

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

1 amending s. 373.0693, F.S.; providing for
2 membership on the Manasota Basin Board and for
3 the resolution of tie votes; amending s.
4 403.1835, F.S.; providing for below-market
5 interest rate loans to qualified entities;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (13) is added to section
11 163.3167, Florida Statutes, to read:

12 163.3167 Scope of act.--

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

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

21 163.3177 Required and optional elements of
22 comprehensive plan; studies and surveys.--

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

27 1. A component which outlines principles for
28 construction, extension, or increase in capacity of public
29 facilities, including potable water facilities compatible with
30 the applicable regional water supply plan developed pursuant
31 to s. 373.0361, as well as a component which outlines

1 principles for correcting existing public facility
2 deficiencies, which are necessary to implement the
3 comprehensive plan. The components shall cover at least a
4 5-year period.

5 2. Estimated public facility costs, including a
6 delineation of when facilities will be needed, the general
7 location of the facilities, and projected revenue sources to
8 fund the facilities.

9 3. Standards to ensure the availability of public
10 facilities and the adequacy of those facilities including
11 acceptable levels of service.

12 4. Standards for the management of debt.

13 (4)(a) Coordination of the local comprehensive plan
14 with the comprehensive plans of adjacent municipalities, the
15 county, adjacent counties, or the region; with any applicable
16 plan developed pursuant to s. 373.036;with adopted rules
17 pertaining to designated areas of critical state concern; and
18 with the state comprehensive plan shall be a major objective
19 of the local comprehensive planning process. To that end, in
20 the preparation of a comprehensive plan or element thereof,
21 and in the comprehensive plan or element as adopted, the
22 governing body shall include a specific policy statement
23 indicating the relationship of the proposed development of the
24 area to the comprehensive plans of adjacent municipalities,
25 the county, adjacent counties, or the region and to the state
26 comprehensive plan, as the case may require and as such
27 adopted plans or plans in preparation may exist.

28 (6) In addition to the requirements of subsections
29 (1)-(5), the comprehensive plan shall include the following
30 elements:

1 (c) A general sanitary sewer, solid waste, drainage,
 2 potable water, and natural groundwater aquifer recharge
 3 element correlated to principles and guidelines for future
 4 land use, indicating ways to provide for future potable water,
 5 drainage, sanitary sewer, solid waste, and aquifer recharge
 6 protection requirements for the area. The element may be a
 7 detailed engineering plan including a topographic map
 8 depicting areas of prime groundwater recharge. The element
 9 shall describe the problems and needs and the general
 10 facilities that will be required for solution of the problems
 11 and needs. The element shall also include a topographic map
 12 depicting any areas adopted by a regional water management
 13 district as prime groundwater recharge areas for the Floridan
 14 or Biscayne aquifers, pursuant to s. 373.0395. These areas
 15 shall be given special consideration when the local government
 16 is engaged in zoning or considering future land use for said
 17 designated areas. For areas served by septic tanks, soil
 18 surveys shall be provided which indicate the suitability of
 19 soils for septic tanks. By October 1, 2002, the element shall
 20 also include data and analyses, based upon the appropriate
 21 plan developed pursuant to s. 373.036, that evaluate the
 22 availability of potable water compared to population growth
 23 projected by the future land use plan.

24 Section 3. Paragraph (k) is added to subsection (2) of
 25 section 373.1961, Florida Statutes, to read:

26 373.1961 Water production.--

27 (2) The Legislature finds that, due to a combination
 28 of factors, vastly increased demands have been placed on
 29 natural supplies of fresh water, and that, absent increased
 30 development of alternative water supplies, such demands may
 31 increase in the future. The Legislature also finds that

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

26 (k) The Florida Public Service Commission shall allow
 27 entities under its jurisdiction constructing alternative water
 28 supply facilities, including but not limited to aquifer
 29 storage and recovery wells, to recover the full, prudently
 30 incurred cost of such facilities through their rate structure.
 31 Every component of an alternative water supply facility

1 constructed by an investor-owned utility shall be recovered in
2 current rates.

3 Section 4. Subsection (2) of section 373.217, Florida
4 Statutes, is amended to read:

5 373.217 Superseded laws and regulations.--

6 (2) It is the further intent of the Legislature that
7 Part II of the Florida Water Resources Act of 1972, as
8 amended, as set forth in ss. 373.203-373.249, shall provide
9 the exclusive authority for requiring permits for the
10 consumptive use of water and for authorizing transportation
11 thereof pursuant to s. 373.223(2). Nothwithstanding the
12 provisions of Chapter 163, the issuance of a permit under this
13 part shall be a conclusive determination of the availability
14 of water supplies, including ground and surface water
15 resources and alternative water supplies, for the use
16 authorized by such permit.

17 Section 5. Section 373.621, Florida Statutes, is
18 created to read:

19 373.621 Water conservation.--The Legislature
20 recognizes the significant value of water conservation in the
21 protection and efficient use of water resources. Accordingly,
22 additional consideration in the administration of ss. 373.223,
23 373.233, and 373.236 shall be given to applicants who
24 implement water conservation practices pursuant to s. 570.080
25 or other applicable water conservation measures as determined
26 by the department or water management district.

27 Section 6. Section 403.064, Florida Statutes, is
28 amended to read:

29 403.064 Reuse of reclaimed water.--

30 (1) The encouragement and promotion of water
31 conservation, and reuse of reclaimed water, as defined by the

1 department, are state objectives and are considered to be in
2 the public interest. The Legislature finds that the reuse of
3 reclaimed water is a critical component of meeting the state's
4 existing and future water supply needs while sustaining
5 natural systems.The Legislature further finds that for those
6 wastewater treatment plants permitted and operated under an
7 approved reuse program by the department, the reclaimed water
8 shall be considered environmentally acceptable and not a
9 threat to public health and safety.

10 (2) All applicants for permits to construct or operate
11 a domestic wastewater treatment facility located within,
12 serving a population located within, or discharging within a
13 water resource caution area shall prepare a reuse feasibility
14 study as part of their application for the permit. Reuse
15 feasibility studies shall be prepared in accordance with
16 department guidelines adopted by rule and shall include, but
17 are not limited to:

18 (a) Evaluation of monetary costs and benefits for
19 several levels and types of reuse.

20 (b) Evaluation of water savings if reuse is
21 implemented.

22 (c) Evaluation of rates and fees necessary to
23 implement reuse.

24 (d) Evaluation of environmental and water resource
25 benefits associated with reuse.

26 (e) Evaluation of economic, environmental, and
27 technical constraints.

28 (f) A schedule for implementation of reuse. The
29 schedule shall consider phased implementation.

30 (3) The permit applicant shall prepare a plan of study
31 for the reuse feasibility study consistent with the reuse

1 feasibility study guidelines adopted by department rule. The
2 plan of study shall include detailed descriptions of
3 applicable treatment and water supply alternatives to be
4 evaluated and the methods of analysis to be used. The plan of
5 study shall be submitted to the department for review and
6 approval.

7 (4)~~(3)~~ The study required under subsection (2) shall
8 be performed by the applicant, and the applicant shall
9 determine the feasibility of reuse based upon the results of
10 the study, ~~'s determination of feasibility is final~~ if the
11 study complies with the requirements of subsections (2) and
12 (3).

13 (5)~~(4)~~ A reuse feasibility study is not required if:

14 (a) The domestic wastewater treatment facility has an
15 existing or proposed permitted or design capacity less than
16 0.1 million gallons per day; or

17 (b) The permitted reuse capacity equals or exceeds the
18 total permitted capacity of the domestic wastewater treatment
19 facility.

20 (6)~~(5)~~ A reuse feasibility study prepared under
21 subsection (2) satisfies a water management district
22 requirement to conduct a reuse feasibility study imposed on a
23 local government or utility that has responsibility for
24 wastewater management.

25 (7)~~(6)~~ Local governments may allow the use of
26 reclaimed water for inside activities, including, but not
27 limited to, toilet flushing, fire protection, and decorative
28 water features, as well as for outdoor uses, provided the
29 reclaimed water is from domestic wastewater treatment
30 facilities which are permitted, constructed, and operated in
31 accordance with department rules.

1 (8)~~(7)~~ Permits issued by the department for domestic
2 wastewater treatment facilities shall be consistent with
3 requirements for reuse included in applicable consumptive use
4 permits issued by the water management district, if such
5 requirements are consistent with department rules governing
6 reuse of reclaimed water. This subsection applies only to
7 domestic wastewater treatment facilities which are located
8 within, or serve a population located within, or discharge
9 within water resource caution areas and are owned, operated,
10 or controlled by a local government or utility which has
11 responsibility for water supply and wastewater management.

12 (9)~~(8)~~ Local governments may and are encouraged to
13 implement programs for the reuse of reclaimed water. Nothing
14 in this chapter shall be construed to prohibit or preempt such
15 local reuse programs.

16 (10)~~(9)~~ A local government that implements a reuse
17 program under this section shall be allowed to allocate the
18 costs in a reasonable manner.

19 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
20 Service Commission shall allow entities under its jurisdiction
21 which conduct studies or implement reuse projects, including,
22 but not limited to, any study required by subsection (2) or
23 facilities used for reliability purposes for a reclaimed water
24 reuse system, to recover the full, prudently incurred cost of
25 such studies and facilities through their rate structure.

26 (12)~~(11)~~ In issuing consumptive use permits, the
27 permitting agency shall consider the local reuse program.

28 (13)~~(12)~~ A local government shall require a developer,
29 as a condition for obtaining a development order, to comply
30 with the local reuse program.

31

1 ~~(14)(13) If,~~ After conducting a feasibility study
 2 under subsection (2), ~~an applicant determines that reuse of~~
 3 ~~reclaimed water is feasible,~~ domestic wastewater treatment
 4 facilities that dispose of effluent by Class I deep well
 5 injection, as defined in 40 C.F.R. part 144.6(a), must
 6 implement reuse ~~according to the schedule for implementation~~
 7 ~~contained in the study conducted under subsection (2),~~ to the
 8 degree that reuse is ~~determined~~ feasible, based upon the
 9 applicant's reuse feasibility study. Applicable permits issued
 10 by the department shall be consistent with the requirements of
 11 this subsection.

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

15 (b) This subsection applies only to domestic
 16 wastewater treatment facilities located within, serving a
 17 population located within, or discharging within a water
 18 resource caution area.

19 ~~(15)(14) If,~~ After conducting a feasibility study
 20 under subsection (2), ~~an applicant determines that reuse of~~
 21 ~~reclaimed water is feasible,~~ domestic wastewater treatment
 22 facilities that dispose of effluent by surface water
 23 discharges or by land application methods must implement reuse
 24 ~~according to the schedule for implementation contained in the~~
 25 ~~study conducted under subsection (2),~~ to the degree that reuse
 26 is ~~determined~~ feasible, based upon the applicant's reuse
 27 feasibility study. This subsection does not apply to surface
 28 water discharges or land application systems which are
 29 currently categorized as reuse under department rules.
 30 Applicable permits issued by the department shall be
 31 consistent with the requirements of this subsection.

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

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

8 Section 7. Section 570.080, Florida Statutes, is
9 created to read:

10 570.080 Agricultural water conservation program.--The
11 department shall establish an agricultural water conservation
12 program which includes the following:

13 (1) A cost share program, coordinated where
14 appropriate with United States Department of Agriculture and
15 other federal, state, regional, and local agencies, for
16 irrigation system retrofit and application of mobile
17 irrigation laboratory evaluations for water conservation as
18 provided in this section, and where applicable, for water
19 quality improvement pursuant to s. 403.067(7)(d).

20 (2) The development and implementation of voluntary
21 interim measures or best management practices, adopted by
22 rule, which provide for increased efficiencies in the
23 utilization and management of water for agricultural
24 production. In the process of developing and adopting rules
25 for interim measures or best management practices, the
26 department shall consult with the Department of Environmental
27 Protection and the water management districts. Such rules may
28 also include a system to ensure the implementation of the
29 interim measures or best management practices, including
30 record keeping requirements. As new information regarding
31 efficient agricultural water use and management becomes

1 available the department shall reevaluate, and revise as
2 needed, the interim measures or best management practices. The
3 interim measures or best management practices may include
4 irrigation retrofit, implementation of mobile irrigation
5 laboratory evaluations and recommendations, water resource
6 augmentation, and integrated water management systems for
7 drought management and flood control and should, to the
8 maximum extent practicable, be designed to qualify for
9 regulatory and other incentives, as determined by the agency
10 having applicable statutory authority.

11 (3) Provision of assistance to the water management
12 districts in the development and implementation of a
13 consistent, to the extent practicable, methodology for the
14 efficient allocation of water for agricultural irrigation.

15 Section 8. The South Florida, St. Johns River, and
16 Southwest Florida Water Management Districts shall each
17 develop and participate in financing at least one
18 public-private alternative water project that expands the
19 current availability of alternative water supplies. Funding
20 for the selected project shall commence no later than fiscal
21 year 2001-2002. The selected project shall meet at least one
22 of the following criteria:

23 1. The project supports establishment of a dependable,
24 sustainable supply of water which is not otherwise financially
25 feasible;

26 2. The project provides substantial environmental
27 benefits by preventing or limiting adverse water resource
28 impacts, but requires funding assistance to be economically
29 competitive with other options; or

30 3. The project significantly implements reuse,
31 capture, storage, recharge, or conservation of water in a

1 manner that contributes to the sustainability of regional
2 water sources.

3 Projects that create new sources in order to help implement a
4 prevention or recovery strategy for a minimum flow or level
5 shall be given priority consideration for funding.

6 Section 9. As a result of ongoing drought conditions
7 throughout the state and in order to aid in the development of
8 a better understanding of Florida's unique surface and ground
9 water sources, it is the intent of the Legislature that the
10 water management districts undertake a coordinated effort to
11 develop an illustrative public service program that depicts
12 the current status of major surface and ground water sources.

13 This program shall be designed to provide information that
14 shows the water levels of aquifers and water bodies that are
15 critical to water supplies within each water management
16 district. It is the intent of the Legislature that the
17 districts develop partnerships with the local media to assist
18 in the dissemination of this information. Further, it is the
19 intent of the Legislature that this program be developed and
20 made available no later than December 31, 2001. Beginning
21 January 1, 2002, and every six months thereafter, the
22 information developed pursuant to this section shall be
23 submitted to the appropriate legislative committees with
24 substantive jurisdiction over the water management districts.

25 Section 10. Subsection (7) of section 373.0693,
26 Florida Statutes, is amended to read:

27 373.0693 Basins; basin boards.--

28 (7) At 11:59 p.m. on December 31, 1976, the Manasota
29 Watershed Basin of the Ridge and Lower Gulf Coast Water
30 Management District, which is annexed to the Southwest Florida
31 Water Management District by change of its boundaries pursuant

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

17 Section 11. Paragraph (b) of subsection (3) of section
18 403.1835, Florida Statutes, is amended to read:

19 403.1835 Water pollution control financial
20 assistance.--

21 (3) The department may provide financial assistance
22 through any program authorized under s. 603 of the Federal
23 Water Pollution Control Act (Clean Water Act), Pub. L. No.
24 92-500, as amended, including, but not limited to, making
25 grants and loans, providing loan guarantees, purchasing loan
26 insurance or other credit enhancements, and buying or
27 refinancing local debt. This financial assistance must be
28 administered in accordance with this section and applicable
29 federal authorities. The department shall administer all
30 programs operated from funds secured through the activities of
31

1 the Florida Water Pollution Control Financing Corporation
2 under s. 403.1837, to fulfill the purposes of this section.

3 (b) The department may make or request the corporation
4 to make loans, grants, and deposits to other entities eligible
5 to participate in the financial assistance programs authorized
6 under the Federal Water Pollution Control Act, or as a result
7 of other federal action, which entities may pledge any revenue
8 available to them to repay any funds borrowed. Notwithstanding
9 s. 18.10, the department may make deposits to financial
10 institutions that earn less than the prevailing rate for
11 United States Treasury securities with corresponding
12 maturities for the purpose of enabling such financial
13 institutions to make below-market interest rate loans to
14 entities qualified to receive loans under this section and the
15 rules of the department.

16 Section 12. This act shall take effect upon becoming a
17 law.