

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

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

11 Representative(s) Russell and Argenziano offered the
12 following:

14 **Amendment (with title amendment)**

15 Remove everything after the enacting clause

17 and insert:

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

22 163.3177 Required and optional elements of
23 comprehensive plan; studies and surveys.--

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

28 1. A component which outlines principles for
29 construction, extension, or increase in capacity of public
30 facilities, including potable water facilities compatible with
31 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 (c) A general sanitary sewer, solid waste, drainage,
3 potable water, and natural groundwater aquifer recharge
4 element correlated to principles and guidelines for future
5 land use, indicating ways to provide for future potable water,
6 drainage, sanitary sewer, solid waste, and aquifer recharge
7 protection requirements for the area. The element may be a
8 detailed engineering plan including a topographic map
9 depicting areas of prime groundwater recharge. The element
10 shall describe the problems and needs and the general
11 facilities that will be required for solution of the problems
12 and needs. The element shall also include a topographic map
13 depicting any areas adopted by a regional water management
14 district as prime groundwater recharge areas for the Floridan
15 or Biscayne aquifers, pursuant to s. 373.0395. These areas
16 shall be given special consideration when the local government
17 is engaged in zoning or considering future land use for said
18 designated areas. For areas served by septic tanks, soil
19 surveys shall be provided which indicate the suitability of
20 soils for septic tanks. By July 1, 2007, or the evaluation and
21 appraisal report adoption deadline established for the local
22 government pursuant to s. 163.3191(1)(a), whichever date
23 occurs first, the element must consider the appropriate water
24 management district's regional water supply plan approved
25 pursuant to s. 373.0361. The potable water element shall
26 include a work plan covering at least a 10-year planning
27 period for building water supply facilities that are
28 identified in the potable water element as necessary to meet
29 projected water demand to serve existing and new development
30 and for which the local government is responsible.

31 (d) A conservation element for the conservation, use,

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1 and protection of natural resources in the area, including
2 air, water, water recharge areas, wetlands, waterwells,
3 estuarine marshes, soils, beaches, shores, flood plains,
4 rivers, bays, lakes, harbors, forests, fisheries and wildlife,
5 marine habitat, minerals, and other natural and environmental
6 resources. Local governments shall assess their current, as
7 well as projected, water needs and sources for at least a
8 10-year period, considering the appropriate regional water
9 supply plan approved pursuant to s. 373.0361 or the district
10 water management plan approved pursuant to s. 373.036(2) in
11 the absence of an approved regional water supply plan. This
12 information shall be submitted to the appropriate agencies.
13 The land use map or map series contained in the future land
14 use element shall generally identify and depict the following:

- 15 1. Existing and planned waterwells and cones of
- 16 influence where applicable.
- 17 2. Beaches and shores, including estuarine systems.
- 18 3. Rivers, bays, lakes, flood plains, and harbors.
- 19 4. Wetlands.
- 20 5. Minerals and soils.

21
22 The land uses identified on such maps shall be consistent with
23 applicable state law and rules.

24 (h)1. An intergovernmental coordination element
25 showing relationships and stating principles and guidelines to
26 be used in the accomplishment of coordination of the adopted
27 comprehensive plan with the plans of school boards and other
28 units of local government providing services but not having
29 regulatory authority over the use of land, with the
30 comprehensive plans of adjacent municipalities, the county,
31 adjacent counties, or the region, ~~and~~ with the state

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1 comprehensive plan, and with the applicable regional water
2 supply plan approved pursuant to s. 373.0361, as the case may
3 require and as such adopted plans or plans in preparation may
4 exist. This element of the local comprehensive plan shall
5 demonstrate consideration of the particular effects of the
6 local plan, when adopted, upon the development of adjacent
7 municipalities, the county, adjacent counties, or the region,
8 or upon the state comprehensive plan, as the case may require.

9 a. The intergovernmental coordination element shall
10 provide for procedures to identify and implement joint
11 planning areas, especially for the purpose of annexation,
12 municipal incorporation, and joint infrastructure service
13 areas.

14 b. The intergovernmental coordination element shall
15 provide for recognition of campus master plans prepared
16 pursuant to s. 240.155.

17 c. The intergovernmental coordination element may
18 provide for a voluntary dispute resolution process as
19 established pursuant to s. 186.509 for bringing to closure in
20 a timely manner intergovernmental disputes. A local
21 government may develop and use an alternative local dispute
22 resolution process for this purpose.

23 2. The intergovernmental coordination element shall
24 further state principles and guidelines to be used in the
25 accomplishment of coordination of the adopted comprehensive
26 plan with the plans of school boards and other units of local
27 government providing facilities and services but not having
28 regulatory authority over the use of land. In addition, the
29 intergovernmental coordination element shall describe joint
30 processes for collaborative planning and decisionmaking on
31 population projections and public school siting, the location

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1 and extension of public facilities subject to concurrency, and
2 siting facilities with countywide significance, including
3 locally unwanted land uses whose nature and identity are
4 established in an agreement. Within 1 year of adopting their
5 intergovernmental coordination elements, each county, all the
6 municipalities within that county, the district school board,
7 and any unit of local government service providers in that
8 county shall establish by interlocal or other formal agreement
9 executed by all affected entities, the joint processes
10 described in this subparagraph consistent with their adopted
11 intergovernmental coordination elements.

12 3. To foster coordination between special districts
13 and local general-purpose governments as local general-purpose
14 governments implement local comprehensive plans, each
15 independent special district must submit a public facilities
16 report to the appropriate local government as required by s.
17 189.415.

18 4. The state land planning agency shall establish a
19 schedule for phased completion and transmittal of plan
20 amendments to implement subparagraphs 1., 2., and 3. from all
21 jurisdictions so as to accomplish their adoption by December
22 31, 1999. A local government may complete and transmit its
23 plan amendments to carry out these provisions prior to the
24 scheduled date established by the state land planning agency.
25 The plan amendments are exempt from the provisions of s.
26 163.3187(1).

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

29 163.3191 Evaluation and appraisal of comprehensive
30 plan.--

31 (2) The report shall present an evaluation and

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1 assessment of the comprehensive plan and shall contain
2 appropriate statements to update the comprehensive plan,
3 including, but not limited to, words, maps, illustrations, or
4 other media, related to:

5 (1) Consideration of the appropriate water management
6 district's regional water supply plan approved pursuant to s.
7 373.0361. The potable water element must be revised to include
8 a work plan covering at least a 10-year planning period for
9 building water supply facilities that are identified in the
10 potable water element as necessary to serve existing and new
11 development and for which the local government is responsible.

12 Section 3. Subsection (11) of section 367.022, Florida
13 Statutes, is amended to read:

14 367.022 Exemptions.--The following are not subject to
15 regulation by the commission as a utility nor are they subject
16 to the provisions of this chapter, except as expressly
17 provided:

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

22 Section 4. Subsection (2) of section 373.042, Florida
23 Statutes, is amended to read:

24 373.042 Minimum flows and levels.--

25 (2) By July 1, 1996, the Southwest Florida Water
26 Management District shall amend and submit to the department
27 for review and approval its priority list for the
28 establishment of minimum flows and levels and delineating the
29 order in which the governing board shall establish the minimum
30 flows and levels for surface watercourses, aquifers, and
31 surface water in the counties of Hillsborough, Pasco, and

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1 Pinellas. By November 15, 1997, and annually thereafter, each
2 water management district shall submit to the department for
3 review and approval a priority list and schedule for the
4 establishment of minimum flows and levels for surface
5 watercourses, aquifers, and surface waters within the
6 district. The priority list shall also identify those water
7 bodies for which the district will voluntarily undertake
8 independent scientific peer review. By January 1, 1998, and
9 annually thereafter, each water management district shall
10 publish its approved priority list and schedule in the Florida
11 Administrative Weekly. The priority list shall be based upon
12 the importance of the waters to the state or region and the
13 existence of or potential for significant harm to the water
14 resources or ecology of the state or region, and shall include
15 those waters which are experiencing or may reasonably be
16 expected to experience adverse impacts. By January 1, 2003,
17 each water management district's priority list and schedule
18 shall include all first magnitude springs, and all second
19 magnitude springs within state or federally owned lands
20 purchased for conservation purposes. The specific schedule
21 for establishment of spring minimum flows and levels shall be
22 commensurate with the existing or potential threat to spring
23 flow from consumptive uses. Springs within the Suwannee River
24 Water Management District, or second magnitude springs in
25 other areas of the state, need not be included on the priority
26 list if the water management district submits a report to the
27 Department of Environmental Protection demonstrating that
28 adverse impacts are not now occurring nor are reasonably
29 expected to occur from consumptive uses during the next 20
30 years. The priority list and schedule shall not be subject to
31 any proceeding pursuant to chapter 120. Except as provided in

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1 subsection (3), the development of a priority list and
2 compliance with the schedule for the establishment of minimum
3 flows and levels pursuant to this subsection shall satisfy the
4 requirements of subsection (1).

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

7 403.064 Reuse of reclaimed water.--

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

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

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

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

31 (c) Evaluation of rates and fees necessary to

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1 implement reuse.

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

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

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

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

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

22 (5)~~(4)~~ A reuse feasibility study is not required if:

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

26 (b) The permitted reuse capacity equals or exceeds the
27 total permitted capacity of the domestic wastewater treatment
28 facility; ~~or~~

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

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

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

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

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

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

31 ~~(11)~~~~(10)~~ Pursuant to chapter 367, the Florida Public

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

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

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

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

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

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

30 (15)~~(14)~~ ~~If, After conducting a feasibility study~~
31 ~~under subsection (2), an applicant determines that reuse of~~

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

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

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

19 Section 6. Paragraph (b) of subsection (3) of section
20 403.1835, Florida Statutes, is amended to read:

21 403.1835 Water pollution control financial
22 assistance.--

23 (3) The department may provide financial assistance
24 through any program authorized under s. 603 of the Federal
25 Water Pollution Control Act (Clean Water Act), Pub. L. No.
26 92-500, as amended, including, but not limited to, making
27 grants and loans, providing loan guarantees, purchasing loan
28 insurance or other credit enhancements, and buying or
29 refinancing local debt. This financial assistance must be
30 administered in accordance with this section and applicable
31 federal authorities. The department shall administer all

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1 programs operated from funds secured through the activities of
2 the Florida Water Pollution Control Financing Corporation
3 under s. 403.1837, to fulfill the purposes of this section.

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

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

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1 Section 8. Subsection (3) of s. 403.804, Florida
2 Statutes, is repealed.

3 Section 9. This act shall take effect upon becoming a
4 law.

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6

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

8 And the title is amended as follows:

9 On page 1, lines 1 thru 7

10 remove: all of said lines

11

12 and insert:

13

A bill to be entitled

14

An act relating to water supply policy;

15

amending s. 163.3177, F.S.; specifying

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additional requirements for comprehensive plans

17

relating to water resources, water supplies,

18

and water supply plans; requiring a

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water-use-related element of future land use

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plans to be based on data regarding the

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availability of sufficient water supplies for

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present and future growth; amending s.

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163.3191, F.S.; requiring the evaluation and

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appraisal report for building water supply

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facilities to include a work plan; amending s.

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367.022, F.S.; exempting the use of nonpotable

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water for fireflow purposes from regulation as

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a utility; amending s. 373.042, F.S.; providing

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a schedule for completing establishment of

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minimum flows and levels; providing an

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exception; amending s. 403.064, F.S.; providing

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1 legislative intent regarding reuse of reclaimed
2 water; revising requirements for feasibility
3 study and implementation by permit applicants;
4 providing an exemption from feasibility study
5 requirements for applicants located in Monroe
6 County; amending s. 403.1835, F.S.; providing
7 for low-interest loans to provide certain water
8 pollution control financial assistance;
9 requiring water management districts to develop
10 and distribute certain water sources and
11 conservation information; repealing s.
12 403.804(3), F.S., relating to Environmental
13 Regulation Commission approval of grants for
14 construction of wastewater or water treatment
15 works; providing an effective date.

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