

1 A bill to be entitled
2 An act relating to water supply policy;
3 amending s. 153.11, F.S.; authorizing county
4 commissions to establish water and sewer rates
5 and rate structures to encourage and promote
6 water conservation and the use of reclaimed
7 water; amending s. 163.3167, F.S.; requiring
8 that each local government provide in its
9 growth management plan for the long-term
10 availability of water supplies for approved
11 land development; amending s. 163.3177, F.S.;
12 directing local government comprehensive plans
13 to coordinate with regional water supply plans;
14 directing future land use plans to be based on
15 data regarding the availability of sufficient
16 water supplies for present and future growth;
17 amending s. 373.1961, F.S.; allowing certain
18 alternative water supply facilities to recover
19 the costs of such facilities through rate
20 structures; amending s. 373.217, F.S.;
21 recognizing a permit issued under Part II of
22 Chapter 373, F.S., as conclusive determination
23 of water supply availability; creating s.
24 373.621, F.S.; recognizing the significance of
25 water conservation; requiring consideration of
26 the implementation of water conservation
27 practices in water use permitting; amending s.
28 403.064, F.S.; requiring the reuse of reclaimed
29 water when feasible; creating s. 570.080, F.S.;
30 establishing an agricultural water conservation
31 program; requiring water management districts

1 to develop and finance public-private
2 alternative water supply projects; requiring
3 the dissemination of public information
4 regarding the status of major water sources;
5 amending s. 373.0693, F.S.; providing for
6 membership on the Manasota Basin Board and for
7 the resolution of tie votes; providing an
8 effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:

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

14 153.11 Water service charges and sewer service
15 charges; revenues.--

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

25 (b) After the system or systems shall have been in
26 operation the county commission may revise the ~~such~~ schedule
27 of rates, rate structures, fees, and charges from time to
28 time. Such rates, rate structures, fees, and charges shall be
29 so fixed and revised as to provide funds, with other funds
30 available for such purposes, sufficient at all times to pay
31 the cost of maintaining, repairing and operating the system or

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

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

26 (d) In cases where the amount of water furnished to
 27 any building or premises is such that it imposes an
 28 unreasonable burden upon the water supply system an additional
 29 charge may be made therefor or the county commission may if it
 30 deems advisable compel the owners or occupants of such
 31 building or premises to reduce the amount of water consumed

1 thereon in a manner to be specified by the county commission
2 or the county commission may refuse to furnish water to such
3 building or premises.

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

14 (2) The county commission may charge any owner or
15 occupant of any building or premise receiving the services of
16 the facilities herein provided such initial installation or
17 connection charge or fee as the commission may determine to be
18 just and reasonable.

19 (3)(a) No rates, rate structures, fees, or charges
20 shall be fixed under the foregoing provisions of this section
21 until after a public hearing at which all of the users of the
22 facilities provided by this chapter and owners, tenants and
23 occupants of property served or to be served thereby and all
24 others interested shall have an opportunity to be heard
25 concerning the proposed rates, rate structures, fees, and
26 charges. After the adoption by the county commission of a
27 resolution setting forth the preliminary schedule or schedules
28 fixing and classifying such rates, rate structures, fees, and
29 charges, notice of such public hearing setting forth the
30 schedule or schedules of rates, rate structures, fees, and
31 charges shall be given by one publication in a newspaper

1 published in the county at least 10 days before the date fixed
2 in said notice for the hearing, which said hearing may be
3 adjourned from time to time. After such hearing such
4 preliminary schedule or schedules, either as originally
5 adopted or as modified or amended, shall be adopted and put
6 into effect and thereupon the resolution providing for the
7 issuance of water revenue bonds and/or sewer revenue bonds may
8 be finally adopted.

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

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

24 Section 2. Subsection (13) is added to section
25 163.3167, Florida Statutes, to read:

26 163.3167 Scope of act.--

27 (13) Each local government shall address in its
28 comprehensive plan the availability of water supplies
29 necessary to meet the projected water use demands for the
30 established planning period, compatible with any applicable
31 plan developed pursuant to s. 373.036.

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

4 163.3177 Required and optional elements of
5 comprehensive plan; studies and surveys.--

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

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

19 2. Estimated public facility costs, including a
20 delineation of when facilities will be needed, the general
21 location of the facilities, and projected revenue sources to
22 fund the facilities.

23 3. Standards to ensure the availability of public
24 facilities and the adequacy of those facilities including
25 acceptable levels of service.

26 4. Standards for the management of debt.

27 (4)(a) Coordination of the local comprehensive plan
28 with the comprehensive plans of adjacent municipalities, the
29 county, adjacent counties, or the region; with any applicable
30 plan developed pursuant to s. 373.036; with adopted rules
31 pertaining to designated areas of critical state concern; and

1 with the state comprehensive plan shall be a major objective
 2 of the local comprehensive planning process. To that end, in
 3 the preparation of a comprehensive plan or element thereof,
 4 and in the comprehensive plan or element as adopted, the
 5 governing body shall include a specific policy statement
 6 indicating the relationship of the proposed development of the
 7 area to the comprehensive plans of adjacent municipalities,
 8 the county, adjacent counties, or the region and to the state
 9 comprehensive plan, as the case may require and as such
 10 adopted plans or plans in preparation may exist.

11 (6) In addition to the requirements of subsections
 12 (1)-(5), the comprehensive plan shall include the following
 13 elements:

14 (c) A general sanitary sewer, solid waste, drainage,
 15 potable water, and natural groundwater aquifer recharge
 16 element correlated to principles and guidelines for future
 17 land use, indicating ways to provide for future potable water,
 18 drainage, sanitary sewer, solid waste, and aquifer recharge
 19 protection requirements for the area. The element may be a
 20 detailed engineering plan including a topographic map
 21 depicting areas of prime groundwater recharge. The element
 22 shall describe the problems and needs and the general
 23 facilities that will be required for solution of the problems
 24 and needs. The element shall also include a topographic map
 25 depicting any areas adopted by a regional water management
 26 district as prime groundwater recharge areas for the Floridan
 27 or Biscayne aquifers, pursuant to s. 373.0395. These areas
 28 shall be given special consideration when the local government
 29 is engaged in zoning or considering future land use for said
 30 designated areas. For areas served by septic tanks, soil
 31 surveys shall be provided which indicate the suitability of

1 soils for septic tanks. By October 1, 2002, the element shall
2 also include data and analyses, based upon the appropriate
3 plan developed pursuant to s. 373.036, that evaluate the
4 availability of potable water compared to population growth
5 projected by the future land use plan.

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

8 373.1961 Water production.--

9 (2) The Legislature finds that, due to a combination
10 of factors, vastly increased demands have been placed on
11 natural supplies of fresh water, and that, absent increased
12 development of alternative water supplies, such demands may
13 increase in the future. The Legislature also finds that
14 potential exists in the state for the production of
15 significant quantities of alternative water supplies,
16 including reclaimed water, and that water production includes
17 the development of alternative water supplies, including
18 reclaimed water, for appropriate uses. It is the intent of
19 the Legislature that utilities develop reclaimed water
20 systems, where reclaimed water is the most appropriate
21 alternative water supply option, to deliver reclaimed water to
22 as many users as possible through the most cost-effective
23 means, and to construct reclaimed water system infrastructure
24 to their owned or operated properties and facilities where
25 they have reclamation capability. It is also the intent of the
26 Legislature that the water management districts which levy ad
27 valorem taxes for water management purposes should share a
28 percentage of those tax revenues with water providers and
29 users, including local governments, water, wastewater, and
30 reuse utilities, municipal, industrial, and agricultural water
31 users, and other public and private water users, to be used to

1 supplement other funding sources in the development of
2 alternative water supplies. The Legislature finds that public
3 moneys or services provided to private entities for such uses
4 constitute public purposes which are in the public interest.
5 In order to further the development and use of alternative
6 water supply systems, including reclaimed water systems, the
7 Legislature provides the following:

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

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

18 373.217 Superseded laws and regulations.--

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

30 Section 6. Section 373.621, Florida Statutes, is
31 created to read:

1 373.621 Water conservation.--The Legislature
2 recognizes the significant value of water conservation in the
3 protection and efficient use of water resources. Accordingly,
4 additional consideration in the administration of ss. 373.223,
5 373.233, and 373.236 shall be given to applicants who
6 implement water conservation practices pursuant to s. 570.080
7 or other applicable water conservation measures as determined
8 by the department or water management district.

9 Section 7. Section 403.064, Florida Statutes, is
10 amended to read:

11 403.064 Reuse of reclaimed water.--

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

23 (2) All applicants for permits to construct or operate
24 a domestic wastewater treatment facility located within,
25 serving a population located within, or discharging within a
26 water resource caution area shall prepare a reuse feasibility
27 study as part of their application for the permit. Reuse
28 feasibility studies shall be prepared in accordance with
29 department guidelines adopted by rule and shall include, but
30 are not limited to:

1 (a) Evaluation of monetary costs and benefits for
2 several levels and types of reuse.

3 (b) Evaluation of water savings if reuse is
4 implemented.

5 (c) Evaluation of rates and fees necessary to
6 implement reuse.

7 (d) Evaluation of environmental and water resource
8 benefits associated with reuse.

9 (e) Evaluation of economic, environmental, and
10 technical constraints.

11 (f) A schedule for implementation of reuse. The
12 schedule shall consider phased implementation.

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

21 ~~(4)(3)~~ The study required under subsection (2) shall
22 be performed by the applicant, and the applicant shall
23 determine the feasibility of reuse based upon the results of
24 the study, ~~its determination of feasibility is final~~ if the
25 study complies with the requirements of subsections (2) and
26 (3).

27 ~~(5)(4)~~ A reuse feasibility study is not required if:

28 (a) The domestic wastewater treatment facility has an
29 existing or proposed permitted or design capacity less than
30 0.1 million gallons per day; or

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1 (b) The permitted reuse capacity equals or exceeds the
2 total permitted capacity of the domestic wastewater treatment
3 facility.

4 (6)~~(5)~~ A reuse feasibility study prepared under
5 subsection (2) satisfies a water management district
6 requirement to conduct a reuse feasibility study imposed on a
7 local government or utility that has responsibility for
8 wastewater management.

9 (7)~~(6)~~ Local governments may allow the use of
10 reclaimed water for inside activities, including, but not
11 limited to, toilet flushing, fire protection, and decorative
12 water features, as well as for outdoor uses, provided the
13 reclaimed water is from domestic wastewater treatment
14 facilities which are permitted, constructed, and operated in
15 accordance with department rules.

16 (8)~~(7)~~ Permits issued by the department for domestic
17 wastewater treatment facilities shall be consistent with
18 requirements for reuse included in applicable consumptive use
19 permits issued by the water management district, if such
20 requirements are consistent with department rules governing
21 reuse of reclaimed water. This subsection applies only to
22 domestic wastewater treatment facilities which are located
23 within, or serve a population located within, or discharge
24 within water resource caution areas and are owned, operated,
25 or controlled by a local government or utility which has
26 responsibility for water supply and wastewater management.

27 (9)~~(8)~~ Local governments may and are encouraged to
28 implement programs for the reuse of reclaimed water. Nothing
29 in this chapter shall be construed to prohibit or preempt such
30 local reuse programs.

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1 (10)~~(9)~~ A local government that implements a reuse
2 program under this section shall be allowed to allocate the
3 costs in a reasonable manner.

4 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
5 Service Commission shall allow entities under its jurisdiction
6 which conduct studies or implement reuse projects, including,
7 but not limited to, any study required by subsection (2) or
8 facilities used for reliability purposes for a reclaimed water
9 reuse system, to recover the full, prudently incurred cost of
10 such studies and facilities through their rate structure.

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

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

16 (14)~~(13)~~ ~~If, After conducting a feasibility study~~
17 ~~under subsection (2), an applicant determines that reuse of~~
18 ~~reclaimed water is feasible,~~ domestic wastewater treatment
19 facilities that dispose of effluent by Class I deep well
20 injection, as defined in 40 C.F.R. part 144.6(a), must
21 implement reuse ~~according to the schedule for implementation~~
22 ~~contained in the study conducted under subsection (2), to the~~
23 ~~degree that reuse is determined feasible, based upon the~~
24 applicant's reuse feasibility study. Applicable permits issued
25 by the department shall be consistent with the requirements of
26 this subsection.

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

30 (b) This subsection applies only to domestic
31 wastewater treatment facilities located within, serving a

1 population located within, or discharging within a water
2 resource caution area.

3 ~~(15)(14) If,~~ After conducting a feasibility study
4 under subsection (2), ~~an applicant determines that reuse of~~
5 ~~reclaimed water is feasible,~~ domestic wastewater treatment
6 facilities that dispose of effluent by surface water
7 discharges or by land application methods must implement reuse
8 ~~according to the schedule for implementation contained in the~~
9 ~~study conducted under subsection (2),~~ to the degree that reuse
10 is ~~determined~~ feasible, based upon the applicant's reuse
11 feasibility study. This subsection does not apply to surface
12 water discharges or land application systems which are
13 currently categorized as reuse under department rules.
14 Applicable permits issued by the department shall be
15 consistent with the requirements of this subsection.

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

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

23 Section 8. Section 570.080, Florida Statutes, is
24 created to read:

25 570.080 Agricultural water conservation program.--The
26 department shall establish an agricultural water conservation
27 program which includes the following:

28 (1) A cost share program, coordinated where
29 appropriate with United States Department of Agriculture and
30 other federal, state, regional, and local agencies, for
31 irrigation system retrofit and application of mobile

1 irrigation laboratory evaluations for water conservation as
 2 provided in this section, and where applicable, for water
 3 quality improvement pursuant to s. 403.067(7)(d).

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

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

30 Section 9. The South Florida, St. Johns River, and
 31 Southwest Florida Water Management Districts shall each

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

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

29 Section 11. Subsection (7) of section 373.0693,
 30 Florida Statutes, is amended to read:

31 373.0693 Basins; basin boards.--

1 (7) At 11:59 p.m. on December 31, 1976, the Manasota
2 Watershed Basin of the Ridge and Lower Gulf Coast Water
3 Management District, which is annexed to the Southwest Florida
4 Water Management District by change of its boundaries pursuant
5 to chapter 76-243, Laws of Florida, shall be formed into a
6 subdistrict or basin of the Southwest Florida Water Management
7 District, subject to the same provisions as the other basins
8 in such district. Such subdistrict shall be designated
9 initially as the Manasota Basin. The members of the governing
10 board of the Manasota Watershed Basin of the Ridge and Lower
11 Gulf Coast Water Management District shall become members of
12 the governing board of the Manasota Basin of the Southwest
13 Florida Water Management District. Notwithstanding other
14 provisions in this section, beginning on July 1, 2001, the
15 membership of the Manasota Basin Board shall be comprised of
16 three members from Manatee County and three members from
17 Sarasota County. Matters relating to tie votes shall be
18 resolved pursuant to subsection (6) by the ex officio chair
19 designated by the governing board to vote in case of a tie
20 vote.

21 Section 12. This act shall take effect upon becoming a
22 law.

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