

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

CHAMBER ACTION

Senate

House

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Senator Dockery moved the following amendment:

Senate Amendment (with title amendment)

On page 7, between lines 11 and 12,

insert:

Section 7. Subsection (5) of section 159.803, Florida Statutes, is amended to read:

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

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

Section 8. Section 373.227, Florida Statutes, is created to read:

373.227 Water conservation; legislative findings; legislative intent; objectives; comprehensive statewide water conservation program requirements.--

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 (1) The Legislature recognizes that the proper
2 conservation of water is an important means of achieving the
3 economical and efficient utilization of water necessary, in
4 part, to constitute a reasonable-beneficial use. The overall
5 water conservation goal of the state is to prevent and reduce
6 wasteful, uneconomical, impractical, or unreasonable use of
7 water resources. The Legislature finds that the social,
8 economic, and cultural conditions of the state relating to the
9 use of public water supply vary by service area and that
10 public water supply utilities must have the flexibility to
11 tailor water conservation measures to best suit their
12 individual circumstances. The Legislature encourages the use
13 of efficient, effective, and affordable water conservation
14 measures. Where water is provided by a public water supply
15 utility, the Legislature intends that a variety of
16 conservation measures be made available and used to encourage
17 efficient water use. To achieve these conservation objectives,
18 the state should emphasize goal-based, accountable, tailored,
19 and measurable water conservation programs for public water
20 supply. For purposes of this section, the term "public water
21 supply utility" includes both publicly owned and privately
22 owned public water supply utilities that sell potable water on
23 a retail basis to end users.

24 (2) To implement the findings in subsection (1), the
25 department, in cooperation with the water management districts
26 and other stakeholders, shall develop a comprehensive
27 statewide water conservation program for public water supply.
28 The program should:

29 (a) Encourage utilities to implement water
30 conservation programs that are economically efficient,
31 effective, affordable, and appropriate;

Bill No. CS for CS for CS for SB 1104

Amendment No. Barcode 453096

- 1 (b) Allow no reduction in, and increase where
2 possible, utility-specific water conservation effectiveness
3 over current programs;
- 4 (c) Be goal-based, accountable, measurable, and
5 implemented collaboratively with water suppliers, water users,
6 and water management agencies;
- 7 (d) Include cost and benefit data on individual water
8 conservation practices to assist in tailoring practices to be
9 effective for the unique characteristics of particular utility
10 service areas, focusing upon cost-effective measures;
- 11 (e) Use standardized public water supply conservation
12 definitions and standardized quantitative and qualitative
13 performance measures for an overall system of assessing and
14 benchmarking the effectiveness of water conservation programs
15 and practices;
- 16 (f) Create a clearinghouse or inventory for water
17 conservation programs and practices available to public water
18 supply utilities which will provide an integrated statewide
19 database for the collection, evaluation, and dissemination of
20 quantitative and qualitative information on public water
21 supply conservation programs and practices and their
22 effectiveness. The clearinghouse or inventory should have
23 technical assistance capabilities to aid in the design,
24 refinement, and implementation of water conservation programs
25 and practices. The clearinghouse or inventory shall also
26 provide for continual assessment of the effectiveness of water
27 conservation programs and practices;
- 28 (g) Develop a standardized water conservation planning
29 process for utilities; and
- 30 (h) Develop and maintain a Florida-specific water
31 conservation guidance document containing a menu of affordable

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 and effective water conservation practices to assist public
2 water supply utilities in the design and implementation of
3 goal-based, utility-specific water conservation plans tailored
4 for their individual service areas as provided in subsection
5 (4).

6 (3) Regarding the use of water conservation or drought
7 rate structures as a conservation practice, a water management
8 district shall afford a public water supply utility wide
9 latitude in selecting a rate structure and shall limit its
10 review to whether the utility has provided reasonable
11 assurance that the rate structure contains a schedule of rates
12 designed to promote efficient use of water by providing
13 economic incentives. A water management district shall not fix
14 or revise rates.

15 (4) As part of an application for a consumptive use
16 permit, a public water supply utility may propose a goal-based
17 water conservation plan that is tailored to its individual
18 circumstances. Progress towards goals must be measurable. If
19 the utility provides reasonable assurance that the plan will
20 achieve effective water conservation at least as well as the
21 water conservation requirements adopted by the appropriate
22 water management district and is otherwise consistent with s.
23 373.223, the district must approve the plan which shall
24 satisfy water conservation requirements imposed as a condition
25 of obtaining a consumptive use permit. The conservation
26 measures included in an approved goal-based water conservation
27 plan may be reviewed periodically and updated as needed to
28 ensure efficient water use for the duration of the permit. If
29 the plan fails to meet the water conservation goal or goals by
30 the timeframes specified in the permit, the public water
31 supply utility shall revise the plan to address the deficiency

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 or employ the water conservation requirements that would
2 otherwise apply in the absence of an approved goal-based plan.

3 (5) By December 1, 2005, the department shall submit a
4 written report to the President of the Senate, the Speaker of
5 the House of Representatives, and the appropriate substantive
6 committees of the Senate and the House of Representatives on
7 the progress made in implementing the comprehensive statewide
8 water conservation program for public water supply required by
9 this section. The report must include any statutory changes
10 and funding requests necessary for the continued development
11 and implementation of the program.

12 (6) The department or a water management district may
13 adopt rules pursuant to ss. 120.536(1) and 120.54 to carry out
14 the purposes of this section.

15 Section 9. Subsections (1), (2), (5), and (6) of
16 section 373.0361, Florida Statutes, are amended to read:

17 373.0361 Regional water supply planning.--

18 (1) By October 1, 1998, the governing board shall
19 initiate water supply planning for each water supply planning
20 region identified in the district water management plan under
21 s. 373.036, where it determines that sources of water are not
22 adequate for the planning period to supply water for all
23 existing and projected reasonable-beneficial uses and to
24 sustain the water resources and related natural systems. The
25 planning must be conducted in an open public process, in
26 coordination and cooperation with local governments, regional
27 water supply authorities, government-owned and privately owned
28 water utilities, self-suppliers, and other affected and
29 interested parties. During development but prior to completion
30 of the regional water supply plan, the district must conduct
31 at least one public workshop to discuss the technical data and

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 modeling tools anticipated to be used to support the plan. A
2 determination by the governing board that initiation of a
3 regional water supply plan for a specific planning region is
4 not needed pursuant to this section shall be subject to s.
5 120.569. The governing board shall reevaluate such a
6 determination at least once every 5 years and shall initiate a
7 regional water supply plan, if needed, pursuant to this
8 subsection.

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

12 (a) A water supply development component that
13 includes:

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

20 Population projections used for determining public water
21 supply needs must be based upon the best available data. In
22 determining the best available data, the district shall
23 consider the University of Florida's Bureau of Economic and
24 Business Research (BEBR) medium population projections and any
25 population projection data and analysis submitted by a local
26 government pursuant to the public workshop described in
27 subsection (1) if the data and analysis support the local
28 government's comprehensive plan. Any adjustment of or
29 deviation from the BEBR projections must be fully described,
30 and the original BEBR data must be presented along with the
31 adjusted data.

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 2. A list of water source options ~~for water supply~~
2 ~~development~~, including traditional and alternative source
3 options ~~sources~~, from which local government, government-owned
4 and privately owned utilities, self-suppliers, and others may
5 choose, for water supply development, the total capacity of
6 which will, in conjunction with water conservation and other
7 demand management measures, exceed the needs identified in
8 subparagraph 1.

9 3. For each option listed in subparagraph 2., the
10 estimated amount of water available for use and the estimated
11 costs of and potential sources of funding for water supply
12 development.

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

15 (b) A water resource development component that
16 includes:

17 1. A listing of those water resource development
18 projects that support water supply development.

19 2. For each water resource development project listed:

20 a. An estimate of the amount of water to become
21 available through the project.

22 b. The timetable for implementing or constructing the
23 project and the estimated costs for implementing, operating,
24 and maintaining the project.

25 c. Sources of funding and funding needs.

26 d. Who will implement the project and how it will be
27 implemented.

28 (c) The recovery and prevention strategy described in
29 s. 373.0421(2).

30 (d) A funding strategy for water resource development
31 projects, which shall be reasonable and sufficient to pay the

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 cost of constructing or implementing all of the listed
2 projects.

3 (e) Consideration of how the options addressed in
4 paragraphs (a) and (b) serve the public interest or save costs
5 overall by preventing the loss of natural resources or
6 avoiding greater future expenditures for water resource
7 development or water supply development. However, unless
8 adopted by rule, these considerations do not constitute final
9 agency action.

10 (f) The technical data and information applicable to
11 the planning region which are contained in the district water
12 management plan and are necessary to support the regional
13 water supply plan.

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

16 (h) Reservations of water adopted by rule pursuant to
17 s. 373.223(4).

18 (i) An analysis, developed in cooperation with the
19 department, of areas or instances in which the variance
20 provisions of s. 378.212(1)(g) or s. 378.404(9) may be used to
21 create water supply development or water resource development
22 projects.

23
24 The water supply development component of a regional water
25 supply plan which deals with or affects public utilities and
26 public water supply for those areas served by a regional water
27 supply authority and its member governments within the
28 boundaries of the Southwest Florida Water Management District
29 shall be developed jointly by the authority and the district.

30 (5) ~~By November 15, 1997, and Annually~~ and in
31 conjunction with the reporting requirements of s.

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 373.536(6)(a)4. thereafter, the department shall submit to the
2 Governor and the Legislature a report on the status of
3 regional water supply planning in each district. The report
4 shall include:

5 (a) A compilation of the estimated costs of and
6 potential sources of funding for water resource development
7 and water supply development projects, as identified in the
8 water management district regional water supply plans.

9 (b) A description of each district's progress toward
10 achieving its water resource development objectives, as
11 directed by s. 373.0831(3), including the district's
12 implementation of its 5-year water resource development work
13 program.

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

18 (6) Nothing contained in the water supply development
19 component of the district water management plan shall be
20 construed to require local governments, government-owned or
21 privately owned water utilities, self-suppliers, or other
22 water suppliers to select a water supply development option
23 identified in the component merely because it is identified in
24 the plan, nor may the plan be used in the review of permits
25 under part II unless the plan, or an applicable portion
26 thereof, has been adopted by rule. However, this subsection
27 does not prohibit a water management district from employing
28 the data or other information used to establish the plan in
29 reviewing permits under part II, nor does it ~~shall not be~~
30 construed to limit the authority of the department or
31 governing board under part II.

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 Section 10. Subsection (3) of section 373.0831,
2 Florida Statutes, is amended, and paragraph (c) is added to
3 subsection (4) of that section, to read:

4 373.0831 Water resource development; water supply
5 development.--

6 (3) The water management districts shall fund and
7 implement water resource development as defined in s. 373.019.
8 The water management districts are encouraged to implement
9 water resource development as expeditiously as possible in
10 areas subject to regional water supply plans. Each governing
11 board shall include in its annual budget the amount needed for
12 the fiscal year to implement water resource development
13 projects, as prioritized in its regional water supply plans.

14 (4)

15 (c) If a proposed alternative water supply development
16 project is identified in the relevant approved regional water
17 supply plan, the project shall receive:

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

21 2. Consideration for priority funding pursuant to s.
22 373.1961(2) if the project meets one of the criteria in this
23 subsection.

24 Section 11. Subsection (2) of section 373.1961,
25 Florida Statutes, is amended to read:

26 373.1961 Water production.--

27 (2) The Legislature finds that, due to a combination
28 of factors, vastly increased demands have been placed on
29 natural supplies of fresh water, and that, absent increased
30 development of alternative water supplies, such demands may
31 increase in the future. The Legislature also finds that

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

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

26 (a) The governing boards of the water management
27 districts where water resource caution areas have been
28 designated shall include in their annual budgets an amount for
29 the development of alternative water supply systems, including
30 reclaimed water systems, pursuant to the requirements of this
31 subsection. Beginning in 1996, such amounts shall be made

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 available to water providers and users no later than December
2 31 of each year, through grants, matching grants, revolving
3 loans, or the use of district lands or facilities pursuant to
4 the requirements of this subsection and guidelines established
5 by the districts. In making grants or loans, funding priority
6 must be given to projects in accordance with s. 373.0831(4).
7 Without diminishing amounts available through other means
8 described in this paragraph, the governing boards are
9 encouraged to consider establishing revolving loan funds to
10 expand the total funds available to accomplish the objectives
11 of this section. A revolving loan fund created under this
12 paragraph must be a nonlapsing fund from which the water
13 management district may make loans with interest rates below
14 prevailing market rates to public or private entities for the
15 purposes described in this section. The governing board may
16 adopt resolutions to establish revolving loan funds which must
17 specify the details of the administration of the fund, the
18 procedures for applying for loans from the fund, the criteria
19 for awarding loans from the fund, the initial capitalization
20 of the fund, and the goals for future capitalization of the
21 fund in subsequent budget years. Revolving loan funds created
22 under this paragraph must be used to expand the total sums and
23 sources of cooperative funding available for the development
24 of alternative water supplies. The Legislature does not intend
25 for the creation of revolving loan funds to supplant or
26 otherwise reduce existing sources or amounts of funds
27 currently available through other means.

28 (b) It is the intent of the Legislature that for each
29 reclaimed water utility, or any other utility, which receives
30 funds pursuant to this subsection, the appropriate
31 rate-setting authorities should develop rate structures for

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 all water, wastewater, and reclaimed water and other
2 alternative water supply utilities in the service area of the
3 funded utility, which accomplish the following:

4 1. Provide meaningful progress toward the development
5 and implementation of alternative water supply systems,
6 including reclaimed water systems;

7 2. Promote the conservation of fresh water withdrawn
8 from natural systems;

9 3. Provide for an appropriate distribution of costs
10 for all water, wastewater, and alternative water supply
11 utilities, including reclaimed water utilities, among all of
12 the users of those utilities; and

13 4. Prohibit rate discrimination within classes of
14 utility users.

15 (c) Funding assistance provided by the water
16 management districts for a water reuse system project may
17 include the following grant or loan conditions for that
18 project if the water management district determines that such
19 conditions will encourage water use efficiency:

20 1. Metering of reclaimed water use for the following
21 activities: residential irrigation, agricultural irrigation,
22 industrial uses except for electric utilities as defined in s.
23 366.02(2), landscape irrigation, irrigation of other public
24 access areas, commercial and institutional uses such as toilet
25 flushing, and transfers to other reclaimed water utilities.

26 2. Implementation of reclaimed water rate structures
27 based on actual use of reclaimed water for the types of reuse
28 activities listed in subparagraph 1.

29 3. Implementation of education programs to inform the
30 public about water issues, water conservation, and the
31 importance and proper use of reclaimed water.

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 4. Development of location data for key reuse
 2 facilities.

3 ~~(d)(c)~~ In order to be eligible for funding pursuant to
 4 this subsection, a project must be consistent with a local
 5 government comprehensive plan and the governing body of the
 6 local government must require all appropriate new facilities
 7 within the project's service area to connect to and use the
 8 project's alternative water supplies. The appropriate local
 9 government must provide written notification to the
 10 appropriate district that the proposed project is consistent
 11 with the local government comprehensive plan.

12 ~~(e)(d)~~ Any and all revenues disbursed pursuant to this
 13 subsection shall be applied only for the payment of capital or
 14 infrastructure costs for the construction of alternative water
 15 supply systems that provide alternative water supplies.

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

20 1. An application process and a deadline for filing
 21 applications annually.

22 2. A process for determining project eligibility
 23 pursuant to the requirements of paragraphs~~(d)(c)~~ and~~(e)~~
 24 ~~(d)~~.

25 3. A process and criteria for funding projects
 26 pursuant to this subsection that cross district boundaries or
 27 that serve more than one district.

28 ~~(g)(f)~~ The governing board of each water management
 29 district shall establish an alternative water supplies grants
 30 advisory committee to recommend to the governing board
 31 projects for funding pursuant to this subsection. The advisory

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 committee members shall include, but not be limited to, one or
2 more representatives of county, municipal, and investor-owned
3 private utilities, and may include, but not be limited to,
4 representatives of agricultural interests and environmental
5 interests. Each committee member shall represent his or her
6 interest group as a whole and shall not represent any specific
7 entity. The committee shall apply the guidelines and project
8 eligibility criteria established by the governing board in
9 reviewing proposed projects. After one or more hearings to
10 solicit public input on eligible projects, the committee shall
11 rank the eligible projects and shall submit them to the
12 governing board for final funding approval. The advisory
13 committee may submit to the governing board more projects than
14 the available grant money would fund.

15 ~~(h)(g)~~ All revenues made available annually pursuant
16 to this subsection must be encumbered annually by the
17 governing board if it approves projects sufficient to expend
18 the available revenues. Funds must be disbursed within 36
19 months after encumbrance.

20 ~~(i)(h)~~ For purposes of this subsection, alternative
21 water supplies are supplies of water that have been reclaimed
22 after one or more public supply, municipal, industrial,
23 commercial, or agricultural uses, or are supplies of
24 stormwater, or brackish or salt water, that have been treated
25 in accordance with applicable rules and standards sufficient
26 to supply the intended use.

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

29 ~~(k)(j)~~ By January 30 of each year, each water
30 management district shall submit an annual report to the
31 Governor, the President of the Senate, and the Speaker of the

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 House of Representatives which accounts for the disbursal of
2 all budgeted amounts pursuant to this subsection. Such report
3 shall describe all projects funded and shall account
4 separately for moneys provided through grants, matching
5 grants, revolving loans, and the use of district lands or
6 facilities.

7 ~~(1)(*)~~ The Florida Public Service Commission shall
8 allow entities under its jurisdiction constructing alternative
9 water supply facilities, including but not limited to aquifer
10 storage and recovery wells, to recover the full, prudently
11 incurred cost of such facilities through their rate structure.
12 Every component of an alternative water supply facility
13 constructed by an investor-owned utility shall be recovered in
14 current rates.

15 Section 12. Paragraph (a) of subsection (6) of section
16 373.536, Florida Statutes, is amended to read:

17 373.536 District budget and hearing thereon.--

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

20 (a) Each district must, by the date specified for each
21 item, furnish copies of the following documents to the
22 Governor, the President of the Senate, the Speaker of the
23 House of Representatives, the chairs of all legislative
24 committees and subcommittees having substantive or fiscal
25 jurisdiction over the districts, as determined by the
26 President of the Senate or the Speaker of the House of
27 Representatives as applicable, the secretary of the
28 department, and the governing board of each county in which
29 the district has jurisdiction or derives any funds for the
30 operations of the district:

31 1. The adopted budget, to be furnished within 10 days

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 after its adoption.

2 2. A financial audit of its accounts and records, to
3 be furnished within 10 days after its acceptance by the
4 governing board. The audit must be conducted in accordance
5 with the provisions of s. 11.45 and the rules adopted
6 thereunder. In addition to the entities named above, the
7 district must provide a copy of the audit to the Auditor
8 General within 10 days after its acceptance by the governing
9 board.

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

15 4. A 5-year water resource development work program to
16 be furnished within 45 days after the adoption of the final
17 budget. The program must describe the district's
18 implementation strategy for the water resource development
19 component of each approved regional water supply plan
20 developed or revised under s. 373.0361. The work program must
21 address all the elements of the water resource development
22 component in the district's approved regional water supply
23 plans and must identify which projects in the work program
24 will provide water, explain how each water resource
25 development project will produce additional water available
26 for consumptive uses, estimate the quantity of water to be
27 produced by each project, and provide an assessment of the
28 contribution of the district's regional water supply plans in
29 providing sufficient water to meet the water supply needs of
30 existing and future reasonable-beneficial uses for a 1-in-10-
31 year drought event. Within 45 days after its submittal, the

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 department shall review the proposed work program and submit
2 its findings, questions, and comments to the district. The
3 review must include a written evaluation of the program's
4 consistency with the furtherance of the district's approved
5 regional water supply plans, and the adequacy of proposed
6 expenditures. As part of the review, the department shall give
7 interested parties the opportunity to provide written comments
8 on each district's proposed work program. Within 60 days after
9 receipt of the department's evaluation, the governing board
10 shall state in writing to the department which changes
11 recommended in the evaluation it will incorporate into its
12 work program or specify the reasons for not incorporating the
13 changes. The department shall include the district's responses
14 in a final evaluation report and shall submit a copy of the
15 report to the Governor, the President of the Senate, and the
16 Speaker of the House of Representatives.

17 (b) If any entity listed in paragraph (a) provides
18 written comments to the district regarding any document
19 furnished under this subsection, the district must respond to
20 the comments in writing and furnish copies of the comments and
21 written responses to the other entities.

22 Section 13. Subsections (1) and (6) of section
23 403.064, Florida Statutes, are amended, and subsection (16) is
24 added to that section, to read:

25 403.064 Reuse of reclaimed water.--

26 (1) The encouragement and promotion of water
27 conservation, and reuse of reclaimed water, as defined by the
28 department, are state objectives and are considered to be in
29 the public interest. The Legislature finds that the reuse of
30 reclaimed water is a critical component of meeting the state's
31 existing and future water supply needs while sustaining

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 natural systems. The Legislature further finds that for those
2 wastewater treatment plants permitted and operated under an
3 approved reuse program by the department, the reclaimed water
4 shall be considered environmentally acceptable and not a
5 threat to public health and safety. The Legislature encourages
6 the development of incentive-based programs for reuse
7 implementation.

8 (6) A reuse feasibility study prepared under
9 subsection (2) satisfies a water management district
10 requirement to conduct a reuse feasibility study imposed on a
11 local government or utility that has responsibility for
12 wastewater management. The data included in the study and the
13 conclusions of the study must be given significant
14 consideration by the applicant and the appropriate water
15 management district in an analysis of the economic,
16 environmental, and technical feasibility of providing
17 reclaimed water for reuse under part II of chapter 373 and
18 must be presumed relevant to the determination of feasibility.
19 A water management district may not require a separate study
20 when a reuse feasibility study has been completed under
21 subsection (2).

22 (16) Utilities implementing reuse projects are
23 encouraged, except in the case of use by electric utilities as
24 defined in s. 366.02(2), to meter use of reclaimed water by
25 all end users and to charge for the use of reclaimed water
26 based on the actual volume used when such metering and charges
27 can be shown to encourage water conservation. Metering and the
28 use of volume-based rates are effective water management tools
29 for the following reuse activities: residential irrigation,
30 agricultural irrigation, industrial uses, landscape
31 irrigation, irrigation of other public access areas,

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 commercial and institutional uses such as toilet flushing, and
2 transfers to other reclaimed water utilities. Beginning with
3 the submittal due on January 1, 2005, each domestic wastewater
4 utility that provides reclaimed water for the reuse activities
5 listed in this section shall include a summary of its metering
6 and rate structure as part of its annual reuse report to the
7 department.

8 Section 14. Section 403.0645, Florida Statutes, is
9 created to read:

10 403.0645 Reclaimed water use at state facilities.--

11 (1) The encouragement and promotion of reuse of
12 reclaimed water has been established as a state objective in
13 ss. 373.250 and 403.064. Reuse has become an integral part of
14 water and wastewater management in Florida, and Florida is
15 recognized as a national leader in water reuse.

16 (2) The state and various state agencies and water
17 management districts should take a leadership role in using
18 reclaimed water in lieu of other water sources. The use of
19 reclaimed water by state agencies and facilities will conserve
20 potable water and will serve an important public education
21 function.

22 (3) Each state agency and water management district
23 shall use reclaimed water to the greatest extent practicable
24 for landscape irrigation, toilet flushing, aesthetic features
25 such as decorative ponds and fountains, cooling water, and
26 other useful purposes allowed by department rules at state
27 facilities, including, but not limited to, parks, rest areas,
28 visitor welcome centers, buildings, college campuses, and
29 other facilities.

30 (4) Each state agency and water management district
31 shall submit to the Secretary of Environmental Protection by

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 February 1 of each year a summary of activities designed to
 2 utilize reclaimed water at its facilities along with a summary
 3 of the amounts of reclaimed water actually used for beneficial
 4 purposes.

5 Section 15. Paragraph (b) of subsection (2), paragraph
 6 (f) of subsection (4) and subsection (5) of section 403.121,
 7 Florida Statutes, are amended to read:

8 403.121 Enforcement; procedure; remedies.--The
 9 department shall have the following judicial and
 10 administrative remedies available to it for violations of this
 11 chapter, as specified in s. 403.161(1).

12 (2) Administrative remedies:

13 (b) If the department has reason to believe a
 14 violation has occurred, it may institute an administrative
 15 proceeding to order the prevention, abatement, or control of
 16 the conditions creating the violation or other appropriate
 17 corrective action. Except for violations involving hazardous
 18 wastes, asbestos, or underground injection, the department
 19 shall proceed administratively in all cases in which the
 20 department seeks administrative penalties that do not exceed
 21 \$10,000 per assessment as calculated in accordance with
 22 subsections (3), (4), (5), (6), and (7). Pursuant to 42 U.S.C.
 23 s.300q-2, the administrative penalty assessed pursuant to
 24 subsections (3), (4), or (5) against a public water system
 25 servicing a population of more than 10,000 shall be not less
 26 than \$1,000 per day per violation. The department shall not
 27 impose administrative penalties in excess of \$10,000 in a
 28 notice of violation. The department shall not have more than
 29 one notice of violation seeking administrative penalties
 30 pending against the same party at the same time unless the
 31 violations occurred at a different site or the violations were

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 discovered by the department subsequent to the filing of a
2 previous notice of violation.

3 (4) In an administrative proceeding, in addition to
4 the penalties that may be assessed under subsection (3), the
5 department shall assess administrative penalties according to
6 the following schedule:

7 (f) Except as provided in subsection (2) with respect
8 to public water systems serving a population of more than
9 10,000, for failure to prepare, submit, maintain, or use
10 required reports or other required documentation, \$500.

11 (5) Except as provided in subsection (2) with respect
12 to public water systems serving a population of more than
13 10,000, for failure to comply with any other departmental
14 regulatory statute or rule requirement not otherwise
15 identified in this section, the department may assess a
16 penalty of \$500.

17 Section 16. Paragraph (b) of subsection (3) of section
18 403.1835, Florida Statutes, is amended to read:

19 403.1835 Water pollution control financial
20 assistance.--

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

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 under s. 403.1837, to fulfill the purposes of this section.

2 (b) The department may make or request the corporation
3 to make loans, grants, and deposits to other entities eligible
4 to participate in the financial assistance programs authorized
5 under the Federal Water Pollution Control Act, or as a result
6 of other federal action, which entities may pledge any revenue
7 available to them to repay any funds borrowed. Notwithstanding
8 s. 17.57, the department may make deposits to financial
9 institutions which earn less than the prevailing rate for
10 United States Treasury securities with corresponding
11 maturities for the purpose of enabling such financial
12 institutions to make below-market interest rate loans to
13 entities qualified to receive loans under this section and the
14 rules of the department.

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

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 local governments, including local governments with principal
2 responsibility for the operation and maintenance of a water
3 control system capable of conveying reclaimed wastewater for
4 reuse, representatives of the environmental and engineering
5 communities, public health professionals, and individuals who
6 have expertise in water quality, shall conduct a study to
7 investigate the feasibility of discharging reclaimed
8 wastewater into canals and the aquifer system as an
9 environmentally acceptable means of augmenting groundwater
10 supplies, enhancing natural systems, and conveying reuse water
11 within enclosed conduits within the canal right-of-way. The
12 South Florida Water Management District shall provide the
13 necessary financial and in-kind resources to assist the
14 department in undertaking this study. In the event any
15 discharges are made as part of the study, such discharges must
16 comply with applicable federal, state, and local law,
17 including applicable regulations. The study must include an
18 assessment of the water quality, water supply, public health,
19 technical, and legal implications related to the canal
20 discharge and collocation concepts. The department shall issue
21 a preliminary written report containing draft findings and
22 recommendations for public comment by November 1, 2005. The
23 department shall provide a written report on the results of
24 its study, including public comments received, to the Governor
25 and the relevant substantive committees of the Senate and the
26 House of Representatives by January 31, 2006. This section may
27 not be used to alter the purpose of the Comprehensive
28 Everglades Restoration Plan or the implementation of the Water
29 Resources Development Act of 2000.

30

31 (Redesignate subsequent sections.)

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

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

2 And the title is amended as follows:

3 On page 2, line 2, after the semicolon

4

5 insert:

6 amending s. 159.803, F.S.; revising the
7 definition of "priority project"; creating s.
8 373.227, F.S.; requiring the development of a
9 comprehensive statewide water conservation
10 program for public water supply; establishing
11 the purposes of the program; requiring the
12 creation of a clearinghouse or inventory to
13 provide an integrated database for information
14 on public water supply conservation programs;
15 authorizing public water supply utilities to
16 propose goal-based water conservation plans
17 with measurable goals; providing that
18 goal-based water conservation plans that are
19 developed by public water supply utilities and
20 that provide reasonable assurance of achieving
21 water conservation at least as well as
22 conservation requirements adopted by the
23 appropriate water management district meet
24 water conservation requirements imposed as a
25 condition of obtaining a consumptive use
26 permit; requiring the submission of a report by
27 the Department of Environmental Protection;
28 providing rulemaking authority to the
29 Department of Environmental Protection and the
30 water management districts; amending s.

31 373.0361, F.S.; providing for a public workshop

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 on the development of regional water supply
2 plans that include the consideration of
3 population projections; providing for a list of
4 water source options in regional water supply
5 plans; providing additional regional water
6 supply plan components; including conservation
7 measures in regional water supply plans;
8 revising specified reporting requirements of
9 the Department of Environmental Protection;
10 providing that a district water management plan
11 may not be used as criteria for the review of
12 permits for consumptive uses of water unless
13 the plan or applicable portion thereof has been
14 adopted by rule; providing construction;
15 amending s. 373.0831, F.S.; revising the
16 criteria by which water supply development
17 projects may receive priority consideration for
18 funding assistance; providing for permitting
19 and funding of a proposed alternative water
20 supply project identified in the relevant
21 approved regional water supply plan; amending
22 s. 373.1961, F.S.; providing funding priority;
23 providing for the establishment of a revolving
24 loan fund for alternative water supply
25 projects; providing conditions for certain
26 projects to receive funding assistance;
27 amending s. 373.536, F.S.; expanding
28 requirements of the 5-year water resource
29 development work program for water management
30 districts; amending s. 403.064, F.S.; revising
31 provisions relating to reuse feasibility

Bill No. CS for CS for CS for SB 1104

Amendment No. ____ Barcode 453096

1 studies; providing for metering use of
2 reclaimed water and volume-based rates
3 therefor; requiring wastewater utilities to
4 submit plans for metering use and volume-based
5 rate structures to the department; creating s.
6 403.0645, F.S.; requiring certain uses of
7 reclaimed water at state facilities; requiring
8 state agencies and water management districts
9 to submit to the Secretary of Environmental
10 Protection periodic reports concerning
11 reclaimed water use; amending s. 403.121, F.S.;
12 conforming administrative penalties assessed
13 against certain public water systems to federal
14 regulations; amending s. 403.1835, F.S.;
15 authorizing the Department of Environmental
16 Protection to make specified deposits for the
17 purpose of enabling below-market interest rate
18 loans for treatment of polluted water;
19 providing for a study of the feasibility of
20 discharging reclaimed wastewater into canals
21 and the aquifer system in a specified area as
22 an environmentally acceptable means of
23 accomplishing described objectives; requiring
24 reports;

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