities of alternative water supplies,
21 including reclaimed water, and that water production includes
22 the development of alternative water supplies, including
23 reclaimed water, for appropriate uses. It is the intent of
24 the Legislature that utilities develop reclaimed water
25 systems, where reclaimed water is the most appropriate
26 alternative water supply option, to deliver reclaimed water to
27 as many users as possible through the most cost-effective
28 means, and to construct reclaimed water system infrastructure
29 to their owned or operated properties and facilities where
30 they have reclamation capability. It is also the intent of the
31 Legislature that the water management districts which levy ad

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1 valorem taxes for water management purposes should share a
2 percentage of those tax revenues with water providers and
3 users, including local governments, water, wastewater, and
4 reuse utilities, municipal, industrial, and agricultural water
5 users, and other public and private water users, to be used to
6 supplement other funding sources in the development of
7 alternative water supplies. The Legislature finds that public
8 moneys or services provided to private entities for such uses
9 constitute public purposes which are in the public interest.
10 In order to further the development and use of alternative
11 water supply systems, including reclaimed water systems, the
12 Legislature provides the following:

13 (k) Pursuant to chapter 367, the Florida Public
14 Service Commission shall allow entities under its jurisdiction
15 constructing alternative water supply facilities, including
16 but not limited to aquifer storage and recovery wells, to
17 recover the full, prudently incurred cost of such facilities
18 through their rate structure. Every component of an
19 alternative water supply facility constructed by an
20 investor-owned utility shall be recovered in current rates.

21 Section 5. Subsection (2) of section 373.217, Florida
22 Statutes, is amended to read:

23 373.217 Superseded laws and regulations.--

24 (2) It is the further intent of the Legislature that
25 Part II of the Florida Water Resources Act of 1972, as
26 amended, as set forth in ss. 373.203-373.249, shall provide
27 the exclusive authority for requiring permits for the
28 consumptive use of water and for authorizing transportation
29 thereof pursuant to s. 373.223(2). Nothwithstanding the
30 provisions of Chapter 163, the issuance of a permit under this
31 part shall be a conclusive determination of the availability

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1 of water supplies, including ground and surface water
2 resources and alternative water supplies, for the use
3 authorized by such permit.

4 Section 6. Section 373.621, Florida Statutes, is
5 created to read:

6 373.621 Water conservation.--The Legislature
7 recognizes the significant value of water conservation in the
8 protection and efficient use of water resources. Accordingly,
9 additional consideration in the administration of ss. 373.223,
10 373.233, and 373.236 shall be given to applicants who
11 implement water conservation practices pursuant to s. 570.080
12 or other applicable water conservation measures as determined
13 by the department or water management district.

14 Section 7. Section 403.064, Florida Statutes, is
15 amended to read:

16 403.064 Reuse of reclaimed water.--

17 (1) The encouragement and promotion of water
18 conservation, and reuse of reclaimed water, as defined by the
19 department, are state objectives and are considered to be in
20 the public interest. The Legislature finds that the reuse of
21 reclaimed water is a critical component of meeting the state's
22 existing and future water supply needs while sustaining
23 natural systems.The Legislature further finds that for those
24 wastewater treatment plants permitted and operated under an
25 approved reuse program by the department, the reclaimed water
26 shall be considered environmentally acceptable and not a
27 threat to public health and safety.

28 (2) All applicants for permits to construct or operate
29 a domestic wastewater treatment facility located within,
30 serving a population located within, or discharging within a
31 water resource caution area shall prepare a reuse feasibility

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1 study as part of their application for the permit. Reuse
2 feasibility studies shall be prepared in accordance with
3 department guidelines adopted by rule and shall include, but
4 are not limited to:

5 (a) Evaluation of monetary costs and benefits for
6 several levels and types of reuse.

7 (b) Evaluation of water savings if reuse is
8 implemented.

9 (c) Evaluation of rates and fees necessary to
10 implement reuse.

11 (d) Evaluation of environmental and water resource
12 benefits associated with reuse.

13 (e) Evaluation of economic, environmental, and
14 technical constraints.

15 (f) A schedule for implementation of reuse. The
16 schedule shall consider phased implementation.

17 (3) The permit applicant shall prepare a plan of study
18 for the reuse feasibility study consistent with the reuse
19 feasibility study guidelines adopted by department rule. The
20 plan of study shall include detailed descriptions of
21 applicable treatment and water supply alternatives to be
22 evaluated and the methods of analysis to be used. The plan of
23 study shall be submitted to the department for review and
24 approval.

25 (4)(3) The study required under subsection (2) shall
26 be performed by the applicant, and the applicant shall
27 determine the feasibility of reuse based upon the results of
28 the study, ~~'s determination of feasibility is final~~ if the
29 study complies with the requirements of subsections (2) and
30 (3).

31 (5)(4) A reuse feasibility study is not required if:

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1 (a) The domestic wastewater treatment facility has an
2 existing or proposed permitted or design capacity less than
3 0.1 million gallons per day; or

4 (b) The permitted reuse capacity equals or exceeds the
5 total permitted capacity of the domestic wastewater treatment
6 facility.

7 ~~(6)(5)~~ A reuse feasibility study prepared under
8 subsection (2) satisfies a water management district
9 requirement to conduct a reuse feasibility study imposed on a
10 local government or utility that has responsibility for
11 wastewater management.

12 ~~(7)(6)~~ Local governments may allow the use of
13 reclaimed water for inside activities, including, but not
14 limited to, toilet flushing, fire protection, and decorative
15 water features, as well as for outdoor uses, provided the
16 reclaimed water is from domestic wastewater treatment
17 facilities which are permitted, constructed, and operated in
18 accordance with department rules.

19 ~~(8)(7)~~ Permits issued by the department for domestic
20 wastewater treatment facilities shall be consistent with
21 requirements for reuse included in applicable consumptive use
22 permits issued by the water management district, if such
23 requirements are consistent with department rules governing
24 reuse of reclaimed water. This subsection applies only to
25 domestic wastewater treatment facilities which are located
26 within, or serve a population located within, or discharge
27 within water resource caution areas and are owned, operated,
28 or controlled by a local government or utility which has
29 responsibility for water supply and wastewater management.

30 ~~(9)(8)~~ Local governments may and are encouraged to
31 implement programs for the reuse of reclaimed water. Nothing

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1 in this chapter shall be construed to prohibit or preempt such
2 local reuse programs.

3 (10)~~(9)~~ A local government that implements a reuse
4 program under this section shall be allowed to allocate the
5 costs in a reasonable manner.

6 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
7 Service Commission shall allow entities under its jurisdiction
8 which conduct studies or implement reuse projects, including,
9 but not limited to, any study required by subsection (2) or
10 facilities used for reliability purposes for a reclaimed water
11 reuse system, to recover the full, prudently incurred cost of
12 such studies and facilities through their rate structure.

13 (12)~~(11)~~ In issuing consumptive use permits, the
14 permitting agency shall consider the local reuse program.

15 (13)~~(12)~~ A local government shall require a developer,
16 as a condition for obtaining a development order, to comply
17 with the local reuse program.

18 (14)~~(13)~~ ~~If, After conducting a feasibility study~~
19 ~~under subsection (2), an applicant determines that reuse of~~
20 ~~reclaimed water is feasible,~~ domestic wastewater treatment
21 facilities that dispose of effluent by Class I deep well
22 injection, as defined in 40 C.F.R. part 144.6(a), must
23 ~~implement reuse according to the schedule for implementation~~
24 ~~contained in the study conducted under subsection (2),~~ to the
25 degree that reuse is ~~determined~~ feasible, based upon the
26 applicant's reuse feasibility study. Applicable permits issued
27 by the department shall be consistent with the requirements of
28 this subsection.

29 (a) This subsection does not limit the use of a Class
30 I deep well injection facility as backup for a reclaimed water
31 reuse system.

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1 (b) This subsection applies only to domestic
2 wastewater treatment facilities located within, serving a
3 population located within, or discharging within a water
4 resource caution area.

5 ~~(15)(14) If, After conducting a feasibility study~~
6 ~~under subsection (2), an applicant determines that reuse of~~
7 ~~reclaimed water is feasible, domestic wastewater treatment~~
8 ~~facilities that dispose of effluent by surface water~~
9 ~~discharges or by land application methods must implement reuse~~
10 ~~according to the schedule for implementation contained in the~~
11 ~~study conducted under subsection (2), to the degree that reuse~~
12 ~~is determined feasible, based upon the applicant's reuse~~
13 feasibility study.. This subsection does not apply to surface
14 water discharges or land application systems which are
15 currently categorized as reuse under department rules.
16 Applicable permits issued by the department shall be
17 consistent with the requirements of this subsection.

18 (a) This subsection does not limit the use of a
19 surface water discharge or land application facility as backup
20 for a reclaimed water reuse system.

21 (b) This subsection applies only to domestic
22 wastewater treatment facilities located within, serving a
23 population located within, or discharging within a water
24 resource caution area.

25 Section 8. Section 570.080, Florida Statutes, is
26 created to read:

27 570.080 Agricultural water conservation program.--The
28 department shall establish an agricultural water conservation
29 program which includes the following:

30 (1) A cost share program, coordinated where
31 appropriate with United States Department of Agriculture and

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1 other federal, state, regional, and local agencies, for
2 irrigation system retrofit and application of mobile
3 irrigation laboratory evaluations for water conservation as
4 provided in this section, and where applicable, for water
5 quality improvement pursuant to s. 403.067(7)(d).

6 (2) The development and implementation of voluntary
7 interim measures or best management practices, adopted by
8 rule, which provide for increased efficiencies in the
9 utilization and management of water for agricultural
10 production. In the process of developing and adopting rules
11 for interim measures or best management practices, the
12 department shall consult with the Department of Environmental
13 Protection and the water management districts. Such rules may
14 also include a system to ensure the implementation of the
15 interim measures or best management practices, including
16 record keeping requirements. As new information regarding
17 efficient agricultural water use and management becomes
18 available the department shall reevaluate, and revise as
19 needed, the interim measures or best management practices. The
20 interim measures or best management practices may include
21 irrigation retrofit, implementation of mobile irrigation
22 laboratory evaluations and recommendations, water resource
23 augmentation, and integrated water management systems for
24 drought management and flood control and should, to the
25 maximum extend practicable, be designed to qualify for
26 regulatory and other incentives, as determined by the agency
27 having applicable statutory authority.

28 (3) Provision of assistance to the water management
29 districts in the development and implementation of a
30 consistent, to the extent practicable, methodology for the
31 efficient allocation of water for agricultural irrigation.

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1 Section 9. The South Florida, St. Johns River, and
2 Southwest Florida Water Management Districts shall each
3 develop and participate in financing at least one
4 public-private alternative water project that expands the
5 current availability of alternative water supplies. Funding
6 for the selected project shall commence no later than fiscal
7 year 2001-2002. The selected project shall meet the criteria
8 in s. 373.0831(4)(a). Projects that create new sources in
9 order to help implement a prevention or recovery strategy for
10 a minimum flow or level shall be given priority consideration
11 for funding.

12 Section 10. As a result of ongoing drought conditions
13 throughout the state and in order to aid in the development of
14 a better understanding of Florida's unique surface and ground
15 water sources, it is the intent of the Legislature that the
16 water management districts undertake a coordinated effort to
17 develop an illustrative public service program that depicts
18 the current status of major surface and ground water sources.
19 This program shall be designed to provide information that
20 shows the water levels of aquifers and water bodies that are
21 critical to water supplies within each water management
22 district. It is the intent of the Legislature that the
23 districts develop partnerships with the local media to assist
24 in the dissemination of this information. Further, it is the
25 intent of the Legislature that this program be developed and
26 made available no later than December 31, 2001. Beginning
27 January 1, 2002, and every six months thereafter, the
28 information developed pursuant to this section shall be
29 submitted to the appropriate legislative committees with
30 substantive jurisdiction over the water management districts.

31 Section 11. This act shall take effect upon becoming a

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1 law.

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4 ===== T I T L E A M E N D M E N T =====

5 And the title is amended as follows:

6 On page 1, line 3 through page 2, line 24
7 remove from the title of the bill: all of said lines

8

9 and insert in lieu thereof:

10 amending s. 153.11, F.S.; authorizing county
11 commissions to establish water and sewer rates
12 and rate structures to encourage and promote
13 water conservation and the use of reclaimed
14 water; amending s. 163.3167, F.S.; requiring
15 that each local government provide in its
16 growth management plan for the long-term
17 availability of water supplies for approved
18 land development; amending s. 163.3177, F.S.;
19 directing local government comprehensive plans
20 to coordinate with regional water supply plans;
21 directing future land use plans to be based on
22 data regarding the availability of sufficient
23 water supplies for present and future growth;
24 amending s. 373.1961, F.S.; allowing certain
25 alternative water supply facilities to recover
26 the costs of such facilities through rate
27 structures; amending s. 373.217, F.S.;
28 recognizing a permit issued under Part II of
29 Chapter 373, F.S., as conclusive determination
30 of water supply availability; creating s.
31 373.621, F.S.; recognizing the significance of

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1 water conservation; requiring consideration of
2 the implementation of water conservation
3 practices in water use permitting; amending s.
4 403.064, F.S.; requiring the reuse of reclaimed
5 water when feasible; creating s. 570.080, F.S.;
6 establishing an agricultural water conservation
7 program; requiring water management districts
8 to develop and finance public-private
9 alternative water supply projects; requiring
10 the dissemination of public information
11 regarding the status of major water sources;
12 providing an effective date.

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