

By the Committee on Communication and Public Utilities; and
Senator Atwater

319-2416-03

1 A bill to be entitled
2 An act relating to water supplies; providing
3 legislative findings and intent; providing for
4 the development of a water conservation
5 guidance manual by the Department of
6 Environmental Protection; providing for purpose
7 and contents of the manual and requirements
8 with respect thereto; requiring the Department
9 of Environmental Protection to adopt the manual
10 by rule by a specified date; requiring public
11 water supply utilities to develop water
12 conservation programs based upon options
13 contained in the manual; amending s. 373.0361,
14 F.S.; providing additional components of
15 regional water supply plans; providing that a
16 district water management plan may not be used
17 as criteria for the review of permits for
18 consumptive uses of water unless the plan or
19 applicable portion thereof has been adopted by
20 rule; amending s. 373.0831, F.S.; revising the
21 criteria by which water supply development
22 projects may receive priority consideration for
23 funding assistance; providing for permitting
24 and funding of a proposed alternative water
25 supply project identified in the relevant
26 approved regional water supply plan; amending
27 s. 373.1961, F.S.; encouraging water management
28 district governing boards to establish
29 revolving loan trust funds for specified
30 purposes; amending s. 373.250, F.S.; limiting
31 water management districts' authority over

1 reclaimed water; amending s. 373.536, F.S.;
2 expanding water management districts' budget
3 reporting requirements; amending s. 378.212,
4 F.S.; authorizing the granting of a variance
5 from parts III and IV of ch. 378, F.S., the
6 Resource Extraction Reclamation Act, and from
7 part IV of ch. 373, F.S., the Florida Water
8 Resources Act of 1972, under specified
9 circumstances; providing an additional
10 circumstance for which a variance may be
11 granted; amending s. 378.404, F.S.; authorizing
12 the Department of Environmental Protection to
13 grant variances from mining reclamation
14 activities under certain conditions; amending
15 s. 403.064, F.S.; providing that conclusions of
16 described reuse feasibility studies shall
17 govern specified permitting decisions and the
18 feasibility of providing reclaimed water for
19 reuse purposes; amending s. 403.1835, F.S.;
20 authorizing the Department of Environmental
21 Protection to make specified deposits for the
22 purpose of enabling below-market interest rate
23 loans for treatment of polluted water; amending
24 s. 403.1837, F.S.; repealing provisions
25 limiting the bonding authority of the Florida
26 Water Pollution Control Financing Corporation;
27 repealing obsolete provisions; providing for a
28 study of the feasibility of discharging
29 reclaimed wastewater into canals in a specified
30 area as an environmentally acceptable means of
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1 accomplishing described objectives; requiring
2 reports; providing an effective date.

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

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6 Section 1. (1) The Legislature recognizes that the
7 proper conservation of water is an important means of
8 achieving the economic and efficient utilization of water
9 necessary to constitute a reasonable-beneficial use. The
10 Legislature encourages the development and use of water
11 conservation measures that are effective, flexible, and
12 affordable. In the context of the use of water for public
13 supply provided by a water utility, the Legislature intends
14 for a variety of conservation measures to be available and
15 used to encourage efficient water use. The Legislature finds
16 that the social, economic, and cultural conditions of this
17 state relating to the use of public water supply vary by
18 geographic region, and thus water utilities and water
19 management districts must have the flexibility to tailor water
20 conservation measures to best suit individual circumstances.
21 For purposes of this section, the term "public water supply
22 utility" shall include both publicly-owned and privately-owned
23 public water supply utilities.

24 (2) In furtherance of the findings in subsection (1),
25 the Department of Environmental Protection shall develop a
26 water conservation guidance manual containing a menu of water
27 conservation measures from which public water supply utilities
28 may select in the development of a comprehensive, goal-based
29 water conservation program tailored for their individual
30 service areas that is effective and does not impose undue
31 costs or burdens on customers. The water conservation guidance

1 manual shall promote statewide consistency in the approach to
2 utility conservation, while maintaining appropriate
3 flexibility. The manual may contain measures such as water
4 conservation audits; informative billing practices to educate
5 customers on their patterns of water use, the costs of water,
6 and ways to conserve water; ordinances requiring low-flow
7 plumbing fixtures or efficient landscape irrigation; rebate
8 programs for the installation of water-saving plumbing or
9 appliances; general water conservation educational programs
10 including bill inserts; measures to promote the more effective
11 and efficient reuse of reclaimed water; water conservation or
12 drought rate structures that encourage customers to conserve
13 water through appropriate price signals; and programs to apply
14 utility profits generated through conservation and drought
15 rates to additional water conservation programs or water
16 supply development. The department shall specifically set
17 forth in the manual that it is the responsibility of the
18 appropriate utility to determine the specific rates it will
19 charge its customers and that the role of the department or
20 water management district is confined to the review of those
21 rate structures to determine whether they encourage water
22 conservation. The department shall also set forth in the water
23 conservation guidance manual that a utility need not adopt a
24 water conservation or drought rate structure if the utility
25 employs other measures that are equally effective or more
26 effective. The manual shall provide for different levels of
27 complexity and expected levels of effort in conservation
28 programs depending on the size of the utility. However, all
29 utilities will be expected to have at least basic programs in
30 each of the following areas:

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1 (a) Individual metering, to the extent feasible as
2 determined by the utility;
3 (b) Water accounting and loss control;
4 (c) Cost of service accounting;
5 (d) Information programs on water conservation; and
6 (e) Landscaping water efficiency programs.
7 (3) The water conservation guidance manual shall be
8 developed no later than June 15, 2004. The department shall
9 develop the manual in consultation with interested parties,
10 which, at a minimum shall include representatives from the
11 water management districts, three utilities that are members
12 of the American Water Works Association, two utilities that
13 are members of the Florida Water Environment Association, a
14 representative of the Florida Chamber of Commerce,
15 representatives of counties and municipalities, and
16 representatives of environmental organizations. The department
17 shall, by December 15, 2004, adopt the water conservation
18 guidance manual by rule. Once the department adopts the water
19 conservation guidance manual by rule, the water management
20 districts may apply the manual in the review of water
21 conservation requirements for obtaining a permit pursuant to
22 part II of chapter 373, Florida Statutes, without the need to
23 adopt the manual pursuant to section 120.54, Florida Statutes.
24 Once the water conservation guidance manual is adopted by
25 rule, a public water supply utility may choose to comply with
26 the standard water conservation requirements adopted by the
27 appropriate water management district for obtaining a
28 consumptive use permit from that district or may choose to
29 develop a goal-based, comprehensive water conservation program
30 from the options contained in the manual. If the utility
31 chooses to design a comprehensive water conservation program

1 based on the water conservation guidance manual, the proposed
2 program must include the following:
3 (a) An inventory of water system characteristics and
4 conservation opportunities;
5 (b) Demand forecasts;
6 (c) An explanation of the proposed program;
7 (d) Specific numeric water conservation targets for
8 the utility as a whole and for appropriate customer classes,
9 with a justification of why the numeric targets are
10 appropriate based on that utility's particular customer
11 characteristics and conservation opportunities;
12 (e) A demonstration that the program will promote
13 effective water conservation at least as well as standard
14 water use conservation requirements, adopted by the
15 appropriate water management district; and
16 (f) A timetable for the utility and the water
17 management district to evaluate progress in meeting the water
18 conservation targets and making needed program modifications.
19 (4) If the utility provides reasonable assurance that
20 the proposed conservation program is consistent with the water
21 conservation guidance manual and contains the elements above,
22 then the water management district shall approve the proposed
23 program and the program shall satisfy water conservation
24 requirements imposed as a condition to obtaining a permit
25 under part II of chapter 373, Florida Statutes. The
26 department, in consultation with the aforementioned entities,
27 may periodically amend the water conservation guidance manual
28 rule as appropriate to reflect changed circumstances or new
29 technologies or approaches. The findings and provisions in
30 this section shall not be construed to apply to users of water
31 other than public water supply utilities.

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

3 373.0361 Regional water supply planning.--

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

7 (a) A water supply development component that
8 includes:

9 1. A quantification of the water supply needs for all
10 existing and reasonably projected future uses within the
11 planning horizon. The level-of-certainty planning goal
12 associated with identifying the water supply needs of existing
13 and future reasonable-beneficial uses shall be based upon
14 meeting those needs for a 1-in-10-year drought event.

15 2. A list of water source options for water supply
16 development, including traditional and alternative sources,
17 from which local government, government-owned and privately
18 owned utilities, self-suppliers, and others may choose, which
19 will exceed the needs identified in subparagraph 1.

20 3. For each option listed in subparagraph 2., the
21 estimated amount of water available for use and the estimated
22 costs of and potential sources of funding for water supply
23 development.

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

26 (b) A water resource development component that
27 includes:

28 1. A listing of those water resource development
29 projects that support water supply development.

30 2. For each water resource development project listed:
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1 a. An estimate of the amount of water to become
2 available through the project.

3 b. The timetable for implementing or constructing the
4 project and the estimated costs for implementing, operating,
5 and maintaining the project.

6 c. Sources of funding and funding needs.

7 d. Who will implement the project and how it will be
8 implemented.

9 (c) The recovery and prevention strategy described in
10 s. 373.0421(2).

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

15 (e) Consideration of how the options addressed in
16 paragraphs (a) and (b) serve the public interest or save costs
17 overall by preventing the loss of natural resources or
18 avoiding greater future expenditures for water resource
19 development or water supply development. However, unless
20 adopted by rule, these considerations do not constitute final
21 agency action.

22 (f) The technical data and information applicable to
23 the planning region which are contained in the district water
24 management plan and are necessary to support the regional
25 water supply plan.

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

28 (h) Reservations of water adopted by rule pursuant to
29 s. 373.223(4).

30 (i) An analysis, developed in cooperation with the
31 department, of areas or instances in which the variance

1 provisions of s. 378.212(1)(g) may be used to create water
2 supply development or water resource development projects.
3 Within boundaries of a regional water supply authority in the
4 Southwest Florida Water Management District, those parts of
5 the water supply development component of the regional water
6 supply plan which deal with or affect public utilities and
7 public water supply shall be developed jointly by such
8 authority and the district for those areas served by the
9 authority and its member governments.

10 (6) Nothing contained in the water supply development
11 component of the district water management plan shall be
12 construed to require local governments, government-owned or
13 privately owned water utilities, self-suppliers, or other
14 water suppliers to select a water supply development option
15 identified in the component merely because it is identified in
16 the plan, nor may the plan be used in the review of permits
17 under part II unless the plan, or applicable portion thereof,
18 has been adopted by rule. However, this subsection shall not
19 be construed to limit the authority of the department or
20 governing board under part II.

21 Section 3. Subsections (3) and (4) of section
22 373.0831, Florida Statutes, are amended to read:

23 373.0831 Water resource development; water supply
24 development.--

25 (3) The water management districts shall fund and
26 implement water resource development as defined in s. 373.019.
27 The water management districts are encouraged to implement
28 water resource development as expeditiously as possible in
29 areas subject to regional water supply plans. Each governing
30 board shall include in its annual budget the amount needed for
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1 the fiscal year to implement water resource development
2 projects, as prioritized in its regional water supply plans.

3 (4)(a) Water supply development projects which are
4 consistent with the relevant regional water supply plans and
5 which meet one or more of the following criteria shall receive
6 priority consideration for state or water management district
7 funding assistance:

8 1. The project supports establishment of a dependable,
9 sustainable supply of water which is not otherwise financially
10 feasible;

11 2. The project provides substantial environmental
12 benefits by preventing or limiting adverse water resource
13 impacts, but requires funding assistance to be economically
14 competitive with other options; or

15 3. The project significantly implements reuse,
16 storage, recharge, or conservation of water in a manner that
17 contributes to the sustainability of regional water sources.

18 (b) Water supply development projects which meet the
19 criteria in paragraph (a) and also bring about replacement of
20 existing sources in order to help implement a minimum flow or
21 level shall be given first consideration for state or water
22 management district funding assistance.

23 (c) If a proposed alternative water supply development
24 project is identified in the relevant approved regional water
25 supply plan, the project shall receive:

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

29 2. Priority funding pursuant to s. 373.1961(2) with
30 the implementation of the water resource development component
31 of the proposed project.

1 Section 4. Paragraph (a) of subsection (2) of section
2 373.1961, Florida Statutes, is amended to read:

3 373.1961 Water production.--

4 (2) The Legislature finds that, due to a combination
5 of factors, vastly increased demands have been placed on
6 natural supplies of fresh water, and that, absent increased
7 development of alternative water supplies, such demands may
8 increase in the future. The Legislature also finds that
9 potential exists in the state for the production of
10 significant quantities of alternative water supplies,
11 including reclaimed water, and that water production includes
12 the development of alternative water supplies, including
13 reclaimed water, for appropriate uses. It is the intent of the
14 Legislature that utilities develop reclaimed water systems,
15 where reclaimed water is the most appropriate alternative
16 water supply option, to deliver reclaimed water to as many
17 users as possible through the most cost-effective means, and
18 to construct reclaimed water system infrastructure to their
19 owned or operated properties and facilities where they have
20 reclamation capability. It is also the intent of the
21 Legislature that the water management districts which levy ad
22 valorem taxes for water management purposes should share a
23 percentage of those tax revenues with water providers and
24 users, including local governments, water, wastewater, and
25 reuse utilities, municipal, industrial, and agricultural water
26 users, and other public and private water users, to be used to
27 supplement other funding sources in the development of
28 alternative water supplies. The Legislature finds that public
29 moneys or services provided to private entities for such uses
30 constitute public purposes which are in the public interest.
31 In order to further the development and use of alternative

1 water supply systems, including reclaimed water systems, the
2 Legislature provides the following:

3 (a) The governing boards of the water management
4 districts where water resource caution areas have been
5 designated shall include in their annual budgets an amount for
6 the development of alternative water supply systems, including
7 reclaimed water systems, pursuant to the requirements of this
8 subsection. Beginning in 1996, such amounts shall be made
9 available to water providers and users no later than December
10 31 of each year, through grants, matching grants, revolving
11 loans, or the use of district lands or facilities pursuant to
12 the requirements of this subsection and guidelines established
13 by the districts. Without diminishing amounts available
14 through other means described in this paragraph, the governing
15 boards are encouraged to consider establishing revolving loan
16 funds to expand the total funds available to accomplish the
17 objectives of this section. A revolving loan fund created
18 pursuant to this paragraph shall be a nonlapsing fund from
19 which the water management district may make loans with
20 interest rates below prevailing market rates to public or
21 private entities for the purposes described in this section.
22 The governing boards may adopt resolutions to establish
23 revolving loan funds which shall specify the details of the
24 administration of the fund, the procedures for applying for
25 loans from the fund, the criteria for awarding loans from the
26 fund, the initial capitalization of the fund, and the goals
27 for future capitalization of the fund in subsequent budget
28 years. Revolving loan funds created pursuant to this
29 paragraph shall be used to expand the total sums and sources
30 of cooperative funding available for the development of
31 alternative water supplies. The Legislature does not intend

1 for the creation of revolving loan trust funds to supplant or
2 otherwise reduce existing sources or amounts of funds
3 currently available through other means.

4 Section 5. Paragraph (c) is added to subsection (2) of
5 section 373.250, Florida Statutes, to read:

6 373.250 Reuse of reclaimed water.--

7 (2)(a) For purposes of this section, "uncommitted"
8 means the average amount of reclaimed water produced during
9 the three lowest-flow months minus the amount of reclaimed
10 water that a reclaimed water provider is contractually
11 obligated to provide to a customer or user.

12 (b) Reclaimed water may be presumed available to a
13 consumptive use permit applicant when a utility exists which
14 provides reclaimed water, which has uncommitted reclaimed
15 water capacity, and which has distribution facilities, which
16 are initially provided by the utility at its cost, to the site
17 of the affected applicant's proposed use.

18 (c) A water management district may require the use of
19 reclaimed water in lieu of surface or groundwater when the use
20 of uncommitted reclaimed water is environmentally,
21 economically, and technically feasible. However, nothing in
22 this paragraph shall be construed to give a water management
23 district the authority to require a provider of reclaimed
24 water to redirect reclaimed water from one user to another, or
25 to provide uncommitted water to a specific user if such water
26 is anticipated to be used by the provider, or a different user
27 selected by the provider, within a reasonable amount of time.

28 Section 6. Subsection (6) of section 373.536, Florida
29 Statutes, is amended to read:

30 373.536 District budget and hearing thereon.--

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

3 (a) Each district must, by the date specified for each
4 item, furnish copies of the following documents to the
5 Governor, the President of the Senate, the Speaker of the
6 House of Representatives, the chairs of all legislative
7 committees and subcommittees having substantive or fiscal
8 jurisdiction over the districts, as determined by the
9 President of the Senate or the Speaker of the House of
10 Representatives as applicable, the secretary of the
11 department, and the governing board of each county in which
12 the district has jurisdiction or derives any funds for the
13 operations of the district:

14 1. The adopted budget, to be furnished within 10 days
15 after its adoption.

16 2. A financial audit of its accounts and records, to
17 be furnished within 10 days after its acceptance by the
18 governing board. The audit must be conducted in accordance
19 with the provisions of s. 11.45 and the rules adopted
20 thereunder. In addition to the entities named above, the
21 district must provide a copy of the audit to the Auditor
22 General within 10 days after its acceptance by the governing
23 board.

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

29 4. A 5-year water resource development work program to
30 be furnished within 45 days after the adoption of the final
31 budget. The program must describe the district's

1 implementation strategy for the water resource development
2 component of each approved regional water supply plan
3 developed or revised under s. 373.0361. The work program must
4 address all the elements of the water resource development
5 component in the district's approved regional water supply
6 plans, and must identify which projects in the work program
7 will provide water, explain how each water resource
8 development project will produce additional water available
9 for consumptive uses, estimate the quantity of water to be
10 produced by each project, and provide an assessment of the
11 contribution of the district's regional water supply plans in
12 providing sufficient water to meet the water supply needs of
13 existing and future reasonable-beneficial uses for a one in
14 ten year drought event. Within 45 days after its submittal,
15 the department shall review the proposed work program and
16 submit its findings, questions, and comments to the district.
17 The review must include a written evaluation of the program's
18 consistency with the furtherance of the district's approved
19 regional water supply plans, and the adequacy of proposed
20 expenditures. As part of the review, the department shall give
21 interested parties the opportunity to provide written comments
22 on each district's proposed work program. Within 60 days after
23 receipt of the department's evaluation, the governing board
24 shall state in writing to the department which changes
25 recommended in the evaluation it will incorporate into its
26 work program or specify the reasons for not incorporating the
27 changes. The department shall include the district's responses
28 in a final evaluation report and shall submit a copy of the
29 report to the Governor, the President of the Senate, and the
30 Speaker of the House of Representatives.

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1 (b) If any entity listed in paragraph (a) provides
2 written comments to the district regarding any document
3 furnished under this subsection, the district must respond to
4 the comments in writing and furnish copies of the comments and
5 written responses to the other entities.

6 Section 7. Subsection (1) of section 378.212, Florida
7 Statutes, is amended to read:

8 378.212 Variances.--

9 (1) Upon application, the secretary may grant a
10 variance from the provisions of this part, part IV, or the
11 rules adopted pursuant thereto. Variances and renewals thereof
12 may be granted for any one of the following reasons:

13 (a) There is no practicable means known or available
14 to comply with the provisions of this part or the rules
15 adopted pursuant thereto.

16 (b) Compliance with a particular requirement or
17 requirements from which a variance is sought will necessitate
18 the taking of measures which must be spread over a
19 considerable period of time. A variance granted for this
20 reason shall prescribe a timetable for the taking of the
21 measures required.

22 (c) To relieve or prevent hardship, including economic
23 hardship, of a kind other than those provided for in
24 paragraphs (a) and (b).

25 (d) To accommodate specific phosphate mining,
26 processing or chemical plant uses that otherwise would be
27 inconsistent with the requirements of this part.

28 (e) To provide for an experimental technique that
29 would advance the knowledge of reclamation and restoration
30 methods.

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1 (f) To accommodate projects, including those proposing
2 offsite mitigation, that provide a significant regional
3 benefit for wildlife and the environment.

4 (g) To accommodate reclamation that provides water
5 supply development or water resource development consistent
6 with the applicable regional water supply plan approved
7 pursuant to s. 373.0361, provided that regional water
8 resources are not adversely affected. A variance may be
9 granted from the requirements of part IV of chapter 373, and
10 the rules adopted thereunder, when a project provides an
11 improvement in water availability in the basin and does not
12 cause adverse impacts to the water resources in the basin.

13 Section 8. Subsection (9) is added to section 378.404,
14 Florida Statutes, to read:

15 378.404 Department of Environmental Protection; powers
16 and duties.--The department shall have the following powers
17 and duties:

18 (9) To grant variances from the provisions of this
19 part to accommodate reclamation that provides for water supply
20 development or water resource development, consistent with the
21 applicable regional water supply plan approved pursuant to s.
22 373.0361, appropriate stormwater management, improved wildlife
23 habitat, recreation, or a mixture thereof, provided that
24 regional water resources and public health and safety are not
25 adversely affected.

26 Section 9. Subsections (1) and (6) of section 403.064,
27 Florida Statutes, are amended to read:

28 403.064 Reuse of reclaimed water.--

29 (1) The encouragement and promotion of water
30 conservation, and reuse of reclaimed water, as defined by the
31 department, are state objectives and are considered to be in

1 the public interest. The Legislature finds that the reuse of
2 reclaimed water is a critical component of meeting the state's
3 existing and future water supply needs while sustaining
4 natural systems. The Legislature further finds that for those
5 wastewater treatment plants permitted and operated under an
6 approved reuse program by the department, the reclaimed water
7 shall be considered environmentally acceptable and not a
8 threat to public health and safety. The Legislature encourages
9 the development of incentive-based programs for reuse
10 implementation.

11 (6) A reuse feasibility study prepared under
12 subsection (2) satisfies a water management district
13 requirement to conduct a reuse feasibility study imposed on a
14 local government or utility that has responsibility for
15 wastewater management, and the conclusions of the study shall
16 determine the feasibility of providing reclaimed water for
17 reuse under part II of chapter 373.

18 Section 10. Paragraph (b) of subsection (3) of section
19 403.1835, Florida Statutes, is amended to read:

20 403.1835 Water pollution control financial
21 assistance.--

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

1 the Florida Water Pollution Control Financing Corporation
2 under s. 403.1837, to fulfill the purposes of this section.

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

16 Section 11. Subsection (6) of section 403.1837,
17 Florida Statutes, is amended to read:

18 403.1837 Florida Water Pollution Control Financing
19 Corporation.--

20 (6) The corporation may issue and incur notes, bonds,
21 certificates of indebtedness, or other obligations or
22 evidences of indebtedness payable from and secured by amounts
23 received from payment of loans and other moneys received by
24 the corporation, including, but not limited to, amounts
25 payable to the corporation by the department under a service
26 contract entered into under subsection (5). ~~The corporation~~
27 ~~may not issue bonds in excess of an amount authorized by~~
28 ~~general law or an appropriations act except to refund~~
29 ~~previously issued bonds. The corporation may issue bonds in~~
30 ~~amounts not exceeding \$50 million in fiscal year 2000-2001,~~
31 ~~\$75 million in fiscal year 2001-2002, and \$100 million in~~

1 ~~fiscal year 2002-2003.~~The proceeds of the bonds may be used
2 for the purpose of providing funds for projects and activities
3 provided for in subsection (1) or for refunding bonds
4 previously issued by the corporation. The corporation may
5 select a financing team and issue obligations through
6 competitive bidding or negotiated contracts, whichever is most
7 cost-effective. Any such indebtedness of the corporation does
8 not constitute a debt or obligation of the state or a pledge
9 of the faith and credit or taxing power of the state.

10 Section 12. The Legislature finds that, within the
11 area identified in the Lower East Coast Regional Water Supply
12 Plan approved by the South Florida Water Management District
13 pursuant to section 373.0361, Florida Statutes, the
14 groundwater levels can benefit from augmentation. The
15 Legislature finds that the direct or indirect discharge of
16 reclaimed water into canals and the aquifer system for
17 transport and subsequent reuse may provide an environmentally
18 acceptable means to augment water supplies and enhance natural
19 systems; however, the Legislature also recognizes that there
20 are water quality and water quantity issues that must be
21 better understood and resolved. In addition, there are cost
22 savings possible by collocating enclosed conduits for
23 conveyance of water for reuse in this area within canal
24 rights-of-way that should be investigated. Toward that end,
25 the Department of Environmental Protection, in consultation
26 with the South Florida Water Management District, Southeast
27 Florida utilities, affected local governments, including local
28 governments with principal responsibility for the operation
29 and maintenance of a water control system capable of conveying
30 reclaimed wastewater for reuse, representatives of the
31 environmental and engineering communities, public health

1 professionals, and individuals having expertise in water
2 quality, shall conduct a study to investigate the feasibility
3 of discharging reclaimed wastewater into canals and the
4 aquifer system as an environmentally acceptable means of
5 augmenting groundwater supplies, enhancing natural systems,
6 and conveying reuse water within enclosed conduits within the
7 canal right-of-way. The study shall include an assessment of
8 the water quality, water supply, public health, technical, and
9 legal implications related to the canal discharge and
10 collocation concepts. The department shall issue a preliminary
11 written report containing draft findings and recommendations
12 for public comment by November 1, 2003. The department shall
13 provide a written report on the results of its study to the
14 Governor and the substantive committees of the House of
15 Representatives and the Senate by January 31, 2004. Nothing in
16 this section shall be used to alter the purpose of the
17 Comprehensive Everglades Restoration Plan or the
18 implementation of the Water Resources Development Act of 2000.

19 Section 13. This act shall take effect upon becoming a
20 law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 2316

4 The committee substitute for Senate Bill 2316 revises water
5 conservation guidance manual requirements.

6 It adds the following provisions:

7 -Authorizes a water management district to require the use of
8 reclaimed water where environmentally, economically, and
9 technically feasible.

10 -Requires that water management districts' work programs
11 provide additional information relating to water resource
12 development programs.

13 -Authorizes DEP to grant mining reclamation variances to
14 accommodate reclamation that provides for water supply
15 development or water resource development, appropriate
16 stormwater management, improved wildlife habitat, recreation,
17 or a mixture thereof, provided that regional water resources
18 and public health and safety are not adversely affected.

19 -Removes the cap on the issuance of bonds by the Florida Water
20 Pollution Control Finance Authority to fund projects under the
21 Clean Water State Revolving Fund.

22 It also deletes the following provisions from the bill:

23 -Prohibiting the state or a water management district from
24 regulating water produced by domestic wastewater treatment
25 facilities.

26 -Requiring that the water management districts identify
27 projects that produce additional water for consumptive use in
28 their annual budget submissions.

29 -Exemptions from "Local Sources First" requirements for
30 utilities implementing water supply development using
31 alternative sources, or implementing other recovery measures.

32 -Longer duration permits for applicants that implement and
33 provide reasonable assurance and effective and efficient
34 conservation measures.

35 -Permittee compliance with declaration of water shortages or
36 emergencies with the right to challenge such a declaration.

37 -Limiting the authority of a water management district to
38 require a utility to grant reclaimed water.

39 -Requirements that reuse feasibility studies will govern
40 permitting decisions under chapter 403 and chapter 373, F.S.

41 "Water resource development project" under the Florida Forever
42 program does not include the construction of potable water
43 treatment facilities.