



1 A bill to be entitled

2 An act relating to water resources; amending s. 159.803,
3 F.S.; revising the definition of "priority project";
4 amending s. 163.3167, F.S.; requiring local governments to
5 include projected water use in comprehensive plans;
6 amending s. 367.081, F.S.; revising procedure for fixing
7 and changing rates to include the recovery of costs of
8 alternative water supply facilities; amending s. 367.0814,
9 F.S.; revising limit on the amount of revenues received by
10 a utility to qualify for staff assistance in changing
11 rates or charges; creating s. 373.227, F.S.; providing for
12 the development of a water conservation guidance manual by
13 the Department of Environmental Protection; providing for
14 purpose and contents of the manual and requirements with
15 respect thereto; requiring the Department of Environmental
16 Protection to adopt the manual by rule by a specified
17 date; providing program requirements for public water
18 supply utilities that choose to design a comprehensive
19 water conservation program based on the water conservation
20 guidance manual; amending s. 373.0361, F.S.; providing for
21 a public workshop on the development of regional water
22 supply plans that include the consideration of population
23 projections; providing for a list of water source options
24 in regional water supply plans; providing additional
25 regional water supply plan components; including
26 conservation measures in regional water supply plans;
27 revising specified reporting requirements of the
28 Department of Environmental Protection; providing that a



29 district water management plan may not be used as criteria
30 for the review of permits for consumptive uses of water
31 unless the plan or applicable portion thereof has been
32 adopted by rule; providing construction; amending s.
33 373.0831, F.S.; revising the criteria by which water
34 supply development projects may receive priority
35 consideration for funding assistance; providing for
36 permitting and funding of a proposed alternative water
37 supply project identified in the relevant approved
38 regional water supply plan; amending s. 373.1961, F.S.;
39 providing funding priority; providing for the
40 establishment of a revolving loan fund for alternative
41 water supply projects; providing conditions for certain
42 projects to receive funding assistance; amending s.
43 373.1963, F.S.; prohibiting the West Coast Regional Water
44 Supply Authority from seeking permits from the South
45 Florida Water Management District for the consumptive use
46 of water from groundwater in a specified area; amending s.
47 373.223, F.S.; requiring the Department of Environmental
48 Protection and the water management districts to submit
49 specified recommendations to the Legislature; creating s.
50 373.2231, F.S.; directing the Southwest Florida Water
51 Management District to conduct a comprehensive study of
52 the cumulative impacts of the existing and projected
53 demands on the water resources of the Peace River
54 watershed; providing for a report; creating s. 373.2234,
55 F.S.; authorizing the governing board of a water
56 management district to adopt rules identifying certain



57 | preferred water supply sources; providing requirements
58 | with respect to such rules; providing construction;
59 | amending s. 373.250, F.S.; authorizing water management
60 | districts to require the use of reclaimed water in lieu of
61 | surface or groundwater when the use of uncommitted
62 | reclaimed water is environmentally, economically, and
63 | technically feasible; providing construction with respect
64 | to such authority; amending s. 373.536, F.S.; expanding
65 | requirements of the 5-year water resource development work
66 | program for water management districts; providing
67 | legislative findings and intent with regard to landscape
68 | irrigation design; requiring water management districts to
69 | develop landscape irrigation and xeriscape design
70 | standards; providing for individual water meters in
71 | certain establishments; providing exceptions; amending s.
72 | 378.212, F.S.; providing for the granting of a variance
73 | from pt. III of ch. 378, F.S., relating to phosphate land
74 | reclamation, for specified reclamation, and from pt. IV of
75 | ch. 373, for certain projects under described
76 | circumstances; amending s. 378.404, F.S.; authorizing the
77 | department to grant variances from the provisions of part
78 | IV of chapter 378 to accommodate reclamation that provides
79 | for water supply development or water resource development
80 | under specified circumstances; amending s. 403.064, F.S.;
81 | revising provisions relating to reuse feasibility studies;
82 | providing for metering use of reclaimed water and volume-
83 | based rates therefor; requiring wastewater utilities to
84 | submit plans for metering use and volume-based rate



85 structures to the department; creating s. 403.0645, F.S.;
86 providing for reclaimed water use at state facilities;
87 requiring reports; amending s. 403.1835, F.S.; authorizing
88 the Department of Environmental Protection to make
89 specified deposits for the purpose of enabling below-
90 market interest rate loans for treatment of polluted
91 water; providing for development of rate structures for
92 alternative water supply systems; providing criteria;
93 amending s. 403.1837, F.S.; deleting certain restrictions
94 on the issuance of bonds by the Florida Water Pollution
95 Control Financing Corporation; providing for a study of
96 the feasibility of discharging reclaimed wastewater into
97 canals and the aquifer system in a specified area as an
98 environmentally acceptable means of accomplishing
99 described objectives; requiring reports; providing
100 authority for local governments to impose a residential
101 acquisition fee by ordinance or resolution; prohibiting
102 imposition of a fee in an area where a fee has been
103 approved by another local government; providing for a
104 referendum; providing a fee schedule; providing procedures
105 for collection of fees; providing for utilization of
106 funds; requiring the county and municipalities to divide
107 funds pursuant to agreement; providing a time limit on
108 local government authorization to impose or collect
109 certain fees; providing an effective date.

110
111 Be It Enacted by the Legislature of the State of Florida:
112



113

114 Section 1. Subsection (5) of section 159.803, Florida
115 Statutes, is amended to read:

116 159.803 Definitions.--As used in this part, the term:

117 (5) "Priority project" means a solid waste disposal
118 facility or a sewage facility, as such terms are defined in s.
119 142 of the Code, or water facility, as defined in s. 142 of the
120 Code, which is operated by a member-owned, not-for-profit
121 utility, or any project which is to be located in an area which
122 is an enterprise zone designated pursuant to s. 290.0065.

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

125 163.3167 Scope of act.--

126 (13) Each local government shall address in its
127 comprehensive plan, as enumerated in this chapter, the water
128 supply projects necessary to meet and achieve the existing and
129 projected water use demand for the established planning period,
130 considering the applicable plan developed pursuant to s.
131 373.0361.

132 Section 3. Subsection (2) of section 367.081, Florida
133 Statutes, is amended to read:

134 367.081 Rates; procedure for fixing and changing.--

135 (2)(a)1. The commission shall, either upon request or upon
136 its own motion, fix rates which are just, reasonable,
137 compensatory, and not unfairly discriminatory. In every such
138 proceeding, the commission shall consider the value and quality
139 of the service and the cost of providing the service, which
140 shall include, but not be limited to, debt interest; the



141 requirements of the utility for working capital; maintenance,
142 depreciation, tax, and operating expenses incurred in the
143 operation of all property used and useful in the public service;
144 and a fair return on the investment of the utility in property
145 used and useful in the public service. Pursuant to s.
146 373.1961(2)(1), the commission shall allow recovery of the full,
147 prudently incurred costs of alternative water supply facilities.
148 However, the commission shall not allow the inclusion of
149 contributions-in-aid-of-construction in the rate base of any
150 utility during a rate proceeding, nor shall the commission
151 impute prospective future contributions-in-aid-of-construction
152 against the utility's investment in property used and useful in
153 the public service; and accumulated depreciation on such
154 contributions-in-aid-of-construction shall not be used to reduce
155 the rate base, nor shall depreciation on such contributed assets
156 be considered a cost of providing utility service.

157 2. For purposes of such proceedings, the commission shall
158 consider utility property, including land acquired or facilities
159 constructed or to be constructed within a reasonable time in the
160 future, not to exceed 24 months after the end of the historic
161 base year used to set final rates unless a longer period is
162 approved by the commission, to be used and useful in the public
163 service, if:

- 164 a. Such property is needed to serve current customers;
165 b. Such property is needed to serve customers 5 years
166 after the end of the test year used in the commission's final
167 order on a rate request as provided in subsection (6) at a



168 growth rate for equivalent residential connections not to exceed
169 5 percent per year; or

170 c. Such property is needed to serve customers more than 5
171 full years after the end of the test year used in the
172 commission's final order on a rate request as provided in
173 subsection (6) only to the extent that the utility presents
174 clear and convincing evidence to justify such consideration.

175

176 Notwithstanding the provisions of this paragraph, the commission
177 shall approve rates for service which allow a utility to recover
178 from customers the full amount of environmental compliance
179 costs. Such rates may not include charges for allowances for
180 funds prudently invested or similar charges. For purposes of
181 this requirement, the term "environmental compliance costs"
182 includes all reasonable expenses and fair return on any prudent
183 investment incurred by a utility in complying with the
184 requirements or conditions contained in any permitting,
185 enforcement, or similar decisions of the United States
186 Environmental Protection Agency, the Department of Environmental
187 Protection, a water management district, or any other
188 governmental entity with similar regulatory jurisdiction.

189 (b) In establishing initial rates for a utility, the
190 commission may project the financial and operational data as set
191 out in paragraph (a) to a point in time when the utility is
192 expected to be operating at a reasonable level of capacity.

193 Section 4. Subsection (1) of section 367.0814, Florida
194 Statutes, is amended to read:



195 367.0814 Staff assistance in changing rates and charges;
196 interim rates.--

197 (1) The commission may establish rules by which a water or
198 wastewater utility whose gross annual revenues are \$200,000
199 ~~\$150,000~~ or less may request and obtain staff assistance for the
200 purpose of changing its rates and charges. A utility may request
201 staff assistance by filing an application with the commission.

202 Section 5. Section 373.227, Florida Statutes, is created
203 to read:

204 373.227 Water conservation guidance manual.--

205 (1) The Legislature recognizes that the proper
206 conservation of water is an important means of achieving the
207 economical and efficient utilization of water necessary to
208 constitute a reasonable-beneficial use. The Legislature
209 encourages the development and use of water conservation
210 measures that are effective, flexible, and affordable. In the
211 context of the use of water for public supply provided by a
212 water utility, the Legislature intends for a variety of
213 conservation measures to be available and used to encourage
214 efficient water use. The Legislature finds that the social,
215 economic, and cultural conditions of this state relating to the
216 use of public water supply vary by geographic region, and thus
217 water utilities must have the flexibility to tailor water
218 conservation measures to best suit their individual
219 circumstances. For purposes of this section, the term "public
220 water supply utility" shall include both publicly owned and
221 privately owned public water supply utilities.



222 (2) In order to implement the findings in subsection (1),
223 the Department of Environmental Protection shall develop a water
224 conservation guidance manual containing a menu of water
225 conservation measures from which public water supply utilities
226 may select in the development of a comprehensive, goal-based
227 water conservation program tailored for their individual service
228 areas that is effective and does not impose undue costs or
229 burdens on customers. The water conservation guidance manual
230 shall promote statewide consistency in the approach to utility
231 conservation while maintaining appropriate flexibility. The
232 manual may contain measures such as: water conservation audits,
233 informative billing practices to educate customers on their
234 patterns of water use, the costs of water, and ways to conserve
235 water; ordinances requiring low-flow plumbing fixtures and
236 efficient landscape irrigation; rebate programs for the
237 installation of water-saving plumbing or appliances; general
238 water conservation educational programs including bill inserts;
239 measures to promote the more effective and efficient reuse of
240 reclaimed water; water conservation or drought rate structures
241 that encourage customers to conserve water through appropriate
242 price signals; and programs to apply utility profits generated
243 through conservation and drought rates to additional water
244 conservation programs or water supply development. The manual
245 shall specifically state that it is the responsibility of the
246 appropriate utility to determine the specific rates it will
247 charge its customers and that the role of the department or
248 water management district is confined to the review of those
249 rate structures to determine whether they encourage water



250 conservation. The water conservation guidance manual shall also
251 state that a utility need not adopt a water conservation or
252 drought rate structure if the utility employs other measures
253 that are equally or more effective. The manual shall provide for
254 different levels of complexity and expected levels of effort in
255 conservation programs depending on the size of the utility.
256 However, all utilities will be expected to have at least basic
257 programs in each of the following areas:

- 258 (a) Individual metering, to the extent feasible as
259 determined by the utility.
- 260 (b) Water accounting and loss control.
- 261 (c) Cost of service accounting.
- 262 (d) Information programs on water conservation.
- 263 (e) Landscaping water efficiency programs.

264 (3) The Department of Environmental Protection shall
265 develop the water conservation guidance manual no later than
266 June 15, 2004. The department shall develop the manual in
267 consultation with interested parties, which, at a minimum, shall
268 include representatives from the water management districts,
269 three utilities that are members of the American Water Works
270 Association, two utilities that are members of the Florida Water
271 Environment Association, a representative of the Florida Chamber
272 of Commerce, representatives of counties and municipalities, and
273 representatives of environmental organizations. By December 15,
274 2004, the department shall adopt the water conservation guidance
275 manual by rule. Once the department adopts the water
276 conservation guidance manual by rule, the water management
277 districts may apply the manual and any revisions thereto in the



278 review of water conservation requirements for obtaining a permit
279 pursuant to part II without the need to adopt the manual
280 pursuant to s. 120.54. Once the water conservation guidance
281 manual is adopted by rule, a public water supply utility may
282 choose to comply with the standard water conservation
283 requirements adopted by the appropriate water management
284 district for obtaining a consumptive use permit from that
285 district, or may choose to develop a comprehensive, goal-based
286 water conservation program from the options contained in the
287 manual. If the utility chooses to design a comprehensive water
288 conservation program based on the water conservation guidance
289 manual, the proposed program must include the following:

290 (a) An inventory of water system characteristics and
291 conservation opportunities.

292 (b) Demand forecasts.

293 (c) An explanation of the proposed program.

294 (d) Specific numeric water conservation targets for the
295 utility as a whole and for appropriate customer classes, with a
296 justification of why the numeric targets are appropriate based
297 on that utility's particular customer characteristics and
298 conservation opportunities.

299 (e) A demonstration that the program will promote
300 effective water conservation at least as well as standard water
301 use conservation requirements adopted by the appropriate water
302 management district.

303 (f) A timetable for the utility and the water management
304 district to evaluate progress in meeting the water conservation
305 targets and making needed program modifications.



306 (4) If the utility provides reasonable assurance that the
307 proposed conservation program is consistent with the water
308 conservation guidance manual and contains the elements specified
309 in subsection (3), then the water management district shall
310 approve the proposed program and the program shall satisfy water
311 conservation requirements imposed as a condition of obtaining a
312 permit under part II. The department, in consultation with the
313 parties specified in subsection (3), may periodically amend or
314 revise the water conservation guidance manual rule as
315 appropriate to reflect changed circumstances or new technologies
316 or approaches. The findings and provisions in this section shall
317 not be construed to apply to users of water other than public
318 and private water supply utilities.

319 Section 6. Subsections (1), (2), (5), and (6) of section
320 373.0361, Florida Statutes, are amended to read:

321 373.0361 Regional water supply planning.--

322 (1) By October 1, 1998, the governing board shall initiate
323 water supply planning for each water supply planning region
324 identified in the district water management plan under s.
325 373.036, where it determines that sources of water are not
326 adequate for the planning period to supply water for all
327 existing and projected reasonable-beneficial uses and to sustain
328 the water resources and related natural systems. The planning
329 must be conducted in an open public process, in coordination and
330 cooperation with local governments, regional water supply
331 authorities, government-owned and privately owned water
332 utilities, self-suppliers, and other affected and interested
333 parties. During development but prior to completion of the



334 regional water supply plan, the district must conduct at least
335 one public workshop to discuss the technical data and modeling
336 tools anticipated to be used to support the plan. A
337 determination by the governing board that initiation of a
338 regional water supply plan for a specific planning region is not
339 needed pursuant to this section shall be subject to s. 120.569.
340 The governing board shall reevaluate such a determination at
341 least once every 5 years and shall initiate a regional water
342 supply plan, if needed, pursuant to this subsection.

343 (2) Each regional water supply plan shall be based on at
344 least a 20-year planning period and shall include, but not be
345 limited to:

346 (a) A water supply development component that includes:

347 1. A quantification of the water supply needs for all
348 existing and reasonably projected future uses within the
349 planning horizon. The level-of-certainty planning goal
350 associated with identifying the water supply needs of existing
351 and future reasonable-beneficial uses shall be based upon
352 meeting those needs for a 1-in-10-year drought event. Population
353 projections used for determining public water supply needs shall
354 be based upon the best available data. In determining the best
355 available data, the district shall consider the University of
356 Florida's Bureau of Economic and Business Research (BEBR) medium
357 population projections and any population projection data and
358 analysis submitted by a local government pursuant to the public
359 workshop described in subsection (1) when such data and analysis
360 support the local government's comprehensive plan. Any
361 adjustment of or deviation from the BEBR projections shall be



362 fully described and the original BEBR data shall be presented
363 along with the adjusted data.

364 2. A list of water source options ~~for water supply~~
365 ~~development~~, including traditional and alternative source
366 options sources, from which local government, government-owned
367 and privately owned utilities, self-suppliers, and others may
368 choose, for water supply development, the total capacity of
369 which will, in conjunction with water conservation and other
370 demand management measures, exceed the needs identified in
371 subparagraph 1.

372 3. For each option listed in subparagraph 2., the
373 estimated amount of water available for use and the estimated
374 costs of and potential sources of funding for water supply
375 development.

376 4. A list of water supply development projects that meet
377 the criteria in s. 373.0831(4).

378 (b) A water resource development component that includes:

379 1. A listing of those water resource development projects
380 that support water supply development.

381 2. For each water resource development project listed:

382 a. An estimate of the amount of water to become available
383 through the project.

384 b. The timetable for implementing or constructing the
385 project and the estimated costs for implementing, operating, and
386 maintaining the project.

387 c. Sources of funding and funding needs.

388 d. Who will implement the project and how it will be
389 implemented.



390 (c) The recovery and prevention strategy described in s.
391 373.0421(2).

392 (d) A funding strategy for water resource development
393 projects, which shall be reasonable and sufficient to pay the
394 cost of constructing or implementing all of the listed projects.

395 (e) Consideration of how the options addressed in
396 paragraphs (a) and (b) serve the public interest or save costs
397 overall by preventing the loss of natural resources or avoiding
398 greater future expenditures for water resource development or
399 water supply development. However, unless adopted by rule, these
400 considerations do not constitute final agency action.

401 (f) The technical data and information applicable to the
402 planning region which are contained in the district water
403 management plan and are necessary to support the regional water
404 supply plan.

405 (g) The minimum flows and levels established for water
406 resources within the planning region.

407 (h) Reservations of water adopted by rule pursuant to s.
408 373.223(4).

409 (i) An analysis, developed in cooperation with the
410 department, of areas or instances in which the variance
411 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
412 create water supply development or water resource development
413 projects.

414
415 Within boundaries of a regional water supply authority, those
416 parts of the water supply development component of the regional
417 water supply plan which deal with or affect public utilities and



418 public water supply shall be developed jointly by such authority
419 and the district for those areas served by the authority and its
420 member governments.

421 ~~(5) By November 15, 1997, and~~ Annually and in conjunction
422 with the reporting requirements of s. 373.536(6)(a)4.

423 ~~thereafter~~, the department shall submit to the Governor and the
424 Legislature a report on the status of regional water supply
425 planning in each district. The report shall include:

426 (a) A compilation of the estimated costs of and potential
427 sources of funding for water resource development and water
428 supply development projects, as identified in the water
429 management district regional water supply plans.

430 (b) A description of each district's progress toward
431 achieving its water resource development objectives, as directed
432 by s. 373.0831(3), including the district's implementation of
433 its 5-year water resource development work program.

434 (c) An assessment of the overall progress being made to
435 develop water supply that is consistent with regional water
436 supply plans to meet existing and future reasonable-beneficial
437 needs during a 1-in-10-year drought.

438 (6) Nothing contained in the water supply development
439 component of the district water management plan shall be
440 construed to require local governments, government-owned or
441 privately owned water utilities, self-suppliers, or other water
442 suppliers to select a water supply development option identified
443 in the component merely because it is identified in the plan,
444 nor may the plan be used in the review of permits under part II
445 unless the plan, or an applicable portion thereof, has been



446 adopted by rule. However, this subsection does not prohibit a
447 water management district from employing the data or other
448 information used to establish the plan in reviewing permits
449 under part II, nor shall it ~~not~~ be construed to limit the
450 authority of the department or governing board under part II.

451 Section 7. Subsection (3) of section 373.0831, Florida
452 Statutes, is amended, and paragraph (c) is added to subsection
453 (4) of said section, to read:

454 373.0831 Water resource development; water supply
455 development.--

456 (3) The water management districts shall fund and
457 implement water resource development as defined in s. 373.019.
458 The water management districts are encouraged to implement water
459 resource development as expeditiously as possible in areas
460 subject to regional water supply plans. Each governing board
461 shall include in its annual budget the amount needed for the
462 fiscal year to implement water resource development projects, as
463 prioritized in its regional water supply plans.

464 (4)

465 (c) If a proposed alternative water supply development
466 project is identified in the relevant approved regional water
467 supply plan, the project shall receive:

468 1. A 20-year consumptive use permit, if it otherwise meets
469 the permit requirements under ss. 373.223 and 373.236 and rules
470 adopted thereunder.

471 2. Priority funding pursuant to s. 373.1961(2) if the
472 project meets one of two criteria in s. 373.0831(4).



473 Section 8. Subsection (2) of section 373.1961, Florida
474 Statutes, is amended to read:

475 373.1961 Water production.--

476 (2) The Legislature finds that, due to a combination of
477 factors, vastly increased demands have been placed on natural
478 supplies of fresh water, and that, absent increased development
479 of alternative water supplies, such demands may increase in the
480 future. The Legislature also finds that potential exists in the
481 state for the production of significant quantities of
482 alternative water supplies, including reclaimed water, and that
483 water production includes the development of alternative water
484 supplies, including reclaimed water, for appropriate uses. It is
485 the intent of the Legislature that utilities develop reclaimed
486 water systems, where reclaimed water is the most appropriate
487 alternative water supply option, to deliver reclaimed water to
488 as many users as possible through the most cost-effective means,
489 and to construct reclaimed water system infrastructure to their
490 owned or operated properties and facilities where they have
491 reclamation capability. It is also the intent of the Legislature
492 that the water management districts which levy ad valorem taxes
493 for water management purposes should share a percentage of those
494 tax revenues with water providers and users, including local
495 governments, water, wastewater, and reuse utilities, municipal,
496 industrial, and agricultural water users, and other public and
497 private water users, to be used to supplement other funding
498 sources in the development of alternative water supplies. The
499 Legislature finds that public moneys or services provided to
500 private entities for such uses constitute public purposes which



501 are in the public interest. In order to further the development
502 and use of alternative water supply systems, including reclaimed
503 water systems, the Legislature provides the following:

504 (a) The governing boards of the water management districts
505 where water resource caution areas have been designated shall
506 include in their annual budgets an amount for the development of
507 alternative water supply systems, including reclaimed water
508 systems, pursuant to the requirements of this subsection.
509 Beginning in 1996, such amounts shall be made available to water
510 providers and users no later than December 31 of each year,
511 through grants, matching grants, revolving loans, or the use of
512 district lands or facilities pursuant to the requirements of
513 this subsection and guidelines established by the districts. In
514 making grants or loans, funding priority shall be given to
515 projects in accordance with s. 373.0831(4). Without diminishing
516 amounts available through other means described in this
517 paragraph, the governing boards are encouraged to consider
518 establishing revolving loan funds to expand the total funds
519 available to accomplish the objectives of this section. A
520 revolving loan fund created pursuant to this paragraph shall be
521 a nonlapsing fund from which the water management district may
522 make loans with interest rates below prevailing market rates to
523 public or private entities for the purposes described in this
524 section. The governing board may adopt resolutions to establish
525 revolving loan funds which shall specify the details of the
526 administration of the fund, the procedures for applying for
527 loans from the fund, the criteria for awarding loans from the
528 fund, the initial capitalization of the fund, and the goals for



529 future capitalization of the fund in subsequent budget years.
530 Revolving loan funds created pursuant to this paragraph shall be
531 used to expand the total sums and sources of cooperative funding
532 available for the development of alternative water supplies. The
533 Legislature does not intend for the creation of revolving loan
534 trust funds to supplant or otherwise reduce existing sources or
535 amounts of funds currently available through other means.

536 (b) It is the intent of the Legislature that for each
537 reclaimed water utility, or any other utility, which receives
538 funds pursuant to this subsection, the appropriate rate-setting
539 authorities should develop rate structures for all water,
540 wastewater, and reclaimed water and other alternative water
541 supply utilities in the service area of the funded utility,
542 which accomplish the following:

543 1. Provide meaningful progress toward the development and
544 implementation of alternative water supply systems, including
545 reclaimed water systems;

546 2. Promote the conservation of fresh water withdrawn from
547 natural systems;

548 3. Provide for an appropriate distribution of costs for
549 all water, wastewater, and alternative water supply utilities,
550 including reclaimed water utilities, among all of the users of
551 those utilities; and

552 4. Prohibit rate discrimination within classes of utility
553 users.

554 (c) Funding assistance provided by the water management
555 districts for a water reuse system project shall include the
556 following grant or loan conditions for that project when the



557 water management district determines such conditions will
558 encourage water use efficiency:

559 1. Metering of reclaimed water use for the following
560 activities: residential irrigation, agricultural irrigation,
561 industrial uses except for electric utilities as defined in s.
562 366.02(2), golf course irrigation, landscape irrigation,
563 irrigation of other public access areas, commercial and
564 institutional uses such as toilet flushing, and transfers to
565 other reclaimed water utilities.

566 2. Implementation of reclaimed water rate structures based
567 on actual use of reclaimed water for the types of reuse
568 activities listed in subparagraph 1.

569 3. Implementation of education programs to inform the
570 public about water issues, water conservation, and the
571 importance and proper use of reclaimed water.

572 4. Development of location data for key reuse facilities.

573 (d)-(e) In order to be eligible for funding pursuant to
574 this subsection, a project must be consistent with a local
575 government comprehensive plan and the governing body of the
576 local government must require all appropriate new facilities
577 within the project's service area to connect to and use the
578 project's alternative water supplies. The appropriate local
579 government must provide written notification to the appropriate
580 district that the proposed project is consistent with the local
581 government comprehensive plan.

582 (e)-(d) Any and all revenues disbursed pursuant to this
583 subsection shall be applied only for the payment of capital or



584 infrastructure costs for the construction of alternative water
585 supply systems that provide alternative water supplies.

586 (f)~~(e)~~ By January 1 of each year, the governing boards
587 shall make available written guidelines for the disbursement of
588 revenues pursuant to this subsection. Such guidelines shall
589 include at minimum:

590 1. An application process and a deadline for filing
591 applications annually.

592 2. A process for determining project eligibility pursuant
593 to the requirements of paragraphs (d) ~~(e)~~ and (e) ~~(d)~~.

594 3. A process and criteria for funding projects pursuant to
595 this subsection that cross district boundaries or that serve
596 more than one district.

597 (g)~~(f)~~ The governing board of each water management
598 district shall establish an alternative water supplies grants
599 advisory committee to recommend to the governing board projects
600 for funding pursuant to this subsection. The advisory committee
601 members shall include, but not be limited to, one or more
602 representatives of county, municipal, and investor-owned private
603 utilities, and may include, but not be limited to,
604 representatives of agricultural interests and environmental
605 interests. Each committee member shall represent his or her
606 interest group as a whole and shall not represent any specific
607 entity. The committee shall apply the guidelines and project
608 eligibility criteria established by the governing board in
609 reviewing proposed projects. After one or more hearings to
610 solicit public input on eligible projects, the committee shall
611 rank the eligible projects and shall submit them to the



612 governing board for final funding approval. The advisory
613 committee may submit to the governing board more projects than
614 the available grant money would fund.

615 (h)~~(g)~~ All revenues made available annually pursuant to
616 this subsection must be encumbered annually by the governing
617 board if it approves projects sufficient to expend the available
618 revenues. Funds must be disbursed within 36 months after
619 encumbrance.

620 (i)~~(h)~~ For purposes of this subsection, alternative water
621 supplies are supplies of water that have been reclaimed after
622 one or more public supply, municipal, industrial, commercial, or
623 agricultural uses, or are supplies of stormwater, or brackish or
624 salt water, that have been treated in accordance with applicable
625 rules and standards sufficient to supply the intended use.

626 (j)~~(i)~~ This subsection shall not be subject to the
627 rulemaking requirements of chapter 120.

628 (k)~~(j)~~ By January 30 of each year, each water management
629 district shall submit an annual report to the Governor, the
630 President of the Senate, and the Speaker of the House of
631 Representatives which accounts for the disbursement of all budgeted
632 amounts pursuant to this subsection. Such report shall describe
633 all projects funded and shall account separately for moneys
634 provided through grants, matching grants, revolving loans, and
635 the use of district lands or facilities.

636 (l)~~(k)~~ The Florida Public Service Commission shall allow
637 entities under its jurisdiction constructing alternative water
638 supply facilities, including but not limited to aquifer storage
639 and recovery wells, to recover the full, prudently incurred cost



640 of such facilities through their rate structure. Every component
 641 of an alternative water supply facility constructed by an
 642 investor-owned utility shall be recovered in current rates.

643 Section 9. Subsection (9) is added to section 373.1963,
 644 Florida Statutes, to read:

645 373.1963 Assistance to West Coast Regional Water Supply
 646 Authority.--

647 (9) It is the intent of the Legislature that wetland areas
 648 in northeastern Hillsborough County which have not yet been
 649 adversely impacted by groundwater withdrawals for consumptive
 650 use not be subject to groundwater withdrawals by the development
 651 of wellfields by the authority. In order to protect the
 652 wetlands in this area, the authority is hereby prohibited from
 653 seeking permits from the Southwest Florida Water Management
 654 District for the consumptive use of water from groundwater in
 655 northeastern Hillsborough County north of Knights Griffin Road
 656 and east of State Road 39.

657 Section 10. Subsection (5) is added to section 373.223,
 658 Florida Statutes, to read:

659 373.223 Conditions for a permit.--

660 (5) The Legislature finds that the issuance of consumptive
 661 use permits has a direct relation to efficient and effective
 662 water resource development. The Legislature further finds that
 663 the management of consumptive use permits has a direct relation
 664 to efficient and effective water supply development. To help
 665 identify the changes necessary to better utilize these permits,
 666 the Legislature directs that the Department of Environmental
 667 Protection and each water management district submit



668 recommendations to the appropriate substantive committees of
669 each house of the Legislature by December 1, 2003. The
670 recommendations shall identify alternative methods of extending
671 the use of existing water resources, including, but not limited
672 to, the potential rights of existing permitholders to share
673 water allocated under a consumptive use permit. The department
674 and the districts are encouraged to use public hearings to
675 gather information and shall include information provided by
676 basin boards and regional water supply authorities.

677 Section 11. Section 373.2231, Florida Statutes, is created
678 to read:

679 373.2231 Peace River comprehensive study.--The Legislature
680 acknowledges that there are many and varied demands on the
681 available water supplies on the Peace River watershed from
682 industry, agriculture, and commercial and residential
683 development. The cumulative impact of all these demands has the
684 potential to significantly reduce the fresh water flows and
685 levels in the Peace River. Accordingly, the Legislature hereby
686 directs the Southwest Florida Water Management District to
687 conduct a comprehensive study of the cumulative impacts of the
688 existing and projected demands on the water resources of the
689 Peace River watershed. The study shall be completed and a report
690 of the study submitted to the Governor, the President of the
691 Senate, and the Speaker of the House of Representatives by June
692 1, 2004.

693 Section 12. Section 373.2234, Florida Statutes, is created
694 to read:



695 373.2234 Preferred water supply sources.--The governing
696 board of the district is authorized to adopt rules identifying
697 preferred water supply sources for which there is sufficient
698 data to establish that the source can be used to provide a
699 substantial new water supply to meet existing and reasonably
700 anticipated water needs in a water supply planning region
701 identified pursuant to s. 373.0361(1) while sustaining the water
702 resources and related natural systems. Such rules shall, at a
703 minimum, contain a description of the source and an assessment
704 of the water the source is projected to produce. If a
705 consumptive use permit applicant proposes to use such a source
706 consistent with the assessment, the proposed use shall be
707 subject to the provisions of s. 373.223(1), but such proposed
708 use shall be a factor deemed to be consistent with the public
709 interest pursuant to s. 373.223(1)(c). A consumptive use permit
710 issued approving the use of such a source shall be for at least
711 20 years and may be subject to the provisions of s. 373.226(3).
712 However, nothing in this section shall be construed to provide
713 that the use of nonpreferred sources must receive a permit
714 duration of less than 20 years or that such nonpreferred sources
715 are not consistent with the public interest.

716 Section 13. Paragraph (c) is added to subsection (2) of
717 section 373.250, Florida Statutes, to read:

718 373.250 Reuse of reclaimed water.--

719 (2)

720 (c) A water management district may require the use of
721 reclaimed water in lieu of surface water or groundwater when the
722 use of uncommitted reclaimed water is environmentally,



723 economically, and technically feasible. However, while
724 recognizing that the state's surface water and groundwater are
725 public resources, nothing in this paragraph shall be construed
726 to give a water management district the authority to require a
727 provider of reclaimed water to redirect reclaimed water from one
728 user to another or to provide uncommitted water to a specific
729 user if such water is anticipated to be used by the provider, or
730 a different user selected by the provider, within a reasonable
731 amount of time.

732 Section 14. Paragraph (a) of subsection (6) of section
733 373.536, Florida Statutes, is amended to read:

734 373.536 District budget and hearing thereon.--

735 (6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN;
736 WATER RESOURCE DEVELOPMENT WORK PROGRAM.--

737 (a) Each district must, by the date specified for each
738 item, furnish copies of the following documents to the Governor,
739 the President of the Senate, the Speaker of the House of
740 Representatives, the chairs of all legislative committees and
741 subcommittees having substantive or fiscal jurisdiction over the
742 districts, as determined by the President of the Senate or the
743 Speaker of the House of Representatives as applicable, the
744 secretary of the department, and the governing board of each
745 county in which the district has jurisdiction or derives any
746 funds for the operations of the district:

747 1. The adopted budget, to be furnished within 10 days
748 after its adoption.

749 2. A financial audit of its accounts and records, to be
750 furnished within 10 days after its acceptance by the governing



751 board. The audit must be conducted in accordance with the
752 provisions of s. 11.45 and the rules adopted thereunder. In
753 addition to the entities named above, the district must provide
754 a copy of the audit to the Auditor General within 10 days after
755 its acceptance by the governing board.

756 3. A 5-year capital improvements plan, to be furnished
757 within 45 days after the adoption of the final budget. The plan
758 must include expected sources of revenue for planned
759 improvements and must be prepared in a manner comparable to the
760 fixed capital outlay format set forth in s. 216.043.

761 4. A 5-year water resource development work program to be
762 furnished within 45 days after the adoption of the final budget.
763 The program must describe the district's implementation strategy
764 for the water resource development component of each approved
765 regional water supply plan developed or revised under s.
766 373.0361. The work program must address all the elements of the
767 water resource development component in the district's approved
768 regional water supply plans and must identify which projects in
769 the work program will provide water, explain how each water
770 resource development project will produce additional water
771 available for consumptive uses, estimate the quantity of water
772 to be produced by each project, and provide an assessment of the
773 contribution of the district's regional water supply plans in
774 providing sufficient water to meet the water supply needs of
775 existing and future reasonable-beneficial uses for a 1-in-10-
776 year drought event. Within 45 days after its submittal, the
777 department shall review the proposed work program and submit its
778 findings, questions, and comments to the district. The review



779 must include a written evaluation of the program's consistency
780 with the furtherance of the district's approved regional water
781 supply plans, and the adequacy of proposed expenditures. As part
782 of the review, the department shall give interested parties the
783 opportunity to provide written comments on each district's
784 proposed work program. Within 60 days after receipt of the
785 department's evaluation, the governing board shall state in
786 writing to the department which changes recommended in the
787 evaluation it will incorporate into its work program or specify
788 the reasons for not incorporating the changes. The department
789 shall include the district's responses in a final evaluation
790 report and shall submit a copy of the report to the Governor,
791 the President of the Senate, and the Speaker of the House of
792 Representatives.

793 (b) If any entity listed in paragraph (a) provides written
794 comments to the district regarding any document furnished under
795 this subsection, the district must respond to the comments in
796 writing and furnish copies of the comments and written responses
797 to the other entities.

798 Section 15. Landscape irrigation design.--

799 (1) The Legislature finds that multiple areas throughout
800 the state have been identified by water management districts as
801 water resource caution areas, which indicates that in the near
802 future water demand in those areas will exceed the current
803 available water supply and that conservation is one of the
804 mechanisms by which future water demand will be met.

805 (2) The Legislature finds that landscape irrigation
806 comprises a significant portion of water use and that the



807 current typical landscape irrigation system and xeriscape
808 designs offer significant potential water conservation benefits.

809 (3) It is the intent of the Legislature to improve
810 landscape irrigation water use efficiency by ensuring landscape
811 irrigation systems meet or exceed minimum design criteria.

812 (4) The water management districts shall develop and adopt
813 by rule landscape irrigation and xeriscape design standards for
814 new construction that incorporate a landscape irrigation system.
815 The standards shall be based on the irrigation code defined in
816 the Florida Building Code, Plumber's Volume, Appendix F. Such
817 design standards should promote the effective and efficient use
818 of irrigation water and include a consideration of local
819 demographic, hydrologic, and other considerations as they apply
820 to landscape irrigation water use. When adopting an ordinance or
821 regulation, local governments shall use these approved
822 irrigation design standards.

823 (5) The water management districts shall work with the
824 Florida Chapter of the American Society of Landscape Architects,
825 the Florida Irrigation Society, the Florida Nurserymen and
826 Growers Association, the Department of Agriculture and Consumer
827 Services, the Institute of Food and Agricultural Sciences, the
828 Department of Environmental Protection, the Florida League of
829 Cities, and the Florida Association of Counties to develop
830 scientifically-based model guidelines for urban, commercial, and
831 residential landscape irrigation, including drip irrigation, for
832 plants, trees, sod, and other landscaping. Local governments
833 shall use the scientific information when developing landscape
834 irrigation ordinances or guidelines. Every 3 years, the



835 agencies and entities specified in this subsection shall review
836 the model guidelines to determine whether new research findings
837 require a change or modification of the guidelines.

838 Section 16. Water metering.--Where economically and
839 logistically feasible, individual water meters shall be required
840 for each new separate occupancy unit of commercial
841 establishments; multifamily residential buildings; condominiums
842 and cooperatives; marinas; and trailer, mobile home, and
843 recreational vehicle parks for which construction is commenced
844 after July 1, 2003. The applicable water utility is not required
845 to assume ownership, maintenance, or billing responsibility for
846 any submeters resulting from such individual metering. A utility
847 may require a master meter at such establishments for purposes
848 of billing a single entity, whereupon the entity may in turn
849 bill the owners of the individual submeters. Individual water
850 meters shall not be required:

851 (1) In those portions of a commercial establishment where
852 the floor space dimensions or physical configuration of the
853 units is subject to alteration as evidenced by nonstructural
854 element partition walls, unless the utility determines that
855 adequate provisions can be made to modify the metering to
856 accurately reflect such alterations.

857 (2) For water used in specialized-use housing such as
858 hospitals, nursing homes, assisted living facilities,
859 convalescent homes, facilities certified under chapter 651,
860 Florida Statutes, government financed or subsidized housing for
861 the elderly or disabled, college dormitories, convents, sorority



862 houses, fraternity houses, motels, hotels, or similar
863 facilities.

864 (3) For separate specifically designated areas for
865 overnight occupancy at trailer, mobile home, and recreational
866 vehicle parks where permanent residency is not established and
867 for marinas where living on board is prohibited by ordinance,
868 deed restriction, or other permanent means.

869 (4) For sites in mobile home parks that were permitted for
870 occupancy by the Department of Health prior to July 1, 2003.

871 (5) For timeshare developments, provided that all of the
872 occupancy units are committed to a timeshare plan as defined in
873 and regulated by chapter 721, Florida Statutes, and none of the
874 occupancy units is used for permanent occupancy.

875 Section 17. Paragraph (g) is added to subsection (1) of
876 section 378.212, Florida Statutes, to read:

877 378.212 Variances.--

878 (1) Upon application, the secretary may grant a variance
879 from the provisions of this part or the rules adopted pursuant
880 thereto. Variances and renewals thereof may be granted for any
881 one of the following reasons:

882 (g) To accommodate reclamation that provides water supply
883 development or water resource development not inconsistent with
884 the applicable regional water supply plan approved pursuant to
885 s. 373.0361, provided adverse impacts are not caused to the
886 water resources in the basin. A variance may also be granted
887 from the requirements of part IV of chapter 373, or the rules
888 adopted thereunder, when a project provides an improvement in



889 water availability in the basin and does not cause adverse
890 impacts to water resources in the basin.

891 Section 18. Subsection (9) is added to section 378.404,
892 Florida Statutes, to read:

893 378.404 Department of Environmental Protection; powers and
894 duties.--The department shall have the following powers and
895 duties:

896 (9) To grant variances from the provisions of this part to
897 accommodate reclamation that provides for water supply
898 development or water resource development not inconsistent with
899 the applicable regional water supply plan approved pursuant to
900 s. 373.0361, appropriate stormwater management, improved
901 wildlife habitat, recreation, or a mixture thereof, provided
902 adverse impacts are not caused to the water resources in the
903 basin and public health and safety are not adversely affected.

904 Section 19. Subsections (1) and (6) of section 403.064,
905 Florida Statutes, are amended, and subsection (16) is added to
906 said section, to read:

907 403.064 Reuse of reclaimed water.--

908 (1) The encouragement and promotion of water conservation,
909 and reuse of reclaimed water, as defined by the department, are
910 state objectives and are considered to be in the public
911 interest. The Legislature finds that the reuse of reclaimed
912 water is a critical component of meeting the state's existing
913 and future water supply needs while sustaining natural systems.
914 The Legislature further finds that for those wastewater
915 treatment plants permitted and operated under an approved reuse
916 program by the department, the reclaimed water shall be



917 considered environmentally acceptable and not a threat to public
918 health and safety. The Legislature encourages the development of
919 incentive-based programs for reuse implementation.

920 (6) A reuse feasibility study prepared under subsection
921 (2) satisfies a water management district requirement to conduct
922 a reuse feasibility study imposed on a local government or
923 utility that has responsibility for wastewater management. The
924 data included in the study and the study's conclusions shall be
925 given significant consideration by the applicant and the
926 appropriate water management district in an analysis of the
927 economic, environmental, and technical feasibility of providing
928 reclaimed water for reuse under part II of chapter 373, and
929 shall be presumed relevant to the determination of feasibility.
930 A water management district shall not require a separate study
931 when a reuse feasibility study has been completed under
932 subsection (2).

933 (16) Utilities implementing reuse projects are encouraged,
934 except in the case of use by electric utilities as defined in s.
935 366.02(2), to meter use of reclaimed water by all end users and,
936 to charge for the use of reclaimed water based on the actual
937 volume used when such metering and charges can be shown to
938 encourage water conservation. Metering and the use of volume-
939 based rates are effective water management tools for the
940 following reuse activities: residential irrigation, agricultural
941 irrigation, industrial uses, golf course irrigation, landscape
942 irrigation, irrigation of other public access areas, commercial
943 and institutional uses such as toilet flushing, and transfers to
944 other reclaimed water utilities. Beginning with the submittal



945 due on January 1, 2004, each domestic wastewater utility that
946 provides reclaimed water for the reuse activities listed in this
947 section shall include a summary of its metering and rate
948 structure as part of its annual reuse report to the department.

949 Section 20. Section 403.0645, Florida Statutes, is created
950 to read:

951 403.0645 Reclaimed water use at state facilities.--

952 (1) The encouragement and promotion of reuse of reclaimed
953 water has been established as a state objective in ss. 373.250
954 and 403.064. Reuse has become an integral part of water and
955 wastewater management in Florida, and Florida is recognized as a
956 national leader in water reuse.

957 (2) The state and various state agencies and water
958 management districts should take a leadership role in using
959 reclaimed water in lieu of other water sources. Use of reclaimed
960 water by state agencies and facilities will conserve potable
961 water and will serve an important public education function.

962 (3) All state agencies and water management districts are
963 directed to use reclaimed water to the greatest extent
964 practicable for landscape irrigation, toilet flushing, aesthetic
965 features such as decorative ponds and fountains, cooling water,
966 and other useful purposes allowed by department rules at state
967 facilities, including, but not limited to, parks, rest areas,
968 visitor welcome centers, buildings, college campuses, and other
969 facilities.

970 (4) Each state agency and water management district shall
971 submit to the Secretary of Environmental Protection by February
972 1 of each year a summary of activities designed to utilize



973 reclaimed water at its facilities along with a summary of the
974 amounts of reclaimed water actually used for beneficial
975 purposes.

976 Section 21. Paragraph (b) of subsection (3) of section
977 403.1835, Florida Statutes, is amended, and subsection (12) is
978 added to said section, to read:

979 403.1835 Water pollution control financial assistance.--

980 (3) The department may provide financial assistance
981 through any program authorized under s. 603 of the Federal Water
982 Pollution Control Act (Clean Water Act), Pub. L. No. 92-500, as
983 amended, including, but not limited to, making grants and loans,
984 providing loan guarantees, purchasing loan insurance or other
985 credit enhancements, and buying or refinancing local debt. This
986 financial assistance must be administered in accordance with
987 this section and applicable federal authorities. The department
988 shall administer all programs operated from funds secured
989 through the activities of the Florida Water Pollution Control
990 Financing Corporation under s. 403.1837, to fulfill the purposes
991 of this section.

992 (b) The department may make or request the corporation to
993 make loans, grants, and deposits to other entities eligible to
994 participate in the financial assistance programs authorized
995 under the Federal Water Pollution Control Act, or as a result of
996 other federal action, which entities may pledge any revenue
997 available to them to repay any funds borrowed. Notwithstanding
998 s. 18.10, the department may make deposits to financial
999 institutions that earn less than the prevailing rate for United
1000 States Treasury securities with corresponding maturities for the



1001 purpose of enabling such financial institutions to make below-
1002 market interest rate loans to entities qualified to receive
1003 loans under this section and the rules of the department.

1004 (12)(a) It is the intent of the Legislature that for each
1005 reclaimed water utility or any other utility that receives funds
1006 pursuant to this subsection, the appropriate rate-setting
1007 authorities should develop rate structures for all water,
1008 wastewater, and reclaimed water and other alternative water
1009 supply utilities in the service area of the funded utility which
1010 accomplish the following:

1011 1. Provide meaningful progress toward the development and
1012 implementation of alternative water supply systems, including
1013 reclaimed water systems.

1014 2. Promote the conservation of fresh water withdrawn from
1015 natural systems.

1016 3. Provide for an appropriate distribution of costs for
1017 all water, wastewater, and alternative water supply utilities,
1018 including reclaimed water utilities, among all of the users of
1019 those utilities.

1020 (b) Funding assistance provided for a water reuse system
1021 project shall include the following loan conditions for that
1022 project where such conditions will encourage water use
1023 efficiency:

1024 1. Metering of reclaimed water use for the following
1025 activities: residential irrigation, agricultural irrigation,
1026 industrial uses except for electric utilities as defined in s.
1027 366.02(2), golf course irrigation, landscape irrigation,
1028 irrigation of other public access areas, and commercial uses.



1029 2. Implementation of reclaimed water rate structures based
1030 on actual use of reclaimed water for the reuse types listed in
1031 subparagraph 1.

1032 3. Implementation of education programs to inform the
1033 public about water issues, water conservation, and the
1034 importance and proper use of reclaimed water.

1035 Section 22. Subsection (6) of section 403.1837, Florida
1036 Statutes, is amended to read:

1037 403.1837 Florida Water Pollution Control Financing
1038 Corporation.--

1039 (6) The corporation may issue and incur notes, bonds,
1040 certificates of indebtedness, or other obligations or evidences
1041 of indebtedness payable from and secured by amounts received
1042 from payment of loans and other moneys received by the
1043 corporation, including, but not limited to, amounts payable to
1044 the corporation by the department under a service contract
1045 entered into under subsection (5). ~~The corporation may not issue~~
1046 ~~bonds in excess of an amount authorized by general law or an~~
1047 ~~appropriations act except to refund previously issued bonds. The~~
1048 ~~corporation may issue bonds in amounts not exceeding \$50 million~~
1049 ~~in fiscal year 2000-2001, \$75 million in fiscal year 2001-2002,~~
1050 ~~and \$100 million in fiscal year 2002-2003.~~ The proceeds of the
1051 bonds may be used for the purpose of providing funds for
1052 projects and activities provided for in subsection (1) or for
1053 refunding bonds previously issued by the corporation. The
1054 corporation may select a financing team and issue obligations
1055 through competitive bidding or negotiated contracts, whichever
1056 is most cost-effective. Any such indebtedness of the corporation



1057 does not constitute a debt or obligation of the state or a
1058 pledge of the faith and credit or taxing power of the state.

1059 Section 23. The Legislature finds that, within the area
1060 identified in the Lower East Coast Regional Water Supply Plan
1061 approved by the South Florida Water Management District pursuant
1062 to s. 373.0361, Florida Statutes, the groundwater levels can
1063 benefit from augmentation. The Legislature finds that the direct
1064 or indirect discharge of reclaimed water into canals and the
1065 aquifer system for transport and subsequent reuse may provide an
1066 environmentally acceptable means to augment water supplies and
1067 enhance natural systems; however, the Legislature also
1068 recognizes that there are water quality and water quantity
1069 issues that must be better understood and resolved. In addition,
1070 there are cost savings possible by collocating enclosed conduits
1071 for conveyance of water for reuse in this area within canal
1072 rights-of-way that should be investigated. Toward that end, the
1073 Department of Environmental Protection, in consultation with the
1074 South Florida Water Management District, Southeast Florida
1075 utilities, affected local governments, including local
1076 governments with principal responsibility for the operation and
1077 maintenance of a water control system capable of conveying
1078 reclaimed wastewater for reuse, representatives of the
1079 environmental and engineering communities, public health
1080 professionals, and individuals having expertise in water
1081 quality, shall conduct a study to investigate the feasibility of
1082 discharging reclaimed wastewater into canals and the aquifer
1083 system as an environmentally acceptable means of augmenting
1084 groundwater supplies, enhancing natural systems, and conveying



1085 reuse water within enclosed conduits within the canal right-of-
1086 way. The study shall include an assessment of the water quality,
1087 water supply, public health, technical, and legal implications
1088 related to the canal discharge and collocation concepts. The
1089 department shall issue a preliminary written report containing
1090 draft findings and recommendations for public comment by
1091 November 1, 2003. The department shall provide a written report
1092 on the results of its study to the Governor and the relevant
1093 substantive committees of the House of Representatives and the
1094 Senate by January 31, 2004. Nothing in this section shall be
1095 used to alter the purpose of the Comprehensive Everglades
1096 Restoration Plan or the implementation of the Water Resources
1097 Development Act of 2000.

1098 Section 24. Authority to adopt ordinance or resolution;
1099 amount of fee; referendum; disbursement.--

1100 (1) Any local government that contains an area or part of
1101 an area designated as an area of critical state concern under s.
1102 380.05, Florida Statutes, may adopt a resolution or ordinance
1103 for imposition and collection of a residential acquisition fee
1104 in the area of critical state concern. A local government may
1105 not adopt an ordinance or resolution to collect a residential
1106 acquisition fee in any area where another local government has
1107 already passed an ordinance or resolution imposing the fee
1108 unless the fee has expired or has failed to be approved by the
1109 electorate. The fee shall be assessed in accordance with the
1110 schedule set forth in subsection (2) of section 24. The
1111 authorization provided in this section shall be construed to be



1112 general law authorization pursuant to s. 1, Art. VII of the
1113 State Constitution.

1114 (2) Such ordinance or resolution must be approved by a
1115 majority of the qualified electors in the affected area of
1116 critical state concern. The ordinance or resolution for fee
1117 adoption must establish the date, time, and place of the
1118 referendum and provide appropriate ballot language, including,
1119 but not limited to, the fee schedule set forth in subsection (2)
1120 of section 24.

1121 (3) Any fees imposed and collected pursuant to this act
1122 shall be deposited into a residential acquisition fund to be
1123 established by ordinance or resolution of the governing body of
1124 the local government imposing the fee. The fund shall be
1125 maintained and administered by the clerk of the court. Six
1126 months after the initial collection, and quarterly thereafter,
1127 the clerk shall remit the proceeds accrued in the residential
1128 acquisition fund, less reasonable administrative costs of the
1129 clerk amounting to no more than \$5 per transaction, to the local
1130 government imposing the fee.

1131 Section 25. Applicability of fee; fee schedule.--

1132 (1) The residential acquisition fee shall be imposed at
1133 closing or upon the sale of a single-family residential or
1134 multifamily residential property on a sliding scale based on
1135 purchase price of the property. Commercial, governmental, and
1136 unimproved properties are not subject to the provisions of this
1137 act. Refinancing of residential loans is not subject to the
1138 provisions of this act.

1139 (2) The fee is based on the following schedule:



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SCHEDULE OF FEES

<u>PURCHASE PRICE OF PROPERTY</u>	<u>PERCENTAGE OF FEE</u>
<u>Properties purchased at \$249,999 or less.....</u>	<u>0%</u>
<u>Properties purchased at \$250,000 to \$499,999.....</u>	<u>1.00%</u>
<u>Properties purchased at \$500,000 to \$999,999.....</u>	<u>1.50%</u>
<u>Properties purchased at \$1,000,000 to \$1,999,999...</u>	<u>1.75%</u>
<u>Properties purchased at \$2,000,000 or more.....</u>	<u>2.00%</u>

Section 26. Collection of fee.--At the time of closing or upon the sale of a single-family residential or a multifamily residential property, the closing agent, the representative of the closing agent, or the seller must collect and remit the fee to the clerk. The closing agent, the representative of the closing agent, or the seller must provide a space on the buyer and seller disbursement statement or an addendum accompanying the buyer and seller disbursement statement identifying the fee and must disclose the amount of the fee to the prospective buyer.

Section 27. Utilization of funds.--Funds received by the local government pursuant to this act shall be used for the creation of or improvements to wastewater or stormwater facilities. Division of funds between the county and municipalities in areas of critical state concern shall be in accordance with any existing agreement between the county and municipalities addressing priorities for uses established in this act. Funds collected under this act may be used to complete



1168 projects currently underway or projects undertaken pursuant to
1169 this act.

1170 Section 28. A local government's authorization to impose
1171 or collect the fee authorized under this act shall expire 10
1172 years after the termination of the designation of the area of
1173 critical state concern pursuant to s. 380.05, Florida Statutes,
1174 in which the local government is located.

1175 Section 29. This act shall take effect upon becoming a
1176 law.

1177