

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Harrington offered the following:

Substitute Amendment for Amendment (645527) (with title amendment)

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

Section 1. Section 373.536, Florida Statutes, is amended to read:

373.536 District budget and hearing thereon.--

(1) FISCAL YEAR.--The fiscal year of districts created under the provisions of this chapter shall extend from October 1 of one year through September 30 of the following year.

(2) BUDGET SUBMITTAL.--The budget officer of the district shall, on or before July 15 of each year, submit for consideration by the governing board of the district a tentative budget for the district covering its proposed operations ~~operation~~ and funding requirements for the ensuing fiscal year.

(3) BUDGET HEARINGS AND WORKSHOPS; NOTICE.--

(a) Unless alternative notice requirements are

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1 otherwise provided by law, notice of all budget hearings
2 conducted by the governing board or district staff must be
3 published in a newspaper of general paid circulation in each
4 county in which the district lies not less than 5 days nor
5 more than 15 days before the hearing.

6 (b) Budget workshops conducted for the public and not
7 governed by s. 200.065 must be advertised in a newspaper of
8 general paid circulation in the community or area in which the
9 workshop will occur not less than 5 days nor more than 15 days
10 before the workshop.

11 (c) The tentative budget shall be adopted in
12 accordance with the provisions of s. 200.065; however, if the
13 mailing of the notice of proposed property taxes is delayed
14 beyond September 3 in any county in which the district lies,
15 the district shall advertise its intention to adopt a
16 tentative budget and millage rate, pursuant to s.
17 200.065(3)(g), in a newspaper of general paid circulation in
18 that county. ~~The budget shall set forth, classified by object~~
19 ~~and purpose, and by fund if so designated, the proposed~~
20 ~~expenditures of the district for bonds or other debt, for~~
21 ~~construction, for acquisition of land, for operation and~~
22 ~~maintenance of the district works, for the conduct of the~~
23 ~~affairs of the district generally, and for other purposes, to~~
24 ~~which may be added an amount to be held as a reserve. District~~
25 ~~administrative and operating expenses must be identified in~~
26 ~~the budget and allocated among district programs.~~

27 ~~(2) The budget shall also show the estimated amount~~
28 ~~which will appear at the beginning of the fiscal year as~~
29 ~~obligated upon commitments made but uncompleted. There shall~~
30 ~~be shown the estimated unobligated or net balance which will~~
31 ~~be on hand at the beginning of the fiscal year, and the~~

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1 ~~estimated amount to be raised by district taxes and from other~~
2 ~~sources for meeting the requirements of the district.~~

3 (d)(3) As provided in s. 200.065(2)(d), the board
4 shall publish one or more notices of its intention to ~~finally~~
5 adopt a final budget for the district for the ensuing fiscal
6 year. The notice shall appear adjacent to an advertisement
7 that sets ~~which shall set~~ forth the tentative budget in a
8 format meeting the budget summary requirements of s.
9 129.03(3)(b) in full. The district shall not include
10 expenditures of federal special revenues and state special
11 revenues when preparing the statement required by s.
12 200.065(3)(1). The notice and advertisement shall be published
13 in one or more newspapers having a combined general paid
14 circulation in each county ~~the counties having land in which~~
15 the district lies. Districts may include explanatory phrases
16 and examples in budget advertisements published under s.
17 200.065 to clarify or illustrate the effect that the district
18 budget may have on ad valorem taxes.

19 (e)(4) The hearing for adoption of ~~to finally adopt~~ a
20 final budget and millage rate shall be by and before the
21 governing board of the district as provided in s. 200.065 and
22 may be continued from day to day until terminated by the
23 board.

24 (4) BUDGET CONTROLS.--

25 (a) The final adopted budget for the district will
26 thereupon be the operating and fiscal guide for the district
27 for the ensuing year; however, transfers of funds may be made
28 within the budget by action of the governing board at a public
29 meeting of the governing board.

30 (b) The district shall control its budget, at a
31 minimum, by funds and shall provide to the Executive Office of

1 the Governor a description of its budget control mechanisms.

2 (c) Should the district receive unanticipated funds
3 after the adoption of the final budget, the final budget may
4 be amended by including such funds, so long as notice of
5 intention to amend is published in the notice of the governing
6 board meeting at which the amendment will be considered,
7 pursuant to s. 120.525 ~~one time in one or more newspapers~~
8 ~~qualified to accept legal advertisements having a combined~~
9 ~~general circulation in the counties in the district.~~ The
10 notice shall set forth a summary of the proposed amendment and
11 shall be published at least 10 days prior to the public
12 meeting of the board at which the proposed amendment is to be
13 considered. However, in the event of a disaster or of an
14 emergency arising to prevent or avert the same, the governing
15 board shall not be limited by the budget but shall have
16 authority to apply such funds as may be available therefor or
17 as may be procured for such purpose.

18 (5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW
19 AND APPROVAL.--

20 (a) The Executive Office of the Governor is authorized
21 to approve or disapprove, in whole or in part, the budget of
22 each water management district and shall analyze each budget
23 as to the adequacy of fiscal resources available to the
24 district and the adequacy of district expenditures related to
25 water supply, including water resource development projects
26 identified in the district's regional water supply plans;
27 water quality; flood protection and floodplain management; and
28 natural systems. This analysis shall be based on the
29 particular needs within each water management district in
30 those four areas of responsibility.

31 (b) The Executive Office of the Governor and the water

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1 management districts shall develop a process to facilitate
2 review and communication regarding water management district
3 budgets, as necessary. Written disapproval of any provision
4 in the tentative budget must be received by the district at
5 least 5 business days prior to the final district budget
6 adoption hearing conducted under s. 200.065(2)(d). If written
7 disapproval of any portion of the budget is not received at
8 least 5 business days prior to the final budget adoption
9 hearing, the governing board may proceed with final adoption.
10 Any provision rejected by the Governor shall not be included
11 in a district's final budget.

12 (c) Each water management district shall, by August 1
13 of each year, submit for review a tentative budget to the
14 Governor, the President of the Senate, the Speaker of the
15 House of Representatives, the chairs of all legislative
16 committees and subcommittees with substantive or fiscal
17 jurisdiction over water management districts, as determined by
18 the President of the Senate or Speaker of the House of
19 Representatives as applicable, the secretary of the
20 department, and the governing body of each county in which the
21 district has jurisdiction or derives any funds for the
22 operations of the district.

23 (d) The tentative budget must set forth the proposed
24 expenditures of the district, to which may be added an amount
25 to be held as reserve.The tentative budget must include, but
26 is not limited to, the following information for the preceding
27 fiscal year and the current fiscal year, and the proposed
28 amounts for the upcoming fiscal year, in a standard format
29 prescribed by the Executive Office of the Governor ~~which is~~
30 ~~generally consistent with the format prescribed by legislative~~
31 ~~budget instructions for state agencies and the format~~

1 ~~requirements of s. 216.031:~~

2 1. The estimated amount of funds remaining at the
3 beginning of the fiscal year which have been obligated for the
4 payment of outstanding commitments not yet completed.

5 2. The estimated amount of unobligated funds or net
6 cash balance on hand at the beginning of the fiscal year, and
7 the estimated amount of funds to be raised by district taxes
8 or received from other sources to meet the requirements of the
9 district.

10 3. The millage rates and the percentage increase above
11 the rolled-back rate, together with a summary of the reasons
12 the increase is required, and the percentage increase in
13 taxable value resulting from new construction within the
14 district.

15 ~~4.2. The salaries salary and benefits, expenses,~~
16 ~~operating capital outlay, number of authorized positions, and~~
17 ~~other personal services for the following program areas of the~~
18 ~~district, including a separate section for lobbying,~~
19 ~~intergovernmental relations, and advertising:~~

20 a. Water resource planning and monitoring;

21 b. Land acquisition, restoration, and public works;

22 c. Operation and maintenance of works and lands;

23 d. Regulation;

24 e. Outreach for which the information provided must
25 contain a full description and accounting of expenditures for
26 water resources education; public information and public
27 relations, including public service announcements and
28 advertising in any media; and lobbying activities related to
29 local, regional, state and federal governmental affairs,
30 whether incurred by district staff or through contractual
31 services; and

- 1 f. Management and administration.
- 2 ~~a. District management and administration;~~
- 3 ~~b. Implementation through outreach activities;~~
- 4 ~~c. Implementation through regulation;~~
- 5 ~~d. Implementation through acquisition, restoration,~~
- 6 ~~and public works;~~
- 7 ~~e. Implementation through operations and maintenance~~
- 8 ~~of lands and works;~~
- 9 ~~f. Water resources planning and monitoring; and~~
- 10 ~~g. A full description and accounting of expenditures~~
- 11 ~~for lobbying activities relating to local, regional, state,~~
- 12 ~~and federal governmental affairs, whether incurred by district~~
- 13 ~~staff or through contractual services and all expenditures for~~
- 14 ~~public relations, including all expenditures for public~~
- 15 ~~service announcements and advertising in any media.~~

16

17 In addition to the program areas reported by all water

18 management districts, the South Florida Water Management

19 District shall include in its budget document ~~a~~ separate

20 sections ~~section~~ on all costs associated with the Everglades

21 Construction Project and the Comprehensive Everglades

22 Restoration Plan.

23 ~~5.3.~~ The total estimated amount in the district budget

24 for each area of responsibility listed in subparagraph 4.

25 ~~paragraph (a)~~ and for water resource development projects

26 identified in the district's regional water supply plans.

27 ~~4. A 5-year capital improvements plan.~~

28 ~~6.5.~~ A description of each new, expanded, reduced, or

29 eliminated program.

30 ~~6. A proposed 5-year water resource development work~~

31 ~~program, that describes the district's implementation strategy~~

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1 ~~for the water resource development component of each approved~~
2 ~~regional water supply plan developed or revised pursuant to s.~~
3 ~~373.0361. The work program shall address all the elements of~~
4 ~~the water resource development component in the district's~~
5 ~~approved regional water supply plans. The office of the~~
6 ~~Governor, with the assistance of the department, shall review~~
7 ~~the proposed work program. The review shall include a written~~
8 ~~evaluation of its consistency with and furtherance of the~~
9 ~~district's approved regional water supply plans, and adequacy~~
10 ~~of proposed expenditures. As part of the review, the Executive~~
11 ~~Office of the Governor and the department shall afford to all~~
12 ~~interested parties the opportunity to provide written comments~~
13 ~~on each district's proposed work program. At least 7 days~~
14 ~~prior to the adoption of its final budget, the governing board~~
15 ~~shall state in writing to the Executive Office of the Governor~~
16 ~~which changes recommended in the evaluation it will~~
17 ~~incorporate into its work program, or specify the reasons for~~
18 ~~not incorporating the changes. The office of the Governor~~
19 ~~shall include the district's responses in the written~~
20 ~~evaluation and shall submit a copy of the evaluation to the~~
21 ~~legislature; and~~

22 7. The funding sources, including, but not limited to,
23 ad valorem taxes, Surface Water Improvement and Management
24 Program funds, other state funds, federal funds, and user fees
25 and permit fees for each program area.

26 (e)~~(d)~~ By September 5 of the year in which the budget
27 is submitted, the House and Senate appropriations chairs may
28 transmit to each district comments and objections to the
29 proposed budgets. Each district governing board shall include
30 a response to such comments and objections in the record of
31 the governing board meeting where final adoption of the budget

1 takes place, and the record of this meeting shall be
2 transmitted to the Executive Office of the Governor, the
3 department, and the chairs of the House and Senate
4 appropriations committees.

5 (f)(e) The Executive Office of the Governor shall
6 annually, on or before December 15, file with the Legislature
7 a report that summarizes its review ~~the expenditures~~ of the
8 water management districts' tentative budgets and displays the
9 adopted budget allocations ~~districts~~ by program area. The
10 report must identify ~~and identifies~~ the districts that are not
11 in compliance with the reporting requirements of this section.
12 State funds shall be withheld from a water management district
13 that fails to comply with these reporting requirements.

14 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS
15 PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

16 (a) Each district must, by the date specified for each
17 item, furnish copies of the following documents to the
18 Governor, the President of the Senate, the Speaker of the
19 House of Representatives, the chairs of all legislative
20 committees and subcommittees having substantive or fiscal
21 jurisdiction over the districts, as determined by the
22 President or Speaker as applicable, the secretary of the
23 department, and the governing board of each county in which
24 the district has jurisdiction or derives any funds for the
25 operations of the district;

26 1. The adopted budget, to be furnished within 10 days
27 after its adoption.

28 2. A financial audit of its accounts and records, to
29 be furnished within 10 days after its acceptance by the
30 governing board. The audit must be conducted in accordance
31 with the provisions of s. 11.45 and the rules adopted

1 thereunder. In addition to the entities named above, the
2 district must provide a copy of the audit to the Auditor
3 General within 10 days after its acceptance by the governing
4 board.

5 3. A 5-year capital improvements plan, to be furnished
6 within 45 days after the adoption of the final budget. The
7 plan must include expected sources of revenue for planned
8 improvements and must be prepared in a manner comparable to
9 the fixed capital outlay format set forth in s. 216.043.

10 4. A 5-year water resource development work program to
11 be furnished within 45 days after the adoption of the final
12 budget. The program must describe the district's
13 implementation strategy for the water resource development
14 component of each approved regional water supply plan
15 developed or revised under s. 373.0361. The work program must
16 address all the elements of the water resource development
17 component in the district's approved regional water supply
18 plans. Within 45 days after its submittal, the department
19 shall review the proposed work program and submit its
20 findings, questions, and comments to the district. The review
21 must include a written evaluation of the program's consistency
22 with the furtherance of the district's approved regional water
23 supply plans, and the adequacy of proposed expenditures. As
24 part of the review, the department shall give interested
25 parties the opportunity to provide written comments on each
26 district's proposed work program. Within 60 days after receipt
27 of the department's evaluation, the governing board shall
28 state in writing to the department which changes recommended
29 in the evaluation it will incorporate into its work program or
30 specify the reasons for not incorporating the changes. The
31 department shall include the district's responses in a final

1 evaluation report and shall submit a copy of the report to the
2 Governor, the President of the Senate, and the Speaker of the
3 House of Representatives.

4 (b) If any entity listed in paragraph (a) provides
5 written comments to the district regarding any document
6 furnished under this subsection, the district must respond to
7 the comments in writing and furnish copies of the comments and
8 written responses to the other entities.

9 Section 2. Paragraph (b) of subsection (4) of section
10 373.079, Florida Statutes, is amended to read:

11 373.079 Members of governing board; oath of office;
12 staff.--

13 (4)

14 (b)1. The governing board of each water management
15 district shall employ an inspector general, who shall report
16 directly to the board. However, the governing boards of the
17 Suwannee River Water Management District and the Northwest
18 Florida Water Management District may jointly employ an
19 inspector general, or provide for inspector general services
20 by interagency agreement with a state agency or water
21 management district inspector general.

22 2. An inspector general must have the qualifications
23 prescribed and perform the applicable duties of state agency
24 inspectors general as provided in s. 20.055.

25 ~~3. Within 45 days of the adoption of the final budget,~~
26 ~~the governing board shall submit a 5-year capital improvement~~
27 ~~plan and fiscal report for the district to the Governor, the~~
28 ~~President of the Senate, the Speaker of the House of~~
29 ~~Representatives, and the Secretary of Environmental~~
30 ~~Protection. The capital improvement plan must include expected~~
31 ~~sources of revenue for planned improvements and shall be~~

1 ~~prepared in a manner comparable to the fixed capital outlay~~
2 ~~format set forth in s. 216.043. The fiscal report shall cover~~
3 ~~the preceding fiscal year and shall include a summary~~
4 ~~statement of the financial operations of the district.~~

5 Section 3. Section 373.501, Florida Statutes, is
6 amended to read:

7 373.501 Appropriation of funds to water management
8 districts.--

9 (1) The department may allocate to the water
10 management districts, from funds appropriated to the
11 department, such sums as may be deemed necessary to defray the
12 costs of the administrative, regulatory, and other activities
13 of the districts. The governing boards shall submit annual
14 budget requests for such purposes to the department, and the
15 department shall consider such budgets in preparing its budget
16 request for the Legislature.

17 (2) Funds appropriated by the Legislature for the
18 purpose of funding a specific water management district
19 project shall be transferred to the water management district
20 when the proposed project has been reviewed by the secretary
21 of the pertinent state agency and upon receipt of a governing
22 board resolution requesting such funds.

23 Section 4. Subsection (11) of section 373.59, Florida
24 Statutes, is amended to read:

25 373.59 Water Management Lands Trust Fund.--

26 (11) Notwithstanding any provision of this section to
27 the contrary, ~~and for the 2000-2001 fiscal year only,~~the
28 governing board of a water management district may request,
29 and the Secretary of Environmental Protection shall release
30 upon such request, moneys allocated to the districts pursuant
31 to subsection (8) for ~~the purpose of carrying out the purposes~~

1 consistent with the provisions of s. 373.0361, s. 373.0831 s.
2 ~~375.0831~~, s. 373.139, or ss. 373.451-373.4595 and for
3 legislatively authorized land acquisition and water
4 restoration initiatives. No funds may be used pursuant to this
5 subsection until necessary debt service obligations,
6 requirements for payments in lieu of taxes, and land
7 management obligations that may be required by this chapter
8 are provided for. ~~This subsection is repealed on July 1, 2001.~~

9 Section 5. Sections 373.507 and 373.589, Florida
10 Statutes, are repealed.

11 Section 6. Section 475.628, Florida Statutes, is
12 amended to read:

13 475.628 Professional standards for appraisers
14 registered, licensed, or certified under this part.--Each
15 appraiser registered, licensed, or certified under this part
16 shall comply with the Uniform Standards of Professional
17 Appraisal Practice. Statements on appraisal standards which
18 may be issued for the purpose of clarification,
19 interpretation, explanation, or elaboration through the
20 Appraisal Foundation shall also be binding on any appraiser
21 registered, licensed, or certified under this part. Appraisers
22 may use any recognized appropriate appraisal methodology, in
23 compliance with the Uniform Standards of Professional
24 Appraisal Practice and applicable statements issued through
25 the Appraisal Foundation, including, but not limited to, cost,
26 comparable sales and income approach.

27 Section 7. Paragraphs (a) of subsection (4) and
28 paragraphs (a) and (c) of subsection (6) of section 163.3177,
29 Florida Statutes, are amended to read:

30 163.3177 Required and optional elements of
31 comprehensive plan; studies and surveys.--

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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 the appropriate
4 water management district's regional water supply plans
5 adopted pursuant to s. 373.0361, or successor plans required
6 by legislative directive;with adopted rules pertaining to
7 designated areas of critical state concern; and with the state
8 comprehensive plan shall be a major objective of the local
9 comprehensive planning process. To that end, in the
10 preparation of a comprehensive plan or element thereof, and in
11 the comprehensive plan or element as adopted, the governing
12 body shall include a specific policy statement indicating the
13 relationship of the proposed development of the area to the
14 comprehensive plans of adjacent municipalities, the county,
15 adjacent counties, or the region and to the state
16 comprehensive plan, as the case may require and as such
17 adopted plans or plans in preparation may exist.

18 (6) In addition to the requirements of subsections
19 (1)-(5), the comprehensive plan shall include the following
20 elements:

21 (a) A future land use plan element designating
22 proposed future general distribution, location, and extent of
23 the uses of land for residential uses, commercial uses,
24 industry, agriculture, recreation, conservation, education,
25 public buildings and grounds, other public facilities, and
26 other categories of the public and private uses of land. The
27 future land use plan shall include standards to be followed in
28 the control and distribution of population densities and
29 building and structure intensities. The proposed
30 distribution, location, and extent of the various categories
31 of land use shall be shown on a land use map or map series

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1 which shall be supplemented by goals, policies, and measurable
2 objectives. Each land use category shall be defined in terms
3 of the types of uses included and specific standards for the
4 density or intensity of use. The future land use plan shall
5 be based upon surveys, studies, and data regarding the area,
6 including the amount of land required to accommodate
7 anticipated growth; the projected population of the area; the
8 character of undeveloped land; the availability of ground
9 water and surface water resources for present and future water
10 supplies and the potential for development of alternative
11 water supplies;the availability of public services; the need
12 for redevelopment, including the renewal of blighted areas and
13 the elimination of nonconforming uses which are inconsistent
14 with the character of the community; and, in rural
15 communities, the need for job creation, capital investment,
16 and economic development that will strengthen and diversify
17 the community's economy. The future land use plan may
18 designate areas for future planned development use involving
19 combinations of types of uses for which special regulations
20 may be necessary to ensure development in accord with the
21 principles and standards of the comprehensive plan and this
22 act. In addition, for rural communities, the amount of land
23 designated for future planned industrial use shall be based
24 upon surveys and studies that reflect the need for job
25 creation, capital investment, and the necessity to strengthen
26 and diversify the local economies, and shall not be limited
27 solely by the projected population of the rural community. The
28 future land use plan of a county may also designate areas for
29 possible future municipal incorporation. The land use maps or
30 map series shall generally identify and depict historic
31 district boundaries and shall designate historically

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1 significant properties meriting protection. The future land
2 use element must clearly identify the land use categories in
3 which public schools are an allowable use. When delineating
4 the land use categories in which public schools are an
5 allowable use, a local government shall include in the
6 categories sufficient land proximate to residential
7 development to meet the projected needs for schools in
8 coordination with public school boards and may establish
9 differing criteria for schools of different type or size.
10 Each local government shall include lands contiguous to
11 existing school sites, to the maximum extent possible, within
12 the land use categories in which public schools are an
13 allowable use. All comprehensive plans must comply with the
14 school siting requirements of this paragraph no later than
15 October 1, 1999. The failure by a local government to comply
16 with these school siting requirements by October 1, 1999, will
17 result in the prohibition of the local government's ability to
18 amend the local comprehensive plan, except for plan amendments
19 described in s. 163.3187(1)(b), until the school siting
20 requirements are met. An amendment proposed by a local
21 government for purposes of identifying the land use categories
22 in which public schools are an allowable use is exempt from
23 the limitation on the frequency of plan amendments contained
24 in s. 163.3187. The future land use element shall include
25 criteria which encourage the location of schools proximate to
26 urban residential areas to the extent possible and shall
27 require that the local government seek to collocate public
28 facilities, such as parks, libraries, and community centers,
29 with schools to the extent possible.

30 (c) A general sanitary sewer, solid waste, drainage,
31 potable water, and natural groundwater aquifer recharge

1 element correlated to principles and guidelines for future
2 land use, indicating ways to provide for future potable water,
3 drainage, sanitary sewer, solid waste, and aquifer recharge
4 protection requirements for the area. The element may be a
5 detailed engineering plan including a topographic map
6 depicting areas of prime groundwater recharge. The element
7 shall describe the problems and needs and the general
8 facilities that will be required for solution of the problems
9 and needs. The element shall also include a topographic map
10 depicting any areas adopted by a regional water management
11 district as prime groundwater recharge areas for the Floridan
12 or Biscayne aquifers, pursuant to s. 373.0395. These areas
13 shall be given special consideration when the local government
14 is engaged in zoning or considering future land use for said
15 designated areas. For areas served by septic tanks, soil
16 surveys shall be provided which indicate the suitability of
17 soils for septic tanks. By October 1, 2002, the element shall
18 also include data and analysis, including, but not limited to,
19 the appropriate water management district's regional water
20 supply plan adopted pursuant to s. 373.0361, which evaluates
21 the availability of potable water compared to population
22 growth projected by the local government comprehensive plan.

23 Section 8. Subsections (3) and (4) of section 373.217,
24 Florida Statutes, are amended to read:

25 373.217 Superseded laws and regulations.--

26 (3) If any provision of Part II of the Florida Water
27 Resources Act of 1972, as amended, as set forth in ss.
28 373.203-373.249, is in conflict with any other provision,
29 limitation, or restriction ~~which is now in effect~~ under any
30 law or ordinance of this state or any political subdivision or
31 municipality, or any rule or regulation promulgated

1 thereunder, Part II shall govern and control, and such other
2 law or ordinance or rule or regulation promulgated thereunder
3 shall be deemed superseded for the purpose of regulating the
4 consumptive use of water. However, this section shall not be
5 construed to supersede the provisions of the Florida
6 Electrical Power Plant Siting Act.

7 (4) Other than as provided in subsection (3) of this
8 section, Part II of the Florida Water Resources Act of 1972,
9 as amended, preempts the regulation of the consumptive use of
10 water as defined in this act. The provisions of Part II of the
11 Water Resources Act of 1972, as amended, and any rules adopted
12 thereunder, shall supersede and preempt all regulations,
13 codes, ordinances, or rules of any local government,
14 municipality, or other political subdivision regarding
15 regulation of the consumptive use of water. No local
16 government, municipality, or other political subdivision may
17 enact or enforce any special act, ordinance, rule, regulation,
18 or order directly or indirectly regulating the consumptive use
19 of water, whether enacted or promulgated before or after the
20 effective date of this act.

21 Section 9. Section 403.064, Florida Statutes, is
22 amended to read:

23 403.064 Reuse of reclaimed water.--

24 (1) The encouragement and promotion of water
25 conservation, and reuse of reclaimed water, as defined by the
26 department, are state objectives and are considered to be in
27 the public interest. The Legislature finds that the reuse of
28 reclaimed water is a critical component of meeting the state's
29 existing and future water supply needs while sustaining
30 natural systems.The Legislature further finds that for those
31 wastewater treatment plants permitted and operated under an

1 approved reuse program by the department, the reclaimed water
2 shall be considered environmentally acceptable and not a
3 threat to public health and safety.

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

12 (a) Evaluation of monetary costs and benefits for
13 several levels and types of reuse.

14 (b) Evaluation of water savings if reuse is
15 implemented.

16 (c) Evaluation of rates and fees necessary to
17 implement reuse.

18 (d) Evaluation of environmental and water resource
19 benefits associated with reuse.

20 (e) Evaluation of economic, environmental, and
21 technical constraints.

22 (f) A schedule for implementation of reuse. The
23 schedule shall consider phased implementation.

24 (3) The permit applicant shall prepare a plan of study
25 for the reuse feasibility study consistent with the reuse
26 feasibility study guidelines adopted by department rule. The
27 plan of study shall include detailed descriptions of
28 applicable treatment and water supply alternatives to be
29 evaluated and the methods of analysis to be used. The plan of
30 study shall be submitted to the department for review and
31 approval.

1 ~~(4)~~(3) The study required under subsection (2) shall
2 be performed by the applicant, and the applicant shall
3 determine the feasibility of reuse based upon the results of
4 the study, ~~its determination of feasibility is final~~ if the
5 study complies with the requirements of subsections (2) and
6 (3).

7 ~~(5)~~(4) A reuse feasibility study is not required if:

8 (a) The domestic wastewater treatment facility has an
9 existing or proposed permitted or design capacity less than
10 0.1 million gallons per day; or

11 (b) The permitted reuse capacity equals or exceeds the
12 total permitted capacity of the domestic wastewater treatment
13 facility.

14 ~~(6)~~(5) A reuse feasibility study prepared under
15 subsection (2) satisfies a water management district
16 requirement to conduct a reuse feasibility study imposed on a
17 local government or utility that has responsibility for
18 wastewater management.

19 ~~(7)~~(6) Local governments may allow the use of
20 reclaimed water for inside activities, including, but not
21 limited to, toilet flushing, fire protection, and decorative
22 water features, as well as for outdoor uses, provided the
23 reclaimed water is from domestic wastewater treatment
24 facilities which are permitted, constructed, and operated in
25 accordance with department rules.

26 ~~(8)~~(7) Permits issued by the department for domestic
27 wastewater treatment facilities shall be consistent with
28 requirements for reuse included in applicable consumptive use
29 permits issued by the water management district, if such
30 requirements are consistent with department rules governing
31 reuse of reclaimed water. This subsection applies only to

1 domestic wastewater treatment facilities which are located
2 within, or serve a population located within, or discharge
3 within water resource caution areas and are owned, operated,
4 or controlled by a local government or utility which has
5 responsibility for water supply and wastewater management.

6 (9)~~(8)~~ Local governments may and are encouraged to
7 implement programs for the reuse of reclaimed water. Nothing
8 in this chapter shall be construed to prohibit or preempt such
9 local reuse programs.

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

13 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
14 Service Commission shall allow entities under its jurisdiction
15 which conduct studies or implement reuse projects, including,
16 but not limited to, any study required by subsection (2) or
17 facilities used for reliability purposes for a reclaimed water
18 reuse system, to recover the full, prudently incurred cost of
19 such studies and facilities through their rate structure.

20 (12)~~(11)~~ In issuing consumptive use permits, the
21 permitting agency shall consider the local reuse program.

22 (13)~~(12)~~ A local government shall require a developer,
23 as a condition for obtaining a development order, to comply
24 with the local reuse program.

25 (14)~~(13)~~ ~~If, After conducting a feasibility study~~
26 ~~under subsection (2), an applicant determines that reuse of~~
27 ~~reclaimed water is feasible,~~ domestic wastewater treatment
28 facilities that dispose of effluent by Class I deep well
29 injection, as defined in 40 C.F.R. part 144.6(a), must
30 implement reuse ~~according to the schedule for implementation~~
31 ~~contained in the study conducted under subsection (2), to the~~

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1 degree that reuse is ~~determined~~ feasible, based upon the
2 applicant's reuse feasibility study. Applicable permits issued
3 by the department shall be consistent with the requirements of
4 this subsection.

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

8 (b) This subsection applies only to domestic
9 wastewater treatment facilities located within, serving a
10 population located within, or discharging within a water
11 resource caution area.

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

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

28 (b) This subsection applies only to domestic
29 wastewater treatment facilities located within, serving a
30 population located within, or discharging within a water
31 resource caution area.

1 Section 10. 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 at least one
8 of the following criteria:

9 1. The project supports establishment of a dependable,
10 sustainable supply of water which is not otherwise financially
11 feasible;

12 2. The project provides substantial environmental
13 benefits by preventing or limiting adverse water resource
14 impacts, but requires funding assistance to be economically
15 competitive with other options; or

16 3. The project significantly implements reuse,
17 capture, storage, recharge, or conservation of water in a
18 manner that contributes to the sustainability of regional
19 water sources.

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

23 Section 11. As a result of ongoing drought conditions
24 throughout the state and in order to aid in the development of
25 a better understanding of Florida's unique surface and ground
26 water sources, it is the intent of the Legislature that the
27 water management districts undertake a coordinated effort to
28 develop an illustrative public service program that depicts
29 the current status of major surface and ground water sources.
30 This program shall be designed to provide information that
31 shows the water levels of aquifers and water bodies that are

1 critical to water supplies within each water management
2 district. It is the intent of the Legislature that the
3 districts develop partnerships with the local media to assist
4 in the dissemination of this information. Further, it is the
5 intent of the Legislature that this program be developed and
6 made available no later than December 31, 2001. Beginning
7 January 1, 2002, and every six months thereafter, the
8 information developed pursuant to this section shall be
9 submitted to the appropriate legislative committees with
10 substantive jurisdiction over the water management districts.

11 Section 12. Paragraph (b) of subsection (3) of section
12 403.1835, Florida Statutes, is amended to read:

13 403.1835 Water pollution control financial
14 assistance.--

15 (3) The department may provide financial assistance
16 through any program authorized under s. 603 of the Federal
17 Water Pollution Control Act (Clean Water Act), Pub. L. No.
18 92-500, as amended, including, but not limited to, making
19 grants and loans, providing loan guarantees, purchasing loan
20 insurance or other credit enhancements, and buying or
21 refinancing local debt. This financial assistance must be
22 administered in accordance with this section and applicable
23 federal authorities. The department shall administer all
24 programs operated from funds secured through the activities of
25 the Florida Water Pollution Control Financing Corporation
26 under s. 403.1837, to fulfill the purposes of this section.

27 (b) The department may make or request the corporation
28 to make loans, grants, and deposits to other entities eligible
29 to participate in the financial assistance programs authorized
30 under the Federal Water Pollution Control Act, or as a result
31 of other federal action, which entities may pledge any revenue

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1 available to them to repay any funds borrowed. Notwithstanding
 2 s. 18.10, the department may make deposits to financial
 3 institutions that earn less than the prevailing rate for
 4 United States Treasury securities with corresponding
 5 maturities for the purpose of enabling such financial
 6 institutions to make below-market interest rate loans to
 7 entities qualified to receive loans under this section and the
 8 rules of the department.

9 Section 13. This act shall take effect upon becoming
 10 law.

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

14 And the title is amended as follows:

15 On page 1, line 2 through page 2 line 5
 16 remove from the title of the bill: all of said lines

17

18 and insert in lieu thereof:

19 An act relating to water resources; amending s.
 20 373.536, F.S.; revising notice and hearing
 21 provisions relating to the adoption of a final
 22 budget for the water management districts;
 23 specifying to whom a copy of the water
 24 management districts' tentative budgets must be
 25 sent for review; specifying the contents of the
 26 tentative budgets; requiring the Executive
 27 Office of the Governor to file with the
 28 Legislature a report summarizing its review of
 29 the water management districts' tentative
 30 budgets and displaying the adopted budget
 31 allocations by program area; requiring the

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1 water management districts to submit certain
2 budget documents to specified officials;
3 amending s. 373.079, F.S.; deleting a
4 requirement that the water management districts
5 submit a 5-year capital improvement plan and
6 fiscal report to the Governor, the President of
7 the Senate, the Speaker of the House of
8 Representatives, and the Secretary of
9 Environmental Protection; amending s. 373.501,
10 F.S.; providing procedures for the transfer of
11 funds for proposed water management district
12 projects; amending s. 373.59, F.S.; authorizing
13 the use of the Water Management Trust Fund for
14 specified purposes other than acquisition;
15 repealing s. 373.507, F.S., relating to
16 postaudits and budgets of water management
17 districts and basins; repealing s. 373.589,
18 F.S., relating to audits of water management
19 districts; amending s. 475.628, F.S.;
20 recognizing certain appraisal methods; amending
21 s. 163.3177, F.S.; directing local government
22 comprehensive plans to coordinate with regional
23 water supply plans; directing future land use
24 plans to be based on data regarding the
25 availability of sufficient water supplies for
26 present and future growth; amending s. 373.217,
27 F.S.; providing that Part II of Chapter 373,
28 F.S., preempts other laws and regulations
29 relating to the regulation of consumptive water
30 use; amending s. 403.064, F.S.; requiring the
31 reuse of reclaimed water when feasible;

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1 requiring water management districts to develop
2 and finance public-private alternative water
3 supply projects; requiring the dissemination of
4 public information regarding the status of
5 major water sources; amending 403.1835, F.S.;
6 providing for below-market interest rate loans
7 to qualified entities; providing an effective
8 date.
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