

1 A bill to be entitled
2 An act relating to water supply policy;
3 amending s. 163.3177, F.S.; specifying
4 additional requirements for comprehensive plans
5 relating to water resources, water supplies,
6 and water supply plans; requiring a
7 water-use-related element of future land use
8 plans to be based on data regarding the
9 availability of sufficient water supplies for
10 present and future growth; amending s.
11 163.3191, F.S.; requiring the evaluation and
12 appraisal report for building water supply
13 facilities to include a work plan; amending s.
14 259.03, F.S.; redefining the term "water
15 resource development project"; amending s.
16 367.022, F.S.; exempting the use of nonpotable
17 water for fireflow purposes from regulation as
18 a utility; amending s. 403.064, F.S.; providing
19 legislative intent regarding reuse of reclaimed
20 water; revising requirements for feasibility
21 study and implementation by permit applicants;
22 providing an exemption from feasibility study
23 requirements for applicants located in Monroe
24 County; amending s. 403.1835, F.S.; providing
25 for low-interest loans to provide certain water
26 pollution control financial assistance;
27 requiring water management districts to develop
28 and distribute certain water sources and
29 conservation information; repealing s.
30 403.804(3), F.S., relating to Environmental
31 Regulation Commission approval of grants for

1 construction of wastewater or water treatment
2 works; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

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

10 163.3177 Required and optional elements of
11 comprehensive plan; studies and surveys.--

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

16 1. A component which outlines principles for
17 construction, extension, or increase in capacity of public
18 facilities, including potable water facilities compatible with
19 the applicable regional water supply plan developed pursuant
20 to s. 373.0361,as well as a component which outlines
21 principles for correcting existing public facility
22 deficiencies, which are necessary to implement the
23 comprehensive plan. The components shall cover at least a
24 5-year period.

25 2. Estimated public facility costs, including a
26 delineation of when facilities will be needed, the general
27 location of the facilities, and projected revenue sources to
28 fund the facilities.

29 3. Standards to ensure the availability of public
30 facilities and the adequacy of those facilities including
31 acceptable levels of service.

1 4. Standards for the management of debt.
2 (4)(a) Coordination of the local comprehensive plan
3 with the comprehensive plans of adjacent municipalities, the
4 county, adjacent counties, or the region; with the appropriate
5 water management district's regional water supply plans
6 approved pursuant to s. 373.0361;with adopted rules
7 pertaining to designated areas of critical state concern; and
8 with the state comprehensive plan shall be a major objective
9 of the local comprehensive planning process. To that end, in
10 the preparation of a comprehensive plan or element thereof,
11 and in the comprehensive plan or element as adopted, the
12 governing body shall include a specific policy statement
13 indicating the relationship of the proposed development of the
14 area to the comprehensive plans of adjacent municipalities,
15 the county, adjacent counties, or the region and to the state
16 comprehensive plan, as the case may require and as such
17 adopted plans or plans in preparation may exist.
18 (6) In addition to the requirements of subsections
19 (1)-(5), the comprehensive plan shall include the following
20 elements:
21 (c) A general sanitary sewer, solid waste, drainage,
22 potable water, and natural groundwater aquifer recharge
23 element correlated to principles and guidelines for future
24 land use, indicating ways to provide for future potable water,
25 drainage, sanitary sewer, solid waste, and aquifer recharge
26 protection requirements for the area. The element may be a
27 detailed engineering plan including a topographic map
28 depicting areas of prime groundwater recharge. The element
29 shall describe the problems and needs and the general
30 facilities that will be required for solution of the problems
31 and needs. The element shall also include a topographic map

1 depicting any areas adopted by a regional water management
2 district as prime groundwater recharge areas for the Floridan
3 or Biscayne aquifers, pursuant to s. 373.0395. These areas
4 shall be given special consideration when the local government
5 is engaged in zoning or considering future land use for said
6 designated areas. For areas served by septic tanks, soil
7 surveys shall be provided which indicate the suitability of
8 soils for septic tanks. By July 1, 2007, or the evaluation and
9 appraisal report adoption deadline established for the local
10 government pursuant to s. 163.3191(1)(a), whichever date
11 occurs first, the element must consider the appropriate water
12 management district's regional water supply plan approved
13 pursuant to s. 373.0361. The potable water element shall
14 include a work plan covering at least a 10-year planning
15 period for building water supply facilities that are
16 identified in the potable water element as necessary to meet
17 projected water demand to serve existing and new development
18 and for which the local government is responsible.

19 (d) A conservation element for the conservation, use,
20 and protection of natural resources in the area, including
21 air, water, water recharge areas, wetlands, waterwells,
22 estuarine marshes, soils, beaches, shores, flood plains,
23 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
24 marine habitat, minerals, and other natural and environmental
25 resources. Local governments shall assess their current, as
26 well as projected, water needs and sources for at least a
27 10-year period, considering the appropriate regional water
28 supply plan approved pursuant to s. 373.0361 or the district
29 water management plan approved pursuant to s. 373.036(2) in
30 the absence of an approved regional water supply plan. This
31 information shall be submitted to the appropriate agencies.

1 The land use map or map series contained in the future land
2 use element shall generally identify and depict the following:

- 3 1. Existing and planned waterwells and cones of
4 influence where applicable.
- 5 2. Beaches and shores, including estuarine systems.
- 6 3. Rivers, bays, lakes, flood plains, and harbors.
- 7 4. Wetlands.
- 8 5. Minerals and soils.

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10 The land uses identified on such maps shall be consistent with
11 applicable state law and rules.

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

28 a. The intergovernmental coordination element shall
29 provide for procedures to identify and implement joint
30 planning areas, especially for the purpose of annexation,
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1 municipal incorporation, and joint infrastructure service
2 areas.

3 b. The intergovernmental coordination element shall
4 provide for recognition of campus master plans prepared
5 pursuant to s. 240.155.

6 c. The intergovernmental coordination element may
7 provide for a voluntary dispute resolution process as
8 established pursuant to s. 186.509 for bringing to closure in
9 a timely manner intergovernmental disputes. A local
10 government may develop and use an alternative local dispute
11 resolution process for this purpose.

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

1 3. To foster coordination between special districts
2 and local general-purpose governments as local general-purpose
3 governments implement local comprehensive plans, each
4 independent special district must submit a public facilities
5 report to the appropriate local government as required by s.
6 189.415.

7 4. The state land planning agency shall establish a
8 schedule for phased completion and transmittal of plan
9 amendments to implement subparagraphs 1., 2., and 3. from all
10 jurisdictions so as to accomplish their adoption by December
11 31, 1999. A local government may complete and transmit its
12 plan amendments to carry out these provisions prior to the
13 scheduled date established by the state land planning agency.
14 The plan amendments are exempt from the provisions of s.
15 163.3187(1).

16 Section 2. Paragraph (1) is added to subsection (2) of
17 section 163.3191, Florida Statutes, to read:

18 163.3191 Evaluation and appraisal of comprehensive
19 plan.--

20 (2) The report shall present an evaluation and
21 assessment of the comprehensive plan and shall contain
22 appropriate statements to update the comprehensive plan,
23 including, but not limited to, words, maps, illustrations, or
24 other media, related to:

25 (1) Consideration of the appropriate water management
26 district's regional water supply plan approved pursuant to s.
27 373.0361. The potable water element must be revised to include
28 a work plan covering at least a 10-year planning period for
29 building water supply facilities that are identified in the
30 potable water element as necessary to serve existing and new
31 development and for which the local government is responsible.

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

3 259.03 Definitions.--The following terms and phrases
4 when used in this chapter shall have the meanings ascribed to
5 them in this section, except where the context clearly
6 indicates a different meaning:

7 (6) "Water resource development project" means a
8 project eligible for funding pursuant to s. 259.105 that
9 increases the amount of water available to meet the needs of
10 natural systems and the citizens of the state by enhancing or
11 restoring aquifer recharge, facilitating the capture and
12 storage of excess flows in surface waters, or promoting reuse.
13 The implementation of eligible projects under s. 259.105
14 includes land acquisition, land and water body restoration,
15 aquifer storage and recovery facilities, surface water
16 reservoirs, and other capital improvements. The term does not
17 include construction of treatment, transmission, or
18 distribution facilities with the exception of regional
19 transmission facilities that transport reclaimed water or
20 stormwater for reuse or regional transmission facilities that
21 interconnect multiple water utilities located wholly within
22 one county or within one regional water supply authority for
23 the purpose of optimizing water withdrawals and reducing water
24 resource impacts, with such interconnect facilities being
25 identified as projects under s. 373.0361(2)(b) of an approved
26 water management district regional water supply plan.

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

29 367.022 Exemptions.--The following are not subject to
30 regulation by the commission as a utility nor are they subject
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1 to the provisions of this chapter, except as expressly
2 provided:

3 (11) Any person providing only nonpotable water for
4 irrigation or fireflow purposes in a geographic area where
5 potable water service is available from a governmentally or
6 privately owned utility or a private well.

7 Section 5. 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.

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1 (b) Evaluation of water savings if reuse is
2 implemented.

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

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

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

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

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

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

25 (5)~~(4)~~ A reuse feasibility study is not required if:

26 (a) The domestic wastewater treatment facility has an
27 existing or proposed permitted or design capacity less than
28 0.1 million gallons per day; ~~or~~

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

1 (c) The applicant is located within an area as defined
2 by s. 7.44. Any applicant exempt under this paragraph may
3 elect to utilize the provisions of this section.

4 ~~(6)(5)~~ A reuse feasibility study prepared under
5 subsection (2) satisfies a water management district
6 requirement to conduct a reuse feasibility study imposed on a
7 local government or utility that has responsibility for
8 wastewater management.

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

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

27 ~~(9)(8)~~ Local governments may and are encouraged to
28 implement programs for the reuse of reclaimed water. Nothing
29 in this chapter shall be construed to prohibit or preempt such
30 local reuse programs.

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1 (10)~~(9)~~ A local government that implements a reuse
2 program under this section shall be allowed to allocate the
3 costs in a reasonable manner.

4 (11)~~(10)~~ Pursuant to chapter 367, the Florida Public
5 Service Commission shall allow entities under its jurisdiction
6 which conduct studies or implement reuse projects, including,
7 but not limited to, any study required by subsection (2) or
8 facilities used for reliability purposes for a reclaimed water
9 reuse system, to recover the full, prudently incurred cost of
10 such studies and facilities through their rate structure.

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

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

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

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

30 (b) This subsection applies only to domestic
31 wastewater treatment facilities located within, serving a

1 population located within, or discharging within a water
2 resource caution area.

3 (15)~~(14)~~ If, After conducting a feasibility study
4 under subsection (2), ~~an applicant determines that reuse of~~
5 ~~reclaimed water is feasible,~~ domestic wastewater treatment
6 facilities that dispose of effluent by surface water
7 discharges or by land application methods must implement reuse
8 ~~according to the schedule for implementation contained in the~~
9 ~~study conducted under subsection (2),~~ to the degree that reuse
10 is ~~determined~~ feasible, based upon the applicant's reuse
11 feasibility study. This subsection does not apply to surface
12 water discharges or land application systems which are
13 currently categorized as reuse under department rules.
14 Applicable permits issued by the department shall be
15 consistent with the requirements of this subsection.

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

19 (b) This subsection applies only to domestic
20 wastewater treatment facilities located within, serving a
21 population located within, or discharging within a water
22 resource caution area.

23 Section 6. Paragraph (b) of subsection (3) of section
24 403.1835, Florida Statutes, is amended to read:

25 403.1835 Water pollution control financial
26 assistance.--

27 (3) The department may provide financial assistance
28 through any program authorized under s. 603 of the Federal
29 Water Pollution Control Act (Clean Water Act), Pub. L. No.
30 92-500, as amended, including, but not limited to, making
31 grants and loans, providing loan guarantees, purchasing loan

1 insurance or other credit enhancements, and buying or
2 refinancing local debt. This financial assistance must be
3 administered in accordance with this section and applicable
4 federal authorities. The department shall administer all
5 programs operated from funds secured through the activities of
6 the Florida Water Pollution Control Financing Corporation
7 under s. 403.1837, to fulfill the purposes of this section.

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

21 Section 7. In order to aid in the development of a
22 better understanding of the unique surface and groundwater
23 resources of this state, the water management districts shall
24 develop an information program designed to provide information
25 on existing hydrologic conditions of major surface and
26 groundwater sources in this state and suggestions for good
27 conservation practices within those areas. The program shall
28 be developed no later than December 31, 2002. Beginning
29 January 1, 2003, and on a regular basis no less than every 6
30 months thereafter, the information developed pursuant to this
31 section shall be distributed to every member of the Florida

1 Senate and the Florida House of Representatives and to local
2 print and broadcast news organizations. Each water management
3 district shall be responsible for the distribution of this
4 information within its established geographic area.

5 Section 8. Subsection (3) of s. 403.804, Florida
6 Statutes, is repealed.

7 Section 9. This act shall take effect upon becoming a
8 law.

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