

By Representative Machek

1                                   A bill to be entitled  
2           An act relating to water supplies; amending s.  
3           259.03, F.S.; revising definition of "water  
4           resource development project" in provisions  
5           relating to conservation and recreation lands,  
6           to provide funding for facilities that treat,  
7           store, transport, or distribute reclaimed water  
8           or stormwater for reuse; amending s. 373.621,  
9           F.S.; encouraging the Department of  
10          Environmental Protection and water management  
11          districts to issue longer-duration consumptive  
12          use permits for applicants implementing water  
13          conservation measures; amending s. 378.207,  
14          F.S.; providing land reclamation criteria for  
15          areas designated as water resource caution  
16          areas; amending s. 403.1835, F.S.; providing  
17          for low-interest loans to provide certain water  
18          pollution control financial assistance;  
19          providing legislative intent that water  
20          management districts develop a water resources  
21          information program by a specified date;  
22          providing for submittal of information to  
23          certain legislative committees; providing for a  
24          study to identify incentives for use of  
25          reclaimed water to augment certain water  
26          supplies; requiring the department to issue  
27          study reports; providing for the assistance of  
28          a technical advisory committee; providing  
29          permitting considerations a water management  
30          district must grant to water supply project  
31          applicants when the project is consistent with

1           the applicable regional water supply plan;  
2           providing an effective date.

3

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

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6           Section 1. Subsection (6) of section 259.03, Florida  
7 Statutes, is amended to read:

8           259.03 Definitions.--The following terms and phrases  
9 when used in this chapter shall have the meanings ascribed to  
10 them in this section, except where the context clearly  
11 indicates a different meaning:

12           (6) "Water resource development project" means a  
13 project eligible for funding pursuant to s. 259.105 that  
14 increases the amount of water available to meet the needs of  
15 natural systems and the citizens of the state by enhancing or  
16 restoring aquifer recharge, facilitating the capture and  
17 storage of excess flows in surface waters, or promoting reuse.  
18 The implementation of eligible projects under s. 259.105  
19 includes land acquisition, land and water body restoration,  
20 aquifer storage and recovery facilities, surface water  
21 reservoirs, and other capital improvements. The term does not  
22 include construction of treatment, transmission, or  
23 distribution facilities, with the exception of facilities  
24 which treat, store, transport, or distribute reclaimed water  
25 or stormwater for reuse.

26           Section 2. Section 373.621, Florida Statutes, is  
27 amended to read:

28           373.621 Water conservation.--The Legislature  
29 recognizes the significant value of water conservation in the  
30 protection and efficient use of water resources. Accordingly,  
31 consideration in the administration of ss. 373.223, 373.233,

1 and 373.236 shall be given to applicants who implement water  
2 conservation practices pursuant to s. 570.085 or other  
3 applicable water conservation measures as determined by the  
4 department or a water management district. The department or a  
5 water management district shall consider issuing and is  
6 encouraged to issue a permit for a longer duration pursuant to  
7 s. 373.236 for permit applicants under part II who propose  
8 implementing water conservation measures that conserve more  
9 water than the average or typical measures employed by the  
10 industry or type of water use or that result in more efficient  
11 water use than is typical or average for the industry or type  
12 of water use.

13 Section 3. Subsection (1) of section 378.207, Florida  
14 Statutes, is amended to read:

15 378.207 Reclamation criteria and standards.--

16 (1) The department, by rule, shall adopt statewide  
17 criteria and standards for reclamation. Such rules shall  
18 recognize that surface mining takes place in diverse areas  
19 where the geologic, topographic, and edaphic conditions are  
20 different, and that reclamation operations and the  
21 specifications therefor may vary accordingly. The rules,  
22 recognizing technological limitations and economic  
23 considerations, shall require the return of the natural  
24 function of wetlands or a particular habitat or condition to  
25 that in existence prior to mining. However, in areas  
26 designated as water resource caution areas, the reclamation  
27 shall be acceptable if it promotes water resource development  
28 consistent with the regional water supply plan approved  
29 pursuant to s. 373.0361 and shall be deemed to satisfy the  
30 public interest criteria in s. 373.414(1).

31

1           Section 4. Paragraph (b) of subsection (3) of section  
2 403.1835, Florida Statutes, is amended to read:

3           403.1835 Water pollution control financial  
4 assistance.--

5           (3) The department may provide financial assistance  
6 through any program authorized under s. 603 of the Federal  
7 Water Pollution Control Act (Clean Water Act), Pub. L. No.  
8 92-500, as amended, including, but not limited to, making  
9 grants and loans, providing loan guarantees, purchasing loan  
10 insurance or other credit enhancements, and buying or  
11 refinancing local debt. This financial assistance must be  
12 administered in accordance with this section and applicable  
13 federal authorities. The department shall administer all  
14 programs operated from funds secured through the activities of  
15 the Florida Water Pollution Control Financing Corporation  
16 under s. 403.1837, to fulfill the purposes of this section.

17           (b) The department may make or request the corporation  
18 to make loans, grants, and deposits to other entities eligible  
19 to participate in the financial assistance programs authorized  
20 under the Federal Water Pollution Control Act, or as a result  
21 of other federal action, which entities may pledge any revenue  
22 available to them to repay any funds borrowed. Notwithstanding  
23 s. 18.10, the department may make deposits to financial  
24 institutions that earn less than the prevailing rate for  
25 United States Treasury securities with corresponding  
26 maturities for the purpose of enabling such financial  
27 institutions to make below-market interest rate loans to  
28 entities qualified to receive loans under this section and the  
29 rules of the department.

30           Section 5. To aid in the development of a better  
31 understanding of Florida's unique surface and groundwater

1 sources, it is the intent of the Legislature that the water  
2 management districts undertake a coordinated effort to develop  
3 an illustrative public service program that depicts the  
4 current status of major surface and groundwater sources. This  
5 program shall be designed to provide information that shows  
6 the water levels of aquifers and water bodies that are  
7 critical to water supplies within each water management  
8 district. It is the intent of the Legislature that the  
9 districts develop partnerships with the local media to assist  
10 in the dissemination of this information. Further, it is the  
11 intent of the Legislature that this program be developed and  
12 made available no later than December 31, 2002. Beginning  
13 January 1, 2003, and every 6 months thereafter, the  
14 information developed pursuant to this section shall be  
15 submitted to the appropriate legislative committees with  
16 substantive jurisdiction over the water management districts.

17 Section 6. The Legislature finds that within the area  
18 identified in the Lower East Coast Regional Water Supply Plan  
19 approved by the South Florida Water Management District  
20 pursuant to s. 373.0361, Florida Statutes, the groundwater  
21 levels can benefit from augmentation. The Legislature finds  
22 that the discharge of reclaimed water into canals for  
23 transport and subsequent reuse can provide a portion of this  
24 beneficial augmentation and also provide water for  
25 reasonable-beneficial uses. To implement these findings, the  
26 Department of Environmental Protection, in consultation with  
27 the South Florida Water Management District, shall conduct a  
28 study to identify regulatory, technical, and financial  
29 incentives that can be provided to encourage the discharge of  
30 reclaimed wastewater to canals for conveyance and reuse in  
31 this area. The department shall issue a preliminary written

1 report containing draft findings and recommendations for  
2 public comment by November 1, 2002. The department shall  
3 provide a written report on the results of its study to the  
4 Governor and the substantive committees of the House of  
5 Representatives and the Senate by January 31, 2003. The  
6 report shall clearly identify regulatory, technical, or  
7 financial incentives that can be provided to encourage the  
8 discharge of reclaimed wastewater to canals for conveyance and  
9 reuse within the area identified in the Lower East Coast  
10 Regional Water Supply Plan. These incentives must be  
11 consistent with the Comprehensive Everglades Restoration Plan  
12 under s. 373.470, Florida Statutes. The department shall  
13 convene a technical advisory committee to assist in conducting  
14 the study and preparing the report. The technical advisory  
15 committee shall include one representative each from the  
16 potable water utility industry, the domestic wastewater  
17 treatment industry, the engineering profession, and business  
18 and environmental organizations. The technical advisory  
19 committee shall also include two members of local government,  
20 one of whom shall be from a county or municipality and the  
21 other from a government with principal responsibility for the  
22 operation and maintenance of a water control system capable of  
23 conveying reclaimed wastewater for reuse. Members of the  
24 technical advisory committee shall serve without compensation.  
25 The existence and legislative findings of this section shall  
26 not be used in evaluating reuse feasibility studies submitted  
27 pursuant to s. 403.064, Florida Statutes, or to determine if  
28 the reuse of reclaimed wastewater is feasible when evaluating  
29 applications for permits pursuant to part II of chapter 373,  
30 Florida Statutes.  
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1           Section 7. If a proposed water supply project is  
2 consistent with the applicable adopted regional water supply  
3 plan, then the water management district must grant the  
4 applicant at least one of the following:

5           (1) A consumptive use permit with at least a 10-year  
6 duration.

7           (2) An expedited permitting process for both the  
8 initial review and any subsequent renewals.

9           (3) Financial assistance with the implementation of  
10 the proposed project.

11           Section 8. This act shall take effect upon becoming a  
12 law.

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15           HOUSE SUMMARY

16           Revises the definition of "water resource development  
17 project" in provisions relating to conservation and  
18 recreation lands, to provide funding for facilities that  
19 treat, store, transport, or distribute reclaimed water or  
20 stormwater for reuse. Encourages the Department of  
21 Environmental Protection and water management districts  
22 to issue longer-duration consumptive use permits for  
23 applicants implementing water conservation measures.  
24 Provides land reclamation criteria for areas designated  
25 as water resource caution areas. Provides for  
26 low-interest loans to provide certain water pollution  
27 control financial assistance. Provides legislative intent  
28 that water management districts develop a water resources  
29 information program by December 31, 2002, and provides  
30 for submittal of information to legislative committees.  
31 Provides for a study to identify incentives for use of  
reclaimed water to augment certain water supplies.  
Requires the department to issue study reports and  
provides for the assistance of a technical advisory  
committee. Provides permitting considerations a water  
management district must grant to water supply project  
applicants when the project is consistent with the  
applicable regional water supply plan.