

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Natural Resources & Environmental Protection offered the following:

Amendment (with title amendment)

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

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

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

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

- 1. A component which outlines principles for construction, extension, or increase in capacity of public facilities, including potable water facilities compatible with the applicable regional water supply plan developed pursuant

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1 to s. 373.0361, as well as a component which outlines
2 principles for correcting existing public facility
3 deficiencies, which are necessary to implement the
4 comprehensive plan. The components shall cover at least a
5 5-year period.

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

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

13 4. Standards for the management of debt.

14 (4)(a) Coordination of the local comprehensive plan
15 with the comprehensive plans of adjacent municipalities, the
16 county, adjacent counties, or the region; with the appropriate
17 water management district's regional water supply plans
18 approved pursuant to s. 373.0361; with adopted rules
19 pertaining to designated areas of critical state concern; and
20 with the state comprehensive plan shall be a major objective
21 of the local comprehensive planning process. To that end, in
22 the preparation of a comprehensive plan or element thereof,
23 and in the comprehensive plan or element as adopted, the
24 governing body shall include a specific policy statement
25 indicating the relationship of the proposed development of the
26 area to the comprehensive plans of adjacent municipalities,
27 the county, adjacent counties, or the region and to the state
28 comprehensive plan, as the case may require and as such
29 adopted plans or plans in preparation may exist.

30 (6) In addition to the requirements of subsections
31 (1)-(5), the comprehensive plan shall include the following

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1 elements:

2 (a) A future land use plan element designating
3 proposed future general distribution, location, and extent of
4 the uses of land for residential uses, commercial uses,
5 industry, agriculture, recreation, conservation, education,
6 public buildings and grounds, other public facilities, and
7 other categories of the public and private uses of land. The
8 future land use plan shall include standards to be followed in
9 the control and distribution of population densities and
10 building and structure intensities. The proposed
11 distribution, location, and extent of the various categories
12 of land use shall be shown on a land use map or map series
13 which shall be supplemented by goals, policies, and measurable
14 objectives. Each land use category shall be defined in terms
15 of the types of uses included and specific standards for the
16 density or intensity of use. The future land use plan shall
17 be based upon surveys, studies, and data regarding the area,
18 including the amount of land required to accommodate
19 anticipated growth; the projected population of the area; the
20 character of undeveloped land; the availability of public
21 services; the need for redevelopment, including the renewal of
22 blighted areas and the elimination of nonconforming uses which
23 are inconsistent with the character of the community; and, in
24 rural communities, the need for job creation, capital
25 investment, and economic development that will strengthen and
26 diversify the community's economy. The future land use plan
27 may designate areas for future planned development use
28 involving combinations of types of uses for which special
29 regulations may be necessary to ensure development in accord
30 with the principles and standards of the comprehensive plan
31 and this act. In addition, for rural communities, the amount

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1 of land designated for future planned industrial use shall be
2 based upon surveys and studies that reflect the need for job
3 creation, capital investment, and the necessity to strengthen
4 and diversify the local economies, and shall not be limited
5 solely by the projected population of the rural community. The
6 future land use plan of a county may also designate areas for
7 possible future municipal incorporation. The land use maps or
8 map series shall generally identify and depict historic
9 district boundaries and shall designate historically
10 significant properties meriting protection. The future land
11 use element must clearly identify the land use categories in
12 which public schools are an allowable use. When delineating
13 the land use categories in which public schools are an
14 allowable use, a local government shall include in the
15 categories sufficient land proximate to residential
16 development to meet the projected needs for schools in
17 coordination with public school boards and may establish
18 differing criteria for schools of different type or size.
19 Each local government shall include lands contiguous to
20 existing school sites, to the maximum extent possible, within
21 the land use categories in which public schools are an
22 allowable use. All comprehensive plans must comply with the
23 school siting requirements of this paragraph no later than
24 October 1, 1999. The failure by a local government to comply
25 with these school siting requirements by October 1, 1999, will
26 result in the prohibition of the local government's ability to
27 amend the local comprehensive plan, except for plan amendments
28 described in s. 163.3187(1)(b), until the school siting
29 requirements are met. An amendment proposed by a local
30 government for purposes of identifying the land use categories
31 in which public schools are an allowable use is exempt from

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1 the limitation on the frequency of plan amendments contained
2 in s. 163.3187. The future land use element shall include
3 criteria which encourage the location of schools proximate to
4 urban residential areas to the extent possible and shall
5 require that the local government seek to collocate public
6 facilities, such as parks, libraries, and community centers,
7 with schools to the extent possible. For schools serving
8 predominantly rural counties, defined as a county with a
9 population of 100,000 or fewer, an agricultural land use
10 category shall be eligible for the location of public school
11 facilities if the local comprehensive plan contains school
12 siting criteria and the location is consistent with such
13 criteria.

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

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1 soils for septic tanks. By July 1, 2007, or the Evaluation and
2 Appraisal Report adoption deadline established for the local
3 government pursuant to s. 163.3191(a), whichever date occurs
4 first, the element must consider the appropriate water
5 management district's regional water supply plan approved
6 pursuant to s. 373.0361. The potable water element shall
7 include a work plan covering at least a 10 year planning
8 period for building water supply facilities that are
9 identified in the potable water element as necessary to meet
10 projected water demand to serve existing and new development
11 and for which the local government is responsible.

12 (d) A conservation element for the conservation, use,
13 and protection of natural resources in the area, including
14 air, water, water recharge areas, wetlands, waterwells,
15 estuarine marshes, soils, beaches, shores, flood plains,
16 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
17 marine habitat, minerals, and other natural and environmental
18 resources. Local governments shall assess their current, as
19 well as projected, water needs and sources for at least a
20 10-year period considering the appropriate regional water
21 supply plan approved pursuant to s. 373.0361 or the district
22 water management plan approved pursuant to s. 373.036(2) in
23 the absence of an approved regional water supply plan. This
24 information shall be submitted to the appropriate agencies.
25 The land use map or map series contained in the future land
26 use element shall generally identify and depict the following:

- 27 1. Existing and planned waterwells and cones of
28 influence where applicable.
29 2. Beaches and shores, including estuarine systems.
30 3. Rivers, bays, lakes, flood plains, and harbors.
31 4. Wetlands.

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1 5. Minerals and soils.
2
3 The land uses identified on such maps shall be consistent with
4 applicable state law and rules.

5 (h)1. An intergovernmental coordination element
6 showing relationships and stating principles and guidelines to
7 be used in the accomplishment of coordination of the adopted
8 comprehensive plan with the plans of school boards and other
9 units of local government providing services but not having
10 regulatory authority over the use of land, with the
11 comprehensive plans of adjacent municipalities, the county,
12 adjacent counties, or the region, ~~and~~ with the state
13 comprehensive plan and with the applicable regional water
14 supply plan approved pursuant to s. 373.0361, as the case may
15 require and as such adopted plans or plans in preparation may
16 exist. This element of the local comprehensive plan shall
17 demonstrate consideration of the particular effects of the
18 local plan, when adopted, upon the development of adjacent
19 municipalities, the county, adjacent counties, or the region,
20 or upon the state comprehensive plan, as the case may require.

21 a. The intergovernmental coordination element shall
22 provide for procedures to identify and implement joint
23 planning areas, especially for the purpose of annexation,
24 municipal incorporation, and joint infrastructure service
25 areas.

26 b. The intergovernmental coordination element shall
27 provide for recognition of campus master plans prepared
28 pursuant to s. 240.155.

29 c. The intergovernmental coordination element may
30 provide for a voluntary dispute resolution process as
31 established pursuant to s. 186.509 for bringing to closure in

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1 a timely manner intergovernmental disputes. A local
2 government may develop and use an alternative local dispute
3 resolution process for this purpose.

4 2. The intergovernmental coordination element shall
5 further state principles and guidelines to be used in the
6 accomplishment of coordination of the adopted comprehensive
7 plan with the plans of school boards and other units of local
8 government providing facilities and services but not having
9 regulatory authority over the use of land. In addition, the
10 intergovernmental coordination element shall describe joint
11 processes for collaborative planning and decisionmaking on
12 population projections and public school siting, the location
13 and extension of public facilities subject to concurrency, and
14 siting facilities with countywide significance, including
15 locally unwanted land uses whose nature and identity are
16 established in an agreement. Within 1 year of adopting their
17 intergovernmental coordination elements, each county, all the
18 municipalities within that county, the district school board,
19 and any unit of local government service providers in that
20 county shall establish by interlocal or other formal agreement
21 executed by all affected entities, the joint processes
22 described in this subparagraph consistent with their adopted
23 intergovernmental coordination elements.

24 3. To foster coordination between special districts
25 and local general-purpose governments as local general-purpose
26 governments implement local comprehensive plans, each
27 independent special district must submit a public facilities
28 report to the appropriate local government as required by s.
29 189.415.

30 4. The state land planning agency shall establish a
31 schedule for phased completion and transmittal of plan

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1 amendments to implement subparagraphs 1., 2., and 3. from all
2 jurisdictions so as to accomplish their adoption by December
3 31, 1999. A local government may complete and transmit its
4 plan amendments to carry out these provisions prior to the
5 scheduled date established by the state land planning agency.
6 The plan amendments are exempt from the provisions of s.
7 163.3187(1).

8 Section 2. Paragraph (1) of subsection (2) of section
9 163.3191, Florida Statutes, is added to said section to read:

10 163.3191 Evaluation and appraisal of comprehensive
11 plan.--

12 (2) The report shall present an evaluation and
13 assessment of the comprehensive plan and shall contain
14 appropriate statements to update the comprehensive plan,
15 including, but not limited to, words, maps, illustrations, or
16 other media, related to:

17 (1) The evaluation must consider the appropriate water
18 management district's regional water supply plan approved
19 pursuant to s. 373.0361. The potable water element must be
20 revised to include a workplan covering at least a 10 year
21 planning period for building water supply facilities that are
22 identified in the potable water element as necessary to serve
23 existing and new development and for which the local
24 government is responsible.

25 Section 3. Subsection (6) of section 259.03, Florida
26 Statutes, is amended to read:

27 259.03 Definitions.--The following terms and phrases
28 when used in this chapter shall have the meanings ascribed to
29 them in this section, except where the context clearly
30 indicates a different meaning:

31 (6) "Water resource development project" means a

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1 project eligible for funding pursuant to s. 259.105 that
2 increases the amount of water available to meet the needs of
3 natural systems and the citizens of the state by enhancing or
4 restoring aquifer recharge, facilitating the capture and
5 storage of excess flows in surface waters, or promoting reuse.
6 The implementation of eligible projects under s. 259.105
7 includes land acquisition, land and water body restoration,
8 aquifer storage and recovery facilities, surface water
9 reservoirs, and other capital improvements. The term does not
10 include construction of treatment, transmission, or
11 distribution facilities, with the exception of facilities
12 which treat, store or transport reclaimed water or stormwater
13 for reuse.

14 Section 4. Subsection (11) of section 367.022, Florida
15 Statutes, is amended to read:

16 367.022 Exemptions.--The following are not subject to
17 regulation by the commission as a utility nor are they subject
18 to the provisions of this chapter, except as expressly
19 provided:

20 (11) Any person providing only nonpotable water for
21 irrigation or fireflow purposes in a geographic area where
22 potable water service is available from a governmentally or
23 privately owned utility or a private well.

24 Section 5. Section 403.064, Florida Statutes, is
25 amended to read:

26 403.064 Reuse of reclaimed water.--

27 (1) The encouragement and promotion of water
28 conservation, and reuse of reclaimed water, as defined by the
29 department, are state objectives and are considered to be in
30 the public interest. The Legislature finds that the reuse of
31 reclaimed water is a critical component of meeting the state's

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1 existing and future water supply needs while sustaining
2 natural systems.The Legislature further finds that for those
3 wastewater treatment plants permitted and operated under an
4 approved reuse program by the department, the reclaimed water
5 shall be considered environmentally acceptable and not a
6 threat to public health and safety.

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

15 (a) Evaluation of monetary costs and benefits for
16 several levels and types of reuse.

17 (b) Evaluation of water savings if reuse is
18 implemented.

19 (c) Evaluation of rates and fees necessary to
20 implement reuse.

21 (d) Evaluation of environmental and water resource
22 benefits associated with reuse.

23 (e) Evaluation of economic, environmental, and
24 technical constraints.

25 (f) A schedule for implementation of reuse. The
26 schedule shall consider phased implementation.

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

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1 evaluated and the methods of analysis to be used. The plan of
2 study shall be submitted to the department for review and
3 approval.

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

10 ~~(5)(4)~~ A reuse feasibility study is not required if:

11 (a) The domestic wastewater treatment facility has an
12 existing or proposed permitted or design capacity less than
13 0.1 million gallons per day; or

14 (b) The permitted reuse capacity equals or exceeds the
15 total permitted capacity of the domestic wastewater treatment
16 facility.

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

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

29 ~~(8)(7)~~ Permits issued by the department for domestic
30 wastewater treatment facilities shall be consistent with
31 requirements for reuse included in applicable consumptive use

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

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

13 (10)~~(9)~~ A local government that implements a reuse
14 program under this section shall be allowed to allocate the
15 costs in a reasonable manner.

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

23 (12)~~(11)~~ In issuing consumptive use permits, the
24 permitting agency shall consider the local reuse program.

25 (13)~~(12)~~ A local government shall require a developer,
26 as a condition for obtaining a development order, to comply
27 with the local reuse program.

28 (14)~~(13)~~ ~~If, After conducting a feasibility study~~
29 ~~under subsection (2), an applicant determines that reuse of~~
30 ~~reclaimed water is feasible,~~ domestic wastewater treatment
31 facilities that dispose of effluent by Class I deep well

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1 injection, as defined in 40 C.F.R. part 144.6(a), must
2 implement reuse ~~according to the schedule for implementation~~
3 ~~contained in the study conducted under subsection (2),~~ to the
4 degree that reuse is ~~determined~~ feasible, based upon the
5 applicant's reuse feasibility study. Applicable permits issued
6 by the department shall be consistent with the requirements of
7 this subsection.

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

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

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

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

31 (b) This subsection applies only to domestic

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1 wastewater treatment facilities located within, serving a
2 population located within, or discharging within a water
3 resource caution area.

4 Section 6. Paragraph (b) of subsection (3) of section
5 403.1835, Florida Statutes, is amended to read:

6 403.1835 Water pollution control financial
7 assistance.--

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

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

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1 rules of the department.

2 Section 7. In order to aid in the development of a
3 better understanding of the unique surface and groundwater
4 sources of this state, the water management districts shall
5 undertake a coordinated effort to develop an illustrative
6 public service program that depicts the current status of
7 major surface and groundwater sources in this state. The
8 program shall be designed to provide information on existing
9 hydrologic conditions and appropriate conservation measures.
10 The districts shall develop partnerships with the local media
11 to assist in the dissemination of this information. The
12 program shall be developed and made available no later than
13 December 31, 2002. Beginning January 1, 2003, and on a regular
14 basis, no less than every 6 months thereafter, the information
15 developed pursuant to this section shall be submitted to the
16 appropriate legislative committees with substantive
17 jurisdiction over the water management districts.

18 Section 8. Subsection (3) of section 403.804 is
19 repealed.

20 Section 9. This act shall take effect upon becoming a
21 law.

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

25 And the title is amended as follows:

26 On page 1, lines 2 through 23
27 remove from the title of the bill: all of said lines

28

29 and insert in lieu thereof:

30 An act relating to water supply policy;
31 amending s. 163.3177, F.S.; specifying

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1 additional requirements for comprehensive plans
2 relating to water resources, water supplies,
3 and water supply plans; requiring a water-use
4 related element of future land use plans to be
5 based on data regarding the availability of
6 sufficient water supplies for present and
7 future growth; amending s. 163.3191, F.S.;
8 requiring a workplan in the evaluation and
9 appraisal report; amending s. 259.03, F.S.;
10 providing funding authorization for reuse
11 facilities; amending s. 367.022, F.S.;
12 providing non-potable water to be used for
13 irrigation and fireflow; amending s. 403.064,
14 F.S.; requiring reuse of reclaimed water under
15 certain circumstances; requiring water
16 management districts to develop a water sources
17 status public service program; amending s.
18 403.1835, F.S.; providing for certain low
19 interest loans; requiring the dissemination of
20 public information regarding the status of
21 major water sources; requiring biannual
22 submittal of such information to certain
23 legislative committees; repealing s.
24 403.804(3), F.S.; providing an effective date.

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