

By Representatives Russell, Byrd, Harrington and Machek

1 A bill to be entitled
2 An act relating to water supply policy;
3 providing legislative intent; amending s.
4 163.3167, F.S.; requiring local governments to
5 provide in growth management plans for
6 long-term availability of water supplies for
7 approved land development; amending s.
8 163.3177, F.S.; specifying additional
9 requirements for comprehensive plans relating
10 to water resources, water supplies, and water
11 supply plans; requiring a water-use related
12 element of future land use plans to be based on
13 data regarding the availability of sufficient
14 water supplies for present and future growth;
15 amending s. 403.064, F.S.; requiring reuse of
16 reclaimed water under certain circumstances;
17 requiring water management districts to develop
18 a water sources status public service program;
19 requiring the dissemination of public
20 information regarding the status of major water
21 sources; requiring biannual submittal of such
22 information to certain legislative committees;
23 providing an effective date.

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

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27 Section 1. It is the intent of the Legislature that
28 the water supply planning provisions of this act be
29 implemented in accordance with the process and schedule
30 contained in s. 163.3191, Florida Statutes. Any local
31 government the jurisdiction of which is wholly or partly

1 within an area for which a plan has been developed pursuant to
2 s. 373.0361, Florida Statutes, shall amend its comprehensive
3 plan in accordance with this act during the next scheduled
4 evaluation and appraisal process or by July 1, 2007, whichever
5 occurs first.

6 Section 2. Subsection (13) is added to section
7 163.3167, Florida Statutes, to read:

8 163.3167 Scope of act.--

9 (13) Each local government shall address in its
10 comprehensive plan the availability of water supplies
11 necessary to meet the projected water use demands for the
12 established planning period, compatible with any applicable
13 plan developed pursuant to s. 373.0361.

14 Section 3. Paragraph (a) of subsection (3), paragraph
15 (a) of subsection (4), and paragraphs (a) and (c) of
16 subsection (6) of section 163.3177, Florida Statutes, are
17 amended to read:

18 163.3177 Required and optional elements of
19 comprehensive plan; studies and surveys.--

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

24 1. A component which outlines principles for
25 construction, extension, or increase in capacity of public
26 facilities, including potable water facilities compatible with
27 the applicable regional water supply plan developed pursuant
28 to s. 373.0361,as well as a component which outlines
29 principles for correcting existing public facility
30 deficiencies, which are necessary to implement the
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1 comprehensive plan. The components shall cover at least a
2 5-year period.

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

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

10 4. Standards for the management of debt.

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

26 (6) In addition to the requirements of subsections
27 (1)-(5), the comprehensive plan shall include the following
28 elements:

29 (a) A future land use plan element designating
30 proposed future general distribution, location, and extent of
31 the uses of land for residential uses, commercial uses,

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

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

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

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. The element shall also include data
31 and analyses, based upon the appropriate plan developed

1 pursuant to s. 373.0361, that evaluate the availability of
2 potable water compared to population growth projected by the
3 future land use plan.

4 Section 4. Section 403.064, Florida Statutes, is
5 amended to read:

6 403.064 Reuse of reclaimed water.--

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

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

26 (a) Evaluation of monetary costs and benefits for
27 several levels and types of reuse.

28 (b) Evaluation of water savings if reuse is
29 implemented.

30 (c) Evaluation of rates and fees necessary to
31 implement reuse.

1 (d) Evaluation of environmental and water resource
2 benefits associated with reuse.

3 (e) Evaluation of economic, environmental, and
4 technical constraints.

5 (f) A schedule for implementation of reuse. The
6 schedule shall consider phased implementation.

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

15 (4)(3) The study required under subsection (2) shall
16 be performed by the applicant, and the applicant shall
17 determine the applicant's determination of feasibility of
18 reuse based upon the results of the study is final if the
19 study complies with the requirements of subsections ~~subsection~~
20 (2) and (3).

21 (5)(4) A reuse feasibility study is not required if:

22 (a) The domestic wastewater treatment facility has an
23 existing or proposed permitted or design capacity less than
24 0.1 million gallons per day; or

25 (b) The permitted reuse capacity equals or exceeds the
26 total permitted capacity of the domestic wastewater treatment
27 facility.

28 (6)(5) A reuse feasibility study prepared under
29 subsection (2) satisfies a water management district
30 requirement to conduct a reuse feasibility study imposed on a
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1 local government or utility that has responsibility for
2 wastewater management.

3 (7)~~(6)~~ Local governments may allow the use of
4 reclaimed water for inside activities, including, but not
5 limited to, toilet flushing, fire protection, and decorative
6 water features, as well as for outdoor uses, provided the
7 reclaimed water is from domestic wastewater treatment
8 facilities which are permitted, constructed, and operated in
9 accordance with department rules.

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

21 (9)~~(8)~~ Local governments may and are encouraged to
22 implement programs for the reuse of reclaimed water. Nothing
23 in this chapter shall be construed to prohibit or preempt such
24 local reuse programs.

25 (10)~~(9)~~ A local government that implements a reuse
26 program under this section shall be allowed to allocate the
27 costs in a reasonable manner.

28 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
29 Service Commission shall allow entities under its jurisdiction
30 which conduct studies or implement reuse projects, including,
31 but not limited to, any study required by subsection (2) or

1 facilities used for reliability purposes for a reclaimed water
2 reuse system, to recover the full, prudently incurred cost of
3 such studies and facilities through their rate structure.

4 (12)~~(11)~~ In issuing consumptive use permits, the
5 permitting agency shall consider the local reuse program.

6 (13)~~(12)~~ A local government shall require a developer,
7 as a condition for obtaining a development order, to comply
8 with the local reuse program.

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

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

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

27 (15)~~(14)~~ ~~If, After conducting a feasibility study~~
28 ~~under subsection (2), an applicant determines that reuse of~~
29 ~~reclaimed water is feasible,~~ domestic wastewater treatment
30 facilities that dispose of effluent by surface water
31 discharges or by land application methods must implement reuse

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

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

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

16 Section 5. In order to aid in the development of a
17 better understanding of the unique surface and groundwater
18 sources of this state, the water management districts shall
19 undertake a coordinated effort to develop an illustrative
20 public service program that depicts the current status of
21 major surface and groundwater sources in this state. The
22 program shall be designed to provide information that shows
23 the water levels of aquifers and water bodies that are
24 critical to water supplies within each water management
25 district. The districts shall develop partnerships with the
26 local media to assist in the dissemination of this
27 information. The program shall be developed and made available
28 no later than December 31, 2002. Beginning January 1, 2003,
29 and every 6 months thereafter, the information developed
30 pursuant to this section shall be submitted to the appropriate
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1 legislative committees with substantive jurisdiction over the
2 water management districts.

3 Section 6. This act shall take effect upon becoming a
4 law.

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7 HOUSE SUMMARY

8
9 Requires local governments to provide in their growth
10 management plans for the long-term availability of water
11 supplies for approved land development. Specifies
12 additional requirements for comprehensive plans relating
13 to water resources, water supplies, and water supply
14 plans. Requires the sewer, solid waste, drainage, water,
15 and aquifer recharge element of future land use plans to
16 be based on data regarding the availability of sufficient
17 water supplies for present and future growth. Requires
18 reuse of reclaimed water when feasible. Requires water
19 management districts to develop a water sources status
20 public service program, disseminate public information
21 regarding the status of major water sources, and
22 biannually submit such information to certain appropriate
23 committees.
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