

Bill No. CS for SB 2316

Amendment No. \_\_\_\_ Barcode 265178

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Dockery and Atwater moved the following amendment:		
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13	<b>Senate Amendment (with title amendment)</b>		
14	On page 16, line 6, through page 18, line 17, delete		
15	those lines		
16			
17	and insert:		
18	Section 9. Section 373.2234, Florida Statutes, is		
19	created to read:		
20	<u>373.2234 Preferred water supply sources.--The</u>		
21	<u>governing board of the district is authorized to adopt rules</u>		
22	<u>identifying preferred water supply sources for which there is</u>		
23	<u>sufficient data to establish that the source can be used to</u>		
24	<u>provide a substantial new water supply to meet existing and</u>		
25	<u>reasonably anticipated water needs in a water supply planning</u>		
26	<u>region identified pursuant to s. 373.0361(1) while sustaining</u>		
27	<u>the water resources and related natural systems. Such rules</u>		
28	<u>shall, at a minimum, contain a description of the source and</u>		
29	<u>an assessment of the water the source is projected to produce.</u>		
30	<u>If a consumptive use permit applicant proposes to use such a</u>		
31	<u>source consistent with the assessment, the proposed use shall</u>		

Bill No. CS for SB 2316

Amendment No. \_\_\_\_ Barcode 265178

1 be subject to the provisions of s. 373.223(1), but such  
2 proposed use shall be a factor deemed to be consistent with  
3 the public interest pursuant to s. 373.223(1)(c). A  
4 consumptive use permit issued approving the use of such a  
5 source shall be for at least 20 years and may be subject to  
6 the provisions of s. 373.226(3). However, nothing in this  
7 section shall be construed to provide that the use of  
8 nonpreferred sources must receive a permit duration of less  
9 than 20 years or that such nonpreferred sources are not  
10 consistent with the public interest.

11 Section 10. Paragraph (g) is added to subsection (1)  
12 of section 378.212, Florida Statutes, to read:

13 378.212 Variances.--

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

18 (g) To accommodate reclamation that provides water  
19 supply development or water resource development not  
20 inconsistent with the applicable regional water supply plan  
21 approved pursuant to s. 373.0361, provided adverse impacts are  
22 not caused to the water resources in the basin. A variance  
23 may also be granted from the requirements of part IV of  
24 chapter 373, or the rules adopted thereunder, when a project  
25 provides an improvement in water availability in the basin and  
26 does not cause adverse impacts to water resources in the  
27 basin.

28 Section 11. Subsection (9) is added to section  
29 378.404, Florida Statutes, to read:

30 378.404 Department of Environmental Protection; powers  
31 and duties.--The department shall have the following powers

Bill No. CS for SB 2316

Amendment No. \_\_\_\_ Barcode 265178

1 and duties:

2       (9) To grant variances from the provisions of this  
3 part to accommodate reclamation that provides for water supply  
4 development or water resource development not inconsistent  
5 with the applicable regional water supply plan approved  
6 pursuant to s. 373.0361, appropriate stormwater management,  
7 improved wildlife habitat, recreation, or a mixture thereof,  
8 provided adverse impacts are not caused to the water resources  
9 in the basin and public health and safety are not adversely  
10 affected.

11           Section 12. Subsections (1) and (6) of section  
12 403.064, Florida Statutes, are amended, and subsection (16) is  
13 added to said section, to read:

14           403.064 Reuse of reclaimed water.--

15           (1) The encouragement and promotion of water  
16 conservation, and reuse of reclaimed water, as defined by the  
17 department, are state objectives and are considered to be in  
18 the public interest. The Legislature finds that the reuse of  
19 reclaimed water is a critical component of meeting the state's  
20 existing and future water supply needs while sustaining  
21 natural systems. The Legislature further finds that for those  
22 wastewater treatment plants permitted and operated under an  
23 approved reuse program by the department, the reclaimed water  
24 shall be considered environmentally acceptable and not a  
25 threat to public health and safety. The Legislature encourages  
26 the development of incentive-based programs for reuse  
27 implementation.

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

Bill No. CS for SB 2316

Amendment No. \_\_\_\_ Barcode 265178

1 wastewater management. The data included in the study and the  
2 study's conclusions shall be given significant consideration  
3 by the applicant and the appropriate water management district  
4 in an analysis of the economic, environmental, and technical  
5 feasibility of providing reclaimed water for reuse under part  
6 II of chapter 373, and shall be presumed relevant to the  
7 determination of feasibility. A water management district  
8 shall not require a separate study when a reuse feasibility  
9 study has been completed under subsection (2).

10 (16) Utilities implementing reuse projects are  
11 encouraged, except in the case of use by electric utilities as  
12 defined in s. 366.02(2), to meter use of reclaimed water by  
13 all end users and, to charge for the use of reclaimed water  
14 based on the actual volume used when such metering and charges  
15 can be shown to encourage water conservation. Metering and the  
16 use of volume-based rates are effective water management tools  
17 for the following reuse activities: residential irrigation,  
18 agricultural irrigation, industrial uses, landscape  
19 irrigation, irrigation of other public access areas,  
20 commercial and institutional uses such as toilet flushing, and  
21 transfers to other reclaimed water utilities. Beginning with  
22 the submittal due on January 1, 2004, each domestic wastewater  
23 utility that provides reclaimed water for the reuse activities  
24 listed in this section shall include a summary of its metering  
25 and rate structure as part of its annual reuse report to the  
26 department.

27 Section 13. Landscape irrigation design.--

28 (1) The Legislature finds that multiple areas  
29 throughout the state have been identified by water management  
30 districts as water resource caution areas, which indicates  
31 that in the near future water demand in those areas will

Bill No. CS for SB 2316

Amendment No. \_\_\_\_ Barcode 265178

1 exceed the current available water supply and that  
2 conservation is one of the mechanisms by which future water  
3 demand will be met.

4 (2) The Legislature finds that landscape irrigation  
5 comprises a significant portion of water use and that the  
6 current typical landscape irrigation system and xeriscape  
7 designs offer significant potential water conservation  
8 benefits.

9 (3) It is the intent of the Legislature to improve  
10 landscape irrigation water use efficiency by ensuring  
11 landscape irrigation systems meet or exceed minimum design  
12 criteria.

13 (4) The water management districts shall develop and  
14 adopt by rule landscape irrigation and xeriscape design  
15 standards for new construction that incorporate a landscape  
16 irrigation system. The standards shall be based on the  
17 irrigation code defined in the Florida Building Code, Plumber  
18 s Volume, Appendix F. Such design standards should promote the  
19 effective and efficient use of irrigation water and include a  
20 consideration of local demographic, hydrologic, and other  
21 considerations as they apply to landscape irrigation water  
22 use. When adopting an ordinance or regulation, local  
23 governments shall use these approved irrigation design  
24 standards.

25 (5) The water management districts shall work with the  
26 Florida Chapter of the American Society of Landscape  
27 Architects, the Florida Irrigation Society, the Florida  
28 Nurserymen and Growers Association, the Department of  
29 Agriculture and Consumer Services, the Institute of Food and  
30 Agricultural Sciences, the Department of Environmental  
31 Protection, the Florida League of Cities, and the Florida

Bill No. CS for SB 2316

Amendment No. \_\_\_\_ Barcode 265178

1 Association of Counties to develop scientifically-based model  
 2 guidelines for urban, commercial, and residential landscape  
 3 irrigation, including drip irrigation, for plants, trees, sod,  
 4 and other landscaping. Local governments shall use the  
 5 scientific information when developing landscape irrigation  
 6 ordinances or guidelines. Every 3 years, the agencies and  
 7 entities specified in this subsection shall review the model  
 8 guidelines to determine whether new research findings require  
 9 a change or modification of the guidelines.

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And the title is amended as follows:

On page ....., line ....., delete

and insert: