

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

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

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Representative(s) Harrington offered the following:

Amendment (with title amendment)

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

Section 1. Section 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 otherwise provided by law, notice of all budget hearings

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

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

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

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

1 ~~sources for meeting the requirements of the district.~~
2 (d)(3) As provided in s. 200.065(2)(d), the board
3 shall publish one or more notices of its intention to ~~finally~~
4 adopt a final budget for the district for the ensuing fiscal
5 year. The notice shall appear adjacent to an advertisement
6 that sets which shall set forth the tentative budget in a
7 format meeting the budget summary requirements of s.
8 129.03(3)(b)in full. The district shall not include
9 expenditures of federal special revenues and state special
10 revenues when preparing the statement required by s.
11 200.065(3)(1).The notice and advertisement shall be published
12 in one or more newspapers having a combined general paid
13 circulation in each county ~~the counties having land~~ in which
14 the district lies. Districts may include explanatory phrases
15 and examples in budget advertisements published under s.
16 200.065 to clarify or illustrate the effect that the district
17 budget may have on ad valorem taxes.
18 (e)(4) The hearing for adoption of ~~to finally adopt~~ a
19 final budget and millage rate shall be by and before the
20 governing board of the district as provided in s. 200.065 and
21 may be continued from day to day until terminated by the
22 board.
23 (4) BUDGET CONTROLS.--
24 (a) The final adopted budget for the district will
25 thereupon be the operating and fiscal guide for the district
26 for the ensuing year; however, transfers of funds may be made
27 within the budget by action of the governing board at a public
28 meeting of the governing board.
29 (b) The district shall control its budget, at a
30 minimum, by funds and shall provide to the Executive Office of
31 the Governor a description of its budget control mechanisms.

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

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

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

30 (b) The Executive Office of the Governor and the water
31 management districts shall develop a process to facilitate

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

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

22 (d) The tentative budget must set forth the proposed
23 expenditures of the district, to which may be added an amount
24 to be held as reserve.The tentative budget must include, but
25 is not limited to, the following information for the preceding
26 fiscal year and the current fiscal year, and the proposed
27 amounts for the upcoming fiscal year, in a standard format
28 prescribed by the Executive Office of the Governor ~~which is~~
29 ~~generally consistent with the format prescribed by legislative~~
30 ~~budget instructions for state agencies and the format~~
31 ~~requirements of s. 216.031:~~

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

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

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

14 4.2. ~~The salaries salary and benefits, expenses,~~
15 ~~operating capital outlay, number of authorized positions, and~~
16 ~~other personal services for the following program areas of the~~
17 ~~district, including a separate section for lobbying,~~
18 ~~intergovernmental relations, and advertising:~~

- 19 a. Water resource planning and monitoring;
20 b. Land acquisition, restoration, and public works;
21 c. Operation and maintenance of works and lands;
22 d. Regulation;
23 e. Outreach for which the information provided must
24 contain a full description and accounting of expenditures for
25 water resources education; public information and public
26 relations, including public service announcements and
27 advertising in any media; and lobbying activities related to
28 local, regional, state and federal governmental affairs,
29 whether incurred by district staff or through contractual
30 services; and

31 f. Management and administration.

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

15

16 In addition to the program areas reported by all water

17 management districts, the South Florida Water Management

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

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

20 Construction Project and the Comprehensive Everglades

21 Restoration Plan.

22 ~~5.3.~~ The total estimated amount in the district budget

23 for each area of responsibility listed in subparagraph 4.

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

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

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

27 ~~6.5.~~ A description of each new, expanded, reduced, or

28 eliminated program.

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

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

31 ~~for the water resource development component of each approved~~

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

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

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

1 transmitted to the Executive Office of the Governor, the
2 department, and the chairs of the House and Senate
3 appropriations committees.

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

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

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

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

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

1 district must provide a copy of the audit to the Auditor
2 General within 10 days after its acceptance by the governing
3 board.

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

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

1 Governor, the President of the Senate, and the Speaker of the
2 House of Representatives.

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

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

10 373.079 Members of governing board; oath of office;
11 staff.--

12 (4)

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

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

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

1 ~~format set forth in s. 216.043. The fiscal report shall cover~~
2 ~~the preceding fiscal year and shall include a summary~~
3 ~~statement of the financial operations of the district.~~

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

6 373.501 Appropriation of funds to water management
7 districts.--

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

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

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

24 373.59 Water Management Lands Trust Fund.--

25 (11) Notwithstanding any provision of this section to
26 the contrary, ~~and for the 2000-2001 fiscal year only,~~ the
27 governing board of a water management district may request,
28 and the Secretary of Environmental Protection shall release
29 upon such request, moneys allocated to the districts pursuant
30 to subsection (8) for ~~the purpose of carrying out the purposes~~
31 consistent with the provisions of s. 373.0361, s. 373.0831 s-

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

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

10 Section 6. Section 153.11, Florida Statutes, is
11 amended to read:

12 153.11 Water service charges and sewer service
13 charges; revenues.--

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

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

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

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

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

1 building or premises.

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

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

17 (3)(a) No rates, rate structures, fees, or charges
18 shall be fixed under the foregoing provisions of this section
19 until after a public hearing at which all of the users of the
20 facilities provided by this chapter and owners, tenants and
21 occupants of property served or to be served thereby and all
22 others interested shall have an opportunity to be heard
23 concerning the proposed rates, rate structures, fees, and
24 charges. After the adoption by the county commission of a
25 resolution setting forth the preliminary schedule or schedules
26 fixing and classifying such rates, rate structures, fees, and
27 charges, notice of such public hearing setting forth the
28 schedule or schedules of rates, rate structures, fees, and
29 charges shall be given by one publication in a newspaper
30 published in the county at least 10 days before the date fixed
31 in said notice for the hearing, which said hearing may be

1 adjourned from time to time. After such hearing such
2 preliminary schedule or schedules, either as originally
3 adopted or as modified or amended, shall be adopted and put
4 into effect and thereupon the resolution providing for the
5 issuance of water revenue bonds and/or sewer revenue bonds may
6 be finally adopted.

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

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

22 Section 7. Subsection (13) is added to section
23 163.3167, Florida Statutes, to read:

24 163.3167 Scope of act.--

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

30 Section 8. Paragraph (a) of subsection (3), paragraph
31 (a) of subsection (4), and paragraph (c) of subsection (6) of

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1 section 163.3177, Florida Statutes, are amended to read:

2 163.3177 Required and optional elements of
3 comprehensive plan; studies and surveys.--

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

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

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

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

24 4. Standards for the management of debt.

25 (4)(a) Coordination of the local comprehensive plan
26 with the comprehensive plans of adjacent municipalities, the
27 county, adjacent counties, or the region; with any applicable
28 plan developed pursuant to s. 373.036; with adopted rules
29 pertaining to designated areas of critical state concern; and
30 with the state comprehensive plan shall be a major objective
31 of the local comprehensive planning process. To that end, in

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

9 (6) In addition to the requirements of subsections
10 (1)-(5), the comprehensive plan shall include the following
11 elements:

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

1 plan developed pursuant to s. 373.036, that evaluate the
2 availability of potable water compared to population growth
3 projected by the future land use plan.

4 Section 9. Paragraph (k) is added to subsection (2) of
5 section 373.1961, Florida Statutes, to read:

6 373.1961 Water production.--

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

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

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

14 Section 10. Subsection (2) of section 373.217, Florida
15 Statutes, is amended to read:

16 373.217 Superseded laws and regulations.--

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

28 Section 11. Section 373.621, Florida Statutes, is
29 created to read:

30 373.621 Water conservation.--The Legislature
31 recognizes the significant value of water conservation in the

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

7 Section 12. Section 403.064, Florida Statutes, is
8 amended to read:

9 403.064 Reuse of reclaimed water.--

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

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

29 (a) Evaluation of monetary costs and benefits for
30 several levels and types of reuse.

31 (b) Evaluation of water savings if reuse is

1 implemented.

2 (c) Evaluation of rates and fees necessary to
3 implement reuse.

4 (d) Evaluation of environmental and water resource
5 benefits associated with reuse.

6 (e) Evaluation of economic, environmental, and
7 technical constraints.

8 (f) A schedule for implementation of reuse. The
9 schedule shall consider phased implementation.

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

18 (4)(3) The study required under subsection (2) shall
19 be performed by the applicant, and the applicant shall
20 determine the feasibility of reuse based upon the results of
21 the study, ~~its determination of feasibility is final~~ if the
22 study complies with the requirements of subsections (2) and
23 (3).

24 (5)(4) A reuse feasibility study is not required if:

25 (a) The domestic wastewater treatment facility has an
26 existing or proposed permitted or design capacity less than
27 0.1 million gallons per day; or

28 (b) The permitted reuse capacity equals or exceeds the
29 total permitted capacity of the domestic wastewater treatment
30 facility.

31 (6)(5) A reuse feasibility study prepared under

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1 subsection (2) satisfies a water management district
2 requirement to conduct a reuse feasibility study imposed on a
3 local government or utility that has responsibility for
4 wastewater management.

5 (7)~~(6)~~ Local governments may allow the use of
6 reclaimed water for inside activities, including, but not
7 limited to, toilet flushing, fire protection, and decorative
8 water features, as well as for outdoor uses, provided the
9 reclaimed water is from domestic wastewater treatment
10 facilities which are permitted, constructed, and operated in
11 accordance with department rules.

12 (8)~~(7)~~ Permits issued by the department for domestic
13 wastewater treatment facilities shall be consistent with
14 requirements for reuse included in applicable consumptive use
15 permits issued by the water management district, if such
16 requirements are consistent with department rules governing
17 reuse of reclaimed water. This subsection applies only to
18 domestic wastewater treatment facilities which are located
19 within, or serve a population located within, or discharge
20 within water resource caution areas and are owned, operated,
21 or controlled by a local government or utility which has
22 responsibility for water supply and wastewater management.

23 (9)~~(8)~~ Local governments may and are encouraged to
24 implement programs for the reuse of reclaimed water. Nothing
25 in this chapter shall be construed to prohibit or preempt such
26 local reuse programs.

27 (10)~~(9)~~ A local government that implements a reuse
28 program under this section shall be allowed to allocate the
29 costs in a reasonable manner.

30 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
31 Service Commission shall allow entities under its jurisdiction

1 which conduct studies or implement reuse projects, including,
2 but not limited to, any study required by subsection (2) or
3 facilities used for reliability purposes for a reclaimed water
4 reuse system, to recover the full, prudently incurred cost of
5 such studies and facilities through their rate structure.

6 (12)~~(11)~~ In issuing consumptive use permits, the
7 permitting agency shall consider the local reuse program.

8 (13)~~(12)~~ A local government shall require a developer,
9 as a condition for obtaining a development order, to comply
10 with the local reuse program.

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

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

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

29 (15)~~(14)~~ ~~If, After conducting a feasibility study~~
30 ~~under subsection (2), an applicant determines that reuse of~~
31 ~~reclaimed water is feasible, domestic wastewater treatment~~

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

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

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

18 Section 13. Section 570.080, Florida Statutes, is
19 created to read:

20 570.080 Agricultural water conservation program.--The
21 department shall establish an agricultural water conservation
22 program which includes the following:

23 (1) A cost share program, coordinated where
24 appropriate with United States Department of Agriculture and
25 other federal, state, regional, and local agencies, for
26 irrigation system retrofit and application of mobile
27 irrigation laboratory evaluations for water conservation as
28 provided in this section, and where applicable, for water
29 quality improvement pursuant to s. 403.067(7)(d).

30 (2) The development and implementation of voluntary
31 interim measures or best management practices, adopted by

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

21 (3) Provision of assistance to the water management
22 districts in the development and implementation of a
23 consistent, to the extent practicable, methodology for the
24 efficient allocation of water for agricultural irrigation.

25 Section 14. The South Florida, St. Johns River, and
26 Southwest Florida Water Management Districts shall each
27 develop and participate in financing at least one
28 public-private alternative water project that expands the
29 current availability of alternative water supplies. Funding
30 for the selected project shall commence no later than fiscal
31 year 2001-2002. The selected project shall meet the criteria

1 in s. 373.0831(4)(a). Projects that create new sources in
2 order to help implement a prevention or recovery strategy for
3 a minimum flow or level shall be given priority consideration
4 for funding.

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

24 Section 16. Subsection (7) of section 373.0693,
25 Florida Statutes, is amended to read:

26 373.0693 Basins; basin boards.--

27 (7) At 11:59 p.m. on December 31, 1976, the Manasota
28 Watershed Basin of the Ridge and Lower Gulf Coast Water
29 Management District, which is annexed to the Southwest Florida
30 Water Management District by change of its boundaries pursuant
31 to chapter 76-243, Laws of Florida, shall be formed into a

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

16 Section 17. This act shall take effect July 1, 2001.

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

20 And the title is amended as follows:

21 On page 1, line 2 through page 2 line 5
 22 remove from the title of the bill: all of said lines
 23
 24 and insert in lieu thereof:

25 An act relating to water resources; amending s.
 26 373.536, F.S.; revising notice and hearing
 27 provisions relating to the adoption of a final
 28 budget for the water management districts;
 29 specifying to whom a copy of the water
 30 management districts' tentative budgets must be
 31 sent for review; specifying the contents of the

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1 tentative budgets; requiring the Executive
2 Office of the Governor to file with the
3 Legislature a report summarizing its review of
4 the water management districts' tentative
5 budgets and displaying the adopted budget
6 allocations by program area; requiring the
7 water management districts to submit certain
8 budget documents to specified officials;
9 amending s. 373.079, F.S.; deleting a
10 requirement that the water management districts
11 submit a 5-year capital improvement plan and
12 fiscal report to the Governor, the President of
13 the Senate, the Speaker of the House of
14 Representatives, and the Secretary of
15 Environmental Protection; amending s. 373.501,
16 F.S.; providing procedures for the transfer of
17 funds for proposed water management district
18 projects; amending s. 373.59, F.S.; authorizing
19 the use of the Water Management Trust Fund for
20 specified purposes other than acquisition;
21 repealing s. 373.507, F.S., relating to
22 postaudits and budgets of water management
23 districts and basins; repealing s. 373.589,
24 F.S., relating to audits of water management
25 districts; amending s. 153.11, F.S.;
26 authorizing county commissions to establish
27 water and sewer rates and rate structures to
28 encourage and promote water conservation and
29 the use of reclaimed water; amending s.
30 163.3167, F.S.; requiring that each local
31 government provide in its growth management

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1 plan for the long-term availability of water
2 supplies for approved land development;
3 amending s. 163.3177, F.S.; directing local
4 government comprehensive plans to coordinate
5 with regional water supply plans; directing
6 future land use plans to be based on data
7 regarding the availability of sufficient water
8 supplies for present and future growth;
9 amending s. 373.1961, F.S.; allowing certain
10 alternative water supply facilities to recover
11 the costs of such facilities through rate
12 structures; amending s. 373.217, F.S.;
13 recognizing a permit issued under Part II of
14 Chapter 373, F.S., as conclusive determination
15 of water supply availability; creating s.
16 373.621, F.S.; recognizing the significance of
17 water conservation; requiring consideration of
18 the implementation of water conservation
19 practices in water use permitting; amending s.
20 403.064, F.S.; requiring the reuse of reclaimed
21 water when feasible; creating s. 570.080, F.S.;
22 establishing an agricultural water conservation
23 program; requiring water management districts
24 to develop and finance public-private
25 alternative water supply projects; requiring
26 the dissemination of public information
27 regarding the status of major water sources;
28 amending s. 373.0693, F.S.; providing for
29 membership on the Manasota Basin Board and for
30 the resolution of tie votes; providing an
31 effective date.